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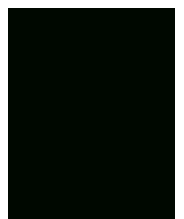
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**FURTHER DEVELOPMENTS IN THE PRISON SYSTEMS
OF CENTRAL AND EASTERN EUROPE**

Achievements, problems and objectives

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Preface

This second study of developments in the prison systems of central and eastern Europe owes a very great deal to the contributions of experts in the participating countries. I am extremely grateful for the warm hospitality of those prison administrations that I visited and the generous co-operation of those that completed survey questionnaires giving detailed information on the situation in their prison systems, including statistics of prisoners, penal institutions and prison staff.

The report focuses mainly on the situation in 2001, although some reference is made to developments in the following year, notably the passing of new legislation bearing on the prison system, and the publication of documents referring to events in 2001. But it must be acknowledged that some of the information presented will already have been superseded by subsequent events. In covering so wide a range of countries and so broad a topic it is not feasible to present detailed information on each prison administration that is completely up-to-date. An appendix containing reference material also mentions some more recent events, in particular the appointment of new directors of prison administration.

The core of the study is contained in the first twenty sections which provide an overview of developments across the whole region. The second part presents an account of the situation in each of the twenty-four prison systems (sections 21-44), and also brief information about prisons of the region that are located in areas that are outside the control of the governments of the countries of which they are officially a part and are consequently not under the prison administrations of those countries (section 45).

Three annexes are appended to each of the sections devoted to an individual prison system. These set out information on prison populations (annex 1), penal institutions (annex 2), and the principal sources of material used in the preparation of the section (annex 3). Annex 1 shows the numbers in the penal institutions since 1990 and also the prison population rates per 100,000 of the national populations. The rates are calculated using estimates of the national populations that are mainly based on those given in the Council of Europe's annual publication 'Recent demographic developments in Europe'. It has not always been possible to obtain prison population details for each year and information for early 2002 has sometimes been used where details for late 2001 were unavailable. Prison systems follow different practices in recording their prison statistics at the end of each year; some give figures for 31 December and others for 1 January. Annex 1 of sections 21-44 shows the date that each uses. When comparing the situation at the beginning and end of 2001, it should be understood that the comparisons are actually between 31 December 2000 and 31 December 2001, or between 1 January 2001 and 1 January 2002. However, for the sake of con-

venience, such comparisons in annex 1 are generally referred to as if they were between 1 January and 31 December 2001. Annex 2 shows the functions and capacities of each penal institution in so far as it has been possible to ascertain these.

The information is most detailed on prison systems where visits were made to the prison administrations and to some of the prisons, and also on those whose prison administrations completed the survey questionnaires and provided other documentation and assistance, but it has been possible to assemble information about all systems of the region by consulting publications and other material from individual prison systems, assessment reports mostly prepared under the auspices of the Council of Europe, reports of the Council of Europe's European Committee for the Prevention of Inhuman or Degrading Treatment or Punishment (the CPT), other publications, and information provided by international experts with specialised knowledge of the prison systems of the region. In this connection I would like to thank Mr Norman Bishop (Sweden), Mr Christoph Flügge (Germany), Ms Irena Križnik (Slovenia), Ms Maura Harrington (PRI, Georgia), Mr Nick Brooke, Ms Morag MacDonald, and colleagues at the International Centre for Prison Studies, King's College, London, in particular Dr Andrew Coyle, Mr Andy Barclay, Mr Derek Aram, Mr Arthur de Frisching and Mr Anton Shelupanov. I am particularly grateful to Mr Hans-Jürgen Bartsch and other staff at the Council of Europe's Directorate of Legal Affairs for making available reports of the Council of Europe's steering meetings on prison reform and enabling me to attend some of these meetings. Further information has been obtained through other commitments I have undertaken on behalf of the Council of Europe, the Open Society Institute and Penal Reform International. I am grateful to all these organisations, and especially to the European Institute for Crime Prevention and Control, affiliated to the United Nations (HEUNI) for again sponsoring such a study and to the British Home Office for contributing to the funding.

As will be obvious from the nature of the sources for this report, I cannot vouch for the accuracy of every detail included. It cannot be guaranteed that all informants have themselves been able to describe the position with total accuracy. For example, they may sometimes have reported what the law requires to be the situation, but there may be some penal institutions where practice does not attain, or surpasses, this level. The reader is reminded of this limitation by the use of reported speech and, where possible, checks have been made to ensure the consistency of different sources and the accuracy of data.

As was noted in the report on the previous study, terminology varies in the countries of central and eastern Europe and this could lead to some confusion. The term 'director' has been used throughout to refer to the head of a penal institution although the term 'governor' or 'commandant' is more familiar in some countries. Prison treatment staff in charge of a group of prisoners may be known as educators, pedagogues, social workers, case managers or detachment chiefs. The term 'prison' itself can give rise to misunderstanding, as described in the footnote below. I hope that despite such difficulties the meaning of the text is clear.

Readers in the countries of central and eastern Europe that are covered by this study are asked to forgive any items of information that are inaccurate or misleading and to draw them to my attention, either directly or via HEUNI, in order to ensure that we are aware of the true situation.

London, August 2003

Roy Walmsley

Footnote: The term 'prison' can give rise to misunderstanding in central and eastern Europe. In some countries it refers only to an institution for those who have been convicted and have received a sentence of imprisonment. In some countries of the former Soviet Union 'prison' has an even more specialised definition, referring only to one type of institution for those who have received a custodial sentence - namely an institution for persons considered in need of a higher level of security or more austere conditions. In the Russian Federation, for example, less than 1% of those serving a custodial sentence at the end of 2001 were in a 'prison' (tyoorma); the remainder were in (corrective labour or educational) colonies. Despite this definitional problem, the term 'prison system' is used in this report because it is the accepted international term, used for example in relevant documents of the United Nations and other international bodies. An effort has been made, when referring to particular types of institution, to eliminate any ambiguity.

Summary

Introduction

Following the historic political changes in central and eastern Europe in the period 1989-91, the countries of the region made reform of the criminal justice system a priority requirement in the progress towards democratic institutions. The reform of the prison system is an important part of criminal justice reform and this is the second HEUNI study which focuses on developments in the prison systems and describes the progress made, and the problems faced, in implementing the international standards for the management of prisons and the treatment of prisoners. It considers the situation in the year 2001, seven years after that described in the previous study.

The present study shares with its predecessor the intention not only of describing the progress made towards implementing the international standards and the problems that obstruct such progress, but also of contributing to a better understanding of the successes achieved. This report places particular emphasis on that aspect and on the objectives that each prison administration has identified as of most importance. Suggestions are also made as to outstanding tasks that require attention in order that all prison systems may be as closely as possible in line with the international European standards.

The previous study, which described the situation in sixteen prison systems of central and eastern Europe in 1994, reported progress in a number of areas but noted that there were many problems, varying in seriousness from one country to another, but most of them applying throughout the region. They included:

- the size of, and continued increase in, the numbers held in penal institutions;
- the conditions of pre-trial detention – in particular, overcrowding, the length of such detention and the limited nature of the regimes;
- the state of the buildings and the need for refurbishment, reconstruction and new institutions;
- the limited resources available for improving these conditions and for day-to-day running of the penal institutions;
- delays in the passage into law of new penal (criminal) codes, criminal procedural codes and penal executive (punishment enforcement) codes;
- the shortage of non-custodial alternatives to imprisonment;
- recruiting and retaining sufficient staff of good quality, including medical and other specialist staff such as educators/social workers;
- ensuring that all staff were convinced of the importance of improving

prison regimes and were skilled in using positive methods in accordance with international standards;

- finding sufficient suitable employment for prisoners.

In addition, in some countries significant difficulties were being caused by:

- the prevalence of tuberculosis in penal institutions and the shortage of medical equipment and medicines with which to treat it.

The present study reports on the overall situation in 2001 in respect of the main aspects of the management of prisons and the treatment of prisoners, making reference to changes that have occurred in the years since the previous study. In addition, separate sections describe the situation in each of the prison systems in central and eastern Europe, setting out what are regarded by the prison administrations as the most important recent developments, the main problems, the areas in which particular successes were achieved in improving aspects of practice and overcoming difficulties, and the principal current objectives; an assessment is also made of the most important tasks, in addition to the stated objectives, facing each administration individually, if it is to advance still closer to the standards set out in the European Prison Rules and in some cases elaborated further by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the CPT).

Main findings

New legislation is already in place or at an advanced stage of preparation. New penal executive codes were adopted in the period 1996-2001 in fifteen prison systems and in one more the legislation has been passed since the end of 2001.

Twenty-one of the twenty-four prison systems are now fully under the Ministry of Justice. Of the other three Albania has 70% of prisoners in Ministry of Justice facilities and Ukraine has detached the prison system from the Ministry of Internal Affairs and placed it under an independent State Department. In Belarus alone is the responsibility still with the Ministry of Internal Affairs.

The official capacities of most prison systems in the region increased between 1994 and 2001 in order to cope with the growth in prison populations.

A number of countries have changed their legislation or regulations in order to allow more space per prisoner, but in some of them the change is at present only an aspiration since the capacities of the individual institutions have not been reduced accordingly.

In most countries, with the exception of Albania, Armenia, Bulgaria, Slovakia and those that have emerged from former Yugoslavia, prison populations are well above the levels in the rest of Europe and are growing. The majority of prison administrations in the region define this as the most serious problem that they face, or one of the most serious.

The prison population rate (per 100,000 of the national population) rose during the 1990s in almost all of the prison systems of the region.

Overcrowding, when calculated according to the official capacity of the prison systems, seems to have become significantly worse since 1994. At least ten of the twenty-four systems exceeded their official capacity at some time during 2001.

When calculated according to the amount of space a prisoner actually has in his/her living accommodation it is clear that overcrowding has indeed become worse in a majority of the countries of central and eastern Europe.

The space per prisoner in pre-trial prisons in the capital cities is considerably less than the national average.

The CPT norm of at least 4m² per prisoner was only attained in 2001 in five of the nineteen prison systems on which information was available, and only in two of eleven pre-trial prisons in the capital cities.

Most prison systems in central and eastern Europe, apart from those in the countries of former Yugoslavia, have high rates of pre-trial detention compared with the rest of Europe, and three have rates above 100 per 100,000 of the national population - higher than the average total prison population in the rest of Europe.

Pre-trial detainees in all but four countries are given no more than one hour outside their cells each day, despite the CPT recommendation that eight hours should be the minimum.

Untried prisoners are kept apart from sentenced prisoners and males from females, but juveniles are not always separated from adults in at least seven prison systems of the region.

Sanitary arrangements and arrangements for access are reported to be adequate for all prisoners in only thirteen of the twenty-four prison systems. This is nonetheless a slight improvement on the situation in 1994.

In at least four prison systems not all prisoners have their own beds.

Almost all prison administrations report that the quality and quantity of food that prisoners receive is close to average standards in communal catering outside, but in about a third of prison systems prisoners do not receive a balanced diet, including meat, fruit and vegetables.

Prison health care has seen increased integration and co-operation with public health services.

Many prisoners have an alcohol problem in almost three-quarters of the prison systems; in several, alcohol dependency is said to be more prevalent than drug dependency.

Less than three-fifths of prison administrations considered that a large number of prisoners have a drugs problem or are addicted to drugs, but the numbers were said to be increasing in almost all systems.

The number of prisoners who are HIV positive is said to be increasing in about half the prison systems. In accordance with the World Health Organisation guidelines and recommendations of the Council of Europe most prison administrations do not test all prisoners for HIV but seven prison administrations continue to do so.

Tuberculosis is the most serious prison health care problem in many countries of central and eastern Europe, although not in those that were formerly republics of Yugoslavia. There is an increased focus on combating the disease in the countries most severely affected by it, using treatment programmes that often benefit from international funding.

There has been progress in recent years in the extent to which prisoners are enabled to be in contact with the outside world. In particular this includes:

- increases in the frequency with which letters may be sent and received, including an apparent increase in the extent to which this is allowed to pre-trial detainees;
- some reduction in the extent to which prisoners' letters are read by prison staff;
- increases in the frequency with which visits from family members are allowed to sentenced prisoners;
- increases in the duration of visits to pre-trial detainees;
- improved conditions for prisoners' visitors in some prisons;
- increased access to telephones both for sentenced prisoners and pre-trial detainees.

Nonetheless, there are unnecessary restrictions on communications between pre-trial detainees and their families, and on physical contact between such prisoners and their visitors. In some countries certain categories of sentenced prisoner are allowed visits less than once a month.

Particular attention is paid by many prison administrations to the recruitment of good quality staff and to developing staff training. Some are focusing on boosting staff morale, for example by providing good facilities and benefits for them.

There is increased emphasis on opening the prisons to the media and drawing attention to the valuable work that staff do on behalf of the community.

Several prison administrations now hold regular meetings between staff responsible for each of the different aspects of prison service work, such as security, treatment and health care, and those responsible at prison administration headquarters for each of these aspects, in order to share experiences and insights and contribute to improved policy-making.

There are many examples of prison staff coping with events, such as serious overcrowding and consequent disturbances, in a positive way, calculated to stimulate a good atmosphere in the institutions and minimise tension.

Treatment programmes are being developed that focus on remedying aspects of a prisoner's life that have been associated with his criminality, such as anger control, inter-personal communication, social skills and budgeting.

Particular attention is being paid to providing treatment programmes and other constructive activities for young prisoners in their teens and early twenties, who may be more susceptible to change than older prisoners.

In some prison systems there is an increased emphasis on the input of psychologists and social workers and on the use of group work.

Opportunities are increasingly being provided for prisoners to develop their sense of responsibility and self-reliance.

Only a third of prison administrations report having at least 60% of sentenced prisoners working, and more than a third have no more than 30% working. Compared to the situation in 1994, the percentage has fallen in ten countries and risen only in four.

Positive features of prison work in the region include:

- in some of the prison economic units prisoners work alongside civilians from the community outside;
- good quality work is available in a number of prisons, including contract work, work that results in products that can be sold outside the prison, and public restaurants run by the prisons;
- in a few countries, at least a small minority of pre-trial detainees are able to have some work;
- arrangements are made by many prison administrations to provide some money for prisoners who, through no fault of their own, are unable to have work at present.

While the best internal inspections are thorough and rigorous and perform a valuable role, there is scope for more structured and comprehensive inspections by independent bodies.

In more than half the prison systems an Ombudsman or a Parliamentary Committee for Human Rights visits the prisons but this often does not involve a systematic inspection of the management of the prison and the treatment of the prisoners.

The state of prison buildings and the need for refurbishment, reconstruction and new institutions have continued to present significant problems. Much refurbishment and reconstruction have been done and new institutions have been opened in several countries. But the low budgets available to the prison administrations have meant that in the poorest countries very little has been done to improve these material conditions and in the least poor it has only been possible to do a fraction of what is perceived to be needed.

Much progress has been made in developing complaints procedures. Concerns about complaints mechanisms centre on confidentiality and the seriousness with which the complaints are treated. The extent to which complaints are in sealed envelopes, which arrive unopened at the desk of the person to whom they are addressed, is variable but seems to be improving steadily.

At least three prison systems deny pre-trial detainees the right to vote in national elections. Eleven of the twenty-one prison systems on which information is available allow sentenced prisoners the right to vote, while ten deny them the right to do so.

NGOs now visit almost all prison systems. They contribute in a variety of ways, including by monitoring the institutions, training staff, assisting with treatment and educational programmes, responding to prisoners' complaints and requests, providing humanitarian assistance and social support, offering religious help and supplying information on human rights. Their work is invariably re-

garded as positive by the prison administrations, despite occasional friction in connection with monitoring activities.

Most prison administrations have established good contacts with their counterparts in a number of other European countries in the interests of sharing experiences, learning from each other and thus improving practice.

The Council of Europe has facilitated the reform process in central and eastern Europe in a number of ways, notably by the commissioning of assessment reports and the sponsoring of steering groups for reform of the prison systems. Its CPT is arguably the most powerful force in the reform of practice in the prison systems of Europe as a whole, including therefore those of central and eastern Europe. The OSCE, the European Union, individual European countries and NGOs are also involved in technical co-operation in prison matters in central and eastern Europe and are making an important contribution.

Conclusions and outstanding tasks

There have been major developments in all twenty-four prison systems of the region. As has been noted above, further significant progress has been made in a great many aspects, including the development of modern legislation and the transfer, by most countries that had not done so earlier, of responsibility for the prison systems to the Ministry of Justice.

It is unfortunately true, however, that most of the problems that were noted in the previous report are still present in central and eastern European prison systems now. Indeed, the situation with regard to the size of prison populations, overcrowding, the conditions of pre-trial detention, and the availability of employment for prisoners, has become worse in recent years. The effects of tuberculosis remain very serious in some countries. In addition, the increased number of prisoners with a drugs problem is a growing concern, as is the importation of drugs into the prisons. In three countries the prison systems are still recovering from the damage caused by war (Bosnia and Herzegovina) or internal strife (Albania and Macedonia).

Despite such negative factors, prison administrations have been able to draw attention to significant achievements that have occurred in their prison systems in recent years. More than one hundred are listed in this report and a number of these will be of interest to other prison administrations, which may wish to apply them in their own countries. There have been many successes, and those responsible for them can justly feel proud.

But the problems that persist leave all prison administrations with an extensive list of objectives and outstanding tasks. They themselves have reported a wide range of what are seen in each of their prison systems as the most important current objectives, covering many aspects of the management of prisons and the treatment of prisoners. The report draws attention to a number of outstanding tasks, each of which it suggests requires attention in at least some of the prison systems of the region if they are all to be as closely as possible in line with the international European standards. In particular it lists the following:

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation; and to establish for each institution a capacity figure based on the amount of space per prisoner specified in the appropriate legislation, so long as this is at least 4m²;
- to ensure that lighting, heating and air quality are adequate in all buildings in which prisoners spend any part of the day;
- to enable every prisoner to have his/her own bed;
- to ensure that all juveniles, including pre-trial detainees, are held separately from adults;
- to ensure that sanitary installations and arrangements for access are adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions;
- to provide all prisoners with a balanced diet, including meat, fruit and vegetables, and to ensure that the quality and quantity of food reaches at least average standards in communal catering outside;
- to devote sufficient resources to health care, including the appointment of an adequate number of medical staff, and to give full recognition to the principles of equivalence of care (i.e. with that in the community), patients' consent, confidentiality of information, and the professional independence of medical staff;
- to give further consideration (in Armenia, Belarus, Georgia, Hungary, Latvia, Lithuania and the Republika Srpska entity of Bosnia and Herzegovina) to abolishing compulsory HIV testing and thus bringing policy into line with the relevant international standards, in particular those established by the World Health Organisation and the Council of Europe;
- to require medical staff in each institution to advise the director on the sanitation, heating, lighting and ventilation of the institutions, and the suitability and cleanliness of prisoners' clothing and bedding, in accordance with Rule 31.1c and d of the European Prison Rules;
- to ensure that prisoners are heard in person at all disciplinary hearings, and that prisoners in disciplinary isolation are visited daily by a medical officer (in accordance with Rule 38.3 of the European Prison Rules), provided with mattresses and blankets, allowed visits and access to reading matter, and offered at least one hour's exercise daily in the open air;
- to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to ensure regular visits for pre-trial detainees, so that all are visited at least once a month, and if possible weekly or more often;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial (remand) prisoners, to enable them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature, and to appoint a member of the treatment staff to be responsible for regime activities for pre-trial prisoners, and to deal with their social work needs;

- to give priority attention to staff training, in particular in respect of human rights, inter-personal skills and the humane treatment of prisoners, and to include training for senior managers in the skills needed to undertake their responsibilities imaginatively and effectively;
- to take steps to improve the public image of prison staff and of the work of the prison service;
- to ensure that there are enough staff to keep the staff-prisoner ratio at a satisfactory level and, in particular, that there are sufficient educators/pedagogues/social workers/case managers/heads of detachment to enable no group for which such a specialist is responsible to exceed about 50 prisoners;
- to provide programmes of constructive activities, including work, education and vocational training, to occupy prisoners' time in a positive manner and enable them to develop skills and aptitudes that may improve their prospects of resettlement after release;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after release and to develop co-ordination with Centres for Social Work in the community, where such exist;
- to ensure that senior staff in the prison administration headquarters and the directors of all institutions and their senior managers possess and make full use of copies of the Council of Europe's European Prison Rules. Copies should also be kept prominently in each prison library for the use of all other staff and prisoners;
- to introduce an independent prisons inspectorate, reporting directly to the Minister of Justice and publishing its reports.

The report concludes with the comment that the work of those who run the prison systems of central and eastern Europe has not become any easier in the years since 1994, but the determination to confront the problems and to do everything possible to surmount them is widely evident and worthy of much respect and admiration.

Résumé

Introduction

Suite aux changements historiques survenus en Europe centrale et orientale durant la période 1989-91, les pays de la région ont fait de la réforme du système de justice pénale une exigence prioritaire en vue d'institutions démocratiques. La réforme du système pénitentiaire est une composante importante de la réforme de la justice pénale et la présente étude, réalisée par HEUNI, est la seconde consacrée aux développements des systèmes pénitentiaires; elle décrit les progrès enregistrés et les problèmes rencontrés dans la mise en oeuvre des normes internationales relatives à la gestion des prisons et au traitement des détenus. Elle examine la situation en vigueur en 2001, soit sept ans après celle décrite dans l'étude précédente.

Cette étude a en commun avec celle qui l'a précédée l'intention un double souci : décrire les progrès réalisés sur le plan de la mise en oeuvre des normes internationales et des problèmes qui constituent des obstacles à de tels progrès, mais également contribuer à une meilleure compréhension des progrès réalisés. Le rapport met tout particulièrement l'accent sur cet aspect et sur les objectifs que chaque administration pénitentiaire a identifiés comme étant de la plus haute importance. Des suggestions sont faites, également, quant aux tâches restantes qui requièrent l'attention afin d'aligner, dans toute la mesure du possible, les systèmes pénitentiaires sur les normes internationales européennes.

L'étude précédente, qui décrivait la situation dans seize systèmes pénitentiaires d'Europe centrale et orientale en 1994, faisait état de nombreux progrès dans maints domaines ; elle notait cependant l'existence de nombreux problèmes. De gravité variable d'un pays à l'autre, leur présence est néanmoins constatée dans toute la région. Au nombre de ces problèmes :

- la taille des établissements pénitenciers et l'augmentation constante du nombre des détenus ;
- les conditions de détention provisoire avant jugement – en particulier la surpopulation carcérale, la durée de ce type de détention et le caractère limité des régimes ;
- l'état des bâtiments et les besoins de rénovation, de reconstruction et de nouveaux établissements ;
- les ressources disponibles limitées permettant de remédier aux conditions et d'assurer la bonne gestion quotidienne des établissements pénitenciers;
- les retards dans la transposition des nouveaux codes pénaux, codes de procédure pénale et codes d'exécution pénale dans la législation ;
- la pénurie d'alternatives non-privatives de liberté à l'emprisonnement ;
- le recrutement et la capacité de retenir un personnel suffisant en effectifs

- et qualifié, y compris le personnel médical et autrement spécialisé comme les éducateurs/travailleurs sociaux ;
- s'assurer que l'ensemble du personnel est convaincu de la nécessité d'améliorer les régimes pénitentiaires et sa qualification, en utilisant des méthodes positives en conformité avec les normes internationales ;
 - trouver suffisamment d'emplois appropriés pour les détenus.

En outre, dans quelques pays, des difficultés significatives ont résulté de :

- la prévalence de la tuberculose dans des établissements pénitentiaires ainsi que la pénurie d'équipements médicaux et de médicaments pour la traiter.

La présente étude dresse un rapport de la situation d'ensemble, en 2001, quant aux principaux aspects relatifs à la gestion des prisons et au traitement des détenus, en faisant référence aux changements survenus au fil des ans depuis la précédente étude. En outre, la situation qui prévaut dans chacun des systèmes pénitentiaires d'Europe centrale et orientale est décrite dans des chapitres distincts ; ils énoncent ce que les administrations pénitentiaires considèrent comme les plus importants développements récents, les principaux problèmes, les domaines dans lesquels des succès particuliers ont été enregistrés grâce à l'amélioration des aspects pratiques et en surmontant des difficultés, ainsi que les principaux objectifs actuels ; en plus des objectifs énoncés, elle procède également à une évaluation des tâches les plus importantes auxquelles chaque administration est confrontée, pour continuer à se rapprocher des normes fixées dans le Règlement pénitentiaire européen et, dans certains cas, plus amplement élaborées par le CPT.

Principaux constats

Une nouvelle législation est déjà en place ou à un stade de préparation avancé. De nouveaux codes d'exécution pénale ont été adoptés durant la période 1996-2001 dans quinze systèmes pénitentiaires ; depuis fin 2001, la législation d'un système pénitentiaire supplémentaire a été adoptée.

Sur les vingt-quatre systèmes pénitentiaires, vingt et un relèvent désormais entièrement du ministère de la Justice. Parmi les trois autres, dans le cas de l'Albanie 70% des détenus sont placés dans des établissements qui relèvent du ministère de la Justice ; l'Ukraine a détaché le système pénitentier du ministère de l'Intérieur pour placer celui-ci sous un Département d'Etat indépendant. Dans le seul cas du Bélarus, la responsabilité reste confiée au ministère de l'Intérieur.

Les capacités officielles de la plupart des systèmes pénitentiaires de la région ont augmenté, entre 1994 et 2001, afin de répondre à l'augmentation des effectifs de la population carcérale.

Un certain nombre de pays ont amendé leur législation ou leurs règlements afin que chaque détenu dispose d'un espace accru ; dans certains pays, toutefois, le changement n'est qu'une aspiration dans la mesure où les capacités individuelles des établissements n'ont pas été réduites en conséquence.

Dans la plupart des pays - à l'exception de l'Albanie, de l'Arménie, de la Bulgarie, de la Slovaquie et de ceux qui ont émergé de l'ex-Yougoslavie - les effectifs des populations carcérales sont nettement supérieurs aux niveaux observés dans le reste de l'Europe et ils sont en augmentation. La majorité des administrations pénitentiaires de la région y voient le plus grave problème - ou un des plus graves problèmes - au(x)quel(s) elles sont confrontées.

Le taux de population carcérale (nombre de détenus pour 100.000 habitants de la population nationale) a augmenté dans la plupart des systèmes pénitentiaires de la région.

La surpopulation, calculée d'après la capacité officielle des systèmes pénitentiaires, semble avoir empiré de manière significative depuis 1994. Sur vingt-quatre systèmes, au moins dix ont dépassé leur capacité officielle à un certain moment, en 2001.

Le calcul de l'espace disponible par détenu dans son lieu de détention révèle clairement que la surpopulation carcérale a empiré dans une majorité des pays d'Europe centrale et orientale.

Dans les capitales, l'espace par détenu placé en détention provisoire, est considérablement inférieur à la moyenne nationale.

En 2001, cinq systèmes pénitentiaires sur les dix-neuf pour lesquels on disposait de l'information, satisfaisaient à la norme d'au moins 4m² par détenu que prévoit la CPT ; pour les détentions provisoires, deux établissements seulement sur onze dans les capitales étaient dans ce cas.

La plupart des systèmes pénitentiaires d'Europe centrale et orientale, mis à part ceux des pays issus de l'ex-Yougoslavie, présentent des taux élevés de détention provisoire, comparé au reste de l'Europe ; trois présentent des taux supérieurs à 100 détenus pour 100.000 habitants - soit un taux plus élevé que la moyenne de la population carcérale totale du reste de l'Europe.

Dans tous les pays, à l'exception de quatre, les détenus en détention provisoire ne disposent pas de plus d'une heure par jour à l'extérieur de leur cellule, malgré la recommandation du CPT selon laquelle le minimum devrait être de huit heures par jour.

Les détenus en détention provisoire sont séparés des détenus condamnés, les hommes des femmes, mais les jeunes ne sont pas toujours séparés des adultes dans au moins sept systèmes pénitentiaires de la région.

Des arrangements sanitaires et des dispositions pour l'accès aux soins ne seraient, selon les rapports, appropriés pour tous les détenus que dans treize systèmes pénitentiaires sur les vingt-quatre considérés. Cette situation n'en constitue pas moins une légère amélioration par rapport à la situation de 1994.

Dans au moins quatre systèmes pénitentiaires, tous les détenus ne disposent pas de leur propre lit.

Les administrations pénitentiaires indiquent pratiquement toutes, dans leurs rapports, que la qualité et la quantité de nourriture que les prisonniers reçoivent sont proches des normes moyennes dans les services de repas communaux à l'extérieur ; mais dans un tiers des systèmes pénitentiaires, les prisonniers ne reçoivent pas un régime alimentaire équilibré faisant place à de la viande, des fruits et des légumes.

Le soin de santé dans les prisons a connu une intégration et une coopération accrues avec les services de la santé publique.

De nombreux détenus ont des problèmes liés à l'alcool dans près de trois systèmes pénitentiaires sur quatre ; dans plusieurs d'entre eux, la dépendance vis-à-vis de l'alcool semble prévaloir sur la dépendance vis-à-vis de la drogue.

Moins de trois administrations pénitentiaires sur cinq estiment qu'un grand nombre de détenus ont un problème lié à la drogue ou sont des toxicomanes; les effectifs concernés seraient toutefois en augmentation dans la plupart des systèmes.

Le nombre de détenus séropositifs (VIH) serait en augmentation dans environ la moitié des systèmes pénitentiaires. Conformément aux lignes directrices de l'Organisation mondiale de la Santé et aux recommandations du Conseil de l'Europe, la plupart des administrations pénitentiaires ne soumettent pas tous les détenus au test de dépistage du VIH, mais sept administrations pénitentiaires le font.

La tuberculose est le problème de santé le plus aigu dans de nombreux pays d'Europe centrale et orientale, sans toutefois toucher les ex-républiques qui formaient la Yougoslavie. L'accent est mis, de plus en plus, sur la lutte contre cette maladie dans les pays les plus gravement touchés par elle, en ayant recours à des programmes de traitement qui bénéficient souvent du financement international.

Au chapitre des possibilités offertes aux détenus d'être en contact avec le monde extérieur, des progrès ont été enregistrés au cours des dernières années. On constate en particulier :

- des augmentations de la fréquence à laquelle des lettres sont envoyées et reçues, y compris une apparente augmentation dans le cas des détenus placés en détention provisoire;
- une diminution de la lecture des lettres destinées aux détenus par le personnel pénitentiaire ;
- des fréquences de visites grandissantes par les membres de la famille aux détenus condamnés ;
- des augmentations de la durée des visites aux détenus en détention provisoire ;
- de meilleures conditions pour les visiteurs des détenus dans certaines prisons ;
- l'accès accru aux téléphones, tant pour les détenus condamnés que pour ceux placés en détention provisoire.

Néanmoins, des restrictions inutiles sur les communications entre les détenus en détention provisoire et leurs familles subsistent, de même qu'au niveau des contacts entre de tels détenus et leurs visiteurs. Dans quelques pays, certaines catégories de détenus condamnés sont autorisées à recevoir des visites moins d'une fois par mois.

Un certain nombre d'administrations pénitentiaires veillent tout particulièrement à la qualité du personnel qu'elles recrutent et à la promotion de

sa formation. Certains s'efforcent de stimuler le moral du personnel, par exemple en lui proposant des moyens et des avantages intéressants.

La tendance est, de plus en plus, à l'ouverture des lieux de détention aux médias et à attirer l'attention sur le précieux travail que le personnel accomplit au nom de la collectivité.

Afin de partager expériences et points de vue et de contribuer à améliorer la mise en oeuvre de la politique, plusieurs administrations pénitentiaires tiennent désormais des réunions régulières entre le personnel responsable des différentes fonctions dans le cadre pénitentiaire – sécurité, traitement et soins de santé – et ceux qui sont chargés du siège administratif pénitentiaire pour chacun de ces aspects.

On trouve de nombreux exemples de personnels pénitentiaires qui, face aux événements comme la surpopulation grave et les perturbations conséquentes, observent une démarche positive, par souci de favoriser un climat favorable au sein des établissements et une tension minimale.

Des programmes de traitement ont été élaborés pour remédier aux aspects de la vie du détenu qui sont associés à sa criminalité – maîtrise de la vindicte, communication inter-personnel, qualifications sociales et budgétisation.

Une attention particulière a été accordée aux programmes de traitement et à d'autres activités stimulantes, destinées aux jeunes détenus - adolescents et détenus âgés d'une vingtaine d'années - plus susceptibles de changer que les détenus plus âgés-

Dans certains systèmes pénitentiaires, l'accent est mis, de manière accrue, sur l'influence des psychologues et des travailleurs sociaux et sur le recours aux thérapies/actions de groupe.

De plus en plus, des opportunités sont proposées aux détenus afin qu'ils développent leur sens de la responsabilité et leur confiance en eux-mêmes.

Un tiers seulement des administrations pénitentiaires indiquent dans leurs rapports qu'au moins 60% de leurs détenus condamnés travaillent, tandis pour un tiers d'entre elles moins de 30% des détenus sont dans ce cas. Comparé à la situation de 1994, le pourcentage a diminué dans dix pays et n'a augmenté que dans quatre.

Le travail des détenus dans la région fait place aux caractéristiques positives suivantes :

- dans certaines unités économiques pénitentiaires, les détenus travaillent avec des civils venus de l'extérieur ;
- de nombreuses prisons proposent du travail de qualité, notamment des travaux contractuels, des travaux de fabrication de produits destinés à être vendus à l'extérieur de la prison et des restaurants publics gérés par les prisons ;
- dans quelques pays, une petite minorité au moins de détenus placés en détention provisoire sont en mesure d'avoir un emploi ;
- de nombreuses administrations pénitentiaires prévoient des arrangements afin de permettre aux détenus qui ne peuvent trouver du travail, sans que cela soit donc de leur faute, de disposer d'un peu d'argent.

Malgré le caractère systématique et rigoureux des meilleures inspections internes, et en dépit du précieux rôle qu'elles jouent, il y a moyen de confier à des organes indépendants des inspections plus structurées et plus complètes.

Dans plus de la moitié des systèmes pénitentiaires, un ombudsman (médiateur) ou une commission parlementaire des Droits de l'Homme visitent les prisons ; mais ceci n'implique pas pour autant une inspection systématique de la gestion de la prison ni du traitement des détenus.

L'état des bâtiments qui abritent les prisons et la nécessité de transformer les établissements, de les reconstruire et d'en construire de nouveaux continuent de soulever des problèmes significatifs. De nombreuses transformations et reconstructions ont été effectuées et de nouveaux établissements ont été inaugurés dans plusieurs pays. Toutefois, en raison des maigres budgets dont disposent les administrations pénitentiaires dont disposent les pays les plus pauvres, très peu de choses ont été faites pour améliorer ces conditions matérielles, tandis que dans les moins pauvres, il n'a été possible de procéder qu'à une partie de ce qui était jugé nécessaire.

D'abondants progrès ont été faits pour développer les procédures en matière de plainte. Les préoccupations relatives aux mécanismes de plaintes portent essentiellement sur la confidentialité et le sérieux avec lequel les plaintes sont examinées. La proportion des plaintes déposées sous enveloppes cachetées qui parviennent à leur destinataire sans avoir été décachetées est variable, mais semble augmenter rapidement.

Au moins trois systèmes pénitentiaires refusent aux détenus placés en détention provisoire le droit de voter lors des élections nationales. Onze systèmes pénitentiaires sur les vingt-deux pour lesquelles on dispose d'information reconnaissent aux détenus condamnés le droit de voter, tandis que dix autres leur refusent ce droit.

Les organisations non-gouvernementales visitent désormais la plupart des systèmes pénitentiaires. Elles apportent des contributions diverses - suivi des établissements, formation du personnel, fourniture d'une assistance sous la forme de traitement et de programmes éducatifs, réponse aux plaintes des détenus, assistance humanitaire et soutien social, aide religieuse et information sur les Droits de l'Homme. Leur travail est invariablement jugé positif par les administrations pénitentiaires, malgré des frictions occasionnelles dans le contexte des activités de suivi.

Les administrations ont, pour la plupart, noué de bons contacts avec leurs contreparties dans un certain nombre d'autres pays en Europe, afin de partager des expériences, d'apprendre les unes des autres et d'améliorer ainsi leur pratique.

Le Conseil de l'Europe a facilité de nombreuses manières le processus de réforme en Europe centrale et orientale, notamment en demandant l'élaboration de rapports d'évaluation et en parrainant des groupes d'orientation GROUP en vue de réformer les systèmes pénitentiaires. Son CPT peut être considéré comme la force la plus puissante de la réforme des pratiques dans les systèmes pénitentiaires de toute l'Europe, et donc notamment en Europe centrale et orientale.

L'OSCE, l'Union européenne, les pays européens considérés individuellement et les ONG sont également impliqués dans la coopération technique relative aux questions pénitentiaires en Europe centrale et orientale et apportent une importante contribution.

Conclusions et tâches à accomplir

Des développements majeurs sont intervenus dans tous les vingt quatre systèmes pénitentiaires de la région. Comme indiqué ci-dessus, un nouveau progrès significatif a été enregistré dans de nombreux domaines, notamment l'élaboration d'une législation moderne et le transfert, par la plupart des pays qui ne l'avaient pas fait auparavant, de la responsabilité des systèmes pénitentiaires au ministère de la Justice.

Toutefois, il est également vrai, hélas, que la plupart des problèmes relevés dans le précédent rapport restent présents dans les systèmes pénitentiaires d'Europe centrale et orientale. En fait, la situation relative à la taille des populations carcérales, à la surpopulation, aux conditions de détention préventive et à la possibilité de proposer des emplois aux détenus, s'est détériorée ces dernières années. Les effets de la tuberculose restent très graves dans quelques pays. En outre, le nombre accru de détenus toxicomanes est une préoccupation croissante, tout comme l'introduction de drogues dans les prisons. Dans trois pays, les systèmes pénitentiaires en sont encore à se remettre des dommages causés par la guerre (Bosnie-Herzégovine) ou par les déchirements internes (Albanie et Macédoine).

Malgré ces facteurs négatifs, les administrations pénitentiaires ont été en mesure d'attirer l'attention sur certaines réalisations significatives, survenues ces dernières années dans leurs systèmes pénitentiaires. Le présent rapport en énumère plus de cent, et certaines de ces réalisations seront intéressantes pour d'autres administrations pénitentiaires qui pourraient souhaiter les appliquer chez elles. De nombreux succès ont été enregistrés, et ceux qui en sont responsables peuvent, à juste titre, s'en montrer fiers.

Néanmoins, les problèmes qui persistent laissent toutes les administrations pénitentiaires confrontées à une liste d'objectifs et de tâches à accomplir. Elles-mêmes font état, dans leurs rapports, d'un vaste éventail de ce qu'elles considèrent comme les plus importants objectifs actuels dans leurs systèmes pénitentiaires ; ils couvrent de nombreux aspects de la gestion des prisons et du traitement des détenus. Le rapport attire l'attention sur un certain nombre de tâches qui restent à accomplir ; chacune d'entre celles qu'il suggère requiert l'attention dans au moins certains systèmes pénitentiaires de la région s'ils veulent s'aligner, le plus près possible, sur les normes internationales européennes. Il énumère en particulier les considérations suivantes :

- prendre des mesures destinées à permettre à tous les détenus placés en détention provisoire et à tous les détenus condamnés de disposer d'au moins 4 m² d'espace dans leur lieu d'hébergement; établir, pour chaque établissement un chiffre relatif à la capacité, basé sur l'espace réservé à chaque détenu tel que la spécifie la législation appropriée, pour peu qu'il soit au moins égal à 4 m²;
- veiller à ce que l'éclairage, le chauffage et la qualité de l'air soient appropriés dans tous les bâtiments dans lesquels les détenus passent une partie de la journée, quelle qu'elle soit ;
- permettre à chaque détenu de disposer de son propre lit;
- faire en sorte que tous les jeunes détenus, y compris ceux qui sont placés en détention provisoire, soient séparés des adultes ;
- faire en sorte que les installations sanitaires et les arrangements pour permettre d'y accéder soient appropriés, afin de permettre à tous les détenus de satisfaire leurs besoins naturels, chaque fois que nécessaire, dans des conditions propres et décentes ;
- fournir à tous les prisonniers une nourriture équilibrée comprenant de la viande, des fruits et des légumes, et faire en sorte que la qualité et la quantité de nourriture obéissent au minimum aux normes moyennes qui sont prévues pour les repas municipaux à l'extérieur des établissements;
- consacrer des ressources suffisantes au soin de santé, y compris la désignation de l'effectif médical approprié, et reconnaître pleinement les principes d'équivalence des soins (par exemple avec ceux prestés dans la collectivité), le consentement des patients, la confidentialité de l'information, et l'indépendance professionnelle du personnel médical ;
- accorder plus ample attention (en Arménie, au Belarus, en Géorgie, en Hongrie, en Lettonie, en Lituanie et dans l'entité constituée par la Republika Srpska de Bosnie-Herzégovine) à la suppression du test obligatoire de dépistage du VIH et aligner ainsi la politique avec les normes internationales pertinentes, en particulier celles établies par l'Organisation mondiale de la santé et par le Conseil de l'Europe ;
- demander au personnel médical de chaque établissement de conseiller le directeur sur les aspects hygiène, chauffage, éclairage et ventilation des établissements, vêtements convenables et propres et la literie des détenus, conformément à la règle 31.1c et d du Règlement pénitentiaire européen;
- faire en sorte que les détenus soient entendus personnellement lors de toutes les auditions disciplinaires, et tous les détenus isolés pour des raisons disciplinaires reçoivent la visite quotidienne d'un agent médical (conformément à la règle 38.3 du Règlement pénitentiaire européen), qu'ils soient pourvus en matelas et couvertures, autorisés à recevoir des visites et à accéder à la lecture, bénéficier d'au moins une heure d'exercice quotidien en plein air ;
- amender la pratique selon laquelle les détenus placés en détention provisoire (en attente de passer en jugement) sont, en général, séparés, de leurs visiteurs par un écran. Une telle pratique est nécessaire uniquement dans les cas exceptionnels;

- faire en sorte que les détenus placés en détention provisoire puissent recevoir régulièrement des visites, de telle sorte que tous reçoivent de la visite au moins une fois par mois et, si possible, chaque semaine voire plus souvent ;
- prendre des mesures afin que ni la législation ni la pratique ne continuent de bloquer l'introduction d'un programme approprié d'activités en régime pénitentiaire destinées aux détenus placés en détention provisoire (en attente d'être jugés), afin de leur permettre de passer une partie raisonnable de la journée à l'extérieur de leurs cellules, de prendre part à des activités utiles de caractère varié, et de désigner un membre du personnel chargé du traitement et de lui confier la responsabilité des activités en régime pénitentiaire destinées aux détenus placés en détention provisoire, et de s'occuper de leurs besoins de travail social ;
- accorder une attention prioritaire à la formation du personnel, en particulier au chapitre du respect des Droits de l'Homme, aux compétences interpersonnelles et au traitement humain des détenus, et inclure la formation de gestionnaires supérieurs aux aptitudes requises pour assumer leurs responsabilités en faisant preuve d'imagination et efficace ;
- prendre des mesures pour améliorer l'image du personnel pénitentiaire dans l'opinion et du travail accompli dans le service pénitentiaire ;
- faire en sorte que les effectifs du personnel pénitentiaire soient suffisants pour maintenir à un niveau satisfaisant le rapport personnel/détenu et, en particulier, pour que le nombre des éducateurs/pédagogues/travailleurs sociaux /gestionnaires de dossiers /chefs de détachement soit suffisant pour qu'aucun groupe confié à un tel responsable ne dépasse 50 détenus ;
- proposer des programmes d'activités constructives, de travail, d'éducation et de formation professionnelle, pour que les détenus s'occupent de manière positive et pour qu'ils puissent développer leurs qualifications et leurs aptitudes, en sorte qu'ils améliorent leur possibilités de réinsertion après leur libération ;
- élaborer des programmes précédant la remise en liberté des détenus afin de favoriser leur retour dans la société, à la vie familiale et dans la vie active après leur libération, et développer la coordination avec les Centres d'action sociale dans la société lorsqu'ils existent ;
- faire en sorte que le personnel de direction et d'encadrement au siège de l'administration pénitentiaire et que les directeurs de tous les établissements, y compris les gestionnaires supérieurs soient en possession de copies du Règlement pénitentiaire européen du Conseil de l'Europe et qu'ils en fassent pleinement usage. Des copies devraient également être en évidence et disponibles dans chaque bibliothèque d'établissement pénitentiaire, pour l'usage du personnel et des détenus ;
- mettre en place une inspection pénitentiaire indépendante, chargée de rendre compte directement au ministre de la Justice/Garde des Sceaux et publier ses rapports.

Le présent rapport conclut par un commentaire: le travail des personnes chargées de gérer les systèmes pénitentiaires d'Europe centrale et orientale n'est pas devenu plus facile depuis 1994, mais la détermination à affronter les problèmes et à tout faire pour les surmonter est largement évidente et mérite amplement le respect et l'admiration.

ДАЛЬНЕЙШИЕ ИЗМЕНЕНИЯ В ПЕНИТЕНЦИАРНЫХ СИСТЕМАХ СТРАН ЦЕНТРАЛЬНОЙ И ВОСТОЧНОЙ ЕВРОПЫ – ДОСТИЖЕНИЯ, ПРОБЛЕМЫ И ЗАДАЧИ

Краткое содержание

Введение

После исторических политических изменений в Центральной и Восточной Европе в 1989-1991 годах страны региона определили реформу системы уголовного правосудия в качестве приоритетного требования на пути развития демократических институтов. Реформа пенитенциарной системы является важной частью реформирования системы уголовного правосудия, и настоящее исследование является вторым исследованием ХЕЮНИ, в котором основное внимание уделяется изменениям в пенитенциарных системах и описываются достигнутый прогресс и проблемы, возникающие в ходе осуществления международных стандартов по управлению пенитенциарными учреждениями и обращению с заключенными. В настоящем исследовании рассматривается ситуация по состоянию на 2001 год - через семь лет после описанной в предыдущем исследовании.

Направленность настоящего исследования, как и предыдущего, заключается не только в описании прогресса, достигнутого в осуществлении международных стандартов, и проблем, которые препятствуют такому прогрессу, но также и в стремлении лучше понять достигнутые успехи. В настоящем докладе особый акцент делается именно на этом аспекте и на задачах, которые определяются администрацией каждого пенитенциарного учреждения в качестве наиболее важных. Также вносятся предложения относительно нерешенных задач, которые требуют внимания, чтобы привести все пенитенциарные системы в как можно большее соответствие с международными европейскими стандартами.

Предыдущее исследование, в котором описывалось положение в пенитенциарных системах шестнадцати стран Центральной и Восточной Европы в 1994 году, отмечало прогресс в ряде направлений, но также и подчеркивало наличие многих проблем, варьирующихся по степени своей серьезности от одной страны к другой; однако, большинство из них отмечалось по всему региону. К ним относятся:

- численность и продолжающийся рост численности лиц, содержащихся в пенитенциарных учреждениях;
- условия предварительного содержания под стражей, в частности, перенаселенность, продолжительность такого содержания и

- ограниченный характер таких режимов;
- состояние зданий и необходимость ремонта, реконструкции и строительства новых учреждений;
 - ограниченность ресурсов для улучшения этих условий и для повседневного содержания пенитенциарных учреждений;
 - задержки в принятии новых уголовных кодексов, уголовно-процессуальных кодексов и кодексов по исполнению наказаний (уголовно-исполнительных кодексов);
 - ограниченность мер наказания, не связанных с лишением свободы;
 - прием на работу и удержание достаточного количества персонала хорошего качества, включая медицинских работников и других специалистов, таких как воспитателей и специалистов социальной сферы;
 - обеспечение убежденности всех сотрудников в важности улучшения режимов содержания под стражей и их подготовленности к использованию положительных методов в соответствии с международными стандартами;
 - обеспечение заключенным достаточной и приемлемой трудовой занятости.

Кроме того, в некоторых странах значительные трудности были вызваны:

- высоким уровнем заболеваемости туберкулезом в пенитенциарных учреждениях и нехваткой медицинского оборудования и лекарств для его лечения

В настоящем исследовании описывается общая ситуация в 2001 году в отношении главных аспектов управления тюрьмами и обращения с заключенными с указанием изменений, которые произошли с момента завершения предыдущего исследования. Помимо этого, в отдельных разделах рассматривается ситуация в пенитенциарной системе в каждой из стран Центральной и Восточной Европы с указанием того, что рассматривается администрациями пенитенциарных учреждений в качестве наиболее важных недавних изменений; основных проблем; областей, в которых были достигнуты особые успехи в совершенствовании практических аспектов и в преодолении трудностей; а также главных текущих задач; проведена также оценка наиболее важных вопросов, в дополнение к поставленным задачам, с которыми сталкивается каждая из отдельных администраций, если это может способствовать продвижению вперед в деле достижения стандартов, установленных Европейскими тюремными правилами и в некоторых случаях развитых Европейским Комитетом по предупреждению пыток и бесчеловечных или унижающих человеческое достоинство видов обращения или наказания (КПП).

Основные итоги

Новое законодательство уже имеется или находится в продвинутой стадии подготовки. В пятнадцати странах новые уголовные кодексы приняты в период 1996-2001 гг., и в одной стране соответствующее законодательство было принято после 2001 года.

В двадцати одной стране из двадцати четырех пенитенциарные системы уже полностью переподчинены министерствам юстиции. Что касается остальных трех стран, то в Албании 70% заключенных содержатся в учреждениях Министерства юстиции; Украина вывела пенитенциарные учреждения из системы МВД и передала их в ведение самостоятельного Государственного департамента. Лишь в Беларуси пенитенциарная система остается по-прежнему в рамках Министерства внутренних дел.

В 1994-2001 гг. официальная емкость большинства пенитенциарных систем была расширена в целях решения проблемы роста численности заключенных.

В ряде стран внесены изменения в законодательства или нормативные документы, предусматривающие большую площадь в расчете на каждого заключенного, но в некоторых странах такие изменения в настоящее время лишь ожидаются, поскольку возможности отдельных учреждений не были соответственно сокращены.

В большинстве стран, за исключением Албании, Армении, Болгарии, Словакии и государств, возникших из бывшей Югославии, численность заключенных превышает уровни остальных стран Европы и продолжает расти. Большинство пенитенциарных администраций в этом регионе отмечают это в качестве наиболее серьезной проблемы, с которой они сталкиваются, или в качестве одной из наиболее серьезных.

В течение 90-х годов почти во всех пенитенциарных системах региона уровень численности заключенных (на 100,000 населения) вырос.

Начиная с 1994 г., перенаселенность при расчете в соответствии с официальной емкостью пенитенциарных систем, похоже, стала еще более серьезной проблемой. По крайней мере в десяти из двадцати четырех пенитенциарных систем официальная емкость в 2001 году была превышена.

Расчет по площади, которую заключенный практически имеет в местах заключения, ясно показывает, что положение с перенаселенностью в большинстве стран центральной и восточной Европы действительно усугубилось.

Площадь на одного заключенного в местах предварительного содержания в столичных городах значительно меньше по сравнению со средним показателем по стране.

В 2001 году норма КПП в 4 кв. метра на одного заключенного была

достигнута только в пяти из девятнадцати пенитенциарных систем, по которым имелаась информация, и только в двух из одиннадцати учреждений предварительного заключения в столичных городах.

В большинстве пенитенциарных систем стран Центральной и Восточной Европы, за исключением стран бывшей Югославии, уровень предварительного заключения выше по сравнению с остальными странами Европы, а в трех из них этот уровень превышает 100 человек на 100,000 населения – что выше среднего показателя общей численности заключенных в остальных странах Европы.

За исключением четырех стран, лицам, находящимся в предварительном заключении, предоставляется возможность не более одного часа в день находиться вне камеры, несмотря на рекомендации КПП о том, что продолжительность такого пребывания должна быть минимум 8 часов.

Лица, находящиеся в предварительном заключении, содержатся отдельно от уже осужденных; также раздельно содержатся мужчины и женщины, но по крайней мере в семи пенитенциарных системах региона несовершеннолетние заключенные не всегда отделены от взрослого контингента.

Санитарные условия и условия получения свидания являются адекватными для всех заключенных только в тринадцати из двадцати четырех пенитенциарных систем. Тем не менее, это некоторое улучшение по сравнению с ситуацией в 1994 году.

По меньшей мере в четырех системах не все заключенные имеют собственные кровати.

Почти все пенитенциарные администрации сообщают, что качество и количество пищи, получаемые заключенными, близки к средним стандартам в общественном питании за пределами пенитенциарных учреждений, но почти в трети пенитенциарных систем заключенные не получают сбалансированной диеты, включающей мясо, фрукты и овощи.

Система медицинского обслуживания в пенитенциарных учреждениях все больше интегрируется и сотрудничает с общенациональными системами здравоохранения.

Почти в трех четвертях пенитенциарных систем многие заключенные имеют проблему с алкоголем; в некоторых системах алкогольная зависимость характеризуется как преобладающая над наркотической.

Менее трех пятых пенитенциарных администраций считают, что большое количество заключенных имеет проблему с наркотиками или страдают от наркотической зависимости, однако при этом отмечается что количество таких заключенных растет почти во всех пенитенциарных системах.

Количество ВИЧ-инфицированных, как сообщается, растет почти в половине пенитенциарных систем. В соответствии с руководящими принципами Всемирной Организации Здравоохранения и

рекомендациями Совета Европы большинство пенитенциарных администраций не осуществляют проверки всех заключенных на ВИЧ-инфекцию, но в семи системах это продолжают делать.

Туберкулез остается наиболее серьезной медицинской проблемой в пенитенциарных учреждениях многих странах Центральной и Восточной Европы, хотя это не характерно для бывших республик Югославии. В странах, наиболее пораженных этим недугом, борьбе с ним уделяется все большее внимание, с использованием программ лечения, которые часто финансируются из международных источников.

В последние годы отмечено улучшение в вопросах предоставления заключенным контактов с внешним миром. В частности, это включает:

- большую частоту отправления и получения писем, включая очевидное улучшение в этом вопросе в отношении лиц, находящихся в предварительном заключении;
- некоторое сокращение степени, в которой письма заключенных читаются персоналом пенитенциарных учреждений;
- увеличение числа посещений, которые разрешены членам семей осужденных;
- увеличение продолжительности посещений для лиц, находящихся в предварительном заключении;
- в некоторых учреждениях - улучшение условий для лиц, посещающих заключенных;
- возросшая степень доступа к телефону как для осужденных, так и для лиц, находящихся в предварительном заключении.

Тем не менее, все еще остаются не являющиеся необходимыми ограничения в общении между лицами, находящимися в предварительном заключении, и их семьями и в физическом контакте между такими заключенными и их посетителями. В некоторых странах определенным категориям осужденных свидание разрешается реже, чем один раз в месяц.

Многими пенитенциарными администрациями особое внимание уделяется набору персонала хорошего качества и их дальнейшей профессиональной подготовке. Некоторые концентрируют усилия на совершенствовании морального облика персонала, например, путем предоставления ему хороших условий и благ.

Растет внимание к дальнейшему открытию пенитенциарных учреждений для средств массовой информации и привлечению внимания к той важной работе, которую персонал пенитенциарных заведений выполняет от имени общества.

Некоторые пенитенциарные администрации стали проводить регулярные совещания персонала, отвечающего за каждый отдельный аспект работы в учреждениях - такие как безопасность, обращение и здравоохранение, с ответственными сотрудниками управлений

пенитенциарной администрации, которые отвечают за каждое из этих направлений, для обмена опытом и совершенствования системы управления.

Имеется много примеров, когда персонал пенитенциарных учреждений успешно справляется с такими ситуациями, как значительная перенаселенность учреждений и возникающие в этой связи беспорядки, что способствует созданию хорошей атмосферы в этих учреждениях и минимизации напряженности.

Разрабатываются программы по обращению с заключенными, которые нацелены на исправление тех аспектов жизни заключенного, которые были связаны с его преступным прошлым, - такие как умение контролировать гнев, развитие межличностных отношений, навыки социального общения и правильного ведения бюджета.

Особое внимание уделяется обеспечению программ по обращению с несовершеннолетними и другим конструктивным действиям в отношении несовершеннолетних и молодых осужденных, которые могут быть более восприимчивы к изменениям, чем взрослые заключенные.

В некоторых пенитенциарных системах повышенное внимание уделяется работе психологов и специалистов социальной сферы и применению методов работы в группах.

Заключенным предоставляется все больше возможностей для развития чувства ответственности и самостоятельности.

Только треть пенитенциарных администраций сообщает о трудовой занятости не менее 60% осужденных, и более чем в одной трети администраций работает не более 30%. По сравнению с 1994 годом доля работающих заключенных сократилась в десяти странах, и только в четырех она возросла.

Положительные моменты трудовой занятости в тюрьмах в этом регионе включают:

- в некоторых экономических (хозрасчетных) подразделениях пенитенциарных учреждений заключенные работают вместе с вольным гражданским персоналом;
- хорошая качественная трудовая занятость обеспечена в ряде пенитенциарных учреждений, включая контрактную работу; работу, в результате которой создается продукция, продаваемая вне тюрьмы; и общественные рестораны, которыми управляет пенитенциарная администрация;
- в ряде стран по меньшей мере небольшое количество лиц, находящихся в предварительном заключении, способны получить какую-либо работу;
- многие пенитенциарные администрации обеспечивают небольшими суммами денег заключенных, которые - не по собственной воле - не могут получить работу в настоящее время.

Несмотря на то, что лучшие внутренние проверки осуществляются тщательно и энергично и играют важную роль, имеется резерв возможностей для более структурированных и всеобъемлющих инспекций со стороны независимых структур.

Более чем в половине пенитенциарных систем омбудсмены или парламентские комитеты по правам человека посещают пенитенциарные учреждения, но это часто не включает в себя систематического инспектирования работы руководства учреждений и вопросов обращения с заключенными.

Состояние тюремных зданий и необходимость их ремонта, реконструкции и потребность в новых учреждениях остается значительной проблемой. В некоторых странах были проведены значительные ремонтные работы и осуществлена реконструкция старых учреждений и построены новые учреждения. Но скудные бюджеты пенитенциарных администраций означают, что в беднейших странах делается очень мало, чтобы улучшить материальное состояние учреждений, а в менее бедных оказалось возможным выполнить только небольшую часть из того, что считается необходимым.

Большие успехи были достигнуты в разработке процедур подачи жалоб. Обеспокоенность по поводу механизма подач жалоб концентрируется на конфиденциальности и внимании, с которыми рассматриваются жалобы. Степень, в которой жалобы подаются в запечатанных конвертах и попадают на стол адресата нераспечатанными, различается, но, как представляется, постоянно улучшается.

По меньшей мере в трех пенитенциарных системах заключенным на предварительном этапе следствия отказано в праве принимать участие в выборах. Одиннадцать из двадцати одной пенитенциарных систем, по которым имеется информация, предоставляют осужденным право голосовать, в то время как десять лишают их права голоса.

В настоящее время неправительственные организации посещают почти все пенитенциарные системы. Они вносят свой вклад различными способами, включая осуществление мониторинга за учреждениями, подготовку персонала, оказание содействия в вопросах обращения с заключенными и в воспитательных программах, реагирование на жалобы и просьбы заключенных, обеспечение гуманитарной помощи и социальной поддержки, предоставление религиозной помощи и информации о правах человека. Их работа неизменно рассматривается пенитенциарными администрациями как позитивная, несмотря на некоторые трения в связи с деятельностью по мониторингу.

Большинство пенитенциарных администраций установили хорошие контакты со своими партнерами в ряде других европейских стран в интересах обмена опытом, его изучения и, таким образом, совершенствования практики.

Совет Европы способствовал процессу реформирования в странах Центральной и Восточной Европы различными способами, в первую очередь инициированием оценочных докладов и спонсированием работы руководящих групп по реформированию пенитенциарных систем. Его КПП является, несомненно, самой мощной силой в реформировании практики пенитенциарных систем Европы в целом, включая также страны Центральной и Восточной Европы. ОБСЕ, Европейский союз, отдельные страны Европы и неправительственные организации также участвуют оказании технического содействия по пенитенциарным вопросам в странах Центральной и Восточной Европы и тем самым вносят важный вклад в этой области.

Выводы и предстоящие задачи

Во всех двадцати четырех пенитенциарных системах региона отмечаются значительные сдвиги. Как было отмечено выше, были достигнуты значительные успехи по большому количеству аспектов, включая разработку современного законодательства и передачу большинством стран, которые не сделали это раньше, ответственности за пенитенциарную систему в ведение министерства юстиции.

Однако, к сожалению, верно и то, что большинство проблем, отмеченных в предыдущем докладе, все еще остаются актуальными для пенитенциарных систем стран Центральной и Восточной Европы. Действительно, ситуация с численностью заключенных, переполненностью учреждений, условиями содержания в предварительном заключении, трудовой занятостью осужденных в последние годы ухудшилась. В некоторых странах очень серьезным остается положение с туберкулезом в пенитенциарных учреждениях. Кроме этого, возросшее число заключенных с наркотическими проблемами вызывает все большую озабоченность, также как и незаконная доставка наркотиков в пенитенциарные учреждения. В трех странах пенитенциарные системы по-прежнему не могут оправиться от последствий войны (Босния и Герцеговина) или внутренних конфликтов (Албания и Македония).

Несмотря на такие негативные факторы, пенитенциарным администрациям удалось привлечь внимание к значительным успехам, которые были достигнуты в системах пенитенциарии в последние годы. В настоящем докладе отмечено более сотни таких достижений, и ряд из них будет представлять интерес для других пенитенциарных администраций, которые могут захотеть применить их на практике в своих странах. Имеется много достижений, и те, кто их добился, могут справедливо ими гордиться.

Но не решенные до сих пор проблемы представляют собой значительный список задач и вопросов для пенитенциарных администраций. Сами администрации сообщили о широком круге

вопросов, которые видятся им в каждой из их пенитенциарных систем в качестве наиболее актуальных задач, охватывающих многие аспекты управления пенитенциарными учреждениями и обращения с заключенными. В докладе обращается внимание на ряд нерешенных проблем, каждая из которых требует внимания по меньшей мере в некоторых пенитенциарных системах региона, если все они хотят в максимально возможной степени приблизиться к международным европейским стандартам. В частности, в докладе перечислено следующее:

- предпринять меры для обеспечения лиц, находящихся в предварительном заключении, и уже осужденных жилой площадью из расчета по крайней мере 4 квадратных метра на человека; и для определения для каждого пенитенциарного учреждения лимита наполняемости на основе нормы площади на каждого заключенного, закрепленной соответствующим законодательством, при условии, что эта норма по меньшей мере составляет 4 квадратных метра на человека;
- обеспечить, чтобы освещение, отопление и качество воздуха были бы адекватными во всех зданиях, в которых заключенные находятся в течение суток;
- обеспечить, чтобы у каждого заключенного была своя кровать;
- обеспечить, чтобы все несовершеннолетние осужденные, включая находящихся в предварительном заключении, содержались отдельно от взрослого контингента;
- обеспечить, чтобы санитарно-гигиеническое оборудование и возможности пользования им были адекватными и позволяли бы всем заключенным справлять свои естественные потребности по необходимости и в чистых и приличных условиях;
- обеспечить всех заключенных сбалансированной диетой, включающей мясо, фрукты и овощи, а также обеспечить, чтобы качество и количество пищи по меньшей мере приближалось бы к средним стандартам системы общественного питания;
- выделить достаточные ресурсы для здравоохранения, включая назначение адекватного количества медицинского персонала, а также полностью принять принципы равного подхода к лечению (например, равного существующему в обществе), согласия пациентов, конфиденциальности информации и профессиональной независимости медицинского персонала;
- подвергнуть дальнейшему рассмотрению (в Армении, Беларуси, Грузии, Венгрии, Латвии, Литве и в Республике Сербской в составе Боснии и Герцеговины) вопроса об отмене обязательной проверки на ВИЧ-инфекцию и таким образом привести политику в соответствии с существующими международными стандартами, в частности со стандартами, установленными Всемирной

Организацией Здравоохранения и Советом Европы;

- предусмотреть, чтобы медицинский персонал в каждом пенитенциарном учреждении консультировал руководство учреждения относительно вопросов санитарии, отопления, освещения и вентиляции, а также пригодности и чистоты одежды и постельных принадлежностей заключенных в соответствии с Правилом 31.1c и d Европейских тюремных правил;
- обеспечить, чтобы при рассмотрении дисциплинарных вопросов заключенные были бы заслушаны лично и чтобы в случае дисциплинарной изоляции заключенные ежедневно посещались медицинским работником (в соответствии с Правилom 38.3 Европейских тюремных правил), были бы обеспечены матрасами и одеялами, получали свидания и доступ к печатной продукции и могли бы по меньшей мере один час ежедневно проводить на свежем воздухе;
- изменить практику, при которой лица, находящиеся в предварительном заключении (арестованные), отделены от своих посетителей экраном. Такая практика необходима только в исключительных случаях;
- обеспечить возможность регулярных посещений для лиц, находящихся в предварительном заключении, с тем, чтобы каждый такой заключенный имел свидание по меньшей мере один раз в месяц и по возможности еженедельно или чаще;
- предпринять меры, чтобы ни практика, ни законодательство не препятствовали бы внедрению надлежащей программы режимной деятельности для лиц, находящихся в предварительном заключении (арестованных), дабы предоставить им возможность проводить достаточную часть суток вне камеры, заниматься полезной деятельностью различного характера, а также назначить сотрудника, который бы отвечал за режимную деятельность лиц, находящихся в предварительном заключении, и решать вопросы обеспечения их потребностей в социальной области;
- уделять приоритетное внимание вопросам подготовки персонала, особенно в области соблюдения прав человека, в сфере межличностного общения и гуманного обращения с заключенными, а также включать в подготовку старшего руководящего состава вопросы, необходимые для совершенствования навыков выполнения ими обязанностей инициативно и эффективно;
- предпринять меры для улучшения в обществе имиджа персонала пенитенциарных учреждений и работы всей пенитенциарной службы;
- обеспечить достаточное количество персонала, с тем, чтобы соотношение между численностью персонала и численностью заключенных находилось на удовлетворительном уровне, и, в

частности, чтобы имелось достаточное количество воспитателей/педагогов/работников социальной сферы/кураторов/начальников отрядов, чтобы численность группы, предусмотренной для обслуживания каждым из этих специалистов, не превышала 50 заключенных;

- осуществлять подготовку программ конструктивной деятельности, включая трудовую занятость, обучение и профессиональную подготовку, для позитивного использования заключенными свободного времени и для предоставления им возможности развития своих умений и способностей, что может улучшить перспективы их адаптации в обществе после отбытия наказания;
- разработать программы, предшествующие освобождению, для оказания помощи заключенным в возвращении в общество, к семейной жизни и трудовой деятельности после отбытия наказания, и разработать методы координации деятельности с социальными центрами в обществе там, где таковые имеются;
- обеспечить, чтобы старший руководящий состав управлений пенитенциарных администраций и начальники всех пенитенциарных учреждений, а также их старший командный состав, имели и могли в полной мере пользоваться экземплярами Европейских тюремных правил Совета Европы. Экземпляры этих Правил должны также постоянно иметься в библиотеке каждого пенитенциарного учреждения для остального персонала учреждения и для заключенных;
- создать независимую пенитенциарную инспекцию, подчиняющуюся непосредственно министру юстиции и публикующую свои доклады.

Доклад завершается комментарием, что работа должностных лиц, осуществляющих управление пенитенциарными системами в странах Центральной и Восточной Европы, не стала легче после 1994 года, но стремление преодолеть проблемы и сделать для этого все возможное вполне очевидно и вызывает большое уважение.

Further developments in the prison systems of central and eastern Europe - achievements, problems and objectives

1. Introduction

Background

Following the historic political changes in central and eastern Europe in the period 1989-91, the countries of the region have made reform of the criminal justice system a priority requirement in the progress towards democratic institutions. This is the second HEUNI study which focuses on developments in the prison systems and describes the progress made, and the problems faced, in implementing the international standards for the management of prisons and the treatment of prisoners, in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules. It considers the situation in the year 2001, seven years after that described in the previous study.

The repercussions of the political changes of 1989-91 are still being felt today. Economic problems continue to predominate throughout the region, and there has been serious conflict in most of the republics of the former Yugoslavia, in the Chechen Republic of the Russian Federation, in the Transcaucasian republics of the former Soviet Union (Armenia, Azerbaijan and Georgia), and in Moldova. Some of these issues are still unresolved, and Georgia and Moldova still seek to regain control over parts of their countries that have declared internationally unrecognised independence.

All twenty-two countries of the region applied for membership of the Council of Europe, for which democratic government and democratic institutions are a prerequisite, and by the end of 2001 nineteen had already become members.

The reform of the prison system is an important part of criminal justice reform and it was noted in the previous study (Walmsley, 1996) that considerable progress had already been made by 1994 in bringing practice closer to that envisaged by the international standards. Attention was drawn there to three areas in particular.

First, changes were being made in the legislative framework and the organisational structure within which the prison system is administered. For example, new legislation sought to remove the objectionable aspects inherited from total-

itarian times and introduce more modern practices aimed at humanising prison regimes. Changes of Ministerial responsibility for the prison system (from the Ministry of Internal Affairs to the Ministry of Justice) were intended to give better protection to the human rights of prisoners. The very wide powers of prosecutors were being reduced in favour of judicial authorities.

Second, there were important developments in the policies and attitudes of the national prison administrations. There was enthusiasm among many for improving the prison systems in accordance with the international standards and to this end a policy of openness was evident in international meetings, in discussions with visiting experts, in the use of publications and contact with the media and in relationships that were being developed with non-governmental organisations.

The third area of progress was in respect of the work of the directors, specialists and custodial staff in the penal institutions themselves. It was noted that the best prison directors (governors) in central and eastern Europe were at least the equals of those anywhere else in the continent, both in the quality of their work and in the positive spirit in which it was done. Much time and effort was being devoted to recruiting and retaining good quality staff and developing staff training.

But, despite the evident progress, there were also many problems. The seriousness of these problems varied from one country to another, but most of the main ones were matters of concern throughout the region. They included:

- the size of, and continued increase in, the numbers held in penal institutions;
- the conditions of pre-trial detention – in particular, overcrowding, the length of such detention and the limited nature of the regimes;
- the state of the buildings and the need for refurbishment, reconstruction and new institutions;
- the limited resources available for improving these conditions and for day-to-day running of the penal institutions;
- delays in the passage into law of new penal (criminal) codes, criminal procedural codes and penal executive (punishment enforcement) codes;
- the shortage of non-custodial alternatives to imprisonment;
- recruiting and retaining sufficient staff of good quality, including medical and other specialist staff such as educators/social workers;
- ensuring that all staff were convinced of the importance of improving prison regimes and were skilled in using positive methods in accordance with international standards;
- finding sufficient suitable employment for prisoners.

There was also an additional problem which, while not causing significant difficulties in some countries, appeared to be increasing throughout central and eastern Europe and was already a major problem for some prison administrations, namely:

- the prevalence of tuberculosis in penal institutions and the shortage of medical equipment and medicines with which to treat it.

The previous study concluded that, “despite the negative background to reform in the prison systems of central and eastern Europe, which derives principally from the totalitarian past and from the aftermath of the political changes that took place between 1989 and 1991, there have been many positive developments. The rest of Europe has much to learn from the vigorous way in which problems have been tackled and progress made. However, numerous problems remain and many are serious. It is impossible fully to implement international standards in present circumstances. It is to be hoped that assistance and co-operation throughout the continent will lead to continued progress and improved practice in all European prison systems”.

The present study

The present study shares with its predecessor the intention not only of describing the progress made towards implementing the international standards and the problems that obstruct such progress, but also of contributing to a better understanding of successes achieved. This report places particular emphasis on that aspect and on the objectives that each prison administration has identified as of most importance. Suggestions are also made as to outstanding tasks that require attention as the prison systems advance closer to the European Prison Rules, which provide the benchmark for all European countries in respect of the management of prisons and the treatment of prisoners.

The material for this study was collected mainly from visits to national prison administrations, survey questionnaires, publications, other documentation (including much supplied by the participating countries), and reports by international experts. This was supplemented by information from a variety of other sources.

The 22 countries of the region comprise 24 prison systems, as follows:

Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina: Federation, Bosnia and Herzegovina: Republika Srpska, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, the former Yugoslav republic of Macedonia, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, Ukraine, Yugoslavia: Montenegro, Yugoslavia: Serbia.

Eight prison systems have been visited during the course of this study and ten others have provided information in response to questionnaires that were designed to include some of the more important issues and to obtain details of the number of prisoners, penal institutions and staff. Material has also been obtained about the other systems. The intention has been to focus on progress and problems across the region as a whole.

The report is set out in the following way. The first part, which constitutes the core of the study, is an overview of developments across the whole region. Sections 2-15 describe the situation in 2001 in respect of the main aspects of prison systems, and also make reference to changes that have occurred in the years since the previous study, to positive developments and to outstanding tasks; sections 16-19 set out what are regarded by the prison administrations themselves as the most important recent developments, the main problems, the areas

in which particular successes were achieved in improving aspects of practice and overcoming difficulties, and the principal current objectives. Section 19 also includes a list of what are suggested as among the most important of the outstanding tasks. Section 20 summarises some of the main findings and draws some conclusions. The second part presents an account of the situation in the twenty-four individual prison systems; each of sections 21-44 concludes with lists of recent developments, objectives, problems and achievements, and also suggestions as to the outstanding tasks that require attention in that system in order that it may adhere as closely as possible to the international standards. Section 45 gives brief information about the prisons in those areas of central and eastern Europe that are not at present under the control of the governments of the countries of which they are officially a part and are not therefore included within any of the national prison systems. Finally, an appendix provides a guide to reference material on the prison systems of central and eastern Europe that is to be found in this report and elsewhere and notes certain recent events.

2. Legislation

The main legislation affecting the work of the prison system is threefold: the penal code (or criminal code), the criminal procedural code and the penal executive code, sometimes known as the code for the enforcement, execution or implementation of penal sanctions. Although it is the last of these which most directly concerns the administration of the prison system, changes to this law frequently have to wait for revision of the penal code since measures concerning the enforcement of penalties are naturally dependent on decisions as to what those penalties shall be. Some countries, including the Czech Republic, Lithuania and Russia, also have a separate Pre-trial Detention Act while others, including Slovenia, have secondary legislation (Rules) that govern pre-trial detention. Albania, Poland and Slovakia are among those that have separate legislation concerning the rights and duties of prison staff.

Considerable progress has been made in the last few years in respect of legislation. Delays in removing old totalitarian-era laws from the statute book were creating problems in 1994 for many countries in their efforts to modernise the prison systems, but in the period from 1996 onwards most of these introduced new legislation, so that by the end of 2001 almost all central and eastern European criminal justice systems had new laws in place, including a new penal executive code incorporating the main recommendations of the European Prison Rules (table 1). In most of the other countries the preparation of new legislation was at an advanced stage. Where legislation dating from the 1960s was still current it had been amended many times in order to accommodate more modern ideas.

Table 1 Dates of current legislation

	Penal Code	Penal Procedural Code	Penal Executive Code
Albania	1995	1995	1998
Armenia		1999	
Azerbaijan	2000	2000	2000
Belarus	2000	2000	2000
Bosnia and Herzegovina: Federation	1998	1998	1998
Bosnia and Herzegovina: Republika Srpska	2000	1976	2001
Bulgaria	1968	1974	1969
Croatia	1997	1997	2000
Czech Republic	1961	1961	1999
Estonia	2001	1961	2000
Georgia	2000	1999	1999
Hungary	1978	1973	1979*
Latvia	1999	1999	1998
Lithuania	2002	2002	2002
Macedonia (former Yugoslav republic of)	1996	1997	1997
Moldova	1961	1961	1993
Poland	1997	1997	1997
Romania	1968	1968	1969
Russian Federation	1996	2002	1996
Slovakia	1961	1965	1993
Slovenia	1994	1994	2000
Ukraine	2001	1960	1970
Yugoslavia: Montenegro	1993		1994
Yugoslavia: Serbia	1976	2002	1997

* Substantially revised by a new Act of 1993

3. Organisational structure

Ministerial responsibility

The prevailing view in most European countries, strongly supported by the Council of Europe, is that it is usually better for the administration of the prison system not to be under the Ministry that is responsible for the police, and that the human rights of prisoners are better protected under the Ministry of Justice. The countries of central and eastern Europe have come to agree with this view; indeed in most of central Europe the Ministry of Justice has been in charge of the prisons since at least the 1960s and all but two of the eastern European countries (including the Baltic States) which began the 1990s with the prison system under the Ministry of Internal Affairs (or its equivalent) have now transferred it to the Ministry of Justice. In Ukraine it has ceased to be under the Ministry of Internal Affairs but is still separate from the Ministry of Justice; in Belarus no change has been made to the former structure. Albanian prisons are under the Ministry of Justice, but in 2001 over 40% of the prison population (almost 70% of pre-trial detainees and 10% of sentenced prisoners) were still held in Ministry of Public Order police facilities. The Ministry of Justice will gradually assume responsibilities for these facilities and the prisoners as soon as the buildings are brought up to an agreed standard (table 2).

Table 2 Ministerial responsibility for the prison system

Albania	Ministry of Justice since November 1993, but over 40% of prisoners are still held in Ministry of Public Order facilities
Armenia	Ministry of Justice since October 2001
Azerbaijan	Ministry of Justice since January 1993 for sentenced prisoners and since October 1999 for pre-trial detainees
Belarus	Ministry of Internal Affairs
Bosnia and Herzegovina - Federation	Ministry of Justice since 1968
Bosnia and Herzegovina - Republika Srpska	Ministry of Justice since 1968
Bulgaria	Ministry of Justice since April 1990
Croatia	Ministry of Justice since 1965
Czech Republic	Ministry of Justice since 1968 ¹
Estonia	Ministry of Justice since August 1993
Georgia	Ministry of Justice since January 2000
Hungary	Ministry of Justice since 1963 ²
Latvia	Ministry of Justice since January 2000
Lithuania	Ministry of Justice since September 2000
Macedonia (the former Yugoslav republic of)	Ministry of Justice since 1968
Moldova	Ministry of Justice since January 1996
Poland	Ministry of Justice since 1956 ³
Romania	Ministry of Justice since January 1991
Russian Federation	Ministry of Justice since September 1998
Slovakia	Ministry of Justice since 1969
Slovenia	Ministry of Justice since 1968
Ukraine	Ministry of Internal Affairs until December 1998 – then State Department for the Execution of Sentences

Yugoslavia: Montenegro Ministry of Justice since 1968
Yugoslavia: Serbia Ministry of Justice since 1968

¹ (after break of 14 years)

² (1952-63 Ministry of the Interior and Security Police)

³ (Ministry of Public Security to 1954, Ministry of Internal Affairs 1954-56)

Changes of leadership

A prison administration is invariably affected by any change in leadership, and frequent changes can be expected to have an unsettling effect on the organisation, especially if they involve radical revisions of policy and practice. This topic has not been a focus of the present study but it may be noted that, while most prison systems changed their leadership no more than twice in the period 1994-2001 (and the heads of the prison administrations in Lithuania and Slovakia were unchanged over the whole seven years*), there were at least four changes in Albania, Croatia, Georgia and Romania.

Capacities of the prison systems

The official capacities of most prison systems in the region increased between 1994 and 2001 in order to cope with increases in the prison population. This occurred in 11 of the 16 countries for which the relevant 1994 figures are available. In four of the other five (Hungary, Latvia, Lithuania and Slovenia) they fell, in each case because of an increase in the space allowance per prisoner and a corresponding reduction in the official capacities of the institutions (see section 5 below). There was also a reduction in capacity in Bulgaria.

The average capacity of the penal institutions in the 24 prison systems was highest in Ukraine (1,204), Belarus (1,085) and the Russian Federation (962) and lowest in Bosnia and Herzegovina – Federation and Croatia (both 148) and Slovenia (153). The full figures are in table 3.

There were 998 penal institutions in the Russian Federation in 2001 and 805 in the other 23 prison systems combined.

* New heads of prison administration were appointed during 2002 in both Lithuania and Slovakia.

Table 3 Capacities of the prison systems, 2001

	Capacity of prison system, 2001	Number of institutions	Average capacity per institution	Change in capacity since 1994
Albania	1,383 ¹ (1/12/01)	7	198	+12.3% ¹
Armenia	7,020 (31/12/01)	14	501	
Azerbaijan	24,670 (31/12/01)	52	474	
Belarus	43,400 (2001)	40	1,085	+7.2%
Bosnia and Herzegovina: Federation	1,183 (31/12/01)	8	148	
Bosnia and Herzegovina: Republika Srpska	1,095 (1/11/01)	6	183	
Bulgaria	10,633 (7/2/01)	14	760	-18.8%
Croatia	3,415 (1/1/01)	23	148	+11.3%
Czech Republic	20,122 (31/12/01)	34	592	+11.7%
Estonia	5,000 (1/9/01)	9	556	+16.8%
Georgia	11,860 (31/12/01)	17	698	
Hungary	10,799 (31/12/01)	33	327	-35.8%
Latvia	9,591 (1/9/01)	15	639	-25.9%
Lithuania	9,941 (1/9/01)	15	663	-25.8%
Macedonia (former Yugoslav republic of)	2,363 (31/12/01)	8	295	
Moldova	12,680 (31/12/01)	19	667	+7.6%
Poland	68,198 (31/8/01)	212 ² (156)	322 ² (437)	+6.4%
Romania	36,137 (31/12/01)	43	840	+17.5%
Russian Federation	960,381 (1/1/01)	998	962	+2.7%
Slovakia	9,085 (1/9/01)	18	505	+9.4%
Slovenia	1,072 (14/9/01)	7	153	-39.0%
Ukraine	216,669 (1/9/01)	180	1,204	+c.20%
Yugoslavia: Montenegro	750 (2001)	3	250	
Yugoslavia: Serbia	13,500 (1/6/01)	28	482	
All prison systems	1,480,827	1,803*	821	

¹ capacity in Ministry of Justice prisons only, excluding police facilities, which had a capacity of 858.

² 56 of the 212 institutions are associated with another institution and managed by the same prison director; consequently the system is often regarded as consisting of only 156 institutions.

* there are an additional 18 penal institutions in the five regions of central and eastern Europe that are not under the control of the country in which they are situated and of which they are legally a constituent part (see section 45 for details).

4. Prison populations

In most countries of central and eastern Europe, with the exception of Albania, Armenia, Bulgaria, Slovakia and those that have emerged from former Yugoslavia, prison populations are well above the levels in the rest of Europe and are growing. This is defined by the majority of prison administrations in the region as the most serious problem that they face, or one of the most serious.

To put the situation in context, the countries with the highest prison population rates (per 100,000 citizens) in the rest of Europe towards the end of 2001 were Portugal (131), United Kingdom: England and Wales (124), and Spain (120). Overall, the median rate in northern Europe, excluding the Baltic States, was about 65, in southern Europe it was about 70 and in western Europe about 85. But in central Europe the median was 180, and in eastern Europe, including the Baltic States, in other words in what were the European republics of the former Soviet Union, the median at 355 was about twice the central European rate.

The highest rate in central and eastern Europe is in Russia, which at 681 per 100,000 at the end of 2001 was second only to the United States in the world list. Belarus (554) and Ukraine (406) had respectively the fourth and thirteenth highest rates in the world. The other European former Soviet republics, with the exception of Armenia, had rates ranging from about 200-360 (Armenia too had a rate in this range at the beginning of 2001 before a large amnesty was declared), central European countries from about 140-220, and Albania, Bulgaria and the countries of former Yugoslavia had rates between about 55 and 115 which is around the average in the rest of Europe. Prison population totals and rates for the 24 prison systems covered by this study are in table 4.

Table 4 Prison populations and prison population rates, 2001

	Prison population	Rate per 100,000 of national population	Date	Ranking order (highest to lowest)
Albania	3,053	90	1.12.01	18
Armenia	4,213	111	1.9.01	16
Azerbaijan	23,504	291	1.1.01	8
Belarus	55,156	554	31.12.01	2
Bosnia and Herzegovina: Federation	1,359	54	31.12.01	24
Bosnia and Herzegovina: Republika Srpska	849	65	1.11.01	21
Bulgaria	8,994	114	31.12.01	15
Croatia	2,584	59	31.12.01	22
Czech Republic	19,320	188	31.12.01	12
Estonia	4,775	351	31.12.01	5
Georgia	7,688	202	31.12.01	11
Hungary	17,275	173	31.12.01	13
Latvia 8,531	8,531	364	31.12.01	4
Lithuania	11,216	304	1.11.01	6
Macedonia (the former Yugoslav republic of)	1,336	66	31.12.01	20
Moldova	10,633	293	31.12.01	7
Poland	79,634	206	31.12.01	10
Romania	49,840	223	31.12.01	9
Russian Federation	980,092	681	31.12.01	1
Slovakia	7,433	138	31.12.01	14
Slovenia	1,092	55	31.12.01	23
Ukraine	198,885	406	1.9.01	3
Yugoslavia: Montenegro	710	104	25.4.02*	17
Yugoslavia: Serbia	5,566	69	1.6.01	19

* For Montenegro no figure is available for 2001 but the total was similar to that at 25.4.02

In central Europe amnesties at the time of the political changes were followed by a spurt in prison population growth in the next few years, but although the figures stabilised in most countries in about 1994 there has been continued growth at a lower level, with one or two exceptions. In Poland there was a determined effort from 1995 onwards to maintain the population at a lower level. Major new legislation was passed and for five years it succeeded, but since autumn 2000 there has been an increase of almost 50%, following calls by the Minister of Justice for more restrictive use of bail and by the deputy head of the lower house of Parliament for severer sentences for the most serious offences. Bulgar-

ia and the Czech Republic have also introduced measures to reduce the prison population (focussed in particular on reducing pre-trial detention) and these have met with some success, at least in the short-term.

In most of eastern Europe and the Baltic States the prison population rose sharply in the 1990s, although the rise was smaller in Moldova. In Russia the increase was more than 50%, in Lithuania 60%, in Ukraine 80% and in Armenia (despite the absence of full figures for the early 90s) the increase seems to have been about 75%. But these four countries have all taken steps to reverse the trend. Russia's Ministry of Justice is following an ambitious plan to reduce by up to 40% the country's total of nearly 1 million. This would be achieved by large amnesties, by limiting the use of pre-trial detention and by reducing sentences for minor crimes. Lithuania declared an amnesty in 2000, which achieved a reduction of over 35%, but numbers have since risen again; nevertheless amendments to the penal code should keep the total well below its previous level. Ukraine has succeeded in stabilising the population for five years now by successive amnesties. Armenia declared an amnesty in 2001 which reduced the prison population by over 40%.

In the countries that have emerged from former Yugoslavia and in Albania the prison population has remained at a much lower level, similar to, or even lower than, the rest of Europe. But in 2001 numbers rose in Bosnia, Croatia, and even in Slovenia, which had maintained a very low level (under 50 per 100,000) from 1995-99.

To summarise, the prison population rate rose during the 1990s in all twenty prison systems shown in table 5, although in seven of them the figure for 2000 reflected a downward trend compared with three years earlier.

Table 5 Increasing numbers and prison population rates, 1991-2000

	Prison pop'n 1991 (and prison pop'n rate)	Prison pop'n 1994 (and prison pop'n rate)	Prison pop'n 1997 (and prison pop'n rate)	Prison pop'n 2000 (and prison pop'n rate)
Albania	1,470*(46)	1,077*(33)	1,123*(34)	1,722*(51)
Armenia		5,364 (143)	7,648 (202)	7,428*(195)
Belarus	25,988(253)	51,028 (496)	58,879 (577)	56,590 (566)
Bosnia+H. -Federation		626*(25)	754*(30)	1,041*(42)
Bulgaria	7,294 (84)	8,364 (99)	10,787 (129)	10,147 (124)
Croatia	1,074 (23)	2,301 (48)	2,156 (47)	2,027 (46)
Czech Rep.	8,231 (80)	16,567 (160)	20,860 (202)	23,060 (224)
Estonia	4,408 (281)	4,518 (300)	4,638 (317)	4,712 (327)
Hungary	12,319 (119)	13,196 (128)	12,763 (125)	15,110 (150)
Latvia	8,585 (322)	9,319 (363)	10,316 (416)	8,815 (364)
Lithuania	8,894 (238)	10,357 (278)	12,200 (329)	14,412 (390)
Macedonia	943 (44)	1,249 (64)	1,007 (51)	1,178 (58)
Moldova	11,066 (253)	10,497*(280)	9,826*(263)	9,449* (259)
Poland	50,165 (131)	61,562 (160)	55,487 (144)	56,765 (147)
Romania	26,010 (112)	44,521 (196)	42,445 (188)	49,790 (222)
Russia	714,700 (485)	844,870 (571)	1,051,515 (715)	1,060,401 (729)
Slovakia	4,591 (87)	7,275 (136)	7,734 (144)	6,858 (127)
Slovenia	838 (42)	889 (45)	649 (33)	980 (49)
Ukraine	120,001 (231)	160,592 (308)	216,248 (425)	217,400*(440)
Yugoslavia- Serbia	3,622 (37)	3,623 (37)	5,150 (52)	6,160*(76)

Note: Figures, except for those asterisked, are for 1 January (or 31 December of the year before).

*Albania: the total for 1991 is for 31 December, for 1994 1 June, and for 1997 and 2000 1 September. For the purpose of comparability the figures for 1994, 1997 and 2000 are for Ministry of Justice prisons only.

Armenia: the total shown for 2000 relates to 31 December of that year.

Bosnia and Herzegovina - Federation: the totals are for 31 December of the years shown.

Moldova: the total for 1991 includes Transnistria/Transdnestria but subsequent figures do not; Transnistria/Transdnestria declared (internationally unrecognised) independence and its prisons ceased to be under the authority of the prison administration in the capital, Chişinău (see section 45).

Ukraine: the total shown for 2000 relates to early December 1999.

Yugoslavia - Serbia: the total shown for 2000 relates to 31 December of that year.

5. Overcrowding and space per prisoner

The concern of the prison administrations about the size of the prison populations and the increases in numbers stems from the fact that they invariably have a major effect on the level of overcrowding in the penal institutions. And it is generally accepted that “prison overcrowding and prison population growth represent a major challenge to prison administrations and the criminal justice system as a whole, both in terms of human rights and of the efficient management of penal institutions” (Council of Europe, 2000).

Overcrowding and the official capacity of the prison system

In 1994, at the time of the previous study, just three of the sixteen participating countries, Belarus, the Czech Republic and Romania, had more prisoners than the official capacity of their systems. Seven years later, in 2001, the situation had changed significantly and near the end of that year the prison population total exceeded the official capacity of the system in eight of those countries, namely Albania, Belarus, Hungary, Lithuania, Poland, Romania, Russia, Slovenia (table 6), as it had done in a ninth country (the Czech Republic) at the beginning of the year. At least one of the additional prison systems included in this second study, Bosnia and Herzegovina: Federation, also exceeded its capacity in 2001.

Table 6 Occupancy levels, 1994 and 2001

	Occupancy level, 1994 (%)	Occupancy level, early 2001 (%)	Occupancy level, late 2001 (%)
Albania	87.5		136.2(1/11)
Armenia			61.3(1/9)
Azerbaijan		91.5(1/1)	
Belarus	113.2	c.130(1/1)	c.127 (31/12)
Bosnia and Herzegovina: Federation		98.1(1/1)	118.9(31/12)
Bosnia and Herzegovina: Republika Srpska			77.5(1/11)
Bulgaria	64.8	84.4(1/1)	84.6(31/12)
Croatia	75.0	76.8(1/1)	
Czech Republic	102.9	106.4(1/1)	96.0(31/12)
Estonia	98.6	97.9(1/1)	95.5(31/12)
Georgia			64.8(31/12)
Hungary	76.2	152.1(1/1)	160.0(31/12)
Latvia	73.7	89.0(1/1)	89.8(1/9)
Lithuania	86.4	95.7(1/1)	112.8(1/11)
Macedonia (former Yugoslav republic of)			56.5(31/12)
Moldova	87.4	84.4(1/1)	83.9(31/12)
Poland	96.7	104.3(1/1)	117.3(1/9)
Romania	143.0		137.9(31/12)
Russian Federation	90.4	96.2(1/1)	102.8(31/12)
Slovakia	87.6	80.2(31/3)	82.7(1/9)
Slovenia	50.6	107.1(1/1)	101.9(31/12)
Ukraine	c.89		91.8(1/9)
Yugoslavia: Montenegro			98.6(25/4/02)
Yugoslavia: Serbia		45.6(1/1)	41.2(1/6)

However, this comparison with 1994 is complicated by the fact that some countries reduced their official capacity between 1994 and 2001 in order to allow more space per prisoner. If they had not done so, the prison population totals of Hungary, Lithuania and Slovenia, while rising in the intervening period, would have remained below their 1994 official capacities. This draws attention to the limitations of the official capacity of the system as a reliable measure of overcrowding.

Overcrowding and space per prisoner

A truer measure of overcrowding is the amount of space that a prisoner has in his/her living accommodation. Each country has its own rules for the minimum

space a prisoner should have and the official capacities of the systems are usually based on these space allowances, which are more precisely described as standard specifications of the minimum amount of space considered necessary for each prisoner (table 7).

Table 7 Standards of minimum space per prisoner, 2001

Albania	4m ² or 9m ³
Armenia	2m ² (convicted men), 2.5m ² (pre-trial detainees)
Azerbaijan	4m ² (increased to this level in 2002 but capacities of the institutions unchanged from 2m ² (convicted men), 2.5m ² (pre-trial detainees)).
Belarus	2m ² (convicted men), 2.5m ² (pre-trial detainees), 3.5m ² (juveniles), 3m ² in medical units.
Bosnia and Herzegovina - Federation	10m ³ (regarded locally as approx. 4m ²), increased in 1998 from 8m ³ (regarded locally as approx. 3m ²) and capacities changed.
Bosnia and Herzegovina - Republika Srpska	8m ³ (regarded locally as approx. 3m ²) in legislation, but Ministry of Justice now aims to provide 4m ² and has adjusted capacities in such a way as would allow the average space per prisoner to be about 3.5m ² .
Bulgaria	6m ² (increased to this level from 6m ³ or approx. 3m ² , but capacities of the institutions unchanged).
Croatia	10m ³ (regarded locally as approx. 4m ²), increased from 8m ³ (regarded locally as approx. 3m ²) in 1997 but the capacities of the institutions are unchanged. New legislation says 8m ² but this is only an aspiration.
Czech Republic	3.5m ² in 2001 (but no longer in legislation), 4m ² from February 2002.
Estonia	2.5m ²
Georgia	2m ² (convicted men), 2.5m ² (pre-trial detainees), 3m ² (women), 3.5m ² (juveniles), 3m ² in medical units.
Hungary	3.5m ² (increased from 3m ² in 1995 and capacities changed)
Latvia	2.5m ² (3m ² for women and juveniles), increased from 2m ² and capacities changed.
Lithuania	3m ² , increased from 2m ² in 1999 and capacities changed in 2000. Officially raised to 5m ² (closed), 3m ² (half-closed), 6m ² (open), 7m ² (hospital), 4m ² (TB colony), but new capacities generally allow 3m ² .
Macedonia (the former Yugoslav republic of)	9m ³ (approx. 4.5m ²)
Moldova	2m ² (new legislation envisages 4m ² , and 5.5m ² in medical facilities).
Poland	3m ² , but 4m ² for women
Romania	6m ³ or approx. 3m ² (6m ² in new regulations but capacities unchanged).
Russian Federation	2.5m ² (convicted adult males), 3m ² (convicted adult females), 4m ² since February 2000 (pre-trial detainees and juveniles) and capacities changed.
Slovakia	3.5m ²
Slovenia	9m ² (single occupancy), 7m ² (multiple occupancy). Capacities changed in 1995 from 9m ³ (approx. 4.5m ²).
Ukraine	2m ² (convicted men), 2.5m ² (pre-trial detainees), 3.5m ² (women), 4.5m ² (juveniles).
Yugoslavia: Montenegro	4m ²
Yugoslavia: Serbia	4m ²

So, eleven prison administrations (Azerbaijan, Bosnia and Herzegovina: Federation, Bulgaria, Croatia, Czech Republic, Hungary, Latvia, Lithuania, Romania, Russia, Slovenia) have had their official specifications increased since 1994 and Moldova is planning to do so. Seven of these have adjusted (i.e. reduced) the capacities of their penal institutions to accommodate these changes. Bosnia and Herzegovina: Republika Srpska has also reduced the capacities of all institutions in order to allow increased space per prisoner.

Using these space allowance figures, the official capacity of the prison system and the prison population at the time in each country, it is possible to estimate how much space prisoners are actually receiving. In eight of the systems on which information is available the average space per prisoner in 2001 was less than 3m². In eight countries prisoners were receiving less space than in 1994 (table 8).

Table 8 Average space per prisoner (estimate), 1994 and 2001

	Average space per prisoner, 1994	Average space per prisoner, 2001
Albania	4.6m ² (MoJ prisons)	3.2m ² (MoJ prisons)
Belarus	1.8m ²	
Bosnia and Herzegovina: Federation		3.5m ²
Bosnia and Herzegovina: Republika Srpska		3.4m ²
Bulgaria	4.6m ²	3.5m ²
Croatia	4.0m ²	3.9m ²
Czech Republic	3.4m ²	3.3m ²
Estonia	2.5m ²	2.6m ²
Hungary	3.9m ²	2.3m ²
Latvia	2.7m ²	2.8m ²
Lithuania	2.3m ²	2.7m ²
Macedonia		8.0m ²
Moldova	3.4m ²	2.4m ²
Poland	3.0m ² (men)	2.9m ² (men)
Romania	2.1m ²	2.1m ²
Russia	2.6m ²	2.6m ² (pre-trial detainees and convicted adults)
Slovakia	4.0m ²	4.4m ²
Slovenia	8.9m ²	6.4m ²
Yugoslavia: Montenegro		4.1m ² (at 25.4.2002)
Yugoslavia: Serbia		9.7m ²

Overcrowding in pre-trial institutions

The information in table 8 shows the estimated amount of space per prisoner for each country, across each prison system as a whole. But levels of overcrowding are not uniform from one institution to another and it is commonplace to discover, for example, that there is serious overcrowding in pre-trial institutions even when the system as a whole is not overcrowded. In 1994 the most crowded institutions in many countries were the pre-trial prisons in the capital cities. The occupancy levels of such institutions in seven of the countries studied demonstrate that they were considerably more overcrowded than the system as a whole (table 9).

Table 9 Overcrowding: the system as a whole and pre-trial prisons in capital cities, 1994

	Average space per prisoner in the prison system as a whole	Average space per prisoner in pre-trial prison in capital city	
Bulgaria	4.6m ²	(Sofia)	1.8m ²
Czech Republic	3.4m ²	(Prague – Pankrác)	2.8m ²
Hungary	3.9m ²	(Budapest)	2.2m ²
Moldova	3.4m ²	(Chişinău)	2.4m ²
Poland	3.0m ² (males)	(Warsaw – Białołęka)	2.6m ²
Romania	2.1m ²	(Bucharest)	1.4m ²
Russian Federation	2.6m ²	(Moscow – Butyrka)	1.3m ²

The same pattern was to be seen in 2001: overcrowding was worse in the pre-trial institutions in the capital cities than in the prison system as a whole (table 10).

Table 10 Overcrowding: the system as a whole and pre-trial prisons in capital cities, 2001

	Average space per prisoner in the prison system as a whole	Average space per prisoner in pre-trial prison in capital city	
Bosnia and Herzegovina: Federation	3.5m ²	(Sarajevo)	3.0m ²
Croatia	3.9m ²	(Zagreb)	3.7m ²
Czech Republic	3.3m ²	(Prague – Pankrác)	3.2m ²
Hungary	2.3m ²	(Budapest)	1.9m ²
Lithuania	2.7m ²	(Vilnius – Lukiškes)	1.6m ²
Moldova	2.4m ²	(Chişinău)	1.6m ²
Poland	2.5m ²	(Warsaw – Białołęka)	2.3m ²
Romania	2.1m ²	(Bucharest – Jilava)	1.3m ²
Slovakia	4.4m ²	(Bratislava)	3.8m ²
Slovenia	6.4m ²	(Ljubljana)	4.6m ²
Yugoslavia: Serbia	9.7m ²	(Belgrade)	8.0m ²

Overcrowding and the CPT

Information has been given about the average amount of space a prisoner is getting in the living accommodation in the prison systems, and the much smaller space that is generally received by pre-trial prisoners in capital cities. But it is necessary to consider how this relates to the minimum that the international standards consider acceptable. The European Prison Rules (Rule 15) prescribe that prisoners should have 'a reasonable amount of space', and the reports of the Council of Europe's CPT – the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment – indicate what in their view constitutes this 'reasonable amount of space'.

The CPT regards prison overcrowding as a major problem and states that "the phenomenon of overcrowding continues to blight penitentiary systems across Europe and seriously undermines attempts to improve conditions of detention." (CPT 11th Annual Report, 2001, para 28). It makes a distinction, in prescribing the amount of space that should be allowed, between single cells, where 6m² is regarded as the minimum acceptable, two-person cells where 9m² (4.5m² per prisoner) is regarded as tolerable, and larger cells where 4m² per prisoner is considered the minimum acceptable, and even 3-3.5m² in accommodation for six or more prisoners (see CPT, 1997/2, and Morgan, 2001, p.730-1). In general the CPT regards 4m² per prisoner as an appropriate minimum standard, recommending this in respect of Hungary (CPT, 2001/2, para 112) and Poland (CPT, 1998/13 para 70 and 2001/9 para 61). It is important to note that all these space levels refer to the space actually available for use in normal living accommodation and exclude any space taken up by sanitary annexes.

Taking 4m² per prisoner as an appropriate guideline, it can be seen that nine prison systems (Albania, the Czech Republic and all seven from former Yugoslavia) are operating on the basis that at least this amount should be allowed to all prisoners, a further five (Azerbaijan, Bulgaria, Lithuania, Moldova, Romania) have established such a level but have not reduced prison capacities in accordance with it, and the Russian Federation is operating on the basis of 4m² for a significant part of its prison population - pre-trial detainees and juveniles (table 7). The actual amount of space allowed to the average prisoner was up to this level in 2001 in only five of the nineteen systems on which information was available, compared with five out of fifteen in 1994 (table 8). The space per prisoner in the pre-trial institutions in the capital cities was always worse than in the system as a whole and was generally worse than was found in 1994 (tables 9 and 10); indeed, only two out of the eleven pre-trial institutions in the capital cities on which information was available provided 4m² per prisoner in 2001 and four of the eleven institutions provided less than 2m².

Conclusions

The following conclusions can be drawn:

- overcrowding seems to have become significantly worse since 1994, when calculated according to the official capacity of the prison systems. At least ten of the twenty-four systems exceeded their official capacity at some time during 2001;
- a number of countries have changed their legislation or regulations in order to allow more space per prisoner, but in some of them the change is at present only an aspiration since the capacities of the individual institutions have not been changed;
- when calculated according to the amount of space a prisoner actually has in his/her living accommodation it is clear that overcrowding has indeed become worse in a majority of the countries of central and eastern Europe;
- the space per prisoner in pre-trial prisons in the capital cities is considerably less than the national average;
- the CPT norm of at least 4m² per prisoner was only attained in 2001 in five of the nineteen prison systems on which information was available, and only in two of eleven pre-trial prisons in the capital cities.

A recommendation in respect of overcrowding has been prepared by the Council of Europe (Prison overcrowding and prison population inflation – Recommendation No. R (99) 22 and report, Council of Europe, 2000). In this document the Council of Ministers of the Council of Europe recommends to member states that they take all appropriate measures, when reviewing their legislation and practice in relation to prison overcrowding and prison population growth, to apply the 26 principles that are set out in the annex to the recommendation. These include basic principles such as that:

- the deprivation of liberty should be regarded as a sanction or measure of last resort;
- the extension of the prison estate should be an exceptional measure, as it is unlikely to offer a lasting solution to the problem of overcrowding;
- provision should be made for an appropriate array of community sanctions;
- consideration should be given to decriminalising certain types of offence or reclassifying them so that they do not attract penalties entailing the deprivation of liberty;
- an analysis should be carried out of the main contributory factors to overcrowding, including the types of offence that carry long prison sentences, priorities in crime control, public attitudes and concerns and existing sentencing practice.

The 26 principles also include suggestions for coping with a shortage of prison places, such as that a maximum capacity should be set for each penal institution; measures relating to the pre-trial stage, with the aim of avoiding criminal proceedings wherever possible and reducing recourse to pre-trial detention; measures relating to the trial stage, with the aim of ensuring the availability of various alternatives to imprisonment, reducing the length of sentences wherever possible, and encouraging sentencers to make less use of imprisonment; and measures relating to the post-trial stage, with the aim of developing parole and the effective supervision of offenders after their release from prison.

Two specific steps should be considered as part of the process of combating overcrowding:

- the introduction of a policy of increasing standard specifications to at least 4m² in each prison system, and adjusting official capacity levels accordingly; and
- the development of a strategy for ensuring that all prisoners, including those in the pre-trial prisons in the capital cities, actually receive that amount of space. This could be done incrementally, by focusing separately on the different categories of prisoner (women, juveniles, sentenced males, pre-trial detainees) and establishing targets, institution by institution.

6. Pre-trial detention

In most countries of the region about a quarter of the people held in penal institutions are in pre-trial detention. The countries that currently differ most sharply from this pattern (Latvia, where over 42% of the custodial population are in pre-trial detention, and Macedonia, where the proportion is less than one in nine) are nevertheless not out of line in this respect with the rest of Europe, which has a similar range.

Pre-trial detainees form a somewhat smaller proportion of the prison population now than they did in 1994. Of the countries included in the earlier study six now have prison populations that contain a higher proportion of pre-trial detainees than before, while in nine the proportion is now lower (table 11). The greatest changes since 1994 are in the Czech Republic (down from 47% to 24%) and in Latvia (up from 23% to 43%).

Table 11 Pre-trial detainees: numbers and percentage of prison population, 1994 and 2001.

	Number of pre-trial detainees, 1994	Percentage of prison population, 1994	Number of pre-trial detainees, 2001	Percentage of prison population, 2001
Albania*	135	12.5%	1,458	47.8%
Armenia			762	15.5%
Azerbaijan			2,357	10.0%
Belarus	7,694	17.7%	9,678	17.5%
Bosnia and H. - Federation			333	24.5%
Bosnia and H. - Republika Srpska			182	21.4%
Bulgaria	2,615	31.3%	1,744	19.4%
Croatia	653	28.4%	820	31.7%
Czech Republic	8,643	47.0%	4,583	23.7%
Estonia	1,563	37.0%	1,505	31.5%
Georgia			2,422	31.5%
Hungary	3,441	26.8%	4,263	24.7%
Latvia	2,163	22.7%	3,676	43.1%
Lithuania	3,151	27.2%	2,264	21.1%
Macedonia			145	10.9%
Moldova	2,694	26.2%	3,446	32.4%
Poland	15,477	25.0%	24,813	31.0%
Romania	11,997	26.9%	11,482	23.0%
Russian Federation	223,495	26.5%	206,879	21.1%
Slovakia	1,903	26.2%	1,946	26.2%
Slovenia	231	26.0%	302	27.7%
Ukraine	38,693	24.1%	35,334	17.8%
Yugoslavia: Montenegro			224	31.6%
Yugoslavia: Serbia			1,212	21.8%

* The figures for 1994 include only those in pre-trial detention in Ministry of Justice institutions. The comparable figures for 2001 are 449 and 26.1%.

The level of pre-trial detention

But although the proportion of the prison population that is in pre-trial detention in central and eastern Europe is not out of line with the situation in the rest of Europe, the high prison population totals and overcrowding that have been described in the two preceding sections are partly attributable to the high level at which pre-trial detention is used in most countries of the region. All but one of the countries of former Yugoslavia which, as has been noted, have particularly low prison population rates, unsurprisingly have low pre-trial population rates also, with fewer than 20 people in pre-trial detention for every 100,000 of their citizens. But most other countries of central and eastern Europe have rates of more than 40 and three have rates in excess of 100 (table 12). In the rest of Europe rates are generally around 20-25.

Table 12 Pre-trial population rate, per 100,000 of national population, 2001

	Pre-trial population rate	Based on estimated national population of	Date
Albania	43	3.4m	1.12.01
Armenia	20	3.8m	1.9.01
Azerbaijan	29	8.08m	1.1.01
Belarus	97	9.95m	31.12.01
Bosnia and Herzegovina: Federation	13	2.5m	31.12.01
Bosnia and Herzegovina: Republika Srpska	14	1.3m	1.11.01
Bulgaria	22	7.89m	31.12.01
Croatia	19	4.38m	31.12.01
Czech Republic	45	10.25m	31.12.01
Estonia	111	1.36m	31.12.01
Georgia	64	3.8m	31.12.01
Hungary	43	10.0m	31.12.01
Latvia	157	2.35m	31.12.01
Lithuania	61	3.69m	1.9.01
Macedonia (the former Yugoslav republic of)	7	2.04m	31.12.01
Moldova	95	3.63m	31.12.01
Poland	64	38.64m	31.8.01
Romania	51	22.4m	31.12.01
Russian Federation	144	143.95m	31.12.01
Slovakia	36	5.38m	31.12.01
Slovenia	15	1.99m	31.12.01
Ukraine	72	49.0m	1.9.01
Yugoslavia: Montenegro	33	0.68m	25.4.02
Yugoslavia: Serbia	14	8.1m	1.6.01

Reasons for pre-trial detention levels and proposals for change

The reasons for the high levels of pre-trial detention were set out in the previous study, together with some proposals for change. The main reasons given were:

- the limited use of alternatives to pre-trial detention;
- the length of investigation procedures; and
- the length of time spent waiting for the court hearing after the investigation process is complete.

To these should be added:

- the length of time waiting for the provisional sentence to be confirmed.

In many countries in central and eastern Europe the sentence initially passed by the court is regarded as provisional until, following a formal appeal by the convicted person, it has been confirmed. While waiting for the sentence to be confirmed the convicted person normally retains the status of a pre-trial detainee and remains in a pre-trial institution (or section of an institution).

There have been few subsequent changes that have significantly reduced the effect of these four factors. Nevertheless, efforts are being made to do so, for example by setting stricter limits to the time allowed for investigation procedures, by increasing the number of court staff and also, in one or two countries, by beginning to challenge the courts about the time they take to consider appeals against the provisional sentence.

The main developments in respect of the use of pre-trial detention include:

Bulgaria The scope of pre-trial detention was broadened in 1995 to include any person suspected of having committed an offence carrying a prison sentence of more than five years; furthermore the time limit for investigations of persons held in pre-trial detention was increased. These measures increased the number of prisoners held in pre-trial detention from 2,704 (32 per 100,000 citizens) in June 1995 to 4,092 (49 per 100,000) in July 1997. However, following a European Court of Human Rights decision which found against the country in the Lukanov v. Bulgaria case, the length of pre-trial detention for investigation purposes was limited to one year for normal cases and two years for grave crimes. The numbers fell by almost 65% to 1,457 (18 per 100,000) at the beginning of 2001, before starting to rise again.

Czech Republic The number of pre-trial prisoners has fallen steadily from 8,643 (84 per 100,000) in September 1994 to 5,967 (58 per 100,000) at the beginning of the year 2001 and 4,583 (45 per 100,000) at the end of the year. This has been achieved by reducing the length of pre-trial detention and making more use of remands at home in the pre-trial period.

Latvia The number of pre-trial prisoners has risen substantially from 2,163 (83 per 100,000) in July 1994 and reached 3,864 (161 per 100,000) at the beginning of the year 2001. This is a result of problems in connection with the courts. There are reported to be insufficient judges, not enough rooms in the courts and insufficient finance for court operations. The Di-

rector General has spent much time publicising this situation, including on radio and television.

Poland The number of pre-trial prisoners fell from 15,477 (40 per 100,000 citizens) in September 1994 to 11,551 (30 per 100,000) at the end of 1998. This figure has since doubled, stimulated in part by the Minister of Justice who called for more restrictive use of bail. At the end of August 2001 there were 24,813 (64 per 100,000) in pre-trial detention.

Russia The level of pre-trial detention in Russia has been one of the most serious problems faced by the prison system; in 1994 the average space per prisoner in one pre-trial prison in Moscow was found to be less than 1.3m². Numbers reached their peak with almost 300,000 held in pre-trial detention in April 1996, since when they have fallen by over 30%. Nevertheless, with some 207,000 held in the pre-trial institutions at the end of 2001 (about 144 per 100,000 of the national population) the rate was about six times as high as that in most of western and southern Europe. However, the pressure on the pre-trial institutions had been relieved somewhat by the creation, in most of the corrective labour colonies, of pre-trial sections which held some 5% of all pre-trial detainees.

Proposals, based on the opinions of criminal justice experts in central and eastern Europe, for reducing the use of pre-trial detention, the length of investigative procedures and the time spent waiting for court hearings, were set out at pp.26-7 of the previous report on the following lines:

- the use of pre-trial detention may be reduced by
 - a) restricting it to those cases where the offence was so serious, or the likelihood of absconson, of interfering with witnesses or of committing further serious crime, was so great, that it was not in the public interest to allow the suspect to remain in the community;
 - b) making use of bail or of requiring the suspect to report regularly to a police station as an alternative to detention. In this connection bail hostels may be suitable for those suspected of comparatively minor offences who do not have a fixed address.

- the length of investigation procedures may be reduced by
 - a) simplifying these procedures so that they concentrate only on the most serious offences of which a person is suspected, allowing less serious offences to remain for consideration later if the others are not proved;
 - b) when a person is suspected of a number of similar offences, selecting specimen cases for investigation, again leaving the others for later consideration if necessary;
 - c) reducing the amount of evidence collected before a suspect is brought to court, on the grounds that it is sufficient to leave the matter to a court if there is perhaps a 75% chance of conviction and unnecessary to delay matters until there is close to a 95% chance;

d) setting a strict limit on the time allowed for investigation procedures in respect of someone held in pre-trial detention.

- the length of time waiting for a court hearing may be reduced by

a) ensuring that there are sufficient judges, court staff and buildings to guarantee a speedy and efficient justice process;

b) setting a strict limit on the time that a person may be held in custody awaiting trial.

In addition, the length of time waiting for the sentence to be confirmed, following the provisional decision of the sentencing court and the customary appeal, may also be reduced, by setting a strict limit to this stage in the justice process. It is not acceptable for prisoners to be detained in these circumstances for long periods. Whatever the limit that is set for this stage, consideration should be given to allowing prisoners who are waiting for the sentence to be confirmed to be transferred to the prison in which they would serve the sentence, in order both to relieve the pressure on the pre-trial institution and to enable the prisoner to be in more suitable conditions.

As can be seen from the examples of the five countries referred to above, the factors affecting the use of pre-trial detention in recent years are various; however, it is indeed possible to reduce its use and length. In all countries where the levels of pre-trial detention are higher than in the rest of Europe (around 20-25 per 100,000 of the national population) a long-term strategy is needed, taking account of the proposals above, and this has to come from the Ministry of Justice and the courts. The prison administration has little or no influence on these matters.

The conditions of pre-trial detention

The European Prison Rules state (Rule 91) that untried prisoners are presumed to be innocent until they are found guilty and shall be treated without restrictions “other than those necessary for the penal procedure and the security of the institution”. They should thus be receiving better conditions than sentenced prisoners but, as is also true in many countries in the rest of Europe, they generally receive worse conditions.

In addition to the overcrowding and the duration of pre-trial detention, and poor heating, lighting and ventilation in some institutions, the main problems are the restricted visiting conditions and the lack of constructive activities. Attention was drawn in the report on the previous study (pp. 103-7) to the restrictions that are placed on contacts with families. Rule 92 states that “prisoners shall be allowed to receive visits from them under humane conditions” ... (rule 92.2). Although this requirement is qualified by the words “subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution”, it was argued that it should only be in exceptional circumstances that visiting arrange-

ments at least as favourable as those granted to sentenced prisoners are denied to the families of pre-trial detainees. However, pre-trial detainees are still physically separated from their visitors by a glass or perspex screen in most prison systems (see section 10).

Emphasis was also placed in the report on the previous study on the need to increase opportunities that pre-trial detainees have for being out of their cells and occupying themselves in constructive activities. The CPT too has drawn attention to the ‘impoverished regime’ experienced by pre-trial detainees in many countries. It has also stated what it regards as the requirements of a satisfactory regime for such prisoners. To quote a recent report: “the aim should be to ensure that remand prisoners are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (group association; work, preferably with vocational value; sport). The legislative framework governing remand imprisonment and staffing levels should be revised accordingly” (CPT, 2001/4). The CPT has made similar comments in respect of many other countries.

Despite this, pre-trial detainees in most countries are guaranteed no more than one hour outside their cells each day (table 13). At the same time, there has been a little progress in this respect in some countries: no prison system guaranteed pre-trial detainees more than two hours outside their cells in 1994, but in 2001 they were guaranteed at least three hours outside their cells in three countries.

Table 13 Pre-trial detainees: length of time out of cells

	Length of time out of cells
Armenia	1 hour
Azerbaijan	1 hour
Belarus	1 hour
Bosnia+Herzegovina: Federation	1 hour
Bosnia+Herzegovina: Republika Srpska	1 hour minimum
Bulgaria	1 hour
Croatia	2 hours (approximately)
Czech Republic	1 hour minimum
Estonia	1 hour minimum
Georgia	1 hour
Hungary	1 hour
Latvia	1 hour
Lithuania	1 hour
Macedonia	half an hour to an hour
Moldova	1 hour
Poland	3-4 hours
Romania	4 hours (approximately)
Russian Federation	1 hour
Slovakia	1 hour minimum
Slovenia	4 hours
Ukraine	1 hour
Yugoslavia: Montenegro	1 hour
Yugoslavia: Serbia	1 hour

It is thus evident that, despite this small improvement, the power of the investigating and prosecuting authorities to restrict the activities of pre-trial detainees, which is said to be responsible for the poor quality of regimes, though ostensibly wielded in the interests of avoiding any subversion of the course of justice, is in practice leading to serious injustice in a number of central and eastern European countries.

The European Prison Rules emphasise that prisoners should be treated with respect for their human dignity (Rule 1) and this must certainly include the material conditions in which they are held, including their opportunities to occupy their time constructively. Pre-trial detainees are not always so treated. Nevertheless, examples were given in the report on the previous study of efforts that were being made to improve the situation by allowing open cells in certain units for part of the day, thus affording pre-trial detainees much more movement, choice and variety of company and activity. Further examples emerged during the course of the present study.

It must be concluded that extensive efforts are needed to move towards the CPT recommendation of 8 hours purposeful activity outside the living accommodation. In most countries it will not be practicable to achieve this in the short-term. Progress will have to be incremental: initially 2 or 4 hours such activity, increasing as quickly as possible towards the target of 8 hours.

What seems to be needed is to appoint a member of the treatment staff to be responsible for regime activities for pre-trial (remand) prisoners. Such a person could also fill another important gap in many of the prison systems of the region, namely the failure to make provision for the social work needs of pre-trial prisoners.

7. Separation of categories, hygiene, clothing and food

Separation of categories

When asked about the separation of different categories of prisoner, in accordance with rule 11 of the European Prison Rules, all eighteen prison administrations that responded said that untried prisoners were kept apart from sentenced prisoners and males from females. This is probably the case in the other six prison systems also. However, juveniles are not always separated from adults. Rule 11 says that young prisoners should be protected from harmful influences, which is normally taken as meaning the harmful influences of older prisoners. Indeed, the CPT has explicitly recommended the separation of juveniles from adults in its reports 2001/4 and 2002/23, pointing out in the latter case that accommodating them together “inevitably brings with it the possibility of domination and exploitation”. But five prison administrations stated that they did not always keep juveniles apart from adults.

In *Bosnia and Herzegovina (Federation)* the Ministry of Justice said that if all juveniles were to be kept separate from adults there would be insufficient space, because it would sometimes mean one room being occupied by a single juvenile, despite the rooms having been designed for several prisoners.

In *Croatia* the young offenders establishment does not separate prisoners by age, with the result that 21 year olds and 14 year olds may share the same accommodation. It was said that the nature of the buildings did not allow for separation of the juveniles from the young adults.

In *Estonia* some sentenced prisoners aged 18-21 are accommodated with juveniles under 18, and in *Hungary* too adults and juveniles are not always separately detained.

In *Slovakia* the policy is that, while juveniles are kept separate from adult recidivists, they are sometimes allowed to mix with young adults who are serving their first prison sentence for a less serious crime. Two reasons were given in favour of such a policy: firstly, that if juveniles are kept together without the presence of an adult there was likely to be aggressive behaviour and, secondly, that in view of the small number of juveniles and the danger of self-injury, it was better that a juvenile should share with a suitable young adult than that he should be alone.

However, the non-separation of juveniles from adults is not confined to these five prison administrations. In *Moldova*, for example, where the policy is that juveniles are separate from adults, in December 2000 a 16 year-old was being accommodated in an overcrowded room in Chişinău prison with 32 other pre-trial detainees, the oldest of whom was 50. It seemed that in pre-trial accommodation there was less concern about separating juveniles from adults. In *Ukraine* the CPT found that an adult was routinely located in each cell occupied by juveniles in order to be in charge of supervision, rather as occurs in Slovakia.

Hygiene

The sanitation arrangements in penal institutions are an important aspect of the cleanliness and general hygiene of the places. The adequacy of these arrangements is recognised to be fundamental to the question whether prisoners are treated in conditions that ensure respect for human dignity, as required by Rule 1 of the European Prison Rules.

Access, cleanliness and privacy are the principal requirements, together with the availability of toilet paper. Participating countries were asked if, in their opinion, the sanitary installations and arrangements for access “were adequate to enable every prisoner to comply with the needs of nature where necessary, and in clear and decent conditions”. Twelve prison administrations indicated that such arrangements were adequate for all prisoners and six that they were adequate for most. It is believed that arrangements are adequate for all prisoners in only one of the six other prison systems (Montenegro). This is a slight improvement on the situation in 1994 when less than half the respondents indicated that they were adequate for all prisoners. Of the six prison administrations that responded on both occasions and reported that conditions were not adequate for all prisoners in 1994, the answers of five suggested that the situation in 2001 had improved.

Prison administrations were also asked if the prison provided prisoners with toilet paper or if they must provide it themselves. In 1994 six reported that the prison provided it, with three of these saying that the prisoners may have to supplement the amount provided by the prison; eight reported that the prisoners had to provide it. In 2001, fifteen reported that the prison provided it (with six of them saying that prisoners had to supplement the amount), while three reported that the prisoners had to provide it.

These answers in respect of sanitary arrangements in 2001 are summarised in table 14.

Table 14 Sanitary installations and arrangements for access

	Adequate for ALL, MOST or SOME prisoners	Toilet paper provided by:
Belarus	ALL	prisoners
Bosnia +Herzegovina: Federation	MOST	prison
Bosnia +Herzegovina: Republika Srpska	MOST	prison
Bulgaria	MOST	prison, supplemented by prisoners
Croatia	ALL	prison
Czech Republic	ALL	prison
Estonia	ALL	prison, supplemented by prisoners
Georgia	MOST	prison, supplemented by prisoners
Hungary	ALL	prison
Latvia	ALL	prisoners
Lithuania	ALL	prison
Macedonia	ALL	prison, supplemented by prisoners
Moldova	MOST	prisoners
Poland	ALL	prison
Romania	MOST	prison, supplemented by prisoners
Slovakia	ALL	prison
Slovenia	ALL	prison
Yugoslavia: Serbia	ALL	prison, supplemented by prisoners

Another important aspect of hygiene is the opportunity for prisoners to take a bath or shower. The eighteen prison administrations all reported that every prisoner was able to have a bath or shower at least once a week, and this is understood to be the case in at least four of the other six. Some pointed out that for them the norm was twice a week, at least for women and juveniles, and some mentioned that those involved in manual work and those in certain institutions could have a shower every day.

Clothing and bedding

Pre-trial detainees appear to be given the opportunity of wearing their own clothing in all the prison systems. However, both the Czech Republic and Slovakia added the proviso that permission was dependent on detainees' ability to arrange for it to be washed regularly. This is not an easy matter in pre-trial accommodation where, in some prisons, facilities for washing clothes may be limited or non-existent. Indeed, 90% of pre-trial prisoners in the new Slovak prison at Banská Bystrica were for this reason wearing prison clothes.

“Every prisoner shall be provided with a separate bed and separate and appropriate bedding which shall be kept in good order and changed often enough

to ensure its cleanliness” (EPR, Rule 24). As a result of overcrowding, several prison systems were not able to implement this rule in 2001. For example, in one prison in *Croatia* there are insufficient beds and so prisoners have separate mattresses. In *Georgia* the prison administration reported that they hope to ease the problem of overcrowding which has led to the shortage of beds by opening a new facility. In *Moldova* the production of beds is organised in the prison system’s own factory and beds are supposed to be distributed to the institutions when required; however, in 2001 this was not being successfully achieved. In *Romania* the prison administration reported that measures were being taken to rectify the fact that not all prisoners had their own beds. In the Russian Federation too it is reported that not all prisoners have their own beds.

Food

In the report on the previous study, describing the situation in 1994, almost all prison administrations stated that the quality of food that prisoners receive was close to average standards in communal catering outside. Most of the prison administrations that provided information on the situation in 2001 (14 out of 18) reported that the quantity, as well as the quality of food was close to average standards in communal catering outside. Another two (*Croatia* and *Poland*) reported that the situation was superior in the prisons. However in *Lithuania* it was said to be not quite so good in the prisons and in *Moldova* the prison administration described it as inferior to average standards outside and not close to such standards.

Some prison administrations reported in 1994 that they were unable to provide sufficient variety in their menus. Asked whether, in 2001, they were able to provide a balanced diet, including meat, fruit and vegetables, most said that they were (13 out of 18), although in two of the thirteen the heads of medical services commented that there were insufficient vitamins in the diet (*Hungary*) and too much fat in the diet (*Poland*). However, *Belarus*, *Moldova* and the *Republika Srpska* entity of *Bosnia and Herzegovina* said that they were unable to provide a balanced diet, and the *Czech Republic* and *Lithuania* too reported that there were insufficient fruit and vegetables. The CPT noted that in the national prison hospital in *Georgia*, milk, meat fruit and vegetables were a rarity (CPT 2002/14).

It is understood that in at least three of the other six prison systems (*Albania*, the *Russian Federation* and *Ukraine*) the food is not as good as average standards outside and prisoners do not receive a balanced diet.

Most institutions were succeeding in 1994 in providing a special diet when this was recommended by the doctor on health grounds, and some were able to provide special diets to satisfy religious requirements and even to provide a range of choices of menu. In 2001, *Georgia* and *Moldova* alone of the 18 prison administrations that provided information said that they were unable to supply special menus that were needed for health reasons. About half the administrations were providing diets required on religious grounds, and some were able to satisfy vegetarian requirements. Juveniles and pregnant women receive superior food

(more calories than other prisoners) in several countries, and the norms often prescribe more food for those engaged in heavy work. Some prison administrations reported that a significant number of diets are available, catering for different needs and preferences.

A generally positive picture is thus clouded by deficiencies in certain countries, invariably because of inadequate resources being available to the prison administrations. Of the 18 prison administrations that provided information on the situation regarding food in prisons in 2001, Moldova was clearly faced with the greatest difficulties. As is described in more detail in section 36, chronic malnutrition is one of the greatest problems faced in the prison system, with no butter, meat or fish since 1992 and no potatoes since 1998. Prisoners' families are allowed to bring in food more frequently than before and in greater quantities and non-governmental organisations also contribute some supplies. But there is need for a concerted effort by other European countries to assist the Moldovan prison administration in its plight. The Council of Europe steering committee for the reform of the prison system in Moldova would be a suitable body to act as intermediary in the provision of such assistance.

The situation in the Czech Republic indicates ways in which nutrition and kitchen hygiene may beneficially be tackled. Each prison has a dietary nurse, who works with the prison doctor in supervising the adequacy of meals. Kitchen hygiene in the prison system as a whole has, from 2001, become the responsibility of an external hygienist, who reports the results of inspections to the Chief Medical Officer of the area. The director of each prison is bound to take action in response to any advice given by the Chief Medical Officer. It is believed that this will lead to the improvement of kitchen hygiene in the Czech prisons.

In matters affecting the separation of categories, hygiene, clothing and bedding and food there has thus been some progress in recent years but there are aspects in which further action is needed in some prison systems. These include:

- juveniles should be separated from adults in order to avoid the danger of dominance and exploitation, except where the age difference is slight and the prisoners concerned have been carefully selected to ensure that there are no adverse results from such mixing;
- sanitation arrangements should always ensure access, cleanliness, privacy and the availability of toilet paper;
- pre-trial detainees should be allowed to wear their own clothing, so long as it is clean and suitable; arrangements should be made to enable prisoners to wash their clothes;
- every prisoner should have a separate bed
- where the quantity or quality of food are inferior to the average standards in communal catering outside, steps should be taken to ensure that they at least reach such a level;
- every effort should be made to provide a balanced diet to prisoners, including meat, fruit and vegetables;
- special diets should be available where they are necessary for health reasons or because of religious beliefs;

- attention should be paid to kitchen hygiene, for example by ensuring that not only cooking and storage facilities, but also floors, walls and ceilings, are clean and free of flaking paint or plaster. Smoking in kitchens should always be banned, and flies kept out as carriers of disease.

8. Prison health care

European standards for prison health care

The commentary to the European Prison Rules states that “the medical services in prison establishments should be available and organised to standards comparable in quality to those in the community at large. They are particularly important in the prison setting as reflecting, in a conspicuous way, the standards of humanity and care that characterise the nature of the prison system itself” (Council of Europe, 1987, p.43). These principles have been endorsed and expanded by more recent documents, in particular by the Council of Europe Recommendation R (98) 7 on ‘The Ethical and Organisational Aspects of Health Care in Prison’ and its explanatory memorandum (Council of Europe, 1999). This important document is in effect a set of European Prison Health Care Rules or recommendations, being presented in a similar format to the European Prison Rules, and will be referred to here as the EPHCR.

The prison systems of central and eastern Europe generally report that they are able to adhere to the principle that health care in prison should be of a quality comparable to that in the community outside – the principle of ‘the equivalence of care’. Indeed, as in 1994, medical services in prisons are often better than outside because of the greater availability of medical staff and of medicines (e.g. in both entities of Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Moldova and Slovakia).

Integration and co-operation with public health care services

The EPHCR state that health policy in custody should be integrated into, and comparable with, national health policy (Rule 10). Practice is increasingly following this rule. In *Croatia*, for example, the Ministry of Health has an overall supervisory role in respect of prison health care; the standards of care that are specified for the whole population are those that are applied in the prison medical service. In *the Czech Republic* prison health care is now more closely integrated with the national public health service than it was in 1994; the professional supervision of doctors and the control of infectious diseases are regulated by the public health service as well as the prison service. In *Estonia* it is planned that responsibility for prison health care will transfer to the public health care system in 2002. In *Latvia* close co-operation has been established with the state health care centre responsible for combating TB. In *Lithuania* the prison hospi-

tal is recognised as a state health care institution and must therefore perform its activities in accordance with the state law for such institutions and accept supervision by the Ministry of Health; that Ministry is increasingly involved in all aspects of the work of the prison health care service. In *Moldova* there is collaboration between the Ministry of Justice and the Ministry of Health in respect of the national programme against TB and the treatment of the mentally ill. In *Poland* and *Slovakia* too there are said to be good co-operative relations between the prison health care service and the Ministry of Health. The developments in the eight countries mentioned above are merely examples of what is increasingly occurring throughout the prison systems of central and eastern Europe.

Prison health care staffing

The numbers of medical staff employed by the prison administrations vary from country to country. For example, they constituted some 5-7% of all prison staff in 2001 in the Czech Republic, Hungary, Poland and Slovakia, but considerably less in Bosnia and Herzegovina, where other needs are said to be met by contract staff and arrangements with state medical facilities. In *Moldova* there are reported to be about 120 doctors and 260 medical assistants and nurses, which constitutes some 15% of all prison staff. Several countries have vacancies for medical staff, especially doctors, who can generally receive better pay working in the community. Several others recognise that they have insufficient medical staff and would like to recruit more.

Alcohol and drugs dependency

Prison administrations were asked if many prisoners have an alcohol or drug problem, if the number is increasing and if there is a treatment programme in place.

Many prisoners do have an alcohol problem in almost three quarters of prison administrations for which this information is available (17 out of 23), and in almost as large a proportion the numbers are increasing (11 out of 18); treatment programmes are available in just over half (13 out of 23). Alcohol dependency is said to be a more serious problem than drug dependency in several prison systems, including those in Bosnia (Republika Srpska), Hungary, Poland and Romania. The treatment programmes for alcohol dependency in Croatia (see section 28 under Achievements) and Poland (see section 37 under Medical services) were mentioned by the prison administrations as successes that could assist other prison administrations in developing their own treatment programmes (table 15).

Table 15 Prisoners with alcohol problems: extent, growth and treatment

	Many prisoners with problem?	Numbers increasing?	Treatment programme available?
Armenia	yes	not known	no
Azerbaijan	no	no	no
Belarus	yes	yes	yes
Bosnia + Herzegovina: Federation	no	yes	no
Bosnia + Herzegovina: Rep. Srpska	yes	yes	yes
Bulgaria	no	no	no
Croatia	yes	yes	yes
Czech Republic	no	not known	yes
Estonia	yes	no	no
Georgia	yes	not known	no
Hungary	yes	no	yes
Latvia	yes	no	yes
Lithuania	yes	yes	yes
Macedonia	no	no	no
Moldova	yes	yes	no
Poland	yes	yes	yes
Romania	yes	yes	no
Russia	yes	not known	yes
Slovakia	yes	no	yes
Slovenia	yes	yes	yes
Ukraine	yes	not known	yes
Yugoslavia: Montenegro	yes	yes	no
Yugoslavia: Serbia	no	yes	yes

Although many prisoners have been taking drugs before their admission to prison, in less than three fifths of the prison administrations (14 out of 24) it was considered that a large number of prisoners have a drug problem or are addicted to drugs (table 16). Nevertheless the numbers were said to be increasing in most systems (20 out of the 23 on which information was available); treatment programmes were in place in less than three fifths (14 out of 24). Many administrations drew attention to increasing problems in preventing drugs being illicitly brought into the prisons and, in order to combat this, some are reducing the frequency with which parcels may be sent to prisoners or brought in for them. The number of drug addicts in the system is said to have increased considerably in *Croatia*, where all addicts undergo a programme of detoxification (methadone therapy) and no-one is referred to the prison in which their sentence will be served until the treatment is completed (see section 28). In *the Czech Republic* a three-year drug strategy (1997-2000) concentrated on reducing the supply of drugs entering the prisons, primary prevention and education of prisoners, and treatment for hard drug users. During the period 2001-2004 the emphasis is on drug-free units (see section 29). In *Hungary*, where the problem is not

significant at present but there are fears that it soon will be, staff education is in progress in order to reduce the importation of drugs, and drug-free units are being planned (see section 32). In *Lithuania* some 10% of the prison population are reported to be dependent on drugs (see section 34). In *Poland* there is a six-month programme for drug addiction and ten units for such treatment (see section 37). A considerable increase in the number of drug addicts is reported in *Slovakia* (see section 40), with many treatment programmes, including a drug-free zone in one prison.

Table 16 Prisoners with drug problems: extent, growth and treatment

	Many prisoners with problem?	Numbers increasing?	Treatment programme available?
Albania	no	yes	no
Armenia	no	yes	no
Azerbaijan	yes	yes	yes
Belarus	no	yes	yes
Bosnia +Herzegovina: Federation	no	yes	no
Bosnia +Herzegovina: Rep. Srpska	no	yes	yes
Bulgaria	no	no	no
Croatia	yes	yes	yes
Czech Republic	no	no	yes
Estonia	yes	yes	yes
Georgia	yes	not known	no
Hungary	no	no	yes
Latvia	yes	yes	no
Lithuania	yes	yes	yes
Macedonia	yes	yes	no
Moldova	yes	yes	no
Poland	yes	yes	yes
Romania	no	yes	no
Russia	yes	yes	yes
Slovakia	yes	yes	yes
Slovenia	yes	yes	yes
Ukraine	yes	yes	yes
Yugoslavia: Montenegro	yes	yes	no
Yugoslavia: Serbia	no	yes	yes

HIV/AIDS

Prison administrations were also asked whether HIV/AIDS is a problem in their system. Belarus, Estonia, Georgia, Latvia, Lithuania, Moldova and Serbia said that it is, and this is known to be the case also in Russia and Ukraine. Poland too reported that almost 1,000 prisoners, more than 1% of the prison population, are HIV-positive (table 17). The numbers are increasing in all these systems (with

the exception of Poland) and also in Armenia and Romania. In accordance with the World Health Organisation guidelines and recommendations of the Council of Europe most prison administrations do not test all prisoners for HIV. The exceptions are Armenia, Belarus, Latvia, Lithuania, the Republika Srpska entity of Bosnia and Herzegovina and Hungary, whose prison administration argues that despite the international guidelines their policy is effective and they are at present unwilling to discontinue the compulsory testing of prisoners. Georgia is reported to have introduced testing after the end of 2001.

The EPHCR state, in respect of HIV infection and AIDS that “HIV tests should be performed only with the consent of the inmates, on an anonymous basis and in accordance with existing legislation. Thorough counselling should be provided before and after the test. No form of segregation should be envisaged in respect of prisoners who are HIV antibody positive,” subject to certain provisions...(Rules 37-40).

Table 17 HIV/AIDS: extent, growth and testing

	Is it a problem?	Numbers increasing?	All prisoners tested for HIV?
Albania	no	no	no
Armenia	no	yes	yes
Azerbaijan	no	no	no
Belarus	yes	yes	yes
Bosnia+Herzegovina: Federation	no	no	no
Bosnia+Herzegovina: Rep. Srpska	no	no	yes
Bulgaria	no	no	no
Croatia	no	no	no
Czech Republic	no	no	no
Estonia	yes	yes	no
Georgia	yes	yes	no/yes*
Hungary	no	no	yes
Latvia	yes	yes	yes
Lithuania	yes	yes	yes
Macedonia	no	no	no
Moldova	yes	yes	no
Poland	yes	no	no
Romania	no	yes	no
Russia	yes	yes	not known
Slovakia	no	no	no
Slovenia	no	no	no
Ukraine	yes	yes	not known
Yugoslavia: Montenegro	no	no	no
Yugoslavia: Serbia	yes	yes	no

* Georgia is reported to have introduced testing after the end of 2001.

Tuberculosis

Tuberculosis is a problem in the prison systems of many countries in central and eastern Europe, although not in the countries that were formerly republics of Yugoslavia. In Armenia, Hungary, Moldova, Romania and Slovenia the numbers are said to be increasing (information is lacking in respect of Azerbaijan, Georgia, Russia and Ukraine), and treatment programmes are widely available throughout the region (table 18). Deaths from tuberculosis in the year 2000 were recorded in Bulgaria, Estonia, Latvia and Lithuania (one or two in each country) but there were nine in Romania, 17 in Belarus (in 2001), 47 in Moldova, 199 in Azerbaijan and it is believed that there were others in Armenia and many in Russia and Ukraine. In Georgia the death rate from tuberculosis fell sharply between 1997 and the end of 2001 and there were only 22 deaths from all causes in the Georgian prison system in 2001; however prisoners are often released when they become terminally ill. Such a policy is not confined to Georgia.

The situation in Russia is especially serious. Approximately 1 in 10 of all prisoners have active TB and the prevalence of the disease in the prisons is 40 times higher than in the community. It was stated in 1998 that 5,000 prisoners were expected to die from TB each year due to lack of food, heating and drugs caused by the economic crisis in the country. From that time there has been a concerted effort, involving the Ministry of Justice, non-governmental agencies and funders such as the Open Society Foundation, to combat the problem, which amounts to an epidemic within the penal institutions and which, as a result of prisoners being released at the end of their sentences while still sick with the disease, threatens the community outside. The World Bank too has joined in these efforts and in 2001 it started to provide a 48 million US dollar credit to finance TB programmes in Russian penal institutions. Although there was a serious deterioration in the situation between 1998 and 2000 (in 1998 20,000 prisoners had the multi-drug resistant form of the disease but in the year 2000 an ITAR-TASS report stated that the number had risen to 32,000) the overall TB rate in the penal institutions was reported in July 2002 (also ITAR-TASS) to have fallen by 15%.

It has become clear that tackling tuberculosis in prisons depends not only on medical interventions but also on other prison reform activities, for example reducing overcrowding, improving ventilation and improving diets. Work is going on not only in Russia. There is also an Open Society funded programme in Latvia, where the number of TB patients in prisons has increased dramatically, and also in Moldova, where in one penal institution in December 2000 poor food, heating and ventilation and very little lighting, as well as inadequate drugs, presented a particularly grim picture – especially since this was the prison hospital for tuberculosis patients. A major programme is being put together with the involvement of several non-governmental organisations working with the Ministries of Health and Justice.

Representatives of the International Committee of the Red Cross have drawn attention to the rise in TB in prisons in the former Soviet Union and have emphasised the need for special measures to be taken to implement a prison TB

programme. They point out that “if the issue of erratic and incomplete treatments is not addressed urgently, the incidence of multi-drug resistant TB could rise in those countries that can least afford expensive second-line treatments” (Reyes and Coninx, 1997). These and other authors stress that in the worst prison conditions of overcrowding and inadequate food and medical treatment, a prison sentence can amount to a sentence of death. The problem of TB in prisons in eastern Europe is extensively discussed in Stern, 1999.

Table 18 Tuberculosis: extent, growth and treatment

	Is it a problem?	Numbers increasing?	Treatment programme available?
Albania	no	no	no
Armenia	yes	yes	yes
Azerbaijan	yes	not known	yes
Belarus	yes	no	yes
Bosnia +Herzegovina: Federation	no	no	no
Bosnia +Herzegovina: Rep. Srpska	no	no	yes
Bulgaria	yes	no	yes
Croatia	no	no	no
Czech Republic	yes	no	yes
Estonia	yes	no	yes
Georgia	yes	not known	yes
Hungary	yes	yes	yes
Latvia	yes	no	yes
Lithuania	yes	no	yes
Macedonia	no	no	no
Moldova	yes	yes	yes
Poland	yes	no	yes
Romania	yes	yes	yes
Russia	yes	not known	yes
Slovakia	no	no	yes
Slovenia	no	yes	yes
Ukraine	yes	not known	yes
Yugoslavia: Montenegro	no	no	not known
Yugoslavia: Serbia	no	no	yes

Psychiatric illness

This study did not focus on the problems of psychiatric illness among sentenced prisoners and pre-trial detainees and information is available on only a few countries.

Prison populations generally contain a higher proportion of people with psychiatric illness than exists in the community outside. Provision for the treatment of such illness varies greatly from one prison system to another. Psychiatric problems are particularly evident in the two entities of Bosnia and Herzegovina and in Croatia; frequently this is post-traumatic stress following the war with Serbia. The Croatian prison administration considers that its work in dealing with post-traumatic stress is one of its greatest recent successes. There is however a shortage of psychiatrists in these three prison systems. The Czech prison system has only four psychiatrists on its staff for nearly 20,000 prisoners and has set itself the objective of establishing special units for mentally disturbed inmates and for those with behavioural disorders. In Hungary, group sessions are held with prisoners in the interests of health promotion, and mental health is one of the topics covered. In Poland there are 22 units for mentally disturbed prisoners, with spaces for 1,400 people. The units vary in size from 50 to 200 and the treatment given is part of the national strategy for the treatment of mental health (section 37, para 26). In Romania there are reported to be many prisoners with psychiatric problems but inadequate resources to deal with them. Slovakia, like other prison administrations, has few full-time psychiatrists to deal with the many prisoners with such problems, and relies mainly on contracted staff.

Deaths in prison

The reliability, for comparative purposes, of figures for the mortality of prisoners in different prison systems is reduced by the practice adopted in some countries of granting early release to prisoners who are terminally ill. Nonetheless the annual rate (per 1,000 prisoners in the system on an average day of the year in question*) in the countries on which information is available ranges from 0.6 in Albania and 1.5 in the Czech Republic, Hungary and Poland to 9.2 in Moldova and 11.1 in Azerbaijan. Deaths from suicide were less than 1.5 per 1,000 prisoners except that four suicides in Slovenia produced a rate of 3.8 per 1,000.

*The figures supplied were generally for 2000. The mortality rates are calculated on the basis of the approximate prison population in the middle of the year.

Advice to prison directors on matters relevant to health care

Prison administrations were asked if, as required by Rule 31.1 of the European Prison Rules, a doctor or other competent member of the health care staff regularly advises the prison director on the food (quality, quantity, preparation and serving), the hygiene and cleanliness of the institution and prisoners, the sanitation, heating, lighting and ventilation of the institution, and the suitability and cleanliness of the prisoners' clothing and bedding. Most administrations indicated that medical staff did have this responsibility, and carried it out, although in some systems medical staff are not required to advise on sanitation, heating, lighting and ventilation. Some mentioned that the director did not always have the resources to respond satisfactorily to the advice given, and others said that the advice was not always given because everyone knew that the director was powerless to improve the situation. The European Prison Rules (Rule 31.2) indicate that if it is not within the director's competence to take action in response to such advice, or if the director does not agree with it, the director shall immediately submit a personal report, together with the advice of the medical officer, to higher authority. In more than one prison system it was said that the director did not always do this because he in turn was well aware that the prison administration was unable to correct the deficiency. Thus, it seems that, at least in some countries, officials are failing to draw attention to deficiencies, in violation of Rule 31, because they doubt (perhaps with justification) that superior officers have the resources to take the action necessary.

The European Prison Rules (Rule 38) indicate that medical staff should examine prisoners before they are punished by disciplinary confinement, and certify whether or not they are fit to sustain it. A medical officer is then required by Rule 38.3 to make daily visits to prisoners undergoing such punishment and advise the director if the termination or alteration of the punishment is necessary on grounds of physical or mental health. This requirement is not always observed. In Slovakia, for example, the prison regulation specifies that medical staff check such prisoners every three days. In Poland too such checks sometimes occur only every few days. In Croatia an article of the new legislation requires such checks to be carried out only once a week; however the prison administration reports that prisoners in solitary confinement are in practice visited every day by medical staff in accordance with the European Prison Rules requirement. In the Republika Srpska entity of Bosnia and Herzegovina the new legislation requires not only that a doctor visit such a prisoner once a day but also that a pedagogue (educator) visit at least twice a week and the director of the prison once a week; there is a similar provision in the new legislation in Serbia.

International action on prison health care

Several international organisations have been involved in action to assist the prison administrations of central and eastern Europe in dealing with prison health care. The International Council of Prison Medical Services has conducted assessments of the situation in at least four countries – Albania, Estonia, Latvia and Lithuania. The World Health Organisation inaugurated in 1996 its Health in Prisons Project. Most recently the Open Society Institute has funded the International Centre for Prison Studies at King's College, London to conduct a project designed to promote better prison and public health in eastern Europe and Central Asia. The international non-governmental organisation Penal Reform International, together with the national Soros Foundations in countries of the region, will be responsible for developing practical projects aimed at improving prison health and integrating prison health care into the public health care system.

Conclusion

There have been many notable developments in recent years in improving prison health care in central and eastern European prison systems. These include:

- increased integration and co-operation with public health services;
- the introduction of new treatment programmes for prisoners dependent on alcohol or drugs;
- discontinuance of compulsory HIV/AIDS testing in several countries, in accordance with WHO guidelines and Council of Europe policy;
- increased focus on combating tuberculosis in the prison systems most severely affected by it;
- special attention paid to psychiatric illness, especially post-traumatic stress, in countries affected by the hostilities in the Balkans in 1992-95;
- efforts by international organisations to assist the prison administrations of central and eastern Europe in dealing with prison health care.

The following are some of the objectives that have been identified by prison administrations in respect of prison health care, together with other outstanding tasks that require further progress in order to ensure that the accepted European standards are satisfactorily met:

- to continue to work more closely with public health services, with the Ministry of Health having an enhanced responsibility in such matters as the evaluation of hygiene, the assessment of the appropriateness of health care, the organisation of health care services in prison and the professional supervision of doctors and other health care staff;
- to ensure that sufficient resources are devoted to health care, including the appointment of an adequate number of medical staff;
- to increase the number of training programmes for alcohol and drug ad

- dicts, establishing special units where necessary, including drug-free zones;
- to implement programmes to prevent the importation of drugs into the penal institutions;
 - to improve staff and prisoner education in respect of HIV/AIDS in order to minimise risky behaviour, to enable voluntary screening, to ensure the confidentiality of results and the counselling of HIV positive prisoners, and to counter misinformed anxieties and reactions aroused by this disease;
 - to reduce the incidence of tuberculosis in the penal institutions, by the use of appropriate medical strategies, supported by suitable food, heating and ventilation;
 - to strengthen the level of psychiatric support, including the creation of specialised units where necessary;
 - to ensure that medical staff regularly advise the prison director on the food (quality, quantity, preparation and serving); the hygiene and cleanliness of the institution and prisoners; the sanitation, heating, lighting and ventilation of the institution; and the suitability of prisoners' clothing and bedding;
 - to ensure that a medical officer makes daily visits to prisoners undergoing solitary confinement and advises the director if the termination or alteration of the punishment is necessary on grounds of physical or mental health.

9. Discipline and punishment

This study did not focus particularly on disciplinary procedures and punishments but the information collected, supplemented by assessment reports by Council of Europe experts and reports of the CPT, sheds light on some of the main developments and the areas in which further progress is needed.

It is recognised as important that prisoners against whom disciplinary charges have been brought should be informed in writing and given a proper hearing at which they are able to present their defence. This does not always occur and CPT reports have drawn attention to prisons in which they have noted deficiencies in this respect. Prisoners should also have the right to appeal to a higher authority against any disciplinary sanction imposed.

The arrangements for isolation punishment, or solitary confinement, are a particular focus of attention, since this is the severest punishment that is imposed. "The international instruments make clear that solitary confinement is not an appropriate punishment other than in exceptional cases; whenever possible its use should be avoided and steps should be taken to abolish it. These instruments acknowledge the fact that, potentially, periods of solitary confinement are prejudicial to the mental health of the prisoner" (Coyle, 2002). Several administrations drew attention to the fact that they use solitary confinement (isolation) as little as possible. Consequently in Poland, for example, the number of isolation cells in prisons is being reduced. The prison administration there re-

ports that isolation is now used only in circumstances where the behaviour concerned amounts almost to a crime.

The conditions in which isolation punishment is served have continued to give cause for concern in some countries. The worst examples involve very small cells that are dark, dirty, poorly heated and ventilated, and with inadequate sanitary facilities. Accommodation of this kind has been noted in recent years by Council of Europe experts conducting assessments of some of the prison systems of the region and, more recently, by the CPT in its inspections of the situation in new Council of Europe member states. Increasingly such cells are being taken out of use and more normal accommodation used. It was noted in the previous report that Romania, already in 1994, was an example of a prison system in which isolation rooms resemble normal accommodation. Other prison administrations, for example Croatia, Poland and Slovakia, have a similar policy.

But even where the accommodation in which isolation punishment is served has sufficient space, light, ventilation and heating, and adequate arrangements for sanitation, other deficiencies have been noted in some countries, for example the denial to the prisoner of the right to at least one hour of walking or suitable exercise in the open daily (rule 86 of the European Prison Rules), the denial also of a mattress on the bed, of reading material and of family visits. It is generally accepted that exercise is necessary in the interests of health and should not be seen as a privilege. Likewise countries where the denial of a mattress on the bed and of reading material has been criticised by the CPT have taken steps to rectify this, although there have been instances where reforms, in respect of exercise and access to reading material, have been announced by the national prison authorities but not implemented in every institution. The situation with regard to family visits is less clear: some countries have abolished the ban but in others it remains. However, most prison experts in central and eastern Europe accept that family visits should not be restricted, because the maintenance of normal contact with the family is in the interests of the eventual reintegration of the prisoner into society.

The following are some examples of the situation with regard to discipline and punishment in individual prison systems. Fuller accounts are to be found in sections 21-44.

In *Albania* prisoners have the right to be heard at any disciplinary proceedings and to appeal against the decision. The CPT criticised the amount of space in isolation cells and the denial of prisoners located there to daily outdoor exercise. The Albanian authorities indicated that the necessary measures were being taken to deal with these matters.

In *Armenia* Council of Europe experts noted in 1998 that there was inadequate lighting and ventilation in isolation cells, that prisoners there were allowed no blankets and mattresses, no letters or visits and no reading material. They also drew attention to the fact that sanitary facilities in such cells were either in very poor condition or prisoners had to use a bucket.

In *Azerbaijan* Council of Europe experts found (1998) that isolation punishment was not generally used. They recommended that there be a common stand-

ard of windows in punishment cells in order to ensure sufficient ventilation and natural light.

In *Bosnia and Herzegovina (Federation)* disorder in 1996 at Zenica prison, including a major fire, was dealt with without resorting to punishment except that the prisoners agreed to undertake the repairs. Punishments are used as little as possible, with lesser breaches of discipline being resolved by discussion, and new legislation has reduced the maximum length of solitary confinement. However, overcrowding in Zenica, the main prison, has led to protests that have resulted in an increase in punishments in 2000 and 2001.

In *Bosnia and Herzegovina (Republika Srpska)* punishments are again used as little as possible. New legislation specifies that the conditions in which solitary confinement is served shall be such as prescribed by the European Prison Rules for normal accommodation. In addition, the prisoner must have 10m³ of space and must be visited not only by a doctor once a day but also by a pedagogue (educator) at least twice a week and the director of the prison at least once a week.

In *Bulgaria* the CPT considers the procedure for disciplinary sanctions satisfactory. Prisoners charged with disciplinary offences are able to defend themselves in person and to lodge an appeal. Those in solitary confinement have an adequate sized room, receive one hour's exercise daily and are entitled to read newspapers.

In *Croatia* there are said to be few disciplinary problems, and conditions are similar to those in a normal cell for one person. There is no central monitoring of the numbers and types of disciplinary punishments imposed.

In *the Czech Republic* disciplinary sanctions are said to be used sparingly, and this was confirmed by the experience of the CPT. The requirement to provide mattresses for prisoners in solitary confinement has been added to internal regulations. The CPT also recommended that reading matter should be allowed.

In *Estonia*, following their recommendation of 1997, the CPT found in 1999 that the punishment cells in the juvenile prison had been completely renovated and had good access to natural light and adequate artificial lighting, and were properly ventilated. Each prisoner had a mattress at night. The cells were clean and in a good state of repair. The closed isolation rooms in the same prison, which were used for a less rigorous form of punishment, were however in a poor state of repair, and recommendations had not been fully implemented; in particular, prisoners still used a bucket to comply with the needs of nature. The Estonian authorities stated that under the new Imprisonment Act of 2000 a locked cell was no longer prescribed as a disciplinary sanction; there would thus be only one type of isolation punishment (lasting up to 45 days for adults and 20 days for minors) and other disciplinary sanctions would be used whenever possible.

In *Georgia* punishment cells were described at the end of 1998 by Council of Europe experts as totally unacceptable – cramped, dirty, dingy, with tiny windows, poor light and heating, poor sanitation, no reading material, poor beds and, in at least one prison, no provision for exercise. The CPT in 2001 found that a prisoner charged with a disciplinary offence received no hearing and had

no right of appeal. There was no evidence of the excessive use of disciplinary punishment, and prisoners in solitary confinement were visited every day by a doctor and a manager, but they did not get one hour's daily exercise in all prisons. The CPT too reported small, dark and dirty cells but these were taken out of service following a recommendation to that effect.

In *Hungary* prisoners have the right to be heard in respect of any disciplinary charge alleged against them. Following a CPT recommendation, all prisoners will receive documented information about any charges against them. Prisoners in solitary confinement cannot receive visits but missed visits are allowed additionally once the period of solitary confinement has ended.

In *Latvia* various reforms that had been recommended by Council of Europe experts in 1994 were reported in 1998 to have been implemented, but apparently not in all institutions. The CPT in 1999 recommended that all prisoners be heard in respect of disciplinary charges, and that all those in solitary confinement have mattresses and blankets at night and be allowed outdoor exercise.

In *Lithuania* Council of Europe experts reported (1999) that conditions in solitary confinement were cleaner than before, had better ventilation and had undergone extensive refurbishment. The restriction on visits and the practice of shaving the heads of prisoners undergoing solitary confinement were abolished in 1996. Prisoners have the right to be heard in respect of disciplinary offences they are alleged to have committed and to appeal to the prison administration against any sanctions imposed. Following a CPT recommendation prisoners in administrative segregation (cellular confinement) now have an hour's exercise daily and access to reading matter.

In *Macedonia* the CPT found (1998) that prisoners charged with a disciplinary offence were given the opportunity to make a statement in their defence. Rooms used for isolation punishment were of adequate size, clean and had good access to natural light and ventilation. One hour's exercise was allowed to prisoners serving this punishment and they had access to books. In the women's prison the conditions were of a similarly high standard to those in other dormitories.

In *Moldova*, following a CPT recommendation in 1998, mattresses were provided in isolation cells and prisoners allowed at least 30 minutes daily exercise, but other recommendations, including that they should have access to reading materials, that the 3.5m² cells were too small, and that daily exercise should be for at least an hour, were not fulfilled. In 2001 the CPT, recognising that the economic situation of the country made it difficult to increase the size of the cells, recommended that the cells be no longer used; in response to this the Moldovan authorities said that exercise had been increased to one hour and that some window shutters that were restricting light and ventilation had been removed.

In *Poland* new legislation makes clear that prisoners may present their defence to any disciplinary charges and a case manager (educator) can also comment in person. Books and newspapers are now allowed to prisoners in solitary confinement but not visits. As stated above, solitary confinement is being used less and less and the number of isolation cells is being reduced. Conditions in the rooms for solitary confinement are no worse than those elsewhere. However,

prisoners in isolation are not visited daily by a medical officer despite the requirement in rule 38.3 of the European Prison Rules.

In *Romania* prisoners in solitary confinement continue to be held in material conditions that are superior to those experienced by a prisoner housed in an overcrowded dormitory.

In *the Russian Federation* solitary confinement may be for up to 15 days and the 1996 legislation has abolished the provision whereby multiple periods of such confinement could not exceed 60 days per year. For young prisoners in 'educative colonies' the 15 day maximum is replaced by 7 days. In some pre-trial institutions prisoners in solitary confinement may only be allowed 30 minutes time for daily exercise.

In *Slovakia* prisoners in solitary confinement are held in conditions similar to those in a cell for one prisoner. Following a CPT recommendation of 1995, prisoners have mattresses and reading materials.

In *Slovenia* the use of punishments, which has been traditionally low, fell by a further 32% in 2000.

In *Ukraine* prisoners accused of a disciplinary offence are given the opportunity to state their view in writing, but the CPT recommended in 1998 that they should be heard in person. They may appeal to higher authorities. Isolation cells were found to be small and had no access to daylight, with adult males receiving no mattresses and blankets, and with no reading matter. Artificial lighting and ventilation were adequate. The Ukrainian authorities stated that mattresses, pillows and blankets would be provided, and that one hour's exercise would be allowed – two hours for minors. In 2000 the CPT found that prisoners in solitary confinement were receiving mattresses and blankets but not reading material; neither were they getting one hour's exercise.

In *Yugoslavia: Montenegro* Council of Europe experts found (2002) that isolation cells fell far short of the requirements of the European Prison Rules, with inadequate space, light, heating and ventilation. There were no integral sanitary facilities – only a bucket, and bathing arrangements were unsatisfactory. Prisoners were not getting more than half an hour's exercise and there was a 'silent rule' in force. Five months later the Director of the prison reported that one hour's exercise was being allowed and the 'silent rule' was not practised any longer. An educator or the head of security shift visited prisoners in solitary confinement every day.

In *Yugoslavia: Serbia* the legislation (1997) provides that prisoners in solitary confinement should be in normal rooms, have 10m³ of space, access to books, a daily visit from a doctor and weekly visits from a manager and an educator/pedagogue. Council of Europe experts found (2001) that punishment cells in the correctional facility for juveniles were dark and the windows covered by a metal grille, which could only be opened from the outside; thus, fresh air could not be regulated by the prisoner.

In matters affecting disciplinary sanctions, there has thus been progress in responding to deficiencies to which Council of Europe experts and the CPT had drawn attention, but there are aspects in which further progress is needed. These include:

- prisoners against whom a disciplinary charge is brought should be informed in writing and given a proper hearing at which they should be able to present their defence;
- such prisoners should be able to appeal to a higher authority against any disciplinary sanction that is imposed;
- isolation cells or rooms should conform to international standards in respect of space, heating, lighting and ventilation;
- isolation should not be allowed to compromise a prisoner's right that sanitation installations and arrangements for access shall be adequate to enable him/her to comply with the needs of nature when necessary and in clean and decent conditions;
- isolation should not be accompanied by any restriction on the prisoner's right to one hour's exercise daily (which is in the interests of health and not to be seen as a privilege);
- isolation should not be accompanied by any restriction on the right to maintain normal contact with the family (which is in the interests of eventual reintegration into society and not to be seen as a privilege);
- prisoners in isolation should be allowed to have mattresses, blankets and access to reading matter;
- every punishment involving solitary confinement should be preceded by a medical examination to ensure that the prisoner is fit, and should be accompanied by daily visits from the medical officer to ensure that the prisoner's condition has not deteriorated.

10. Contact with the outside world

Since the previous report there has been some increase in the extent to which prisoners are enabled to be in contact with the outside world, in particular in respect of visits from family and the use of telephones. This section summarises information concerning letters, visits, home leave, telephones and other means of contact with the outside world. More detailed information in respect of the individual prison systems can be found at sections 21-44.

Letters

There is generally no limit on the number of letters that may be sent and received by sentenced prisoners, but there are differences as to whether letters are read by the prison authorities. Letters are never read in Bosnia and Herzegovina (Federation), Georgia, Poland, Romania, Slovakia and Slovenia, but in Slovenia, at least, they may be opened in the presence of the prisoner if there is reasonable suspicion that they contain suspicious objects. By contrast, they are always read by the prison authorities in Bulgaria, Latvia and Macedonia, and in closed institutions in Croatia. They are usually read in Belarus, Bosnia and Herzegovina (Republika Srpska) and Serbia and they may be read in the Czech Republic. Several countries emphasised that letters were never opened or read if they were addressed to official bodies with which prisoners are entitled to correspond confidentially. The point was also made that the reading of letters, though principally a security measure, was done by educators/pedagogues and was a useful means of learning about problems with which the prisoner may need assistance. Developments in recent years include increased frequency of letters for sentenced prisoners (e.g. in Bosnia and Herzegovina - Federation), the abolition of the practice of staff reading prisoners' letters in Romania and Slovakia and the reduction of this practice in the Czech Republic.

The correspondence of pre-trial detainees is a very different matter. In some countries (e.g. in Bosnia and Herzegovina, Latvia and Ukraine) letters may only be sent and received with the consent of the prosecutor/investigator or court. In others (e.g. Estonia, Lithuania and Poland) these officials do not have the right to ban correspondence but they decide whether letters shall be read by the prison authorities. However, there seems to have been some increase in recent years in the extent to which pre-trial detainees are permitted to send and receive letters.

Visits

The frequency with which visits from family members are allowed to sentenced prisoners has increased in recent years in a number of countries (e.g. in Bosnia and Herzegovina, Lithuania, Poland and Slovenia). Visits are allowed at least once a month in all but six prison administrations. However, in Belarus only 6-10 visits a year are allowed to prisoners in the general regime and in the special (very strict) regime they may only be visited 3-5 times a year. Prisoners in the closed regime in Latvia and the strict regime in Lithuania may only be visited

every two months. In Russia only 4-8 visits a year are allowed to most prisoners and only two a year to those in ‘prison’ (tyoorma) conditions. In Slovakia those in the correctional group for the most serious offenders may only be visited once every six weeks. In Ukraine only two visits a year are allowed to those in ‘prison’ (tyoorma) conditions. Visits are allowed at least once a week in (e.g.) Albania, Bosnia and Herzegovina, Croatia, the Czech Republic, Georgia and Slovenia and in open prisons in (e.g.) Macedonia, Poland, Russia and Serbia.

Visits to pre-trial detainees are dependent, in about three-quarters of the prison administrations, on decisions by investigating authorities as to whether they are to be allowed and as to their frequency. In some countries they are less than 30 minutes in duration but in several others the length has recently been increased.

Table 19 sets out the frequency of visits, according to the prison administrations or other authoritative (mainly documentary) sources.

Table 19 Contact with the outside world – frequency of visits

	Frequency of visits	Additional information
Albania	4 times a month (SP). The same frequency is believed to apply for PTD.	Law specifies that one of the 4 visits to SP can be a ‘special’ (intimate) visit for married prisoners. Ordinary visits to SP last one hour; to PTD they last 30 minutes.
Armenia	Depends on approval of investigating authority (PTD) but generally 2 or 3 times a month. Twice a month (SP).	The two visits per month (SP) are one short visit (2 hours) and one long (72 hours).
Azerbaijan	Twice a month (PTD), subject to the approval of the prosecutor. 2 or 4 times a month in general regime (SP), once a month in strict regime.	Long visits (72 hours) allowed 3 or 4 times a year in general regime, twice a year in strict regime, monthly in juvenile colonies.
Belarus	Depends on approval of investigating authority (PTD). 6-10 visits a year in general regime and 3-5 a year in special (very strict) regime (SP).	
Bosnia and H. - Federation	Once a week (PTD depending on the approval of the investigating judge).	Not specified by law.
Bosnia and H. - Republika Srpska	Once a week (PTD depending on the approval of the investigating judge).	Law specifies at least once a month, twice in semi-open institutions and three times in open institutions. PTD visits usually thirty minutes (formerly 10-30 minutes).
Bulgaria	At least once a month.	1 hour for SP.
Croatia	8 times a month, 10 for juveniles (PTD). 4 times a month (SP).	Law specifies at least twice a month for SP. PTD visits at least 15 minutes, SP 1 hour.
Czech Republic	Twice a month (PTD). Three hours a month maximum for SP.	PTD visits at least 1 hour (formerly 30 minutes). Frequency of visits to SP no longer depends on security category.
Estonia	At least once a month (PTD depending on the approval of the prosecutor/court).	Long visits involving overnight stay are also allowed.
Georgia	Depends on approval of investigator/judge (PTD). 5 times a month in general regime, 4 times in strict regime (SP). Unlimited visits for juveniles.	Long visits allowed 5 times a year (general regime), 3 times a year (strict regime), monthly (juveniles).
Hungary	At least once a month.	Law specifies 30 minutes duration but in practice it is 1-2 hours.

Latvia	At least once a month for PTD, depending on the approval of the investigator/court. At least once in 2 months for SP in closed regime, once a month in semi-closed regime.	Visits last 1-2 hours, except that one half of visits to SP are long visits of up to 36 hours.
Lithuania	Less than once a month for PTD, depending on the approval of the investigator/court. Once in 2 months for SP in strict regime, 10 visits a year in normal regime (formerly once in 4 months in strict regime and 5 visits a year in normal regime).	Law specifies 'without restrictions' for PTD but does not happen in practice. Duration depends on local circumstances but may be up to 4 hours. One half of visits to SP are long visits involving overnight stay.
Macedonia	Twice a month (PTD). Once a month for SP in closed prison, twice a month in semi-open, once a week in open prison.	
Moldova	Depends on approval of investigator/judge (PTD). Once a month for SP.	Visits last up to two hours, except that 1 in 3 of those to SP are long visits of 1-5 days.
Poland	Once a month but may be once a week, depending on the approval of the prosecutor/judge (PTD). Twice a month in closed prisons for SP, 3 times a month in semi-open and unlimited in open prisons.	PTD visits normally 1 hour (at least in large pre-trial prison near Warsaw- Białołęka).
Romania	Once a month.	
Russia	Depends on approval of prosecutor or judge (PTD). Generally between 4 and 8 visits a year, dependent on regime but once a month for some prisoners in general regime and more frequently for young prisoners. Only twice a year in prison 'tyoorma'(SP).	Up to 4 hours. Long visits of up to 3 days may also be allowed, their frequency depending on the regime.
Slovakia	Depends on approval of investigating authority (PTD). Every 2, 4 or 6 weeks, depending on correctional group (SP).	
Slovenia	Depends on approval of prosecutor, but generally once a week and sometimes more often for close relatives (PTD). At least twice a week (SP).	At least 1 hour (SP). Long visits involving overnight stay are also allowed.
Ukraine	One or two hours a month but depends on approval of investigating authority (PTD). Four hours a month (SP), but only twice a year in 'prison' conditions.	Long visits of up to 3 days allowed every three months.
Yugoslavia: Montenegro	Depends on approval of investigating judge (PTD) but weekly if allowed. Every two weeks (SP).	One hour (SP).
Yugoslavia: Serbia	Depends on approval of investigating authority (PTD). Between once and 4 times a month, depending on classification (SP).	

Note: PTD = pre-trial detainees SP = sentenced prisoners

Most prison administrations report that visits to pre-trial detainees are 'closed' i.e. the detainee is physically separated from the visitor by a screen. In Bosnia and Herzegovina, however, closed visits are now exceptional and in Bulgaria and Romania pre-trial detainees are allowed to touch their family visitors (but only their children in Bulgaria). Contact is sometimes allowed in Croatia, the Czech Republic, Lithuania, Macedonia, Montenegro, Poland and Slovenia. It is generally agreed, as recommended by the CPT (e.g. Croatia, 2001/4), that it is only exceptionally necessary for pre-trial detainees to be physically separated from their visitors, but restrictions imposed by the investigating authorities and long established tradition still obstruct progress in this matter.

Some countries (e.g. Hungary and Slovakia) have made particular efforts to improve conditions for visitors and their children while they are waiting for their visits, at least in certain prisons.

Most prison administrations endeavour to locate prisoners as close to their homes as possible. However, it remains true that the limited availability of public transport, the shortage of private cars and the cost of travel conspire to make even comparatively short journeys extremely difficult, or even impossible, for many visitors. In these circumstances it is particularly desirable that visits, when they are made, can be as long as possible. As table 19 showed, visits often last well over an hour and some countries, especially countries of the former Soviet Union, allow extended family visits ('long visits'), during which family groups, often including two or three generations, can stay for one or more days and nights in accommodation which includes a play area for children and facilities for cooking as well as sleeping and washing areas. Such visiting arrangements were reported in Armenia, Azerbaijan, Belarus, Estonia, Georgia, Latvia, Lithuania, Moldova, Russia, Slovenia and Ukraine.

Facilities for private (conjugal) visits lasting a few hours are available in certain institutions, usually high security prisons for long-termers, in Albania, Belarus, Bosnia and Herzegovina, Croatia, Czech Republic, Estonia, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Poland, Serbia and Slovenia, but not in Bulgaria, Hungary, Romania and Slovakia. Prison experts generally reported that such facilities are not necessary for prisoners who receive regular home leaves but are desirable for long-term prisoners who are not yet eligible for home leaves and other prisoners who are unlikely to be granted such leaves.

Home leave

Home leave is recognised in many countries as a valuable means of enabling prisoners to maintain contact with their families and with the world outside the prison, as well as being a key feature of preparation for release. It also reduces tension within the prisons. Most countries allow home leave in some circumstances, but the extent to which it is used for the purposes listed above varies from one prison administration to another. In some countries (e.g. Moldova, Romania, Ukraine) it is only allowed exceptionally, for example in case of serious illness or death within the family. In Belarus it is allowed only to prisoners in the general regime and to juveniles, in Latvia only to prisoners in open or semi-open prisons, in Lithuania only to women and juveniles, in Russia only in exceptional (e.g. compassionate) circumstances and in order to make arrangements concerning a forthcoming release, and in Slovakia to prisoners in the higher correctional groups. It is used most freely in countries such as Bosnia and Herzegovina, Croatia, Macedonia and Slovenia, while the Czech Republic, Hungary and Poland, which have used it fairly extensively, have had to introduce restrictions following bad publicity for incidents in which serious crimes were committed by prisoners on home leave. Poland reported that about a quarter of sentenced prisoners were benefiting from home leave in 2001.

Telephones

In the previous report, describing the situation in 1994, it was noted that telephones were increasingly being installed in penal institutions, providing an additional means of communication that is extremely valuable in cases where prisoners are located some distance from their homes and there are no transport arrangements that are both convenient and affordable. The arrangements in 2001 are summarised in table 20. Telephones are now available, at least in some institutions, to sentenced prisoners in all prison systems, but to pre-trial detainees they are only known to be available in ten, and this may be subject to the approval of investigating authorities. There are variations in the extent to which calls are monitored by prison staff, but this is usually done in the case of calls by pre-trial detainees.

Table 20 Contact with the outside world– availability of telephones

	Availability of telephones
Albania	legislation authorises their use for SP but insufficient have so far been installed to enable regular access
Armenia	available to PTD and SP
Azerbaijan	available to SP but not to PTD
Belarus	available to SP but not to PTD
Bosnia and H. - Federation	available to PTD and SP
Bosnia and H. - Republika Srpska	available to PTD and SP in some institutions
Bulgaria	available to PTD and SP
Croatia	available to SP and to PTD if investigating judge permits
Czech Republic	available to SP 'in reasonable cases' but not to PTD
Estonia	available to PTD and SP
Georgia	available to SP but not to PTD until after 2001
Hungary	available to PTD and SP but access severely restricted – CPT recommended expansion of use
Latvia	available to SP but not to PTD
Lithuania	available to SP but not to PTD
Macedonia	available to SP but not to PTD
Moldova	available to SP but not to PTD
Poland	available to SP but not to PTD
Romania	available to SP and to PTD if investigating judge permits
Slovakia accommodation but not to PTD	available to SP in open and semi-open
Slovenia	available to SP and PTD
Ukraine	available to SP but not to PTD
Yugoslavia: Montenegro	available to SP
Yugoslavia: Serbia	available to SP and PTD

Note: PTD = pre-trial detainees SP = sentenced prisoners

It is desirable that the progress that has been made in the availability of telephones to pre-trial detainees and sentenced prisoners should continue, so that all sentenced prisoners have ready access to telephones, with calls monitored by prison staff in exceptional cases (with the full knowledge of the prisoner and the person telephoned), and pre-trial detainees also have access to telephones, with calls monitored as necessary but also with full knowledge of the prisoner and the person telephoned. Special arrangements should be made to allow extra use of the telephone for prisoners whose families are unable to use their allowance of visits.

Parcels

Prisoners' families in all countries may send them parcels containing food, clothing, toiletries and items for educational and leisure activities. In at least one country (Moldova) the size of parcels has been increased to enable prisoners to supplement the limited amount of food that is available in the prisons. Other prison administrations are restricting the number of parcels coming in, with the Czech Republic, for example, allowing food and toiletries only at Easter and Christmas on the grounds that such items can be purchased in the prison canteen and parcels are considered to be a source of the importation of drugs into the prison. Clothes and materials for training, education and leisure purposes are allowed more frequently. Slovakia was also planning to enforce similar restrictions.

Other contacts with the outside

Newspapers and magazines are generally available in prison libraries, with several administrations allowing prisoners to take out personal subscriptions for particular journals that are of interest to them. However, pre-trial detainees cannot always get access to newspapers and magazines. There are generally radios in prison cells and rooms, although again not always in the case of pre-trial detainees. Television is available to sentenced prisoners either in their cells/rooms or in the group rooms to which in several countries they go for leisure activities. Pre-trial detainees are not allowed access to television in some countries, including the Czech Republic and Slovakia.

Other opportunities for contact with the outside come via access given to non-governmental organisations, including religious groups, to work with prisoners in education, training, preparation for release and cultural activities (see section 15). In several countries prisoners in open or semi-open prisons or near the end of their sentence may be allowed to go outside the prison to obtain work or for cultural or sporting activities.

Conclusion

There has been some progress in recent years in the extent to which prisoners are enabled to be in contact with the outside world and the conditions in which this is done. In particular this includes:

- increases in the frequency with which letters may be sent and received, including an apparent increase in the extent to which this is allowed to pre-trial detainees;
- some reduction in the extent to which prisoners' letters are read by prison staff;
- an increase, in a number of countries, in the frequency with which visits from family members are allowed to sentenced prisoners;
- an increase, in several countries, in the duration of visits to pre-trial detainees;
- improved conditions for prisoners' visitors in some prisons;
- increased use of telephones both for sentenced prisoners and pre-trial detainees.

However, despite these positive developments there are aspects in which further progress is needed in some prison systems. These include:

- pre-trial detention should not involve restrictions on contact with family members by letter or visit apart from in exceptional circumstances;
- letters should only be read by prison staff in exceptional circumstances on security grounds;
- all prisoners should be able to receive visits at least once a month, and if possible once a week, in the interests of their eventual reintegration into society;
- for the same reason the frequency of visits should not depend on the strictness of the regime to which a prisoner is allocated;
- 'closed visits', where the prisoner is separated from his visitor by glass panels, or other physical obstructions should be reserved for exceptional cases, both in respect of pre-trial detainees and convicted prisoners;
- where visiting involves a long journey or is rarely possible, family members should be compensated for this by longer visits including visits lasting more than one day, and increased use of telephones;
- visiting rooms should be made as pleasant and comfortable as possible, since a good atmosphere can contribute significantly to the value of a visit;
- the use of telephones should be expanded further in order to encourage regular contact with their families by sentenced prisoners and pre-trial detainees alike;

- prison leave should be granted as often as possible, subject to considerations of security and the safety of the public.
- in the interests of locating prisoners as close as possible to their homes, efforts should be made to create smaller units for women and for juveniles, either separately or as a segregated part of an institution for adult males.

11. Prison staff

It was emphasised in the previous report (Walmsley, 1996 p.116) that, however good the intentions and policies of national prison administrations, it is the work done in the institutions by the prison staff on which the humanity and effectiveness of prison systems ultimately depends. It was noted that this is fully recognised in central and eastern Europe and that particular emphasis was being placed on improving the quality and performance of the prison staff. This process has continued.

Recruitment and morale

Recruitment is generally not difficult, except in the case of specialist staff, and in cities with low unemployment levels (e.g. Bratislava, Warsaw). Several countries, including Slovenia, are paying particular attention to the quality of staff recruited, in order to improve the overall standard of practice in the system. However, retaining staff is more difficult; there is at least 10% annual turnover in several countries, including the Czech Republic, Hungary and Poland. Vacancy levels are often quite high; sometimes this is as a result of a policy to economise on staff costs rather than because of recruitment problems. In 2001 vacancies for security staff were at least 10% in Macedonia (35%), Estonia (27%), Moldova (23%), the Republika Srpska entity of Bosnia and Herzegovina (18%), Croatia and Slovenia (both 10%), but were under 3.5% in Bulgaria, the Czech Republic, Hungary, Latvia, Poland (which had no vacancies at all), and Slovakia. The proportion of vacancies for specialist staff responsible for treatment or medical care was generally slightly higher than for security staff.

Morale varied greatly, being at its highest where, as in Slovakia, there are many benefits available for staff (see section 40) and they are quite well regarded in the community. Other prison administrations which drew attention to high morale included Bosnia and Herzegovina (Federation) and Croatia, and morale was improved in Moldova where salaries had been doubled. Salaries often seemed to be similar to those of the police; in Hungary, however, a basic grade police officer was said to earn 50% more than a basic grade prison officer. Morale was reported to be low there, and also in the Czech Republic and the Republika Srpska entity of Bosnia and Herzegovina.

Rule 53 of the European Prison Rules states that “the prison authorities shall regard it as an important task continually to inform public opinion of the roles of the prison system and the work of the staff, so as to encourage public understanding of the importance of their contribution to society”. Many prison administrations make considerable efforts in this direction, including regular contacts with the media. Some prisons have ‘open days’ for the public and Croatia, for example, has a course for prison directors on communication with the media.

Numbers of staff and staff-prisoner ratios

The previous study revealed that staff numbers were often inadequate to guarantee a positive regime. Staff numbers have generally increased since 1994, by around 50% in Russia, 48% in Albania, 35% in Croatia, the Czech Republic, Latvia and Romania; only in Estonia has there been a significant fall (of 18%). This is attributable to the introduction of legislation, which banned people who are not citizens of Estonia from working in the prisons after the end of the year 2000. Numbers in the prison administration headquarters vary dramatically, without obvious connection with either the national population or the prison population (table 21). There may be benefit in having management reviews in some countries in order to assist in the most effective deployment of scarce resources.

It was noted in 1994 that staff-prisoner ratios were very low in some countries of the region, and that this undoubtedly reduces the scope for progress in the management of the institutions and the treatment programmes. As can be seen, just half the prison systems had staff-prisoner ratios of 1 : 2.5 or higher.

Table 21 Total staff in prison systems and overall staff-prisoner ratio, 2001

	Total staff 2001	Change since 1994	Number in prison HQ 2001	Overall staff-prisoner ratio
Albania*	1,219	+48.1%	68	1 : 1.2
Armenia*	1,829		136	1 : 3.1
Azerbaijan	5,547		100-120	1 : 4.2
Belarus	6,882	+c.52%		1 : 8.2
Bosnia+Herzegovina: Federation	724		5	1 : 2.0
Bosnia+Herzegovina: Rep. Srpska	592		6	1 : 1.5
Bulgaria	4,599	+19.1%*	107	1 : 2.0
Croatia	2,954	+36.5%	29	1 : 0.9
Czech Republic*	10,088	+37.6%	239	1 : 2.3
Estonia	1,929	-17.8%	27	1 : 2.5
Georgia	c.2,679		c.125	1 : 3.1
Hungary	6,776	+8.2%	165	1 : 2.3
Latvia	2,237	+34.2%	80	1 : 3.9
Lithuania	3,315	+4.3%	86	1 : 2.9
Macedonia	452		4	1 : 3.4
Moldova	2,500	-1.2%	86	1 : 4.0
Poland	23,750	+8.9%	198	1 : 3.0
Romania	11,049	+34.7%	214	1 : 4.5
Russia	347,400	+50.0%		1 : 2.8
Slovakia	4,724	+7.9%	135	1 : 1.5
Slovenia	873	+4.4%	18	1 : 1.3
Ukraine	47,000			1 : 4.2
Yugoslavia: Montenegro*	285		7	1 : 2.5
Yugoslavia: Serbia	3,199		15	1 : 1.9

* Albania: at 1.9.2000 (Ministry of Justice institutions only)

Armenia: at 1.9.2002

Bulgaria: increase in staff working in units for sentenced prisoners

Czech Republic: at 1.1.2000

Yugoslavia: Montenegro at 25.4.2002

Security staff make up between 31% and 77% of staff in the prisons in the prison administrations on which information is available, and over 50% in all but four of them. Treatment staff range from 5% in Albania and Serbia and 7% in the Republika Srpska entity of Bosnia and Herzegovina to 14-15% in the Czech Republic, Latvia, Lithuania and Moldova, 19% in Hungary and 24% in Macedonia. Staff-prisoner ratios calculated counting only staff responsible for management, security and treatment within the prisons are obviously lower than those that take account of the total number of people employed by the national prison administration, but they perhaps offer a more useful indication of the opportunities for good management and treatment and activities programmes within the prisons. On this basis, less than half the prison administrations on which information is available have ratios of 1 : 3.0 or higher (table 22).

Table 22 Staff in penal institutions, 2001: functions and staff-prisoner ratios

	Manage-ment	Security	Treat-ment	Other	Staff-prisoner ratio (managem't, security, treatment staff only)
Albania	2%	77%	5%	16%	1 : 1.5
Bosnia: Federation	5%	61%	10%	23%	1 : 2.5
Bosnia: Rep. Srpska	4%	54%	7%	36%	1 : 2.4
Bulgaria	2%	64%	12%	23%	1 : 3.8
Croatia	1%	37%	11%	50%	1 : 1.8
Czech Republic*	4%	61%	14%	21%	1 : 3.0
Estonia	5%	56%	11%	28%	1 : 3.5
Hungary	6%	31%	19%	44%	1 : 4.2
Latvia	3%	61%	14%	22%	1 : 5.3
Lithuania	2%	44%	14%	36%	1 : 4.9
Macedonia	4%	56%	24%	16%	1 : 4.0
Moldova	3%	66%	15%	16%	1 : 5.0
Romania	5%	62%	11%	23%	1 : 5.8
Slovenia	6%	53%	10%	35%	1 : 2.0
Yugoslavia: Serbia	4%	49%	5%	38%	1 : 3.1

* Czech Republic: at 1.1.2000

Staff training

It was recognised as soon as the totalitarian regimes were overthrown that many prison staff were unsuited to working in prison systems that sought to ensure full adherence to the international prison standards. There were massive staff changes in some countries and smaller ones elsewhere (Walmsley, 1996 pp. 9-10). Since then much effort has been devoted to the development of staff training. Prison administrations have worked with experts from other European countries to expand and modernise training programmes, and have sought to recruit and retain staff of good quality, to convince all staff of the importance of improving prison regimes and to give them the skills with which to do so.

New training centres have been established in several countries, including Albania, Azerbaijan, Croatia, Estonia, Lithuania, Montenegro, Russia and Ukraine and, with assistance from Council of Europe steering groups, a number of prison administrations have made considerable progress in staff training. The Baltic States, through the Council of Europe Nord-Balt Prison Project, which is based on co-operation between the Nordic and the Baltic countries, have established a basic training framework and new training programmes that are based on it. NGOs are assisting in training, including in Moldova and Russia.

With the steady improvement of the training centres and increased interchange of experience with training establishments in other parts of Europe, there can be confidence that the situation will continue to improve. However, as the prison administrations readily admit, there is a long way to go. Many staff are at best lukewarm about running positive regimes and, despite encouragement from the CPT and from other experts to develop the inter-personal communication skills of security staff in the prisons, there remains a reluctance in some prison admin-

administrations to accord security staff a role which extends beyond basic security duties. The concept of dynamic security, involving positive interaction between security staff and prisoners in the interests both of keeping tension and stress levels low and of building relationships that contribute to security, has not fully won over all administrations and staff in the region; however, it is better understood and being introduced into more and more prison systems.

The length of initial training for new security staff is 1½ months in Georgia and Romania, 2 months in the Russian Federation, 2½ months in Ukraine, 3 months in Armenia, Azerbaijan, Belarus, Latvia, Lithuania and Moldova, 3-4 months in Croatia and Montenegro, 4 months in Albania, 5 months in Bulgaria, 6 months in both entities of Bosnia and Herzegovina, Serbia, Slovakia and Slovenia, 6 months to a year in the Czech Republic, 10 months in Hungary and 1 year in Macedonia. In Estonia initial training involves at least 40 hours work for the majority; a small number receive college training which lasts for one year. In Poland three weeks intensive initial training is followed by supervised practice and further training over a 2-year probationary period.

Use of opposite sex staff

Rule 62 of the European Prison Rules encourages “the appointment of staff in institutions or parts of institutions housing prisoners of the opposite sex”, since this may reduce tension and help to diminish the gulf between circumstances outside and inside. The previous study reported on the use of opposite sex staff in 13 countries of central and eastern Europe in 1994 (Walmsley, 1996 pp.131-2). In 2001 most prison administrations reported that in prisons for men some 15-30% of staff were female; these included women involved in treatment roles, such as psychologists, social workers, and educators/pedagogues/case managers. In all countries women work in administrative roles, and generally there are a few security staff, whose responsibilities include the searching, where necessary, of female visitors. In Azerbaijan, Moldova and Romania the medical staff in prisons for men include women but there are none involved in the treatment roles listed above. In Latvia it is reported that women are only involved in administrative work. In prisons for women at least 25% of staff are men in most countries, and often at least half the staff are men. However, in Macedonia it is reported that there are no male staff in the prisons for women. This information is summarised in table 23.

Table 23 Use of opposite sex staff in penal institutions

	In institutions for men	In institutions for women
Armenia	Few staff are women, working in treatment, security and administration	More than three-quarters of staff are men, working in security and administration
Azerbaijan	Less than 10% are women, working in treatment (health care only) and administration	Less than 10% are men, working in administration and security, and the director
Belarus	2% are women, working in treatment	15% of staff are men, working in security

Bosnia: Federation	15% of staff are women, working in treatment and administration	40% of staff are men, working in security and administration
Bosnia: Rep. Srpska	17% of staff are women, working in treatment and administration	29% of staff are men, working in security and administration
Bulgaria	5% of security and treatment staff are women	30% of security and treatment staff are men
Croatia	At least half the treatment staff are women; others in security and administration	Men work as treatment staff as well as in security and administration
Czech Republic	A considerable number of women treatment staff; others in security and admin.	Men are little used, except in security and administration
Estonia	25% of staff are women, working in treatment, security and administration	50% of staff are men, working in management, security and administration
Georgia	About 15% of staff are women, working in security and administration	About 10% of staff are men, working in administration
Hungary	27% of staff are women, working in treatment, security and administration	58% of staff are men, working in treatment, security and admin.
Latvia	32% of staff are women, working in administration	16% of staff are men, working in security
Lithuania	29% of staff are women, working in treatment and administration	27% of staff are men, working in security and administration
Macedonia	About 15% of staff are women, working in treatment, security and admin; half of the treatment staff are women	There are no male staff employed
Moldova	16% of staff are women, working in treatment (health care only) and administration	55% of staff are men, working in security
Poland	16% of staff (50% of treatment staff) are women; also in security and admin.	55% of staff are men, working in management/ security/treatment/admin.
Romania	19% of staff are women, working in treatment (health care only) and administration	51% of staff are men, working in security and administration
Slovakia	A considerable number of women treatment staff; others in security and admin.	73% of staff are men (50% of treatment staff); also in security and administration
Slovenia	25% of staff are women, in management, treatment and administration	36% of staff are men, working in security/ as instructors/economic matters
Yugoslavia: Montenegro	It is believed that few staff are women	It is believed that few staff are men
Yugoslavia: Serbia	10% of staff are women, working in treatment and administration	5-8% of staff are men, working as perimeter guards

Limits to the prison directors' authority over prison staff

In some prison administrations the prison directors do not have full control over all the staff. In the former Soviet Union it was normal for the perimeter of penal institutions to be guarded by Ministry of Internal Affairs troops, and this practice has not died out completely. But, as the CPT has said, “it is axiomatic that the cornerstone of a humane prison system will always be properly recruited and trained prison officers”. In Azerbaijan the perimeter of each closed prison was guarded in 2001 by staff who belong to the Ministry of Justice and report to the national prison administration but are not under the prison director. In Latvia, at the time of the previous study (1994), the perimeter of each closed prison was guarded by staff who were part of a special regime and guarding section and, while these guards were members of the prison service in four prisons, in all the rest they were unqualified military conscripts. These military guards have since been replaced at some additional prisons but the target for all prisons to be professionally guarded has been put back to 2005 and this date is an aspiration rather than a decision. The Latvian prison administration accepts that this is “a very unfavourable state of affairs” and would like the process speeded up (CPT, 2001/27, p.43) – see section 33. In Lithuania military conscripts were still guarding six prisons in 2001 (one fewer than in 1995). It is intended that this practice will be phased out, as in Latvia (see section 34). In Moldova perimeter security in the colonies, but not in the pre-trial institutions, is the responsibility of Ministry of Internal Affairs troops (see section 36); custodial staff in colonies were not officially under the command of the prison director at the beginning of 2001, though they were under the Ministry of Justice. This was said to be an interim situation and directors did have de facto control. In Russia the process of replacing Ministry of Internal Affairs troops with prison administration staff, which began in 1994, was completed during the following few years. In Ukraine all perimeter guards were employees of the prison administration by the year 2000.

Other aspects

A number of other aspects affecting prison staff and security matters are reported on briefly in some of the sections of this report that describe the situation in individual prison systems. The demilitarisation of prison staff is one of these and there has been continued progress towards civilianisation. Romania has commenced the process of demilitarisation of the prison system, and in the year 2000 a number of staff in the Czech Prison Service, mostly specialists, switched from uniformed to civilian status. There is a danger that staff trained as military personnel relate to prisoners in the formal way appropriate to their relationships with (military) colleagues, and that this makes their role, as part of the team that is concerned with treatment goals, more difficult and increases tension. For these reasons, many experts believe that the military ranks of prison staff and military uniforms and practices should be discontinued. It is recognised, however, that military ranks carry a certain status, and often superior benefits to those of civilian staff, and that the transition will consequently be slow and difficult.

Serious incidents of inappropriate behaviour by staff seem to be comparatively few, but there is a real danger, which has become a reality in several countries, that poor staff status and salaries will render them vulnerable to corruption by prisoners, for example in connection with the importation of drugs into the institutions.

The overall picture seems to be that staff practice is gradually improving as staff training improves. But it is essential that prison administrations and prison directors place much emphasis on developing and maintaining high levels of staff morale if progress is to continue and be maximised.

Conclusion

There have been many positive developments in recent years concerning prison staff.

These include:

- particular attention being paid to the recruitment of good quality staff;
- emphasis being placed on developing and maintaining high morale amongst staff, including by providing good facilities and other benefits for them, and by a policy of openness to the media and drawing attention to the valuable work that staff do on behalf of the community;
- increasing the numbers of staff in order to raise the staff-prisoner ratio and thus improve the opportunities for positive regimes, with prisoners able to engage, for a significant part of the day, in purposeful activities of a varied nature;
- improving staff training, including the establishment of new training centres and the appointment of training officers at individual prisons;
- holding regular meetings between staff responsible for each of the different aspects of prison service work, such as security, treatment and health care, and those responsible at prison administration headquarters for each of these aspects;
- coping with events, such as serious overcrowding and consequent disturbances, in a positive way, calculated to stimulate a good atmosphere in the institutions and minimal tension.

The following are some of the objectives that have been identified by prison administrations in respect of prison staff, together with other outstanding tasks that require further progress in order to ensure that the accepted European standards are satisfactorily met:

- placing continued emphasis on recruiting good quality staff, in order that overall standards are raised;
- improving conditions for staff, including ensuring that they are paid at least as well as police staff, and thus reducing the danger of corruption;
- making continued efforts to boost morale by increasing the respect for the important role that prison staff play on behalf of the community;
- raising staff numbers, including increasing the number of specialist treatment staff, so that all systems have a staff-prisoner ratio of at least 1 : 2.5,

- and 1 : 3.0 in respect of management, security and treatment staff in the prisons;
- improving initial training for staff, and making available training, including advanced training, for all levels and types of staff, so that standards of practice are raised and staff attitudes are fully in line with policies followed by the national prison administrations, in accordance with international standards;
 - eliminating the practice of using perimeter guards who are not under the full control of the director of the prison; introducing more technical means of security and, where there is a risk of organised crime groups breaking into a prison in order to free a prisoner, taking the necessary measures to combat this;
 - continuing to demilitarise the prison systems, and ensuring that the military aspects of the organisation of the prison service do not impede its effectiveness;
 - placing continued emphasis on developing and maintaining a relaxed atmosphere, with as little tension as possible, within the institutions.

12. Treatment, regime activities and preparation for release

As was noted in the previous section (table 22), treatment staff (including health care staff) make up some 10-15% of all prison staff in most of the prison administrations. The staff with the principal responsibility for (non-medical) treatment programmes, and often also for regime activities, are the specialists known variously as educators, pedagogues (in former Yugoslavia), social workers (e.g. Bulgaria, Estonia), case-managers (Poland), and heads of detachment (e.g. Moldova, Russia, Ukraine). They have charge of a group of prisoners and are required to have concern for the individual welfare and behaviour of the group and to ensure that their treatment, work and leisure activities progress as well as possible. Increasingly the personnel in this role are university educated and highly skilled in personal relationships. In many countries they are part of the team (often including other specialists, such as a psychologist and another social worker) that interviews prisoners on admission into the penal institution in order to understand their attitudes and their family circumstances, their work capabilities and other significant characteristics, and then prepares a programme for each prisoner which, in the prison systems where there are the most treatment opportunities, is tailored to his or her particular needs. Elsewhere the admission interviews simply involve the collection of information that is used as a basis for decisions about accommodation and employment.

The European Prison Rules state that there should be “a sufficient number of specialists” (Rule 57), but most prison administrations report that they cannot appoint as many as they would wish, and that the groups of prisoners for which

the educators are responsible are too large. It goes without saying that the larger the group the less time available to concentrate on the particular needs of each prisoner. Table 24 sets out the size of educators' groups in the countries where this information was available.

Table 24 Size of prisoner groups under each educator/pedagogue/social worker/case manager/head of detachment

	Size of prisoner groups under each educator etc.
Armenia	About 50
Azerbaijan	50-100
Belarus	80-100 (20-25 for juveniles)
Bosnia: Federation	50
Bosnia: Republika Srpska	40 (30 for recidivists and 20 for juveniles)
Bulgaria	60-80
Croatia	50-60 (14-16 in institutions for minors and young adults)
Czech Republic	20-30
Estonia	About 100 (fewer for young prisoners)
Georgia	About 50
Hungary	100 (20-22 for young prisoners)
Latvia	50
Lithuania	70
Macedonia	30-90
Moldova	120
Poland	50 on average (80 maximum)
Romania	200
Slovakia	30 maximum (but 12 for difficult or dangerous prisoners) 10 maximum for juveniles (but 4 for difficult or dangerous)
Slovenia	15-30
Yugoslavia: Montenegro	About 50
Yugoslavia: Serbia	50-80

Progress in reducing the size of educators' groups has been made in some countries, notably in the Czech Republic and Poland, where the groups are only half the size they were in 1994; however, in Hungary, Moldova and Romania, all with group sizes of 100 or more, there has been no reduction during this period. In Poland the number of psychologists has also doubled (to 250). In Russia there were only a few dozen psychologists employed in the prison system in 1991 but in 1994 a number were being trained with a view to psychologists having a greatly enhanced role in Russian penal institutions. By 1998 there were 800 in the prison system and this has now risen to over 2,000 (in 2002). As the Deputy Minister put it: "the development of a new prison culture within the Russian penal system reflects the shift in emphasis away from the use of force and authoritarian methods towards human relations" (Kalinin, 2002/1).

Several prison administrations stated that an educator's group should be no larger than 50, and ideally it should be smaller. It will be noted that the size of

groups in about half of the prison systems in table 24 is larger than this, and in four it is at least 100. It is believed to be larger than 50 also in Albania, Russia and Ukraine, the three countries not included in the table.

The European Prison Rules (Rule 65) recommend positive regime activities that minimise differences from life in the community. This implies giving sentenced prisoners as much freedom as possible within the institution and enabling them to fill their time constructively. A fundamental measure of the extent to which they have freedom to engage in positive activities in a way that minimises differences from life outside is the length of time that their cells/rooms are unlocked during a normal day. Table 25 presents this information.

Table 25 Sentenced prisoners: length of time that cells/rooms are unlocked per day

	Sentenced prisoners: time that cells/rooms are unlocked
Albania	Most of the day
Armenia	The whole day
Azerbaijan	The whole day
Belarus	The whole day
Bosnia + H: Federation	The whole day
Bosnia + H: Republika Srpska	Most of the day (prisoners with work), 1-5 hours (prisoners without work)
Bulgaria	10 hours
Croatia	Depends on prison, employment and facilities. Aim is at least 3 hours in addition to working time.
Czech Republic	Most of the day
Estonia	The whole day (7a.m.-10p.m.)
Georgia	The whole day
Hungary	8-9 hours (prisoners with work), 4-5 hours (prisoners without work)
Latvia	Depends on the level of the regime
Lithuania	The whole day, except in closed prisons
Macedonia	The whole day
Moldova	The whole day (16 hours)
Poland	At least 8 hours (prisoners with work in closed regime), 3-4 hours (prisoners without work in closed regime), the whole day (semi-open regime), day and night (open regime)
Russian Federation	The whole day, being locked for only 8-10 hours at night (prisoners in colonies).
Slovakia	First offenders locked only at night; serious offenders unlocked only for work, exercise, sport and organised cultural activities (including watching TV)
Slovenia	17 hours (in closed units)
Ukraine	The whole day (except for those in closed prison conditions)
Yugoslavia: Montenegro	Most of the day
Yugoslavia: Serbia	14 hours

Although, as a result of the different circumstances of individual prison systems, the information in table 25 is not exactly comparable, it is clear that the general practice is for cells/rooms to be unlocked for most of the day, except that in some systems prisoners without work and prisoners in closed conditions are only unlocked for a few hours. This is in contrast with pre-trial detainees who, as was seen in section 6 (table 13) were guaranteed no more than one hour a day outside their cells in most countries.

During the time that they are unlocked prisoners may be involved in cultural and leisure activities and treatment programmes, including preparation for release, and also work, education and exercise, which are covered in section 13. Some prison administrations have developed elaborate treatment programmes, while in others there are few activities to occupy prisoners and enable them to develop skills and aptitudes that will improve their prospects of resettlement after release.

The following is a summary of the treatment programmes and activities (excluding work, education and exercise) that are available. More detailed accounts are in sections 21-44.

In *Albania* there are few organised activities but special attention is now being devoted to providing cultural opportunities and religious activities, including vocational training for young prisoners under 25.

In *Armenia* it is understood that there are no treatment programmes available for sentenced prisoners. In the large colonies there is a 'club' with a stage and cinema screen where a film is shown at week-ends. There are no other organised leisure activities. There are outdoor sports areas in the colonies.

In *Azerbaijan* it appears that there are no treatment programmes or organised activities other than counselling for prisoners with alcohol or drug problems. Nonetheless some prisoners are occupied in horticulture and metalwork and in some institutions there are regular concerts, quiz shows and other cultural activities.

In *Belarus* it appears that there are no treatment programmes or organised activities other than treatment programmes for prisoners with alcohol or drug problems.

In *Bosnia and Herzegovina (Federation)* treatment programmes/activities are mainly cultural, sporting and entertainment. The enthusiasm of individual psychologists and pedagogues has led to initiatives such as group work with violent offenders, with murderers and with those who have disturbed family relationships, programmes dealing with anger control and handling personal relationships, and meetings to involve prisoners in decisions about their own treatment and environment and to motivate them to participate as responsible adults in the life of the institution.

In *Bosnia and Herzegovina (Republika Srpska)* treatment programmes/activities are mainly cultural (including craftwork and use of the prison library), sporting and entertainment; juveniles have increased opportunities for recreational and group activities and cultural and sporting visits. In most institutions prisoners are encouraged to participate in and assume responsibility concerning the life of the prison, sometimes by means of representatives of each group having

regular meetings with the pedagogue about matters of interest or concern.

In *Bulgaria* there is a programme for adaptation to prison conditions and a social skills programme. It is envisaged that risk assessment and sentence planning will shortly be introduced. Juveniles also have sporting programmes. A shortage of activities is described by the prison administration as a problem for the whole system, which is being addressed in response to recommendations of the CPT.

In *Croatia* all male prisoners sentenced to more than 6 months are referred for assessment to Zagreb prison where an individualised treatment programme is devised for each. Group work is undertaken in all prisons and some training is given in social skills. Creative activities include painting, sculpture and music. Fishing and sporting activities are available in some prisons. In at least one a prisoners committee meets with treatment staff to make proposals concerning the life of the prison.

In the *Czech Republic* all prisons introduced programmes in 2001 for the 18-26 age group. Special programmes have also been prepared for prisoners with particular needs, such as psychopaths, sexual deviants and prisoners over 60. There are units for psychopaths at two prisons. Substantial increases in the number of treatment staff reflect a policy of strengthening treatment activities. Leisure activities include sport, handicrafts, music, gardening, visual arts and technical skills.

In *Estonia* there is a new emphasis on social work in prisons, consisting of counselling, organising leisure activities (including cultural activities and sport) and social programmes, including family therapy. It is recognised that the treatment activities in prison must tackle the difficulties that prisoners will face when they resume normal life after their sentence, difficulties in getting an income by lawful means and maintaining relationships with family and friends.

In *Georgia* the only treatment programmes available are reported to be those provided by non-governmental organisations, including psycho-social rehabilitation for women. There were no organised activities in the institutions visited by the CPT.

In *Hungary* there are few treatment programmes for sentenced prisoners apart from those concerning health care. There has been a large expansion of religious activities in the prisons, with full-time priests being appointed in institutions for sentenced prisoners and part-time priests in those for pre-trial detainees. It is recognised that there is at present a shortage of regime activities to occupy prisoners constructively and the prison administration has indicated that it will increase such opportunities.

In *Latvia* 'social rehabilitational' and educational programmes are carried out, including those fostering social skills. An emphasis is placed on understanding a prisoner's behaviour in order to stimulate positive change. For young prisoners talent groups were established which have reportedly improved behaviour. The prison administration arranges annual arts competitions and exhibitions. Constructive leisure activities include leatherwork, drawing and painting.

In *Lithuania* it is reported that all prisons for sentenced prisoners have a sports hall, an open-air sports area and a library. Sporting competitions are arranged,

involving teams from outside, and artistic events and concerts are held. There is some training in cognitive skills. However, few activities are organised during the day for those not involved in work or education and, in response to a CPT recommendation, the Lithuanian authorities announced in 2001 that a government programme had been established to develop programmes of prison activities.

In *Macedonia* social, psychological and sporting programmes are available for sentenced prisoners, in addition to health care programmes.

In *Moldova* sentenced prisoners without work spend their time watching TV, listening to the radio and reading books. Newspapers are not always available and there are few sporting activities. In response to a CPT recommendation, the Moldovan authorities report that more literature of an artistic nature has been made available to juveniles, and that non-governmental organisations have purchased books and journals for prisoners.

In *Poland* over 60% of prisoners are receiving 'programmed treatment', based on a differentiated treatment plan drawn up in consultation with the prisoner. A special focus is placed on the treatment of young prisoners under 24. They receive more intensive attention from case-managers and are provided with a wider range of cultural activities, and sporting and recreational opportunities. A further 30% receive access to cultural and sporting activities but not to an individualised treatment programme.

In *Romania* 'socio-educative and psychotherapeutic activities' include programmes to assist in prisoners' adaptation to the prison regime, information on legal matters, programmes to decrease aggression and depression, psychological counselling and support for vulnerable prisoners. Cultural and leisure activities include artistic and sporting opportunities. Exhibitions are given of prisoners' work and they have an opportunity to take part in live performances.

In *Russia* the rise in the number of psychologists has been accompanied by rises in the numbers of social workers. Classes have been established to provide religious instruction in almost half of Russia's administrative regions.

In *Slovakia* prisoners are classified into educational groups for treatment purposes. Apart from health care programmes, there is a programme for positive social behaviour, including training in social skills and budgeting. Juveniles have training of a socio-psychological nature focussed on improving self-knowledge and gaining the ability to solve constructively inter-personal and group conflicts. Leisure activities include painting and sports, and for women there are courses to assist with ordinary family life, and in handicrafts.

In *Slovenia* socio-therapeutic activities facilitate direct, open communication between staff and prisoners, and on-going work to resolve difficulties in the life and work of the prison. Social learning programmes include study of inter-personal communication using group and individual work methods. Groups are held for young parents. Leisure time activities include cultural pursuits, use of the library and recreational activities. Various programmes are developed to address the individual needs of prisoners.

In *Ukraine* a social and psychological service has been created to promote prisoners' adaptation to prison life and subsequent social reintegration. Lectures

and discussions are organised on a variety of issues. Artistic performances are also arranged.

In *Yugoslavia:Montenegro* treatment activities are reported to be geared to the re-education of prisoners but the Council of Europe experts conducting the assessment of the system did not see evidence of individual programmes. There are leisure activities of a cultural and sporting nature.

In *Yugoslavia:Serbia* individual treatment programmes are prepared, geared to the re-education of prisoners. There are also leisure activities of a cultural and sporting nature.

As can be seen, there is a considerable number of treatment programmes and leisure activities in operation, but the conclusion of prison experts in most countries, and of the CPT in its inspectorial visits, is that there is scope for a large increase in treatment and leisure opportunities in order to occupy prisoners constructively for a large part of the day.

Preparation for release

The European Prison Rules emphasise that the preparation of prisoners for release should begin as soon as possible after reception into a penal institution, with the treatment of prisoners emphasising not their exclusion from the community but their continued part of it (Rule 70). They also indicate that all prisoners should have the benefit of arrangements designed to assist them in returning to society, family life and employment after release (Rule 87), and that prisoners with longer sentences should be enabled to have a gradual return to life in society, either by means of a pre-release regime or by conditional release with supervision and social support (Rule 88). Again, the EPR state that prison administrations should work closely with social services departments and agencies that assist released prisoners to re-establish themselves in society, in particular with regard to family life and employment (Rule 89).

Participating countries were asked if they were able to make arrangements to assist prisoners in returning to society, family life and employment after release. All who replied indicated that they were able to make some such arrangements, although not all have formal pre-release programmes. Asked if these arrangements included, for long-term prisoners, steps to ensure a gradual return to the community by means of a pre-release regime or semi-open or open conditions most replied that this was so.

The idea that preparation for release starts at the beginning of the sentence is widely accepted in principle. A number of countries have introduced treatment programmes that turn this into practice. Many more make particular efforts, in the 3 or 6 months before the end of the sentence, to help with specific requirements of release, including accommodation, employment and coping with necessary documentation.

Conditional release in central and eastern Europe has rarely been accompanied by supervision in the community (often referred to as parole), but several countries have now introduced this, including the Czech Republic, Estonia and Poland. The supervision is provided by probation officers. Slovenia has a simi-

lar system, with counsellors, appointed by local Centres for Social Work, in place of probation officers, and Latvia and Lithuania are expected to introduce parole shortly. There is known to be a system of conditional release in operation in all prison systems (except Albania where there is instead a system of unconditional Presidential pardons and in Armenia where information is not available) but there is variation in the percentage of prisoners who are granted it. In some countries (e.g. Croatia, Romania, Slovakia and Slovenia) almost everyone is conditionally released, while in others (e.g. Bulgaria, Latvia and Serbia) less than one third are so released.

The following are examples of practice in eight countries in respect of preparation for release. Fuller details and information on other countries will be found in sections 21-44.

In *Croatia* there are no formal pre-release programmes but efforts are made to arrange accommodation and employment through the Centres for Social Work. CSW staff visit the prisons for this purpose. Long-term prisoners are often transferred to a semi-open facility in preparation for release. Special efforts are made to assist juveniles through Ministry of Social Welfare social workers. It is generally accepted that there is much scope for improvement of pre-release work, both by prison staff and staff of the Centres for Social Work. Conditional release may be obtained after half the sentence has been served; almost everyone gets it.

In *the Czech Republic* considerable efforts are made in this area of work. In the 6 months before the end of the sentence prisoners are encouraged to take more responsibility for organising their own lives in the prisons. At a high security long-term prison a special pre-release programme is in operation. For prisoners with shorter sentences efforts are made to find accommodation and employment and to assist them in dealing with various authorities that they will encounter, for example, in respect of documentation that will be needed (ID card). Emphasis is placed on the prisoner taking responsibility for these arrangements. Conditional release may be obtained after one half or one third of the sentence.

In *Estonia* social work in prisons has the objective of preparing prisoners for release. They are assisted in arranging personal and financial matters and helped to complete necessary documentation. On release the social worker forwards personal data to the relevant local government agencies, with the prisoner's consent, having established what assistance will be available. Probation supervision during conditional release (which about 25% of prisoners receive) follows close collaboration between the probation service and the prisons.

In *Hungary* efforts are made to prepare prisoners for release in a variety of ways. Six months before release the educator discusses where they intend to live and work and there is a programme for helping them to find work. Long-term prisoners are prepared during the last two years of the sentence. They are encouraged to be more independent and have the possibility of leaving the prison to find work. Eligibility for conditional release varies from one third of any sentence of no more than 3 years (or if there are mitigating circumstances) to four-fifths of the sentence in the case of high security prisoners.

In *Latvia* it is reported that prisoners are prepared for release throughout the sentence but efforts intensify in the last six months. Staff contact relatives, local

government officials and the police when release is imminent and try to make arrangements for accommodation and employment. Conditional release is available after one half, two thirds or three quarters of the sentence, depending on the gravity of the crime and the sentence length. 10% of prisoners were conditionally released in the year 2000.

In *Poland* prisoners can leave the prison in the last months of the sentence to find work and accommodation. Case-managers work with them in a variety of ways, and also involve prisoners' families in making preparations for the circumstances that are most likely to be faced on release. Conditional release is generally after half the sentence, provided that 6 months has been served, but may be after two thirds or three quarters depending on the prisoner's criminal record. It may involve supervision, if the prisoner has applied to the court for this; the application is more likely to be successful if the expected living conditions are thought to be a hindrance to social readaptation.

In *Slovakia* if the prisoner has a family home to return to the social worker will focus on providing help with finding employment and coping with other potential problems. Otherwise the focus will be on finding accommodation. The main emphasis on preparation for release will be in the last 6 months when the prisoner may be transferred to semi-open or open conditions. 90% of prisoners are eligible for conditional release after a half of their sentence and the rest after two-thirds. 90% of prisoners in the first correctional group (first offenders) are released early. There are few social curators in the community to provide post-release support.

In *Slovenia* prisoners are prepared for release in small groups three months before becoming eligible for conditional release; the social worker plays a leading role. There is intensive co-operation with external agencies, especially the Centre for Social Work in the prisoner's home area. CSWs can appoint a counsellor for the prisoner if it is felt that this is required for easier re-integration into the community, and they must do so if the prison recommends this. CSW staff visit the prison in most cases, except where the prisoner does not want such contact. The prison also liaises with employment offices to prepare for training and employment. Eligibility for conditional release is usually after half the sentence, but may exceptionally be after one third. For sentences over 15 years it is after three-quarters

Conclusion

There have been a number of positive developments in the last few years in respect of treatment, regime activities and preparation for release. These include:

- increasing the number of educators and thus enabling the groups for which they are responsible to be smaller and more manageable;
- enabling most sentenced prisoners to be in cells/rooms that are unlocked for a large part of the day;
- developing treatment programmes that focus on remedying aspects of a prisoner's life that have been associated with his criminality, such as anger control, inter-personal communication, social skills and budgeting;

- focusing in particular on young prisoners in their teens and early twenties, who may be more susceptible to change than older prisoners;
- organising constructive activities that enable prisoners to show creativity and achieve results that can boost their self-esteem;
- increasing the input of psychologists and the emphasis on group work;
- providing opportunities for prisoners to develop their sense of responsibility and self-reliance;
- making arrangements to prepare prisoners better for returning to society, family life and employment after release including, for long-term prisoners, steps to ensure a gradual return to living in the community;
- developing arrangements for conditional release with supervision (parole).

Other achievements in this area of work are included in section 18. There are nevertheless a number of aspects in which further progress is needed, for example:

- reducing further the size of educators' groups, so that none are larger than 50 and, if possible, so that they are smaller still;
- endeavouring to have most sentenced prisoners in accommodation that is unlocked for a large part of the day;
- establishing further treatment programmes that focus on changing aspects of prisoners' behaviour that have been associated with their criminality;
- developing programmes of constructive activities to occupy prisoners' time in such a way as to improve their prospects of resettlement after release;
- expanding pre-release programmes and arrangements for the supervision and effective support of released prisoners in the community.

Further examples will be found in section 19, which sets out the current objectives of the prison administrations and other outstanding tasks that require attention if all prison systems are to adhere as closely as possible to the standards set out in the European Prison Rules.

13. Work, education and exercise

Prison work

Prison administrations continue to place great importance on ensuring that sentenced prisoners are given work. In accordance with the principles set out in the European Prison Rules (Rule 71) work is seen as a positive element in treatment and training; it is also recognised that as far as possible the work undertaken should contribute to a prisoner's ability to ensure a normal living after release.

As was noted in the previous study the introduction of the market economy has led to the collapse of unprofitable firms and an increase in unemployment. This has applied to those held in penal institutions as much as to those outside the walls and, because of the difficulties of organising, inside a prison and with prison labour, production geared to market needs, the level of unemployment in penal institutions is now greater than elsewhere. Only the work that is needed to maintain the institutions themselves remains as plentiful as before the political changes.

As a result, only eight prison administrations report having at least 60% of sentenced prisoners working, namely Belarus, Russia and Ukraine and, from former Yugoslavia, the two entities of Bosnia and Herzegovina, Macedonia, Serbia and Slovenia (table 26). By contrast, in Albania, Armenia, Azerbaijan, Estonia, Georgia, Latvia, Lithuania, Moldova and Poland no more than 30% of sentenced prisoners have work. Compared to the situation in 1994, the percentage has fallen in ten countries and risen only in Belarus, Poland (by 1%), Romania and Russia. In Croatia, Latvia, Moldova, Montenegro and Slovenia prisoners are not required to work, but most choose to do so when work is available.

Table 26 Percentage of sentenced prisoners with employment, 2001

	Percentage of sentenced prisoners with employment, 2001	Comparison with 1994 (where available)
Albania	15%	a small number doing domestic/maintenance work
Armenia	no more than 10%	
Azerbaijan	no more than 15%	
Belarus	61%*	38%
Bosnia + H. – Federation	69%	
Bosnia + H. – Republika Srpska	nearly 80% (90% of those fit for work)	
Bulgaria	33%	40%
Croatia	40-50%	70%
Czech Republic	45%	50%
Estonia	28%	31%
Georgia	7%	

Hungary	58%	60%
Latvia	30%	42%
Lithuania	25%	30%
Macedonia	60%*	
Moldova	21%	30%
Poland	27%	26%
Romania	41%	22-25%
Russia	over 80% in the colonies	67% in the colonies
Slovakia	58% (range from 20-84%)*	62%
Slovenia	66%	70%
Ukraine	70% of those fit to work	
Yugoslavia: Serbia	60-80%	

* Percentages in Belarus and Macedonia are for 2002; that in Slovakia is for 2000.

Pre-trial detainees cannot of course be required to work because they have to be regarded as innocent until they are proven guilty, but many of them would like to do so, both in order to occupy constructively the long periods of pre-trial detention and to earn some money. But the shortage of work for sentenced prisoners means that there is even less chance of pre-trial prisoners being provided with work opportunities; and the restrictions on activities for those in pre-trial detention, of which mention has already been made, often disqualify prisoners from being allowed to work, for fear that they may engage with other prisoners in communications that would interfere with the course of justice. Nonetheless, in Slovenia 15% are employed, 10% in Bosnia and Herzegovina (Republika Srpska), 5-10% in Croatia and 4% in Poland.

Despite the overall fall in the percentage of sentenced prisoners with employment, and the very low employment rate among pre-trial detainees, there are a number of positive features in respect of prison work. Some examples are included in the following very abbreviated descriptions of the nature of work and its remuneration in ten of the prison systems of the region. Sections 21-44 provide fuller details, including some information about work in the other prison systems, where there will be many other examples of positive developments.

In *Bosnia and Herzegovina (Federation)* prisoners work alongside civilian workers from the local town in the foundry at Zenica, the largest prison, for which new equipment has been obtained and the roof reconstructed. Tuzla prison recovered from the army in 2001 agricultural land and a motel that has been renovated for use by visitors. Two public restaurants are run successfully, with prisoners working under supervision as cooks and waiters. The average monthly pay is about 40 euros. Those unable to work and from poor families may be given a small sum for toiletries and the cost of sending a letter. In Tuzla a social assistance fund was established to help such prisoners, with others participating in decisions as to who should receive such help.

In *Bosnia and Herzegovina (Republika Srpska)* five self-financing production units were operating in the prisons at the end of 2001. Because of the state

of the economy there are limited opportunities to work on contract outside the institutions but some prisons have separate farms that produce food to meet the needs of the institution. Three public restaurants are run successfully with prisoners as kitchen assistants and waiters. More than 10% of prisoners are unfit for work because of the 1992-95 war. Prison directors and heads of economic units report plans to develop employment opportunities, including some that would raise money to improve prison conditions. Workers must be paid at least 20% of the lowest wage received by workers outside. They get about 30 euros a month. Those without work are given enough to buy some cigarettes and coffee.

In *Croatia* about 100 prisoners work alongside civilians from the local town in the furniture factory at Lepoglava long-term prison; civilians also work in the metal shop there. Prisoners are employed in the prison-run public restaurant nearby. About 50 prisoners work alongside some 350 civilians in a large factory at Lipovica prison producing central heating radiators. They are paid between one fifth and one third of what they would earn outside. They keep two thirds of their pay, whatever their commitments, and are entitled to send money home. In an open prison they can use money directly to pay for items from the prison shop/canteen. Those without work are given money for toiletries if they cannot afford such items.

In *the Czech Republic* new legislation, which requires prisoners to contribute to the cost of their accommodation, has meant that after payments for compensation, alimony and to the family, they rarely retain more than one fifth of what they have earned. Some work for private employers, either inside or outside the prison. The government has accepted the principle of the state commissioning work from the prison service in order to create employment, but in practice little action has been taken to implement this. A small sum is given to prisoners without work, to enable them to buy cigarettes etc.

In *Estonia* manufacturing work includes making uniforms for prison staff, sheet metal work, making gardening tools and furniture in wood and metal. Some of the items are manufactured under contract to firms outside. The Estonian government has decided to transfer the making of road and traffic signs to the prison department. Pay is the equivalent of 40 euros per month. No money is given to prisoners without work.

In *Hungary* there are 12 economic companies operating within the prisons, under directors reporting through the national prison administration to the Ministry of Justice. These include wood industries, agriculture, textiles and shoe-making. Wages correspond in principle with those paid for similar work outside the prison but, in practice, they amount to only one third of the minimum wage. No money is given to prisoners without work.

In *Moldova* many prisoners would like to work although they are not required to do so. However, there is insufficient work because the goods formerly produced are not competitive in the market. Agricultural work contributes to food supplies for the prisons and other employment includes the making of doors and window frames. Average monthly pay is the equivalent of about 15 euros. No money is given to prisoners without work.

In *Poland* some three quarters of the paid work done by prisoners is geared

to the running of the institutions, with another 20% being employment in prison factories and 5% being work for outside employers. Prisoners' pay must be no lower than the national minimum wage. They generally receive 50% of what remains after a deduction for a post-release assistance fund. Self-employed prisoners receive 75% of what remains. Legislation geared to increasing the level of employment in the prisons is not having the desired effect.

In *Slovakia* prisoners with work, other than domestic and maintenance work in the prisons, are paid the same as free citizens engaged in similar employment. Part of this can go as compensation to victims, to the prison for costs and to the prisoners' families. Part also goes into the prisoners' accounts and the equivalent of 12 euros may be spent as pocket money. Those without work and with no money of their own may be given a maximum of 5 euros per month. Bread is made for sale in local shops and clothes for use in prisons. There are also a number of other employment opportunities. At one prison 'managers for employment' have the task of contacting employers to obtain work places; this is reportedly quite successful.

In *Slovenia* in the year 2000 60% of employed prisoners worked in commercial units in the prisons, 15% in contracted work outside the prison and 20% in domestic and maintenance work in the prisons. The commercial units sell products to the market, having long-term contracts with various external partners. Work is available in metal, timber, plastic, carpentry and wood-turning, electrical engineering, sewing, bookbinding, agriculture and a variety of other occupations. A new law has increased pay by about 20%, and the average per month is thus the equivalent of about 45 euros. No money is given to prisoners without work. Pensions insurance is provided for sentenced prisoners who work regularly in the economic units.

There are thus a number of very positive features of prison work in the region:

- the fact that in some of the prison economic units prisoners work alongside civilians from the community outside;
- the good quality work available for prisoners in a number of prisons, including contract work, work that results in products that can be sold outside the prison, and the public restaurants run by the prisons;
- the arrangements (in about half the prison systems on which this information is available) to provide some money for prisoners who, through no fault of their own, are unable to have work at present;
- the extensive efforts made in many countries to increase opportunities for work;
- the appointment of staff with a special responsibility to seek extra employment for prisoners;
- the fact that, in a few countries, at least a small minority of pre-trial detainees are able to have some work;
- the provision of pensions insurance for prisoners engaged in regular work in economic units.

Prison administrations are well aware of the need to provide sufficient work for prisoners, and for many of them it is a matter of major concern and great endeavour. Other aspects in which further progress is needed include:

- ensuring that safety and health precautions for prisoners are similar to those that apply to workers outside the prisons;
- endeavouring to achieve, in all prison administrations, the positive developments referred to above in respect of providing good quality work, giving some money to those without work and finding work for at least some of the pre-trial detainees who wish to occupy themselves in this way.

Education and vocational training

The European Prison Rules state that “a comprehensive education programme shall be arranged in every institution to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programmes should have as their objectives the improvement of the prospects for successful social resettlement, the morale and attitudes of prisoners and their self-respect” (Rule 77). However, in 1994, as reported in the previous study, education programmes as envisaged by the European Prison Rules had not yet been developed. Education was no longer compulsory (as it had been in totalitarian times when it was heavily ideological) except in the case of juveniles.

Prison administrations were asked, for this present study, what education programmes were available in 2001 for younger prisoners and for adults. They were also asked if there was vocational training available. Their answers are set out below:

In *Belarus* there is education and vocational training, both for younger prisoners and for adults.

In *Bosnia and Herzegovina (Federation)* education is included in the treatment programme for younger prisoners who did not complete their normal education. Organised education for adults is only available in the long-term (and largest) prison at Zenica. Prisoners may be permitted to leave the prison to get education outside. There is vocational training at Zenica in the foundry and the bakery and at Tuzla in the restaurant.

In *Bosnia and Herzegovina (Republika Srpska)* there is a requirement that younger prisoners should complete primary education if they have not already done so. They can also attend some (secondary education) courses and seminars. Adults too have the opportunity of completing primary education and there are also some theoretical classes in two prisons. Any prisoner who has commenced college or university education outside may have the opportunity to continue with this during the sentence. Vocational training is available in Banja Luka and Srbinje/Foca prisons and includes work in the bakery, metalwork, work as a blacksmith, in the furniture factory and in the restaurants.

In *Bulgaria* there is a school where younger prisoners can study and receive a nationally valid certificate of achievement. Five of Bulgaria’s 13 prisons have

schools where prisoners can continue their education, receive tuition by correspondence with higher institutes and receive vocational education. Vocational training is also available.

In *Croatia* the education provided for younger prisoners is approved by the Ministry of Education. For adults education is available in the long-term closed prison of Lepoglava. New legislation is likely to make provision for prisoners to be paid for education. Vocational training is available at three prisons; prisoners in semi-open and open prisons can obtain vocational training outside the institutions.

In *the Czech Republic* education is regarded as especially important in the prison system. Prisoners are not at present paid for education but it is recognised that this should be done. A Vocational Training Centre has been established at the Prison Service Headquarters. There are School Educational Centres in six prisons providing theoretical education and practical training. The teachers are prison service employees who are university graduates or 'masters of skills and practices' with a teaching qualification. The organisation of the Vocational Training Centre and its School Education Centres is under the Ministry of Justice but the teaching is supervised by the Ministry of Education.

In *Estonia* general and vocational education are regarded as particularly useful activities in prison. Education can be obtained in vocational schools located in prisons, which have departments for both these types of education. Those permitted to leave prison can pursue extra-mural studies in secondary and vocational schools outside or at a university. All prisoners have access to education but there is no financial payment for studying.

In *Georgia* a basic school programme is supposed to be given to all prisoners who were under 18 when convicted and did not complete a programme of primary education. Remedial education is not available. Prisoners are entitled to undertake individual study and even to follow university courses, but in practice this does not occur. Some vocational training is available.

In *Hungary* general education and vocational training are regarded as 'the core of the rehabilitation programmes' and have developed significantly in recent years, occupying between 6 and 20 hours per week. More than one fifth of the sentenced population are involved and receive one ninth of the minimum national pay (compared with one third for prisoners in work). Good contacts have been established between the prison administration and the Ministry of Education.

In *Latvia* education programmes consist of general education, vocational training and education in life skills. In 1998 only 4% of sentenced prisoners attended education classes; 80% of these were juveniles.

In *Lithuania* there were education programmes in seven institutions and vocational training in ten (in 1999). In 2001 7% of the prison population were receiving vocational training but 32% of juveniles. All juveniles, including pre-trial detainees, can study at secondary school level and over 90% do. In 2001 the prison administration was establishing new secondary schools and planned to increase the number in the vocational schools operating in the correctional colonies. This would enable all prisoners, except adults awaiting trial, to participate in education programmes.

In *Macedonia* educational programmes are available both for younger prisoners and for adults.

In *Moldova* programmes of general education and technical studies are reported to be available for younger prisoners. For adults there are six vocational schools, which offer studies in fourteen occupations. Programmes of remedial education are arranged for prisoners who need this. However, education and vocational training seem to be functioning at a low level, probably below that recorded in 1994.

In *Poland* education is regarded as one of the basic treatment measures in the prison system and legislation requires the prison administration to provide primary level education. Higher level courses and vocational training are also available. Young prisoners are given priority in access to education, especially if they did not complete primary school education or have no professional skills. In December 2000 about 7% of sentenced prisoners were attending some kind of education and 2% vocational training. There are 66 vocational training courses on offer in the Polish prison system. The Ministry of Education monitors the quality of education to ensure it is of equal standard to education in the community.

In *Romania* primary and lower secondary school education are provided. The education available includes training in good citizenship (for younger prisoners), health education, education on legal matters, education for work, vocational training, religious and moral education, physical education and remedial education.

In *Slovakia* vocational training is available for juveniles and adults. There are education programmes for younger prisoners but little for adults. The new draft Penal Executive Code places greater emphasis on education and prisoners without work will be obliged to participate in education studies. No payment is given for education.

In *Slovenia* education is available in the two institutions for juveniles and in the central (long-term) prison at Dob. Elsewhere, for other than basic education, educational organisations outside are used, either with teachers visiting the prisons or prisoners visiting schools outside. Budget cuts have made it impossible to organise some courses that would be of interest to prisoners. Vocational training is available in the commercial units of the institutions.

In *Yugoslavia: Serbia* primary and professional (secondary) education are available, both for younger prisoners and for adults.

Some information on the situation in Albania, Armenia, Azerbaijan, Montenegro, Russia and Ukraine will be found below in the sections dealing with developments in those prison systems.

It is clear from the above that some education is available in all the prison systems, and arrangements are in place to provide primary education for juveniles who have not completed it before and also for some adults. In addition, remedial education is given in almost all systems for those with special problems such as illiteracy or innumeracy. Libraries are also widely available. A spe-

cial emphasis is placed on education in a few countries (including the Czech Republic, Estonia, Hungary and Poland) and some of their prison administrations have forged valuable links with the Ministry of Education, which supervises the quality of the education given.

However, there is much scope for expanding educational activities so that all prison systems do have the comprehensive education programme envisaged by the European Prison Rules. This requires that:

- an education programme should be established in every institution with a view to the improvement of the prospects for successful social resettlement, the morale and attitudes of prisoners and their self-respect; pre-trial detainees should not be excluded from this provision;
- education should be regarded as an activity attracting the same status as work, provided it takes place in normal working hours and is part of an individual treatment programme;
- special attention should be paid to the education of young prisoners;
- the education of prisoners should, as far as possible, be integrated with the educational system of the country;
- every penal institution should have a library which is adequately stocked with a wide range of both recreational and instructional books, and of which all categories of prisoner are enabled and encouraged to make full use;
- vocational training in useful trades should be provided for prisoners able to profit from it and especially for young prisoners.

Exercise and recreational opportunities

The European Prison Rules emphasise the importance to physical and mental health of properly organised activities to ensure physical fitness, adequate exercise and recreational opportunities (Rule 83), and call for a properly organised programme of physical education, sport and other recreational activity (Rule 84). It is still the case, as noted in the previous study, that most prison administrations recognise the importance of the activities mentioned in these rules but through lack of space and of financial resources are at present unable to ensure that they take place in all their institutions. Most countries provide an opportunity in at least some of their prisons for informal games of football and table-tennis and many prisons have weight-training facilities, at least of a limited nature. Open and semi-open institutions are often able to arrange some sporting activities, occasionally with assistance from outside bodies in the community.

But the basic requirement in respect of physical exercise is that which is set out in Rule 86. “Every prisoner who is not employed in outdoor work, or located in an open institution, shall be allowed, if the weather permits, at least one hour of walking or suitable exercise in the open air daily, as far as possible sheltered from inclement weather”. In almost all cases prison administrations report that their legislation requires them to allow prisoners at least one hour of walking or suitable exercise every day (including weekends) in the open air. But in practice this rule is not always adhered to. For example, it was noted in section 9 that there were at least five countries in which the CPT found that not all prisoners in isolation punishment were getting at least one hour’s daily exercise.

Thus, in respect of exercise and recreation, the following are aspects in which further progress is needed, in order to bring prison systems closer to the standards appropriate in a modern European prison system.

- a programme of physical education, sport and other recreational activity should be arranged within the framework and objectives of the treatment and training regime;
- sporting activities should be developed as a means of reducing tensions and providing healthy outlets especially where other regime activities, such as work, are in short supply. This should include pre-trial institutions;
- every prisoner who is not employed in outdoor work, or located in an open institution, should be allowed at least one hour of walking or suitable exercise in the open air daily and should be encouraged to take advantage of this opportunity. This applies equally to prisoners in isolation punishment since the right to exercise is a health requirement.

14. Inspection, monitoring and the availability of the international standards

As noted in the previous study, the importance of inspections of penal institutions is fully accepted by prison administrations in central and eastern Europe and a wide range of inspections occurs. The principal objective is to monitor whether and to what extent the institutions are being administered in accordance with existing laws and regulations, the objectives of the prison services and the requirements of the European Prison Rules (Rule 4).

The arrangements for inspection vary from country to country and often include several types of inspection by different bodies. The national prison administration normally conducts its own inspections to ensure that official policy

is implemented, but in some countries (e.g. Estonia, Lithuania and Serbia) such inspections are conducted by the Ministry of Justice, independently of the prison administration. In Bosnia and Herzegovina too, where formally there is no prison administration, the responsible Ministry, the Ministry of Justice, undertakes inspections, and in a number of countries where the prison administration conducts inspections, the Ministry of Justice also does its own monitoring in order to satisfy itself that the institutions for which it is ultimately responsible are being properly administered.

In many countries these internal inspections are thorough and rigorous and make an important contribution to good practice, in addition to checking that the institutions are being run in accordance with laws, regulations and the objectives of the prison administration.

It is also important, however, that there should be inspections of the prisons that are independent of the responsible Ministry and its prison administration. In most countries a senior prosecutor or a representative of the court performs this role, and usually also another official body with responsibility for human rights, such as a Parliamentary Committee or an Ombudsman. Non-governmental bodies also monitor what occurs in the penal institutions, often the Helsinki Committee or the International Committee of the Red Cross.

This is an impressive list of bodies with inspecting and monitoring functions, but it would be a mistake to assume that the independent inspections are of a uniformly high standard. Officials in several countries said that the inspections by the prosecutor or the court were sometimes rather cursory and superficial, and largely confined to checking on the legality of the detention (often the pre-trial detention) of particular individuals. Others pointed out that visits by other official bodies such as the Ombudsman were often related to individual cases and did not constitute a thorough and rigorous inspection of the management of the prisons and the treatment of the prisoners. The same was said of visits by non-governmental organisations.

A summary of the bodies conducting inspections is at table 27. Fuller accounts will be found in sections 21-44. It will be noted that no independent inspections are carried out in Croatia, Estonia, and Montenegro. In Croatia the Helsinki Committee reported that the prison administration was now entirely content for them to visit and supportive of NGOs; however, they rarely did so because, from the correspondence they received from prisoners or from their experience during the visits that they did make, they saw no significant threat to human rights in the activities of the prison administration or the prison staff.

Table 27 Inspections of penal institutions: bodies by whom these are conducted

	Internal inspections		Independent inspections		
	Prison administration	Ministry responsible	Prosecutor or court	Other official body	NGO
Albania	Yes	No	Yes	Yes - Ombudsman	No
Armenia	Yes	No	Yes	Human Rights Commission	No
Azerbaijan	Yes	No	Yes	Yes - Ombudsman	No
Belarus	Yes	Yes	Yes	Yes	No
Bosnia+H. - Federation	(there is no prison admin.)	Yes	Yes	Yes - OHR, UN, OSCE, IPTF	Yes - ICRC
Bosnia+H. - Rep. Srpska	(there is no prison admin.)	Yes	Yes	Yes - OHR, UN, OSCE, IPTF	Yes - ICRC
Bulgaria	Yes	Yes	Yes	Yes - Parl. C'tee for Human R'ts	Yes
Croatia	Yes	No	No	No	No
Czech Republic	Yes	No	Yes	Yes - Office of the President	Yes - Helsinki Committee
Estonia	No	Yes	No	No	No
Georgia	No	Yes	Yes	Yes - Parl. C'tee for Human R'ts	Yes
Hungary	Yes	No	Yes	Yes - Ombudsman	Yes - Helsinki Committee
Latvia	Yes	Yes	Yes	No	No
Lithuania	No	Yes	Yes	Yes - Ombudsman	No
Macedonia	Yes	Yes	Yes	Yes - Ombudsman	No
Moldova	Yes	Yes	Yes	Yes - Ombudsman	Yes - Helsinki Committee
Poland	Yes	No	No	Yes - Ombudsman	Yes - Helsinki Committee
Romania	Yes	Yes	Yes	Yes - Ombudsman	Yes - several
Russian Fed.	No	Yes	Yes	Yes - Ombudsman	No
Slovakia	Yes	No	Yes	No	No
Slovenia	Yes	Yes	Yes	Yes - Ombudsman	Yes - ICRC
Ukraine	Not known	Not known	Yes	Yes - Ombudsman	No
Yugoslavia: Montenegro	No	Yes	No	No	No
Yugoslavia: Serbia	No	Yes	No	No	Yes

The inspection procedures in Bulgaria and Romania were among those described in the previous report. The following are features of the internal inspections in eight other prison administrations.

In *Bosnia and Herzegovina (Federation)* the purpose of each inspection is said to be to improve the quality of work across the whole system. Lessons learned in one prison are passed on to others. Often, as a result of inspections, meetings are held of particular categories of staff. The inspections not only check that the institutions are being run in accordance with current law and regulations: the inspectors also act as counsellors and meet with different categories of staff and also with all prisoners gathered together. They also meet separately any who want to see them in private and distribute a questionnaire for prisoners to complete anonymously. The aim is to gather as much information as possible as to what happens in the prison. On the basis of all this, instructions or recommendations are given in the interests of increasing efficiency and improving practice.

In *Bosnia and Herzegovina (Republika Srpska)* the inspection reports are based on examination of all important aspects of the work of each prison, in particular, the treatment of prisoners, working conditions, living conditions and the security of the prison. The reports reflect the view, however, that as a result of the difficult economic situation, treatment and resocialisation are outweighed in importance, even for treatment staff, by the need to ensure that the prisons can at least function at a basic level despite the major problems faced. A number of comments and criticisms are made about living conditions and security matters and each report ends with a number of instructions to the prison director.

In *Croatia* the prison administration's heads of treatment, security, and general and legal affairs carry out formal inspections and also monitor the institutions during the periodic visits that they make on a routine basis. In the latter case any verbal recommendation will be followed, if the prison director does not agree with it, by a formal letter requiring that it be carried out. A formal inspection leads to a written report setting a time limit for the implementation of its recommendations. Checks are made to ensure that they are indeed carried out to time, and if they require resources that are not available to the director, the prison administration accepts responsibility for providing these.

In *the Czech Republic* each prison has a full inspection every three years, while partial inspections occur more often, based on particular themes. As a result, at least two inspections of some kind take place at each institution during any year. The inspection process is seen as a vital part of pressing for continual improvement.

In *Hungary* the prison administration organises three kinds of inspection. One third of the prisons are inspected each year, involving all departments and sections of each establishment. Second, there are thematic reviews, for example on health care, in all prisons. In both cases a report is produced with recommendations and the prison is given a copy of the report stating what changes must be made. The third type of inspection is what is known as 'target control', where prisons are visited in order to see if they have carried out the recommendation of the inspection or the thematic review.

In *Latvia* the inspection section of the prison administration, including both experienced prison officials and prison administrators, conducts a full inspection of every prison on a two-yearly basis. Following the transfer of responsibility for the prisons to the Ministry of Justice in January 2000, the Ministry has established a bureau of inspection with eight staff but there was some doubt as to whether the inspectors would have the knowledge or experience to carry out inspections on an effective basis so that they would command the confidence of prison staff.

In *Poland* the Inspection Bureau at prison service headquarters has a distinguished record of intensive inspection. In addition to ordinary systematic inspections they also conduct thematic inspections or special inspections in response to emergency situations. Between successive systematic inspections short unannounced inspections are sometimes carried out. Inspections are in three parts. First, all parts of the prison where activities occur are visited, in order to check the condition of the prisoners and of the establishment. Second, separate meetings are held with prisoners where they can make complaints or requests; any complaint will be written down and signed by the prisoner and a member of the inspection commission. Third, a record is kept of other matters noticed, and finally, after talking to the prisoners, a note is made of the general atmosphere in the prison. The commission then meets together, exchanges information and identifies any matters that need further investigation. They then meet staff, who may also make confidential complaints and requests. Finally a check is made that all documentation is in accordance with legal requirements.

In *Slovakia* the prison administration's inspection department, which consists of eight staff including several economists, focuses only on economic matters and on dealing with complaints. Each institution is visited every three years to check on the use of money and all materials needed for the functioning of the institution. The quality of security and treatment in the prisons is the responsibility of the deputy directors for security and treatment in the prisons, under the authority of the first deputy director general.

It has to be concluded that, while the best internal inspections are thorough and rigorous and perform a valuable role, there is scope for more structured and comprehensive inspections by independent bodies. Ideally there should be an independent inspectorate, reporting directly to the Minister of Justice and publishing its reports.

Availability of international standards

The countries of central and eastern Europe all subscribe to the principles represented by the European Prison Rules and the United Nations Standard Minimum Rules for the Treatment of Prisoners, and they aspire to adhere to the vast majority of the individual rules. But for the rules to play a central role in daily practice in the prison administration headquarters and the penal institutions it is necessary for them to be readily available to staff at all levels and to prisoners.

The international standards were reported by 15 of the 18 prison administrations that provided this information to be widely available throughout the prison system, with the Director General, directors of penal institutions and other management staff having their own copies, and with copies being available to other prison staff and for prisoners to consult in the prison library. Estonia responded likewise except that copies were not available to prisoners, Georgia reported that the Director General and directors of the prisons had their own copies and prisoners could consult copies in the prison library, but copies were not available for other management staff at the national prison administration or for staff in the penal institutions other than the directors. Serbia reported general access to the standards but said that the Director General and directors of the prisons did not have their own copies.

This level of availability represents a significant improvement on the situation in 1994 when management staff were reported to have their own copies, and other staff and prisoners to have access to copies, in only 10 of the 15 administrations then providing information. Further, the European Prison Rules have now been translated into Lithuanian, the only national language of those fifteen countries into which they had not been translated at that time.

However, it emerged in 1994 that, while copies may have been issued to staff and to libraries at some point, they were not necessarily readily available for use. Staff could not always find a copy readily and it was said to be rare that the European Prison Rules were prominently displayed in the prison library. From information obtained during this current study it seems likely that this situation has somewhat improved but that there is scope for considerable further progress.

It is suggested that senior managers should check that they themselves have a copy of the standards readily available, that all staff have ready access to them and that a copy is displayed prominently in every prison library. In all cases the copies should of course be in the national language or a language that is easily understood in the country. Additional copies should be obtained to replace any that are missing or were not previously supplied.

It seems, however, that there has been significant progress in the use of the international standards, and the European Prison Rules in particular, in two very important areas. They have been extensively used in the drafting of the new legislation that has emerged in recent years, and they are more frequently used in staff training. The aim must be for them to be widely used in staff training in all countries of the region.

15. Budgets, complaints, the right to vote, NGOs and international co-operation

This section refers briefly to five other aspects of the situation in the prison systems:

- budgets, including their effect on investments such as building and renovation work;
- prisoners' right to make complaints;
- prisoners' right to vote;
- the contribution of non-governmental organisations to the work of the prison systems;
- international co-operation.

Budgets and investments

It is generally accepted by European prison administrations that they will not receive from their governments the full amount of finance that they believe is needed to enable them not only to operate the prison system efficiently and to maintain necessary facilities and services at a reasonable standard, but also to make improvements and develop desirable initiatives, including new building and renovation work. They normally receive enough to operate the system, for example to feed the prisoners and pay the staff, and to maintain the facilities in working order, but it is much less common for there to be sufficient funding for improvements and investments. It is this that led the Director General of one of the central and eastern European prison systems to say, at a conference with some of his counterparts in other prison systems of the region in 1993, that their task was to improve the prison systems 'without money'. He was drawing attention to the fact that, even without extra finance, many improvements can be made, notably by adopting policies that foster good staff-prisoner relationships and minimise tension in the institutions, by training staff and motivating them so that their attitudes are more positive and in accordance with the principles espoused by the European Prison Rules, and by having the imagination to recognise and initiate improvements that can be made simply by adjusting practices.

It is undeniable, however, that investments are needed in any prison system, and the state of the buildings and the need for refurbishment, reconstruction and new institutions is an aspect that has presented significant problems to the prison systems of central and eastern Europe throughout the decade. It is part of the legacy of the totalitarian period, as is the economic situation, which has resulted, in some countries, in only limited resources being available even for the day-to-day running of the prisons.

Despite these difficulties, much refurbishment has been done and reconstruction too. New institutions have been opened in several countries. But the low

budgets available to the prison administrations have meant that in the poorest countries very little has been done to improve these material conditions and in the least poor it has only been possible to do a fraction of what is perceived to be needed.

In six countries of the region there was the opportunity to learn a little about the current financial situation from experts in the prison administrations. The following is a summary of some of the points that emerged. Clearly, these accounts do not amount to an analysis of the budgetary situation in central and east European prison systems, but they give some indications of the practical issues involved.

In *Croatia* the prison administration reported that in the year 2000 the prison budget was larger than it had ever been, though it was still too small; in earlier years it had been grossly insufficient. For 2001 it was slightly less than in 2000 but more than in any previous year. In this situation the prison administration had to cut down on new investments (e.g. buildings, renovation and equipment) and this was seen as being a threat to the quality of practice. Most prisons did not have computers; there was not enough video surveillance equipment and vehicles were very old. Nonetheless the prison administration said they were proud that they were managing to maintain professional standards in the system. Important recent developments included adaptation of a former institution for juveniles as a closed prison for young first offenders with long sentences, thus separating the latter from recidivists. Improvements were also being made to the existing long-term prison, and a new wing for mentally disturbed prisoners was being built for the prison hospital.

In *the Czech Republic* the prison administration reported that there were major problems in financing the system. These were particularly serious in 1997 when there were very sharp government cuts; the sum for security matters fell by two-thirds. More recent government promises to give additional money for security matters, including surveillance cameras, had not materialised and the most essential extra expenditure had to be found from alternative economies. In two thirds of the prisons conditions were said to be poor from a security point of view; only enough money for maintenance was being received. In addition there was a problem in finding the money for staff overtime payments, and consequently these were being paid late. A staff salary increase of 6% was agreed nationally but the prison administration only received enough to pay 4%. They were also in danger of having to shut some prison kitchens, which were not meeting national standards; they would have to be reconstructed within 3 months or the prison service would lose its right to use them and would have to pay a fine. For investments the prison service was only getting 50% of what was needed. Two new institutions had been opened in the last four years but the inadequacy of the prison budget was regarded as one of the greatest difficulties faced by the prison administration in 2001.

In *Hungary* the prison administration reported that there were increasing funds available for the prison service and for the first time they had obtained a budget for two years. There was a prison building programme in progress and a principal concern was to modernise old buildings to meet modern requirements. The

overall budget was said to be about 15% less than was needed. Financial difficulties connected with the prison budget were quoted as among the most serious problems faced by the prison administration in 2001. However, the building programme, including constructing new units and enlarging existing institutions, was considered to be one of the most important recent developments and one of the successes with which they were particularly pleased.

In *Moldova* the shortage of financial resources for the prison system had produced inadequate conditions for the treatment of prisoners suffering from tuberculosis. Providing prisoners with a normal level of existence, in terms of living conditions and food, was also a major problem. Financial resources were considered to have contributed to the spread of tuberculosis, because of the shortage of food, the old buildings, the sub-standard air conditioning and the fact that sanitary conditions had been deplorable. A large increase in staff salaries occurred in August 2000 in order to improve the quality of staff and of staff morale. Among the most important recent developments were the receipt of government money for the reconstruction of the prison hospital, where an NGO had done renovation work, the opening of new units for lifers and for former workers in state administrative bodies and of a new correctional colony, and the receipt from government resources of agricultural land to improve the quality of prison food.

In *Poland* the prison administration reported that, together with the overcrowding, the main problem facing the prison system was the inadequacy of the prison budget which fell by over 9% in 2001, despite inflation of 7% and a 25% rise in the prison population. The prison budget had been 42% of the total Ministry of Justice budget in 1990 but had fallen in 2000 to only 28%. There was insufficient money to appoint the necessary additional staff. 95% of the budget was needed for staff pay, food, clothes, medicines, electricity and essential tasks; only 5% was left for investments, such as buildings, cars and computers. The prison service had the additional problem of paying the pensions of former staff. A new prison was opened in 1998.

In *Slovakia* the prison administration said that the shortage of resources was the main problem faced by the system. The budget had been too small to enable planned maintenance and construction work to be undertaken; it rose by 3.5% in 2001 whereas the administration said that it needed 8%. They were also unable to modernise surveillance equipment quickly enough. Achievements in construction, despite the financial position, included the rebuilding with a modern design and good facilities of an older prison, the opening of a new pre-trial prison, security improvements in various institutions, and the construction of a new modern entrance at the main pre-trial prison in the capital. The prison administration said that they were proud that prisoners were not being allowed to suffer from the financial problems; there had been regular increases in food of 3-6% per year and there were no attempts to make savings on heating or matters affecting hygiene.

Prisoners' right to make complaints

The European Prison Rules prescribe that every prisoner shall have the opportunity every day of making requests or complaints to the director of the institution or the officer authorised to act in that capacity (Rule 42.1) and shall also have the opportunity to consult with an inspector of prisons or other authority without prison staff present (Rule 42.2), and to make a request or complaint, under confidential cover, to the central prison administration, the judicial authority or other proper authorities (Rule 42.3).

Much progress has been made in developing complaints machinery in central and eastern European prison systems. In contrast to the former totalitarian times, it is now possible for prisoners to make formal complaints to many bodies, from the prison director and the head of the prison administration to, in some countries, the Minister of Justice, the Ombudsman and the President. Prisoners may also approach the CPT and, in Slovakia for example, the CPT address is widely publicised in the prisons in order to facilitate such communication.

The report on the previous study included accounts of the complaints process in Bulgaria, the Czech Republic, Hungary, Poland, Romania and Russia. The following are accounts of the situation in Croatia, Slovakia and Slovenia.

In *Croatia* prisoners can make complaints to the prison director, the prison administration and the penitentiary judge. They can also contact the Helsinki Committee and the European Court of Human Rights. Complaints to such outside bodies used to have to be sent via the prison administration to enable them to be monitored. But this no longer occurs and all complaints are sealed. If the prison administration receives a complaint from a prisoner the prison will be asked to comment on the substance of the complaint. There is no central monitoring of the outcome of the complaints to the prison administration.

In *Slovakia* prisoners can complain to the prison director, the Director General, the prosecutor general, the Ministry of Justice and the President of the Slovak Republic. They can also complain to the CPT whose address, as noted above, is prominently displayed in the prisons. Confidentiality is assured by the use of special sealed boxes to which access is highly restricted. The Ministry of Justice and the prosecutor sometimes consult the Inspection Department in the prison administration about complaints they have received. The same department also deals with complaints to the Director General. Complaints against prison staff result in a hearing in the institution concerned. The prison administration monitors the outcomes of complaints and presents the results in its annual reports; in the six years 1996-2001 inclusive about 20 complaints were substantiated each year out of a total of about 350 – nearly 6%.

In *Slovenia* prisoners have the right to make complaints to the director of the prison, the Director General of the prison system, the Minister of Justice, the Human Rights Ombudsman, and other national and international bodies and institutions, including the CPT. Complaints are made in the form of a confidential letter.

Concerns about the complaints mechanisms centre on confidentiality and the seriousness with which the complaints are treated. The extent to which complaints are in sealed envelopes, which arrive unopened at the desk of the person to whom they are addressed, is variable but seems to be improving steadily.

Prisoners' right to vote

The international standards do not explicitly indicate whether or not a person held in a penal institution should forfeit the right to vote in national elections. However, Rule 91 of the European Prison Rules states that untried prisoners are presumed to be innocent until they are found guilty and shall be treated without restrictions other than those necessary for the penal procedure and the security of the institution. It would therefore seem that there is no case for denying the right to vote to pre-trial detainees, although it is reported that Armenia, Belarus and Latvia do operate such a ban. As for sentenced prisoners there is no clear guidance. Eleven of the 21 prison systems in central and eastern Europe on which information is available allow them to vote in national elections, while ten deny them the right to do so (table 28). The legislation of some countries allows restrictions to be placed on a person's right to vote after release from prison.

Table 28 Prisoners' right to vote in national elections

	Pre-trial detainees	Sentenced prisoners	Post-release restrictions
Armenia	Cannot vote	Cannot vote	
Azerbaijan	Can vote	Can vote	
Belarus	Cannot vote	Cannot vote	No
Bosnia + Herzegovina – Federation	Can vote	Can vote	No
Bosnia + Herzegovina – Republika Srpska	Can vote	Can vote	Sometimes
Bulgaria	Can vote	Cannot vote	
Croatia	Can vote	Can vote	No
Czech Republic	Can vote (but not in local elections)	Can vote (but not in local elections)	
Estonia	Can vote	Cannot vote	No
Georgia	Can vote	Cannot vote	No
Hungary	Can vote	Cannot vote	Only if the court also imposes 'prohibition from public affairs'
Latvia	Cannot vote	Cannot vote	No
Lithuania	Can vote	Can vote	No
Macedonia	Can vote	Can vote	No
Moldova	Can vote	Can vote	No
Poland	Can vote	Can vote	Very rarely
Romania	Can vote	Cannot vote	Yes, if it is stated by the sentencing judge
Russian Federation	Can vote	Cannot vote	
Slovakia	Can vote	Cannot vote	No
Slovenia	Can vote	Can vote	No
Yugoslavia: Serbia	Can vote	Can vote	No

The contribution of non-governmental organisations (NGOs)

During the totalitarian years the prison systems had very little contact with non-governmental organisations. It was, for example, uncommon for religious activity to be allowed in penal institutions. However, in the early 1990s legislation and regulations were amended to enable qualified representatives of the main religions to make regular visits to the prisons and to meet prisoners who wished to see them, as prescribed in the European Prison Rules. This has continued, but a feature of the last few years has been the development of contacts between prison administrations and non-governmental organisations that are focussed not only on religion but also on penal reform. Increasingly NGOs have been welcomed into the institutions and have contributed in many ways, including staff training, humanitarian aid, legal help, involvement in prisoners' leisure activities, preparation for release, and also monitoring prison conditions and the treatment of prisoners. Genuine and committed NGOs are recognised by the prison administrations as also providing support by publicising the problems and the reality of imprisonment and by campaigning to protect prison budgets and improve the conditions in which staff as well as prisoners have to live (see e.g. Coyle, 2001, Stern, 1998).

For this study all prison administrations were asked four questions about their relations with NGOs: whether NGOs visited the penal institutions, the purpose of NGOs' visits, whether the prison administration considered the work of NGOs to be positive and, if so, what it was that they considered to be positive. All responding administrations reported that NGOs did indeed visit and they considered their contribution to be positive. The situation is understood to be similar elsewhere. Table 29 sets out information in respect of the other two questions.

Table 29 The contribution of non-governmental organisations

	The purpose of NGOs' visits to the institutions	The value of NGOs' contributions
Albania	Auditing and monitoring the institutions.	Such activities play an important role.
Armenia	Various, including increasing public awareness and promoting treatment activities.	
Azerbaijan	Various, including monitoring, provision of humanitarian assistance and of information about prisoners' rights.	
Belarus	Participation in the reform of prisoners; provision of humanitarian assistance.	They carry out the programmes of prison staff.
Bosnia and Herzegovina - Federation	Monitoring and protection of human rights.	They contribute to the protection of human rights.
Bosnia and Herzegovina - Republika Srpska	Monitoring the human rights situation, including the implementation of the UN Standard Minimum Rules and the European Prison Rules.	They draw attention to deficiencies in adhering to the international standards.

Bulgaria	Support for the prisoners; charitable aid; participation in treatment programmes.	They help open the system to the public and change public attitudes, and enable prisoners to feel part of the community.
Croatia	Response to prisoners' complaints and their requests for assistance.	They deal with what prisoners raise but cannot always give them the answers they want.
Czech Republic	Religious and charitable activities; monitoring the work of the prison service.	Any negative assessments they make valuably draw attention to necessary changes.
Estonia	Religious matters and assisting prisoners in returning to society.	They help the prison service in preparing prisoners for release.
Georgia	Monitoring, legal advice and programme implementation.	They have contributed to positive developments in the prison system.
Hungary	Religious matters; monitoring study of eight prisons.	They play a valuable role in pre-release activities.
Latvia	Offering help to prisoners; checking on complaints that have been made; monitoring activities.	Their initiatives have been of direct value to prisoners (e.g. funding for prison newspaper and for radio programmes to broadcast messages from relatives and friends).
Lithuania	Providing social support; helping prisoners overcome dependency on drugs and alcohol; assisting them in gaining employment skills; religious help.	Their activities all contribute valuably to the work of the prison administration.
Macedonia	Monitoring conditions in prisoners' accommodation and staff behaviour to prisoners.	Their work shows the real picture of what life is like in the prisons.
Moldova	Monitoring conditions and practice; renovation work; carrying out human rights workshops for staff; providing food; organising visits from their children for women prisoners.	Human rights training makes an important contribution to penal reform, and introduces an advanced level of experience; the practical assistance is valuable.
Poland	Participation in social rehabilitation, religious, educational, cultural, leisure and sporting activities; providing legal advice, material support and offering emotional support.	Their contribution limits the harmful effects of separation from the community and helps with future re-integration.
Romania	Monitoring the extent to which human rights are respected in prison; religious help; assistance with education; developing prisoners' inventiveness and creativity in their leisure time.	Their work assists the treatment/education department in preparing prisoners for successful re-integration on release; they inform prison administration of any breaches in prisoners' human rights.
Slovakia	Assistance in spiritual matters; organising training courses for staff, including alcohol and drugs education; funding a needs assessment; preparing prisoners for life outside; work to reduce time in pre-trial detention.	Their activities contribute valuably to the work of the prison administration; the needs assessment led to improving staff training on the needs of women prisoners and the treatment of drug users, juveniles and minorities (especially Roma).
Slovenia	Religious help; charitable activities; providing furnishings; support through correspondence, holiday gift packages; storage of prisoners' possessions; material help after release.	Their contribution helps to prepare prisoners for release, provides them with support, and boosts co-operation between the community and the prisons.
Yugoslavia: Serbia	Informal monitoring.	They may notice something not picked up by normal inspections.

Not all the prison administrations in the region have good relationships with the NGOs that monitor human rights behaviour. Nor does every country have a range of non-governmental organisations that are well-equipped to make a positive contribution to the work of the prison system. It is a worthwhile objective for prison administrations and NGOs to seek to overcome these limitations. But much progress has been made and there is every sign that this process will continue and intensify.

International co-operation

International co-operation is also playing a not insignificant part in the reform of the prison systems. Most prison administrations have established good contacts with their counterparts in a number of other European countries in the interests of sharing experiences, learning from each other and thus improving practice.

The Council of Europe has facilitated the reform process in a number of ways. It has provided help with the preparation of new legislation, supplying experts to comment on the various drafts, and has also assisted with advice on the transfer of prison systems from the Ministry of Internal Affairs to the Ministry of Justice. But its most substantial contributions towards reform in the individual prisons have been in respect of the assessment reports which have been prepared on thirteen prison systems in central and eastern Europe, the steering groups which it has subsequently established to give on-going advice and assistance, and the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Punishment (the CPT).

Eleven assessment reports, in respect of Albania, Armenia, Azerbaijan, the two entities of Bosnia and Herzegovina, Estonia, Georgia, Latvia, Lithuania, Moldova and Ukraine, were prepared between 1993 and 1998 (second reports have since been prepared on the Baltic States and Azerbaijan) and two more, on Serbia and Montenegro, have been prepared in 2001 and 2002. Each gives a detailed account of the state of the prison systems and draws particular attention to aspects where change is needed. The subsequently established steering groups work with the prison authorities in these countries, and also in Russia, which has a steering group as well, focussing on areas where co-operative advice and assistance are particularly needed.

The work of the CPT in improving the management of prisons and the treatment of prisoners is of special importance (see e.g. Morgan, 2001). The Council of Europe member states sign and ratify a binding convention on the prevention of torture and inhuman or degrading treatment or punishment, after which the CPT visits a small number of prisons in each country, including those thought most likely to have poor conditions and those on which disquieting information has been received. The country is required to respond to the CPT's report and recommendations and, while any decision about publication is up to the country concerned, it has become the established practice for the report and the country's response to be published, often at the same time. Thus, although there are

few allegations of torture in the prisons, each country has accepted that its prison administration is in the position of having to explain what it proposes to do to put right the deficiencies in conditions and treatment that have been identified. The CPT is arguably the most powerful force in the direction of reform of actual practice in the prison systems of Europe as a whole, including therefore those of central and eastern Europe.

The Council of Europe also provides an opportunity for the Director Generals and other senior officials from the prison administrations of central and eastern Europe to meet together at international seminars, such as the one on prison health that was referred to in section 8, and at biennial conferences of Director Generals. The Council of Europe also facilitates the sharing of experiences and the encouragement of good practice by acting as a clearinghouse for 'twinning' arrangements, whereby individual prisons link with a similar prison in another country. For example, almost all the prisons in Estonia, Latvia and Lithuania are now linked in this way with a counterpart in Norway, Sweden, Finland, Denmark or Germany.

Other multi-lateral international organisations that are currently contributing to the reform process include the Organisation for Security and Co-operation in Europe (OSCE) and the European Union. Individual countries in western Europe are also providing funding for specific reform initiatives, some of which are undertaken by international NGOs, in particular, Penal Reform International (PRI). Prison Fellowship International, a religious organisation, is another international NGO that works in this field.

PRI was mentioned by many prison administrations of the region as one of the organisations with which it worked, and indeed it has collaborated with most, facilitating constructive change and boosting the capacity of local NGOs. PRI has also produced an important handbook 'Making Standards Work' (second edition, 2001) which sets out clearly what the international standards mean in practical terms that make them more comprehensible to prison practitioners. This publication has been translated into many of the languages of central and eastern Europe including, most recently, Albanian, Armenian and Georgian. In 2001 PRI organised prison reform seminars and other projects in Latvia (health education and support for women prisoners), Russia (assisting Russian NGOs implementing several prison reform projects), Armenia, Azerbaijan and Georgia. At the same time, a project to assist the Russian prison administration with reform in the large, overcrowded, violent and disease-ridden pre-trial institutions in the Moscow area was being undertaken by the International Centre for Prison Studies (ICPS), based at King's College, University of London. The ICPS has also published a new handbook for prison staff 'A Human Rights Approach to Prison Management' (Coyle, 2002), which is likely to be helpful for prison administrations in central and eastern Europe, as well as those elsewhere.

16. Most important recent developments

A useful way of understanding what has been dominating the work of the prison administrations is to learn what they consider to be particularly significant recent developments in their prison systems. Consequently they were invited to indicate what, in their opinion, were the most important developments that had affected their work in the previous three years or so. Eighteen prison administrations responded and their answers will be found, prison system by prison system, in sections 21-44, together with some of the principal developments in the other six prison systems. The following are the developments that were mentioned most frequently as being among the most important recently experienced:

- the introduction of new legislation, in particular, new penal executive codes/codes for the implementation of penal sanctions. Fifteen of the 24 prison systems now have penal executive codes/codes for the implementation of penal sanctions dating from 1997 or later (see section 2);
- the transfer of Ministerial responsibility from the Ministry of Internal Affairs to the Ministry of Justice, which was accomplished by seven prison systems in the period 1998-2001. Thus, at the end of 2001 only Ukraine and Belarus did not have their prison administrations under the responsibility of the Ministry of Justice. In Ukraine the prisons ceased to be under the Ministry of Internal Affairs in December 1998 and are run by a department of state that is separate from the Ministry of Justice. In Belarus no change has been made to the former structure (see section 3);
- the rise in the prison population and in prison overcrowding, especially in institutions for pre-trial detention (see sections 4-6);
- the use of various ways of reducing the prison population, including amnesties (for example in Armenia, Azerbaijan, Lithuania, Russia and Ukraine), allowing one day's work by sentenced prisoners to count as two days imprisonment (for example in Moldova), revising the country's penal philosophy towards less use of imprisonment and more use of alternative sanctions (for example in the Czech Republic), and instituting a government campaign to reduce prison numbers (Russia);
- the construction of new institutions, the restructuring and refurbishment of existing ones and, in Bosnia and Herzegovina, the return to the prison system of certain institutions, or parts of institutions, that were appropriated by the military authorities during the 1992-95 war. The Bulgarian system has acquired premises previously used for detention by the investigation department;
- serious damage and destruction to prison buildings in Albania in 1997, major disturbances in the year 2000 in the prison systems of the Czech Republic and Serbia, a serious escape attempt in Azerbaijan in 1999, and the loss, following internal strife in Macedonia in 2001, of the educational-corrective institution in that country;

- improvements in facilities for prisoners, including an increase in space per prisoner (see section 5), and an increase in the amount of accommodation that meets the standards envisaged by the European Prison Rules;
- improvements to employment conditions for staff, including staff salaries, and developments in staff training including the establishment of new staff training centres (see section 11);
- reductions in the role of military personnel in the prison systems, both by replacing non-prison service military staff concerned in perimeter security with professionally trained prison service staff, and by reducing the number of prison service staff with military status and increasing the number with civilian status;
- improvements in social rehabilitation programmes for prisoners and in arrangements to prepare them for release;
- the introduction, in some countries, of new measures as alternatives to imprisonment, such as probation;
- the increased use of computerisation in some systems.

The above developments were reported as being of particular importance in more than one prison system; in addition important recent developments that were specifically mentioned as such by a single system include:

- the introduction of risk assessment and sentence planning (Bulgaria);
- the installation of phone hotlines for prisoners, principally as a means of combating corruption (Georgia);
- a concerted attempt to humanise the prison system and protect the human rights of people held in penal institutions (Russia); and
- increased public interest in prisons and the consequential need to pay more attention to public attitudes (Slovenia).

17. Main problems

As has been evident from the preceding sections, there are many problems that obstruct progress in the prison systems of central and eastern Europe. The prison administrations were asked to indicate the main problems that they face. Again answers will be found in sections 21-44. The following are the problems that were most frequently mentioned:

- overcrowding, especially in pre-trial accommodation. This was seen as a major problem in most countries of the region, though not in most countries of former Yugoslavia. It was reported that pre-trial detention was becoming longer in some countries (for example, Latvia and Poland);
- shortage of financial and other resources. Many prison administrations

reported a lack of finance for investments, including reconstruction and refurbishments, despite the poor quality of buildings; a small number drew attention to inadequate conditions for the treatment of tuberculosis, insufficient resources for the smooth running of the prisons, insufficient resources for health care and, in four countries, a shortage of beds;

- poor hygiene and medical facilities and inadequate quality and quantity of food;
- the need for improved staff training. The attitudes of a significant proportion of staff were considered by the prison administration in several countries to be inappropriate for professional work in a modern prison service;
- the need for more staff, particularly specialists, to be involved in the rehabilitative treatment of prisoners, and for more doctors. Several prison administrations identified as a major problem the fact that existing staff were overburdened with work and facing excessive pressures, and that their working conditions, including salaries, were inadequate;
- the shortage of effective measures and punishments in the community, as alternatives to imprisonment;
- the deficiencies of community social services, including probation, in re-integrating prisoners into the community;
- the shortage of useful activities, for pre-trial detainees in particular, but also for sentenced prisoners;
- increased difficulty in preventing the importation of drugs into the prisons;
- the results of the 1992-95 war in Bosnia and Herzegovina, including the absence of a prison for women and inadequate heating in some war-damaged buildings. Albania, the Czech Republic, Macedonia and Serbia have also suffered significant damage to institutions;
- lighting, heating and ventilation are inadequate in old buildings in some prison systems;
- the shortage of modern equipment, including computers and video surveillance equipment;
- a deterioration in the type of prisoners being admitted, with fewer being considered suitable for semi-open or open conditions, and more being drug or alcohol dependent and lacking motivation for getting involved in treatment programmes;
- a shortage of employment for prisoners;
- increased media and public pressure for the use of repressive measures, such as imprisonment and longer sentences, which was being reflected in court sentencing practice;
- the prevalence of tuberculosis within the prison systems of several countries, and inadequate conditions for its treatment;
- a comparatively low use of conditional release and a reduction in the number of home leaves allowed.

18. Achievements

A striking feature of the prison systems of central and eastern Europe is the substantial progress that has been made in recent years in many aspects of the management of prisons and the treatment of prisoners. Prison administrations were asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be helpful to the prison systems of other countries. Several administrations commented that they were reluctant to suggest that their own achievements should be seen as examples to be followed by others, but each of the eighteen administrations that responded to the survey gave a few examples of successes of which they were proud. In addition, a number of further achievements of these prison systems were also identified, as were examples of the achievements of the other prison systems of the region. They are listed in full in sections 21-44.

Many prison administrations considered that the greatest successes included the passing of new legislation, rebuilding and renovation, and the opening of new prisons or new sections in existing institutions. Attention was also drawn to work that had been done to remove metal shutters from cells in pre-trial detention accommodation, to convert dormitories into small rooms, to create and maintain a calm and relaxed atmosphere in the institutions, and generally to ensure that standards were improved in accordance with the European Prison Rules. An increasing emphasis is being placed on staff treating prisoners with humanity, and showing a concern for them as people – in short, on good staff-prisoner relations. It is this that the prison administrations regarded as the main factor in reducing tension in the institutions. Refurbishment and decoration were also recognised as having a part to play including, for example, the use of plants and pictures to lighten the atmosphere.

The following are a selection of other ‘good practice’ initiatives that are among the achievements reported by or noted in at least one and often several prison systems in central and eastern Europe, and that are certainly worthy of consideration by prison systems not only elsewhere in the region, but throughout Europe and anywhere in the world:

Overcrowding

- adopting a range of measures to reduce overcrowding (including restricting the use of pre-trial detention and increasing the numbers given early release);
- reducing the official capacity of institutions in order to allow every pre-trial detainee and sentenced prisoner to have an increased minimum space allowance;

Health care

- finding agricultural land on which prisoners can produce food to improve the prison diet;
- developing high quality treatment programmes for alcoholics;
- developing high quality treatment programmes for dealing with post-traumatic stress;
- having special units, staffed by therapeutic teams, for the treatment of those addicted to drugs and alcohol and those who are mentally disturbed;
- developing a drugs strategy, with specialised units at certain prisons;
- pursuing a 'harm reduction' policy for health care, including the provision of preventive/health promotion information;
- developing preventive health care/health promotion for staff;
- introducing the DOTS strategy for the treatment of prisoners with tuberculosis;
- holding regular meetings between the prison health care staff and the chief doctor/head of the health care department at the headquarters of the prison administration, in order to share information about policies and practice;
- placing written information on the organisation of health care in all living accommodation;
- transferring responsibility for prison health care to the civil health care system (Ministry of Health); or giving to the Ministry of Health a major role in supervising the quality of health care in prisons;
- transferring responsibility for kitchen hygiene etc. to an external hygienist reporting to the Chief Medical Officer of the area in which the prison is situated;

Disciplinary matters

- arranging that solitary confinement is simply isolation from other prisoners, with conditions identical to those experienced by other prisoners except that the room, being for one person only, is smaller;
- introducing new legislation that provides for a prisoner in solitary confinement to be visited at least daily by a doctor, twice a week by a pedagogue and once a week by the prison director;
- introducing a system of recording all disciplinary proceedings, compiling a statistical analysis each month, and submitting a detailed report to the prison administration twice a year;
- progressively reducing the number of cells for solitary confinement;

Contact with the outside

- allowing visits to pre-trial detainees generally to be 'open' with visitors and prisoners able to touch one another;
- increasing the frequency with which pre-trial detainees may be visited;
- increasing the length of visits to pre-trial detainees;
- allowing pre-trial detainees to make telephone calls;
- increasing the availability of telephones for sentenced prisoners, so that they may maintain better contact with their families and others who are important to them;
- enabling prisoners to maintain their own contacts with the outside world as fully as possible during their sentence;
- allowing prisoners of good behaviour, who have served at least one half of their sentences, to have long visits from their families of two or more days, in which they may live together free of charge using special visiting facilities;
- allowing sentenced prisoners, especially those serving long sentences who cannot be allowed home leave, to have private (intimate) visits from their spouses;
- creating very good conditions for visitors and their children while they are waiting for their visits;
- providing good opportunities for sentenced prisoners to have home leave;

Staff matters

- putting much effort into developing staff training, partly through co-operation with other European prison administrations;
- nominating in every prison someone who is responsible for staff training;
- establishing a staff training centre;
- holding regular meetings to enable staff to exchange ideas, experience and good practice;
- providing opportunities for staff to socialise, including sporting activities;
- employing sufficient staff to enable the staff-prisoner ratio to be adequate;
- organising regular meetings between prison administration headquarters staff and staff working in the penal institutions (e.g. between treatment or security or employment staff and the head of the treatment or security or employment departments at headquarters);
- achieving changes in staff attitudes, with progress in dealing with prisoners in a way that fully respects their human dignity;
- increasing staff pay, in order to improve the quality of staff and staff morale;
- providing good conditions for staff, including health facilities and leisure centres;

- paying particular attention to the quality of staff that are recruited to work in the prison service;
- abolishing the practice of having military personnel guarding the prison perimeters, and substituting properly recruited and trained prison staff under the control of the prison director;
- working towards the demilitarisation of prison staff;
- taking energetic action to combat staff corruption, including the installation of hotlines for prisoners to report any abuses;

Treatment

- security staff working increasingly closely with treatment staff, thus giving the former a more forward-looking role than the traditional one of simply ensuring good order and discipline;
- considering it as part of the duty of security staff to be involved in the implementation of treatment programmes;
- holding regular meetings of treatment, security and employment staff to discuss prisoners' progress and treatment;
- creating multi-disciplinary treatment teams that meet regularly and prepare programmes under the supervision of the head of treatment;
- increasing the number of educators/pedagogues/social workers/case managers/heads of detachment so that each is responsible for a smaller group of prisoners;
- emphasising social work in prisons as a means of assisting in prisoners' rehabilitation and reintegration into the community on release;
- employing a significant number of psychologists in the prison system;
- introducing a social rehabilitation programme, including assisting prisoners to prepare for life in the community by participating in socially useful activities;
- using socio-therapeutic activities, including group work and the creation of a therapeutic community, in order to bring about constructive change in the lives of prisoners;
- implementing developed programmes of diversified treatment, which are used with a large majority of sentenced prisoners;
- establishing special units for older prisoners, for vulnerable prisoners, and for disabled prisoners where there are sufficient of these groups in the system to justify such an initiative;
- involving prisoners in decisions about their own treatment and environment, so that they participate as responsible adults in the life of the institution and thus develop their sense of self-responsibility and self-reliance;
- recruiting a significant proportion of women among the treatment staff in prisons for men, in order to increase the normality of life in the institutions;
- establishing a centre for assessing and preparing a treatment programme for all prisoners sentenced to six months imprisonment or more;

- giving special attention to providing constructive opportunities for young adult prisoners up to the age of about 25, including special socio-psychological treatment programmes which encourage them to take more responsibility for themselves, improve their social abilities, deepen their self-knowledge and increase their capacity to resolve constructively situations involving inter-personal and group conflict;

Preparation for release

- including in pre-release preparations assistance in arranging prisoners' personal and financial matters and helping them to complete all necessary documentation;
- developing close co-operation between social workers in prison and those in the community in order to increase the chances of prisoners receiving effective support on release from prison;
- enabling the prisoner to establish a range of contacts with the outside world, in order to prepare the way for easier integration into ordinary life after release;
- increasing the use of open institutions and creating transitional units/hostels as a means of preparation for release;

Employment, education and vocational training

- increasing the proportion of sentenced prisoners who are able to have employment;
- creating good quality work for prisoners (e.g. in public restaurants run by the prison);
- establishing economic units (factories) in which prisoners work alongside civilians from the community outside;
- co-operating with local labour exchanges in providing training for prisoners in work that they may do on release;
- providing pensions insurance for sentenced prisoners who work regularly in the prisons' economic units;
- placing particular emphasis on education and vocational training;
- developing the education provision in prisons through the establishment of good contacts with the Ministry of Education;
- providing remedial education, including a literacy programme;
- creating simple work to occupy some pre-trial detainees, so that they can earn a little money and develop the habit of work;

Information and contacts with the media and the general public

- producing a general information leaflet for the media and all other inter-

ested persons about the prison, its functions, activities, facilities, organisation, departments and regulations;

- establishing good links with the community outside the prison;
- encouraging the openness of the prisons to the general public, to the extent that this is consistent with the privacy of the prisoners and the protection of society, so that prisoners are allowed out as much as possible and a large number of outside organisations are enabled to make a positive contribution to the life and work of the prison, including the rehabilitation of prisoners;
- publishing a journal that creates a platform for criminal justice experts to discuss prison matters and gives information about new initiatives to improve the criminal justice system in so far as it bears on the prisons;
- developing extensive contacts with the media;
- making daily efforts to present to the media a balanced picture of what is going on in the prisons, in order to make it possible for public opinion to be better informed;
- producing, to enhance international understanding of the prison system, English language documents/publications providing information and statistics;
- establishing a website to provide up-to-date information about the prison system;
- producing a book or other document giving historical information about the prisons, photographs and an account of the functions of each institution;

Inspection and monitoring

- having an intensive and thorough internal inspection system, which not only checks that the institutions are being run in accordance with current law and regulations but also aims to improve the quality of work across the whole prison system;
- conducting a full inspection of every prison on a two-yearly basis;
- introducing an independent inspection system;
- displaying prominently in the prisons the address of the Council of Europe's CPT committee in order to assist prisoners who may wish to send complaints to that body;
- enabling NGOs to play an important role in monitoring, and thus improving, the standard of treatment of prisoners and the level of prison conditions;

Miscellaneous

- creating a pre-trial detention unit where such prisoners are unlocked for a large part of the day;
- developing a programme to provide spiritual assistance to prisoners, involving the participation of representatives of a wide range of churches;

- giving a prominent place to religion in the prisons, including appointing priests to individual institutions;
- providing prisoners with the opportunity of exercise in the open air for at least two hours a day;
- introducing information technology as a tool in prison management, as for example by creating an electronic register of prisoners - an on-line system connecting all the prisons;
- establishing close co-operation and joint projects with NGOs, thus providing support for prisoners during their sentence and help in preparing them for release, and developing contacts between prisons and the community outside;
- developing a high level of international co-operation and in particular twinning arrangements between individual prisons in different countries;
- giving a senior member of staff (or creating a special department with) the responsibility for ensuring that prisoners' human rights are fully observed.

19. Objectives and outstanding tasks

The prison administrations were also asked about their main current objectives. They reported a large number (again see sections 21-44 for the detailed responses) and some of those most often mentioned are listed below, arranged under subject headings. It will be evident that many of the issues referred to in the last two sections appear again here. This should not be surprising: prison conditions, for example, are a major problem in many countries; some administrations rightly register as one of their main achievements their work in making improvements in this area and some report as a principal objective their intention to do so. Where a specific country is named it is not necessarily the only country with the objective concerned: since each administration was asked for their main objectives they did not give an exhaustive list of planned developments. What follows indicates the scope of the objectives of the prison systems in the region but is not a complete inventory.

European standards

The most commonly expressed objective was to improve conditions in the institutions, thus making the prison systems closer to what is recommended in the European Prison Rules and has been endorsed and sometimes elaborated by the CPT. Almost all prison administrations emphasised their concern to make such progress. Reference was made to the need to guarantee the human rights of pre-trial detainees and sentenced prisoners and to continue humanising the institutions. More specifically, the aim to maintain a relaxed atmosphere in the prisons was mentioned and the need to separate difficult prisoners from others.

Legislation and organisational structure

The preparation and implementation of new legislation was the other objective that was most frequently mentioned. Several administrations also referred to their need to prepare new regulations (sometimes referred to as by-laws) and instructions in order to ensure that new legislation was fully implemented. Albania intends to transfer to the Ministry of Justice the pre-trial detention facilities that are still under the responsibility of the Ministry of Public Order.

Overcrowding, new construction

The aim of taking all necessary steps to cope with overcrowding was also emphasised. Some administrations intended to build new institutions as a contribution to dealing with this problem, or to increase the capacity of existing institutions. One (Estonia) planned to explore the possibility of using the private sector in the construction and management of an open prison. There was general recognition, however, that new building was not likely to be a long-term solution to this problem, and some aimed to focus their attention on getting the prison population reduced, including by reducing the length of pre-trial detention and the time waiting for sentences to be confirmed during appeal. Reference was also made to the aim of opening new institutions not in order to combat overcrowding but because they were needed to replace old ones. Institutions for women and for juveniles were among the objectives of the prison systems in Bosnia and Herzegovina, since the war had rendered the previous accommodation unavailable.

Accommodation conditions, refurbishment

Several prison administrations reported their aim to improve the conditions in prisoners' living accommodation, including by turning dormitories into smaller cells/rooms, by improving lighting, ventilation and sanitary facilities, by increasing space for prisoners, and by refurbishment. One (Croatia) expressed the objective of having at least some single cells available in every wing of the prisons.

Health care, drugs

The focus of objectives in respect of health care was tuberculosis and drug and alcohol addiction. In respect of the treatment of TB there were plans to complete the reconstruction of a prison for tuberculosis patients (Latvia) and to open a new hospital for such patients, while also increasing the size of the current TB hospital and improving the quality of food for TB patients (Moldova). In respect of drugs several countries aimed to develop effective treatment programmes, and to establish drug free zones. Other objectives were to increase the number of units for the treatment of alcohol-dependent prisoners (Poland), to establish specialised units for mothers with children, mentally disordered prisoners and

those with behaviour problems (Czech Republic), to raise the level of prison health care to that in the community outside (Armenia), and to bring prison health care under the control of the Ministry of Health (Georgia).

Staff issues

Many administrations expressed the intention of developing and improving staff training, including training in the European Prison Rules and training in respect of drugs. Macedonia and Serbia intend to establish training centres and Moldova to introduce a penitentiary treatment faculty in the Police Academy. Several countries expressed the objective of improving recruitment practices in order to employ staff who are better educated and more suited to the work. Overall the aim is to increase the professionalism of staff. Other objectives recognised the importance of staff morale: reference was made to improving the pay and working conditions and combating corruption amongst staff. The need to increase the number of staff was also emphasised, especially the number of specialists, and Slovenia plans to prepare standards for the work of specialists and supervise them more effectively.

Treatment of prisoners, employment, education, regime activities, preparation for release

Several administrations expressed the objective of establishing, improving or enlarging the scope of treatment programmes, for example programmes for long-term prisoners, sex offenders and violent offenders. Hungary plans to introduce more differentiated treatment for prisoners. Moldova aims to have more heads of detachment in order to reduce the size of prisoner groups. Several prison administrations have set themselves the objective of increasing employment for prisoners. Lithuania and Slovenia have plans for developing educational opportunities, the former by establishing secondary schools in colonies so that all prisoners can benefit from educational activities, and the latter by increasing contacts with external institutions willing to help. Other treatment objectives mentioned were to improve the quality of regimes for pre-trial detainees, to improve arrangements for preparing prisoners for release (for example Albania, Slovakia), and the Czech Republic intends to establish pre-trial units in all prisons with high and maximum security prisoners.

Miscellaneous

Objectives in a variety of other areas were also mentioned, including:

- to obtain more resources for the prisons budget (Poland), and to obtain money from donors (Bosnia and Herzegovina). In most countries the battle for increased resources is a continual process and one of immense importance, as was noted in section 15;
- to prepare and implement plans for the development of the probation serv-

- ice (Lithuania), to establish a probation system (Georgia), and to improve the functioning of the parole (conditional release) system (Ukraine);
- to improve security, with special reference, in some countries, to enabling the prisons to resist rescue attempts on behalf of members of organised crime groups;
 - to demilitarise the prison service (Romania) and remove military non-prison service personnel from being responsible for perimeter security (Latvia and Lithuania);
 - to complete the activation of a new electronic register of prisoners, to decentralise to the prisons the purchase of food, clothing and uniforms, and to increase the transparency of the prison system by making the institutions more accessible to public scrutiny (all Estonia);
 - to develop modern management systems, both in respect of information technology and management structures (Azerbaijan); and
 - to improve management and staff-prisoner relations.

Outstanding tasks

It will be noted that the most important objectives identified by the prison administrations of central and eastern Europe cover a wide range of topics. They are, however, only examples of the much larger number of objectives that they have set themselves in order to bring their prison systems as closely as possible into line with international European standards, in particular the European Prison Rules.

In earlier sections of this report a large number of outstanding tasks have been suggested in respect of many of the aspects that have been covered. Twenty of the most important of these are listed below. It must be understood that, although in respect of each of these at least some prison administrations have progress to make, for most of them at least some prison administrations have fully reached the standards envisaged by the Rules.

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation; and to establish for each institution a capacity figure based on the amount of space per prisoner specified in the appropriate legislation, so long as this is at least 4m²;
- to ensure that lighting, heating and air quality are adequate in all buildings in which prisoners spend any part of the day;
- to enable every prisoner to have his/her own bed;
- to ensure that all juveniles, including pre-trial detainees, are held separately from adults;
- to ensure that sanitary installations and arrangements for access are adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions;
- to provide all prisoners with a balanced diet, including meat, fruit and vegetables, and to ensure that the quality and quantity of food reaches at

- least average standards in communal catering outside;
- to devote sufficient resources to health care, including the appointment of an adequate number of medical staff, and to give full recognition to the principles of equivalence of care (i.e. with that in the community), patients' consent, confidentiality of information, and the professional independence of medical staff;
 - to give further consideration (in Armenia, Belarus, Georgia, Hungary, Latvia, Lithuania and the Republika Srpska entity of Bosnia and Herzegovina) to abolishing compulsory HIV testing and thus bringing policy into line with the relevant international standards, in particular those established by the World Health Organisation and the Council of Europe;
 - to require medical staff in each institution to advise the director on the sanitation, heating, lighting and ventilation of the institutions, and the suitability and cleanliness of prisoners' clothing and bedding, in accordance with Rule 31.1c and d of the European Prison Rules;
 - to ensure that prisoners are heard in person at all disciplinary hearings, and that prisoners in disciplinary isolation are visited daily by a medical officer (in accordance with Rule 38.3 of the European Prison Rules), provided with mattresses and blankets, allowed visits and access to reading matter and offered at least one hour's exercise daily in the open air;
 - to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
 - to ensure regular visits for pre-trial detainees, so that all are visited at least once a month, and if possible weekly or more often;
 - to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial (remand) prisoners, to enable them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature, and to appoint a member of the treatment staff to be responsible for regime activities for pre-trial prisoners, and to deal with their social work needs;
 - to give priority attention to staff training, in particular in respect of human rights, inter-personal skills and the humane treatment of prisoners, and to include training for senior managers in the skills needed to undertake their responsibilities imaginatively and effectively;
 - to take steps to improve the public image of prison staff and of the work of the prison service;
 - to ensure that there are enough staff to keep the staff-prisoner ratio at a satisfactory level and, in particular, that there are sufficient educators/pedagogues/social workers/case managers/heads of detachment to enable no group for which such specialists are responsible to exceed about 50 prisoners;
 - to provide programmes of constructive activities, including work, education and vocational training, to occupy prisoners' time in a positive manner and enable them to develop skills and aptitudes that may improve

- their prospects of resettlement after release;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after release and to develop co-ordination with Centres for Social Work in the community, where such exist;
 - to ensure that senior staff in the prison administration headquarters and the directors of all institutions and their senior managers possess and make full use of copies of the Council of Europe's European Prison Rules. Copies should also be kept prominently in each prison library for the use of all other staff and prisoners;
 - to introduce an independent prisons inspectorate, reporting directly to the Minister of Justice and publishing its reports.

20. Overview of developments: conclusion

The previous study, which described the situation in sixteen prison systems of central and eastern Europe in 1994, reported progress in the legislative framework and organisational structure within which the prison systems were administered, in the policies and attitudes of the national prison administrations, and in the work of the staff in the penal administrations themselves. But, despite this progress, many problems were noted, varying in seriousness from one country to another, but most of them applying throughout the region (see section 1 above).

The first part of this report on the present study has presented an overview of developments in prison systems across the whole of central and eastern Europe to the end of 2001, and this final section contains a summary of the main findings in respect of legislation, organisational structure, prison populations, overcrowding and pre-trial detention (sections 2-6). Summaries of the main findings in sections 7-13 were given at the end of each of those sections. The main points in respect of inspection (section 14) and of the various aspects covered in section 15 are also summarised below.

Legislation

New penal executive codes were adopted in the period 1996-2001 in fifteen prison systems and in one more the legislation was passed after the end of 2001.

Organisational structure

Twenty-one of the twenty-four prison systems are now fully under the Ministry of Justice. Of the other three Albania has 70% of prisoners in Ministry of Justice facilities and Ukraine has detached the prison system from the Ministry of Internal Affairs and placed it under an independent State Department. In Belarus alone the responsibility is still with the Ministry of Internal Affairs.

The official capacities of most prison systems in the region increased between 1994 and 2001 in order to cope with the growth in the prison populations. In four of the five in which the capacities fell this was because of an increase in the space allowance per prisoner and a corresponding reduction in the official capacities of the institutions.

A number of countries have changed their legislation or regulations in order to allow more space per prisoner, but in some of them the change is at present only an aspiration since the capacities of the individual institutions have not been reduced accordingly.

Prison populations

In most countries, with the exception of Albania, Armenia, Bulgaria, Slovakia and those that have emerged from former Yugoslavia, prison populations are well above the levels in the rest of Europe and are growing. The majority of prison administrations in the region define this as the most serious problem that they face, or one of the most serious.

The prison population rate (per 100,000 of the national population) rose during the 1990s in 20 of the 24 prison systems; information was not available on the other four.

Overcrowding

Overcrowding seems to have become significantly worse since 1994, when calculated according to the official capacity of the prison systems. At least ten of the twenty-four systems exceeded their official capacity at some time during 2001.

When calculated according to the amount of space a prisoner actually has in his/her living accommodation it is clear that overcrowding has indeed become worse in a majority of the countries of central and eastern Europe.

The space per prisoner in pre-trial prisons in the capital cities is considerably less than the national average.

The CPT norm of at least 4m² per prisoner was only attained in 2001 in five of the nineteen prison systems on which information was available, and only in two of eleven pre-trial prisons in the capital cities.

Pre-trial detention

In most countries of the region about a quarter of the people held in penal institutions are in pre-trial detention. This is not out of line with the rest of Europe, which has a similar range. Pre-trial detainees form a somewhat smaller proportion of the prison population now than they did in 1994.

However, most prison systems in central and eastern Europe, apart from those in the countries of former Yugoslavia, have high rates of pre-trial detention com-

pared with the rest of Europe, and three have rates above 100 per 100,000 of the national population - higher than the average total prison population in the rest of Europe.

Pre-trial detainees in all but four countries are given no more than one hour outside their cells each day, despite the CPT recommendation that eight hours should be the minimum.

Inspection

While the best internal inspections are thorough and rigorous and perform a valuable role, there is scope for more structured and comprehensive inspections by independent bodies.

In more than half the prison systems an Ombudsman or a Parliamentary Committee for Human Rights visits the prisons but this often does not involve a systematic inspection of the management of the prison and the treatment of the prisoners.

Budgets

The state of prison buildings and the need for refurbishment, reconstruction and new institutions have continued to present significant problems. Much refurbishment and reconstruction has been done and new institutions have been opened in several countries. But the low budgets available to the prison administrations have meant that in the poorest countries very little has been done to improve these material conditions and in the least poor it has only been possible to do a fraction of what is perceived to be needed.

Complaints

Much progress has been made in developing complaints machinery. Concerns about the complaints mechanisms centre on confidentiality and the seriousness with which the complaints are treated. The extent to which complaints are in sealed envelopes, which arrive unopened at the desk of the person to whom they are addressed, is variable but seems to be improving steadily.

Prisoners' right to vote

At least three prison systems deny pre-trial detainees the right to vote in national elections. Eleven of the twenty-one prison systems on which information is available allow sentenced prisoners the right to vote, while ten deny them the right to do so

Non-governmental organisations (NGOs)

NGOs now visit almost all prison systems. They contribute in a variety of ways, including by monitoring the institutions, training staff, assisting with treatment and educational programmes, responding to prisoners' complaints and requests, providing humanitarian assistance and social support, offering religious help and supplying information on human rights. Their work is invariably regarded as positive by the prison administrations, despite occasional friction in connection with monitoring activities.

International co-operation

International co-operation is playing a not insignificant part in the reform of the prison systems. Most prison administrations have established good contacts with their counterparts in a number of other European countries in the interests of sharing experiences, learning from each other and thus improving practice.

The Council of Europe has facilitated the reform process in central and eastern Europe in a number of ways, especially by the commissioning of assessment reports and the sponsoring of steering groups for reform of the prison systems. The CPT is arguably the most powerful force in the reform of practice in the prison systems of Europe as a whole, including therefore those of central and eastern Europe. The OSCE, the European Union, individual European countries and NGOs are also involved in technical co-operation in prison matters in central and eastern Europe and are making an important contribution.

Conclusion

There have been major developments in all twenty-four prison systems of the region. Further significant progress has been made. New legislation is already in place or is at an advanced stage of preparation; almost all systems are now under the Ministry of Justice rather than the Ministry of Internal Affairs; and prison administrations and prison staff have done much to bring the conditions and practice in their penal institutions closer to those envisaged by the European Prison Rules.

It is unfortunately true, however, that most of the problems that were noted in the previous report are still present in central and eastern European prison systems now. Indeed, the numbers held in penal institutions, the conditions of pre-trial detention (including overcrowding), and the availability of employment for prisoners, have become worse in recent years. The situation with regard to tuberculosis remains very serious in some countries. In addition, the importation of drugs into the prisons is a growing concern and HIV/AIDS is now a problem in almost half the prison systems. In three countries the prison systems are still recovering from the damaged caused by war (Bosnia and Herzegovina) or internal strife (Albania and Macedonia).

Despite such negative factors, prison administrations have been able to draw attention to significant achievements that have occurred in their prison systems in recent years, and a number of these will be of interest to other prison administrations, which may wish to apply them in their own countries. There have been many successes, and those responsible for them can justly feel proud. About a hundred of these were listed in section 18 and more can be found in the second part of this report, which presents the situation in the individual prison systems (sections 21-44).

But the problems that persist leave all prison administrations with an extensive list of objectives and outstanding tasks. The most important objectives that they have identified were set out in section 19 together with some of what are suggested as the most important outstanding tasks. More than sixty such suggestions were included in the earlier sections of the report.

The work of those who run the prison systems of central and eastern Europe has not become any easier in the years since 1994, but the determination to confront the problems and to do everything possible to surmount them is widely evident and worthy of much respect and admiration.

References for sections 1-20

CPT, 1997/2. Report to the Government of the Slovak Republic on the visit to Slovakia [by the CPT in June-July 1995]. Council of Europe, Strasbourg

CPT, 1998/13. Report to the Polish Government on the visit to Poland [by the CPT in June-July 1996]. Council of Europe, Strasbourg

CPT, 2001/2. Report to the Hungarian Government on the visit to Hungary [by the CPT in December 1999]. Council of Europe, Strasbourg

CPT, 2001. 11th Annual Report, 2001. Council of Europe, Strasbourg

Council of Europe, 1987. European Prison Rules. Recommendation R (87) 3 and explanatory memorandum. Strasbourg

Council of Europe, 1999. The ethical and organisational aspects of health care in prison. Recommendation R (98) 7 and explanatory memorandum. Strasbourg

Council of Europe, 2000. Prison overcrowding and prison population inflation. Recommendation R (99) 22 and report. Strasbourg

Coyle A., 2001. 'Non-governmental organisations' in 'Imprisonment today and tomorrow' (second edition), eds. van Zyl Smit D. and Dünkel F. Kluwer Law International, The Hague, London and Boston.

Coyle A., 2002. A human rights approach to prison management. International Centre for Prison Studies, King's College, London

Morgan R., 2001. 'The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' in 'Imprisonment today and tomorrow' (second edition), eds. van Zyl Smit D. and Dünkel F. Kluwer Law International, The Hague, London and Boston.

Penal Reform International, 2001. Making standards work (second edition). London.

Reyes H and Coninx C., 1997. 'Pitfalls of tuberculosis programmes in prisons', British Medical Journal, vol. 315, pp.1447-50.

Stern V. (ed.), 1999. 'Sentenced to die? – the problem of TB in prisons in eastern Europe and central Asia'. International Centre for Prison Studies, King's College, London

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

21. Albania

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Penal Code and Penal Procedural Code (both dating from 1995), the Penal Executive Code or law on the execution of penal decisions (law 8331, dated 21 April 1998), the law on the rights and treatment of prisoners (law 8328, also April 1998), the law on penitentiary police – prison security staff – (law 8321, also April 1998). In accordance with these laws two sets of Regulations have been adopted – the General Regulations of Prisons (Order No.63, 9 March 2000) and the Regulation of Prison Police (June 2001). Each penal institution has its own regulations based on the above instruments. Much of this legislation was drafted and adopted in circumstances following the civil disturbances in Albania in 1997 and it is recognised that some amendments will be needed in order to bring it into line in all respects with the international standards.

Organisational structure

Responsibility for the prison system has been with the Ministry of Justice since November 1993. Prior to that it was with the Ministry of Public Order. However at December 2001 some 40% of the prison population (including some sentenced prisoners) were still under the authority of the Ministry of Public Order, held in pre-trial detention facilities at 24 of the 40 police stations. A joint working group, consisting of representatives of the Ministries of Public Order, Justice and Defence was established in 1999 in order to prepare for the transfer of the responsibility for pre-trial prisoners to the Ministry of Justice. Agreement was reached in October 2001 and a report submitted to the Prime Minister. A gradual transfer is envisaged, first of responsibility for those at present held in buildings that are separate from other police buildings; the buildings will themselves be transferred to the Ministry of Justice. But most of the pre-trial facilities in use by the Ministry of Public Order (80-90%) are said to be difficult to transfer because the cells are in the actual police stations and lack appropriate sanitary and kitchen facilities. The construction of new pre-trial detention facilities or the conversion of existing buildings would entail high costs (Council of Europe, December 2001). It seems unlikely that the complete transfer will be effected quickly.

Between 1992 and the end of 2001 the post of Director General (or head of the General Directorate of Prisons) changed hands many times. The Director General is accountable directly to the Minister of Justice and is responsible for the prison administration. The legislation of 1998 left doubt as to whether the head of security (prison police) was under the authority of the Director General, because it suggested that he was responsible directly to the Minister of Justice; an amendment in June 2001 to the law on penitentiary police explicitly confirms

the total responsibility of the prison administration for security matters. The prison directors report to the Director General and the heads of department in the prisons report to the prison director.

There were seven penal institutions in operation in 2001 and a prison hospital. These include two high security prisons, a prison for juveniles, a prison that includes a section for females and an institution for pre-trial detainees. The total capacity of the system at the beginning of December 2001 was 1,383.

However, as stated above, pre-trial detainees and sentenced prisoners are also held, under the Ministry of Public Order, in pre-trial detention facilities at 24 of the 40 police stations. The capacity of these facilities at the beginning of December 2001 was 858.

At the end of 2001, five additional penal institutions were under construction, three of which were expected to open in 2002. These were at Rrogozhina, where an institution with 250 places was expected to take sentenced prisoners at present held in police stations and some others; at Kruga, a forensic psychiatric hospital with 160 places; at Peqin (350 places); at Lezha (700 places); and at Fushe-Kruja (a medium security prison with 350 places).

Pre-trial detention

There is only one Ministry of Justice penal institution for pre-trial detention, prison No.313 in Tirana. Elsewhere pre-trial detainees are held in police stations. Many of these, and also the courts, are located in centres of population throughout the country and bad roads make travel difficult. Thus it is not feasible to transport detainees from the police stations to a prison in Tirana while they are in pre-trial detention.

There were 1,458 persons in pre-trial detention at the beginning of December 2001, 449 of them in the prison No.313 and 1,009 in the police stations. This total represents 43 per 100,000 of the general population of the country.

The numbers held in penal institutions

The number of people held in the penal institutions has fluctuated greatly since 1990, affected by national unrest, policy changes and amnesties. At the beginning of December 2001 there were 1,722 persons held in the penal institutions (or 51 per 100,000 of the national population) and another 1,331 held in police pre-trial detention facilities, making an overall prison population rate of 90 per 100,000 of the national population. This is considerably lower than that in most countries of central and eastern Europe but a little higher than the rate in most of the republics of former Yugoslavia.

Of the total prison population at the beginning of December 2001 (including those held in police pre-trial facilities) 47.8% were pre-trial detainees. Of those held in Ministry of Justice penal institutions in September 2000 3.7% were females, 3.1% were juveniles under 18 and 0.5% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions under the Ministry of Justice at the beginning of December 2001 was 124.5% of the official capacity of the system. The number held in police pre-trial detention facilities at the same date was 155.1% of the official capacity of those facilities. Thus the overall occupancy of penal institutions and police facilities was 136.2%.

There is thus serious overcrowding both in institutions and facilities for pre-trial detainees and in those for sentenced prisoners.

The minimum space specification per prisoner in the Albanian prison system is stated as 4m² and 9m³. Both criteria are required to be satisfied. However, because of overcrowding, Ministry of Justice penal institutions were only allowing each prisoner an average of 3.2m² in December 2001; this compares with 4.6m² in 1994. Information on the precise amount of space per person held in police pre-trial facilities is not available but it is much less than 3.2m². In December 1997 the CPT found that as many as ten detainees were held in a room measuring 12m² in the police station at Elbasan, an average of 1.2m² per person. At the police station at Fier detainees had less than 2m² each. A similar situation was found at Shkoder police station in December 2000.

Female prisoners are detained separately from male prisoners in the penal institutions and, as reported in the Albanian government's response to the CPT following the CPT visit in December 1997, male juveniles, both sentenced and on remand, are separated from adults (Council of Europe, 2003/8 p. 8). This was also reaffirmed recently by the prison administration (Leskoviku, 2002).

As elsewhere in central and eastern Europe, few prisoners are housed in single cells. Much accommodation is intended for 2-6 persons but overcrowding has resulted in it being occupied by considerably more than that. In prison No.313 in December 1997 the CPT found that there were more prisoners than beds in some cells (CPT, 2003/6 para 100). In its response, the Albanian government reported that in mid-1999 every prisoner had his/her own bed (CPT, 2002/8 p. 3).

The prison administration reports that all prisoners are able to have a warm shower at least once a week (Council of Europe, December 2001, p.14). Prisoners are allowed to wear their own clothing, some of which is brought by their families. Sanitary conditions have been criticised by the CPT and the prison administration has indicated that improvements have been made.

Food and medical services

The CPT reported, in respect of its visits in 1997 and 2000, that it received many complaints from prisoners about the quality and quantity of the food. The menu (described at p.73 of CPT, 2003/6) was reported by the CPT to be regarded by experts as sufficient for prisoners without work so long as the prescribed quantities are strictly adhered to (CPT, 2003/9 para 69). Nevertheless prisoners said they depended on parcels from their families to supplement the food provided by the prison. Health experts concluded in March 2000 that the dietary provision was insufficient for the maintenance of good health and they confirmed that prisoners' families needed to supplement it (Council of Europe, March 2000).

The Albanian Government reported in 2001 that a new increased food norm has been defined in collaboration with the Ministry of Health and that they believe it represents “positive progress” (CPT, 2003/10 p. 23). The norm is to increase from 1,600 calories to 2,700 but this had not yet been implemented in November 2002 (Council of Europe, November 2002).

Three government Ministries - the Ministry of Public Order, the Ministry of Justice and the Ministry of Health - have responsibilities in respect of the health care of prisoners. The Ministry of Public Order and the Ministry of Justice are responsible for the pre-trial detainees and sentenced prisoners held by them, while the Ministry of Health provides emergency and specialist (secondary) care. The holder of a newly created post of Chief Secretary at the Ministry of Health stated in 2001 that prisoners would be included in, and subject to, all measures aimed at improving the health of the population. The three Ministries have agreed to co-operate in improving the health care provided to prisoners.

The prison service had 70 health care staff in post at March 2000. These were 11 full-time doctors, 2 part-time doctors, 3 forensic psychiatrists, 5 dentists, 8 pharmacists and 41 nurses. Four of the doctors, the three forensic psychiatrists, one pharmacist and 13 of the nurses were based in the prison hospital. All other penal institutions had one doctor, four nurses and one pharmacist. The doctors are responsible for the care of the prison staff as well as the prisoners. The salaries of health care staff are very low and it was suggested that they were the lowest paid employees in a prison. At March 2000 a doctor received the equivalent of 100 U.S. Dollars per month and a nurse 70 U.S. Dollars (Council of Europe, March 2000).

An increasing number of drug users were entering custody in 2001, both in the police facilities and in the penal institutions. This was a matter of concern to the authorities and Council of Europe experts recommended the development of a drug strategy and staff training in this area (Council of Europe, December 2001). But although the numbers were increasing drug users did not constitute a major problem for the prisons since the overall number was not large. No inmate was infected with HIV. There are no specialised services available for drug addiction or HIV/AIDS. There is no tuberculosis. One death was recorded in the Albanian prison system in the year 2000; there were no suicides.

As part of the Joint Programme between the European Commission and the Council of Europe for the promotion of prison reform in Albania, health care reviews were conducted by European experts in March 2000 and June 2001. Some 73 recommendations were made in the first review, and in the second review it was reported that considerable progress had been made in implementing the recommended reforms. The welfare and care of psychiatric patients held in the prison hospital had been of great concern and a recommendation had been made that the severely mentally ill be transferred to a secure psychiatric hospital that should be created. As a result of this recommendation, the Ministry of Health transferred a partially built hospital at Kruja to the Ministry of Justice and psychiatric patients were expected to be transferred there in 2002. In addition to holding the mentally ill there are also plans to develop a treatment centre there for drug users. The international experts emphasised in their second review that

staff training in all aspects of health care work should be an ongoing and high priority for the prison administration (Council of Europe, June 2001).

Discipline and punishment

Disciplinary procedures, according to the 1998 law on the execution of penal decisions, guarantee to the prisoner the right of being heard regarding the alleged offence. Augmented by an instruction issued by the Director General, the law also makes clear that prisoners may appeal to a higher authority against any sanctions imposed. The maximum period of solitary confinement is 20 days for adult males and 10 days for women and juveniles. The CPT, following their visit of December 1997, criticised the use of handcuffs as a disciplinary measure (CPT, 2003/6 para 161) and this has been discontinued (CPT, 2003/8 p. 9). In response to criticisms about the size of isolation cells and the absence of a table and chair, of blankets and a mattress, and of the opportunity for exercise, the Albanian authorities indicated that these matters had been rectified and prisoners in isolation punishment would be allowed at least one hour of outdoor exercise every day (CPT, 2003/8 p. 9). However, similar criticisms, in respect of space allowed, table and chair, and exercise, were made by the CPT following their visit of December 2000 (CPT, 2003/9 para 84). The Albanian authorities indicated that the necessary measures were being taken (CPT, 2003/10 p. 24). Solitary confinement was rarely used, at least in Prisons No. 302 in Tirana, when this was visited in December 2001.

Contact with the outside world

The 1998 law envisages sentenced prisoners receiving up to three ordinary visits a month plus one special (intimate) visit for married prisoners. Ordinary visits were to last for 30 minutes. Following a recommendation by the CPT in 1997, the Albanian authorities stated that the authorised visiting time would be increased to one hour (CPT, 2003/6 para 166 and 2003/8 p. 9). However the CPT noted in 2000 that this change had not been made and repeated their previous recommendation (CPT, 2003/9 para 87).

It is believed that visits to pre-trial detainees are also envisaged once a week. The Albanian authorities have pointed out that they are unable to increase the length of these visits in the pre-trial prison to one hour because of the size of the population and the lack of space (CPT, 2003/8 p. 9). Pre-trial detainees are separated from their visitors by a screen.

The 1998 legislation authorises the use of telephones by prisoners. However, sufficient telephones have not yet been installed as to allow regular access; the authorities express the intention of rectifying this, with the prisoners using phone-cards (CPT, 2003/10 p. 24).

Prison staff

The Albanian Prison Service (Ministry of Justice) employed 1,219 people on 1 September 2000, 48% more than in June 1994. In the penal institutions there were 22 management staff, 888 security staff, 54 treatment staff and 187 admin-

istration staff. The other 68 worked in the national prison administration (compared with 30 in June 1994). Otherwise classified, these were 1,024 basic grade staff (with a college diploma) and 195 senior staff (with a graduate degree). The overall ratio of prison staff to prisoners was thus 1 : 1.2 or, if based only on management, treatment and security staff in the penal institutions, 1 : 1.5.

Initial training for a member of the security staff lasts for four months and consists of ten weeks theoretical-practical training, five weeks practical training in the prisons and one week of other items including an examination. The subjects studied are human rights and the European Prison Rules, the law, psychology and sociology, criminology-penology, health care service, and technical-professional preparation. This programme has been devised by Albanian prison service trainers in collaboration with a Council of Europe project team led by Mr. Bernhard Wydra of the prison staff training college of Bavaria, Germany.

The Albanian staff training centre at Vaqar opened in August 2001. In addition to providing basic training for new staff it will provide courses for the professional development of existing staff and senior management courses.

Treatment and regime activities

Information available suggests that, for both adults and juveniles, there are no treatment programmes and few organised activities. Prisoners spend most of the day out of their cells but without constructive activities to occupy them. The CPT noted in December 2001 at the prison at Burrel that, apart from work and a certain amount of education (see subsequent paragraphs), prisoners watched the television, listened to the radio, read books, newspapers, or magazines and played board games. The CPT commented that, in this prison at least, it was clear that the objective of social reinsertion, which is included in paragraph 58 of the legislation, was far from being achieved. They recommended the prompt development of a real programme of activities (CPT, 2003/9 paras 70-71). In response the Albanian authorities agreed that the programme of social activities was poor and said that a sports area was being built at Burrel prison and they had increased the period of exercise in the open air from the standard two hours a day (as in other Albanian prisons) to three hours a day, including the time necessary for personal hygiene (CPT, 2003/10 p. 23). On a doctor's recommendation sick prisoners were able to have five hours exercise a day.

The prison administration reported (Council of Europe, October 2000) that an effort was being made to develop 'dynamic security' in the prisons by having, in addition to employment, educational programmes, better staff-prisoner communication, social-cultural activities and religious activities. A list was given of activities of this kind that had occurred in the year 2000. A year later the administration reported that they were encouraging unlimited reading of publications and access to other systems available in prison libraries. In addition special attention was being devoted to providing cultural opportunities and vocational training for young prisoners under 25. Some efforts are made to prepare prisoners for release but the Director General recognises the need to improve this work (Council of Europe, December 2001). Prisoners in closed institutions are often transferred to less secure prisons for a period towards the end of their sentence.

Conditional release

The only way to grant early release to a prisoner in Albania is for him/her to apply, after serving half the sentence, for a Presidential pardon. The prison administration advises the President's Office as to whether such an early release would be appropriate. If granted, it is not accompanied by any conditions or any form of supervision.

Prison work

The right to have work is included in the legislation and work is considered to be "an important element enabling the convicts to acquire professional skills, consequently facilitating their social re-integration" (Leskoviku, 2002). But employment is at a very low level, the prison administration reports, as a result of the difficult economic-social conditions in the country. In December 2001 just 200 prisoners had work, all but 30 of whom were employed in maintenance and cleaning within the institutions. Some institutions have found opportunities for work by co-operating with outside firms. Thus, for example, women prisoners are employed in making shoes, based on an agreement with an Italian private company; women pre-trial prisoners cultivate flowers in a greenhouse in the prison; a greenhouse has been constructed in another institution where prisoners will also cultivate flowers in an initiative supported and financed by the Albanian Orthodox Church (Council of Europe, December 2001). The percentage of sentenced prisoners who had work of some kind at the end of 2001 was thus about 15%. The CPT noted that 25 of the 157 prisoners at Burrel prison had work at the time of their visit in December 2000; prisoners with work were entitled, as in all Albanian prisons, to a reduction in their sentence of up to 45 days a year. They received monthly pay of 90 Lek.

Education and vocational training

Education and vocational training are available both for adult and juvenile prisoners. These include remedial education for prisoners with such problems as illiteracy and innumeracy. Schooling is mandatory for juveniles.

In 2001 educational programmes included foreign language courses in English and Italian and a computer course. There is a library in each prison, reportedly well equipped and regularly frequented by prisoners. Attending and completing part-time vocational studies are encouraged.

Inspection and monitoring

Articles 68-70 of the 1998 law on the execution of penal decisions set out in detail the powers of the prosecutor as regards inspection. These refer both to pre-trial detainees and sentenced prisoners. Article 43 envisages many legislative, executive and judicial authorities having access to penal institutions. The law also sets out procedures for prisoners to make complaints. They may approach numerous authorities using a confidential letter.

The prison administration was, in 1997, in the habit of undertaking regular inspections in order to monitor the extent to which the penal institutions were operating in accordance with the laws and regulations and the objectives of the prison system; it is believed that this practice continues. There is now a justice Ombudsman 'the People's Advocate', one of whose senior staff is well-informed about prison matters, having worked in the prison administration. In 2001 the Ombudsman dealt with 163 written complaints, heard oral complaints from 75 sentenced prisoners or pre-trial detainees and visited almost all prisons. Forty per cent of the complaints were upheld, 34% were referred to other bodies and 26% were refused or deemed to be without foundation.

Non-governmental organisations

The prison administration reports that non-governmental organisations, through their activities in auditing and monitoring the institutions, play an important role in improving the standard of treatment of prisoners and the level of prison conditions.

Other matters

The Albanian prison service co-operates, as has been mentioned, with the Council of Europe and the European Commission through their joint programme to assist with prison reform; the Council of Europe has been assisting in this way since 1992. A steering group initiates and supervises the implementation of the various activities under this joint programme, which has focused on staff training, health care, prison statistics and other matters and has included study visits for Albanian prison staff to Bavaria (Germany), England, Italy and Poland. Funding for this project comes not only from the Council of Europe and the European Commission but also from voluntary contributions, for the reform of the prison system in Albania, from Finland and Italy.

Important recent developments

The following are some of the most important recent developments affecting the Albanian prison system:

- serious damage and destruction to prison buildings in the civil disturbances of 1997;
- the introduction of new legislation in 1998;
- the construction of new penal institutions, several of which were due to open within a year of the end of 2001;
- the opening of the staff training centre in August 2001.

Current objectives

The main objectives of the prison administration include:

- to provide employment for all sentenced prisoners;
- to reduce overcrowding by building new institutions and extending existing ones;

- to transfer to the Ministry of Justice the pre-trial detention facilities that are still under the responsibility of the Ministry of Public Order;
- to develop the staff training centre and equip it as necessary for training based on a modern curriculum;
- to improve access to education and to social and sports activities, especially for juveniles;
- to improve preparation for the release of prisoners.

Main problems

Some of the main problems facing the Albanian prison service are:

- serious prison overcrowding, especially in the pre-trial institution;
- the shortage of work for prisoners;
- inadequate financial resources for the requirements of the system;
- the need to improve prison health care, including by the provision of more medications;
- the fact that staff have not been adequately trained;
- the need to improve the material condition of the prisons.

Achievements

Notable achievements in the Albanian prison service include:

- considerable progress in implementing health care reforms in response to recommendations made by Council of Europe experts;
- increased availability of telephones in order to improve communications between prisoners and their families;
- a high staff-prisoner ratio;
- much progress in developing staff training, including the opening of a staff training centre;
- enabling non-governmental organisations to play an important role in improving the standard of treatment of prisoners and the level of prison conditions;
- allowing sentenced prisoners to have private (intimate) visits once a month;
- devoting special attention to developing educational, cultural and vocational opportunities for prisoners under 25;
- enabling prisoners with work to have a reduction in their sentence of up to 45 days a year;
- providing sentenced prisoners with the opportunity of exercise in the open air for at least two hours a day;
- providing remedial education for prisoners with such problems as illiteracy and innumeracy.

Conclusion

Much progress has been made in recent years. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation;
- to ensure that all sentenced prisoners are transferred from police pre-trial detention facilities to Ministry of Justice penal institutions;
- to provide all prisoners with a balanced diet, including meat, fruit and vegetables;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such arrangements are only necessary for exceptional cases;
- to employ fewer security staff and more treatment staff. The discrepancy between 77% of all staff being security staff and only 5% being treatment staff is the largest known in the prison systems of central and eastern Europe;
- to ensure that, in accordance with undertakings given to the CPT, prisoners held in solitary confinement have sufficient space and at least one hour's exercise in the open air daily;
- to take steps so that neither legislation nor practice prevent the introduction of a programme of regime activities for pre-trial detainees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to further develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of re-settlement after release;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after release and to develop co-ordination with Centres for Social Work in the community, where such exist;
- to ensure that senior staff in the prison administration headquarters and the directors of all institutions and their senior managers possess and make full use of copies of the Council of Europe's European Prison Rules. Copies should also be kept prominently in each prison library for the use of all other staff and prisoners.

Annex 1

ALBANIA: Numbers in the penal institutions 1990-2001

Year	TOTAL in penal institutions*	Prison population rate (per 100,000 of national population)	National population (estimate)
1989 (31/12)	1,990	61	3,286,500
1990 (31/12)	3,000	92	3,259,800
1991 (31/12)	1,470	46	3,190,100
1992 (31/12)	960	30	3,167,500
1993 (31/12)	810	25	3,220,300
1994 (1/6)	1,077	33	3,230,000
1995			
1996			
1997 (1/9)	1,123	34	3,340,000
1998 (1/9)	2,922	87	3,360,000
1999 (1/9)	1,112	33	3,380,000
2000 (1/9)	1,467	43	3,400,000
2001 (1/9)	1,635	48	3,400,000
2001 (1/12)	1,722	51	3,400,000

* In addition to prisoners held in the Ministry of Justice penal institutions, a considerable number are held in the Ministry of Public Order pre-trial detention facilities in police stations, including some sentenced prisoners. In October 1999 there were 1,050 (including 278 sentenced); in March 2000 there were 1,078 (incl. 126 sentenced); in June 2001 1,244 (incl. 400 sentenced); and in December 2001 1,331 (incl. 322 sentenced). Thus the total prison population, including those in Ministry of Public Order facilities, is:

2001 (1/12)	3,053	90	3,400,000
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	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees (M.of J.institutions)	449		
(M.of Pub.Ord.facilities)	1,009		
ALL pre-trial detainees (1/12/01)	1,458	47.8	43
	TOTAL in MoJ inst'ns	Percentage of those in MoJ institutions	
Female prisoners			
(1/9/00)	54	3.7	
Juveniles (under 18)			
(1/9/00)	46	3.1	
Foreign prisoners			
(1/9/00)	8	0.5	

Note: There were amnesties during the 1990s, including one in 1991.

Annex 2

Albanian penal institutions: functions and capacity, 2001

1	Prison No. 313, Tirana (Tiranë)	Pre-trial detainees	390 (at December 1997)
2	Prison No. 302, Tirana (Tiranë)	High security (closed), for sentenced males, (nearly 50% murderers)	170
3	Prison No. 325, Tirana (Tiranë)	Low security (open), for sentenced males (110) and females (50)	160 (at December 1997)
4	Burrel	High security (closed), for sentenced males (sentences of 5 yrs plus or dangerous prisoners)	112
5	Lushnja (Lushnjë)	Sentenced males (sentences of 8 months to 20 months)	240
6	Tepelena (Tepelenë)	Closed (sentenced males)	62 (at June 1994)
7	Vaqar 'Institute for re-education'	Sentenced males, including units for juveniles (14-18) and prisoners over 60 years	150
8	Prison hospital, Tirana (Tiranë)	Hospital for prison system, males and females, pre-trial detainees (15 beds) and sentenced prisoners (75 beds)	90 (at March 2000)

TOTAL (at December 2001)

1,383

Note: There are also prisoners held in pre-trial detention facilities at 24 of the 40 police stations in Albania. Their capacity at December 2001 was 858.

At the end of 2001 five prisons were under construction (see below) and the first three of them were expected to open in 2002.

1	Rrogozhina	Sentenced prisoners currently held in police stations, and others	250
2	Peqin		350
3	Kruja	Forensic psychiatric hospital	160
4	Lezha		700
5	Fushe-Kruja	Medium security prison	350

Annex 3

Albania: principal sources of information

Bishop N. and Križnik I., 1996. Report of an expert visit to Albania, April 1996, to describe and assess the Albanian prison system. Council of Europe, Strasbourg

Council of Europe, March 2000. Health Care Review in Albanian Prisons, March 2000, (Wool, Christensen and Konrad). Council of Europe, Strasbourg

Council of Europe, October 2000. Fifth Steering Group meeting on the reform of the prison system in Albania, Tirana, 24-25 October 2000. Council of Europe, Strasbourg

Council of Europe, June 2001. Health Care Review in Albanian Prisons, June 2001, (Wool, Christensen and Konrad). Council of Europe, Strasbourg

Council of Europe, December 2001. Sixth Steering Group meeting on the reform of the prison system in Albania, Tirana, 4-5 December 2001. Council of Europe, Strasbourg

CPT, 2003/6. Report to the Albanian Government on the visit to Albania [by the CPT in December 1997]. Council of Europe, Strasbourg

CPT, 2003/7. Report to the Albanian Government on the visit to Albania [by the CPT in December 1998]. Council of Europe, Strasbourg

CPT, 2003/8. Responses of the Albanian Government to the CPT reports on their visits in 1997 and 1998. Council of Europe, Strasbourg

CPT, 2003/9. Report to the Albanian Government on the visit to Albania [by the CPT in December 2000]. Council of Europe, Strasbourg

CPT, 2003/10. Response of the Albanian Government to the CPT report on their visit in 2000. Council of Europe, Strasbourg

Leskoviku M., 2002. "The features of Albanian Prison System – the ongoing attempts on improving the prison system." Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

22. Armenia

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Criminal (or Penal) Code, the Code of Criminal Procedure and the Penal Executive Code. A new Code of Criminal Procedure was adopted in 1998 (coming into force at the beginning of 1999) but in respect of the other codes legislation dating back to the Soviet period was still in force at the end of 2001, though it had been many times amended. In February 2002 a law was adopted concerning pre-trial detention “which introduced a number of important amendments regarding the rights of pre-trial detainees, in particular the question of allowing them to meet with near relatives and their judicial status. In the preparation of the law the European Prison Rules were taken into account extensively” (Martirosyan, 2002). A second law ‘concerning the prison service’ will regulate the administration and conditions of service of prison staff. A new Penal Code is envisaged shortly and this will be followed by a new Penal Executive Code, which had been approved by Council of Europe experts and was already before Parliament in the Autumn of 2002. These legislative developments are part of the process of reforming the prison system, a timetable for which was fixed by a Presidential decree dated 3 March 2001. The Ministry of Justice is reported to be determined to make rapid progress and this is reflected in the draft legislation.

Organisational structure

Responsibility for the prison system was transferred from the Ministry of Internal Affairs to the Ministry of Justice in October 2001. The prison administration is known as the criminal executive department of the Ministry of Justice and its head Mr. Samvel Hovhannisyanyan is also known as head of penal administration. Three new divisions have been created in the department, concerning legal affairs and international relations, psycho-social rehabilitation, and medical services. There are 136 staff working in the administration headquarters.

There were 14 penal institutions operating in 2001. These are four pre-trial detention institutions for adult males; one combined pre-trial detention institution and closed prison for adult males, five correctional colonies for sentenced adults (with varying levels of regime), one combined correctional colony and pre-trial detention institution for women and for juveniles, two colony settlements (open institutions) and the national hospital for prisoners. Under the Ministry of Internal Affairs these institutions were known only by a number but all have now been given names, mostly based on the town or village in which they are situated. The pre-trial detention institutions were known, prior to the transfer of Ministerial responsibility, as investigation isolators (or SIZOs).

The total capacity of the system at the end of 2001 was 7,020, giving an

average capacity per institution of about 500. The largest, Nubarashen pre-trial institution, has a capacity of 1,250 and the colony at Kosh has a capacity of 1,130. Three other colonies have capacities between 750 and 950 but no other institution has a capacity above 430 (see Annex 2 for fuller details).

Pre-trial detention

The Code of Criminal Procedure provides that the police must report to the local prosecutor within 24 hours of a suspect being detained. The prosecutor must decide within 72 hours whether the person shall remain in custody or be released. If the decision is for the custodial option the prisoner will henceforth be held in a pre-trial institution. The prosecutor can authorise custody for two months (extendable to four months) for investigation purposes. The general prosecutor can authorise detention for up to one year. New legislation will mean that from 2002 a suspect can only be committed to custody in a pre-trial institution by a court, and no longer by a prosecutor.

There were 762 persons in pre-trial detention at the end of 2001 (20 per 100,000 of the population of the country). This is the lowest rate of all countries of the former Soviet Union and among the lowest in all central and eastern European prison systems. Pre-trial detainees spend one hour a day out of their cells in normal circumstances.

The numbers held in penal institutions

The prison population appears to have been rising throughout the period 1991-97 since the number of sentenced prisoners nearly doubled between 1991 and 1995 and the total prison population rose by more than 40% between 1994 and 1997. At the beginning of 2001 the prison population total was 7,428, similar to the level at the beginning of 1997 and equivalent to 195 per 100,000 of the national population. It was announced by Snark News Agency, Yerevan in February 2001 that 1,952 of these prisoners would serve their sentences at home, due to lack of funds to keep them in a penal institution. An amnesty was then declared which reduced the population by some 3,000 (over 40%), with the result that at the beginning of September 2001 it stood at 4,213 (111 per 100,000).

This prison population rate of 111 per 100,000 is only half the size of that in Armenia's south Caucasian neighbours, Azerbaijan and Georgia and the lowest in central and eastern Europe apart from in the Balkan countries of Albania and former Yugoslavia. Of the prison population at the beginning of September 2001 18.1% were pre-trial detainees, and (at 1 September 2002) 2.2% were female prisoners, 1.1% were juveniles and 0.2% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of September 2001 was 61.3% of the 6,870 capacity at that time. There is no overcrowding in any of the institutions in terms of the official capacity. However, in the dormitories there is

double-bunking with less than a metre between the rows of bunks. The most cramped conditions observed by Council of Europe experts in 1998 were in the women's colony.

The minimum space specification per prisoner in Armenia is 2m² for adult male convicted prisoners and 2.5m² for pre-trial detainees. It is believed that there is also an established norm of 3m² for female prisoners, 3.5m² for juveniles and 3m² in medical institutions. The CPT considers that 4m² per prisoner is the minimum amount of space appropriate or 3.5m² in large rooms.

It is reported that untried prisoners are always detained separately from convicted prisoners, women from men and juveniles under 18 from adults. Women and juveniles are held in the same institution but in separate sections.

As elsewhere in central and eastern Europe, prisoners are not usually located in single cells. In general, cells in the pre-trial institutions and the prison are for 4-20 persons, while accommodation in the colonies is in dormitories ranging from 56-124. The largest room, in Erebuni strict regime colony, was holding 124 prisoners in February 1998 (Barclay and Preusker, 1998).

Sanitary installations and arrangements for access are reported to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. There are new toilets in the main (Nubarashen) pre-trial institution in Yerevan but facilities in Yerevan's strict regime colony (Erebuni) are reported to be in very poor condition. It is understood that in 2001 all prisoners were able to have a bath or shower at least once a week; in 1998 this was only possible every 10 days (Barclay and Preusker, 1998). Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable.

The metal blinds that obscured light and impaired ventilation in the pre-trial institutions have been removed (Martirosyan, 2002).

Food and medical services

Regulations state that prisoners should receive between 2,800 and 3,200 calories per day; it is believed that this is generally achieved, and special diets are provided when needed for health reasons. However, prisoners do not receive a balanced diet that includes an adequate amount of meat, fruit and vegetables. It is understood that in each institution a medical officer regularly advises the director on the quality and quantity of food.

At the time of the Council of Europe assessment visit in 1998 there was no medical department operating in the prison administration headquarters. The central prison hospital had a capacity of 175 but held 200 prisoners and often more. One of the buildings was over 100 years old, having previously been a priest's house. The director, a medical officer, said that his main problems were the inadequate size of the department for tuberculosis patients, old and inadequate equipment and insufficient medicines (Barclay and Preusker, 1998).

Following the transfer of the prison system to the Ministry of Justice a medical services division was created at the prison headquarters and health care was established as one of the most important areas for reform. A draft Order con-

cerning the organisation of medical services for prisoners was being prepared at the end of 2001 and Council of Europe experts were being invited to comment on it. The prison administration expressed the hope that this would lead to prison health care reaching the level guaranteed to the population outside. There was still a shortage of medicines and also a shortage of medical staff.

Many prisoners are reported to have an alcohol problem but there is no treatment programme available. Although the number with a drugs problem is not large it is increasing; again there is no treatment programme available. HIV/AIDS is also not a problem in the Armenian prison system at present but the numbers are increasing. All prisoners are tested for HIV despite the guidelines of the World Health Organisation that this should not be done.

The greatest health care problem is tuberculosis. There were said to be about 400 prisoners with the disease in 1998, of whom 62 were in the TB unit of the central prison hospital and 113 non-active cases were in Sevan (then known as Colony No.4). There was also a dormitory in Artik (colony No.14) where 18 non-active cases were held. The Council of Europe experts described the TB unit in the central prison hospital as “depressing and dark” (Barclay and Preusker, 1998). In August 2000 Armenia’s Ministries of Health, Justice and Internal Affairs signed an agreement with the International Committee of the Red Cross, whereby the ICRC would provide approximately one million US dollars towards lowering the incidence of TB in Armenian penal institutions. The Snark News Agency reported in August 2000 that 350 prisoners were suffering from TB and stated that deaths (from all causes) in the penal institutions had reached an all-time high of 54 in the first six months of 2000; an ICRC official quoted a lower figure of 240 prisoners suffering from TB. The number of prisoners with the disease was still increasing in 2001, when there were reported to be 100 new cases. The construction of a new TB hospital with 250 places was completed in 2001 but was not in use at the end of the year; it was eventually opened in December 2002. There were 27 deaths, from all causes, in the prison system in 2001.

Discipline and punishment

In 1998 Council of Europe experts noted that there was inadequate lighting and ventilation in isolation cells that they visited, that prisoners there were allowed no mattresses and blankets, no letters or visits, no reading material and no food parcels from families. They also drew attention to the fact that sanitary facilities in such cells were either in every poor condition or prisoners had to use a bucket. Prisoners held in isolation punishment in pre-trial institutions received no exercise (in most colonies they were allowed 1-2 hours exercise) and the prison director had the authority to reduce the diet to one meal a day plus bread and tea at other meal times. The maximum period of isolation punishment for an unconvicted prisoner was 10 days and for a convicted prisoner 15 days. In the colonies a second punishment option was available to the director: segregation in groups of two to six for a period of one to six months. “While the punishment

was longer, the loss of privileges was less severe; for example prisoners were allowed mattress and blankets, heating, exercise, reading materials, and there were no dietary punishment. However the physical conditions, in terms of natural light, the 24 hour electric light, poor sanitation etc. were the same” (Barclay and Preusker, 1998).

After the end of 2001 it was reported that in the punishment unit of the main pre-trial institution prisoners were allowed outdoor exercise and were given blankets and mattresses but otherwise there was little change in the conditions reported in 1998, with letters, visits, food parcels and reading materials still denied. In the strict regime colony at Erebuni where there had been no natural light in the punishment cells in 1998 and no mattresses, blankets or reading materials, the author of the 1998 assessment report found that the situation was unchanged after the end of 2001. Prisoners against whom a disciplinary charge is brought are not enabled to attend a formal hearing at which they can defend themselves; the disciplinary process is a paper one as part of which the director may (but may not) question the accused person in his cell/room.

Contact with the outside

In 1998 the Council of Europe experts reported that pre-trial detainees could only be visited with the permission of the prosecutor and this seemed to be granted rarely. New legislation in February 2002 has changed the emphasis so that now the prosecutor has to give specific reasons as to why visits should be refused. In practice this means that most pre-trial detainees are being visited two or three times a month. They are physically separated from their visitors by a screen and cannot touch each other.

Sentenced prisoners may be visited every month for two hours. They may also have monthly visits from their families lasting three days. The facilities for these so-called ‘long visits’ are reported to be reasonably decorated and contain a communal kitchen and playroom for children. The atmosphere among visitors and prisoners is said to be relaxed. There are no special arrangements for short private (intimate) visits from spouses.

It is reported that prisoners’ letters may be read by the prison authorities. Following recent legislative changes pre-trial detainees and sentenced prisoners can speak to their families by telephone for 5-7 minutes each week. They have to purchase the telephone cards themselves.

There is no routine system of home leaves, but prisoners may be allowed to leave the institution if there is a family emergency.

Prison staff

The prison service of Armenia had a designated total of 1,679 staff in 1998, plus 74 doctors, 61 other medical staff and 17 teachers who were not part of the prison administration. In 2002 numbers were 1,692, plus 68 doctors and 9 teachers; it is assumed that some 60 other medical staff were also employed in the penal institutions, as in 1998. The total of 1,692 comprised 1,341 security staff,

125 treatment staff, 90 administrative staff and 136 working at prison administration headquarters.

There are reported to be difficulties in recruitment and retention of staff, with a high turnover and a significant number of vacancies, perhaps 10% overall. Thus the overall ratio of staff to prisoners will be approximately 1 : 3.1.

Basic grade security staff, known as inspectors, are recruited locally and given one month training in the institution. They then attend the Police Academy in Yerevan for two months, where they undergo similar training to newly-recruited policemen. It is not known whether practice will change following the development of the reform programme under the Ministry of Justice.

The prison administration intends to introduce a set of measures to improve the quality of staff and to enhance their reputation in the eyes of the public. It is recognised that in order to guarantee the process of reform it is essential to establish a system of permanent training and re-training of prison staff. With the collaboration of the SOROS Foundation and the Organisation for Security and Co-operation in Europe a re-training programme was initiated in January 2002 in conformity with international standards. A programme of 'training of trainers', led by international experts, is regarded as an important part of the process of developing staff training (Martirosyan, 2002).

There are reported to be few women staff in institutions for male prisoners; they work as psychologists, teachers, medical staff and in administration. There are a small number employed among security staff in order to supervise women visitors to the institutions. In the women's correctional colony more than three quarters of the staff are men.

Council of Europe experts reported in 1998 that in three institutions (two colonies and the central hospital) Ministry of Internal Affairs troops guarded the perimeter and staffed the entrance gate. The majority of these troops were conscripts and they had no contact with the prisoners. Nevertheless, the experts recommended that these troops be withdrawn as soon as possible and their tasks re-allocated to appropriately trained members of the prison system (Barclay and Preusker, 1998).

Treatment and regime activities

A small number of staff in each institution are described as social workers; it is believed that these are the officers, referred to in many prison systems as educators, who are allocated to take special responsibility for the activities of a group of prisoners. It is understood that each group consists of about 50 prisoners. A few psychologists are included among the staff.

Sentenced prisoners in the colony-type institutions have their rooms unlocked for the whole day and are allowed at least an hour of walking or exercise in the open air every day. Pre-trial detainees are also allowed one hour a day of walking or exercise in the open air but this is the only time that they may leave their cells/rooms.

It is understood that there were no treatment programmes available for sentenced prisoners in 2001. In the large colonies there was a club with a stage and

cinema screen where a film was shown at weekends. There were no other organised leisure activities. There was a gymnasium in the juvenile colony and outdoor sports areas in the other colonies.

The prison administration intends to focus attention on the psycho-social rehabilitation of prisoners. A programme of educative and preventive work is being devised and a special department has been established in the prison administration headquarters in order to carry out such work (Martirosyan, 2002). The Organisation for Security and Co-operation in Europe (OSCE) and the international non-governmental organisation Penal Reform International (PRI) are planning to introduce psycho-social activities in all the institutions. A pilot project was held in 2002 in Abovyan colony for juveniles and women.

At present it is understood that there are no pre-release programmes to assist prisoners in returning to society, family life and employment after release. However, prisoners may be located in a colony settlement which provides them with open conditions in which there is freedom to make arrangements for life outside.

Conditional release

It is not known if there is a system of conditional early release.

Prison work

Sentenced prisoners are required to work if they are fit to do so and work is available for them. However, whereas in 1986 4,630 prisoners were employed in between 35 and 40 production workshops, in 1999 only seven workshops were in operation employing 147 prisoners. Other workshops were lying idle (Chairman of Armenian Parliamentary standing committee on state and legal issues – reported by Snark News Agency, Yerevan in January 2000). Even including domestic and maintenance work as well as production work it is believed that no more than 10% of sentenced prisoners were employed in 2001. No money is given to prisoners who are unable to work or for whom no work is available.

The prison administration reports that it has created a business in the penal institutions which since February 2002 encourages the production of interesting materials for sale to the public. Sewing, turning (carpentry), agricultural production, livestock and poultry farming are all involved and a web site has been created in order to advertise the results of prisoners' work and the means of acquiring them (Martirosyan, 2002).

Education and vocational training

Council of Europe experts reported in 1998 that only two of the colonies had education departments, although all of them had libraries (which varied in quality). In the juvenile colony there were classes for three hours a day, four days a week. The teachers were part-time community schoolteachers who attended after their work in the schools. In the colony at Artik there was an education

programme for adults which consisted of education for four hours a day, four days a week with groups of 12-15 prisoners participating each day. There was some vocational training available.

Inspection and monitoring

The prison administration inspects the institutions in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the administration. Independent inspections are carried out by the prosecutor and the Presidential Human Rights Commission. In August 2000 the chairman of this commission stated that its activities in the field of human rights were being hampered by the Code of Criminal Procedure which banned human rights activists from visiting defendants at the preliminary investigation stage. He noted that the President had promised to resolve this issue by means of a decree (Noyan Tapan News Agency). It is reported that there is no regular inspection of institutions by a non-governmental organisation.

It is understood that the head of the prison administration has a copy of the European Prison Rules, which provide the benchmark for assessing the quality of the management of penal institutions and the treatment of prisoners, but that no copies are held by the directors of the institutions or other staff and there are no copies for prisoners to consult in the prison libraries.

Non-governmental organisations

The first non-governmental organisation to be involved in prison matters in Armenia is believed to be the Centre for Democracy in Human Rights (CDHR) which was established jointly by the Armenian Foreign Office and the United Nations in 1995; it became independent of the Foreign Office in 1997. In 1996 it organised the first of two visits from international experts which led to the penal institutions opening their doors to the media. It sponsored small workshops in some of the colonies and contributed to the training of prosecutors in respect of human rights in prisons. It also ran public awareness campaigns about prisons, including a television programme, and in 1998, in partnership with UNICEF, it was beginning a project for children in the Armenian prison system (Barclay and Preusker, 1998).

As mentioned above, a pilot project was held in 2002 in Abovyan colony with a view to the introduction by OSCE and the international NGO Penal Reform International of psycho-social activities in all the institutions. NGOs are becoming increasingly involved in the Armenian prison system and the Ministry of Justice regards their contributions as very positive.

International co-operation

The prison administration is involved in international co-operation that is intended to improve prison standards. Multi-lateral organisations concerned in this work are the Council of Europe and the OSCE. The Council of Europe appointed experts to produce an assessment report on the Armenian prison sys-

tem in 1998 (Barclay and Preusker, 1998) and have subsequently established a steering group for the reform of the prison system. An action plan has been developed and various Council of Europe experts have provided opinions on new draft legislation. The prison services of several countries, including Germany (Saxony), Italy and the Netherlands have been involved in co-operation activities.

Other matters

It is understood that neither pre-trial detainees nor sentenced prisoners have the right to vote in national elections.

Important recent developments

The following are some of the most important recent developments affecting the Armenian prison system:

- the transfer of responsibility for the prison system from the Ministry of Internal Affairs to the Ministry of Justice (October 2001);
- the major amnesty in 2001, which reduced the prison population by over 40%;
- the development of new legislation following the Presidential decree of March 2001;
- the drive towards reform of the prison system on the part of the Ministry of Justice.

Current objectives

The main objectives of the prison administration include :

- to reach the standards set out in the European Prison Rules;
- to have in place good quality legislation concerning matters affecting the prison system;- to ensure that basic requirements concerning prisoners' living conditions (e.g. lighting, ventilation, hygiene, sanitation) are achieved;
- to improve the quality of staff and of staff training;
- to develop work opportunities for sentenced prisoners;
- to raise the level of prison health care to that in the community outside;
- to develop activities to assist in the psycho-social rehabilitation of prisoners;
- to protect the rights of prisoners and seek to humanise prison conditions and the prison regime.

Main problems

Some of the main problems facing the Armenian prison system are:

- the need for staff training;
- the lack of positive activities for prisoners;
- the shortage of work for prisoners;
- the continued prevalence of tuberculosis;
- the limited financial resources available for the prison system;
- the poor state of prison buildings and the need for reconstruction and renovation.

Achievements

Notable achievements in the Armenian prison system in recent years include:

- the rapid progress with new legislation bringing the Armenian system in line with international standards;
- the construction of a new TB hospital funded by the ICRC;
- the large reduction in the prison population brought about by the amnesty in 2001;
- the determination of the Ministry responsible for prisons (the Ministry of Justice) to develop a far-reaching reform programme;
- the low rate of pre-trial detention, lower than that of all other countries of the former Soviet Union;
- the emphasis on improving prison health care;
- the removal of the metal blinds that obscured light and impaired ventilation in the pre-trial institutions;
- the limitation of prosecutors' power to prevent visits etc. to pre-trial detainees by the requirement that they must give specific reasons for refusing such communications;
- the encouragement to prisoners to produce saleable products and the promotion of these items on a website;
- participating in international co-operation activities intended to improve prison standards.

Conclusion

Much progress has been made in recent years. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation and to reduce the official capacity of each institution to reflect this;
- to move towards the structural adaptation of large dormitories into smaller units that will be easier to supervise and accord more privacy;
- to ensure that sanitary installations and arrangements for access are ade-

quate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions;

- to enable all prisoners to have a balanced diet, including meat, fruit and vegetables, and to provide special diets when needed for religious reasons;
- to abandon the practice of compulsorily testing prisoners for HIV infection, thus falling into line with World Health Organisation guidelines;
- to allow all prisoners against whom a disciplinary charge has been brought to attend a formal hearing at which they can defend themselves, and to ensure that all prisoners who receive isolation punishment have a mattress and blankets, can send and receive letters, receive visits and have reading material;
- to increase the number of women staff in institutions for men, and to ensure that a majority of staff in the colony for women are female;
- to take steps so that neither legislation nor practice prevent the introduction of a programme of regime activities for pre-trial detainees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after the end of their sentence;
- to extend the opportunities for prisoners to take part in education classes and vocational training;
- to provide copies of the European Prison Rules, in a language that they understand, to the directors of all institutions, and to arrange that copies are available for consultation by all staff and by prisoners, perhaps by locating a copy in a prominent place in the prison library.

Annex 1

ARMENIA: Numbers in the penal institutions 1991-2002

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)	
1991	2,131*		3,574,500	
1993	2,114*		3,722,300	
1994	5,364	3,442*	143	3,740,200
1995	3,864*		3,753,500	
1997	7,648		202	3,780,700
1998	7,689		203	3,791,200
1998 (Feb)	7,608	6,909*	201	3,791,800
2001 (1/1)	7,428		195	3,802,400
2001 (1/9)	4,213	3,451*	111	3,801,000
2002 (1/9)	5,624	4,751*	148	3,799,000

* The number of sentenced prisoners within the overall total.

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees			
(1/9/2001)	762	18.1	20
(1/9/2002)	714	12.7	19
Female prisoners			
(1/9/2002)	123	2.2	3
Juveniles (under 18)			
(1/9/2002)	60	1.1	2
Foreign prisoners			
(1/9/2002)	10	0.2	

Note: There have been a number of amnesties between 1992 and 2001, including in 1992, 1995 and 1997. An amnesty approved in September 1998 led to the release in December of that year of 920 prisoners. An amnesty in 2001 led to the release of some 3,000 prisoners, over 40% of the prison population.

Annex 2

Armenian penal institutions: functions and capacity, 2001

Now known as criminal-executive institutions (CEI)

1	Goris CEI (formerly prison No.1)	prison, pre-trial institution and special regime colony	270
2	Erebuni CEI (formerly OA 18/2)	strict regime colony	750
3	Sevan CEI (formerly OA 18/4)	strict regime colony	950
4	Kosh CEI (formerly OA 18/6)	common and strengthened regime colony	1,130
5	Artik CEI (formerly OA 18/14)	strengthened regime colony	950
6	Yerevan CEI (formerly OA 18/15)	colony for former law enforcement officials	135
7	Abovyan CEI (formerly educational-correctional colony OA 20)	correctional colony and pre-trial institution for women and juveniles	385
8	Hospital for prisoners CEI (formerly Central hospital)	hospital for prisoners	210
9	Nubarashen CEI (formerly SIZO - investigation isolator - No.150/1)	pre-trial institution	1,250
10	Gyumri CEI (formerly SIZO - investigation isolator - No.150/2)	pre-trial institution	180
11	Vanadzor CEI (formerly SIZO - investigation isolator - No.150/4)	pre-trial institution	210
12	Vardashen CEI (formerly SIZO - investigation isolator - No.150/5)	pre-trial institution for former law enforcement officials	70
13	Meghri CEI (formerly colony settlement No.12)	colony settlement for those sentenced for first unintentional offence	100
14	Hrazdan CEI (formerly colony settlement No.13)	colony settlement for those sentenced for first intentional offence and for recidivists	430

TOTAL (at end of 2001)

7,020

Annex 3

Armenia: principal sources of information

Barclay A. and Preusker H., 1998. Report of an expert visit to Armenia, February 1998, to describe and assess the Armenian prison system. Council of Europe, Strasbourg

Council of Europe, 2000. First Steering Group meeting on the reform of the prison system in Armenia, Yerevan, 6 October 2000. Council of Europe, Strasbourg

Council of Europe, 2001. Third Steering Group meeting on the reform of the prison system in Armenia, Strasbourg, 15-16 November 2001. Council of Europe, Strasbourg

Martirosyan A., 2002. "The reform of the prison system in Armenia." Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

Meeting with Mr A. Barclay, chairman of the Council of Europe Steering Group on the reform of the prison system in Armenia.

23. Azerbaijan

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Criminal (or Penal) Code, the Code of Criminal Procedure and the Penitentiary Code (or Code for the Execution of Criminal Sanctions). New versions of all these Codes were enacted on 1 September 2000. A draft law on the penitentiary service and the status of prison staff was under consideration at the end of 2001. The new Codes are recognised as bringing Azeri legislation much closer to international standards. However, the courts still determine the type of regime in which the prisoner serves the sentence and have the power to permit or refuse a subsequent transfer between penal institutions.

Organisational structure

Responsibility for the enforcement of custodial sentences has been with the Ministry of Justice since January 1993 but pre-trial detention remained with the Ministry of Internal Affairs until October 1999. The prison system is managed by the Head of the Department of Penitentiary Institutions, who is Deputy Minister of Justice. The post has been held since at least 1997 by Mr. Aydin Gasimov.

There were 52 penal institutions operating at the end of 2001. These were three pre-trial institutions, one closed cellular institution (prison) for prisoners serving long sentences and others transferred from other institutions for control reasons or as a form of punishment, nineteen colonies (with general, strict, special (very strict) or mixed regimes), fifteen open (agricultural) settlements for those imprisoned for unintentional or reckless crimes and for those transferred from the colonies, and fourteen open (urban) so-called special facilities (commandant's offices) for prisoners sentenced to 'restraint of liberty'. The nineteen colonies include an institution for females and one for juveniles, an institution for former policemen, army personnel and other civil servants, the central prison hospital, an institution for tuberculosis in-patient treatment and one for the rehabilitation of tuberculosis patients. Three of the colonies were newly opened in 2001.

The total capacity of the system at the beginning of 2001 was 25,700, and despite the additional colonies it had fallen to 24,670 by the end of the year. Thirteen of the colonies had capacities between 1,000 and 1,200, as did two of the three pre-trial institutions. The fifteen open settlements and fourteen open 'special facilities' had capacities of 150 (except for one whose capacity was 100). The average capacity of the colonies, pre-trial institutions and the closed cellular institution (prison) was thus 886, and that of the open institutions was 148.

Pre-trial detention

The law provides that when a suspect is arrested by the police, the prosecutor must be notified within 24 hours and detention beyond 72 hours must be authorised by a court.

There were 2,357 persons in pre-trial detention at the beginning of 2001 (29 per 100,000 of the population of the country). This is much lower than in other countries of the former Soviet Union apart from Armenia. Pre-trial detainees spend one hour a day out of their cells in normal circumstances.

The numbers held in penal institutions

The prison population appears to have been rising in the period 1995-1997, judging by partial figures that are available in the Azerbaijani response to the 6th United Nations Survey of Crime Trends. It remained close to 25,000 (approximately 315 per 100,000 of the national population) from mid-1997 to the end of 1999 since when it has been falling. There were six amnesties in the period 1996-2001 and large amnesties were responsible for the total falling from 23,504 (291 per 100,000) at the beginning of 2001 to 18,191 (223 per 100,000) in mid-2002.

The prison population rate of 223 per 100,000 remains higher than those in Azerbaijan's neighbours to the west, Armenia and Georgia, but very much lower than that in the Russian Federation to the north. Of the prison population at the beginning of 2001 10% were pre-trial detainees. 1.3% of the sentenced population were female prisoners, 0.4% were juveniles and 1.4% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was 91.5% of the official capacity of the system, which at that time was 25,700. There is no overcrowding in any of the institutions.

The minimum space specification per prisoner in Azerbaijan was increased by the new Penitentiary Code to 4m² per person (CPD, 2002) but the capacities of the institutions have not been altered in accordance with this. The obligation to provide 4m² per prisoner is however said to have been accepted. The capacities are believed to be based on the specifications of 2m² for convicted men and 2.5m² for pre-trial detainees, as in Belarus and Ukraine. The CPT considers that 4m² per prisoner is the minimum amount of space appropriate but that 3.5m² may be acceptable in large rooms.

It is reported that different categories of prisoner are separated from each other in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, prisoners are not usually located in single cells. It is believed that the largest number of prisoners accommodated in one room is 120 in colony No. 1 in the Nizami district of Baku city.

Sanitary installations and arrangements for access are reported to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. All prisoners are able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable.

A programme of removing the metal shutters that obscure light and impair ventilation in pre-trial institutions was commenced in 1998 and was almost complete by the end of 2001.

Food and medical services

The quantity and quality of food are said to be close to, and perhaps better than, average standards in communal catering outside. The prison administration is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for those who need them for health or religious reasons. New daily food norms were approved by the Cabinet of Ministers in September 2001 under which prisoners are entitled to 3,305 calories per day, including 715 grams of bread, 125 grams of cereals, 80 grams of meat, 100 grams of fish, 550 grams of potatoes and 250 grams of other vegetables (Decision No. 194). Sick prisoners are entitled to 3,374 calories, prisoners with TB 3,680 calories, young offenders 3,649 calories and pregnant women with children under the age of three 3,873 calories (Decision No.154). The extra allowance consists mainly of meat, fish, butter and milk.

It is reported that there is no arrangement whereby a medical officer/doctor or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

Prison health care is generally provided separately from the national health service. In addition to clinics in all the closed institutions there is a central prison hospital in Baku and there are two institutions for prisoners with tuberculosis prison (see below). However, prisoners in the open institutions use the community medical services. Each of the closed institutions has at least one full-time doctor, who is assisted by other medical and nursing staff, including some prisoners. Within the institution for female prisoners there is a mother and baby unit; mothers who give birth during their sentence can have the child with them until it reaches the age of three. Council of Europe experts report considerable improvement in the state of the medical equipment and the availability of medicaments (Brooke, Tolstrup and Križnik, 2003). Dentistry is available in most institutions.

Few prisoners have an alcohol problem and the number is not increasing; there is no treatment programme available. There are 1,500-2,000 drug addicts in prison and the number is said to be increasing slowly; there is a treatment programme in place. It is reported that HIV/AIDS is not a problem in the prison system but over 30 prisoners are known to be infected; the numbers are not believed to be increasing and, in accordance with WHO guidelines, prisoners are not compulsorily tested for HIV/AIDS.

The greatest health care problem in the prisons is undoubtedly tuberculosis. In the six years 1995-2000 inclusive 1,837 prisoners died of the disease. The numbers dying from the disease have been falling steadily through that period, from 469 in 1995 to 199 in the year 2000. In the first half of 2001 there were 79 deaths from TB. But the incidence of the disease is reported to be increasing still. All prisoners with TB are transferred for treatment to a colony that is devoted to in-patient care for this disease. The WHO recommended that DOTS treatment (Direct Observed Treatment – short course) be used. Following successful treatment prisoners are transferred to another colony that is devoted to the rehabilitation of TB patients. Council of Europe experts regard Azerbaijan's treatment of prisoners with the disease as "an excellent example of what can be achieved with vision, commitment and management focus" (Brooke, Tolstrup and Križnik, 2003). Deaths in the prison system in the year 2000 totalled 260 in all, including the 199 who died from TB. In the first half of 2001 the total was 117.

Discipline and punishment

Reported breaches of discipline are dealt with formally by the director of the prison and if found guilty the prisoner is given a warning, or a serious warning, which is entered on his record. In more serious cases, such as acts of violence, a formal adjudication process takes place at which the prisoner is given the opportunity to speak and defend himself. A finding of guilt may result in isolation punishment for up to 14 days. It is reported that this is not used excessively. While in isolation, prisoners are reported to have proper bedding and adequate lighting, ventilation, sanitation arrangements and an hour's exercise. They may have books from the library and have short visits, but long visits (of up to 3 days) are not permitted.

Contact with outside

Pre-trial detainees may receive one hour visits every 14 days, subject to the permission of the prosecutor; it is understood that few are refused permission. They are physically separated from their visitors by a screen. Sentenced prisoners in a general regime colony may be visited every week or every fortnight; in a strict regime colony they may be visited once a month. They can also receive long visits (of 72 hours) from their families – three or four a year in the general regime, two a year in the strict regime, but none in the special regime. Juveniles can have four long visits a month. The lay-out of the accommodation for long visits is reported to be such as to enable privacy and intimacy between prisoners and their spouses. Visiting is difficult for many families because the prisons tend to be concentrated near Baku; the prison administration intends to develop prisons outside Baku, with a view, in the longer term, to all regions having their own prison (Humbatov, 2000).

Prisoners' letters are usually read by the staff. Sentenced prisoners may speak to their family and friends by telephone but this is not allowed to pre-trial detainees.

There is no routine system of home leaves, but prisoners in the open settlements and the special facilities (commandant's offices) have many opportunities to spend time at home. Indeed, after an initial period of three months they are allowed to go home at weekends, obtain work outside the institution and, in the latter stages of the sentence, to live at home reporting to the institution at specific pre-determined times. Some of the prison staff visit them at home and at their place of work (Brooke, Tolstrup and Križnik, 2003).

Prison staff

The prison service of Azerbaijan employed 5,547 staff in the penal institutions at the beginning of 2001, of whom 562 (10%) were women; forty-two staff (six women and 36 men) were employed in the colony for juveniles. In addition some 100-120 were employed at the national prison administration headquarters. Thus, the overall ratio of staff to prisoners at the beginning of 2001 was about 1 : 4.2. Some 25-27% of staff were officers (trained at university level), 46-47% were guards and the remainder were civilian workers mostly with a university degree and responsible for administrative and technical duties (Humbatov, 2000). Staff shortage is not a significant problem: there is no difficulty in recruiting and retaining staff in most parts of the country, although the situation in the capital Baku is less favourable because there are more competing employment opportunities available.

Initial training for a new member of the security staff lasts for three months; training for officers lasts four months. In February 2001 a new training centre was established in the former industrial territory of one of the colonies; the old buildings were almost completely demolished and classrooms, administrative, residential and gymnastic facilities were constructed. The training centre provides courses both for security staff, known as 'controllers', and management staff. There is both initial training and also development or refresher training. The director of the centre is a former prison director with training qualifications and his deputy is a former Ministry of Defence trainer (Brooke, Tolstrup and Križnik, 2003).

The prison administration has invested significantly in its staff and their conditions of service in recent years. Staff pay has been increased, all staff have a common uniform, staff wear identity badges when on duty and a polyclinic is to be opened in 2003 to provide free treatment for prison staff and their families. The provision of this facility is partly attributable to the prevalence of tuberculosis in the country. Staff morale is reported to have improved significantly since 1998 (*ibidem*, 2003).

In the institutions for male prisoners the only female staff (less than 10%) are nurses and those undertaking administrative tasks. In the institution for female prisoners the director is male as are a few security and administrative personnel, again less than 10% of the total staff.

The staff who provide perimeter security are all military conscripts but they belong to the Ministry of Justice rather than the Ministry of Internal Affairs. They are not under the authority of the prison director but the leader of the guards at each institution (a colonel) reports to the head of the national prison administration and now has regular meetings with the prison director.

Treatment and regime activities

The treatment staff at the beginning of 2001 did not include any psychologists or social workers (Humbatov, 2000). Prisoners are organised into groups led by a unit manager who will be an officer with a university degree. The number of prisoners in a group ranges from 50 to 100.

Sentenced prisoners in the colonies have their rooms unlocked for the whole day and are allowed at least an hour of walking or suitable exercise in the open air. Pre-trial detainees are also allowed one hour a day of walking or suitable exercise but this is the only time they may leave their cells/rooms.

The only treatment programmes available to prisoners are counselling for drug offenders. "The general impression within the penitentiary establishments, with the exception of the young offender and female units, is one of idleness" (Brooke, Tolstrup and Križnik, 2003). Nonetheless some prisoners have the opportunity of engaging in horticulture and metalwork and in some institutions there are regular concerts, quiz shows and other cultural activities. There is free access to the prison library.

Pre-release preparation consists mainly of assistance with finding employment and the possibility of transfer, during the last one third of the sentence, to an open institution where there is freedom to make arrangements, with the assistance of family and friends if these are available, during periods of leave.

Conditional release

The possibility of early release (after serving one third or one half of the sentence) was expected to be extended to all prisoners, including lifers, following the new legislation of 2000. In addition, the application for release would no longer be introduced at the initiative of the prison directors but would come from the prisoners themselves (Humbatov, 2000). The opportunity for release before the end of a sentence comes mainly from the possibility of benefiting from a Presidential pardon or an amnesty. Each of these has a different cause: some are initiated by Parliament and others are the result of a decision of the President.

Prison work

Sentenced prisoners are required to work if they are fit to do so and work is available for them. However there is very little work available and no more than 15% were employed in 2001, mainly in cleaning and domestic work, catering, carpet-making, furniture making, metalwork, building maintenance and construction, horticulture and agriculture. There is no work for pre-trial detainees. Most

prisoners receive basic unemployment pay; only the few who are involved in production are paid more.

Education and vocational training

For younger prisoners, education is available four hours a day and five days a week. There are no education programmes for adults. Remedial education is not available for prisoners with special problems such as illiteracy and innumeracy; there is said to be a low level of illiteracy. There is no vocational training.

Inspection and monitoring

There is an inspection department within the prison administration but its chief function is to carry out investigations into prisoners' complaints and not to monitor the extent to which the penal institutions are operating in accordance with the laws and regulations and the objectives of the prison administration. Inspection is the responsibility of the prosecutor's office. However it was planned that as from January 2001 inspection and the handling of prisoners' complaints would be transferred to a new Prison Inspectorate of the Ministry of Justice (Humbatov, 2000). It is understood however that the establishment of such an Inspectorate, accountable to the Ministry of Justice and independent of the prison service, has been delayed.

Some monitoring of the prison system is undertaken by the Ombudsman and also by non-governmental organisations. An NGO, 'Center of the Programs for Development E1', undertook a project 'Monitoring of Prisoners' Right for Health' in March-June 2001. The same NGO conducted some further monitoring work in 2002 (see CPD, 2002). The Council of Europe's CPT made a first visit to Azerbaijan in 2002.

The international standards (the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of penal institutions and the treatment of prisoners, are reported to be widely available in the prison system of Azerbaijan. The head of the prison administration and the directors of penal institutions have copies, as do other management staff at the national prison administration and in the penal institutions. Copies are also said to be available to be read by other staff and by prisoners.

Non-governmental organisations

Non-governmental organisations visit the penal institutions to take up the cases of political prisoners, to provide humanitarian assistance, to give seminars which contribute to social education, including information about prisoners' rights, and to undertake monitoring activities, such as those described above. Co-operation between the prison administration and the ICRC is reported to have been particularly effective in combating tuberculosis in the penal institutions. Good relations exist with the Human Rights Centre, an NGO for the defence of the rights of women, as well as with the Helsinki Committee and Amnesty International

(Council of Europe, 2000). The Human Rights Centre, together with Penal Reform International, published and distributed in the penal institutions in 2001 a booklet containing European human rights conventions and the European Prison Rules (Council of Europe, 2002). At least every six months there is a meeting between the head of the prison administration and the NGOs that are active in prison matters. The prison administration considers the work of NGOs to be positive and is very supportive of such activities.

Other matters

There was an organised group escape attempt on 7 January 1999 from the closed cellular institution (Qobustan), which led to the death of eight prisoners and one member of staff. As a result there was a major review of prison staffing and conditions of work, which led to the development of staff training, salary increases, improved security, and determined efforts to improve staff-prisoner relations and fully respect prisoners' human rights. These measures are reported to have impacted across the prison system to good effect (Brooke, Tolstrup and Križnik, 2003).

The prison administration is involved in international co-operation that is intended to improve prison standards. Multi-lateral organisations concerned in this work are the Council of Europe, the Office for Security and Co-operation in Europe and the European Union. The Council of Europe appointed experts to produce an assessment report on the Azeri prison system in 1998 (Brooke and Tolstrup, 1998) and have subsequently established a steering group for its reform. An action plan has been developed and the prison administration considers that the co-operation with the Council of Europe has played a significant role in the reform of the prison system and relevant legislation (Humbatov, 2000). A second assessment visit was conducted at the beginning of 2003 (Brooke, Tolstrup and Križnik, 2003). Prison services of several countries have been involved in co-operation activities, including Austria, England and Wales, Italy and Poland.

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections.

Important recent developments

The following are some of the most important recent developments affecting the Azeri prison system:

- the transfer of the responsibility for pre-trial detention from the Ministry of Internal Affairs to the Ministry of Justice in October 1999;
- the serious escape attempt at Qobustan prison in 1999 leading to the death of eight prisoners and one member of staff;
- the new legislation (Criminal Code, Code of Criminal Procedure and Code for the Execution of Criminal Sanctions) of September 2000;
- the opening of the new staff training centre in February 2001.

Current objectives

The main objectives of the prison administration include:

- continued development of the staff training centre;
- the human rights education of prisoners, enabling them to be aware of their rights;
- improving efforts to achieve the resettlement of prisoners after release;
- closing old and inadequate institutions and creating new purpose-built ones;
- the rebuilding of the central hospital;
- creating better conditions for women prisoners and young prisoners;
- developing modern management systems, both in respect of information technology (an electronic record system) and management structures;
- enabling all prisoners to have 4 square meters of space in their living accommodation;
- the development of prisons outside Baku so that every region has its own prison and prisoners can serve their sentences close to their families, thus facilitating visits;
- the creation of semi-open prisons with a mixed regime, as was being piloted at the beginning of 2001 in the region of Nakhichevan.

Main problems

Some of the main problems facing the Azeri prison administration are:

- the need for staff training;
- the shortage of work for prisoners;
- the lack of positive activities for prisoners;
- the need to rebuild the central prison hospital;
- the continued prevalence of tuberculosis;
- the limited resources available for the prison system.

Achievements

Notable achievements in the Azeri prison system in recent years include:

- major progress in the treatment of tuberculosis;
- the acquisition of a new headquarters building;
- the introduction of information technology as a tool in prison management;
- the creation of a new staff training centre;
- obtaining a significant increase in the prison budget;
- improving the conditions of service, and thus the morale, of staff;
- establishing positive relationships with NGOs;
- participating in international co-operation activities intended to improve prison standards;

- improving the physical conditions, including the buildings, in the penal institutions;
- “remarkable changes in the field of prison reform in Azerbaijan” in the three years 1999, 2000 and 2001 (Council of Europe, 2002).

Conclusion

Much progress has been made in recent years. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such arrangements are only necessary for exceptional cases;
- to ensure that sanitary installations and arrangements for access are adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions;
- to take steps so that neither legislation nor practice prevents the introduction of a programme of regime activities for pre-trial detainees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners’ time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to increase significantly the opportunities for prison work;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after the end of their sentence;
- to appoint psychologists and social workers as important members of the treatment staff of the penal institutions;
- to ensure that there are sufficient unit managers/educators to enable no prisoner group for which they are responsible to exceed 50 in number;
- to establish the new Inspectorate of Prisons, accountable to the Ministry of Justice but independent of the prison service, as soon as possible;
- to develop education classes and vocational training;
- to introduce, in accordance with Rule 31 of the European Prison Rules, the practice whereby a medical officer or one of his staff advises the director regularly on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and of prisoners, the sanitation, heating, lighting and ventilation, and the suitability and cleanliness of the prisoners’ clothing and bedding.

Annex 1

AZERBAIJAN: Numbers in the penal institutions 1997-2002

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1997	24,851	317	7,835,300
1998	24,826	312	7,950,000
1999	25,238	315	8,016,200
2000	23,504	291	8,081,000
2002 (1/7)	18,191	223	8,170,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(31/12/00 = 1/1/01)	2,357	10.0	29
	TOTAL among sentenced population	Percentage of sentenced population	
Female prisoners in 2001			
(31/12/00 = 1/1/01)	272	1.3	
Juveniles (under 18) in 2001			
(31/12/00 = 1/1/01)	82	0.4	
Foreign prisoners in 2001			
(31/12/00 = 1/1/01)	303	1.4	

Note: There were six amnesties in the period 1996-2001.

A Presidential decree (pardon) in July 1999 led to the release of 66 prisoners.

An amnesty in December 1999 led to the release of 1,562 prisoners by 26.1.2000.

A Presidential decree (pardon) in June 2000 led to the release of 87 prisoners.

An amnesty in February 2001 led to the release of a large number of prisoners.

Annex 2

Azeri penal institutions: functions and capacity, 2001

Closed penal institutions for sentenced prisoners (CÇM)

1	CÇM 1	Baku (Nizami district)	Strict regime colony	1,200
2	CÇM 2	Baku (Azizbayov district, Bina)	General regime colony	1,200
3	VMUIMM	Baku (Azizbayov district, Bina)	Mixed regime colony for TB treatment	850
4	CÇM 4	Baku (Khatai district)	Mixed regime colony for females	350
5	CÇM 5	Salyan district, Khalaj	General regime colony	1,050
6	CÇM 6	Baku (Nizami district)	General regime colony	1,200
7	CÇM 7	Baku (Khatai district, Ahmadli)	Strict regime colony	1,050
8	CÇM 8	Baku (Qaradag)	Special (very strict) regime colony	320
9	CÇM 9	Baku (Azizbayov district, Bina)	Mixed regime colony for former army, police, prison staff etc	350
10	CÇM 10	Baku (Narimanov district)	General regime colony	1,150
11	CÇM 11	Baku (Binagadi district)		1,050
12	CÇM 12	Baku (Qaradag district, Puta)	General regime colony	1,100
13	CÇM 13	Baku (Qaradag district, Puta)	General regime colony	1,050
14	CÇM 14	Baku (Qaradag district, Qizildas)	General regime colony	1,050
15	CÇM 15	Baku (Nizami district)	Strict regime colony	1,050
16	CÇM 16	Baku (Suraxani district, Ramana)	General regime colony	1,050
17	CÇM 17	Baku (Azizbayov district, Bina)	Mixed regime colony for rehabilitation after TB treatment	1,050
18	Juveniles	Baku (Khatai district)	Correctional facility for juveniles (mixed regime)	100
19	Hospital	Baku (Nizami district)	Central prison hospital	550
20	Qobustan	Baku (Qaradag district, Qobustan)	Cellular prison for long termers and control problem prisoners	650

Open penal institutions for sentenced prisoners

21-35	MTCÇM	Open colony-settlements in rural areas	14 x 150 1 x 100
36-49	XM	Special facilities (Commandant's offices) in urban areas	14 x 150

Closed pre-trial institutions (IT)

50	IT No.1	Baku (Sabail district, Bayil)	Pre-trial institution	1,200
51	IT No.2	Gandja	Pre-trial institution	700
52	IT No.3	Baku (Azizbayov district, Shuvalan)	Pre-trial institution	1,050

TOTAL (at end of 2001)

24,670

Annex 3

Azerbaijan: principal sources of information

Brooke N. and Tolstrup J., 1998. Report of an expert visit to Azerbaijan, October 1998, to describe and assess the Azeri prison system. Council of Europe, Strasbourg

Brooke N. and Tolstrup J. and Križnik, 2003. Report of a reassessment visit to Azerbaijan, January 2003. Council of Europe, Strasbourg

Center of the Programs for Development 'El' (CPD), 2002. Healthcare in prisons of Azerbaijan. CPD, Baku

Council of Europe, 2000. First Steering Group meeting on the reform of the prison system in Azerbaijan, Strasbourg, 18-20 December 2000. Council of Europe, Strasbourg

Council of Europe, 2002. Second Steering Group meeting on the reform of the prison system in Azerbaijan, Strasbourg, 7-8 February 2002. Council of Europe, Strasbourg

Humbatov M., 2000. Contribution of senior member of Azeri prison administration at first Steering Group meeting (as above). Council of Europe, Strasbourg

Responses of the Azeri Government to the United Nations 6th Survey of Crime Trends and Operations of Criminal Justice Systems (1995-97) and 7th Survey (1998-2000).

Meeting with Mr N. Brooke, member of the Council of Europe Steering Group on the reform of the prison system in Azerbaijan

24. Belarus

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Penal (Criminal) Code, the Criminal Procedural Code and the Penal Executive Code. New versions of these codes were adopted in the year 2000 and came into force on 1 January 2001.

Organisational structure

Responsibility for the prison system in the Republic of Belarus lies with the Ministry of Internal Affairs. The system is managed by the Head of the Committee for the Execution of Punishment, as the prison administration is named. This post is held by Mr V. A. Kovchur.

Some 40 penal institutions were operating in 2001, of which it is believed that there are 10 institutions for pre-trial detention (investigation isolators or SIZOs), two prisons (tyoormi) for those convicted of the most serious offences, 25 correctional colonies for adults with regimes varying according to the criminal record of the prisoners, and three educational colonies for juveniles (aged 14 to 18).

The total capacity of the system in 2001 was believed to be 43,400. (Excluding the SIZOs it was 34,030.) This would give an average capacity per prison of about 1,085. On the basis of detailed figures provided for the previous study, it is likely that the largest institution has a capacity of some 2,800 and the smallest 150.

Pre-trial detention

There were 10,601 persons in pre-trial detention at the beginning of 2001 (106 per 100,000 of the general population of the country) and 9,678 at the end of the year (97 per 100,000). The rate has thus risen by about a third since 1994 when it was 75 per 100,000.

The prison administration reports that pre-trial detainees spend one hour a day out of their cells/rooms in normal circumstances.

The numbers held in penal institutions

The prison population rose sharply between the end of 1990 (24,518) and the end of 1998 (63,157) but has since fallen back to 55,156 at the end of 2001. This figure gives a prison population rate of 554 per 100,000 of the general population, the second highest in Europe after the Russian Federation. Ukraine is the only other European country with a rate above 370.

Of the prison population at the end of 2001 17.5% were pre-trial detainees, 6.1% were female, 3.1% were juveniles under 18 and 2.6% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the end of 2001 was approximately 127% of the official capacity of the system. There is overcrowding both in institutions for pre-trial detention and in those for sentenced prisoners, but not in the educational colonies for juveniles.

The minimum space specification per prisoner in Belarus is 2m² in institutions for convicted men, 2.5m² in institutions for pre-trial detention, 3.5m² in educational colonies for juveniles and 3.5m² in medical units. This is specified by law. The CPT considers that 4m² is the minimum amount of space appropriate per prisoner or perhaps 3.5m² in large rooms.

The prison administration reports that different categories of prisoner are separated from each other in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, prisoners are not usually housed in single cells. It is reported by the prison administration that the largest number of prisoners accommodated in one room is 100 and that the space in the room is 200m².

Sanitary installations and arrangements for access are reported to be adequate to enable all prisoners to comply with the needs of nature when necessary, and in clean and decent conditions. The prisoner must provide the toilet paper. All prisoners are able to have a shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners are supplied with one change of underclothing per week.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is not able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for those who need them for health reasons.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

The prison administration reports that there are many prisoners with an alcohol problem and the numbers are increasing; there are also many prisoners with a drug problem and the numbers are increasing here too. There are treatment programmes for such prisoners and these are carried out in special clinics. There are also special clinics for prisoners with psychiatric problems. HIV/AIDS is a problem in the prison system of Belarus and again the numbers are increasing. It is reported that all prisoners are tested for this condition, despite the fact that WHO guidelines state that there should not be compulsory testing of this kind.

Tuberculosis is also a problem in the prison system but the numbers are not increasing. There is a treatment programme in place. In the year 2001 186 prisoners died, of whom 17 died from tuberculosis. Just two are reported to have died from suicide.

Contact with the outside world

The frequency with which pre-trial detainees may be visited is decided by the examining magistrate. Sentenced prisoners may be visited between 6 and 10 times a year if they are in a general regime colony, and between 3 and 5 times a year if they are in a special (i.e. very strict) regime colony. Prisoners may be allowed to receive private (intimate) visits from their wives. There is also a provision for prisoners to receive long visits from their families, involving overnight stays; these are for a period of 72 hours.

Pre-trial detainees are physically separated from their visitors by a screen and so are not able to touch them.

There is no restriction on the number of letters that may be sent or received but letters are usually read by the prison authorities. Sentenced prisoners may speak to their families by telephone but pre-trial detainees are not allowed to do so.

There is a system of home leaves, which is available for prisoners in general regime colonies, in colony-settlements (open prisons) and for juveniles.

Prison staff

The prison service of Belarus employed 6,882 staff at the beginning of 2001, over 50% more than in 1994. Of these, 6,187 were working in institutions for adults (4,234 men and 1,953 women) and 695 were working in institutions for juveniles (560 men and 135 women). It is believed that this total includes staff working in the institutions for pre-trial detention. If it does, then the overall ratio of staff to prisoners at the beginning of 2001 was 1 : 8.2. This is little more than half the rate of any of the other prison systems in central and eastern Europe. Despite this low rate, the number of security staff was only 2% below complement, and the number of treatment staff only 1.5% below complement.

Initial training for a new member of the security staff lasts for three months. In institutions for male prisoners just 2% of staff are women, working in prison health care and in making pre-release arrangements and, in the educational colonies for juveniles, as psychologists and educators. In institutions for female prisoners 15% of staff are male, working as 'inspectors for the maintenance of good order' (i.e. security staff).

Treatment and regime activities

The treatment staff include 57 psychologists - each colony has two or three - and 680 educators. Prisoners are organised into groups led by an educator. The number of prisoners in such a group ranges from 80 to 100 in the adult colonies and 20 to 25 in the educative colonies for juveniles.

The information received from the prison administration suggests that, for both adults and juveniles, the only treatment programmes are those for prisoners with alcohol or drug problems. There appear to be no organised regime activities.

Sentenced prisoners in the correctional colonies are reported to have their rooms unlocked for the whole day. In such institutions prisoners are not only allowed a period of at least an hour of walking or suitable exercise every day

(including weekends) in the open air; there are said to be no restrictions on the time they may spend in such an activity.

The prison administration reports that they make pre-release arrangements to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return; they may be transferred to so-called 'colony settlements', which are open institutions.

Conditional release

There is a system of conditional release, allowing early termination of the sentence for prisoners considered suitable for this. In the year 2001 58% of prisoners released from general regime colonies were released in this way.

Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. However, work is not currently available for all. At 1 November 2002 61% of sentenced prisoners had employment of some kind, but there was no work for pre-trial detainees. Monthly pay is 15,691 Belarussian roubles. Prisoners without work may receive money from relatives, and if they are unfit they may receive 'pension' (social insurance) money.

Education and vocational training

Education and vocational training are available both for adult and for juvenile prisoners. These include programmes of remedial education for prisoners with such problems as illiteracy and innumeracy.

Inspection and monitoring

A system of inspections has been established, in order to monitor the extent to which the penal institutions are operating in accordance with the laws and regulations and the objectives of the prison administration. These are conducted by the prison administration and the Ministry of Internal Affairs. Independent inspections are undertaken by the local Prosecutor's office, a senior assistant from which conducts a monthly check of all institutions. A Parliamentary body also undertakes inspections that are independent of the Ministry and the prison administration, but non-governmental organisations are not allowed to conduct inspections of the prisons.

The international standards (the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of penal institutions and the treatment of prisoners, are reported to be widely available in the prison system of Belarus. The head of the prison administration and the directors of penal institutions have copies, as do other management staff at the national prison administration and in the penal institutions. Copies are also said to be available to be read by other staff and by prisoners.

Non-governmental organisations

The prison administration reports that non-governmental organisations visit the penal institutions and participate in the reform of prisoners. They also provide humanitarian assistance. Their contribution is regarded by the prison administration as positive because they carry out individual correctional programmes.

Other matters

The prison administration is involved in international co-operation via the United Nations representation in Belarus.

Pre-trial detainees and sentenced prisoners do not have the right to vote in national elections.

The prison administration produces an annual report.

Important recent developments

The most important recent development affecting the prison system in Belarus, in the opinion of the prison administration, is the introduction of the new Penal Code on 1 January 2001.

Current objectives

The main objective reported by the prison administration is to raise the effectiveness of the correctional process.

Main problems

The main problem identified by the prison administration, which is an obstacle to the above objective and to the advancement of the prison system in Belarus, is the overpopulation of the penal institutions. Other significant problems include:

- the low staff-prisoner ratio in the penal institutions.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which other countries' prison administrations might be able to learn from. They drew particular attention to:

- the expansion of the use of a progressive system of serving the sentence, involving the introduction of criteria for levels of correction for sentenced prisoners;
- the raising of the quality of educational (sc. treatment) work.

Further achievements of the prison system in Belarus include:

- allowing prisoners of good behaviour to have long visits from their families of two or more days, in which they may live together using special visiting facilities;

- having one of the higher employment rates among sentenced prisoners in the prison systems of central and eastern Europe;
- having increased significantly in recent years the number of sentenced prisoners with employment;
- having programmes of remedial education for prisoners with such problems as illiteracy and innumeracy;
- the participation of non-governmental organisations in the treatment of prisoners.

Conclusion

Progress has been made in recent years. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps progressively to increase the amount of space that pre-trial detainees and sentenced prisoners have in their living accommodation until all have at least 4m²;
- to provide all prisoners with a balanced diet, including meat, fruit and vegetables;
- to give further consideration to bringing policy in respect of HIV testing into line with the relevant international standards, in particular those established by the World Health Organisation and the Council of Europe;
- to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to ensure regular visits for pre-trial detainees and sentenced prisoners, so that all are able to be visited at least once a month, and if possible weekly or more often;
- to ensure that there are enough staff to keep the staff-prisoner ratio satisfactory and, in particular, that there are sufficient educators to enable no group to exceed about 50 prisoners;
- to increase the proportion of women staff working in institutions for male prisoners, in order to reduce tension and help to diminish the gulf between circumstances inside the penal institutions and in the community outside;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial (remand) prisoners, and to enable them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to develop programmes of constructive activities, including education and vocational training, to occupy sentenced prisoners' time in a positive manner and enable them to develop skills and aptitudes that will improve their prospects of resettlement after release.

Annex 1

BELARUS: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	24,518	239	10,260,400
1991	25,988	253	10,280,800
1992	33,641	327	10,300,000
1993	43,583	422	10,319,400
1994	51,028	496	10,295,600
1995	54,869	535	10,264,400
1996	57,092	558	10,236,100
1997	58,879	577	10,203,800
1998	63,157	620	10,179,100
1999	59,267	592	10,019,500
2000	56,590	566	9,990,400
2001	55,156	554	9,950,900

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	10,601	18.7	106
(31/12)	9,678	17.5	97
Female prisoners in 2001			
(1/1)	3,368	6.0	34
(31/12)	3,378	6.1	34
Juveniles (under 18) in 2001			
(1/1)	1,559	2.8	16
(31/12)	1,725	3.1	17
Foreign prisoners in 2001			
(1/1)	1,512	2.7	
(31/12)	1,413	2.6	

Note: There were amnesties on 23.12.91, 14.4.95, 5.11.96, 18.2.99 and 20.7.2000.

Annex 2

Belarus penal institutions: functions and capacity, 2001

The list below shows the 35 penal institutions that were operating in 1994. It is understood that in 2001 there were a further two pre-trial institutions (SIZOs), making a total of ten, with a capacity of 9,370, and a further three institutions for sentenced adults (prisons, colonies and colony settlements), making a total of 27, with a capacity of 32,250. There were still three educational colonies for juveniles, with an increased capacity of 1,780. It is thus believed that in 2001 there were 40 penal institutions with a total capacity of 43,400.

Pre-trial institutions (SIZOs)	No.1	2040	
	No.2	1050	
	No.3	1180	
	No.4	900	
	No.5	310	
	No.6	510	
	No.7	160	
	No.8	800	
		6,950	
Prisons (TYOORMI) (for sentenced adults)	15/CT 1	450	Closed institution
	15/CT 4	150	"
		600	
Corrective labour colonies (for sentenced adults)	15/ 2	2430	General regime colony - men
	15/ 4	1350	General regime colony - women
	15/15	2380	General regime colony - men
	15/19	710	General regime colony - men
	15/ 1	2160	Reinforced regime colony
	15/ 8	2060	"
	15/10	1130	"
	15/17	1280	"
	15/25	1200	"
	15/ 5	2240	Strict regime colony
	15/ 9	1730	"
	15/11	2590	"
	15/12	1340	"
	15/14	2820	"
	15/20	1750	"
	15/22	550	"
15/24	1200	"	
15/13	1170	Special regime colony (very strict)	
		30,090	

Colony settlements (for sentenced adults)	15/16	590	Open institution
	15/18	250	"
	15/ 3	150	"
	15/21	150	"
		1,140	
Educative colonies (for sentenced juveniles)	BTK 1	640	
	BTK 2	550	
	BTK 3	510	
		1,700	
Total (in 1994)		40,480	

Annex 3

Belarus: principal sources of information

Response by the head of the prison administration, Mr V.A. Kovchur, to survey questionnaire for this project.

Response by Belarus to the 6th United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, covering the period 1995-97.

Response by Belarus to the 7th United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, covering the period 1998-2000.

25. Bosnia and Herzegovina: Federation

Legislative framework

New Penal, Penal Procedural and Penal Executive Codes came into force on 20 November 1998. They replaced legislation dating back to 1984, which had been amended many times. The Penal Executive Code, which is known in Bosnia and Herzegovina as the Law on the Execution of Criminal Sanctions (LECS), was reviewed in draft format by experts of the Council of Europe and was described as providing “a firm basis for a modern prison system” (Coyle, 1998). In large part, this law is in accordance with the European Prison Rules. Specific changes incorporated in the new law include a minimum space allowance per prisoner of 10m³ (taken to be equal to 4m²) instead of 8m³ (3m²), the introduction of eligibility for certain benefits after one-fifth of the sentence is served, the requirement that water shall be available to prisoners at all times and a reduction in the maximum period of isolation punishment from 30 days to 20 days.

The Federation Ministry of Justice was already drafting, early in 2002, a new Law on the Execution of Criminal Sanctions, the decision having been taken that so many Articles needed to be changed that amendments to the 1998 law would be insufficient. It is expected that the new law will include the establishment of the Administration for the Execution of Criminal Sanctions (see below), a restructuring of the penal institutions, adjustment of the status and organisation of the prison service to current facilities and requirements (including the creation of closed units in semi-open institutions in order that Zenica need not hold every prisoner with a sentence longer than one year), and improved regulation of the execution of the security measure of mandatory psychiatric treatment (see final paragraph under section on Food and Medical Services). Moreover the new law will include the execution of all criminal sanctions in the Federation of Bosnia and Herzegovina, so that there will no longer be separate cantonal regulations in force.

Organisational structure

The prison system of the Federation of Bosnia and Herzegovina is under the responsibility of the Ministry of Justice, and has been since 1968. As in the other entity of Bosnia and Herzegovina, Republika Srpska, there is no head of prison administration, but the Assistant Minister of Justice in charge of the Office for the Execution of Criminal Sanctions approximates most closely to such a role. However he is formally an assistant to the Minister who gives advice in respect of the prison system and co-ordinates its activities; he is not the titular head of that system. The directors of the prisons and their deputies are appointed and dismissed by the government on the proposal of the Minister of Justice. This structure was standard practice in the republics of former Yugoslavia, but consideration is being given in the Federation to adopting the practice followed in the rest of Europe and recommended by European prison experts of having a

Director General, reporting to the Minister, as head of the prison administration. Discussions were taking place in early 2002 with Slovenia, which has made such a change and can thus advise, on the basis of its own experience, on the advantages of doing so and the practical arrangements that would need to be made.

The Assistant Minister of Justice, Mr Rešad Fejzagić assumed his post in June 2001 on the retirement of Mr Dzemal Husić, who had held the position for some years. He is assisted by two prison inspectors, a legal adviser and an economic adviser.

There were nine penal institutions at the beginning of 2001, two of which held very few prisoners and were administered as outlying units of another institution. The total capacity was 1,061. The largest prison Zenica had a capacity of 349 and the next largest were Sarajevo (223), Tuzla (200) and Mostar West (142). No other institution had a capacity of more than 63. During the year the small Mostar East prison (for Bosniacs) was amalgamated with Mostar West (for Croats), reducing the number of institutions to eight. The capacity rose during the year to 1,183, largely as a result of the reconstruction of a unit for 75 juveniles at Zenica, and of the inclusion, within the total, of the unit at Zenica for persons detained for the security measure of compulsory psychiatric treatment in a health institution (40 places). Zenica's capacity has thus risen to 464.

Zenica serves as the central prison for the Federation of Bosnia and Herzegovina. It opened in 1888 and was the largest penal institution in former Yugoslavia. It is a sizeable complex with a considerable number of buildings which, including the industrial premises, cover 22,000 square metres. There has been some construction since the Second World War but almost all the buildings are old. As the central prison, Zenica not only holds pre-trial detainees and short sentence prisoners but is the only prison that has the authority to hold prisoners serving sentences of more than a year and, as mentioned, now has units for juveniles and for compulsory psychiatric treatment. The prisons at Mostar, Sarajevo and Tuzla also date back to the Austro-Hungarian Empire.

Pre-trial detention

The level of pre-trial detention in the Federation of Bosnia and Herzegovina has risen by 34% since the end of 1995, when the war in Bosnia came to its end. At the beginning and end of 2001 there were about 13 pre-trial detainees in the prison system per 100,000 of the population of the entity (estimated at 2.5 million) compared with less than 10 at the end of 1995. Pre-trial detainees constituted 30.7% of the prison population at the beginning of 2001 and 24.5% at the end of the year*. This rate of 13 per 100,000 is, together with that of the other entity of Bosnia and Herzegovina, Republic Srpska, the second lowest rate of pre-trial detention in any prison system in central and eastern Europe, after that in the former Yugoslav republic of Macedonia. The average length of pre-trial detention in 2001 was 6-8 months.

* Not including persons held for compulsory psychiatric treatment in the temporary unit in Zenica prison.

The current criminal procedure legislation prescribes that a suspect detained by the police may be held for up to 72 hours in police custody, after which a court must either release the suspect or order pre-trial detention in a prison. Under a new draft law 72 hours would be replaced by 24 hours.

The numbers held in penal institutions

During the war the prison population was greatly reduced since combatants sometimes freed prisoners who agreed to fight for their particular national group. The prison population at the end of 1995 reflected this and at 536 constituted only some 21 per 100,000 of the entity population, a rate among the lowest in the world. It rose steadily, reaching 836 at the end of August 1999, 1,065 at the end of August 2000 (43 per 100,000) and 1,359 at the end of 2001 (54 per 100,000). These figures do not include persons held for compulsory psychiatric detention (61 at the beginning of 2001 and 69 at the end of the year). At the end of 2001 there were just 33 female prisoners among the total (2.4%) and 13 juveniles under 18 among the sentenced population (1.3%). The rate of 54 per 100,000 at the end of 2001 is similar to that of neighbours Slovenia, Croatia and Serbia but lower than that in the other entity of Bosnia and Herzegovina and much lower than in Austria or Hungary. It is in keeping with the traditionally low level of imprisonment in former Yugoslavia.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 (excluding the unit for compulsory psychiatric treatment at Zenica) was 98% of the official capacity of the system, but by the end of the year it had risen to 119%. The worst overcrowding at the year-end was in Zenica where, despite only 40% occupancy in the pre-trial accommodation and less than 20% occupancy in the unit for juveniles, the accommodation for sentenced adults held 612 prisoners in 294 places (208% occupancy) and the 40 places in the unit for psychiatric treatment held 69 persons (172.5% occupancy). There was also serious overcrowding in the pre-trial accommodation at Sarajevo (147% occupancy), and Tuzla too was over capacity, but the problem there has been partly addressed by creating a waiting list for the admission of persons guilty of lesser (misdemeanour) offences.

The minimum space specification per prisoner, as mentioned above, was increased from 8m³ to 10m³ by the 1998 Law on the Execution of Criminal Sanctions. This is officially regarded as an increase from 3m² to 4m² and all the penal institutions have been given revised capacity figures based on the standard of 4m² (see Annex 2). Using these figures, the three largest prisons were overcrowded at the end of 2001 to the extent of 55% (Zenica), 32% (Sarajevo) and 11% (Tuzla). On this basis the average prisoner at Zenica was receiving only 2.6m² of space, and the average sentenced prisoner only 1.9m².

Accommodation, both for pre-trial detainees and sentenced prisoners, is in shared cells or rooms. In Sarajevo prison the accommodation is for two, three or four prisoners per room but in Zenica there are larger rooms, including the largest in the Federation's system, where 18 prisoners occupy a room measuring

55m². The Ministry of Justice advises that untried prisoners are always detained separately from convicted prisoners and women prisoners separately from men, as had been found to be the case in 1998 (Walmsley and Križnik, 1998 p.19). However, juvenile prisoners are not always detained separately from adults; this is reported to be a result of shortage of space, since ensuring the separate accommodation of the small number of juveniles in the system would sometimes necessitate having one room occupied only by a single juvenile. The 1998 legislation mirrors the European Prison Rules (Rule 14.1) in stating that convicted prisoners should normally be located in separate rooms for the night, but this is contrary to traditional practice in the system; almost all the rooms were constructed for multi-occupancy and are still so occupied.

Sanitary installations and arrangements for access are reported by the Ministry of Justice to be adequate to enable most prisoners to comply with the needs of nature when necessary, and in clean and decent conditions. The prison provides toilet paper for those prisoners who need it. In general, sanitary arrangements and hygiene were found to be satisfactory during a Council of Europe assessment visit in 1998, but in some prisons the level of hygiene in bathrooms was not quite adequate and the overall level of hygiene was assessed as susceptible of improvement (Walmsley and Križnik, 1998 pp.22-3). The prison administration responded to the recommendations made by arranging continuous monitoring of individual and collective hygiene by health staff who are now required to submit regular reports to the management of the prison (Husić, 1999). Every prisoner is able to have a bath or shower at least once a week.

Pre-trial detainees and short-sentence prisoners are given the opportunity of wearing their own clothing if it is clean and suitable. Long-term prisoners wear uniforms. Sentenced prisoners are provided with working clothes. A change of underclothing is provided every week and a change of bedding every two weeks. Every prisoner has a separate bed.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The Ministry of Justice reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for those who need them for health reasons or for religious reasons. The 1998 law requires that the energy value of the food supplied to adult prisoners must be at least 12,500 joules per day, while that provided to juveniles must be at least 14,000 joules.

The number of medical staff who are employees of the Federation's prison system is not large and constitutes less than 4% of all prison staff; other medical needs are met by staff on contract. Health care in the prisons is believed to be superior to that available in the community outside. This is attributed to the fact that each institution has developed its own arrangements to ensure the adequacy of necessary services. Medical equipment is however basic and needs modernisation and updating and there are some temporary difficulties in obtaining necessary drugs and medicines.

Although some prisoners do suffer from alcohol problems and the number of such prisoners is increasing, serious cases are said to be quite rare. Treatment is only provided for a small number in one institution (Zenica) although before the war the all-Bosnian prison system was served in Foča prison (now in Republika Srpska) by a special department for the treatment of alcoholism. Group work for prisoners with alcohol problems was being run by treatment staff at Sarajevo in 1998 and also (by a psychologist) at Tuzla. At Zenica a psychologist has been given the task of conducting similar work.

The Ministry of Justice reports that there is no drug problem within the Federation's prison system and only a small number of drug addicts. However, the number is increasing. There is no formal treatment programme in place to deal with such people but the psychologist at Zenica provides some treatment. There is no HIV/AIDS problem and no sign of any increase in numbers. Compulsory testing for HIV, which was being carried out on high-risk groups in 1998, has been discontinued in line with WHO guidelines. Tuberculosis is not a problem and the numbers are not increasing. There is no treatment programme in place.

Suicide and self-injury are not a serious problem in the Federation's prisons. It was clear, on the occasion of a suicide in January 1998, that the medical staff and the director of the prison concerned had shown a very diligent and caring interest in the prisoner and took the matter extremely seriously. By contrast the head of medical staff at another prison was dismissive of pre-trial detainees who injure themselves (Walmsley and Križnik, 1998 pp.27-8). The 1998 legislation contains the requirement that the costs of medical treatment, following self-injury, are to be met by the prisoner; as noted by a Council of Europe expert who was reviewing the draft legislation, this suggests an (inappropriate) punitive approach to self-harm (Coyle, 1998). There were three deaths in the prison system in 2001, none of them as a result of suicide and none from tuberculosis.

It is reported by the Ministry of Justice that the medical officer or one of his staff regularly advises the director on the quantity, quality, preparation and serving of the food, and on the hygiene and cleanliness of the institution and prisoners. However medical staff are not expected to advise on the sanitation, heating, lighting and ventilation of the institutions, despite the requirement in the European Prison Rules (Rule 31.1c). Nor in 2001 did they advise on the suitability and cleanliness of prisoners' clothing and bedding, despite Rule 31.1d and an earlier statement of the former Assistant Minister (Husić, 1999).

There were a number of invalids in the prison system in 1998, some as a result of war injuries. The suggestion was made by an invalid prisoner, and commended by the Council of Europe experts, that in a large prison like Zenica it would be desirable to locate invalid prisoners together, in order to enable them to provide emotional support and practical assistance to each other. It is understood that, following this suggestion, the general conditions whereby disabled prisoners serve their sentences have been improved (Husić, 1999).

Persons who have been ordered by the courts, following an offence, to be detained for the security measure of compulsory psychiatric treatment in a health institution, used to be held before the war in a Ministry of Health institution in Sokolac, which is now in the territory of the other entity of Bosnia and Herze-

govina, Republika Srpska, and is not available for use by the authorities in the Federation of Bosnia and Herzegovina. The Ministry of Health and the Ministry of Justice of the Federation agreed after the war that such people should be held within Zenica prison because there was spare capacity at Zenica and it was possible to accommodate them in tolerable conditions and keep them separate from the prison population. Unfortunately this arrangement, which was intended to be temporary, has now been in operation for more than 6 years and, as mentioned earlier, the unit at Zenica is severely crowded and contained 69 people at the end of 2001 despite its official capacity of 40. So permanent does the arrangement now appear to be that the prison administration has begun to include the number of those detained in the unit as part of the overall prison population, and to include the capacity of the unit as part of the prison system's overall capacity. Nevertheless "the general and expert supervision" in respect of this security measure "is conducted by the Ministry of Health" (Penal Executive Code, 1998).

Discipline and punishment

In February 1998 discipline and order were being maintained on a regular basis in all institutions, and with generally good relations between staff and prisoners. The last serious incident of disorder had been at Zenica in September 1996 as a result of a misleading radio/TV report about an amnesty. The damage, including that caused by a major fire, was severe, but the Ministry of Justice and the prison director decided, in view of the circumstances, that rather than imposing punishments, the prisoners should be required to repair the damage themselves. In 1998 punishments were being used as little as possible and lesser breaches of discipline were being resolved by discussion rather than punishment (Walmsley and Križnik, 1998 p.30). Recommendations were made however by the Council of Europe experts in respect of isolation punishment at the Mostar West prison, concerning space, lighting, toilet arrangements and the denial of the right to exercise. The prison administration reported that all recommendations were incorporated in the 1998 law and in secondary legislation (Prison Rules) and were subject to continuous monitoring.

However, as the prison population has risen (especially in the years 2000 and 2001) the Ministry of Justice reports that, with Zenica prison so seriously overcrowded, prisoners' protests and mutinies have been frequent. It became necessary to transfer less serious offenders to other prisons and to stop any further admissions. The use of disciplinary punishments in the Federation's prisons has increased. In the first eight months of 1997 just 98 disciplinary punishments were imposed, 51 of them involving isolation punishment; 58 of the punishments (54%) were in respect of Zenica prison. This is an annual rate of 147 punishments (76 of them isolation) and 87 punishments at Zenica. In the year 2000 there were 334 punishments (197 of them isolation) and 268 (80% of the total) were at Zenica. The number of punishments was thus 2.3 times than in 1997 and the number of isolations 2.6 times higher. This has to be understood in the context of a prison population which had risen by some 45% overall and

over 60% in Zenica. The further rise in the prison population that occurred in 2001 (30% overall and 40% in Zenica) was accompanied by more frequent and severer disciplinary punishments. However, punishments of isolation for 15 days are often reduced to 10 days because of the shortage of space in such accommodation.

The legislation of 1998 lists eighteen types of behaviour that are classified as disciplinary offences, the first eight of which are termed 'more severe' and may be punished with solitary confinement for up to 20 days with work. Other punishments are a reprimand and a fine of no more than 15% of the pay the offender received for work in the previous month. As noted above, the maximum penalty was reduced by the 1998 legislation from 30 days in solitary confinement to 20 days.

Contact with the outside world

Pre-trial detainees and sentenced prisoners are allowed to be visited once a week; the 1998 law on the Execution of Criminal Sanctions does not specify the frequency of visits and these regulations are included in the secondary legislation (prison rules). Prior to 1998 pre-trial detainees could generally be visited once a week but for sentenced prisoners the regulation was that at least one visit a month was permitted. Visits to pre-trial detainees are usually supervised or monitored, with the visitors separated from the pre-trial detainees by glass panels. A recommendation was made in the Council of Europe assessment report that such 'closed visits' be reserved for exceptional cases where they are essential for security reasons or because of other special features of the investigation process (Walmsley and Križnik, 1998). This recommendation has been incorporated in the secondary legislation (Husić, 1999) and the Ministry of Justice confirms that in 2001 'closed visits' to pre-trial detainees were exceptional. Visits to pre-trial detainees normally lasted fifteen minutes but this limitation has now been removed and at least 30 minutes is allowed. Visits to sentenced prisoners may be supervised or unsupervised and in some cases they are allowed to take place outside the institution (e.g. in the public restaurant at Zenica prison). More frequent visits, additional visits and longer visits may be granted by the director for good behaviour or some other positive purpose. Visits are often difficult for families to make because many do not have cars and because of the absence of a well-developed transport system. Prisoners serving longer sentences at Zenica prison are allowed to receive private (intimate) visits from their wives/partners. There is no provision for long visits (including overnight stay) from families.

Pre-trial detainees, whose contact with the outside world is subject to the approval of the investigating judge, are normally allowed not only regular visits but also correspondence by letter, including the receipt of parcels. Sentenced prisoners are allowed to send and receive an unlimited amount of letters; these are never read by the prison authorities. Prior to the 1998 legislation letters were monitored by the pedagogues (educators) on the basis that staff thereby learnt of social circumstances in which they could intervene positively.

Telephone calls may be made both by pre-trial detainees and by sentenced

prisoners. A new policy was introduced in September 1997 whereby at Zenica sentenced prisoners were divided into three groups for the purpose of internal and external benefits, with one group entitled to three phone calls a month, while the other two were entitled to one. The calls were paid for by the prison, except for calls outside Bosnia and Herzegovina. By 2001 the use of the telephone was no longer linked to such groups. There are more telephones, prisoners have phone cards and have the right to phone every day but must pay for the calls by purchasing the phone cards. Sentenced prisoners have the right to receive parcels from their immediate family members, containing underwear, objects for personal use (e.g. toiletries), newspapers, magazines and books, and money which may be used in accordance with the internal regulations of the institution.

Sentenced prisoners are given good opportunities for prison leave. The various types of leave include 5 or 10 hour leaves into the town, 48 hour weekend leaves, leaves up to 7 days in case of serious illness or death of a member of the immediate family, and annual leaves (holiday) of 18-30 days for those who have worked continuously for 11 months. Most prisoners who have served at least one sixth of their sentence, are behaving satisfactorily in prison and are not regarded as a security risk or as likely to commit offences while they are away, are granted leaves. Their frequency depends on behaviour and the internal regulations of the individual prison (Walmsley and Križnik, 1998 pp.34-5).

Sentenced prisoners are able to keep themselves informed of the news by reading newspapers, listening to the radio and watching television. Other contacts with the world outside include opportunities to go out in order to play on sports fields or watch football matches, and direct contact by the pedagogues (educators) with prisoners' families where relationships are disturbed, with meetings taking place either at the prison or in the families' homes.

Religious assistance

In 1995 the law was changed to allow freedom of religion and of religious practice. Rooms have been prepared for this purpose on the basis of advice from the main religious bodies and sometimes with their financial support. Religious representatives visit the institutions. The intention is to cater for prisoners practicing Islam, Roman Catholicism and the Orthodox religion. Some 80% of prisoners are Bosniacs (Muslims), 12-15% Croats (Roman Catholic) and 1-2% Serbs (Orthodox). The rooms available for religious practice reflect this distribution and the interest shown by members of the denominations concerned (ibidem, pp.35-6). The opportunities for religious practice by pre-trial detainees appeared in 1998 to be inferior to those available for sentenced prisoners, but it is understood that efforts have since been made to increase these opportunities.

Prison staff

The Ministry of Justice reports that it is able to recruit and retain staff of adequate calibre, except in respect of specialist staff. For other posts there is competition and the Ministry is able to insist on good standards. Nonetheless the

number of security staff was some 9% (42) below complement in 2001. Recruiting specialist staff is difficult: there is a shortage of pedagogues (educators) and psychologists and it is also hard to obtain full-time medical staff, though easier to obtain their services on contract. There were 32 pedagogues (educators) and psychologists in the system in 2001, divided approximately equally between the two specialisms. There were 42 other treatment and medical staff, but the total was some 21% (20) below complement.

The Ministry of Justice employed 669 staff in the prisons at the beginning of 2001 and 719 at the end of the year, having appointed 45 extra security staff and 5 extra treatment staff. This was in response to the rise in the prison population. At the end of the year there were 37 management staff in the prisons, 440 security staff, 74 treatment staff (including pedagogues, psychologists and medical staff) and 168 administrative and secretarial staff and others working in connection with prisoners' employment. The overall ratio of staff to prisoners is 1 : 2.0 or, if the ratio is calculated only on the basis of management, security and treatment staff in the prisons, 1 : 2.5.

New recruits have six months preliminary training (both practical and theoretical) including training in psychology, in the work of a pedagogue and in the provisions in the legislation on the execution of criminal sanctions. After a further period of six months they must pass an examination, as is required of all public servants, in order to be formally commissioned and appointed by the Minister. There are some benefits for prison staff in comparison with other public servants; twelve months work in the prison service count as sixteen months for pension purposes. Additionally pensions are calculated on the basis of the last ten years income. Staff with at least twenty years service, including ten years in penal institutions, receive salaries 30% higher than the same grade in other public service (government administration) work.

There is no training school for staff of the Federation prison system. Training is consequently conducted mainly 'on the job'. Some staff in Bosnian Croat cantons and having mainly Croat staff were receiving training in the Croatian capital Zagreb in 1998 (Walmsley and Križnik, 1998 p.37). By 2001 this practice had been discontinued. It is said that since staff are required to pass exams set by the Ministry of Justice in Bosnia and Herzegovina this has meant that training in Croatia has lost its value.

Staff morale was said to be very good (*ibidem*). The Ministry of Justice regularly informs the public about the work of prison staff and the role of prisons by means of meetings with the media, and requests by the media for interviews with prison directors are invariably granted. Regular staff meetings are held to promote the exchange of ideas, experience and good practice. Relations between senior staff and their more junior colleagues are said to be generally such as to encourage high standards, efficiency and commitment. Security staff work increasingly closely with treatment staff and thus contribute to the treatment process.

In the institutions for male prisoners approximately 15% of staff are women, working mainly as treatment staff (pedagogues) or in administrative positions. In the women's sections of the penal institutions about 40% of the staff are men, employed mainly as security staff or on administrative work.

Treatment and regime activities

The key person in the treatment of sentenced prisoners is the pedagogue (educator). According to the 1998 legislation pedagogues must have a university education and are responsible for a group of some 50 sentenced prisoners. After undertaking the initial social analysis, which determines where newly admitted prisoners will be located, where they will work (if fit to do so), and what their treatment programme will be, the pedagogue organises the treatment and other regime activities, acting also as social worker and adviser. The Assistant Minister of Justice reported that at the end of 2001 the usual number of prisoners in a pedagogue's group was indeed 50.

Sentenced prisoners spend most of their time out of their cells/rooms, which are normally unlocked 24 hours a day. This applies whether they are working or not. However the Council of Europe assessment team considered that there was a shortage of positive activities to occupy prisoners and enable them to develop skills and aptitudes that would improve their prospects of resettlement after release (Walmsley and Križnik, 1998 p.43). The Ministry of Justice reports that in 2001 the main treatment programmes and activities available for sentenced adult prisoners are cultural, sporting and entertainment; treatment programmes for juveniles are similar to those for adults but include educational activities.

Where other constructive activities are undertaken they are reported to be "more a product of the enthusiasm of the staff than of some systematic arrangements" (Husić, 1999). A number of these were noted. Programmes were underway which specifically addressed prisoners' attitudes where these were seen as likely to result in criminal actions. The psychologist in Tuzla prison was holding group meetings with murderers and violent offenders, with those who had disturbed family relationships and with alcoholics. Programmes dealing with anger control and handling personal relationships were aimed at helping prisoners to cope with their life in such a way that they can solve problems which arise without resorting to crime (Walmsley and Križnik, 1998 p.44).

Prisoners were also being encouraged to participate in the planning, and sometimes the monitoring and amending, of the treatment plans that are proposed by the pedagogue at the end of the admission period. They were also being given opportunities in some prisons to discuss on a regular basis aspects of prison life such as matters that give rise to complaints and other issues of interest and concern. Sometimes these were small meetings of a group of prisoners and a pedagogue and sometimes they were in the form of prisoners' councils. The consistent aim was to involve the prisoners in discussions about their own treatment and environment and to motivate them to participate as responsible adults in the life of the institution. These initiatives are very much in accordance with Rule 69 of the European Prison Rules.

Pre-trial detainees normally spend only one hour out of their cells/rooms per day, giving them the opportunity for exercise in the open air but for nothing else, unless they receive a visit. Indeed in 1998 it was found that pre-trial detainees in three prisons were receiving less than half the period of at least one hour's exercise that is recommended in Rule 86 of the European Prison Rules (Walmsley and

Križnik, 1998 p.53). It was reported by the Ministry of Justice in 2001 that every prisoner is allowed at least one hour of walking or suitable exercise in the open air each day. Sentenced prisoners are often allowed two hours of such exercise.

The Ministry of Justice reports that they are unable to make pre-release arrangements to assist prisoners in returning to society, family life and employment after release. Nonetheless some pedagogues devote much time to increasing contact with the family and preparing prisoners in a variety of ways for the situation they will face when they leave the prison. The intention in 1999 was to have at least one social worker per institution with the responsibility for working on preparation for release (Husić, 1999). The prison administration reports that there is a system of conditional release under which approximately 54% of sentenced prisoners are released before the end of their sentences.

Unfortunately, social service agencies in the community are not well resourced for assisting released prisoners to re-establish themselves in society. Despite approaches to the Centres for Social Work (CSW) from pedagogues in the prisons seeking assistance with employment, re-integration into family life etc. they do not always receive replies and even when they do the CSWs are often unable to help, since they are poorly staffed and have many other demands on their resources. Some prisons receive a better service from the CSWs than others and efforts have been made to improve contacts, but it was reported that the liaison is not consistently effective anywhere and is often unsatisfactory (Walmsley and Križnik, 1998 p.46).

Prison work

Sentenced prisoners are required to work if they are fit to do so and work is available for them. The legislation places the responsibility on the prisons to give all convicted persons who are capable of working the possibility to work in the economic units (plants, workshops, farms and other organisational units of the institution as well as outside the institution). It also provides that prisoners with sentences of no more than 6 months may continue to work for the company by whom they were employed prior to being sentenced, if this is consistent with security, if the prisoner and the company agree and if the company is located near enough to the prison.

Major efforts are made to find work for the prisoners and in the four largest prisons at least half of the sentenced prisoners who are fit to work have employment of some kind. In Tuzla almost all are employed. At the end of 2001 some 69% of sentenced prisoners in the Federation prison system were employed; about half are engaged in domestic work (including cooking and cleaning), and the other half in work in the economic units at Zenica, Tuzla and Mostar.

No pre-trial detainees have employment. The law on criminal procedure only allows the employment of those who have already been indicted or whose main trial has been completed and a conviction registered; even so they may only work if permission is received from the court where the proceedings are being conducted. But it is the difficulty of finding work that explains the fact that not a single pre-trial detainee is employed.

Notable successes in terms of the quality of work available are restaurants at

both Tuzla and Zenica that are open to the public, well-run, and thoroughly pleasant places in which to dine. The cooks and waiters are prisoners working under supervision. It is reported that prisoners working as waiters at the Tuzla restaurant are regularly offered jobs to be taken up when they are released, it being difficult to recruit good quality waiters anywhere else in the area. The agricultural unit at Zenica is also very successful. Zenica sells bread, eggs (and gas from the energy unit) to the public (Walmsley and Križnik, 1998 pp.47-8).

The economic unit at Zenica includes a foundry and a grinding area which was in very poor condition in 1998 (*ibidem*, p.48). It was full of dust and dirt, the light was poor and the temperature unregulated. There was danger to the prisoners from the open burners and they did not routinely wear protective clothing. It was generally recognised that conditions were such that if it could not be reconstructed it would need to be closed. About 100 civilian employees from the town worked in the unit alongside the prisoners and the prison authorities felt responsible for their future employment as well as that of the prisoners. New equipment has since been obtained and the roof has been reconstructed. Regulations in respect of the protection of prisoners at work were included in the 1998 legislation but it is recognised that staff training, improved protective equipment and better material conditions are necessary if these regulations are to be consistently implemented.

The economic unit at Tuzla prison, sited at Koslovac nearby, was taken over by the army during the war and only recovered by the prison in 2001, despite a government decision to return it having been announced in 1999. Prior to the war it contained fruit trees, premises for cattle-breeding, land for growing vegetables and a motel. A unit of about 100 prisoners was living and working on the farm by mid-2002 and the motel has been renovated for use not only by prisoners' visitors but for other (official) visitors also.

Prisoners are paid between a third and a half of the salary received for equivalent work in the community. The average monthly pay for prisoners employed at 31 March 2001 was 77 convertible marks (KM) or about 40 euros, with considerable variation between the institutions. At Sarajevo the average was 105 KM, at Bihać and Tuzla 93 KM, at Zenica 81 KM, at Mostar 72 KM, and at Orašje 40 KM. Those unable to work and from poor families may be given a small sum to help with the purchase of toiletries and other personal items, including the means of sending letters. In Tuzla this is arranged by means of a social assistance fund which was established in 1997 on the initiative of the officer in charge of employment. The money is raised by depositing a sum from regular resources received for the running of the prison. Prisoners in need of such help benefit periodically by receiving a sum of not more than 50 KM and prisoners participate in decisions as to who needs such assistance.

Vocational training and education

Vocational training is available in Zenica prison (in the bakery, the foundry and the restaurant) and in Tuzla (in the restaurant).

Organised education is only available at Zenica. Elsewhere individual pris-

oners are allowed to leave the prisons to receive education outside. Younger prisoners at Zenica who have not completed normal education but are capable of doing so will have this included in their treatment programme and they are strongly encouraged to accept it. There are no programmes of remedial education arranged for prisoners with special problems such as illiteracy and innumeracy but it is reported by the Ministry of Justice that it is rare for there to be illiterate prisoners.

The larger prisons in the Federation have libraries, and efforts are made in the smaller institutions to provide prisoners with books by a variety of means, including staff bringing books from their homes. At Zenica the library contains some 7,000 books and is said to be used by about 70% of sentenced prisoners.

Inspection and monitoring

A system of inspections monitors the extent to which the prisons are operating in accordance with the laws and regulations and the objectives of the Office for the Execution of Criminal Sanctions. Inspections are conducted by the Ministry of Justice. In 1998 the two inspectors, a lawyer who was formerly director of Banja Luka prison (now in Republika Srpska) and a psychologist and pedagogue who was formerly head of the treatment service at Sarajevo prison, worked together in each inspection, the former concentrating on security and legal aspects and the latter on treatment aspects. By 2001 the former inspector had been succeeded by another who had worked at management level in the treatment service; both inspectors cover security and treatment aspects. The procedure is that after inspecting the institution itself they meet with senior staff. A report is then written recording opinions, impressions, matters that could be improved and ways of improving them. This is sent to the director of the prison within two or three days of the inspection. The director may comment on it and draw attention to anything with which he disagrees. Comments on the material conditions of the prison will lead to an approach, which will often be unsuccessful, to the Ministry of Finance, seeking additional resources to make the necessary improvements (Walmsley and Križnik 1998, p.16).

The Assistant Minister explained that the purpose of each inspection is to improve the quality of work across the whole system. Lessons learned in one prison are passed on to others. As a result of inspections, organisational meetings are often held of particular categories of staff. The inspections not only check that the institutions are being run in accordance with current law and regulations: the inspectors also act as counsellors and meet with different categories of staff and also with all prisoners gathered together. They also meet separately with any who want to see them in private and distribute a questionnaire for prisoners to complete anonymously. The aim is to gather as much information as possible as to what happens in the prison. On the basis of all this, instructions or recommendations are given in the interests of increasing efficiency and improving practice (*ibidem*, p.17).

The form and content of inspections is entirely in accordance with the intentions of Rule 4 of the European Prison Rules. Inspection reports were studied

during the Council of Europe assessment visit and appeared to be careful, well-focused, critical where necessary and clearly aiming at continual progress. They ended with specific recommendations and deadlines by which these must be carried out. Most of the recommendations indicated that action must be immediate and become a permanent requirement. Inspections of each prison are carried out at regular intervals and additionally if there seems to be an urgent need.

Prisons are also monitored by the investigating judges and by international bodies such as the Office of the High Representative for Bosnia and Herzegovina, the Office of the United Nations Mission to Bosnia and Herzegovina, the Organisation for Security and Co-operation in Europe, the International Police Task Force, the European Monitoring Mission and the International Committee of the Red Cross. With the accession of Bosnia and Herzegovina to the Council of Europe in April 2002 it is to be expected that, following ratification of the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Committee which monitors that Convention, the CPT, will join the list of bodies that monitor the prison system.

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prison and the treatment of prisoners, are reported to be widely available in the Federation prison system and used in staff training. The Assistant Minister and the directors of the penal institutions have copies of these standards, as do other staff in the Office for the Execution of Criminal Sanctions and in each penal institution. Copies are also said to be available to be read by prisoners.

Non-governmental organisations

The Assistant Minister reports that non-governmental organisations visit the prisons in order to monitor practice and protect human rights. These are mainly the international organisations referred to above. The Ministry of Justice considers this work to make a positive contribution. There are also occasional visits from religious representatives.

International co-operation

The prison service of the Federation of Bosnia and Herzegovina has not been involved extensively in international co-operation but, following the Council of Europe's assessment visit in 1998 and the production of the report, meetings have been arranged under the auspices of the Council of Europe in order to discuss progress and a steering group has been established, bringing together the prison services of both entities of Bosnia and Herzegovina. An action plan has been developed, a study visit took place to Slovenia and Croatia and a meeting took place early in 2002 to discuss methods of coping with the sharp rise in the prison population.

Other matters

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections and there are no limitations on prisoners' right to vote after they are

released from prison.

The Ministry of Justice Office for the Execution of Criminal Sanctions produces an annual report. The Penological Association of the Federation of Bosnia and Herzegovina, consisting of senior members of the prison service, published in March 2002 the first (80 page) issue of a journal 'Penološka Teorija I Praksa' (Penological theory and practice) consisting of some 15 articles about important issues concerning the prison system.

Important recent developments

The following are regarded by the Ministry of Justice's Office for the Execution of Criminal Sanctions as some of the most important recent developments affecting the prison system of the Federation of Bosnia and Herzegovina:

- the introduction of the 1998 Law on the Execution of Criminal Sanctions, which largely incorporates the standards in the European Prison Rules;
- the abolition of ethnically-based prisons as a result of the closing of the Mostar East (Bosniac) prison in 2001 and its amalgamation with Mostar West, which after the war had been the Croat prison;
- improved conditions for the employment of prisoners, e.g. with the return in 2001 of Tuzla's economic unit at Koslovac;
- the increase in prison capacity and the renovation and adaptation of institutions that were devastated in the war of 1992-95.

Current objectives

The following are some of the main objectives reported by the Assistant Minister of Justice:

- to bring conditions in the prisons closer to European standards as set out in the European Prison Rules;
- to introduce a further new Law on the Execution of Criminal Sanctions in the Federation, embodying all criminal sanctions including those not involving imprisonment, and to eliminate variations in practice in the cantons by bringing them under this single legislative Act;
- to create a prison for women and a unit for carrying out the security measure of compulsory psychiatric treatment in a health institution;
- to create a correctional home for juveniles (under 18);
- to increase opportunities for the employment of prisoners.

Main problems

The following were identified as problems that are obstacles to the achievement of some of the above objectives and to the advancement of the prison system in the Federation of Bosnia and Herzegovina:

- the sharp rise in the prison population – 30% in 2001;
- overcrowding, especially in Zenica and Sarajevo prisons, but also in Tuzla;
- shortage of equipment and the absence of other conditions necessary for

- the normal working of the institutions;
- the fact that there are insufficient trained staff, both security staff and treatment staff;
- the inflexible system of financing activities, with a rigid annual budget which cannot be adjusted to the changing prison population;
- the absence of a prison for women and of a unit for carrying out the security measure of compulsory psychiatric treatment in a health institution.

Achievements

The Ministry of Justice was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by other prison systems. They drew particular attention to:

- the meetings that are held for prison staff to exchange ideas, experience and good practice;
- the opportunities provided to staff for socialising, including sporting activities. This is said to have led to good relations between staff working in different institutions.

Further achievements of the prison system in the Federation of Bosnia and Herzegovina include:

- the reconstruction and renovation that has been achieved since the end of the war of 1992-95;
- increasing the minimum space allowance per prisoner from 8m³ (3m²) to 10m³ (4m²);
- the arrangements that have been made to improve the conditions under which disabled prisoners serve their sentences, including the creation of a ground-floor unit for amputees;
- the adaptation of bathrooms for disabled prisoners and the provision of a person to care for their special needs;
- increasing the frequency with which pre-trial detainees may be visited to once a week, and allowing them also to make telephone calls;
- providing sentenced prisoners with good opportunities for home leave;
- pedagogues (educators) making contact with prisoners' families where necessary, in order to improve relationships between the families and the prisoners;
- the overall ratio of prison staff to prisoners being 1 : 2.0, or 1 : 2.5 if the ratio is calculated only on the basis of management, security and treatment staff in the prisons;
- the fact that security staff work increasingly closely with treatment staff, thus giving the former a more forward-looking role than the traditional one of simply ensuring good order and discipline;
- the efforts that are made to involve prisoners in decisions about their treatment and environment and to motivate them to participate as responsible

- adults in the life of the institution;
- having good quality work for prisoners available in public restaurants run by Tuzla and Zenica prisons;
- having established a social assistance fund (in Tuzla) to assist prisoners who are without any other source of money (as a result of unemployment or poverty);
- having a thorough internal (Ministry of Justice) inspection system, which not only checks that the institutions are being run in accordance with current law and regulations but also aims to improve the quality of practice across the whole prison system;
- accepting and implementing (in 1999) all recommendations in the Council of Europe assessment report of 1998 that did not require significant material investment and for which existing resources were sufficient and, where possible, going beyond the measures recommended.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. Relations between staff and prisoners are generally good and there are many examples of good practice.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to ensure that all juveniles, including pre-trial detainees, are held separately from adults;
- to ensure that sanitary installations, and arrangements for access, are adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions;
- to pay particular attention to the further development of staff training for all levels and types of staff;
- to require medical staff to advise the director, in accordance with Rules 31.1c and d of the European Prison Rules, on the sanitation, heating, lighting and ventilation of the institutions and the suitability and cleanliness of prisoners' clothing and bedding;
- to develop programmes of constructive activities, including education and vocational training, to occupy prisoners' time in a positive manner and enable them to develop skills and aptitudes that will improve their prospects of resettlement after release;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after release.

Annex 1

BOSNIA AND HERZEGOVINA - FEDERATION : Numbers in the penal institutions 1994-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate**)
1994	626	25	2.5 million
1995	536	21	2.5 million
1996	586	23	2.5 million
1997	754	30	2.5 million
1998 (31/1)	769 (810*)	31 (32*)	2.5 million
1999 (31/8)	836 (892*)	33 (36*)	2.5 million
2000	1,041 (1,102*)	42 (44*)	2.5 million
2001	1,359 (1,428*)	54 (57*)	2.5 million

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	320	30.7	13
(31/12)	333	24.5	13
Female prisoners in 2001			
(31/12)	33	2.4	1
	TOTAL among sentenced population	Percentage of sentenced population	
Juveniles (under 18) in 2001			
(31/12)	13	1.3	
Foreign prisoners in 2001			
(31/12)	39	4.0	

* The figures in brackets include persons who have been ordered by a court, following an offence, to be detained for the security measure of compulsory psychiatric treatment in a health institution. Such persons were held before the 1992-95 war in a Ministry of Health institution, which is no longer available to the authorities in the Federation of Bosnia and Herzegovina. They are consequently being held, on a temporary basis, in a separate unit in Zenica prison.

** Since the war of 1992-95 there is no authoritative figure for the population of the Federation of Bosnia and Herzegovina. The estimate of 2.5 million is generally accepted as a reasonable approximation.

Annex 2

Penal institutions in the Federation of Bosnia and Herzegovina: functions and capacity, 2001

1	Zenica	Closed prison for pre-trial detainees (55), sentenced prisoners - including those serving more than one year (294), juveniles (75) and those detained for compulsory psychiatric treatment (40)	464
2	Sarajevo	Closed prison for pre-trial detainees (128) and short sentence prisoners – including eight places for women (71)	199
3	Sarajevo-Ustikolini	Department of Sarajevo prison, separately located, for pre-trial detainees (12) and short sentence prisoners (12)	24
4	Tuzla	Semi-open prison for pre-trial detainees (52) and short sentence prisoners - including 27 places for women (148)	200
5	Orašje	Department of Tuzla prison, separately located, for pre-trial detainees (14) and short sentence prisoners (14)	28
6	Mostar	Semi-open prison for pre-trial detainees (80) and short sentence prisoners - including 12 places for women (62)	142
7	Bihać	Semi-open prison for pre-trial detainees (26) and short sentence prisoners (55)	81
8	Busovaća	Department of non-existent prison of Tomislavgrad for pre-trial detainees (20), and short sentence prisoners (25)	45

TOTAL (at end of 2001) **1,183**

Note: The capacities of the institutions are based on an allowance of 4m² per prisoner.

Annex 3

Federation of Bosnia and Herzegovina: principal sources of information

Response by the Assistant Minister of Justice, Mr Rešad Fejzagić, to survey questionnaires for this project.

Mr Dzermal Husić, former Assistant Minister of Justice, and other senior officials and prison directors at the time of the Council of Europe assessment visit in February 1998.

Council of Europe, 2000. First Steering Group meeting on the reform of the prison system of Bosnia and Herzegovina, Strasbourg, 16-17 October 2000. Council of Europe, Strasbourg

Council of Europe, 2001. Second Steering Group meeting on the reform of the prison system of Bosnia and Herzegovina, Neum, 28-29 November 2001. Council of Europe, Strasbourg

Coyle A. and van der Linden B., 1998. Expert opinions on the draft law on the execution of punishments of the Federation of Bosnia and Herzegovina. Council of Europe, Strasbourg

Federation of Bosnia and Herzegovina, Ministry of Justice, 1997. Information on the state of the prison system and the execution of criminal sanctions in the Federation of Bosnia and Herzegovina. Sarajevo

Federation of Bosnia and Herzegovina, Ministry of Justice, 2001. Report on the state of the places for the execution of sanctions in the Federation of Bosnia and Herzegovina. Sarajevo

Fejzagić R., 2002. The topical issue of the anticipation of the growth of the prison population and adjustment of facilities to the projected number of prisoners in the Federation of Bosnia and Herzegovina. Unpublished paper for Council of Europe meeting in Sarajevo, April 2002.

Husić D., 1999. Information on measures undertaken upon proposals of the Council of Europe experts. Unpublished paper, September 1999.

Penological Association of the Federation of Bosnia and Herzegovina, 2002. 'Penološka Teorija I Praksa' (Penological theory and practice). Zenica.

Walmsley R. and Križnik I., 1998. Report of an expert visit to the Federation of Bosnia and Herzegovina, February 1998, to describe and assess the prison system. Council of Europe, Strasbourg

26. Bosnia and Herzegovina: Republika Srpska

Legislative framework

A new Penal Code was approved on 22 June 2000; a new Penal Procedural Code was in the course of the legislative process at the beginning of 2002. These Codes replace legislation dating back to 1984 and 1976. A new Penal Executive Code, known in Bosnia and Herzegovina as the Law on the Execution of Criminal Sanctions (LECS), was passed in 1993 in Republika Srpska (RS), in order to demonstrate the authority of RS in such matters and also “to introduce modern ideas into the very sensitive field of human rights and liberties by normative rules” (Bubić G. and Djukić B, 1996). The 1993 law indicated the intention of having open, semi-open and closed institutions and stated that recidivists and those sentenced to more than one year (or with more than one year left to serve) should serve their sentences in a penal-corrective institution (*kazneno-popravni dom*), while those with sentences of a year or less should serve their time in a district prison (*okružni zatvor*).

The provisions contained in the 1993 law were unable to be fully implemented and have now been superseded by a new Code ‘The Law on the Execution of Criminal and Misdemeanour Sanctions’ which was approved by Parliament and enacted in November and December 2001 and came into force on 1 January 2002. The intention of the 1993 law concerning the type of institutions in which prisoners should serve their sentences is repeated in the new law. The Ministry of Justice is preparing by-laws, regulations, statutes and instructions elaborating individual provisions of the law and “creating a normative framework to facilitate application of the law both by prison staff and convicted persons” (Čurković, 2002). The intention in both the law and the regulations is “to incorporate all positive experiences from neighbouring countries while consistently observing the European Prison Rules and international standards in this domain” (*ibidem*).

Organisational structure

The prison system in Republika Srpska is under the Ministry of Justice, as it has been in all of Bosnia and Herzegovina since 1968. As in the Federation of Bosnia and Herzegovina, there is no head of prison administration, but the Assistant Minister of Justice in charge of the Division for the Execution of Criminal Sanctions approximates most closely to such a role. However he is formally an assistant to the Minister who gives advice in respect of the prison system and coordinates its activities; he is not the titular head of that system. The directors of the prisons are appointed and dismissed by the government on the proposal of the Minister of Justice. This structure was standard practice in the republics of former Yugoslavia.

The Assistant Minister of Justice, Mr. Strahinja Čurković, a former investigating judge, assumed his post in 1997. At the end of 1998 he was assisted by

two other staff, a prison inspector and a lawyer both of whom were based not in the Ministry of Justice in Banja Luka but in Bijeljina. There were three vacancies in the department, all for inspectors. In 2001 the Assistant Minister was assisted by two inspectors, one with responsibility for security matters and the others for treatment (education) and the human rights of prisoners, and by mid-2002 two further inspectors had been appointed, and another adviser. Two of the inspectors were formerly prison directors and the other two former deputy directors. Two were based in Bijeljina, one in Banja Luka and one in Srbinje/Foča.

There were six penal institutions in 2001 with a total capacity of 1,095. Three are designated penal-corrective institutions, Banja Luka and Srbinje/Foča which are maximum security and Srpsko Sarajevo (Kula) which is medium security. These have capacities of 291, 298 and 155 respectively. The other three institutions are designated as district prisons with capacities ranging from 72 to 146. Trebinje prison, used by the government as a refugee centre after the war, was returned to the prison system in October 2000.

Srbinje/Foča is a large prison, which was built as a military barracks in 1892 under the Austro-Hungarian Empire. Its facilities before the war of 1992-95 included the prison hospital for Bosnia and Herzegovina, a very large furniture factory, a cinema hall with 500 seats, a school and workshops. Neither the prison hospital, nor the school or cinema is now functioning because of war damage or shortage of resources. The prison is situated near a bridge over the river Drina which was bombed in the war. The bombardment caused much damage to the prison; the plumbing and electrical system were put out of action and roofs, windows and the prison façade all suffered significantly. All roofs have since been reconstructed and also the windows and the façade. The plumbing has been partly repaired but the heating system was still inoperative at the end of 2001 and rooms are heated only by wood-fired stoves. In 1998 Srbinje/Foča still had a notional capacity of 900, but there were only facilities for about one third of that number and the prison capacity has since been adjusted accordingly. Bijeljina is the oldest of the other prisons, having been built in the 1930s as an industrial complex.

Pre-trial detention

The level of pre-trial detention in Republika Srpska has changed little in the last few years, and in November 2001 was at a rate of 14 per 100,000 of the estimated population of the entity. Pre-trial detainees constituted 21.4% of the prison population at that time. This rate of 14 per 100,000 (which fell to just over 13 early in 2002) and those in the other former republics of Yugoslavia (which, apart from Montenegro, range from 7 to 19), are lower than those in any other prison system in central and eastern Europe. The average length of pre-trial detention in 2001 was four months in Banja Luka, but longer elsewhere because there are fewer judges outside the capital.

The pre-trial detention process at the end of 1998 was that a suspect detained by the police could be held for up to 72 hours in a police lock-up. After that he

had either to be released or to be transferred to a prison under a court order. A new draft law, harmonising the situation in both entities of Bosnia and Herzegovina, would reduce the time a suspect may be held in police custody to 24 hours.

The numbers held in penal institutions

During and immediately after the war no statistics were kept of the number of prisoners held in Republika Srpska. The first figures available are for April 1998. There were then 787 prisoners in the penal institutions but a total of 872 (67 per 100,000 of the estimated entity population) were registered as inmates of the institutions. The latter figure includes escapees, prisoners away in hospital and those who are on temporary leave. At the beginning of November 2001 the number registered was slightly lower at 849 (65 per 100,000), but it had risen to 903 (69 per 100,000) by March 2002 (Annex 1). The number actually in the penal institutions was 15-20% lower than this (682 in November 2001 and 773 in March 2002). Of the 130 absent prisoners in March 2002, 97 were recorded as escapees, 15 in hospital and 18 on temporary leave. There were just 21 female prisoners among the total in March 2002 (2.3%) and eleven juveniles under 18 (1.25%). The prison population rate of 69 per 100,000 in March 2002 is higher than that in the Federation of Bosnia and Herzegovina and in Slovenia, Croatia and Serbia but lower than that in Montenegro and much lower than in Austria or Hungary. This is in keeping with the traditionally low levels of imprisonment in former Yugoslavia.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of November 2001 was 77.5% of the official capacity of the system. By March 2002 it had risen to 82.5%. The most crowded institution was Bijeljina, where there was an occupancy level in the accommodation for sentenced prisoners of 129% in March 2002.

The official minimum space allowance per prisoner has for many years been 8m³ which is regarded as 3m². No change has been made in the recent legislation. However, following the Council of Europe assessment report (Walmsley and Nestorović, 1998), which referred to the need for at least 4m² per prisoner, the Ministry of Justice has analysed the space available in its institutions and reduced the capacities of every prison by 15-30% (more in Srbinje/Foča). Official statistics now show the capacity of each institution, the average space that this would allow each prisoner in terms of m³ and m², the occupancy of each institution, and the average space that is consequently available to each prisoner in practice. Particular attention is paid to the extent to which the level of 4m² is reached. The overall capacity of the system now affords sentenced prisoners an average of 3.4m² of space and pre-trial detainees an average of 3.6m², but the capacity figures in the individual prisons allow differing amounts per prisoner ranging, for sentenced prisoners, from 4.1m² in Srpska Sarajevo (Kula) to 2.0m² in Bijeljina and, for pre-trial detainees, from 5.2m² in Trebinje to 2.4m² in Bi-

jeljina. Using the occupancy figures in November 2001 and March 2002 it is clear that in all institutions apart from Bijeljina the target of at least 4m² is achieved or almost achieved. In two prisons, Srpsko Sarajevo (Kula) and Trebinje, all prisoners were receiving at least 4m². But in Bijeljina which, as already seen, exceeds its official capacity level for sentenced prisoners, a level which allows only 2m² of space each, sentenced prisoners were receiving only 1.5m² each, on average, in March 2002.

Accommodation, both for pre-trial detainees and sentenced prisoners, is in shared cells or rooms. The numbers per room vary from prison to prison but the most prisoners accommodated in one room is said to be 14 in a room measuring 47.5m²; in 1998 dormitories in Srbinje/Foča prison were for 25. The Ministry of Justice has accepted the principle of converting large rooms/dormitories into smaller rooms or cells, but they have not yet been able to make this change. Untried prisoners are reported by the Ministry of Justice to be always detained separately from sentenced prisoners, women prisoners separately from men and juveniles separately from adults. Exceptions to the policy of keeping sentenced prisoners separately from pre-trial detainees were noted at the end of 1998 at three prisons involving four or five pre-trial detainees. In each case they had requested to be alongside sentenced prisoners (in order to work or, in the case of a lone women at Banja Luka, for company) and the approval of the courts had been obtained (Walmsley and Nestorović, 1998 para 7.4).

Lighting and ventilation were found to be generally satisfactory at the end of 1998 but heating was a major problem in several of the prisons. The normal heating systems in Srbinje/Foča and Kula prisons were inoperative and use was being made of small furnaces, which burned wood. The heating system at Banja Luka had been repaired with assistance from the International Committee of the Red Cross. The entity government made available at that time special assistance in the form of charcoal, oil for heating and firewood (*ibidem*, para 8.3). It has subsequently proved impossible to repair the boiler room and heating installation at Srbinje/Foča and the situation there at the end of 2001 was unchanged; the necessary repairs have been made at Kula.

Sanitary installations and arrangements for access are reported by the Ministry of Justice to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides the toilet paper. In general sanitary arrangement were found to be good at the time of the Council of Europe assessment visit (*ibidem*, para 8.6) but the cleanliness of some sanitary installations was unsatisfactory.

Every prisoner is able to have a bath or shower at least once a week, and changes of underclothing are provided twice a week. At the end of 1998 the personal hygiene of prisoners did not always satisfy them and some complained that they were provided with insufficient toilet articles; staff explained that they would like to provide more but financial resources were inadequate (*ibidem*, para 9.2). Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Because of the shortage of resources prisoners could not always be provided, at the end of 1998, with working clothes or boots/shoes (*ibidem*, para 9.6), and the situation was unchanged at the end of 2001. Every prisoner has a separate bed.

Food and medical services

The quality and quantity of food are said to be close to average standards in communal catering outside. However, the Ministry of Justice reports that it is unable to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for those who need them for health reasons or for religious reasons. They are also provided for pregnant women and those who have recently given birth and for juveniles. The new (2001) law requires that the energy value of the food supplied to adult prisoners must be at least 12,500 joules per day, while that provided to juveniles must be at least 14,500 joules.

The number of medical staff who are employees of the RS prison system is very small and constitutes just 2% of prison staff. Other medical needs are met by staff on contract and there are arrangements for outpatient clinics and local hospitals to deal with specialist examinations and other interventions. The Council of Europe assessment report, based on the situation at the end of November 1998 when there was no full-time doctor in the system and just six medical technicians (nurses) - 1% of all prison staff, considered such arrangements to be unsatisfactory and recommended that the Council of Europe supply an expert in health care to advise on improvements (Walmsley and Nestorović, 1998 paras 10.6-10.9); since then the numbers have increased – there were 11 medical staff, including dentists, at March 2002 – and there is now one full-time doctor at Bijeljina. Elsewhere contract staff are used instead. Until the recent appointment at Bijeljina there had been no full-time doctor in the system since 1992; efforts to recruit doctors have been unsuccessful because qualified people prefer the more lucrative work available in the community outside. A dental service has been provided in all prisons, with the dentist either as a full-time employee or on contract.

Many prisoners suffer from alcohol problems and the numbers are increasing; the Ministry of Justice reports that a treatment programme is in place. Not many prisoners within the RS prison system have a drug problem but numbers are nevertheless increasing. There is again reported to be a treatment programme in place. HIV/AIDS is not reported to be a problem and numbers are not increasing. Despite World Health Organisation guidelines to the contrary, all prisoners are tested for HIV/AIDS. Tuberculosis is not a problem and numbers are not increasing; again the Ministry of Justice reports that there is a treatment programme available. No prisoner died of tuberculosis or as a result of suicide in 2001; there were just two deaths in the prison system as a whole.

Suicide and self-injury are not a serious problem in the RS prisons; incidents are rare. Nevertheless the new law includes “jeopardising one’s own health by self-inflicting injuries” as a disciplinary offence. Disciplinary punishment is generally considered an inappropriate response to such behaviour (e.g. Walmsley, 2001 para 39).

Health care in the prisons is believed to be superior to that available in the community outside. This is attributed to the fact that people outside often have to wait a long time to get a medical examination and some are unable to buy the necessary medicines. During the war it became difficult to acquire medicines and these were obtained from humanitarian organisations. Medicines are now bought on the market. Medical equipment is basic and needs modernisation. There are shortages of some medicinal drugs.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

Discipline and punishment

The disciplinary punishments available in the RS prison system under the new legislation are reprimand, deprivation of benefits and solitary confinement for up to 30 days. The 1993 LECS for RS is said to have reduced the maximum period from 30 days to 20 days, so the new law has reversed this provision. Solitary confinement may only be imposed for the most severe disciplinary violations and may not be pronounced without the written opinion of a doctor on the prisoner's health (LECS, Article 172 in draft of April 2001). This legislation lists thirty-three types of behaviour that are classified as disciplinary offences, the first twelve of which are classified as 'more severe' (ibidem, Articles 164-5).

The conditions in which the punishment of solitary confinement is served are required by the new legislation to be such as is in accordance with that prescribed for normal accommodation by the European Prison Rules; in addition the prisoner must have 10m³ of space, and must be visited not only by a doctor once a day but also by the pedagogue (educator) at least twice a week and the director of the prison at least once a week.

Disciplinary punishments were being used as little as possible at the end of 1998, with lesser breaches of discipline resolved by discussion rather than punishment. Solitary confinement was normally imposed for 7 days only. Recommendations were made however in respect of the state of isolation cells at Srbinje/Foča, where one cell was cold and damp and others were badly lit (Walmsley and Nestorović, 1998 paras 11.6-11.7).

Contact with the outside world

Pre-trial detainees and sentenced prisoners are allowed by law to be visited at least once a month; in practice they are allowed visits from family members once a week. Those in a semi-open (medium security) prison or unit receive at least two visits a month and those in an open prison or unit at least three visits a month. All visits to sentenced prisoners must be at least one hour long. Visits to pre-trial detainees were very short at the end of 1998 (10 minutes in one prison, 15 in another and 30 in two others); the Council of Europe assessment report recommended that they should always last at least 30 minutes (ibidem, para 12.6). By the end of 2001 it was reported that such visits usually lasted at least 30

minutes, but the decision depended on the investigating judge. Visits to pre-trial detainees at all prisons except Banja Luka were 'open', in other words the detainee was not physically separated from the visitor (e.g. by a glass screen). Even at Banja Luka security staff did not prevent visitors and detainees from touching hands underneath the screen (*ibidem*). In 2001 the judge at Banja Luka expected no contact to be allowed, but exceptions were being made. Visits to detainees are supervised by a member of the security staff or sometimes by someone from the investigating authority.

In practice pre-trial detainees are normally allowed to correspond by letter with family members and to receive letters and parcels from them. Sentenced prisoners may send and receive an unlimited amount of letters and may receive one parcel a month (if in a closed institution or unit), two parcels a month (semi-open institution or unit), or three parcels a month (open institution or unit). Visits may be supervised or unsupervised. Facilities are available at Banja Luka and Srbinje/Foča for private (intimate) visits from wives or common-law wives; these are mainly used for longer-term prisoners, some of whom cannot have prison leave for security reasons. The Ministry of Justice reports that there are also facilities in at least one prison for sentenced prisoners to receive long visits (including overnight stay) from their families. Prisoners' letters are usually read by a pedagogue (always in the case of pre-trial detainees). Pre-trial detainees and sentenced prisoners are allowed to speak to family members and friends by telephone, at least in some institutions and in some circumstances. In addition, sentenced prisoners can sometime make calls from their workplace outside the prison.

Sentenced prisoners are given good opportunities for prison leaves (known as external benefits). The various types of leave include a day visit (5 or 10 hours) into town, 48 hour weekend leaves, extraordinary leaves up to 7 days (to attend a birth, baptism, marriage or funeral of a member of the immediate family or to visit a family member who is seriously ill) and an annual vacation (18 days for those who have worked a full year and proportionately less if less than a year has been worked) which can be spent all at home or partly at home and partly in the prison. Leaves are available to those who have served at least one third of their sentence (one half if it is a sentence of ten years or more), are behaving satisfactorily and are no longer regarded as a security risk or likely to commit offences while out of prison. The frequency of leaves depends on behaviour and the 'house rules' of the individual prison but leaves to town will often be twice a month and weekend leaves once a month.

On occasions theatre companies and other performers are able to entertain prisoners and a prison football team has been allowed to play a match outside the institution. Such events are important means of maintaining contact with the outside world. In all prisons sentenced prisoners are able to keep themselves informed of the news by reading newspapers, listening to radio and watching television; the same facilities were not always open to pre-trial detainees at the time of the Council of Europe assessment (Walmsley and Nestorović, 1998 para 12.14), but the law provides that they are only denied if the judge expressly forbids such access, something which very rarely occurs.

Religious assistance

There seemed to be little interest among the prisoners for religion and there were few provisions for religious practice at the end of 1998 (*ibidem*, para 12.15); the situation was unchanged at the end of 2001. With the generous allowance of prison leave most sentenced prisoners have the opportunity of taking part in religious activities during such periods but pre-trial detainees cannot do so, nor can sentenced prisoners at the beginning of their sentence or long-term prisoners. The new law specifies that prisons must provide appropriate premises for the performance of religious ceremonies, in agreement with the responsible representative of the relevant religious community. According to the Serbian Orthodox religion special respect is paid to a person's 'saint-day' and prisoners who are receiving external benefits may be allowed a day's leave in order to celebrate it with their families.

Prison staff

The Ministry of Justice employed 586 staff in the prisons of Republika Srpska in March 2002. A further six staff are employed in the Division of the Execution of Criminal Sanctions at the Ministry of Justice and eleven prison staff at Sokolac hospital, which is under the Ministry of Health and takes people who have been convicted of a criminal offence and sentenced to be detained in accordance with the security measure of compulsory psychiatric treatment in a health institution. The 586 staff employed in the prisons comprised the six prison directors, three deputies, 321 security staff, 36 treatment/education staff, 11 medical staff, 130 work instructors and 88 persons engaged in administrative and secretarial work and a variety of other tasks. (The eleven prison staff at Sokolac are one director and ten security staff.) The overall ratio of staff to prisoners is 1 : 1.5 (including all prisoners on the prison registers) or 1 : 1.3 (counting only prisoners actually present in the prisons). If the ratio is based only on management, security and treatment staff in the prisons it is 1 : 2.4 (1 : 2.1 counting only prisoners actually present). The number of staff in post increased between November 1998 and March 2002 by 16.5% overall and by 9% if staff at Trebinje, which was not operating as a prison in 1998, are excluded. There were over 18% (113) vacancies in the system in November 1998; the complement was being revised at the end of 2001, at which time the Assistant Minister of Justice reported that there was a sufficient number of qualified specialist staff taking part in treatment programmes, such as social workers, pedagogues and psychologists.

New recruits to the security department, who are always aged 18-25, have six months initial training after which they must pass a test of their competence to perform the duties required of them. Prison staff undergo a specialised version of a state examination which used to be taken by all public servants. New recruits receive about 60 hours training per year. Training undertaken by security staff prior to their vocational exam includes the study of criminal law and criminal procedure, the rules for security staff on duty, the principles of self-

defence and the use of force and arms, the law on the execution of penal sanctions, the treatment of pre-trial prisoners and the rules for inspections of penal institutions. Higher grade officers have more advanced training in these subjects and also study criminology, penology, psychology and psychopathology. If a new recruit is unable to pass his vocational examination after several attempts he must leave the service. Retirement is at 60 (65 for females) but it can be earlier, after 25 years public service, if at least 10 years has been spent working in prison. There are some benefits for prison staff in comparison with other public servants: twelve months work in the prison service counts as eighteen months for pension purposes. Additionally pensions are calculated on the basis of the salary in the last year of service, while for many other public servants they are calculated on the basis of the average of the last 10 years. There is no training school for staff of the prison system in Republika Srpska. Training is consequently conducted mainly 'on the job'.

Staff morale was said to have improved considerably in 1998 when pay began to be paid promptly and new uniforms arrived. Moreover the status of prison staff in the local community was reported to be reasonably high. However, there were a number of factors that were keeping morale lower than the Ministry of Justice would like it to be. Equipment for security staff was in short supply, and there were no specialised vehicles in which to escort prisoners to courts, hospitals and other prisons. The salary of security staff was very low, there was no radio or phone system for staff to communicate with each other and no prison had a computer (Walmsley and Nestorović, 1998 para 13.2).

At the beginning of 2002 the situation has scarcely improved. There is still a shortage of specialised vehicles, there has been insufficient funding to buy further uniforms for staff and there is an absence of communication equipment, detection devices and other technical security equipment. Although the Ministry of Justice has provided a computer for each institution in order that they might be linked to the central unit at the Ministry of Justice in an integrated system, funds have been inadequate for this to be achieved. None of the prisons has adequate equipment for checking packages and detecting forbidden items, including drugs. Thus checking of people and materials has to be done without technical devices. Furthermore a large number of staff do not have satisfactory housing arrangements. The Ministry of Justice believes that the working conditions of prison staff at the end of 2001 were more difficult than those of staff in similar services, including those working in the Ministry of Interior and the court police (Čurković, 2002).

In the institutions for male prisoners about one sixth (17%) of staff are women, working mainly as treatment staff (psychologists and social workers) or in administrative positions. In the units for women prisoners about two sevenths (29%) of staff are men, working mainly as security staff or in administrative tasks. Security and treatment staff and staff in the production units work closely together as a team and thus jointly contribute to the treatment process.

Treatment and regime activities

The key person in the treatment of sentenced prisoners is the pedagogue (educator). According to the 2001 legislation pedagogues must have a university level education and will be responsible for a group of some 40 sentenced prisoners (20 in the case of juveniles). After undertaking the initial social analysis the pedagogue continues to supervise the treatment process and provide social work help and advice. In the prisons where there is no special worker for organising leisure activities, that task also falls to the pedagogue. The Assistant Minister of Justice reported that at the beginning of 2002 the usual number of prisoners in a pedagogue's group was indeed 40, but 30 for recidivists and 20 for juveniles.

During a normal day the cells/rooms of sentenced prisoners without work were unlocked for between one and five hours at the beginning of 2002. Prisoners with work spent most of the day unlocked, as was noted at the end of 1998. However the Council of Europe assessment team considered that in most institutions prisoners' lives were somewhat boring and aimless and that there was a shortage of constructive opportunities to enable them to develop skills and aptitudes that would improve their prospects of resettlement after release (Walmsley and Nestorović, 1998 para 15.4). The Ministry of Justice reports that at the beginning of 2002 the main treatment programmes and activities available for sentenced adult prisoners are cultural (including craft-work), sporting and use of the libraries; treatment programmes for juveniles are similar to those for adults, but include more recreational activity, group activities, cultural visits and attendance at sporting events.

At the end of 1998 cultural opportunities for adults were greatest in Banja Luka and Srpsko Sarajevo (Kula). In Banja Luka painting, modelling, musical and literacy activities were undertaken and in Kula there were musical activities and theatre groups gave occasional performances in the prison, as also occurred at Banja Luka. The cinema halls at Srpsko Sarajevo (Kula) and Srbinje/Foča were both lost because of wartime damage but the opportunity to watch films on television is said to have made the cinemas unnecessary.

In most institutions prisoners are encouraged to participate in, and assume responsibilities in respect of, the activities of the prisons. At the end of 1998 Banja Luka ensured that each prisoner group had a three-person council which had monthly meetings with the pedagogue. The prisoners set the agenda and reports were prepared of the meetings and of conclusions reached. Three or four times a year all the councils met together. At Bijeljina there was no prisoners council but prisoners were consulted on a daily basis about many aspects of prison life. In Srpsko Sarajevo (Kula) two room representatives were in regular contact with pedagogues about a wide range of matters. In Srbinje/Foča prisoners and their representatives demonstrated their sense of responsibility and self-reliance by the way they handled a difficult situation concerning work strikes (Walmsley and Nestorović, 1998 para 15.9). Similar arrangements were said to be in operation at the end of 2001.

Pre-trial detainees normally spend at least one hour out of their cells/rooms per day, giving them the opportunity for exercise in the open air but for no other

activity, unless they receive a visit. In some prisons their legal status seemed to the Council of Europe assessment team to be inhibiting anything more being done than holding them securely and humanely and ensuring that they had food, exercise and health care. Pedagogues were only able to play a very limited role. Nonetheless three of the five prisons at the end of 1998 managed to employ a small number of detainees. Indeed in Banja Luka some 25% of detainees were working, on a voluntary basis and with the courts' permission (*ibidem*, para 15.5). At the end of 2001 some 10% of the pre-trial detainees in the prisons of Republika Srpska had some work.

The Ministry of Justice reports that they are able to make pre-release arrangements to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return. Some pedagogues devote much time to increasing contact with the family and preparing prisoners in a variety of ways, including making efforts to find employment.

Prisoners may be granted early conditional release provided that they have served at least four-fifths of their sentence. Applications for release may be made by the prisoner or by the director of the prison on the prisoner's behalf (Articles 190-192 of LECS). A commission for considering such applications was established at the beginning of 1998 and, since 2001, consists of a representative of the Ministry of Justice, a judge of the Supreme Court and the director of the prison in which the applicant is serving the sentence. At a meeting of the Commission towards the end of 2001 twenty-one applications were received in respect of prisoners at Banja Luka prison, of which seventeen were made by the prisoners and four by the prison director. Seven of the prisoners' applications were accepted, and all four of those by the prison director. The Ministry of Justice advises that the new procedures are too recent for it to be possible to estimate the overall percentage of sentenced prisoners who will be conditionally released.

Unfortunately, social service agencies in the community are not well-resourced for assisting released prisoners to re-establish themselves in society. Despite approaches to the Centres for Social Work (CSW) from pedagogues in the prisons seeking assistance with employment, re-integration into family life etc. they do not always receive replies and even when they do the CSWs are often unable to help, since they are poorly staffed and in the aftermath of war have many other demands on their personnel and resources. Some prisons receive a better service from the CSWs than others and some efforts have been made to improve contacts but it was reported that the liaison is currently not consistently effective anywhere and is often unsatisfactory.

Prison work

Sentenced prisoners are required to work if they are fit to do so and work is available for them. The legislation states that they shall be assigned work appropriate to their treatment needs, their abilities, inclinations, characteristics and skills, in accordance with the possibilities available in the prison. The wishes of the prisoner are to be taken into consideration as far as possible. Work is nor-

mally undertaken in the economic units, plants and work-sites of the prison (both in and outside the confines of the institution) but prisoners may be employed by companies or other organisations outside the prison under contracts made by the prison and closely defining the obligations of the contracting parties.

Prison staff responsible for employment are extremely successful in finding work for the sentenced prisoners. At the end of 1998 almost all sentenced prisoners who were fit to work had employment (Walmsley and Nestorović, 1998 para 16.2) and the same situation applied at the end of 2001, when the Ministry of Justice reported that 90% of all sentenced prisoners were employed.

There were five production units operating in the prisons at the beginning of 2002, as organisational units of those institutions. The production unit 'Drina' is at Srbinje/Foča, 'Privrednik' at Srpsko Sarajevo (Kula), 'Spreca' at Doboje, '3 May' at Bijeljina and 'Tunica' at Banja Luka. A production unit 'Pudarica' has recently been established at Trebinje but is not yet operational due to lack of funds. These production units mainly function on the principle that they are self-financing, because funds for their operation are not provided from any other source. In some units there is an insufficient labour force, especially at Srbinje/Foča where the large furniture factory operates at only 10% capacity. There used to be many more prisoners at Srbinje/Foča than the current number. The shortage of labour is reported to have an effect on the work than can be done and the financial state of the production unit (Čurković, 2002).

The law requires that prisoners who work must be paid at least 20% of the lowest wage received by workers in Republika Srpska. In fact they receive on average about 20 KM per week; Čurković (2002) mentions 60 KM per month.

Because of the "deplorable situation of the entire economy" (ibidem), there are reduced opportunities for prisoners to work outside the confines of the institutions. Some prisons (e.g. Srbinje/Foča and Srpsko Sarajevo (Kula)) have agricultural farms outside the institution, in addition to production facilities inside the prison, but conditions for the employment of prisoners are reported to be inadequate. Working facilities and equipment are outdated and considerable funds are needed to purchase modern equipment and tools in order to provide complete safety at work and better production. Work on the farms produces vegetables and fruit which are used to meet the needs of the prisons (Čurković, 2002). In November 1998 all five prisons then operating were producing food to feed prisoners and staff, and endeavouring to make the prisons self-sufficient, because the national prison budget was able to contribute so little to pay for food (Walmsley and Nestorović, 1998 para 16.4).

Other notable successes reported at the end of 1998 (ibidem, para 16.5) were the restaurants at Bijeljina, Srpsko Sarajevo (Kula) and Srbinje/Foča which were open to the public, efficiently run and pleasant places in which to dine. The cooks were members of the prison staff, but kitchen assistants and waiters were prisoners working under supervision. These restaurants were still functioning at the end of 2001.

Because of the recent war, the proportion of prisoners unfit for work at the end of 1998 was comparatively high. At Banja Luka it amounted to 20% of sentenced prisoners, at Bijeljina 10%, at Kula 15% and at Srbinje/Foča about

8%. A basic minimum amount is given to such prisoners to ensure that they can at least purchase some cigarettes and coffee (ibidem, para 16.10). In 2001 there was still a considerable number of prisoners unfit for work as a result of health, age or disablements.

Several of the prison directors or the heads of economic units reported plans to develop employment opportunities, including those offering the possibility of raising money to improve conditions in the institutions (ibidem, para 16.11).

Vocational training and education

Vocational training is available in Banja Luka and Srbinje/Foča and prisoners working in the public restaurants can likewise learn a trade and obtain certificated qualifications. At Banja Luka vocational training leading to certification is given in bakery, metalwork and for blacksmiths. At Srbinje/Foča workers in the furniture factory are trained and may obtain qualifications. Apart from these examples it is reported that present conditions do not make vocational training possible in Republika Srpska.

There are few opportunities for education. At Srbinje/Foča, where before the war there was a flourishing school with 150 pupils, there is now neither money nor staff for such activities. There are some theoretical classes, as there are in Banja Luka. Staff in all the prisons will assist individual prisoners who wish to further their education. Younger prisoners are required to complete primary school education, if they have not already done so, and can attend some courses and seminars as part of secondary education. For adult prisoners too there are opportunities to complete primary school education and undertake some secondary education, including continuing with college or university studies that have been started outside. Programmes of remedial education are reported to be arranged for prisoners with special problems such as illiteracy and innumeracy.

Inspection and monitoring

A system of inspections of the prisons monitors the extent to which they are operating in accordance with the laws and regulations and the objectives of the Division for the Execution of Criminal Sanctions. They are conducted by the Ministry of Justice. In December 1998 there was just one inspector involved in monitoring security, treatment, employment and administration in all the prisons. He inspected each prison once a year and the Council of Europe assessment report praised the quality and incisiveness of the comments made and conclusions drawn (Walmsley and Nestorović, 1998 para 6.9). Nevertheless, he was appointed as inspector for security matters and it was recommended that a second inspector be appointed, in order to enable inspections to be conducted jointly by a specialist in security and a specialist in treatment. In September 2001 a second inspector was appointed, the former deputy director of Srbinje/Foča prison and early in 2002 two further inspectors. At each inspection it is usual for two of the four inspectors to be present. Each is a specialist in a different aspect: security, treatment, economic matters or the human rights of prisoners; aspects not covered in one inspection visit will be covered during the next.

The inspector's reports for the year 1998 indicated that they were based on examination of all important aspects of the work of each prison, which were listed as the treatment of prisoners, working conditions, living conditions and the security of the prison. They reflected the view however that, as a result of the difficult economic situation, treatment and resocialisation were outweighed in importance, even for treatment staff, by the need to ensure that the prisons could at least function at a basic level despite the major problems faced. Working conditions were given little coverage in the reports but a number of comments and criticisms were made about living conditions and security matters and each report ended with a number of instructions to the prison director. These required improvements which were in accordance with the European Prison Rules.

Prisons are also monitored by the investigating judges and by international bodies such as the Office of the High Representative for Bosnia and Herzegovina, the Office of the United Nations Mission to Bosnia and Herzegovina, the Organisation for Security and Co-operation in Europe, the International Police Task Force, the European Monitoring Mission and the International Committee of the Red Cross. With the accession of Bosnia and Herzegovina to the Council of Europe in April 2002 it is to be expected that, following ratification of the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Committee which monitors that Convention, the CPT, will join the list of bodies that monitor the prison system.

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the prison system of Republika Srpska and used in staff training. The Assistant Minister and the directors of penal institutions have copies of these standards, as do other staff in the Division for the Execution of Criminal Sanctions and in each penal institution. Copies are also said to be available to be read by prisoners.

Non-governmental organisations

The Assistant Minister reports that non-governmental organisations visit the prisons in order to be well informed as to the extent to which the conditions faced by the prisoners pay proper respect for human rights and are in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules. The NGOs are mainly the international organisations referred to above. The Ministry of Justice considers this work to make a positive contribution, by pointing out any deficiencies in the way that these international standards are implemented.

International co-operation

The prison service of Republika Srpska has not been involved in much international co-operation but, following the Council of Europe assessment visit in 1998 and the production of the report, meetings have been arranged under the auspices of the Council of Europe in each subsequent year to discuss progress and a steering group has been established bringing together the prison services of both

entities of Bosnia and Herzegovina. An action plan has been developed, a visit took place to Slovenia and Croatia and meetings were held in April and June 2002 to discuss methods of coping with rises in the prison population and effective means of treating prisoners serving long-term sentences including life imprisonment.

Other matters

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections. There is sometimes a limitation on prisoners' right to vote after they are released from prison.

The Ministry of Justice Division for the Execution of Criminal Sanctions produces an annual report.

Important recent developments

The following are regarded by the Ministry of Justice Division for the Execution of Criminal Sanctions as some of the most important recent developments affecting the prison system in Republika Srpska:

- the introduction at the beginning of 2002 of the 2001 Law on the Execution of Criminal and Misdemeanour Sanctions, which seeks to harmonise legislation with the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules;
- the preparation of by-laws, regulations and instructions which deal in more detail with the matters covered by the new law;
- the return of the prison at Trebinje to the control of the Ministry of Justice's Division for the Execution of Criminal Sanctions in October 2000;
- the reduction of the capacity of the prison system, and of each institution, in order to create a situation in which, as far as possible, all pre-trial detainees and sentenced prisoners have at least 4m² of space.

Current objectives

The following are some of the main objectives reported by the Assistant Minister of Justice:

- to create the material and staff resources necessary for the proper implementation of the Law on the Execution of Criminal and Misdemeanour Sanctions;
- (as part of the above) to establish a juvenile penal institution (prison) for males and females, and a juvenile correctional home for males and females;
- to establish a prison for women;
- to establish a prison for men sentenced to life imprisonment;
- to improve the general standards and conditions in the prisons for convicted adults and juveniles.

Additional objectives of the Ministry of Justice in April 2002 were:

- to hold talks with the Ministry of Finance and the Government of Republika Srpska to seek to meet financial obligations for 2001 by obtaining agreed government funding, which had not yet been forthcoming. Less than 60% had been received at March 2002;
- to obtain funding from donors in order to modernise production units in the prisons, to purchase tools and machines, start new production, and thus create conditions for the better employment of sentenced prisoners. This is seen as facilitating the reformative process and enabling them to obtain employment more quickly and more easily after release;
- to improve correctional work with sentenced prisoners and to hold training sessions for prison managers to familiarise them with the European Prison Rules;
- to enhance co-operation with the Ministry of Justice of the Federation of Bosnia and Herzegovina in order to facilitate the transfer of persons from prisons in one entity to prisons in the other entity and thus enable them to be held closer to their families and be able to return more quickly to normal life after their release;
- to analyse the possibilities and advantages of changing from a dormitory to a cell system.

Main problems

The following were identified as problems, which are obstacles to the achievement of some of the above objectives and to the advancement of the prison system in Republika Srpska:

- the lack of the financial resources needed for the adaptation and reconstruction of the prisons;
- the poor working conditions of prison staff;
- the shortage of specialised vehicles for the transport of prisoners;
- the lack of resources to provide a balanced diet for prisoners;
- the inadequate heating, clothing and footwear for prisoners;
- the shortage of resources for health care (including medical staff) and for treatment and education programmes for prisoners.

Achievements

The Ministry of Justice expressed the view that they had no recent successes to report which might offer constructive ideas that could be taken up by other prisons systems. There are however a considerable number of achievements of the prison system of Republika Srpska, including:

- the reconstruction and renovation that has been achieved since the end of the war of 1992-95;
- increasing the minimum space per prisoner so that a target of 4m² is

- achieved or almost achieved in five of the six prisons;
- the introduction of systematic collection of prison statistics;
- the fact that visits to pre-trial detainees are generally 'open' with visitors and prisoners able to touch one another;
- sentenced prisoners are given good opportunities for prison leave;
- the overall ratio of prison staff to prisoners is 1 : 1.5, or 1 : 2.4 if the ratio is calculated only on the basis of management, security and treatment staff in the prisons;
- having sufficient pedagogues to enable them to be responsible for 40 adult prisoners each;
- by the use of prisoner councils prisoners are encouraged to assume responsibilities in respect of the activities of the prison and thus to develop their sense of self-responsibility and self-reliance;
- enabling at least some pre-trial detainees (10% in 2001) to have employment;
- enabling 90% of all sentenced prisoners – almost all who are fit for work – to have employment;
- good quality work for prisoners is available in public restaurants run by Bijeljina, Srpsko Sarajevo (Kula) and Srbinje/Foča prisons;
- having a good quality internal (Ministry of Justice) inspection system;
- implementing many of the recommendations in the Council of Europe Assessment Report of 1998 which did not require significant material investment and for which existing resources were sufficient;
- establishing in the new legislation that the conditions in which the punishment of solitary confinement is served shall be in accordance with that prescribed by the European Prison Rules for normal accommodation and that, in addition to being visited at least daily by a doctor, a prisoner in solitary confinement shall be visited at least twice a week by a pedagogue (educator) and at least once a week by the prison director;
- security staff and staff in the production units work closely together as a team with treatment staff and thus jointly contribute to the treatment process.

Conclusion

This account of the prison system in Republika Srpska, recent developments, objectives, problems and achievements, demonstrates that despite the very unfavourable economic situation, it has been possible to make progress in a number of important areas. Relations between staff and prisoners are generally good.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to ensure that heating, clothing and footwear for prisoners are adequate;
- to ensure that sanitary installations, and arrangements for access, are such as to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions;

- to ensure that sufficient resources are devoted to health care, including the appointment of an adequate number of medical staff;
- to ensure that all prisoners receive a balanced diet, including meat, fruit and vegetables;
- to pay particular attention to the further development of staff training for all levels and types of staff;
- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation, and especially to reduce the capacity of Bijeljina prison to reflect this requirement;
- to develop programmes of constructive activities, including education and vocational training, to occupy prisoners' time in a positive manner and enable them to develop skills and aptitudes that will improve their prospects of resettlement after release;
- to further develop pre-release activities in order to assist prisoners in returning to society, family life and employment after release.

Annex 1

BOSNIA AND HERZEGOVINA – REPUBLIKA SRPSKA: Numbers in the penal institutions 1998-2002

Year	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate**)
1998 (30 April)	872 (787*)	67 (61*)	1.3 million
1998 (November)	791 (756*)	61 (58*)	1.3 million
2001 (1 November)	849 (682*)	65 (52*)	1.3 million
2002 (March)	903 (773*)	69 (59*)	1.3 million

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees			
(1/11/01)	182	21.4	14
(March 2002)	171	18.9	13
Female prisoners			
(1/11/01)	23	2.7	2
(March 2002)	21	2.3	2
Juveniles (under 18)			
(1/11/01)	8	0.9	1
(March 2002)	11	1.2	1

* The prison population in Republika Srpska (RS) is sometimes given in two forms. The higher figure is the number of prisoners registered as being detained in the prisons; the lower figure excludes prisoners who are temporarily away from the institution (including escapees). The former is to be taken as the authoritative total. Additionally, some prisoner-patients are held in Sokolac hospital for the security measure of compulsory psychiatric treatment in a health institution; there were 86 in March 2002.

** Since the war of 1992-95 there is no authoritative figure for the population of Bosnia and Herzegovina: Republika Srpska. The estimate of 1.3 million is generally accepted as a reasonable approximation.

Annex 2

Penal institutions in Bosnia and Herzegovina – Republika Srpska: functions and capacity, 2001

1	Banja Luka	Penal-corrective institution for pre-trial detainees (87) and sentenced prisoners (204)	291
2	Bijeljina	District prison for pre-trial detainees (62) and sentenced prisoners (84)	146
3	Doboj	District prison for pre-trial detainees (43) and sentenced prisoners (90)	133
4	Srbinje/Foča	Penal-corrective institution – maximum security (closed) – for sentenced prisoners	298
5	Srpsko Sarajevo (Kula)	Penal-corrective institution – medium security (semi-open) – for pre-trial detainees (76) and sentenced prisoners (79)	155
6	Trbinje	District prison for pre-trial detainees (32) and sentenced prisoners (40)	72

TOTAL (at end of 2001)

1,095

Note: Under the new Law on the Execution of Criminal Sanctions juvenile imprisonment is to be served from the beginning of 2002 at Srbinje/Foča (males) or Srpsko Sarajevo (females). Imprisonment of adult women is to be served at Srpsko Sarajevo. The educational measure of committal to an educational-reformatory home for juveniles is to be served at Banja Luka (males) or Srpsko Sarajevo (females).

Annex 3

Bosnia and Herzegovina – Republika Srpska: principal sources of information

Response by the Assistant Minister of Justice, Mr Strahinja Čurković, to survey questionnaires for this project.

Mr Strahinja Čurković and other senior officials and prison directors at the time of the Council of Europe assessment visit in November-December 1998.

Bubić G. and Djukić B., 1996. Commentary on the Law on the Execution of Criminal Sanctions of 1993. Banja Luka.

Council of Europe, 2000. First Steering Group meeting on the reform of the prison system of Bosnia and Herzegovina, Strasbourg, 16-17 October 2000. Council of Europe, Strasbourg

Council of Europe, 2001. Second Steering Group meeting on the reform of the prison system of Bosnia and Herzegovina, Neum, 28-29 November 2001. Council of Europe, Strasbourg

Čurković S., 2002. Report on the execution of criminal sanctions in Bosnia and Herzegovina - Republika Srpska. Unpublished paper for Council of Europe meeting in Sarajevo, April 2002.

Law on the Execution of Criminal Sanctions, 2001. Banja Luka

Walmsley R., 2001. In Kinzig J. and Walmsley R.: Expert opinions on the draft law on the execution of criminal sanctions of Bosnia and Herzegovina - Republika Srpska. Council of Europe, Strasbourg

Walmsley R. and Nestorović D., 1998. Report of an expert visit to Bosnia and Herzegovina - Republika Srpska, November-December 1998, to describe and assess the prison system. Council of Europe, Strasbourg

27. Bulgaria

Legislative framework

The Criminal Code, Criminal Procedural Code and Penal Executive Code date back to the period 1968-74 but they have been frequently amended. Work on the drafting of new legislation was under way in 1998 (Vassilev, 1998) but has not yet materialised. The Criminal Code (2.4.1968) included the death penalty but following a moratorium on its implementation in 1990 it was abolished by the Bulgarian National Assembly in December 1998 and replaced by two types of life imprisonment, with and without parole. The most recent amendments to the Criminal Code came into effect on 24 April 2001.

The Criminal Procedural Code (15.11.1974) was amended as from 1 August 1997 in order to limit the length of pre-trial detention, which had risen by more than 50% in the previous two years. Detention for investigation purposes was limited to one year for normal cases and two years for grave crimes. In the four years to September 2001 the numbers fell by over 60%. The most recent amendments to the Criminal Procedural Code came into effect on 27 April 2001. The Penal Executive Code (15.4.1969) has likewise been amended on a regular basis, most recently in June 2000 and December 2001.

Organisational structure

Responsibility for the administration of the Bulgarian prison system returned to the Ministry of Justice in April 1990. The Director General (head of the Central Prison Administration) reports to the first deputy Minister of Justice.

Dr. Zdravko Traikov, who had been appointed Director General in 1990, was succeeded in 2001 by Mr. Peter Vassilev, who had been Deputy Director General for over 10 years and had worked in the prison service for many years before that. The structure of the Central Prison Administration (CPA) is similar to that described in the previous study (Walmsley, 1996 p. 201). A total of 107 staff are employed in CPA headquarters.

There were twelve prisons and two correctional institutions for juveniles in February 2001. Most of the prisons have reformatory or transitional hostels associated with them under the same management but generally located on a different site; there are six reformatory hostels, some closed, some semi-open and some open, and twelve transitional hostels. Transitional hostels, in which selected prisoners may serve the last part of their sentence (see 'Treatment and regime activities' below), were introduced at the end of 1997.

The twelve prisons comprise eight for recidivists and four for first offenders; these latter include a prison for women. Each has a separate wing for pre-trial (remand) prisoners.

The total capacity of the system in February 2001 was 10,633, with the directors of the four largest prisons responsible for over 1,000 prisoners, some of them in the separately located hostels. Lovech has a capacity of 1,800, Sliven

1,246, Stara Zagora 1,134 and Sofia 1,020. In the seven years since 1994 the capacity of the system fell by some 2,500, principally as a result of a reduction in the capacity of Sofia prison and its associated hostels, and with smaller reductions at Belene, Bourgas, Pleven, Stara Zagora and Vratsa. The capacity at Lovech has increased by more than 800. The average capacity per prison is 760.

Pre-trial detention

As indicated above, the level of pre-trial detention has fluctuated in recent years. Its scope was broadened in 1995 to include any person suspected of committing an offence carrying a prison sentence of more than five years; furthermore the time limit for investigations in respect of prisoners held in pre-trial detention was increased. These measures increased the number of prisoners held in pre-trial detention from 2,704 (32 per 100,000 citizens) in June 1995 to 4,092 (49 per 100,000) in July 1997 (Council of Europe, 1997). However, following a European Court of Human Rights decision which found against the country in the *Lukanov v. Bulgaria* case, the length of pre-trial detention for investigation purposes was limited to one year for normal cases and two years for grave crimes. The numbers fell by almost 65% to 1,457 (18 per 100,000) at the beginning of 2001, before starting to rise again. At the end of the year the total was 1,744 (22 per 100,000). This level of 22 per 100,000 of the general population of the country is one of the lowest in central and eastern Europe, only slightly higher than that in the former Yugoslav republics that are Bulgaria's neighbours.

The prison administration reports that pre-trial detainees spend one hour a day out of their cells/rooms in normal circumstances.

The numbers held in penal institutions

The prison population rose slowly but steadily from a total of 7,294 at the beginning of 1991 (following an amnesty in 1990) and reached 11,856 in May 1998. Since then it has fallen and stood at 8,971 at the beginning of 2001 and 8,994 at the end of the year, prison population rates (per 100,000 of the national population) of 110 and 114 respectively. Of the total at the beginning of the year 16.2% were unconvicted, 3.1% were females and 0.6% were juveniles under 18. Foreigners comprised only 1.5% of the prison population.

Bulgaria's prison population rate of 114 at the end of 2001 was considerably lower than that of most countries in central and eastern Europe and more akin to those in Bulgaria's Balkan neighbours in Albania and the former republics of Yugoslavia.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the end of 2001 was 84.6% of the official capacity of the system. There is overcrowding in the closed prisons, including the accommodation for pre-trial detainees, but not in the reformatory hostels. In 1998, when the prison population was at its highest point in recent years, there was serious overcrowding in the closed prisons and the CPT found in April 1999

that overcrowding averaged 230%, although only 65% of the capacity in the hostels was being used. The CPT welcomed the multi-faceted approach adopted by the Bulgarian authorities in taking measures to limit the use of pre-trial detention, and in the establishment of the transitional hostels (CPT, 2002/1 para 89).

The minimum space specification per prisoner in the Bulgarian prison system in 1994 was 6m³ or approximately 3m². In 2001, while it was reported that no minimum figure was specified in legislation or regulations, 6m² was considered by the prison administration to be the optimal amount of space. However, the capacities of individual prisons have not been adjusted to increase the space per prisoner.

The prison administration reports that different categories of prisoner are separated in the Bulgarian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, few prisoners are housed in single cells: most accommodation holds at least six prisoners and the largest number accommodated in one room is reported to be 22. The room is 59m² in size and so each prisoner has 2.7m² of space, less than half the 6m² that the prison administration considers desirable.

Sanitary installations and arrangements for access are reported to be adequate in enabling most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides some toilet paper but prisoners must supply extra. All prisoners are able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners receive a change of underclothing once a week. Every prisoner has a separate bed.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for health reasons, but not for religious or other reasons. In its annual report for 1998 the Bulgarian Helsinki Committee had stated that the quality of food was inadequate, with a prisoner's daily food allowance amounting to 530 levs (then 30 US cents). Likewise, the CPT noted on the occasion of a visit in 1999 that prisoners alleged that food was inadequate in terms of quantity and quality in one prison and recommended that steps be taken to ensure that sufficient (both in quantity and quality) was provided (CPT, 2002/1 para 114). The Bulgarian authorities indicated that measures had been taken to make the necessary improvements (CPT, 2002/2 p. 46).

It is reported that the medical officer or one of staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

Health care in Bulgarian prisons is the responsibility of the Ministry of Justice, working through the Central Prison Administration. Nonetheless it is re-

ported that the Ministry of Health provides 'methodological aid' to the health care units and ensures that the health standards valid for the country are applied to prisoners as well. The overall structure of health care services was set out in the report on the previous study (Walmsley, 1996 pp.205-6).

The prison administration reports that there are not many prisoners with alcohol or drug problems; nor are the numbers increasing. There are at present no treatment programmes available for such matters but a pilot programme for alcohol treatment is being tested. HIV/AIDS too is not a problem in the prison system and the numbers are not increasing. In accordance with WHO guidelines there is no policy of testing all prisoners for this condition.

In the years up to 1999 there was an increase in the incidence of tuberculosis cases in the prison system. The Ministry of Health advised the CPT in the spring of that year that a national programme had been established to combat the disease, in which a special place was reserved for prisoners who were recognised as a high-risk group. At Lovech prison hospital the pulmonary ward had grown between 1995 and 1999 from 40 to 120 beds and 98 male prisoners were receiving treatment there when the CPT visited. The DOTS strategy, which is recommended for tuberculosis control by the World Health Organisation, was applied at the ward and there was a waiting list of 100 prisoners for admittance to the ward (CPT, 2002/1 paras 142-3). In their response (CPT, 2002/2 pp. 48-50) the Bulgarian authorities gave details of the extensive measures that were being taken to combat the disease. They reported that this had led to a 39% decrease in the tuberculosis rate in 1999 compared to 1998 (from 345 sick persons per 10,000 prisoners to 209). In 2001 the prison administration was able to report that although tuberculosis was still a significant problem the numbers were not increasing and the treatment programme remained in place. There were just two deaths from the disease in the previous year.

In their report of 1999 (CPT, 2002/1 para 212) the CPT welcomed the steps that had been taken by the Bulgarian authorities since 1995 to reinforce the prison health care services. However, on the basis of their visit to two prisons, they recommended that attention be paid to health care staffing levels (in particular as regards qualified nurses) and the importance of medical screening of new arrivals. In their response the Bulgarian authorities reported that a shortage of nurses was a problem throughout the system but was being addressed positively and new appointments had already been made. The CPT recommendations regarding medical screening had been brought to the notice of all prisons and would be a fundamental issue in inspections (CPT, 2002/2 p. 48).

Discipline and punishment

The procedure for the imposition of disciplinary sanctions was described in the report on the previous study (Walmsley, 1996 p. 208) and is regarded by the CPT as satisfactory. Prisoners charged with disciplinary offences are able to defend themselves in person and to lodge an appeal. Those in solitary confinement have an adequate sized room, receive one hour's exercise daily and are entitled to read newspapers.

Contact with the outside world

Pre-trial detainees and sentenced prisoners are allowed to be visited not less than once a month. Visits to sentenced prisoners last at least one hour. There are no arrangements for sentenced prisoners to receive private (intimate) visits from their wives or girlfriends, or to receive long visits including overnight stay from their families. The prison administration reports that pre-trial detainees are allowed to touch their children but are separated (e.g. by a screen) from all other visitors. There is no restriction on the number of letters that may be sent or received but letters, apart from those to official bodies and to others to whom prisoners may send confidential complaints or requests, they are always read by the prison authorities. Sentenced prisoners and pre-trial detainees are allowed to speak to their family and friends by telephone.

Prisoners in Bulgaria are given a large number of opportunities to take leaves. This is seen as an important aspect of preparation for release and preferable to introducing private (intimate) visits or long family visits in the prisons. Arrangements were described in detail in the report on the previous study (Walmsley, 1996 pp. 214-5).

Prison staff

The Bulgarian prison service employed 4,599 staff in 2001, of whom 107 worked in the prison administration headquarters. In the pre-trial units of the prisons there were 1,455 staff and in the units for sentenced prisoners there were 51 management staff, 1,930 security staff, 355 treatment staff (including psychologists, social workers and medical staff) and 700 other staff (including lawyers, other administrative staff – including secretarial staff – and those working in connection with prisoners' employment). Teachers employed by the Ministry of Education are also part of the treatment staff of a prison. The number of staff employed by the prison service in the units for sentenced prisoners has risen by 19.1% since 1994. The ratio of all prison staff to prisoners in 2001 was thus 1 : 2.0 or, if the ratio is based only on management, treatment and security staff in the units for sentenced prisoners, 1 : 3.8. The number of security staff was 3% (60) below complement, and the number of treatment staff 7% (26) below complement.

Initial training for a new member of the security staff lasted for 90 days until the year 2000. Half of this was spent in service in the penal institution in which he or she will work and the course finished with a theoretical and practical examination and the issuing of a certificate. The numbers trained in the years 1997-99 were 281, 183 and 129 respectively. Courses for obtaining a qualification as a social worker, psychologist, senior officer (including senior member of the medical staff) were of similar length and structure. The numbers who passed the training for these qualifications in the years 1997-99 were 28, 47 and 46 respectively.

The training is carried out in accordance with study plans elaborated by the 'Penitentiary Centre for Scientific Research and Study Activity' and carried out at the prison service training centre at Pleven. There are also courses for in-

creasing the qualifications of current members of staff; some of these are conducted in the prisons so that staff can undertake them alongside their normal duties, while others require study away from the prisons. Courses on international standards for the treatment of prisoners were funded by the Open Society Foundation. A study centre was established at the headquarters of the Central Prison Administration with funding from the government of the United Kingdom. The same funders sponsored an assessment of the organisation and management of social work in prisons and, based on the results of this evaluation, a training programme has been developed. Pilot projects have been introduced on risk assessment, and there are to be personal development plans for prisoners (sentence planning) and psychological and practical assistance to prisoners after their release (Newsletter 11 of Penal Reform Project in Eastern Europe and Central Asia, PRI and ICPS, 2000). There are a number of further plans for the development of staff training (see CPT, 2002/2 pp. 54-5).

In 2001 the length of initial training for a new member of the security staff was increased to 5 months.

Some 5% of security and treatment staff in institutions for male prisoners are women, working as social workers, psychologists, doctors and security staff. In the institutions for female prisoners 30% of staff are men, working as psychologists and security staff.

Treatment and regime activities

The Bulgarian prison service is guided by the principle that the first impression of a person entering prison in many cases determines his or her subsequent behaviour. Admission procedures were described in the report on the previous study (Walmsley, 1996 p. 60). The treatment staff include social workers (i.e. educators/pedagogues) and psychologists totalling 150. Prisoners are organised into groups led by a social worker who co-ordinates their activities. The usual number of prisoners in such a group is 60-80.

There have been considerable advances in recent years in psychological support for prisoners and prison staff. As part of a process of humanisation of life in Bulgarian prisons, psychologists run training programmes for prisoners and help individuals with specific problems. Their work with prison staff includes role-play which encourages staff to talk openly about their problems and increases their ability to deal with difficult situations in a humane and professional manner.

Treatment activities include a programme for adaptation to prison conditions and a social skills programme. Juveniles also have sporting programmes. As mentioned, pilot projects for risk assessment and personal development plans (sentence planning) have recently been introduced. A shortage of activities is described by the prison administration as a problem for the whole system, but a problem that is being addressed in response to recommendations of the CPT.

Sentenced prisoners are reported to have their cells/rooms unlocked for 10 hours during a normal day. Every prisoner is allowed at least one hour of walking or suitable exercise every day (including weekends) in the open air.

The prison administration reports that they make pre-release arrangements to assist prisoners in returning to society, family life and employment after release,

and that these arrangements include, for long-term prisoners, steps to ensure a gradual return by means of transfers to a semi-open or open reformatory hostel or to one of the new transitional hostels.

The transitional hostels, established at the end of 1997 after operating on an experimental basis since the beginning of 1993, are intended for sentenced prisoners who are of good behaviour and have served at least half of their sentence in a closed prison. The law allows prisoners in such hostels to work without supervision, to have additional home leaves, to use medical services in public health establishments, and to enrol in outside educational courses in order to improve their qualifications. By May 1999 800 prisoners were resident in five transitional hostels. The number of such hostels has since risen to twelve.

Social workers and psychologists are involved in pre-release work. Indeed, a key element of the work of psychologists in prison is reported to be the preparation of prisoners for re-integration into society. Arrangements are made for meetings with potential employers to discuss work possibilities after release. The frequent availability of home leaves for prisoners nearing the end of their sentence is another important aspect of pre-release preparation.

Conditional release

A prisoner is normally available for conditional release after serving half of the sentence, providing he or she has been of good behaviour. For those convicted of the most serious crimes at least two-thirds of the sentence must be served. About 25% of sentenced prisoners receive conditional release.

Prison work

Sentenced prisoners are required to work, if they are fit and work is available for them. Article 24 (1) of the Execution of Sentences Act (Penal Executive Code) states that prisoners have the right to receive a suitable job, and paragraph 2 of the same Article states that the prison administration is obliged to provide a job for them within seven days of their admission to a prison. However in the conditions of unemployment in the country it is currently impossible to provide a job for every prisoner. Every two days that a prisoner works count as three days of the sentence, and prisoners are invariably keen to have work. At the end of November 2001 33% of sentenced prisoners had some work, but only 1.6% of pre-trial detainees.

Pay for prison work is based on the minimum salary in the country and is dependent on the fulfilment of production quotas. With a 100% fulfilment of the quota it is from 50-80 levs per month. When 25-40% of the production quotas are fulfilled, the payment is from 15-60 levs per month. Prisoners who are unable to work, or for whom no work is available, are not given any money by the prison but are allowed to receive money from their relatives.

In order to increase the amount of work available for prisoners efforts are made to inform business people about the possibilities of employing prisoners. Open exhibitions of articles produced in prisons are sometimes given, which also serve the purposes of increasing public knowledge about the work of prisoners and improving public attitudes.

Educational and vocational training

For younger prisoners there is a school where they can improve their education and receive a nationally valid certificate of achievement. Five of the twelve prisons for adults have schools where prisoners can continue their education and also receive vocational education. They are also allowed to receive tuition by correspondence from higher academic institutes. Remedial education is reported to be provided for illiterate prisoners. Practical vocational training is available in a range of occupations; examinations are taken and certificates awarded which do not reveal that the qualification was obtained in prison.

Inspection and monitoring

A system of inspections has been established in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the prison administration. These are undertaken both by the Ministry of Justice and by the prison administration itself. Independent inspections are conducted by the Prosecutor's Office, by the Parliamentary Committee for Human Rights and by the Bulgarian Helsinki Committee. The prison system has also been visited by the CPT in March-April 1995 and April-May 1999.

“The forms of inspection used by the Ministry are thematic and comprehensive checks as well as checks on concrete complaints by prisoners and violations by staff” (CPT, 2002/2 p. 51). The thematic inspections focus on various aspects such as the regime, social activities with prisoners and prison work. A comprehensive inspection covers the entire activity of the prison and is undertaken by “a commission of experts from all lines of work”. Besides visiting the dormitories, work places and rooms for group association, times are also announced in advance to prisoners as to when they can meet the inspectors. This approach is regarded as fundamental for collecting the information, data and evidence that the inspectors need. Conclusions that reflect general tendencies in the system as a whole are communicated throughout the prison system, together with corresponding instructions and recommendations.

In the CPT's report on its visit in April-May 1999 (CPT, 2002/1) attention was drawn in particular to the need to combat overcrowding, to provide work for prisoners and to develop the regulations applicable and the regime offered to life sentence prisoners. The CPT recommended that staff be encouraged to communicate and develop positive relations with prisoners. Other topics which gave rise to recommendations, apart from those mentioned earlier, include the carrying of batons, regulations concerning regimented behaviour during outdoor exercise, the repair of sanitary facilities, the development of activity programmes, the provision of a weekly hot bath/shower, the removal of metal plates covering some cell windows, the need for all prisoners to have a confidential medical file, the development in the individual prisons of international standards for the control of tuberculosis, and the improvement of visiting facilities and disciplinary cells. The CPT's recommendations were mainly based on their visits to Bourgas and Stara Zagora prisons.

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Bulgarian prison system. The Director General and the directors of penal institutions have personal copies of the standards, as do other management staff at the Central Prison Administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

Non-governmental organisations visit the penal institutions and provide support for the prisoners and charitable aid. They also participate in treatment programmes and other projects. Penal Reform International has been involved in staff training. The Bulgarian Helsinki Committee regularly draws attention to deficiencies in prison conditions. The prison administration considers the work of NGOs as positive because they contribute to the opening of the prison system to the public and thus help to change public attitudes; in addition they enable the prisoners to feel that they are still part of the community.

Other matters

The Bulgarian prison administration is involved in international co-operation that is intended to improve prison standards. They report co-operation in particular with the prison services in England, Ireland, France and Denmark, and also with the Council of Europe, Penal Reform International (PRI), PROON and UNICEF. In May 1999 Bulgaria hosted a study visit organised by PRI for a group of prison administrators, prison psychologists and NGO representatives from three regions of Russia. The visit enabled the Russian experts to learn about rehabilitation initiatives in Bulgaria and particularly the advances made in psychological support for prisoners and staff and to see how the system operates in practice.

Pre-trial detainees retain the right to vote in national elections, but sentenced prisoners are not allowed to do so.

The prison administration does not produce an annual report.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Bulgarian prison system:

- the establishment (1997) of transitional hostels with semi-open conditions, where prisoners from closed prisons may serve the last part of their sentences;
- the transfer (1999) of the investigation detention facilities to the Central Prison Administration;
- the introduction (2001) of pilot projects for risk assessment and sentence planning;

- the increase in the incidence of tuberculosis in the prison system (up to 1999) and success in controlling and reducing the prevalence of this disease.

Current objectives

The following are some of the main objectives reported by the prison administration:

- to humanise the treatment of prisoners;
- to improve the material conditions in the penal institutions;
- to guarantee the human rights of pre-trial detainees and sentenced prisoners;
- to bring the conditions in the investigation detention facilities into line with the international standards;
- to increase the amount of work available for sentenced prisoners.

Main problems

The following were identified by the prison administration as some of the main problems which are obstacles to the achievement of the above objectives and to the advancement of the prison system in Bulgaria:

- overcrowding;
- the attitudes of a considerable proportion of the prison staff;
- finding ways of making the necessary improvements to the conditions in the investigation detention facilities;
- the absence of effective measures and punishments carried out in the community;
- the absence of a legal requirement to regulate the prison population by specifying the amount of space that each prisoner must have in the living accommodation;
- the shortage of financial resources for the improvement of the prison system.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. They drew particular attention to:

- the establishment of the transitional hostels;
- the projects that have been implemented with non-governmental organisations;
- programmes for preparation for release;
- programmes for education and vocational training.

Further achievements of the Bulgarian prison system include:

- using the DOTS strategy for the treatment of prisoners with tuberculosis;
- employing more psychologists in the system and thus increasing the level of psychological support for prisoners and staff;
- establishing a literacy programme as part of the education available;
- using the inspection system not only as a means of checking that institutions are being run in accordance with current law and regulations but also as a means of improving practice throughout the prison system;
- establishing close co-operation and joint projects with NGOs, thus providing support for prisoners during their sentence and help in preparing them for release, and developing contacts with the community outside;
- providing prisoners with a large number of opportunities for home leaves;
- extending the length of initial training for newly recruited security staff.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation, and to establish for each institution a capacity figure that is based on prisoners having at least this amount of space and, if possible, 6m² which is considered by the Central Prison Administration to be the appropriate minimum;
- to ensure that sanitary installations, and arrangements for access, are adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to take steps so that neither legislation nor practice prevent the introduction for pre-trial detainees of a programme involving purposeful activities of a varied nature;
- to ensure that there are enough staff to keep the staff-prisoner ratio satisfactory and, in particular, that there are sufficient social workers to enable groups of prisoners to be no larger than 50;
- to develop programmes of constructive activities, including education and vocational training, to occupy prisoners' time in a positive manner and enable them to develop skills and aptitudes that will improve their prospects of resettlement after release.

Annex 1

BULGARIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	11,030	123	8,992,300
1991	7,294	84	8,669,300
1992	8,022	93	8,595,500
1993	8,688	102	8,484,900
1994	8,364	99	8,459,800
1995	8,529	101	8,427,400
1996	9,479	113	8,384,700
1997	10,787	129	8,340,900
1998	11,541	139	8,283,200
1999	11,237	137	8,230,400
2000	10,147	124	8,190,900
2001 (1/1)	8,971	110	8,149,500
2001 (31/12)	8,994	114	7,891,100

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	1,457	16.2	18
(31/12)	1,744	19.4	22
Female prisoners in 2001			
(1/1)	277	3.1	3
(31/12)	287	3.2	4
Juveniles (under 18) in 2001			
(1/1)	57	0.6	1
Foreign prisoners in 2001			
(1/1)	136	1.5	

Note: The Amnesty Act of 15 January 1990 resulted in the release of over 8,000 prisoners. Different sources quote 8,247 and 9,523.

Annex 2

Bulgarian penal institutions: functions and capacity, 2001

1	Belene	Prison for sentenced non-recidivists (585) and pre-trial detainees (110)	695
2	Bobov Dol	Prison for sentenced non-recidivists (430) and pre-trial detainees (160)	590
3	Bourgas	Prison for sentenced recidivists (248) and pre-trial detainees (42)	290
4	Lovech	Prison for sentenced recidivists (1,500) and pre-trial detainees (300), including national prison hospital	1,800
5	Pazardjik	Prison for sentenced recidivists (735) and pre-trial detainees (54)	789
6	Pleven	Prison for sentenced recidivists (200) and pre-trial detainees (100)	300
7	Plovdiv	Prison for sentenced recidivists (446) and pre-trial detainees (236)	682
8	Sliven	Prison for sentenced female recidivists and non-recidivists (1,118) and pre-trial detainees (128)	1,246
9	Sofia	Prison for sentenced recidivists (700) and pre-trial detainees (320)	1,020
10	Stara Zagora	Prison for sentenced non-recidivists (955) and pre-trial detainees (179)	1,134
11	Varna	Prison for sentenced recidivists (690) and pre-trial detainees (230)	920
12	Vratsa	Prison for sentenced recidivists (600) and pre-trial detainees (240)	840
13	Boychinovtsi	Correctional institution for juvenile boys	} 327
14	Sliven	Correctional institution for juvenile girls	

TOTAL (at February 2001)

10,633

Note: Under the management of each prison, and included in the capacities as shown above, are prison hostels, usually separately located. There are six reformatory hostels, either closed, semi-open or open, and twelve transitional hostels.

Annex 3

Bulgaria: principal sources of information

Response by the Director General of the Bulgarian prison administration, Mr Peter Vassilev, to survey questionnaires for this project, and supplementary information.

Information and documentation supplied by the Bulgarian prison administration from 1994 onwards.

CPT, 1997/1. Report to Bulgarian Government on the visit to Bulgaria [by the CPT in March-April 1995] and Response of the Bulgarian Government. Council of Europe, Strasbourg

CPT, 2002/1. Report to the Bulgarian Government on the visit to Bulgaria [by the CPT in April-May 1999]. Council of Europe, Strasbourg

CPT, 2002/2. Response of the Bulgarian Government to the CPT report on their visit in 1999. Council of Europe, Strasbourg

Council of Europe, 1997 and 1998. Replies submitted by the Bulgarian prison administration to questionnaires on overcrowding and prison population size. Strasbourg

Vassilev P., 1998. Means of regulating the prison population in Bulgaria. Unpublished paper for seminar in Poland, June 1998.

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

28. Croatia

Legislative framework

A new Criminal Code and a new Criminal Procedural Code came into force in January 1998. One of the most important provisions in this legislation, in terms of its potential effect on the prison system, is the Article in the Criminal Code that extends the maximum prison sentence from 20 years to 40 years. The current Penal Executive Code (known as the Law on the Execution of Sanctions imposed for criminal offences, economic infractions and misdemeanours) dates from 1993 and a new law was due to enter into force on 1 June 2000, but implementation was postponed to 1 July 2001. This law, a draft of which was approved with only minimal exceptions by Council of Europe experts (Kühne and Baechthold, 1998), is reported to be fully in accordance with the European Prison Rules. It introduces the function of the 'Executing Judge' (i.e. judge supervising the way in which sentences of imprisonment are carried out), who is required to protect the rights of prisoners, supervise the legality of the imprisonment and ensure non-discrimination and equality of prisoners before the law. The duties of this official also include the suspension of sentences, authorising conditional release and taking decisions about post-release assistance measures. This is a crucial role for which training will be essential; the Council of Europe's Directorate of Legal Affairs has done some preliminary work in this area.

Organisational structure

Since 1965 the prison system has been the responsibility of the Ministry of Justice, Administration and Local Government. The head of the prison administration, which is known as the Administration for the Execution of Sanctions, is Mr Josip Begović, a lawyer with a postgraduate degree in penology who formerly held a post in the Ministry of Internal Affairs. He was appointed Director General in May 2001. The Director General reports directly to the Minister of Justice. Previous heads of prison administration since Croatian independence in 1991 include Mr Ivica Šimac (until 1995) and Dr Vjekoslav Jazbec (1999 to January 2001). The senior management team also includes the Director of Legal Affairs and General Administration (Ms Marija Josipović), the Director of Treatment (Ms Vesna Babić) and the Director of Security (Mr Neven Putar). A total of 29 staff are employed in the prison administration headquarters.

There are 23 penal institutions with a total capacity of 3,415 at the beginning of 2001. Fourteen are district prisons (*okružni zatvori*), sometimes known as county prisons, for pre-trial detainees and prisoners sentenced to six months or less, six are penitentiary institutions (*kazneni zavodi*) for prisoners serving more than six months, two are institutions for the reeducation of minors and young adults aged 14-23 (*odgojni zavodi*), and there is a national prison hospital. The largest institutions are the high-security penitentiary institution at Lepoglava with

a capacity of 600 and the district prison at Zagreb (500); all others have capacities of under 300. Of the six penitentiary institutions, two are classified as high-security/closed (Lepoglava and Glina), one as semi-open and two as open; the other is a prison for minors, young adults and women (Požega). The oldest institution is Lepoglava which was established in 1854.

Pre-trial detention

The rules governing pre-trial detention (remand imprisonment) are set out in the new Code of Criminal Procedure (see CPT, 2001/4 para 48) and regulations concerning their implementation ('House Rules') have been applied since December 1999. Although the criminal investigation must be completed within six months, the maximum possible length of pre-trial detention for a very serious offence is 2½ years, with a further six months being possible if authorised by the Supreme Court.

The level of pre-trial detention in Croatia is low. At the beginning of 2001 the number of pre-trial detainees in the prison system corresponded to only 18.7 per 100,000 of the general population of the country. This is one of the lowest rates in the region, similar only to those in other former republics of Yugoslavia.

A suspect may be held by the police for only 48 hours, after which any further detention must take place in a penal institution. The pre-trial process is under the jurisdiction of a court, which must decide whether to approve any activity in which a detainee wishes to be involved. It seems that this contributes to the very limited regime that is available for pre-trial detainees who, as reported by the CPT, are generally offered no work, no education and, with rare exceptions, no sporting activities (CPT, 2001/4). At Zagreb prison in March 2001 some work was available for pre-trial detainees but most were spending 22 hours a day in their cells. The investigating judge may authorise a detainee to have a television in his cell but it seems that this rarely occurs. The Ministry of Justice has undertaken to propose an amendment to the Criminal Procedural Code to reduce the authority of the court in respect of regimes for pre-trial detainees. However, the limitations are recognised to be partly a consequence of inadequate financial resources (CPT, 2001/5). Unlike sentenced prisoners, pre-trial detainees do not have the right of access to the Ombudsman.

The numbers held in penal institutions

The prison population in Croatia rose by 14% in the seven years to the beginning of 2001, from 2,301 (a prison population rate of 48 per 100,000 of the national population) to 2,623 (or 60 per 100,000). The prison population rate fluctuated between 44 and 56 before rising beyond this in the year 2000. At the end of 2001 the numbers had fallen slightly to 2,584 (59 per 100,000), of whom 31.7% were pre-trial detainees, 4.1% were females and 2.1% were juveniles (under 18). 11.8% of the sentenced prisoners were not Croats.

The crime rate is said to be unchanged but there is concern at the rise in drug-related offences and organised crime. Public opinion is in favour of tougher sanctions.

Croatia's prison population rate of 59 at the end of 2001 is similar to that in its neighbours to the west and south, Slovenia and Bosnia and Herzegovina, but much lower than in Hungary to the north.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was 77% of the total capacity. This is one of the lowest levels of occupancy in central and eastern Europe. However, four of the 23 institutions were over capacity: the district prisons at Bjelovar (105% occupancy), Karlovac (114% occupancy) and Split (109%), and the maximum security institution at Lepoglava (113%).

As elsewhere in central and eastern Europe, few prisoners are accommodated alone in single cells. However, steps are being taken to ensure that single cells are available, at least for those who need to be kept separate from others for their own protection or because they are seen as a threat to the good order of the institution or, in the case of pre-trial detainees, to the interests of justice. In Zagreb prison, which was opened in 1987, most cells are for three or four prisoners but about 60 (six in each of the ten accommodation sections) are for one. The largest number of prisoners accommodated in one room in the Croatian system is said to be twelve at Požega.

The official minimum space specification per prisoner is currently 4m² or 10m³, having been increased in 1997 from 3m² or 8m³. However, the stated capacities of the prisons are still based on the former specification and there is no strategy in place to amend them. The prison administration states that its aspiration is to have at least 8m² per prisoner throughout the system, which is the amount specified in the new law on the execution of prison sentences, which came into force on 1 July 2001 (Article 74). If the capacity level of each institution were reduced in line with the official minimum space specification of 4m², national capacity would fall by approximately 25%; eight of the 23 institutions would be over capacity and the four that are overcrowded according to current capacity figures (based on 3m²) would be about 50% overcrowded. Certainly a number of cells visited in Lepoglava prison in March 2001 were accommodating more prisoners than was desirable. Double-bunked rooms for two and four and a triple-bunked room for three gave inadequate space per prisoner when all beds were occupied.

The CPT recommended that there should be more than 4m² per prisoner in cells that did not contain sanitary annexes, and more than 5m² in cells with such annexes. They also drew attention to the need to remove the metal window screens in Zagreb prison that were restricting light and ventilation. These were intended to prevent contacts during exercise periods between prisoners subject to restrictions on the grounds of a risk of collusion (CPT, 2001/4). The Croatian authorities accepted the need to replace the metal screens but stated that the work could only be carried out when funding became available (CPT, 2001/5). On a visit to Zagreb prison in March 2001 it was noted that prisoners had an increased amount of natural light because, as was explained, the screen had been removed in response to the CPT recommendation. It was reported that screens had been re-

moved from windows in all pre-trial prisons, but in one case (Rijeka prison, where the windows overlooked the street) an opaque barrier had been placed at a distance outside the windows.

The European Prison Rules (Rule 11) state that in principle males and females shall be detained separately and untried prisoners shall be detained separately from convicted prisoners. This appears to be achieved in the Croatian prison system. Rule 11.4 states that “young prisoners shall be detained under conditions which as far as possible protect them from harmful influences”. This is normally taken to include that they shall be accommodated separately from adults. Indeed the CPT, in paragraph 96 of its report on the Croatian prison system, made exactly such a recommendation. However, in Turopolje educational institution (for young offenders aged 14-21) the young offenders are divided into groups (fourteen to sixteen in each) that do not differentiate by age, with the result that 21 year olds and 14 year olds are in the same group and are not separated. It was said that the nature of the buildings does not allow for separation.

Hygienic conditions seemed to be good. The CPT drew attention to the need to ensure that sanitary annexes were properly partitioned to enable prisoners sharing cells to be accorded privacy when complying with the needs of nature. In the Croatian government response the authorities reported that in most prisons the sanitary facilities are separated from the rest of the room and that there were plans to do this elsewhere once the funds were available.

It was also stated that, in accordance with Rule 24, every prisoner has a separate bed, except that in Bjelovar prison, where there are insufficient beds, there are separate mattresses for those without beds. There are in general no restrictions on how prisoners wear their hair, but “beards, moustaches and long hair can be exceptionally prohibited for reasons of security or health” (Article 76 of the new law on the execution of prison sentences). Pre-trial prisoners wear their own clothes in Croatian prisons.

Food

The quality and quantity of food are reported to be better than is provided in communal catering outside. Certainly the food in the five prisons visited in March 2001 seemed good or very good. The prison administration stated that the kitchens in Glina, Lipovica and Zagreb were particularly good. In Lipovica, for example, there was modern equipment and those working receive four meals per day. The menu showed that prisoners receive about 3,400 calories on Saturdays and Sundays and about 4,000 calories during the rest of the week. Special diets are also provided. The cooks are employees who are assisted by prisoners. Likewise in Zagreb various menus are provided: a standard menu, a diabetic menu (for twelve prisoners on the day that the prison was visited), a vegetarian menu (five prisoners), and it was reported that a total of 96 non-standard menus were provided. Pre-trial detainees can order food to be brought in from outside the prison. The menus are selected by the chef, the doctor and the director of the prison. The practice at Zagreb prison is 3,000 calories per day with an extra

meal for workers, including those involved only in light work. The national standard specifies at least three meals daily, comprising at least 3,000 calories per day. The composition and nutritional value of food must be supervised by a doctor or another medical expert (Article 78). It is reported that the prison administration does not have any difficulty in providing an appropriate, balanced diet.

Medical services

Medical services in the Croatian prison system are also reported to be better than in the community outside, both in terms of quality and speed of delivery. Doctors and drugs are more readily available. It is of course the duty of the state, in depriving citizens of liberty, to ensure that their health is properly protected, whatever the standard of medical services in the community generally. The Ministry of Health has an overall supervisory role in respect of prison medical services. The standards of medical care that are specified for the whole population are applied also in the prisons. The most populous institutions, Lepoglava and Zagreb, are staffed as follows. Zagreb, which contains the Centre for Psycho-Social Diagnostics for the whole Croatian system and has a capacity of 500 prisoners, had 15 medical staff in post in March 2001. The head of the medical department is an occupational health specialist, there is also a second general practitioner, a psychiatrist - one of only two in the system, the other being located at the national prison hospital - two dentists and ten nurses or medical technicians. Lepoglava with a capacity of 600 had a medical staff of ten: two general practitioners, a dentist and seven nurses or medical technicians. There were vacancies for a psychiatrist - the one at Zagreb visited twice a month - a radiologist and a laboratory assistant. A surgeon, a pulmonary specialist, a laryngologist and a specialist in internal medicine also visited twice a month. The CPT drew attention to "serious shortcomings" in the standard of health care and attributed these to staffing shortages. These shortages - apart from the need to reinforce the provision of psychiatric care - have been rectified. Despite the Croatian government's response to the CPT report (CPT, 2001/5), which indicated in May 2000 that a psychiatrist was available weekly, the situation in March 2001 was still, as found by the CPT in September 1998, that he was available only fortnightly. At Lipovica open prison with a capacity of 220 there was no full-time doctor but the local village doctor visited twice a week on contract. The CPT was critical of the low number of health care staff in Šibenik and Split district prisons in 1998.

The national prison hospital, at Lišene Slobode near Zagreb, was purpose-built in 1961 and provides facilities and treatment for all types of prisoner who cannot be treated by the medical departments in the prisons. The hospital has bedspaces for 105 patients but was holding about 80 in the first three months of 2001. There is a staff of 125, including 15 doctors. Outside consultants are brought in as necessary. There are four wards - surgical, psychiatric, pulmonary and general. The medical director co-ordinates liaison and co-operation with the Ministry of Health. All prisons work closely with outside medical services, trans-

ferring patients as necessary. If a high security prisoner needs to attend a public hospital he is accompanied by two security staff but is not handcuffed.

The main problems facing the medical services are said to be drugs and psychiatric illness. Alcohol addiction is also a problem for many prisoners and the number is increasing; a treatment programme is in place. HIV/AIDS and tuberculosis are not major problems. There were about six AIDS cases in the prison system in early 2001. In accordance with WHO guidelines there is no compulsory testing for AIDS. There are also very few cases of tuberculosis. The number of drug addicts in the prison system is said to have risen substantially. The medical department at Zagreb prison saw 469 cases in 1999 but 500 in the year 2000.

On arrival at Zagreb prison, whether as a pre-trial detainee or as a sentenced prisoner, for assessment prior to transfer to the prison in which the sentence will be served, all drug addicts undergo a programme of detoxification (methadone therapy) and no-one is transferred until the treatment is complete. Prison sentences sometimes include a condition of drug (or alcohol) treatment. Staff work with addicts in small groups. The prison administration believes there is room for improvement in the treatment offered to drug addicts and it intends to make the necessary changes. Staff are becoming increasingly concerned at the importation of drugs into prisons by means of the packages that a prisoner may receive once a month and on the occasion of holidays (Article 126).

It was reported that many prisoners have psychiatric problems, sometimes associated with the recent war with Serbia, and that these problems frequently deteriorate in prison. The difficulties in appointing psychiatrists, to which reference has already been made, are said to be attributable to the inability to pay the high costs of such staff. (General practitioners in the prisons apparently are paid 20% less than doctors in the community but this does not lead to their departure because there is an excess of doctors in the community.)

Courts can now pass sentences including a specified period of psychiatric treatment. Although the Ministry of Justice has a contract with the Ministry of Health that such prisoners be treated in civil hospitals, there is a shortage of space and of psychiatrists and consequently the Ministry of Justice has decided to have a special wing for these prisoners. It is at Lepoglava and commenced work in January 2001. But, as indicated above, that prison is not adequately staffed for the purpose.

For dental treatment prisoners are taken to an outside dentist if there is no dentist in the prison. The prison administration pays for basic treatment and anything else that is medically necessary. Prisoners must pay for any cosmetic treatment.

There is a mother and baby centre in the women's prison in Požega. For the babies' first six months they may stay with the mothers, after which they are looked after by a nurse while the mothers work. In leisure time and during the night they are with the mothers. Having reached the age of two babies may be taken outside during the day to enable contact with other children. They are not allowed to remain in the prison beyond their third birthday.

In all the prisons medical staff are responsible for monitoring hygienic conditions, the kitchens and storage areas. They must also check the quality and quantity of food and record their comments. A national agency that safeguards health protection takes samples of the food for research purposes. A member of the medical staff ('the sanitary technician') is responsible for disinfection. Medical staff are also required to confirm the fitness of prisoners for solitary confinement and to examine a prisoner so confined at least once a week (Article 139 of the new law on the execution of prison sentences). The prison administration report that such prisoners are visited by medical staff every day, in accordance with Rule 38.3 of the European Prison Rules.

Medical staff in Lepoglava and Zagreb prisons reported that suicide by prisoners was rare (no case since 1996 and 1997 respectively) but that self-injury, including cutting wrists and swallowing objects, was much more common. However, in Lepoglava special efforts had resulted in a significant drop in such incidents, from 72 in 1999 to 25 in 2000. Staff in Zagreb prison commented that self-injury tended to be a reaction to court procedures/delays rather than events in the prison. In Lepoglava it was said that when cases were examined they were often found to be associated with gambling debts.

Staff believe that there are no significant problems resulting from sexual behaviour in the prisons. The general expert opinion in Croatia is that condoms should be available to prisoners but in 2001 they were not. Apparently they were available at a time in the fairly recent past, as a result of supplies given by an international organisation, believed to be the International Committee of the Red Cross.

Discipline and punishment

The European Prison Rules state that "no prisoner shall be employed...in any disciplinary capacity" (Rule 34) and in Croatia there is no practice of giving prisoners a supervisory role from which they could acquire power, including quasi-disciplinary power, over others. Protection from bullying or intimidation is provided by placing a vulnerable prisoner in a separate room. Lepoglava has a special wing for 'difficult prisoners', which is intended to house those who are regarded as a danger to others. There are said to be few disciplinary problems in the Croatian prisons except at Lepoglava. At Lipovica open prison there is not even a punishment cell; disciplinary infringements are usually returning from home leave with alcohol on the breath, for which the usual punishment is loss of one visit. At Lepoglava there are 30 punishment cells, 25 of which were in use when the prison was visited in March 2001. There is no central monitoring of the numbers and types of disciplinary punishments imposed. Disciplinary isolation at March 2001 was for a maximum of 30 days but the new legislation reduces this to 21 days. The conditions of isolation are similar to those in a normal cell for one person. The director of a district prison cannot impose disciplinary punishment on a pre-trial detainee without the approval of the visiting judge. In Zagreb prison, the largest district prison, the judge visits once a week but since he himself can only impose minor punishments it seems that pre-trial detainees are rarely subject to disciplinary isolation.

Information and complaints

Prisoners can make complaints to the director of the prison, to the prison administration and to the penitentiary judge. They can also contact the Helsinki Committee and the European Court of Human Rights. Complaints to such outside bodies used to have to be sent via the prison administration to enable them to be monitored, but this no longer occurs and all complaints are sealed. If the prison administration receives a complaint from a prisoner the prison will be asked to comment on the substance of the complaint. There is no central monitoring of the outcomes of complaints to the prison administration.

The European Prison Rules (Rule 41) state that every prisoner shall on admission be provided with written information about the regulations governing the treatment of prisoners, the disciplinary requirements of the institution and the authorised methods of seeking information and making complaints. Such information is currently given (but not in writing) on arrival at a prison or during the diagnostic assessment that follows a sentence of six months or over. House rules are also posted up in prison cells. The prison administration said that they had seen the information pack that is made available to prisoners in England and Wales and will hope to follow such a line in due course.

Contact with the outside world

Pre-trial detainees are allowed visits twice a week (8 a month) for a minimum of 15 minutes. Juveniles are allowed 10 a month. Detainees are separated from their visitors by a glass screen and no physical contact is allowed, except at Požega prison. This is said to be a question of practice rather than law. The prison administration accepts that such closed visits are necessary only exceptionally, for example to prevent the importation of drugs. The searching of detainees following visits is generally an adequate means of countering such a danger. The CPT invited the Croatian authorities to move towards more open visiting arrangements for pre-trial detainees (CPT, 2001/4 para 105) but the government response was that such matters are within the jurisdiction of the courts (CPT, 2001/5 p.32). Sentenced prisoners are allowed open (contact) visits at least four times a month for a minimum of one hour. The new legislation specifies a right to visit twice a month and on the occasion of national holidays (Article 117). But the prison director may authorise additional or extended visits as part of a policy of providing so-called 'benefits' in order to encourage the positive development of the prisoner. Rooms are also available for unsupervised (conjugal) visits from spouses or official partners, for example in Glina, Lepoglava and Zagreb prisons.

Prisoners are situated as near to their homes as possible but those in 'penitentiary institutions' (for persons serving more than six months) are often some distance away, especially women and minors since Požega is the only such institution available for them. However, a prisoner in a closed institution who is not allowed home leave will be allowed longer visits and conjugal visits and also has the legal right to be escorted (at his own expense) to a prison nearer his home for the purpose of the visit.

There is no limit on the number of letters that may be sent and received by sentenced prisoners. Correspondence is checked in the closed institutions. Telephones may be used by sentenced prisoners, and also by pre-trial detainees if this is permitted by the judge. In Zagreb prison, for example, pre-trial detainees who use the telephone do so in the presence of a guard who will disconnect the call if the conversation turns to crime.

Sentenced prisoners may receive packages up to a certain weight containing authorised items (e.g. food, toiletries) once a month and on the occasion of national holidays. The prison director may approve more frequent and heavier packages. The receipt of packages is becoming a significant problem in the Croatian prison system. The importation of heroin has been detected on several occasions and staff believe that yet more has been brought in. Strange behaviour by the prisoners often leads to detection.

The Croatian prison system, as part of its 'benefits' policy, enables prisoners to have various kinds of supervised or unsupervised leave from the institution. A well-behaved prisoner is said to be able to spend as much as six days a month at home. Someone who has worked for eleven months may receive a vacation of 18-30 days at home.

Television programmes may be watched by prisoners in rooms set aside for leisure-time use. A prisoner may have a television in his room/cell provided that he pays the costs and the director approves. Approval is normally given unless a room-mate objects or there is some other powerful reason. Newspapers are available in prison libraries to which all have access.

Religious assistance

Prisoners in Croatia are reported to have plenty of opportunities for religious practice. A room is allocated to which they can bring their denominational symbols for services. Roman Catholic priests visit to officiate at such services, and where there are a group of Serbs, as at Lepoglava, an Orthodox priest also visits. In Lepoglava a large room has been converted into a chapel which has been attractively decorated by prisoners. It is said that prisoners' interest in religious matters is not high. When, following independence in 1991, it was newly permitted there was more interest because of the novelty of the experience. But by 2001 the interest was at a low level similar to that in the community outside, although in Lepoglava about 50 prisoners were attending Mass on Sundays. Representatives of evangelical groups are not allowed into the prisons unless an individual prisoner asks for such a meeting. In one prison an evangelical college wanted to address the prisoners, but when the prison administration saw the proselytising nature of their intended programme, the request was refused.

Prison staff

The Croatian prison administration reports that it is able to recruit and retain staff of adequate calibre. The high level of national unemployment makes it possible to choose from a large number of applicants and existing staff are not eager to leave. Nonetheless, staffing levels at pre-trial institutions are not quite up to

complement; at Zagreb prison, for example, security staff are 10% below complement and, although the prison can normally cope adequately with this shortfall, extra staff are sometimes brought in from other prisons when they are needed.

Staff salaries are similar to those of the police; overtime worked by security staff gives them a salary above the national average. A head of department at prison administration headquarters earns about 720 euros per month.

Staff morale is said to be generally quite good. They are glad to have a steady job that is regularly paid. Public attitudes to prison staff vary from institution to institution. In some places people think back to Communist times and staff are therefore not well-respected in the community but in Lepoglava, for example, the prison is very much part of the town and staff status is good. People are used to seeing prisoners working outside the walls. Some of the staff are the fourth generation working in the prison.

In order to improve public understanding of prison service work the acting head of the prison administration in March 2001 was planning a meeting with the media in order to make a presentation of objectives and practice within the prison system. Since the time when such work was closed to the public there had been little effort by the authorities to make such contacts. The need to do so was occasioned by sensational headlines and ill-informed reports. There was also a plan to have 'open days' and there was already a course for prison directors in communicating with the media. The prison service annual report was for the first time circulated and a major programme of public education was envisaged.

The Croatian prison administration is justifiably proud of the well-equipped training centre that it has established at Lipovica prison and for which the funds have been found within Croatia. It was opened in October 1999 following work by the OSCE and with assistance from the prison service of England and Wales. Training has focused mainly on new security staff but other courses have catered for senior management staff, medical staff and trainers. Special training is being provided in dealing with drug addicts and alcoholics and also concerning post-traumatic stress syndrome, which is of particular importance following the war with Serbia.

New staff receive 5-7 days initial training and then spend a few months working in a prison. If the director is satisfied with their approach they go to the training centre for 3-4 months. Opportunities are given for staff to complete their higher education. Staff do not make training visits to other countries.

The Prison Service employed 2,954 staff at the beginning of 2001, of whom 29 worked in the central prison administration. 1% were management staff (e.g. directors and other managers), 37% were custodial staff (e.g. guards and other security staff), 11% were treatment staff (e.g. psychologists, pedagogues, social workers and medical staff) and the remainder (some 50%) were engaged in connection with prisoners' employment, in administration and finance and in secretarial and other support functions.

Treatment staff in male prisons include a number of women but there are few women among the security staff. There was however a female head of security

in Bjelovar prison in recent years and at Požeška prison for juveniles and young adults the security staff are mixed.

Croatian prisons do not usually have towers and dogs as part of their security measures. Lepoglava is the only prison with security towers, of which there are four. These are manned by armed guards who are reported to have strict rules governing the use of such weapons. If a prisoner gets on the wall he can be shot but this has not occurred since 1990. A prisoner was seen escaping in the year 2000 but was not shot at. Dogs too are only used at Lepoglava. In early 2001 a dog was being trained to detect drugs.

There are reported to be few incidences of staff needing to be dismissed. About twenty were dismissed in the year 2000, mostly for paying insufficient attention to prison rules or being drunk on duty, and none of them for bad behaviour towards prisoners.

Staff receive pension rights in respect of 16 months for every 12 months worked. Thus, if they started work at 18 it will be in their financial interest to retire at 40 since they will receive almost full pay. Under new legislation it is anticipated that 55 will be set as the age of retirement.

At all the prisons visited as part of this project – Glina, Lepoglava, Lipovica, Turopolje educational institution and Zagreb – there seemed to be a good working relationship between security and treatment staff. Regular meetings were held between the heads of treatment, security and sometimes also employment, to discuss the prisoners and decide on appropriate treatment and the benefits they should receive. In Lipovica these three staff work together in what is referred to as a mini-team. In Lepoglava it was said that an attempt is made to include security staff in every aspect of a prisoner's life. It is the head of treatment who calls such meetings and presides since he or she must make the final decisions about treatment. It was reported that although the relationship between security and treatment staff varies from prison to prison it is good in most.

Treatment and regime activities

Each prison has a head of treatment and the senior manager with responsibility at the prison administration headquarters for treatment calls all these specialists to a meeting once a year in order to discuss policy and practice. This initiative is much valued by the heads of treatment and undoubtedly contributes to positive morale among treatment staff.

The main treatment staff working with prisoners, in addition to the medical staff, are psychologists, social workers, pedagogues and social pedagogues. Prisoners sentenced to no more than six months serve their sentences in the appropriate district prison where the treatment staff make an assessment in the prison's reception unit of the needs and capacities of each. All male Croatian prisoners who are sentenced to more than six months are first referred to the Centre for Psycho-Social Diagnostics at Zagreb prison for assessment. This practice has been followed since 1991. During a three week period prisoners are classified for security purposes, taking account of their offence, the length of sentence and their personal characteristics (for example, whether they are dependent on drugs

or alcohol). But the main purpose is to individualise each sentence by producing a treatment programme. The Centre is headed by a psychologist and there are two other psychologists, responsible mainly for conducting and interpreting personality and IQ tests and undertaking interviews in order to prepare a profile, three social workers who review the case file, interview the prisoner and provide comments on family circumstances and work capacity, a pedagogue who assesses the level of education and two social pedagogues who are responsible for devising the treatment programme. The other staff are a lawyer/criminologist, who establishes the level of criminal activity and the dangerousness of the prisoner, and three administrators.

Prisoners thus arrive at the prison to which they have been allocated with an individualised treatment programme. This is then amended to tailor it to available facilities in the receiving prison and the judgments of assessment staff there. The head of Zagreb's Centre for Psycho-Social Diagnostics advised that the programme they prepare is aimed a little higher than the receiving prison will be able to carry out.

For treatment purposes prisoners are normally divided into groups of 50 or 60 under a pedagogue (educator). In Turopolje educational institution the groups are of 14-16 and each has a male and a female pedagogue.

The welfare needs of pre-trial detainees are not well met in the Croatian system. A prison's treatment staff cannot be involved at all with detainees without the approval of the investigating judge, despite the fact that they will often be held for a long time and may be suffering post-traumatic stress from the war. On reception into the prison the social worker contacts the Centre for Social Work (CSW) in the community; the prison has a legal obligation to notify the family when a new detainee is received. It is the CSW who is called upon to deal with any family/accommodation/employment problems that may need to be resolved on the detainee's reception into prison. But the CSW is often unable to meet these needs. In Zagreb prison staff in the general and legal department give legal advice to pre-trial detainees, which supplements or replaces the reportedly inadequate attention that they get from attorneys, one of which must be assigned to each pre-trial detainee on their admission into a prison.

Treatment programmes in Croatian prisons are limited to three specific problems: alcoholism, drug addiction and post-traumatic stress. The prison administration would like to introduce programmes for sex offenders, violent offenders and long-term prisoners. Group work is undertaken in all prisons and this includes discussions of coping with family life. Formal education, including remedial education, is available at Lepoglava and in the institutions for juveniles; in other prisons special arrangements may be made for particular individuals. Some training in social skills is provided as part of guidance in good communication.

Other activities available for leisure times depend on the individual prison. They may include painting, sculpture and music. At Lepoglava an exhibition of prisoners' art is on display in a public building in the town near the prison. A member of the treatment department generally has responsibility for stimulating and organising free time activities. In Zagreb prison this includes painting, hand-

icrafts and also needlework. Football, basketball and tennis are also available there and sentenced prisoners may use a field just outside the wall. In Lipovica prisoners are involved in painting and there is also a lake-fishing section, a section that makes boats and a music section that gives concerts. An unusual but progressive feature is the fact that security staff run football and fishing activities, but not, it is said, in their role as security staff. One played in the prisoners' football team against another side but was unmasked when he attended a subsequent match in his uniform. In Lepoglava films are shown every Sunday and there are opportunities for painting and making wood sculptures (in the naïve style), one of which is displayed in the prison's entrance hall.

In order to stimulate prisoners' sense of responsibility and self-reliance there is a prisoners' committee at Lipovica prison. Each prisoner group has a representative and they meet without staff present and form proposals to put to treatment staff. Proposals are accepted whenever possible and all questions raised are properly answered. Other means of fostering self-reliance include giving the prisoners the opportunity to work outside the prison and giving them key work jobs carrying significant responsibility. The new law on the execution of prison sentences will allow prisoners in semi-open or open prisons to continue the jobs they held before they were convicted, only coming into the prison after the working day.

Sentenced prisoners are unlocked for most of the day but pre-trial detainees spend on average only about two hours out of their cells/rooms each day. The CPT recommended in a report on a visit in 1998 (CPT, 2001/4 p.90) that it should be the aim for pre-trial detainees to spend eight hours or more a day "outside their cells engaged in purposeful activities of a varied nature". They recognised that this required revision of the legislative framework governing remand imprisonment and of staffing levels. These changes had not yet occurred in 2001.

Preparation for release is regarded as commencing on the first day of the prison sentence. However, in practice there are no pre-release programmes. Long term prisoners held in the closed prison at Lepoglava are enabled to adjust gradually to conditions of freedom by being transferred to the prison's semi-open facility. Efforts to arrange accommodation and employment for prisoners who are about to be released are made through the CSWs, whose representatives come into the prisons, and particular efforts are made to assist juveniles. The Ministry of Social Welfare has social workers with responsibilities for such work. However, it is not clear how successful such efforts are. It seems that there is much scope for the improvement of pre-release work, both by prison staff and also in collaboration with the relatively under-developed CSWs and, for juveniles, with the Ministry of Social Welfare. There are no non-governmental organisations that provide assistance to prisoners after release. There is a system of conditional release for which prisoners can apply after serving half of the sentence. It is reported that almost everyone is conditionally released.

Public attitudes to released prisoners are reported to depend on the crime and

on the city or town to which the prisoners return. If they have served a short sentence for a comparatively minor crime then there is no difficulty, but if they have served a long sentence for a serious crime then public attitudes are always a problem.

At present the community is not much involved in the life of the prison. It is reported that the new law will encourage more involvement. Current examples of community involvement are the concerts which are occasionally given by outside groups to the prisoners in Lepoglava and performances that are given at Christmas time in Zagreb. At present there is no such involvement on a regular basis and no assistance from the community in respect of the arts or recreational activities.

In all prisons it is reported that pre-trial detainees and sentenced prisoners have the opportunity of at least two hours exercise daily, unless they are in disciplinary punishment when they receive at least one hour's exercise. Additional recreational facilities are normally available only for sentenced prisoners, although pre-trial detainees can sometimes have sporting activity, for example where there is a table-tennis table in the exercise area.

Prison work

It is reported that work is available for about 40-50% of sentenced prisoners and about 5-10% of pre-trial detainees. The permission of the court is needed for detainees to work. Sentenced prisoners are not required to work but almost all wish to do so because it affects their pay. It is to be noted that in 1994 70% of sentenced prisoners were reported to have work.

In Lepoglava prison in March 2001 there was work for 320 of the 618 prisoners. About 100 prisoners work alongside civilians in the production of furniture, another 25 in the metal-shop. Those in the semi-open section can work in agriculture. Ten to fifteen prisoners are employed in the public restaurant some 200 metres away from the prison. Others work on car repairs and others on the domestic and maintenance tasks necessary in any prison. Vocational training is available in woodwork, metalwork and working as restaurant staff (e.g. waiters).

In Lipovica there is a large factory which produces central heating radiators. About 50 of the 104 prisoners work there alongside some 350 civilians. Other prisoners work in the orchard, the vegetable garden, with pigs and sheep and on domestic and maintenance tasks. It is said that there is work for all except the five who are too sick or old.

Prisoners work 8 hours a day for a 5 day week. Pay is between one fifth and one third of what would be received outside. They keep two thirds of the pay whatever their other commitments (e.g. compensation, fines, alimony). They are entitled to send some of the money home. In the open prisons they can use money directly to pay for items in the prison shop/canteen; elsewhere a record is kept of the money they possess and of their transactions. Prisoners who have no work receive no pay but are given money for toiletries etc. if they cannot afford such items.

Safety and health regulations in prison employment are similar to those in work outside but it is said that Croats, both inside and in the community, are not inclined to observe them.

Vocational training and educational programmes

There are vocational training opportunities at Lepoglava, Požega and Turopolje, and in semi-open and open prisons prisoners can obtain vocational training outside the prison. The prison administration regrets that it cannot always offer training for the type of employment that prisoners might choose. Staff at Turopolje say that the main problem is that the young prisoners they deal with often cannot get employment after their release.

There are educational programmes for younger prisoners at Požega and Turopolje. All are approved by the Ministry of Education. Certificates in respect of qualifications obtained do not reveal that they were achieved in a correctional institution. The regime at Turopolje educational institution (for prisoners aged 14-21) is education in the morning and employment in the afternoon.

Educational programmes are also available in the long-term closed prison for adults at Lepoglava. Prisoners are not paid for undertaking educational programmes but it is said that the new legislation will make provision for this.

Inspection and monitoring

The prison administration's heads of treatment, security and general and legal affairs conduct inspections of the institutions in order to ensure that they are being run in accordance with the laws and regulations and with the objectives of the prison service. This is done either by means of a formal inspection visit or during one of the periodic visits that such senior managers make to the institutions. In the latter case any verbal recommendation that is made will be followed, if the prison director does not agree with it, by a formal letter requiring that the recommendation be carried out. A formal inspection leads to a written report setting a time limit for the implementation of its recommendations. Checks are made to ensure that they are indeed carried out to time and, if they require resources that are not available to the director, the prison administration accepts responsibility for providing these. There is no system of independent inspections of the prisons.

The Croatian prison administration spoke positively of its experience with the Council of Europe's CPT, which visited in 1998. They were in agreement with all the CPT's recommendations and made a number of changes in order to respond to them. However, as noted above, no improvement had been made to the conditions in which pre-trial detainees spend their imprisonment, a matter which is outside the authority of the prison administration, and there remained a need to strengthen psychiatric support. Overall, their assessment was that the CPT did not make criticisms of deficiencies of which they were unaware. Indeed, they asserted that they aim for higher standards than the CPT recommended.

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Croatian prison system and used in staff training. The Director General and the directors of penal institutions have copies of these standards, as do other management staff at the national prison administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

It was reported in the early 1990s (Ajduković, 1993) that a number of representatives of NGOs were visiting prisoners at that time, including churchmen and members of the Helsinki Committee. There has been no expansion of such activities since then. Church representatives have continued to visit but the Helsinki Committee reports that in about 1998/99 the prison administration was reluctant to let them do so. Since then, if prisoners make a written request to them, they have always received permission for a visit. They report that there are few complaints nowadays (less than ten a year) and that prison staff seem dedicated to their work. Indeed, since the election in January 2001, the new government, including the Minister of Justice, is very supportive of NGOs. The Helsinki Committee did not seem interested in expanding its role in penal matters, mainly because it saw no significant threat to human rights in the actions of the prison administration and prison staff.

The International Committee of the Red Cross also visits prisons on a regular basis and some humanitarian aid has been provided. The only other NGO that had emerged in the penal field (but was now apparently inactive and had never played any significant role in respect of prisons) was a second Helsinki Committee, which was formed because the neutrality of the established Helsinki Committee during the war with Serbia was seen by some as being pro-Serb. The second Committee was thus created to take the Croat line. As stated by de Frisching and Heyes (2001) there is clearly “a need to encourage and promote the development of NGOs working in the prison and community supervision fields”.

Other matters

The Croatian prison administration is very positive towards international co-operation but has not become closely involved in a network of regular contacts. There has been participation in Council of Europe meetings on prison matters and full co-operation with the CPT during and after their visit in September 1998. The new prison legislation was referred to the Council of Europe for comments (Kühne and Baechtold, 1998). The OSCE provided assistance with the creation of the staff training centre, with which, as mentioned above, technical co-operation was also received from the prison service of England and Wales. The prison administration report that they have also had visits from the prison services of the Czech Republic, Hungary, Macedonia and Montenegro.

The Croatian government is in the process of introducing 'protective supervision' (probation). In the absence of any more suitable organisation to manage such a system the responsibility is to be placed, at least initially, on the prison service. Responsibility for imprisonment and community supervision is under the same authority in several Scandinavian countries and elsewhere in the world. The Council of Europe held a seminar in Zagreb in March 2001 as part of the preparation for such a development.

The law entitles both pre-trial detainees and sentenced prisoners to vote in national elections. The prison administration reports that this is nevertheless difficult to arrange, as was the Census that was conducted in 2001.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments in the Croatian prison system:

- the establishment of a new staff training centre at Lipovica (1999);
- the introduction of the new modern Criminal Code and Criminal Procedural Code (1998) and the forthcoming Penal Executive Code – 'law on the execution of prison sentences' (2001);
- the redevelopment of Glina prison as a closed penitentiary institution in order to take first time offenders and enable them to be separated from the long-term recidivists who will remain at Lepoglava which is itself undergoing the reconstruction of the wall and of one wing (2001);
- the completion of a new wing for the prison hospital – the section for mentally disturbed sentenced prisoners (2001).

Current objectives

The following are some of the main objectives reported by the prison administration and directors of the penal institutions:

- to raise the standards (of the conditions and practice) in the prisons;
- to increase the capacity of closed institutions in order to cope with the need to hold more prisoners in such security conditions;
- to acquire more security equipment (e.g. video-surveillance cameras) and modernise the security vehicles;
- to establish treatment programmes for sex offenders, violent offenders and long-term prisoners, and to develop more effective drugs treatment programmes;
- to have some single cells in every wing of the penal institutions.

Main problems

The following are some of the principal obstacles to the achievement of such objectives and to the advancement of the prison system in Croatia:

- the shortage of resources. The budget for the prison system has been too small to enable new investments (work on prison buildings) to be carried out as planned. This is seen not only as an obstacle to prison conditions but also as a threat to the quality of practice. The government has decided that though staff who retire can be replaced other vacancies cannot be filled. In these circumstances the prison administration reports that it is pleased that professional standards are nonetheless being maintained;
- the shortage of computers (most prisons do not have them) and of video-surveillance equipment;
- the slight increase in the number of prisoners and the perceived deterioration in the type of criminals being received. More serious cases are meaning that more places are needed in closed institutions and fewer prisoners are suitable for open and semi-open conditions;
- overcrowding in some closed institutions which would be recognised as serious if the capacity figure for each was based on 8m² of space per prisoner, as stated in the new law on the execution of criminal sanctions;
- the personal characteristics of prisoners, a high percentage of whom have psychopathic tendencies and an increasing number are drug or alcohol dependent and lack motivation to get involved in treatment programmes;
- security staff have an increasing number of duties placed upon them. Among these are acting as chauffeurs for senior Ministry of Justice officials.

Achievements

Staff of the prison administration and in the prisons visited were asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries.

They drew attention especially to the treatment programmes for alcoholics and for those suffering from post-traumatic stress. These have continued for some time and are similar to programmes being used in the community outside. The alcohol programme (some 3-4% of prisoners are said to be alcoholics) involves the creation of non-alcoholic clubs, and the use of education and therapy. Families are brought in to participate in the programmes. Less satisfaction was expressed about the drugs treatment programme but new legislation will make it possible to establish special units for drug addicts who were under treatment before admission to prison, and the prison administration is confident that this will be a positive development. Likely new premises for such a unit had already been identified by March 2001.

Further achievements of the Croatian prison service include:

- the emphasis on humanity, concern for prisoners as people, positive staff-prisoner interactions and a strong desire to improve standards;
- maintaining regular contact between prison administration headquarters staff and the penal institutions (e.g. meetings between the headquarters director of treatment and the heads of treatment from the institutions in

- order to discuss policy and practice);
- good co-operative working in many prisons, with regular meetings to discuss prisoners' progress and treatment, between the heads of the treatment, security and employment departments;
 - the establishment of a Centre for assessing and preparing a treatment programme for all prisoners given a sentence of more than six months (Zagreb, Centre for Psycho-Social Diagnostics);
 - productive economic units (factories) in the prisons, in which prisoners work alongside civilians from the community outside (e.g. Lepoglava, Lipovica, Požega);
 - the production of a 'General Information' leaflet (and a website) for the media and all other interested persons, including prisoners' families and visitors, about the prison, its functions, activities, facilities, organisation and regulations (Zagreb);
 - good links with the community outside the prison (e.g. Lepoglava);
 - the operation of a public restaurant, run by the prison and staffed by prisoners (Lepoglava);
 - the creation of a unit for older prisoners (Lipovica);
 - the participation of security staff in prisoners' leisure activities such as football and fishing (Lipovica).

When asked about successes of which they were proud staff sometimes gave answers which emphasised their dedication and explained why they found the job worthwhile and rewarding. Staff at Turopolje educational institution for young offenders aged 14-21 provide a particularly vivid example of this. The following is an amalgam of comments from the deputy director and senior staff responsible for assessment, security, treatment, education and work instruction:

“ This group of young people is on the social margins. They have difficult disturbances of personality. But if they are properly treated they have a chance to change themselves. They can learn how to express their feelings and that they are not less valuable than others who have had better or more successful lives. This approach has a crucial impact on good relationships between the staff and the children. The institution is caring about youngsters who would otherwise be lost to the community. There is mutual respect and love here and that is a reason to be proud. In schools outside they have been unsuccessful but here they can become successful and get certificates that can be very helpful outside. It is a special joy when they leave and acknowledge us; they write and phone and want to tell us that our efforts were really helpful. Money is not the reward; the reward is the satisfaction when you meet a young person outside and he is a complete person.”

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, the objectives, the problems and the achievements. There is a positive atmosphere in the Croatian prison system and there are many examples of good practice. The following are suggestions as to some of the important outstanding tasks, in addition to the objectives listed above:

- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial (remand) prisoners, and to enable them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to establish, for each institution, a new capacity figure based on the amount of space per prisoner that is specified in the new legislation. If, in the short term, it is not possible to ensure that all prisons keep their numbers below the new capacity figures, target dates should be set for achieving full observance of the requirement in the new legislation;
- to develop a modern system for the regular collection of statistical information about the prison system and for its use in connection with policy and practice;
- to ensure that senior staff in the prison administration headquarters and the directors of all 23 institutions and their senior managers still possess and make full use of copies of the Council of Europe's European Prison Rules (1987), which was published in the Croatian language in 'Penološke Tema' (Zagreb, 1990) and distributed to all directors and heads of department at the time of publication. Copies should also be kept prominently in each prison library for the use of other staff and prisoners;
- to develop pre-release programmes and co-ordination with Centres for Social Work in the community. There is a need, in the interests of the prevention of crime and the resettlement of offenders, to strengthen the capacity of CSWs to provide post-release support for ex-prisoners;
- to make continued efforts to strengthen the provision of psychiatric support in the prison system, as recommended by the CPT.

Annex 1

CROATIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	1,518	32	4,687,500
1991	1,074	23	4,685,800
1992	1,371	29	4,784,200
1993	1,604	34	4,778,600
1994	2,301	48	4,780,100
1995	2,388	51	4,670,200
1996	2,572	56	4,597,000
1997	2,156	47	4,565,400
1998	2,119	46	4,581,900
1999	2,227	49	4,527,500
2000	2,027	44	4,567,500
2001 (1/1)	2,623	60	4,381,000
2001 (31/12)	2,584	59	4,387,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	819	31.2	19
(31/12)	820	31.7	19
Female prisoners in 2001			
(1/1)	92	3.5	2
(31/12)	105	4.1	2
Juveniles (under 18) in 2001			
(1/1)	59*	2.2	1
(31/12)	53*	2.1	1
	TOTAL among sentenced population	Percentage of sentenced population	
Foreign prisoners in 2001			
(1/1)	259	14.4	
(31/12)	209	11.8	

* In addition, 74 prisoners, mostly juveniles, were serving 'correctional measures' at the beginning of 2001 and 98 prisoners, again mostly juveniles, at the end of the year.

Annex 2

Croatian penal institutions: functions and capacity, 2001

District (or county) prisons (okružni zatvori) for pre-trial detention and sentences of six months or less, male and female adults

1	Bjelovar	74
2	Dubrovnik	34
3	Gospić	72
4	Karlovac	56
5	Osijek	180
6	Požega	67
7	Pula	150
8	Rijeka	140
9	Sisak	100
10	Split	120
11	Šibenik	90
12	Varaždin	90
13	Zadar	54
14	Zagreb	500

(State) penitentiary institutions (kazneni zavodi) for sentences of over six months

15	Glina	80	for sentenced male adults (closed)
16	Lepoglava	600	for sentenced male adults (closed)
17	Lipovica	220	for sentenced male adults (open)
18	Požega	275	for sentenced male and female adults (closed, open and semi-open sections)
19	Turopolje	103	for sentenced male adults (semi-open)
20	Valtura	140	for sentenced male adults (open)
21	Prison hospital – Lišene Slobode	105	for all categories

Penal institutions for minors and young adults (odgojni zavodi - educational institutions)

22	Požega	55
23	Turopolje	110

TOTAL (at beginning of 2001) **3,415**

Annex 3

Croatia: principal sources of information

Ms Marija Josipović	Director of legal affairs and general administration, acting head of the prison administration (Administration for the Execution of Sentences - AES) at March 2001
Ms Vesna Babić	Director of treatment (AES) and deputy director of Lipovica penitentiary institution
Mr Ivan Šantek	Director of Glina penitentiary institution
Mr Ivan Damjanović	Director of Zagreb district prison
Mr Stjepan Loparić	Director of Lepoglava penitentiary institution
Mr Ivan Vučić	Director of Turopolje educational institution for minors
Mr Damir Čumpek	Legal affairs and general administration department, AES
Mr Zvonimir Penić	Treatment department, AES
Mr Saša Rajić	Treatment department, AES
Ms Višnja Bunata-Blagović	Treatment department, AES
Mr Ranko Helebrant	Croatian Helsinki Committee for Human Rights
Mr Christoph Vogt	Head of Zagreb mission, International Committee of the Red Cross
CPT, 2001/4. Report to Croatian Government on the visit to Croatia [by the CPT in September 1998]. Council of Europe, Strasbourg	
CPT, 2001/5. Interim and follow-up reports of the Croatian Government in response to the CPT report on their visit in 1998. Council of Europe, Strasbourg	
De Frisching A. and Heyes J., 2001. Report of a Needs Assessment of the Croatian Prison Administration, conducted by the International Centre for Prison Studies, King's College, London for the British Embassy in Croatia from 19-24 March 2001.	
Kühne H-H. and Baechtold A., 1998. Expert opinions on the proposed law on the execution of prison sentences for Croatia (including the text of the draft law). Council of Europe, Strasbourg	

29. Czech Republic

Legislative framework

The Penal Code and the Code of Criminal Procedure date from 1961 (Acts No.140 and 141/1961) and have been amended several times in the last few years, most recently with effect from 1 January 2002. An amendment to the Penal Code in 1993 abolished the situation whereby the court decided the type of prison in which an imprisonment sentence would be served and replaced it with the provision that, while the court would decide on the type of prison for the initial period of imprisonment, the prisoner could subsequently be transferred in accordance with an assessment of the prison service about behaviour in prison and psychological condition. However, this was revised by the Constitutional Court in 1995 on the grounds that only an independent court should decide on the type of punishment to be served.

The basic legislation regulating the prison system is the Prison Act of 1999, which came into force on 1 January 2000 (Act No.169/1999) together with the Prison Regulations, and the Pre-trial Detention Act of 1993, which came into force on 1 January 1994 (Act No.243/1993) and has since been amended, most recently at the beginning of 2001. Probation was introduced as an alternative to imprisonment by a law of 14 July 2000 on Probation and Mediation Service, which came into force on 1 January 2001 (Act No.257/2000).

The new Prison Act aims to increase the effectiveness of imprisonment by interaction with and positive motivation of prisoners, and to involve the community to a greater extent. It also seeks to ensure that it is the prison service rather than the criminal law that decides on the type of treatment that prisoners receive during their sentence, thus enabling decisions to be made flexibly on the basis of the best and most recent information. Changes in the new legislation limit prisoners' freedom to dispose of their money and affect their right to receive parcels (see paragraphs on Prison Disturbances, January 2000), their use of the telephone, visits, leave, disciplinary punishment, space allowances, the inspection of prisons and other aspects to which further reference will be made below.

Organisational structure

Responsibility for the administration of the prison system reverted to the Ministry of Justice in 1968 after a break of 14 years. According to Act No. 555/1992 prison staff are divided into three categories: prison guards, court guards and management service. The prison and court guards have the status of an armed corps, while the management service provides the organisational, economic, educational, health care and other functions and is staffed by civilians (Valková, Meclová and Cerniková, 2001).

The Director General, head of the prison administration which is known as the General Directorate of the Prison Service of the Czech Republic (PSČR), is responsible to the Minister of Justice. The current Director General, Mrs Kam-

ila Meclová, was appointed in January 2000. Dr. Zdeněk Karabec was Director General for more than five years from 1990, when he was succeeded by Dr. Jiří Malý, the former first deputy Director General. Mrs Meclová, who had started her career in the Czech Prison Service as a psychologist in 1976 and was subsequently director of the prison for women and juveniles at Pardubice, was also first deputy Director General at the time of her appointment as Director General.

The General Directorate consists of the Director herself, the first deputy Director General, who is responsible for the Department of Prison and Court Guards (Security Department), the Department of Detention (pre-trial) and Imprisonment and the Health Care Department; a second deputy Director General who is responsible for the Economy (Finance) Department, the Administration (Legal) Department and the Department of Logistics and Production Activities; and the Secretariat, the Department of Control and Prevention (responsible for monitoring and for dealing with prisoners' requests and complaints) and the Personnel Department. There were a total of 239 staff employed at the General Directorate headquarters in the year 2000.

At the beginning of 2001 there were 33 prisons, 11 of which were predominantly for pre-trial detainees and 21 predominantly for sentenced prisoners. The other (Karviná) is intended for a similar number of each category. A thirty-fourth prison, predominantly for pre-trial detainees (Teplice) was opened during 2001. The capacity at the beginning of the year was 20,244, and at the end of the year it was 20,122, comprising 5,980 places for pre-trial detainees and 14,142 for sentenced prisoners; this is an increase of 2,107 places (11.7%) since the end of 1994.

The largest institutions, with capacities in excess of 1,000, are Plzeň (1,345), Valdice (1,294), Prague-Pankrác (1,075) and Vlnařice (1,055). Ten other prisons have capacities over 650. Two are sited in extremely old buildings: Valdice was established in the mid 19th Century in premises of a monastery built three hundred years earlier. Mírov was established as a civilian penitentiary also in the mid 19th Century; it is sited in a castle and has been used as a place of punishment since the 14th Century, at various times housing erring servants of the bishop and disgraced priests and being a correctional centre for monks (PSČR, 1996). Five other prisons (Liberec, Plzeň, Opava, Prague-Pankrác and Pardubice) were built between 1877 and 1891 under the Austro-Hungarian Empire. Turning from the oldest establishments to the most modern, six new prisons were added to the prison estate between 1994 and the end of 2001 (one prison was closed during this period); five of the six have capacities of about 150-200 and the other is for 470. (Details of building activities to increase accommodation capacity from 1993 onwards are in CPT, 1999/8 Annex 6 and the second Annex 7).

Pre-trial detention

The level of pre-trial detention has fallen by almost one half since 1994, when it constituted 47% of the prison population and was at a rate of approximately 85 per 100,000 of the national population. There were reductions of 9% in 1995 and 8% in 1998 and, following the disturbances of January 2000 (see below),

further falls of 14% in 2000 and 23% in 2001. At the beginning of 2001 there were 58 pre-trial detainees in the prison system per 100,000 of the national population of the country (27.7% of the prison population); at the end of 2001 there were 45 pre-trial detainees per 100,000 (23.7% of the prison population). This is an average level for central Europe, higher than in most other European countries and lower than in the countries of the former Soviet Union. More defendants are now remanded at home, and the average length of pre-trial detention has fallen from 7 months to 5 months since March 2000. In Prague-Pankrác prison the average length of pre-trial detention fell from 12 months to 6 months between June 2000 and the end of that year.

Pre-trial detainees spend an average of one hour a day out of their cells in Pankrác prison, but a new unit has been established to hold 300 of the 750 pre-trial prisoners for whom there are places there. That unit has cells unlocked for 12 hours a day, but it was not full at January 2001 because insufficient detainees were considered suitable for such conditions. The Pre-Trial Detention Act of 1993 only guarantees one hour a day out of cell for walking exercise in the interests of the prisoner's health. But section 8 of the Act provides for a more lenient regime "with common social and cultural facilities where the accused shall be allowed to move freely at fixed times and to associate with the other accused placed in this department". Only a minority of pre-trial detainees in the Czech prison system experience this more lenient regime. The CPT recommends that the aim should be to ensure that all remand prisoners are able to spend a reasonable part of the day (i.e. 8 hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; and recreation/association (CPT, 1999/7 para 56).

The numbers held in penal institutions

The prison population, which had been reduced dramatically by a major Presidential amnesty at the beginning of 1990 (from 22,365 to 6,360), rose steadily throughout the 1990s. The total of 23,000 was passed in late 1999 and in January 2000 there were disturbances in 16 prisons. Overcrowding was seen as a major cause. It reached a maximum of 23,844 on 17 March 2000. On 23 March the Director General closed the prisons to all newly sentenced prisoners who had spent their pre-trial period at home. After three months such prisoners began to be accepted from a waiting list. The practice of courts and prosecutors has since changed: in the two years from the end of 1999 to the end of 2001 the number of pre-trial detainees fell by one-third and the number of sentenced prisoners by 9%. A greater use of conditional release is believed to be contributing to the reduction in sentenced prisoners.

In February 1998 the prison administration attributed the growth in the prison population to the long time spent in pre-trial detention (then averaging 7 months), the growing number of foreigners in the prison population (then 25%, mostly from the former Soviet Union and former Yugoslavia), a general growth in criminality and new types of (white-collar) crime (Council of Europe, 1998). By 2001 the crime rate was still regarded as high but it had declined slightly.

By the beginning of 2001 the prison population total had fallen to 21,538 (210 per 100,000), of which 27.7% were pre-trial detainees, 4.5% were female, 1.3% were juveniles (under 18), and 11.8% were foreign prisoners. At the end of 2001 the total was 19,320 (188 per 100,000), with 23.7% pre-trial detainees, 4.1% females, 1.1% juveniles and 11.0% foreign prisoners. This prison population rate of 188 is twice as high as that in the Czech Republic's neighbours Germany and Austria to the west and south west and higher also than Slovakia to the east. It is however lower than that in Poland to the north.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was 106.4% of the total capacity, but by the end of the year the occupancy rate had fallen to 96.0%. Nevertheless twelve prisons were exceeding their overall capacity. No prison had overcrowding in its pre-trial accommodation, but twenty prisons were overcrowded in the accommodation for sentenced prisoners and the overall rate of occupancy in accommodation for sentenced prisoners was 104.2%.

The official minimum space specification per prisoner was raised to 3.5m² in 1990. The new Prison Act of 1999, dealing with the legal requirements for prisoners serving a prison sentence, excludes any reference to a minimum space allowance; so does the new pre-trial detention legislation, which came into force on 1 January 2001. However, the prison administration has continued to operate an unofficial minimum allowance of 3.5m² and the capacity figures for each prison were calculated on this basis. As a result of the decreasing numbers in the prisons the prison administration has since raised the standard to 4m² (from 1 February 2002) and expects to raise it to 4.5m² within the next two years.

The report of the CPT visit to the Czech Republic in 1997 (CPT, 1999/7) included the following comment: "... the existing standard of 3.5m² per prisoner in multi-occupancy cells does not offer a satisfactory amount of living space, in particular in cells of a relatively small size. The CPT recommends that the standard be raised. The CPT also recommends that cells measuring 8m² or less accommodate no more than one prisoner ...(and that) any cells measuring less than 6m² be taken out of service as prisoner accommodation." In their response to the report, the Czech authorities stated that these recommendations were being used as a target for the prison service in its efforts to reduce overcrowding. "The General Director of the Prison Service of the Czech Republic has been charged with designing a strategy as one of the major tasks of the Czech Prison Service in 1998" (CPT, 1999/8). As an annex to this response the Czech authorities included a detailed plan for increasing the number of places in the system by 4,380 by the end of 2002.

If the penal institutions had allowed 4m² per prisoner at the end of 2001, the minimum acceptable to the CPT for cells accommodating three or more prisoners, there would have been room for 17,607 prisoners, which means that the system as a whole would have been overcrowded by 11%. The average space per prisoner at the end of 2001 in the pre-trial sections of the two prisons with the largest number of pre-trial detainees was Prague-Pankrác 2.95m² and Prague-

Ruzyně 3.7m². The average space for sentenced prisoners in the two prisons with the large number of sentenced prisoners was Valdice 3.0m² and Vinařice 3.5m². The largest number of prisoners accommodated in one room in the Czech prison system is 20 but the prison administration reports that this occurs rarely. At the time of the CPT visit (February 1997) up to 23 prisoners were being held in dormitories in Mírov prison.

The prison administration reports that untried prisoners are always detained separately from convicted prisoners, women prisoners separately from men, and juveniles under 18 separately from adults.

Sanitary arrangements and arrangements for access are said to be adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides the toilet paper. Every prisoner is able to have a bath or shower at least once a week and more often if recommended by a doctor. Women may shower at any time. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. The Czech prison administration is trying to improve the prison uniform but has no money for this. Sentenced prisoners too may wear their own clothes if they are washed regularly, in other words, if clean clothes are brought in by relatives or friends.

Food and medical services

The quantity and quality of food that prisoners receive is believed by the head of the health care department to be close to average standards in communal catering outside. Some 45 Czech koruna are spent on food for one prisoner for one day (and 11-12 koruna on drinks). Until the year 2000 the rate was 35 koruna which was regarded as inadequate in terms of nutritional value. Efforts are made to produce a balanced diet (including meat, fruit and vegetables) but vegetables and fruit are expensive and consequently little of these is provided. Extra food is given to those involved in heavy work and to pregnant women. Some twelve different diets are prepared, in accordance with Czech law.

Each prison is required to have a nurse present, at least part-time, to control the nutrition in the prison. This dietary nurse is responsible for the menu and checks the quality and quantity of the food. Once a week the doctor approves the menu; he or she is also responsible for the quality of the meals. Kitchen hygiene is checked by external hygienists as from 2001; previously it was the responsibility of internal hygienists. As a result of this change the prison doctor is no longer required to supervise hygienic conditions. The external hygienist reports the situation to the Chief Medical Officer who advises the prison director of any defects that need to be remedied. It is the director's duty to act on such advice.

About half the prison kitchens are not in good repair, and although the medical staff report this to the director there is insufficient money for action to be taken. This is recognised to be an important issue and under the new system of inspection by an external hygienist the prisons will be liable to substantial fines if the kitchens are below standard and they would have to be closed. It is thought

that this will lead to much needed improvement in kitchen conditions.

The Czech prison health care service is more closely integrated with the national public health service outside than it was in 1994. This has been a deliberate policy. It is also considered to be of equivalent standard to the public health service, and the professional supervision of doctors and the control of infectious diseases, like the hygienic conditions, are regulated by the public health service as well as by the prison service. Prison health care is sometimes better than that outside since it can be quicker to get appointments and care within the prisons.

There are three prison hospitals, with a total capacity of 374 beds. The oldest, dating back to the 19th Century, is in Prague-Pankrác (139 beds), while a modern well-equipped hospital in Brno prison was opened in 1997 and has 170 beds. The third prison hospital is at Ostrov and is for TB patients only (65 beds). Every prison has its own medical centre with at least one doctor and three nurses for every 500 prisoners. In fact there were 134 full-time doctors employed by the prison service at the beginning of 2001 (34 of them on contracts), and a further nine vacancies. Four of the doctors are psychiatrists. Every prison has a dentist – ten of them prison service employees and the rest on contract. There are also 331 full-time nurses (no vacancies), 11 physiotherapists, and a further 28 staff including radiologists, laboratory workers, dietary nurses and auxiliary staff. Almost half the prison doctors are retired doctors from the public health service. (For further information about prison health care in the Czech Republic see MacDonald, 2001.)

The availability of medicines is good; some of them must be paid for, as in the community outside, if prisoners can afford to do so. Most cannot and they receive them free. Every newly admitted prisoner receives a full medical check-up, as in the public health service, and additionally a lung x-ray (for TB) and a blood test (for syphilis). Prisoners who are working must pay health insurance, as citizens outside do.

The prison health care department reports that there is no serious problem of alcohol addiction. The courts send 20-30 people a year to prison with an order that they should have preventive treatment in respect of alcohol abuse. Prisoners are asked on admission if they are alcoholics and registered addicts will receive appropriate medicines to the best of the prison service's ability. A treatment unit for 30 alcoholics is to be opened in Liberec in 2002.

Many prisoners have been using drugs before admission to prison but the numbers are stable. Check-ups on entry revealed that 22% of new prisoners in the year 2000 tested positive. Research has shown that there is, however, little use of drugs in prison and few prisoners could be described as having a drug problem. Medicines are misused but the use of hard drugs is exceptional and confined to individuals. A three-year drug strategy (1997-2000) concentrated on reducing the supply of drugs entering the prisons, primary prevention and education of prisoners, and treatment for hard drug users. During the period 2001-2004 the emphasis is on drug-free units. There is special treatment of drug addicts in Opava, Plzeň and Rýnovice, including a unit for 160 at Plzeň which was treating only 100 addicts at the beginning of 2001 because of shortage of staff.

Prisoners in high-risk groups (homosexuals, prostitutes and drug users) were mandatorily tested for HIV/AIDS until 1994, when legislation guaranteeing anonymity and voluntary agreement to testing was adopted by the prison service. Prisoners diagnosed with HIV are not isolated and their condition remains confidential, except that the prison director will be informed if an infected prisoner asks to be segregated. HIV/AIDS is not regarded as a problem in the Czech prison system and at the beginning of 2001 just seven prisoners were known to be HIV positive. The numbers are not increasing. Counselling is provided before voluntary tests and after a positive diagnosis. Post-test counselling is done by public health specialists.

Tuberculosis is regarded as a problem but the numbers are not increasing. In 1999 medical check-ups on admission revealed 85 cases who needed to be transferred to Ostrov TB hospital for treatment; in 2000 the number was 60. Prisoners very rarely die of tuberculosis in prison; if it is clear that they will not survive, a pardon is normally obtained and they are released.

Although there was once (until 1963) a special department in Pankrác prison for mothers with babies, the practice since then has been for pre-trial women who are pregnant to ask the court to release them. If this is not allowed they are transferred to Pankrác prison hospital three weeks before the delivery and to a public hospital for the actual birth, if the court allows. In the last ten years five babies have been born in Pankrác hospital. According to the law the babies have to be placed in a children's home while the mother remains in custody. This has led to criticisms and the new Prison Act has authorised a mother and baby unit within the prison system. This was under construction at the beginning of 2001 and will have four places for mothers and babies.

There were 33 deaths in Czech prisons in the year 2000, following similar numbers in the previous three years (1997: 34, 1998: 33, 1999: 21). Nine of these were suicides; none were as a result of tuberculosis. The suicide level has remained stable, despite the steady increases in population until March 2000.

As mentioned above, the medical staff are responsible for the quality and quantity of the food. Hygiene and cleanliness of the institution are now supervised by external hygienists. Nonetheless medical staff are still expected to advise the director or such matters and on sanitation, heating, lighting and ventilation and the suitability and cleanliness of the prisoners' clothing and bedding.

It is one of the duties of medical staff to provide preventive health information. This is part of the so-called 'harm reduction policy', the guidelines for which are set out by the prison administration's department of health care. Every six months there are meetings of the chief doctors from all prisons in order to discuss key issues.

The CPT delegation which visited Prague-Pankrác and Mírov prisons in February 1997 "formed a generally favourable opinion of the medical services". They reported that the number of doctors, specialists and other health care workers employed, as well as their hours in attendance in the prison, were sufficient. Further, the premises and level of equipment were satisfactory in both establishments and they were generally impressed by the professional competence dis-

played by the doctors and other medical staff. They added that it was “noteworthy that few complaints were received from prisoners about health care services” and concluded by saying that “the delegation was satisfied that the level of care provided to prisoners was of an adequate standard and, more particularly, comparable to that which would be available to persons in the community at large” (CPT, 1999/7 para 58).

Discipline and punishment

The section of the Prison Act 1999 which deals with discipline and punishments deals first with rewards for good behaviour (Article 45). Disciplinary punishments (Article 46) range from a warning, through reduction of pocket money and prohibition of a package, to a fine, forfeiture of an object used in the disciplinary offence, placement in a closed unit for up to 28 days (except for time to undertake treatment tasks), to placement in a segregation unit for a period of up to 20 days for adults (isolation punishment) or 10 days for juveniles. However, disciplinary sanctions are said to be used sparingly in the Czech prison system. The CPT commented that they found no evidence of excessive resort to disciplinary sanctions in the prisons they visited.

The CPT noted however that, while pre-trial detainees who were in isolation punishment were allowed a mattress on their bed at night as well as a blanket, sentenced prisoners in isolation punishment only received a blanket. They recommended that all prisoners should have a mattress (CPT, 1999/7 para 75). In their response the Czech authorities notified the CPT that the obligatory nighttime provision of mattresses in disciplinary cells would be added to internal regulations in 1998 (CPT, 1999/8 p.22). The CPT noted that disciplinary cells were of adequate size and were equipped with at least a wooden bed, some storage space, a washbasin and a lavatory. They recommended that regulations be amended to allow all persons placed in such cells to have access to reading matter.

Contact with the outside world

Pre-trial detainees may be visited at least every two weeks with each visit lasting for at least 60 minutes. Until 1999 visits were guaranteed only every three weeks and for 30 minutes. The CPT had commented that the equivalent of 10 minutes a week was insufficient to allow prisoners to maintain good relations with their families and friends (CPT, 1999/7 para 65); the new regulation allows 30 minutes per week. The CPT commented that in February 1997 they found that most visits to pre-trial detainees were conducted under closed conditions (e.g. prisoner and visitor separated by a glass screen), and they recommended that such visits should generally be conducted under reasonably open conditions (CPT, 1999/7 para 66). The prison administration advised in January 2001 that while they considered a 50/50 split between closed and open visits was about right, discussions on these matters were left to the individual prison directors. The situation was complicated by the considerable increase in visits.

Under the Prison Act of 1999 sentenced prisoners may be visited for a maximum of three hours in a month, regardless of their security category. Previously the visiting entitlement depended on the prison regime. However, the new Act actually reduces the length of visiting in the lower security prisons. Prisoners may now receive private (intimate) visits from their partners, something that was not included in previous legislation although in practice it was permitted. It is principally envisaged for prisoners in high security prisons; for those in lower security establishments it is considered better to allow the maintenance of sexual relations to be enabled through temporary releases from prison. There are no arrangements for prisoners to receive long visits, including overnight stay, from their families. It is often impossible, in present circumstances with overcrowded prisons, to locate prisoners near to their homes. The maintenance of positive family ties is also obstructed by the fact that prisons may be difficult to reach and family members may find the journey a considerable problem both in terms of time and money.

There is no limit on the number of letters that prisoners may send or receive. However, all correspondence, except letters to and from lawyers, official bodies and international human rights organisations, may be read by the prison authorities. This does not delay the letters of sentenced prisoners but there may be some delays if the correspondence of a pre-trial prisoner suspected of collusion is checked by a law enforcement authority (CPT, 1999/8 p.13).

The use of a telephone is not permitted to pre-trial detainees. But the new Prison Act allows such contact with family and friends "in reasonable cases" (Article 18). The prison administration would like this qualification to be dropped, and to use credit cards for prisoners' calls. Prisoners used to be allowed to receive parcels containing food and personal items once every two weeks, but this has now been restricted to twice a year (four times a year for juveniles) in order to prevent the importation of drugs into the institutions. It is intended to phase out parcels altogether; the prison canteens are said to have a wide enough assortment of the items that prisoners need and it is envisaged that prisoners could be sent money to use there. Underwear, other clothing and objects relating to treatment, education or hobbies are not restricted and may be received as often as necessary.

Prisoners may be granted home leaves for three day periods (known as an 'interruption of punishment') and they may be on leave in this way for up to 20 days in a year (30 days for mothers visiting their children) "as a kind of reward" and up to 10 days a year "for pressing family reasons" (Article 56).

Prisoners may watch television in the group rooms, though not usually in their cells where radios only are available. Those in the lowest security categories may be allowed to attend cultural, educational and sporting events outside the prison accompanied by a member of the prison staff, if the director of the prison agrees. Outside groups also come in to contribute to cultural and educational activities and sometime to provide entertainment.

The Czech prison administration is concerned to encourage the openness of the prisons to the general public, to the extent that this is consistent with the

privacy of the prisoners and the protection of the society. All prisons have been developing communication and contacts with local government bodies, schools, cultural institutions, halfway houses and civic groups. As far as conditions allow, access is granted to students working on their dissertations or learning about the problems of the penal system.

Prison staff

The Czech prison service employed 10,088 staff at the beginning of the year 2000, an increase of almost 40% on the total at the beginning of 1994. The number working in the prison administration headquarters increased from 109 to 239 during this period. There were vacancies for 173 security staff on a typical day in 2001 and 146 non-uniformed staff. Of the 9,849 staff working in the prisons (at 1.1.2000) 395 (4%) were management staff, 5,967 (61%) were security staff, about 900 (9%) treatment staff, 463 (5%) medical staff, 21% administrative and other staff. The overall ratio of prison staff to prisoners, based on the total of 10,088 at the beginning of the year 2000, was 1 : 2.3 or, if the ratio is based only on management, security and treatment (including medical) staff in the prisons, 1 : 3.0. At the beginning of 2001 the staff total was approximately 10,800.

In the six years from 1.1.1994 to 1.1.2000 the number of security staff increased by 50% but the number of educators and pedagogues doubled and more psychologists and social workers were also appointed (see 'Treatment and regime activities' below).

There is a significant turnover of staff with 65% of uniformed (security) staff staying less than 5 years. Prison salaries are about 20% more than the national average but staff morale is said to be low because there has been no increase since November 1999 and the requirements of the new legislation meant that there was insufficient money to give staff a bonus at the end of 2000. The public attitude to prison security staff is still said to be unfavourable more than a decade after the end of communism. The prison administration maintains contact with all forms of media and tries to acquaint the general public with the work of prison staff and the problems of the penal system.

Initial training for new recruits to the prison service is set by law at up to 12 months. After one month's service, an eight month course is undertaken. They are then evaluated before being commissioned as permanent members of staff. There are various kinds of more advanced training, including for specialists. Educators and social workers are trained, for example, in helping prisoners with relationships with their families. (See also Annex 5 of CPT, 1999/8.) Particular efforts are being made to improve the ability of prison staff to communicate with prisoners, to improve management skills and to broaden their knowledge of various methods of working with prisoners.

In the year 2000 a number of staff, mostly specialists, switched from uniformed status to civilian. This is part of the demilitarisation of the service. It is said that security staff, who remained uniformed, learned from this that uniforms were not essential to their work. The prison administration reports that

prisoners are generally well treated by security staff and that, since 1994 when a new system of security was developed in order to minimise the use of force, there has been a substantial decrease in the use of the baton (truncheon). However the CPT drew attention to four incidents which took place in the 8 months before their visit in February 1997 (CPT, 1999/7 paras 40-41). The prison administration responded by drawing this matter to the attention of all prison directors and giving “a strong message to prison officers that ill-treatment of prisoners is unacceptable and will be subject to severe sanctions” (CPT, 1999/8 p.20). (The number of incidents of the use of coercion had risen from 579 in 1996 to 703 in 1997; 40% of such incidents were physical restraint, and 35% the use of handcuffs or restraining harness. The use of the baton rose from 111 in 1996 to 156 in 1997 but had fallen by one third by the end of the year 2000.) In 2001 it was up to the prison director to decide what equipment security staff should have in prisons with the two highest levels of security. Truncheons are not carried visibly in prisons with low security category. In practice directors are reluctant to limit the carrying of equipment for fear of the criticism that would follow an unexpectedly serious incident in which equipment was needed but not available. The head of the security department, in his guidance to prison directors, advises against the carrying of truncheons. New technology has been adopted for security in three prisons, eliminating the need for towers and the staff to man them. Dogs ceased to be used for security purposes in 1993 but were reintroduced in 1997 for the detection of drugs; there are now 10 centres involving some 100 dogs, and there are also some 250 dogs for use in escorting and to prevent escapes.

The Czech prison service employs a considerable number of women staff in men’s prisons. They are seen as lightening the atmosphere and improving the behaviour and smartness of male staff as well as prisoners. They work at the prison gate, in operational centres and also in prisoners’ accommodation areas. Men are little used in women’s prisons.

Misbehaviour by staff is not a significant problem in Czech prisons, the prison administration reports. There is some corruption, involving the smuggling of mobile phones, and up to 20 cases a year lead to disciplinary proceedings.

Treatment and regime activities

If a prisoner receives a sentence longer than 3 months the Prison Act requires that a programme of treatment shall be prepared which is designed to have a positive effect in respect of rehabilitation (Article 40). The programme is based on a report, which takes account of the prisoner’s personality, the reasons for the offences and the length of the sentence. The report is a collection of the results of psychological, medical and social/educational assessments (Article 41) prepared over a period of 4-6 weeks. A prisoner who has not been in pre-trial detention will first go to an admission unit for about ten days in order to be given basic information and check-ups and then be classified and transferred to the prison in which the sentence will be served.

The number of hours that sentenced prisoners spend outside their cells each

day depends on the type of prison to which they are allocated, the availability of employment and the facilities in the prison. The prison administration's policy is to make every possible effort to ensure that at least three hours a day are spent out of cells in addition to any time spent on employment. Leisure activities include sport, handicrafts, music, gardening, visual arts and technical skills. In prisons with minimum security prisoners can move freely and without restriction within the institution; in those with maximum security every movement is organised and supervised and even work may take place within the cells. The facilities within the prison which affect the time spent out of cells include the availability of gyms and recreation areas. In the absence of full employment it is recognised that in most prisons there are insufficient constructive activities to occupy prisoners during a normal day.

It is envisaged that a treatment team should include eight 'educators', two pedagogues, one social worker and one psychologist, and should work with a group of 160 sentenced prisoners. The educator is the member of staff whose duty it is to take a special interest in the progress of his or her group of prisoners, leading their leisure activities, checking their mail and dealing with problem situations that may arise. The pedagogue provides teaching for those who need to complete their elementary education, organises artistic and musical groups and conducts group therapy. The social worker prepares the prisoners' treatment programme, may be involved with prisoners' families and liaises with social curators in the community in connection with resettlement and after-care. There is thus supposed to be one educator for every 20 prisoners (one for every 10 juveniles). In practice each group in 2001 was of 20-30 prisoners, which means that the groups have halved in size since 1994 when the normal size was 40-60 prisoners.

The treatment teams work in a multi-disciplinary way and prepare programmes based on a policy framework coming from the prison administration. The programmes are for approval by the prison directors and the prison administration, by whom they are randomly checked. Each team must meet at least once a month; in practice they meet more often. Written records must be kept of the meetings. The system is still being developed. Flexibility is allowed from prison to prison. At least twice a year they meet with the head of detention and imprisonment at prison service headquarters and are able to influence central policy making. Training for such team working was due to begin before the end of 2001. The official policy is that all people who work with prisoners are involved in treatment, including security staff, but security staff are not yet integrated into these treatment teams.

There are more than 850 educators and pedagogues, 112 social workers and 83 psychologists in the prison system (compared with 425, 70 and 62 respectively seven years earlier). These increases reflect a policy of strengthening the treatment activities of the Czech prison system. However, there are still considered to be insufficient staff in these categories. It is to be noted that teams of specialists work not only with sentenced prisoners but also with pre-trial detainees.

In the year 2001 a new category of prisoners was instituted: young adults aged 18-26 are to be a special focus of attention. All prisons have treatment programmes for this age group. Special programmes have also been prepared for prisoners with particular needs, for sexual deviants and for prisoners aged 60 or over, in addition to the medical programmes referred to earlier. There is a special department for sexual deviants at Kuřim prison and preparations were being made early in 2001 to open a psychiatric unit at Brno for prisoners with border-line criminal responsibility. There are units for psychopaths in Mírov and Plzeň.

Considerable efforts are made to prepare prisoners for returning to life in the community. In the six months before the end of their sentence they are encouraged to take more responsibility in organising their own life within the prison. A special pre-release programme is in operation at the high security long-term prison at Mírov. For prisoners with shorter sentences efforts are made to assist in the finding of accommodation and employment and in dealing with the various authorities with which they will have to cope. The social workers have the main responsibility for liaison with social curators in the community but educators and pedagogues are also involved in pre-release preparations. The community social support network is said to have improved little in recent years and to be less than satisfactory. It has become clear that prisoners need assistance in having the correct documentation (identity card) on release. Emphasis is placed on the prisoner taking as much responsibility as possible; thus if he asks for something to be done he is advised how to do it for himself.

The legislation envisages every prisoner receiving at least one hour's exercise every day. The prison administration reports that it is not only required by law but also emphasised as part of policy that this shall take place. The CPT in February 1997 found that pre-trial detainees did not always receive an hour's exercise at the weekend, if an insufficient number of staff were present. Again, patients in the prison hospital were not always being given the opportunity to go outside (CPT, 1999/7 para 72). In their response the Czech authorities explained that the problem was caused when extra guards were needed to escort prisoners to court. All prison directors were reminded of the need to provide all remand and sentenced prisoners, including patients in prison health care facilities, the opportunity of the amount of exercise guaranteed to them under the law (CPT, 1999/8 p.22). It is understood that this deficiency has indeed been corrected.

Conditional release and probation

Conditional release is decided by the courts after prisoners have served a half or a third of their sentence. It may be requested by the prisoner, the director of the prison, or a lawyer acting on the prisoner's behalf. The decision is taken after consideration of a report from the prison. As a result of the Probation and Mediation Services Act 2000 the term 'conditional release' is being replaced by 'parole' and this will involve some supervision and after-care by a probation officer.

Although there were probation officers as early as 1996, their work expanded greatly during 2001. The principal focus was in connection with developing

alternatives to criminal proceedings, including mediation activities. They also prepare pre-sentence reports for the court, supervise sentences of community service, monitor compliance with compensation orders and supervise offenders on whom suspended sentences have been imposed. They also started parole supervision during 2001 (Meclová, 2002).

Prison work

Sentenced prisoners are required to work if they are fit to do so and work is available for them. Arrangements for prison employment in the Czech prison service were described in the previous report (Walmsley, 1996 pp. 245-6); some 50% of sentenced prisoners were working in 1994. At the beginning of 2001 about 40% of sentenced prisoners had employment and this had risen to about 45% by the end of the year. Some others have occasional work. The new legislation has in practice reduced the amount of money that prisoners have. It provides that prisoners with work must have the cost of their accommodation deducted from their pay; once money has been deducted also for alimony and compensation to victims and they have sent an amount to their family, they rarely receive more than 20% of what they have earned. This was one of the factors contributing to the disturbances of January 2000 (see 'Prison disturbances, January 2000' below). Prisoners without work are expected to repay their accommodation costs after their release, unless three years after release they are earning no more than the state minimum wage of 5,000 koruna (145 euros) per month. It is not expected that many will ever pay this money.

It is exceptional for a pre-trial detainee in the Czech prison system to have employment, likewise (in Prague-Pankrác at least) for a foreign prisoner. The pay received depends on the number of hours worked, based on the state minimum wage.

Prisoners who are not working are given 50 koruna a month as pocket money (but a packet of cigarettes costs 35 koruna).

In Prague-Pankrác prison, for example, where sentenced prisoners are mainly employed on the maintenance of the prison, the numbers employed have fallen (from 85% to 60%) since the increase in November 2000 in the minimum wage because prisons have no extra money to pay for the increase.

Employment may be for private employers, involving working either inside or outside the prison, or it may be work required for the functioning of the prison, as cooks, carpenters, agricultural workers or cleaners. "In the past hundreds of prisoners were employed by a single employer. Today, different employers each employ fewer than a hundred prisoners" (Valková, Meclová and Cerniková, 2001).

The need to employ as many prisoners as possible is strongly felt within the Czech prison service but, as in other countries of central and eastern Europe, the large state-owned enterprises which employed so many prisoners before 1990 collapsed or were privatised and it is this which has significantly reduced the proportion with work. "In April 1998, the government, having considered various options for the employment of prisoners, passed a decree as a first step towards the realization of the principle that the state should commission work

from the prison service. Of importance to the Czech penal system is the government's admission that, without state participation, it is impossible significantly to increase the number of employed prisoners" and any additional employment requires initial investment in production capacity (Valková, Meclová and Cerniková, *ibidem*). However, this recognition has not resulted in any significant state action to improve the employment situation. Furthermore there are doubts as to the extent that a largely unskilled labour force could successfully carry out more than a minimum of state orders for work. The possibility of providing state incentives to employers who provide work for prisoners has been considered but it is not clear how such a solution would comply with the principle of equal conditions for all within the framework of economic competition (Ministry of Justice, 2000).

Education and vocational training

The prison administration regards education and training as an especially important part of the work of the Czech prison system and more important, in terms of a prisoner's potential for future employment, than prison employment. The philosophy that education and training are at least as important as prison employment has held sway since 1965. At present students and trainees are not paid but it is recognised that they should be.

Education in the Czech prison service is provided by the Vocational Training Centre (VTC), whose management is based at the headquarters of the prison administration. The work of the VTC is conducted in School Education Centres which are located in six prisons – Opava, Pardubice, Plzeň, Rýnovice, Valdice and Všehrdy. Each centre provides theoretical education and practical training. The teachers are prison service employees who are university graduates and instruction is also given by 'masters of skills and practices' who have at least higher education and a qualification in teaching. The organisation of the VTC and its School Education Centres is under the supervision of the Ministry of Justice, while the teaching is supervised by the Ministry of Education.

The main education and training is at three levels: for those who successfully completed the ninth grade of their elementary school, for those who did not reach the above standard, and for those who successfully completed special elementary school. In addition, courses are provided for those who are illiterate and in cognitive skills training, and there are various professional courses for obtaining or extending a qualification. Courses may be full-time or part-time, short-term or long-term and day courses or evening courses.

The four education centres in prisons for juveniles are designated as apprentice schools; education is mandatory for all prisoners under the age of 18, and some prisoners aged 18-26 are selected for forms of vocational training. In the prisons for juveniles and young offenders two-year full-time apprenticeships are available for electricians, dressmakers (for women), machine metal processors, bricklayers, carpenters, chefs and gardeners and, in the prisons for adults, two or three years full time for machine metal processors. Full-time courses other than apprenticeships are provided in most of the above skills and practices and also in glass-cutting, painting (for men) and domestic science (for women). Part-

time courses include basic computer skills, German language, English language, welding, bookbinding, and being a blacksmith. In the academic year 1999/2000 303 students were taking apprenticeships and they obtained 108 vocational certificates (compared with 176 and 47 respectively in 1993/94). 668 students took courses and 406 certificates were obtained (compared with 430 and 111 respectively in 1993/94).

Inspection and monitoring

The prison administration has a well-developed system of inspection. Each institution has a full inspection every three years, while partial inspections occur more often, based on particular themes. As a result at least two inspections of some kind take place at each institution during any year. The inspection process is seen as a vital means of pressing for continual improvement in the prison service.

The 1999 Prison Act has made the public prosecutor responsible again for checking that all legal requirements are being followed in the prisons. The prison administration considers that prosecutors are well-qualified to carry out this task. These functions were removed from the prosecutor's office in 1994 when it was expected that the role would be assumed by a new inspection team in the Ministry of Justice. Another independent body which monitors the conditions in the prisons is the Helsinki Committee, and prisons are also regularly visited by an expert from the Office of the President.

The Council of Europe's CPT visited the Czech prison system in February 1997, as already noted, and made 21 recommendations, some of which have been mentioned. They covered such matters as prisoners' complaints, the use of force, overcrowding and the space allowed per prisoner, the prison regime and regime activities, confidentiality concerning medical matters, visiting entitlements and arrangements, opportunities for exercise, and conditions in disciplinary cells. The Czech authorities responded positively to these recommendations.

The CPT recommended "that the Czech authorities conduct a review of procedures currently used to process prisoners' complaints, with a view to ensuring that they offer appropriate guarantees of independence and impartiality, and do not discourage persons who may have been ill-treated from pursuing a complaint (CPT, 1999/7 para 42). The Czech authorities, in response, pointed out that the CPT findings did not accurately reflect the way that complaints were being handled, and gave a detailed description of the procedures and the way in which they conformed to legislation and to Instructions from the Director General. The Ministry of Justice nevertheless conducted a review of the procedures in the first half of 1998, as a result of which the Prison Act of 1999 provides that pre-trial detainees and sentenced prisoners may lodge complaints with the relevant national and international bodies. The national bodies include the Helsinki Committee and the Office of the President and the international bodies include the CPT. At the beginning of 2001 the prison administration reported that the number of complaints had fallen.

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Czech prison system. The Director General and the directors of the penal institutions have copies, as do management staff at the prison administration headquarters and in each prison. Copies are also said to be available to be read by other prison staff and by prisoners

Prison disturbances, January 2000

In 1998 there were three mass protests in the form of refusal to eat for one or two days. The reasons included the small rations of food, overcrowding and the consequent deteriorating prison conditions, the low rate of employment and the poor condition of articles of clothing. The prison administration managed to control these disturbances but the causes were not removed (Valková, Meclová and Cerníková, 2001). However, the most serious occurrences in the Czech prison system in recent years were the disturbances that took place in sixteen prisons from 10-13 January 2000, and involved a quarter of the prison population. What were individual protests in one prison (refusal of food and of an order to move to the dining room) spread rapidly after pictures were shown on the television news. Calm was restored through communication and negotiation with prisoners, with the result that there were no casualties and material damage was minimal (Meclová, 2002).

The disturbances coincided with the introduction of the Prison Act 1999 on 1 January 2000 which, among other things, requires prisoners to pay for their stay in prison and, as mentioned, reduces the number of packages they may receive. The prison administration identified a number of reasons for the disturbances, including increasing tension in the prisons as a result of long-term overcrowding, deteriorating living conditions and prison environment (because of the shortage of resources), and deficiencies in staff selection and training. They pointed out that even management staff were given insufficient training, that inadequately trained staff cannot manage continuously stressful situations and that this itself contributed to the tension; also they considered there to be insufficient educators and a disproportionately high number of security staff. Other reasons identified included prisoners' boredom as a result of lack of jobs and lack of opportunities to use their free time in meaningful ways.

The prison administration considered prisoners to have legitimate grievances in respect of overcrowding, catering, hygiene, clothing and cleanliness and quality of mattresses and blankets. Prisoners also complained about a large number of aspects of prison life, including the new costs, which they felt should only apply to prisoners with employment.

The prison administration concluded that emphasis should be placed on creating more accommodation and reducing the prison population, making probation and parole more effective, increasing the financial resources available, improving the prison environment, finding employment for more prisoners and dealing with the numbers, structure and training of staff. Modest changes have been made in response to these requirements but the prison administration re-

gards the changes as insufficient. Nonetheless they have succeeded in maintaining order in the prisons and in January 2001 they were able to report that there was no longer a significant level of tension. Overcrowding was diminishing and the food allowance per prisoner had been increased.

Non-governmental organisations

There are few NGOs in the Czech Republic and not many of them are interested in prisons. Those that wish to visit prisons have to sign a collaboration document concerning confidentiality etc. The Salvation Army, Caritas, HOPE and the Czech Helsinki Committee all make visits, the first three in connection with religious and charitable activities and the Helsinki Committee to monitor the work of the prison service. The prison administration welcomes the work of NGOs and considers that any negative assessment (e.g. by the Helsinki Committee) is helpful in achieving change. They would welcome more NGOs becoming involved in the after-care of prisoners.

International co-operation

The Czech prison service is involved in international co-operation especially with Slovakia but also with the German states of Bavaria, Lower Saxony and Saxony and with Poland. There are contacts with the training centres in Bavaria and Norway. Plzeň prison is twinned with Zwolle in the Netherlands but no other twinning arrangements were reported. Periodically an international conference is held in Kroměříž, Moravia. The Czech prison service also participates in Council of Europe activities.

Other matters

Both pre-trial detainees and sentenced prisoners are entitled to vote in national elections, but not in local government elections.

An annual report is prepared but not formally published. The prison service now has a web-page at www.vscr.cz and continues to publish the fortnightly 'Aktuální Informace' (Topical Information), containing general information for prison staff and details of the number and type of prisoners in each prison. The magazine-format – 'České Vežeňství' (Czech Prison System), is published four times a year and is available for sale to the public. It is distributed to courts, government departments, social curators and specialist libraries, and "creates a platform for lawyers, doctors, psychologists, the police, researchers and other specialists to voice their opinions on the prevention of criminality, penal policies and penological and penitentiary issues" (Valková, Meclová and Cerníková, 2001). An English language version of a special issue giving descriptions and pictures of each prison was published in 1996. Each issue has an English translation of the contents. Articles include descriptions of initiatives that are not current practice in the Czech Republic: an issue in the year 2000 had several contributions on conditional release with supervision (parole), which was legislated for by the Probation and Mediation Services Act 2000.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Czech prison system:

- the increase in the number of civilian staff and the corresponding reduction in the role of the military 'armed corps' within the prison service;
- major disturbances in Czech prisons in January 2000, in the context of considerable overcrowding and inadequate living conditions;
- mass activity in 2001 by Russian speaking pre-trial detainees and sentenced prisoners, imprisoned in connection with organised crime activities;
- adoption of new legislation (the Prison Act 1999 and amendments to the Pre-trial Detention Act 1993) and implementing regulations;
- amendment of the Code of Criminal Procedure, Penal Code and other legislation in order to achieve a gradual reduction in the prison population, especially in respect of pre-trial detention;
- revision of the penal philosophy towards less use of imprisonment and increased use of alternative sanctions.

Current objectives

The following are some of the main objectives reported by the Czech prison administration:

- to establish pre-release units in all prisons with high and maximum security;
- to establish drug-free zones in all prisons;
- to provide the various types of preventive medical treatment that are imposed by the courts as part of the sentence of imprisonment;
- to establish necessary specialised units: e.g. for mothers with children, for prisoners who are permanently unable to work, for mentally disordered inmates, and for inmates with behavioural disorders;
- to take measures to improve arrangements for the imprisonment of sentenced foreign prisoners;
- to take measures to improve arrangements for the imprisonment of those sentenced for organised crime;
- to improve the material conditions, the space available per prisoner, and the staffing of the institutions in order that there may be enhanced treatment of prisoners;
- in accordance with the approved document 'Concept of security of the Czech prison service', to improve communications and signalisation, structural and technical measures, and thus to minimise the use of force in connection with the internal and external security of the institutions;
- to move closer to the conditions prevailing in European Union member states.

Main problems

The following were identified by the prison administration as some of the main problems, which are obstacles to the achievement of the objectives and to the advancement of the prison system in the Czech Republic:

- the overcrowding in the prisons;
- the inadequacy of the prison budget. The prison service received only 50% of the money needed for investments in 2000-01. Despite an agreed staff salary increase of 6%, money was only given for a 4% increase, leaving the prison service to find the missing 60 million koruna. After a recent prison escape leading to a murder a review established that 1.2 billion koruna were needed for security. Parliament only approved a small part of this, and no money at all was received;
- lack of interest in the prison system on the part of the Government;
- the shortage of employment for prisoners;
- the voices of those who see the intensification of repressive measures as the only solution are growing stronger;
- insufficient constructive activities to occupy pre-trial detainees and sentenced prisoners.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas which could be taken up by the prison systems of other countries. They drew attention in particular to:

- the fact that despite unfavourable financial conditions and insufficient space there continues to be gradual improvement in the quality and quantity of treatment of prisoners in order to prepare them to become law-abiding citizens, and the danger of slipping into the mere provision of security and surveillance is being successfully resisted;
- having managed the mass disturbances of January 2000 in a peaceful way so that there were no casualties and material damage was minimal;
- having thwarted planned activities by Russian-speaking prisoners imprisoned for organised crime;
- the fact that all prisons have special treatment programmes for young adults aged 18-26, which encourage them to take more responsibility for themselves and organise their own lives.

Further achievements of the Czech prison system, some of which others may wish to adopt, include:

- increasing the official minimum space allowance to 4m² (from February 2002);
- the creation of a pre-trial detention unit (at Prague-Pankrác prison) where prisoners are unlocked for 12 hours a day;

- increasing the amount of money spent on food per prisoner per day;
- the development of three-year drug strategies (1997-2000, 2001-04) with special treatment units at three prisons;
- pursuing a 'harm reduction' policy for health care, including the provision of preventive health information, and having six-monthly meetings between the chief doctors in the prisons and the head of health care at the prison administration;
- the increase in the frequency and length of visits to pre-trial detainees;
- the considerable increase in the number of educational staff, and also psychologists and social workers, with the result that each educator's group averages 20-30 prisoners, and there are 83 psychologists working in the prison system;
- the creation of multi-disciplinary treatment teams, meeting regularly, preparing programmes, and at least twice a year holding discussions with the senior official in the prison administration who is responsible for treatment and monitors their work;
- the emphasis placed on education and vocational training;
- paying more attention to the treatment of foreigners;
- the policy of encouraging the openness of the prisons to the general public, to the extent that this is consistent with the privacy of the prisoners and the protection of the society;
- the publication of a magazine-format journal (České Vežeňství) which creates a platform for criminal justice experts to discuss prison matters and gives information about new initiatives to improve the criminal justice system in so far as it bears on the prison service.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. Relations between staff and prisoners are generally good and there are many examples of good practice.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to amend the practice whereby pre-trial detainees are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to ensure that prisoners have a balanced diet including an adequate amount of fruit and vegetables;
- to make every effort to increase the proportion of sentenced prisoners for whom work is available;
- to develop regime activities for pre-trial detainees and sentenced prisoners so that they all spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to develop still further the training for all types and levels of staff.

Annex 1

CZECH REPUBLIC: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1989	22,365	216	10,362,100
1990	8,231	80	10,305,600
1991	12,730	123	10,312,500
1992	13,967	135	10,325,700
1993	16,567	160	10,334,000
1994	18,753	181	10,333,200
1995	19,508	189	10,321,300
1996	20,860	202	10,309,100
1997	21,560	209	10,299,100
1998	22,067	214	10,289,600
1999	23,060	224	10,278,100
2000	21,538	210	10,266,500
2001	19,320	188	10,254,900

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	5,967	27.7	58
(31/12)	4,583	23.7	45
Female prisoners in 2001			
(1/1)	968	4.5	9
(31/12)	789	4.1	8
Juveniles (under 18) in 2001			
(1/1)	273	1.3	3
(31/12)	207	1.1	2
Foreign prisoners in 2001			
(1/1)	2,534	11.8	
(31/12)	2,126	11.0	

Note: Amnesties in 1993 and 1998 led to the release of 22 and 995 prisoners respectively.

Annex 2

Czech penal institutions: functions and capacity, 2001

		capacity	places for pre-trials/sentenced	security levels for sentenced prisoners* (prisons for male adults unless otherwise stated)
1	Bělušiče	646	0/646	<u>medium</u> and low
2	Brno	684	533/151	high, medium and <u>low</u>
3	Břeclav	130	116/14	medium and <u>low</u>
4	České Budějovice	370	276/94	medium and <u>low</u>
5	Heřmanice	751	0/751	<u>medium</u> and low
6	Horní Slavkov	799	218/581	medium
7	Hradec Králové	459	289/170	medium, low and <u>supervision</u>
8	Jiřice	753	507/246	medium and <u>low</u>
9	Karviná	207	103/104	high, medium and <u>low</u>
10	Kuřim	610	0/610	medium and low
11	Kynšperk nad Ohří	470	0/470	low
12	Liberec	247	199/48	medium and <u>low</u>
13	Litoměřice	400	332/68	medium and <u>low</u>
14	Mírov	344	0/344	<u>high</u> and medium
15	Nové Sedlo	445	0/445	<u>medium</u> and low
16	Odolov	161	0/161	low
17	Olomouc	320	258/62	medium and <u>low</u>
18	Opava	470	126/344	medium, <u>low</u> and supervision, including women and juveniles
19	Oráčov	762	0/762	medium and <u>low</u>
20	Ostrava	805	705/100	medium and <u>low</u> , including women
21	Ostrov	922	114/808	<u>medium</u> and low
22	Pardubice	639	44/595	high, medium and <u>low</u> , including women and juveniles
23	Plzeň	1,345	464/881	high, <u>medium</u> , low and supervision
24	Prague-Pankrác	1,075	746/329	medium, <u>low</u> and supervision
25	Prague-Ruzyně	869	689/180	medium, <u>low</u> and supervision, including women
26	Příbram	677	0/677	<u>medium</u> and low
27	Rýnovice	518	0/518	high, <u>medium</u> and low
28	Stráž pod Ralskem	788	62/726	medium and <u>low</u>
29	Světlá nad Sázavou	146	0/146	medium and <u>low</u> (women only)
30	Teplice	159	135/24	low
31	Valdice	1,294	0/1,294	high, <u>medium</u> and low
32	Vinařice	1,055	0/1,055	<u>medium</u> and low
33	Všehrady	618	0/618	low and supervision, including juveniles
34	Znojmo	184	64/120	low

TOTAL (end of 2001) **20,122** 5,980/14,142

* the main security category is underlined. Supervision is the lowest of the four security categories. Most prisons that have places for pre-trial detainees include women and juveniles among these.

Annex 3

Czech Republic: principal sources of information

Mrs Kamila Meclová	Director General, Prison Service of the Czech Republic (PSČR)
Dr Jana Hladíková	Head of department of administration and law, PSČR
Mr Miloslav Mádle	Head of department of prison and court guards, PSČR
Mr Michal Řeháček	Head of department of (pre-trial) detention and imprisonment, PSČR
Dr Alexandr Voboda	Head of department of health care, PSČR
Mr Martin Vana	Head of the Vocational Training Centre, PSČR
Dr Eduard Vacek	Editor of journal 'České Vežeňství' (Czech Prison System), and responsible for publications of the PSČR
Mr Jaroslav Gruber	Director of Pankrác prison, Prague
Dr Petr Havlasek	Director of prison hospital, Pankrác prison
Mr Otakar Michl	Interpreter, formerly of public relations department, PSČR

Information supplied by the Czech prison administration from 1994 onwards.

CPT, 1999/7. Report to the Government of the Czech Republic on the visit to the Czech Republic [by the CPT in February 1997]. Council of Europe, Strasbourg

CPT, 1999/8. Response of the Czech Government to the CPT report on their visit in 1997. Council of Europe, Strasbourg

Council of Europe, 1997 and 1998. Replies submitted by the Prison Service of the Czech Republic to questionnaires on overcrowding and prison population size. Strasbourg

Karabec Z., 2002. Alternatives to imprisonment in the Czech Republic. Unpublished paper.

MacDonald M., 2001. Prison Health Care in the Czech Republic, Hungary and Poland. HEUNI Paper No.16, HEUNI, Helsinki

Meclová K., 2002. A view on the course of transformation in the Czech Republic from 1989 to 2002. Paper presented at 13th conference of directors of prison administration, 6-8 November 2002. Council of Europe, Strasbourg

Ministry of Justice, 2000. Information on prison disturbances. Unpublished document.

PSČR, 1996. 'České Vežeňství' (Czech Prison System), Issue 4/1995, Prague

PSČR, 1997 and 2000. Ročenka (Yearbook) 1996 and 1999. Prague

PSČR, 2000. 'České Vežeňství' (Czech Prison System), Issue 2/2000. Prague

PSČR, 2000 etc. 'Aktuální Informace' (Topical Information), 12/2000 etc. Prague

Valková, H., Meclová K. and Černíková V., 2001. 'Czech Republic' in 'Imprisonment today and tomorrow' (second edition), eds. van Zyl Smit D. and Dünkel F. Kluwer Law International, The Hague, London and Boston.

Vana M., 2000. Vocational Training Centre of the Prison Service of the Czech Republic. Prague

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

30. Estonia

Legislative framework

Following the re-establishment of Estonian independence in 1991 a modified version of the former Soviet Criminal Code was adopted in 1992 and, to regulate the prison system, a Code of Enforcement Procedure was adopted in June 1993 and enacted in the following month. A major change compared with the previous code was the requirement that prisoners must maintain positive contacts with society and be motivated to correct and improve their behaviour (Sootak et al., 2001). Under the new Code the court continued to determine the type of penal institution in which a particular prisoner should serve his sentence. However, the previous system of corrective labour colonies was abolished. Three types of prison were created: closed, semi-closed and open, and each of these had three levels of confinement: quarantine (the strictest level, used for prisoners on their arrival in the institution), general and preferential. The director of the prison decided on transfers between the levels of confinement. The new Code allowed prisoners in open prisons or in the preferential confinement level of a semi-closed prison to leave the institution unsupervised to work or study and for authorised home leave and vacations. Responsibility for the prison system transferred from the Ministry of Internal Affairs to the Ministry of Justice in August 1993.

In mid-1996 a decision was taken to reform the whole system of criminal law, with an Imprisonment Act, replacing the 1993 Code of Enforcement Procedure, as part of the new structure. This Imprisonment Act was adopted in June 2000 and came into force on 1 December 2000. A new Criminal (Penal) Code was adopted in June 2001 with a view to coming into force in 2002, and a new Criminal (Penal) Procedural Code, to replace the one dating back to 1961, was expected to be adopted in 2002. The new Imprisonment Act is intended “to further update the Estonian prison system by applying principles of incarceration recognised in Europe and the recommendations of the Council of Europe” (Ministry of Justice, 2000). The main changes to the 1993 Code are the categorisation of prisons as either closed or open (with the removal of the semi-closed category); the abolition of the three in-prison levels of confinement, on the grounds that such levels were conducive to corruption in prisons (Sootak et al., *op. cit.*); making imprisonment more flexible, so that the regime can be in a form suitable for each individual prisoner; focusing on the re-socialisation of prisoners during their sentence; increasing the independence and decision-making powers of the prisons; organising the prison service in such a way that it has a career structure for prison staff; and giving higher priority to the training of prison staff.

Organisational structure

What was formerly known as the Estonian Correction Department, was renamed the Estonian Prison Board, subsequently being reorganised on 31 December 1999 as the Department of Prisons of the Ministry of Justice. The prison system thus became directly subordinate to the Ministry of Justice in the same way as the court system, public prosecutor, probation and civil enforcement.

Mr. Heikki Sikka was Director General of the prison system in 1994. He was succeeded in 1996 by Mr. Olavi Israel, who was then succeeded in 1999 by the present Director General Mr. Peeter Näks. The Director General is assisted by two deputies. One, the 'deputy for imprisonment', is responsible for the surveillance and supervision department, the security department, the social department and the records department; the other, the deputy for economic affairs, is responsible for the economic, utility and employment departments. Three departments, the general department, the financial department and the personnel department, report directly to the Director General. A total of 27 staff were employed in the prison administration headquarters in 2001.

There were nine penal institutions operating during the year. The Central Prison (in Tallinn) accommodated pre-trial prisoners (male and female) and male prisoners with life sentences. It also contained the Central Prison Hospital. A second prison in the capital, known as Tallinn prison, also held pre-trial prisoners, as well as first-time offenders who were serving their sentences in a semi-closed section. There are three other closed prisons for males (Ämari, Murru and Pärnu), an open prison at Rummu and institutions for females (women and juveniles) at Harku, for pre-trial male juveniles (Maardu) and for sentenced juveniles (Viljandi). The former closed prison at Rummu was merged with Murru closed prison at the beginning of 2001.

The total capacity of the system in mid-2001 was 4,905, with the three largest institutions having capacities of at least 900 – Murru (1,850), Central (980) and Tallinn (900) – Ämari having a capacity of 550 and the other five all having capacities under 200, the smallest of all (Rummu open prison) having a capacity of just 45.

In the seven years since mid-1994 the capacity of the system rose by over 600 places, mainly due to increased capacity at Murru prison. Sooniste open prison has been closed down. New pre-trial accommodation has been built at Tallinn prison to 'a good European level'. A new prison at Tartu, originally intended for 500 prisoners but now to have a capacity of 1,000, is due to be completed in September 2002. It will serve as a regional remand prison for southern and western Estonia and two thirds of the prisoners will be pre-trial detainees. The Central Prison, including the hospital, is due to be closed by the end of 2002, with the hospital facilities moving to Viljandi.

Pre-trial detention

The level of pre-trial detention is more than 10% higher than it was in 1994. At the beginning of 2001 there were approximately 113 pre-trial detainees in the prison system per 100,000 of the national population, and at the end of the year

the rate was 111. This is the third highest figure in central and eastern Europe and ten times higher than in its northern neighbour Finland. It is however not as high as the rate in its southern neighbour, Latvia, which has the highest rate in central and eastern Europe (157 at the end of 2001).

It is reported that pre-trial detainees normally spend at least one hour a day out of their cell/room, which is the bare minimum to enable them to have outdoor exercise as stipulated in Rule 86 of the European Prison Rules. However the CPT recommends (e.g. CPT, 2001/4) that such prisoners should spend a minimum of eight hours outside the cell/room, engaged in purposeful activities of a varied nature.

The numbers held in penal institutions

The prison population has remained fairly stable in the 1990s, fluctuating between 4,200 and 4,800 which is between 280 and 350 per 100,000 of the national population. At the beginning of 2001 there were 4,803 prisoners in the system; at the end of the year there were 4,775. Of these 31.5% were pre-trial detainees/remand prisoners, 4.3% were females and 2.1% of sentenced prisoners were juveniles under 18. 4.7% of the sentenced population were classified as foreign prisoners. However, more than 50% of prisoners (57% in the year 2000) are not Estonian citizens, the majority of these being so-called 'non-citizens' of Russian descent.

Estonia's prison population rate of 351 (both at the beginning and at the end of 2001) was similar to that of Latvia, its neighbour to the south, but some six times higher than the rate in Finland to the north. The Estonian government states that "it is hoped that once the necessary structures allowing more frequent recourse to the alternative sanctions to imprisonment, for instance probation, are fully operational, the rate of incarceration will drop considerably and will approach the rates generally found in the Nordic countries. As a preliminary objective it will be sought to reduce the number of prisoners ... to around 2,000" (CPT, 2002/27 page 63).

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was almost 98% of the official capacity of the system; at the end of the year the level was 95.5%. Overcrowding was reported both in pre-trial institutions and in prisons for sentenced prisoners.

The minimum space specification per prisoner in Estonia is 2.5m², unchanged from the situation in 1994. The CPT regards 4m² per prisoners as acceptable in accommodation for three prisoners or more so long as prisoners spend quite a lot of time out of their room. If Estonia's current minimum space specification were raised to 4m² there would at present be more than 50% overcrowding in the system.

The prison administration reports that different categories of prisoner are separated in the Estonian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted pris-

oners and women prisoners from men. However juveniles (under 18) are not always detained separately from adults. Some sentenced prisoners aged 18-21 are accommodated with sentenced juveniles under the age of 18.

As elsewhere in central and eastern Europe, very few prisoners are accommodated alone in single cells. The largest number of prisoners in one room in any prison in Estonia is 28. The room is 79.6m², thus affording each prisoner 2.84m² of space.

Sanitary installations, and arrangements for access, are reported to be adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides some toilet paper but prisoners must supply extra. All prisoners are able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners receive a change of underclothing once a week. Every prisoner has a separate bed.

Food and medical services

The quality and quantity of food received by prisoners are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for health reasons and for religious reasons.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

The Council of Europe Nord-Balt Prison Project, under which Nordic and Baltic countries co-operate in the development of the prison systems of the Baltic countries, organised an expert mission in 1997 to assess the factors influencing the health of prisoners in Estonia (Arpo and Bolli, 1997). The experts, Dr. Leena Arpo, Chief Medical Officer in the Finnish Prison Administration and Dr. Karl Bolli, Head of Medical Services at a prison in Switzerland, reported that prisoners entering Estonian prisons had a high prevalence of tuberculosis and sexually transmitted diseases. They commented that the conditions of imprisonment, particularly overcrowding, increased the risk of the spread of infectious diseases. They also reported that within the prison environment, the number of prisoners injuring themselves was increasing and that problems associated with alcohol abuse were also on the increase. They advocated a close relationship with the Department of Health and with community health services, and the introduction of health education and health promotion programmes. Following this report, and similar health care reports in respect of Latvia and Lithuania, proposals to follow up the reports' recommendations were prepared by Dr. Rosemary Wool, Secretary General of the International Council of Prison Medical Services and agreed by the steering group of the Nord-Balt project.

Health care in Estonian prisons is now said to be organised on the same basis as in the community. Indeed, a decision was taken in 2001 to transfer the re-

sponsibility for prison health care to the civil health care system. This is to take effect in 2002. At present in-patient (stationary) treatment is performed at the prison hospital in the Central prison. This hospital has 160 beds and separate tuberculosis, surgery, psychiatric and internal diseases departments.

The prison administration reports that in 2001 many prisoners have an alcohol problem, but the numbers are no longer increasing. There is no treatment programme for dependency on alcohol. By contrast the number of prisoners with a drug problem *is* increasing and a treatment programme is in place. HIV/AIDS is also a problem, with the numbers increasing; 300 prisoners, or one in every sixteen, were reported to be infected at the end of 2001. In accordance with WHO guidelines there is no policy of testing all prisoners for HIV.

The severest health problem among prisoners is tuberculosis. From 1992 to 1996 the number of cases of tuberculosis doubled. 68 new cases were identified during 1996 and in all there were 262 known cases within the prisons (6% of the prison population). A National Tuberculosis Prevention Programme, including penal institutions, was established to run from 1998-2003. The numbers then began to fall. In 1999 39 new cases were identified, 22 of which were in respect of prisoners newly admitted to the prison system. In October 2001 the Director General reported that the number of prisoners with TB had decreased to 48. There was just one death from TB in the year 2000, among a total of seven prison deaths from all causes.

There are thus signs that tuberculosis is being brought under control but there is concern over the rise in the number of HIV positive prisoners.

Discipline and punishment

The disciplinary measures in the Estonian prison system were described in the previous report on prison systems in central and eastern Europe (Walmsley, 1996 p.420). The conditions in which the punishment of isolation is served continued to cause concern to Council of Europe experts who visited all the prisons in 1997. They recommended that the cells in four prisons be refurbished or that all windows be modified to admit more natural light and fresh air ventilation (Lakes and Gronholm, 1997).

Following a recommendation they made in 1997, the CPT found in 1999 that the punishment cells in the juvenile prison had been completely renovated and had good access to natural light and adequate artificial lighting, and were properly ventilated. Each prisoner had a mattress at night. The cells were clean and in a good state of repair. The closed isolation rooms in the same prison, which were used for a less rigorous form of punishment, were however in a poor state of repair, and recommendations had not been fully implemented; in particular, prisoners still used a bucket to comply with the needs of nature (CPT, 2002/28 para 37). The Estonian authorities stated that under the new Imprisonment Act of 2000 a locked cell was no longer prescribed as a disciplinary sanction; there would thus be only one type of isolation punishment (lasting up to 45 days for adults and 20 days for minors) and other disciplinary sanctions would be used whenever possible (CPT, 2002/29 pp.10-11).

Contact with the outside world

Pre-trial detainees and sentenced prisoners are allowed to be visited at least once a month, the former subject to the approval of the prosecutor or court. Sentenced prisoners may also receive private (intimate) visits from their wives/girlfriends, and long visits of one to three days from their families. The prison administration reports that pre-trial detainees are physically separated from their visitors by a screen and may not touch them. There is no restriction on the number of letters that may be sent or received, but prisoners' letters are read by prison authorities if there is a court order to that effect. Both pre-trial detainees and sentenced prisoners are allowed to speak to their family and friends by telephone, although at their own expense and under the supervision of the administration.

As mentioned above, the 1993 Code of Enforcement Procedure introduced home leaves and vacations to prisoners in certain categories. Home leave and vacations may now be granted to sentenced prisoners for up to 21 days per year. The 2000 Imprisonment Act likewise emphasises the importance of prisoners maintaining their socially important and positive contacts with the outside world and establishing new ones, so as to increase their capacity to cope with life on their own after release.

The Estonian prison administration continues to co-operate with religious groups from the community. A prison chaplaincy service (The Estonian Association of Prison Chaplains) was established in 1997 in collaboration with the Estonian Council of Churches in order "to satisfy the religious needs of inmates and to organise spiritual activity" (Ministry of Justice, 2000). There is now one prison chaplain in each institution but the prison administration considers that in the larger institutions, where there are more than 400 prisoners, a single chaplain is insufficient to meet the needs of all prisoners. Prisoners are recognised as having the right to participate in religious events and meet with the chaplain and the prison must therefore ensure that they are able to do so. Prison chaplains introduce religious literature to inmates, arrange meetings with representatives of different denominations and religions and conduct services and other events.

Prison staff

The Estonian prison service employed 1,929 staff at the beginning of 2001, of whom 27 worked in the prison administration headquarters. In the prisons there were 97 management staff, 1,071 security staff, 202 treatment staff (including psychologists, social workers, medical staff and teachers), and 532 other personnel (e.g. administrative and secretarial staff and others working in connection with prisoners' employment). There were vacancies for 390 security staff and 38 treatment staff. The overall ratio of prison staff to prisoners at the beginning of 2001 was thus 1 : 2.5 or, if the ratio is based only on management, security and treatment staff in the prisons, 1 : 3.5.

Staff numbers have been falling in recent years. In October 1994 there were 2,346 staff in post, including 118 in the prison headquarters. The drop of over

400 staff between 1994 and 2001 (with some 350 of these departing between 1999 and 2001) is partly attributable to the fact that there were many non-citizens among the staff numbers (nearly 1,400 in 1997) and the Public Services Act of 1995, which set requirements for public servants in regard to Estonian citizenship and language skills, banned the use of people who were not citizens of Estonia from 31 December 2000. The process of discharging non-citizens and those who did not know the Estonian language continued in 2001 and at the end of the year there were 1,784 staff in post out of a complement of 2,365 (a 25% vacancy rate). It is the intention of the prison administration that staff morale and job satisfaction should be improved by a series of measures, including the raising of salaries to the same level as those of police officers and the improvement of working conditions.

Staff training is an area in which much work has been done in recent years as part of the Council of Europe Nord-Balt project. The prison administration is concerned to improve the professional skills of prison staff and following a seminar in Vilnius in 1999 a 'Basic Training Framework' was established, setting out the aims, curriculum and methods of such training. The document was translated into Estonian and a new training programme for Estonia was finalised, similar to that used in Finland. In Spring 2000 a new training establishment for junior staff was opened in Tallinn under the Ministry of Education who were assuming responsibility for the training of prison staff. Nevertheless the prison administration was very much involved in formulating the basic training. A new 'junior' prison staff training programme started in Spring 2001 and a correspondence training course, for officials who lacked professional training, was launched at the same time. Staff training for the new Tartu prison began in the autumn of 2001. A training manager has been appointed in each prison to provide further training beyond the basic course, which currently involves at least 40 hours for a new member of the security staff. College training, lasting for a year, is available for a small number of new security staff.

Some 25% of the staff in institutions for male prisoners are women, working in the treatment and security departments and in administration. In the institutions for female prisoners approximately 50% of staff are men, working in management positions, in security and in administration.

Treatment and regime activities

The treatment staff include 15 psychologists and 45 social workers. Prisoners are organised into groups led by a social worker who co-ordinates their activities. The usual number of prisoners in such a group is about 100, though it is fewer in institutions for juveniles and more (about 150) in pre-trial accommodation. On entering a penal institution prisoners go through an admission stage in a separate section of the prison. They are informed of their rights and obligations and, after being medically examined and interviewed by a social worker to establish their background circumstances and by other specialists to establish their general vocational and continuing education needs, an individual treatment plan is prepared, in respect of their location and employment and any other requirements. The next stage of imprisonment is described as the 'basic phase' and its

principal aim is to translate the individual treatment plan into action. The final stage is the 'release phase' involving preparatory activities, provision of social assistance and, for those who have committed lesser offences and have demonstrated reliability and good behaviour in a closed prison, transfer to an open prison (Ministry of Justice, 2002).

The Imprisonment Act 2000 contains a new section on social work in prisons. Social work has been undertaken in Estonian prisons since 1994, but there is no educational institution in the country that provides training in social work with offenders. The new emphasis on social work is a result of recognition that merely supervising prisoners does not help in achieving the objective that they will not commit further crime after their release. Recidivism is seen as related to the difficulties ex-prisoners face in resuming normal life after a prison sentence without committing offences, in getting income by lawful means and in maintaining relations with family and friends. Social work in prisons consists of counselling, organising leisure activities (including cultural activities and sport) and social study programmes including family therapy and education.

The Imprisonment Act thus aims to assist prisoners in maintaining contacts outside the prison and in developing the capacity to cope on their own without criminality. The Act stipulates, that, on admission to prison, they must be advised of the social benefits available to the next-of-kin and how to ensure that their property is retained. In preparation for release, prisoners are assisted to arrange their personal and financial matters and are helped to complete all necessary documentation. They must also be informed that they are entitled to social welfare. Upon release a social worker forwards the personal data and documentation about the previous history of those prisoners who need social welfare to the relevant local government agencies and establishes whether specific assistance is available (Sootak et al., 2001). Pre-release preparation also includes, for long-term prisoners, arrangements to ensure a gradual return to society, family life and employment after release by means of a pre-release regime with semi-open or open conditions.

Treatment programmes available include courses in anger management and in positive thinking. For juveniles there is also treatment for drug abuse. Vocational training is also available for sentenced prisoners.

The cells/rooms of sentenced prisoners are unlocked throughout the day (7am-10pm). Every prisoner is allowed at least one hour of walking or suitable exercise every day (including week-ends) in the open air.

Conditional release and probation

There is a system of conditional release, now called probation, under which some 25% of prisoners are released before the end of their sentence. The prison proposes to the court that the prisoner be released early if he/she has been of good behaviour through most of the sentence, has shown responsibility towards work and education, and has fulfilled all obligations deriving from civil claims. In accordance with the Probation Act 1997, a probation system was introduced in 1998. It provides for two types of probation supervision – probation as a

conditional sentence instead of imprisonment and probation supervision (parole) during the period of conditional release. The probation service works closely with the prison authorities and a prison social worker will liaise with the probation officer who is to supervise a prisoner on conditional release.

The probation service is steadily expanding. In late 1999 there were 165 probation officers and some 6,600 persons on probation (approximately 600 of whom were on conditional release). In October 2001 these numbers had risen to 175 and 7,150 respectively, but the latter figure included fewer on conditional release (400). There were 17 field offices for probation staff.

Prison work

Sentenced prisoners are required to work if they are fit to do so, if work is available for them and if they are not studying. At the end of 2001 28.3% had work. There was no employment available for pre-trial detainees. Prisoners received an average of 10 euros per week; no money is given to prisoners who are unable to work or for whom no work is available.

This rate of employment is slightly lower than that recorded in mid-1994 (31%); it had reached a higher level in the period between 1994 and 1999. In 1999 when the average rate was 40.5% the prison administration reported that production capacity had continued to decrease due to the low level of technology and of the vocational skills of the prisoner workforce and a tightening of the competition. Of those working in that year, 22% were involved in production work, 10% in construction and repair work within the prisons, 1% in contractual construction and repair works, 8% in other contractual work, 54% in domestic and maintenance work and 5% in unremunerated work. At the end of 2001, of the 926 sentenced prisoners (28.3%) who had work 352 were engaged in production activities and the other 574 in domestic and maintenance work.

At the beginning of the year 2000 the following was the nature of the production work being undertaken in four prisons. In the other institutions work was confined to activities necessary for the smooth running of the establishment (e.g. repairs and maintenance, cooking, laundry, cleaning).

- Harku prison was mainly manufacturing sewing products, including uniforms for prison officers. Production for use outside the prison service included children's slippers and products manufactured under sub-contracts. Annual production capacity was approximately 2.2 million Estonian kroons.
- Ämari prison was manufacturing sheet-metal vessels and gardening tools. Clothing and linen were being manufactured for the prison's own use. Annual production capacity was approximately 2.3 million Estonian kroons.
- Rummu prison was manufacturing wooden and metal furniture as well as chimney supplies and gardening carts. Annual production capacity was approximately 1.0 million Estonian kroons.

- Murru prison was manufacturing wooden details, metal construction tools and metal containers. Annual production capacity was approximately 2.4 million Estonian kroons.

The Estonian government decided in January 2000 to transfer the making of road and traffic signs from the Transport and Communications Ministry to prisons, in an effort to contribute to prisoners' rehabilitation (Newsletter, Penal Reform Project in Eastern Europe & Central Asia No. 9, 2000. ICPS/PRI, London). Also in order to improve the employment of prisoners and the management of production resources, the Ministry of Justice decided to separate the organisation of production work by prisoners from the daily work of the prisons. A public limited company 'Estonian Prison Industry' with 100% state ownership was established at the beginning of February 2001. Its main objectives are stated (Ministry of Justice, 2002) as:

- more efficient and productive organisation of production work, proceeding from the demands of the market;
- clear separation of the material resources used for production activities from the budgets of prisons;
- reducing the costs of the prisons; and,
- increasing the employment of prisoners.

Education and vocational training

The Estonian prison administration regards education in prison as a particularly useful activity, helping the prisoner to prepare for release. The purpose of education in prison is stated as to enable the inmate to continue his studies after release or to find a job that provides him with the income he needs. Education can be obtained in vocational schools located in prisons, which have departments for both general and vocational education. Prisoners who are entitled to leave the territory of the prison may pursue extra-mural studies in a secondary-vocational school or a university.

All prisoners have access to education but there is no financial reward for studying. The schools are bilingual (Estonian and Russian) and in 1999 283 prisoners commenced general studies and 501 commenced vocational studies. During the academic year 2001-2002 the following vocations could be studied, in addition to general education:

Murru and Amari prisons: electrical and gas welder, electrician, stoker, gardener, work organisation in a small enterprise and sales representative. The last two options were introduced in 2000.

Tallinn prison: welder, electrician, repair locksmith, building maintenance, painter-plasterer and stoker.

Viljandi prison: locksmith, turner, soft furniture repairer and bricklayer.

A computer class for young offenders was furnished and equipped in Maardu prison in 2001, and basic school lessons were introduced.

Inspection and monitoring

The Ministry of Justice has established a system of inspecting the prisons, in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the prison administration. There are no independent inspections conducted, for example by a judicial or parliamentary body or by a non-governmental organisation.

Lakes and Gronholm reported in 1997 that the managerial oversight of the individual establishments seemed to have improved since 1993. They also believed that when it became fully operational the Ombudsman department within the prison administration should enable prisoners' complaints to be dealt with more sensitively and effectively. But despite these improvements, they argued that "the introduction of an independent inspectorate would greatly enhance the public accountability of the prison service" (Lakes and Gronholm, 1997 p.40). They consequently recommended:

- that, as soon as resources permit, a prisons inspectorate be established;
- that the inspectorate be headed by an independent person appointed by the Minister of Justice, and that he/she be assisted by persons experienced in the institutional treatment of offenders and by representatives of other public bodies, including non-governmental organisations;
- that every establishment be subjected to a full inspection or least annually;
- that a written report of each inspection be submitted to the responsible Minister;
- that the report of each inspection, minus a confidential annex containing security-sensitive material, be made public, together with a ministerial response;
- that, every two years, the head of the Inspectorate should submit to Parliament a written account of the work and findings of the inspectorate.

As they point out these recommendations are consistent with Rule 4 of the European Prison Rules and paragraph 4 of the Explanatory Memorandum attached to the Rules.

The CPT have visited the Estonian prison system on two occasions, in July 1997 when they inspected the Central Prison in Tallinn and also Tallinn prison and Viljandi prison and in December 1999 when they made an ad hoc (short) visit and again went to Viljandi prison. The 1997 report included some 44 recommendations concerning a variety of topics, including staff training and staff vacancies, cell occupancy, regime activities, medical screening, medical confidentiality, visits to pre-trial detainees, conditions in disciplinary cells, prisoners' complaints, independent inspections and providing employment for prisoners (CPT, 2002/27).

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available to staff in the Estonian prison

system. The Director General and the directors of the prisons have copies of the standards, as do management staff at the prison administration headquarters and in each prison. Copies are also said to be available to be read by other prison staff. However the administration reports that there are no copies available for prisoners to read.

Non-governmental organisations

Representatives of non-governmental organisations visit the Estonian prisons on a regular basis. The principal reasons for these visits are in connection with spiritual matters and with helping prisoners in returning to society. The prison administration regards the work of NGOs as positive in assisting them in their work in preparation for release.

International co-operation

The Estonian prison service is involved in much international co-operation, with the other Baltic republics and with the Nordic countries and Germany. Most of this is arranged under the aegis of the Council of Europe's Nord-Balt project, as has already been noted. All the Estonian prisons, and also the training centre, have been twinned with institutions in Finland, Denmark and Sweden. So well-developed is the twinning process that even the unfinished Tartu prison is already twinned with Helsinki prison, and the Ministry of Education training centre (Copli), which has taken over the responsibility for staff training, is in discussions with the Finnish training centre at Vanda which was twinned with the Estonian prison service's previous training centre.

The nature of the contacts is documented in studies by Seppo Marttinen (2000) of the development of co-operation between the prison services, and particularly the twinned prisons, in Finland and Estonia, and by Bo Johansson (2001) of co-operation between the prison services of Sweden and Estonia. Marttinen reports that since 1993, when contacts were resumed after a few years interruption, there have been football matches, and training and contests in shooting and self-defence. But such social contacts paved the way for more profitable co-operation, with Helsinki Central Prison organising training for Estonian social workers, psychologists and other staff members. Programmes have covered rehabilitation for intoxicant abusers, multi-professional teamwork, the admission of prisoners, the atmosphere of the prison and prisoner training. Courses were also held in handling conflict situations. Estonian prison staff have also worked in Finnish prisons as trainees. The Finnish Prison Staff Training Centre has organised training for psychologists from Estonian prisons since 1996. Estonian students have taken part in training for the basic prison service qualification at the Finnish Training Centre. Several seminars have also been organised. Summarising the experience of twinning, Marttinen says that co-operation over the years has strengthened. Through twinning activities both sides came to know the prison system and the prison service of the other country. Some institutions have started mutual systematic vocational training and professional co-operation. He argues that this co-operation should be extended.

Johansson reports likewise that co-operation began with personal contacts and professional discussions concerning prison management and staff training. In 1995 a formal agreement on legal assistance was signed between the Estonian Ministry of Justice and the Swedish Prison and Probation Administration. Three establishments are twinned with Swedish counterparts and emphasis has been placed on local ownership of the co-operative activities rather than the promotion of Swedish solutions to Estonian problems. He concludes that “the twinning method is very useful for establishing confidence and mutual trust, which helps to focus on important and relevant issues and effects. It gives the possibility to spread new ideas in the organisation and through the ranks in an effective way. The method is very good for long-term process oriented co-operation and involvement” (Johansson, 2001).

Other matters

Pre-trial detainees retain the right to vote in national elections, but sentenced prisoners do not have the right. There is never any limitation on prisoners’ right to vote after they are released from prison.

The Ministry of Justice produced in the year 2000 a useful 20-page summary of many aspects of the prison system of Estonia, in the English language; in 2002 the Estonian Prison System Yearbook 2001/2002 was published, also in English. This is an attractively presented annual report on the year 2001, expanding on the earlier document.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Estonian prison system:

- the passage into law of the new Imprisonment Act 2000;
- the restructuring of the prison administration as the Department of Prisons of the Ministry of Justice (2000);
- the creation of the probation system (1998);
- the establishment and construction of the new prison at Tartu.

Current objectives

The main objectives reported by the prison administration are:

- the successful launch of the new Tartu prison in 2002;
- the full implementation of the Imprisonment Act;
- the complete activation of the new electronic register of prisoners, known as Vangis.

Other objectives included in the development strategy for the period to 2003 include:

- coping with an anticipated increase in the number of prisoners, resulting from a growth in crime and improvements to the efficiency of the police and the courts, and pressure by society for a stricter punishment policy with longer sentences;
- the decentralisation of functions of economic administration (e.g. purchase of foodstuffs, clothing for prisoners and uniforms for security staff) to the individual prisons;
- the accommodation in prisons to be altered from dormitory style to room style;
- increasing the amount of employment available for prisoners;
- improving the transparency of the prison system by organising opportunities for people wishing to visit a prison to do so, by having 'information days' and issuing press releases on a regular basis;
- improving the professionalism of prison staff, by enhanced training and by improving working conditions and thus job satisfaction;
- developing a programme to prevent the illicit use of drugs in prison, including the use of technical aids to simplify the detection of drugs;
- exploring the possibility of involving the private sector in the construction and administration of open prisons.

Main problems

The following were identified by the prison administration as some of the main problems which are obstacles to the achievement of the objectives and to the advancement of the prison system in Estonia:

- problems in connection with staff (e.g. their low public image and low salaries);
- the shortage of employment for prisoners;
- the lack of treatment programmes;
- overcrowding both in pre-trial institutions and in prisons for sentenced prisoners;
- the continued presence of tuberculosis among the prison population;
- insufficient resources.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas which could be taken up by the prison systems of other countries. They drew particular attention to:

- the establishment and construction of the new prison at Tartu;
- the new Imprisonment Act 2000;
- the establishment of an electronic register of prisoners, an on-line system connecting all the prisons.

Further achievements of the Estonian prison system include:

- the transfer of the responsibility for prison health care to the civil health care system (in 2002);
- the emphasis on improved staff training and the appointment of a training manager in each prison to provide professional development training;
- the emphasis on social work in prison as a means of assisting in prisoners' rehabilitation and reintegration into the community on release;
- the inclusion, in work to prepare prisoners for release, of assistance in arranging their personal and financial matters and in helping them to complete all necessary documentation;
- the close co-operation between prison social workers and probation officers to improve the chances of prisoners receiving effective support during their period of conditional release/probation supervision;
- the emphasis on general and vocational education as an important means of preparation for effective reintegration on release;
- the high level of international co-operation, and in particular the arrangements by which individual prisons are twinned with prisons in Finland, Denmark and Sweden.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments and achievements and current problems and objectives.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps to increase the minimum space allowance for all prisoners to 4m²;
- to introduce an independent prisons inspectorate on the lines recommended by Lakes and Gronholm (1997);
- to ensure that copies of the European Prison Rules in the Estonian language are available to all pre-trial detainees and sentenced prisoners, preferably by having them sited in prominent locations in all prison libraries;
- to improve the public image of prison staff and of the work of the prison service;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial detainees, and to enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature.

Annex 1

ESTONIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	4,465	284	1,571,600
1991	4,408	281	1,570,500
1992	4,778	306	1,562,200
1993	4,514	296	1,526,500
1994	4,518	300	1,506,900
1995	4,401	295	1,491,600
1996	4,224	286	1,476,300
1997	4,638	317	1,462,100
1998	4,791	330	1,453,800
1999	4,379	303	1,445,600
2000	4,712	327	1,439,200
2001 (1/1)	4,803	351	1,366,700
2001 (31/12)	4,775	351	1,361,200

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	1,541	32.1	113
(31/12)	1,505	31.5	111
Female prisoners in 2001			
(1/1)	203	4.2	15
(31/12)	207	4.3	15
	TOTAL among sentenced population	Percentage of sentenced population	
Juveniles (under 18) in 2001			
(1/1)	65	2.0	
(31/12)	68	2.1	
Foreign prisoners in 2001			
(1/1)	162	5.0	
(31/12)	155	4.7	

Annex 2

Estonian penal institutions: functions and capacity, 2001

1	Rummu	Open prison	45
2	Pärnu	Closed prison for male adults	120
3	Viljandi	Prison for convicted juveniles	130
4	Maardu	Prison for pre-trial juveniles	150
5	Harku	Prison for female adults and juveniles	180
6	Ämari	Closed prison for male adults	550
7	Tallinn	Prison for pre-trial male adults, convicted male adults serving their first sentence (semi-closed section), and individuals awaiting deportation	900
8	Central Prison (Tallinn)	Prison for pre-trial male and female adults and for convicted adults serving life sentences (includes the Central Prison Hospital)	980
9	Murru	Closed prison for male adults	1,850
TOTAL (at mid-2001)			4,905

Note: A new prison at Tartu, for 1,000 prisoners, to open before the end of 2002, will serve as a regional remand prison for southern and western Estonia and two thirds of the prisoners will be pre-trial detainees. The Central Prison, including the hospital, is due to be closed by the end of 2002, with the hospital facilities moving to Viljandi.

Annex 3

Estonia: principal sources of information

Response by the Director General of the Estonian Department of Prisons, Mr Peeter Näks, to survey questionnaires for this project.

Other information and documentation supplied by the Estonian prison administration.

Arpo L. and Bolli K., 1997. *The Health of Prisoners in Estonia*. Council of Europe, Strasbourg

CPT, 2002/26. Report to the Estonian Government on the visit to Estonia [by the CPT in July 1997]. Council of Europe, Strasbourg

CPT, 2002/27. Response of the Estonian Government to the CPT report on their visit in 1997. Council of Europe, Strasbourg

CPT, 2002/28. Report to the Estonian Government on the visit to Estonia [by the CPT in December 1999]. Council of Europe, Strasbourg

CPT, 2002/29. Response of the Estonian Government to the CPT report on their visit in 1999. Council of Europe, Strasbourg

Council of Europe, 1996-2001. Reports of the steering meetings of the Nord-Balt Prison Project. Council of Europe, Strasbourg

Johansson B., 2001. Follow-up report on development co-operation between the Swedish and Estonian prison services. Swedish Prison Service, Norrköping

Lakes G. and Grönholm A-K., 1997. Report of an expert visit to reassess the prison system in Estonia, May 1997, Council of Europe, Strasbourg

Marttinen S., 2000. The development of co-operation between the prison services and particularly twin prisons in Finland and Estonia, Helsinki

Ministry of Justice, 2000. *The prison system of Estonia*. Tallinn

Ministry of Justice, 2002. *Estonian Prison System Yearbook 2001/2002*. Tallinn

Sootak J., Antsmäe R. and Israel O., 2001. 'Estonia' in 'Imprisonment today and tomorrow' (second edition), eds. van Zyl Smit D. and Dünkel F. Kluwer Law International, The Hague, London and Boston.

Walmsley R., 1996. *Prison systems in central and eastern Europe: progress, problems and the international standards*. HEUNI Publication Series No. 29, HEUNI, Helsinki

Wool R., 1998. 'Where do we go from here?' Proposals for following up the recommendations of reports on the health of prisoners in Estonia, Latvia and Lithuania. In report of fifth Steering meeting of the Nord-Balt project. Council of Europe, Strasbourg

31. Georgia

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Criminal (or Penal) Code, the Code of Criminal Procedure and the Law on Imprisonment (Penal Executive Code). A new Penal Code was adopted in January 2000 and a new Law on Imprisonment in July 1999; the latter came into force on 1 January 2000. A new Code of Criminal Procedure was also adopted in 1999, coming into force in May of that year. A new law on pre-trial detention was to be drafted, with work probably starting in 2002.

The new Law on Imprisonment had positive results in a number of areas. Prison staff no longer wear police uniforms, perimeter security is now carried out by contingents reporting to the Ministry of Justice, and efforts were made to improve prison conditions. For example the rules were liberalised in respect of receiving parcels, making phone calls, prison leaves, and creating a prison social (welfare) service for prisoners. Furthermore a permanent commission was established for each institution to render assistance to the administration in admissions, the work and training of prisoners, the provision of food and medical services and the protection of human rights. This commission is made up of representatives of local government, governmental bodies, non-governmental organisations, religious bodies and other public figures.

Organisational structure

Responsibility for the prison system was transferred from the Ministry of Internal Affairs to the Ministry of Justice in January 2000. The Director General of the prison system (head of the Department for Punishment Execution) at the end of 2001, reporting to a Deputy Minister of Justice, was Mr. Paata Mkheidze. There had been several changes in the leadership in recent years, and Mr. Mkheidze's predecessors included Mr. Givi Kvarelashvili who held the post for several years, Mr. Shota Kopadze and Mr. Demur Mikadze. Two regions of Georgia, Abkhazia and South Ossetia, have declared internationally unrecognised independence and are not currently included within the Georgian prison system (see section 45).

There were 17 penal institutions operating in 2001. These were five pre-trial institutions (known as penitentiaries), ten colony-type institutions (known as prisons) including one for women and one for juveniles, one institution for prisoners with tuberculosis and one national prison hospital.

The total capacity of the system at the end of 2001 was 11,860, giving an average capacity per institution of 698. Six of the colonies had capacities between 900 and 1,010 and the largest institution in the system, the main pre-trial penitentiary in Tbilisi, a capacity of 2,020.

Pre-trial detention

The law provides that when a suspect is arrested by the police the investigator or prosecutor must bring him/her before a court within 48 hours and the court must decide within the next 24 hours whether further detention, which would be in a pre-trial penal institution, shall be allowed.

There were 2,422 persons in pre-trial detention at the end of 2001 (64 per 100,000 of the national population). Pre-trial detainees spend one hour a day out of their cells in normal circumstances.

The numbers held in penal institutions

The prison population rose from about 8,000 (under 180 per 100,000 of the national population) in 1995 to over 10,000 (almost 250 per 100,000) in 1996-98, since when it has fallen below 7,700 (7,688 at the end of 2001). There have been several amnesties that have contributed to this decrease in population, including those in February 1999 (affecting 1,213 prisoners, including 67 women and 32 juveniles) and September 1999, under which some 1,000 prisoners were released. The President announced in February 1999 that around 35% of sentenced prisoners had been amnestied in the preceding three years (PRI/ICPS Newsletter No. 5, from *Nezavisimaia gazeta* 5.2.99).

The prison population rate in 2001 (213 per 100,000 at the beginning of the year and 202 at the end) was similar to that in Georgia's southern neighbours Armenia and Azerbaijan, although an amnesty in Armenia reduced the figure dramatically during the year. It was however very much lower than in the Russian Federation to the north. Of the total at the end of the year 31.5% were pre-trial detainees, 3.0% were female prisoners, 0.8% were juveniles (under 18) and 1.2% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the end of 2001 was 64.8% of the official capacity of the system. Nonetheless the prison administration reports that there is overcrowding both in pre-trial institutions and in institutions for sentenced prisoners. Only two institutions were over capacity in mid-2001 but the space per prisoner on which the official capacities of institutions are based is insufficient to preclude overcrowded conditions.

The minimum space per prisoner in Georgia, as specified in Article 33 of the Law on Imprisonment, is 2m² for adult male convicted prisoners, 2.5m² for pre-trial detainees, 3m² for female prisoners, 3.5m² in institutions for juveniles and 3m² in medical institutions. The CPT has recommended that a standard of 4m² per prisoner should be the aim (CPT, 2002/14 para 87).

It is reported that different categories of prisoner are separated from each other in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, prisoners are not usually located

in single cells. The prison administration reports that the largest number of prisoners accommodated in one room is 40, in a room of 30m² that was intended to house a maximum of ten prisoners. This would imply that each prisoner has less than one square metre of space. The CPT reported that in May 2001 some prisoners had to share beds (CPT, 2002/14 para 76); the prison administration confirms this situation and reports that it wishes to open a new facility in order to ease the problem of overcrowding.

The material conditions in at least some of the penal institutions are very poor. The Chairman of the Parliamentary Committee on Human Rights has stated that “all the buildings are so dilapidated they cannot be repaired” (Tevdoradze, 2000). Indeed the CPT reported that the premises in the main pre-trial institution in Tbilisi, which holds about a quarter of all prisoners in Georgia, “were in a very advanced state of decay (crumbling plaster, peeling paint, windows without panes, floors with broken surfaces, hazardous wiring/installations and worn out water systems) which resulted in an entirely inappropriate environment for both prisoners and staff” (CPT, 2002/14 para 74).

Sanitary installations are reported to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides prisoners with some toilet paper but prisoners are required to supplement this.

The prison administration reports that every prisoner is able to have a bath or shower at least once a week. There has thus been progress since the CPT’s visit in May 2001 when it was found that female prisoners in a pre-trial institution were allowed a shower only once a fortnight (CPT, 2002/14 para 78). Pre-trial detainees are allowed to wear their own clothing, if it is clean and suitable.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables, but the CPT reported that at the national prison hospital meat, milk and fresh fruit and vegetables were a rarity (CPT, 2002/14 para 117). Special diets are not provided for those who need them for health or religious reasons. Prisoners are able to receive food parcels from their families in unlimited quantities and the CPT states that these play an important part in ensuring that their diet is varied and adequate.

A medical officer or a doctor is required by the Law on Imprisonment regularly to advise the director on the quality and quantity of the food and the hygiene and cleanliness of the institution and prisoners; however, it is reported that in practice these duties are not carried out. A medically qualified person is also required to examine regularly the sanitation, heating, lighting and ventilation of the institution and to inform the director of the prison immediately in writing of any violation of the appropriate conditions. The prison administration reports that these duties are indeed carried out. If the director of the institution considers that he does not have the resources to overcome the reported violation he is

obliged by law to contact the prison administration in writing, attached to the report from the medical officer. The prison administration reports that a medical officer/doctor does not advise the director on the suitability of prisoners' clothing and bedding. The CPT commented that in the main pre-trial institutions in Tbilisi "beds and bedding were often in a pitiful state: filthy and fraying mattresses, dirty threadbare blankets" (CPT, 2002/14 para 77).

The provision of health care in the Georgian prison system is the responsibility of the Ministry of Justice's Medical Department, set up at the end of 2000 in order to give medical staff independence from the prison administration. It is directly subordinated to the Minister of Justice. There is little interaction between the national Ministry responsible for health-care in Georgia and the Ministry of Justice's Medical Department. It is also said to be difficult to transfer prisoners for examination or treatment to public hospitals (CPT, 2002/14 para 96). The CPT called upon the Georgian authorities "to devise a comprehensive policy on health-care in penal institutions, based on the fundamental principle of equivalence of care and other generally recognised principles, such as patient's consent, confidentiality of information and the professional independence of health-care staff. They also commented that the role of the national Ministry responsible for health-care "could be strengthened in such matters as hygiene control, measures to counter transmissible diseases, the assessment of health-care and the organisation of health-care in prisons" (CPT, 2002/14 para 97).

Many prisoners have an alcohol problem, but the prison administration does not know if the number is increasing; there is no treatment programme available for such prisoners. The current strict regime colony in Sagarejo (prison No. 3) was until 1989 a penal institution for the treatment of alcoholics.

Many prisoners have a drugs problem, but again the prison administration does not know if the number is increasing and again no treatment programme is available. HIV/AIDS is a problem in the Georgian prison system and the numbers are increasing. In 2001, in accordance with WHO guidelines, it was not the policy to test all prisoners for HIV/AIDS; however it is reported that such a practice has since been introduced.

The main health care problem in the prisons is the prevalence of tuberculosis. In May 1998, an agreement for a TB control programme in prisons was signed by the International Committee of the Red Cross and the health and internal affairs Ministries. Treatment was to be based on the DOTS method and staff were trained in applying it. Between 1998 and 2001, 1,634 TB patients began treatment and the cure rate of those who completed the course was 78%. The treatment was focussed in the TB institution at Ksani (Qsani). Subsequently it has been introduced in the colony for women and screening takes place in the main pre-trial institution where cells are being renovated to enable DOTS to be implemented there also. The programme is conducted in close collaboration with the national TB programme. Work is also being done to give prisoners accurate information about TB and its treatment (ICPS, 2002). The CPT expressed concern at the absence in May 2001 of systematic screening for TB in

the pre-trial institutions, and of adequate supplies of anti-tuberculosis drugs. They also recommended that material conditions for tuberculosis patients, including lighting and ventilation, and also the diet, be rendered appropriate for the improvement of their health (CPT, 2002/14 para 112). The death rate from tuberculosis has fallen in the institution for TB patients from 1 in 250 to 1 in 700. Deaths in Georgian penal institutions in 2001, from all causes including tuberculosis, totalled 22; in 1997 the figure had been 102, in 1998 81 and in 1999 54 (Tevdoradze, 2000). However, prisoners are often released when they become terminally ill.

Discipline and punishment

The Law on Imprisonment provides for a range of sanctions for infractions of prison discipline, including warnings, restrictions on visits and parcels, and placement in an isolation cell ('kartzet') for up to 10 days for pre-trial detainees and up to 20 days for sentenced prisoners. Despite the recommendations of the Council of Europe experts in December 1998 (Morrison and Colliander, 1998), the CPT found in May 2001 that a prisoner against whom disciplinary charges are brought is not heard in person by the director and the disciplinary sanctions cannot be the subject of an appeal. The CPT made recommendations accordingly (CPT, 2002/14 para 136).

Neither the Council of Europe experts nor the CPT found evidence of any excessive use of disciplinary punishments. Indeed, prisoners sentenced to isolation were frequently allowed to return to normal accommodation before the end of the period that had been stated. However the material conditions of isolation punishment in the two pre-trial institutions in Tbilisi were so unsatisfactory that the CPT found it necessary to request that the kartzet cells be taken out of service. The Georgian authorities informed the CPT in September 2001 that this had been done (CPT, 2001/14 para 138). Despite the recommendation of the Council of Europe experts in 1998, the CPT found in 2001 that prisoners undergoing disciplinary confinement were not allowed exercise in the open air (CPT, 2002/14, para 139). The Council of Europe experts also recommended that prisoners undergoing punishment should be provided with adequate reading material (Morrison and Colliander, 1998).

Contact with the outside world

Pre-trial detainees may be visited by family members or close relatives but only if this is permitted by the investigating authority. They are allowed to touch visitors and are not separated by a screen. Sentenced prisoners in a general regime colony may have five short-term visits a month and five long visits (up to three days in specially separated accommodation within the penal institution but without the presence of prison staff) a year. In a strict regime colony the allowance is four short-term visits a month and three long visits a year. Juveniles are allowed unlimited short-term visits and monthly long visits with close relatives (Nikolaishvili, 2001). The lay-out of the accommodation for long visits is re-

ported to be such as to enable privacy and intimacy between prisoners and their spouses.

The prison administration reports that prisoners' letters are never read by the prison authorities. Sentenced prisoners may speak to their family and friends by telephone, but in 2001 this was not permitted to pre-trial detainees, although telephones were being installed in the pre-trial institutions.

There is no routine system of home leaves, but prisoners may be allowed to leave the institution if their work requires this, and also if there is an emergency in the family concerning the death or serious illness of a close relative or a natural disaster which has caused material damage to the property of the prisoner or the prisoner's family.

Prison staff

The prison service of Georgia employed 2,554 staff in the penal institutions at the beginning of 2001 (United Nations 7th Survey of Crime Trends), of whom 328 (13%) were women. In addition about 125 were employed at the national prison administration headquarters. Thus the overall ratio of staff to prisoners at the beginning of 2001 was 1 : 3.1. The number of staff working in the prisons increased by 43.4% from the beginning of 1996. Nevertheless there were many staff vacancies, including 40% of doctors' and nurses' posts in the national prison hospital (CPT, 2002/14 para 119).

The Ministry of Justice has said that widespread corruption was one of the most serious challenges facing the Georgian prison system in 2001; there was "large-scale extortion" of prisoners by staff. The CPT was told that certain staff members accepted or requested payments in exchange for allowing access to visits, medical care or accommodation under more favourable conditions. Specific action was being taken by the Ministry in order to encourage officials and members of the public to disclose cases of corruption at all levels; to this effect a corruption hotline and a system of rewards for reporting such cases had been established (CPT, 2002/14 para 125). Sixty staff were dismissed in 2001 for corruption and other violations of law and discipline (Council of Europe, 2002). The Minister of Justice had earlier (November 2000) indicated that he was determined to reinforce the fight against corruption, which he attributed mainly to low wages (about 30 US dollars a month). Wages were paid on time but there was "a high level of de-motivation and turnover of prison staff" (Council of Europe, 2000). It was difficult to recruit and retain qualified staff. For this reason security was inadequate and there were many escapes (Council of Europe, 2002).

The prison administration recognises that staff training is a high priority, in order to achieve a change in attitudes and a higher degree of professionalism. The Deputy Minister of Justice said that training was a "matter of deep concern" (Council of Europe, 2002). There was no training centre but it was planned to open an Academy of Justice for the training of prison staff. Meanwhile three-month courses were organised in the Ministry of Justice Training Centre. Courses were led by teachers, senior staff and human rights activists. The curricula in-

cluded courses on the European Prison Rules and other Council of Europe Recommendations. Initial training for a new member of the security staff lasted for 1½ months.

The Deputy Minister announced (Council of Europe, 2002) that a new staff policy was being elaborated. A public competition would be organised to recruit personnel to management posts in the prison service. The Ministry would like to replace the current staff, and in particular security staff who were former police or military personnel, with new professional staff. The new policy would include improved staff discipline and conduct.

In the institutions for male prisoners some 15% of staff are women, mostly working on administrative matters apart from one or two security staff in some of the pre-trial institutions. In the institution for female prisoners about 10% of staff are men, mostly working on administrative matters.

Council of Europe experts reported in 1998 that in all the colonies (except for the open settlement), in the prison hospital and in one of the pre-trial institutions Ministry of Internal Affairs troops guarded the perimeter, manned the gate and carried out prisoner escorts. Their presence on the gate was unwelcoming and intimidating to visitors and the experts recommended that they be withdrawn from such duties and replaced by prison staff. They also noted that the troops appeared to have no specific training in meeting the needs of prisoners and treating them humanely whilst maintaining security in transit (Morrison and Colliander, 1998). When the Ministry of Justice took over responsibility for the prisons in January 2000 these troops were replaced in perimeter security duties by Ministry of Justice guards but the Ministry of Justice was initially concerned at the poor professional quality of these guards (Council of Europe, 2000).

Treatment and regime activities

Treatment staff include 128 social workers and 7 psychologists. Prisoners are organised into groups led by a social worker. The number of prisoners in a group is approximately 50.

Sentenced prisoners in the colony-type institutions have their rooms unlocked for the whole day and are allowed at least an hour of walking or suitable exercise in the open air – two hours if they are juveniles or serving their sentence in a general regime colony. Pre-trial detainees are also allowed one hour a day of walking or suitable exercise but this is the only time they may leave their cells/rooms. However the CPT found that exercise was not guaranteed, particularly at weekends and on public holidays (CPT, 2002/14 para 90).

The only treatment programmes available are those provided by NGOs, including psycho-social rehabilitation for women. A regular school programme is reported to be provided for young prisoners. The individualisation of treatment is hampered by the fact that the type of prison and the regime in which the prisoner serves a sentence are decided by the court. Classification is virtually automatic – the longer the sentence the stricter the regime. Long-term prisoners are generally put in the strict regime institutions. There is no progressive sentence planning and the prison service does not have the right to apply an active,

individualised incentive policy – any reallocation decision must be taken by the court (Council of Europe, 2002).

Apart from prison work (see below) there were no organised activities for sentenced prisoners in the institutions visited by the CPT. However, they did have access to the prison chapel and library, although books were old and rarely borrowed (CPT, 2002/14 para 92).

The prison administration reports that it is not able to make pre-release arrangements to assist prisoners in returning to society, family life and employment after release. Nevertheless social workers do attempt to solve questions concerning their personal life and the provision of relevant documents. They also notify local government agencies if the released prisoner will be in need of social assistance (Nikolaishvili, 2001).

Conditional release

There is a system of conditional release, under which about 1.5 - 2% of prisoners are discharged per month. The legislation provides that for less grave crimes a prisoner becomes eligible after serving one half of the sentence; for grave crimes at least two-thirds must be served; and for especially grave crimes the requirement is at least three quarters. For crimes committed after 18 November 1998 the new Criminal Code provides that all prisoners are eligible for conditional release; previously those convicted of certain crimes or with a history of recidivism were not eligible. However, some prisoners who previously were eligible for release after two-thirds of the sentence must now wait until three-quarters have passed (Nikolaishvili, 2001).

Prison work

The prison administration reports that sentenced prisoners are not required to work. However, many of them would like to do so. Unfortunately “flagging demand and problems with the supply of raw materials had significantly curtailed the possibilities for employing higher numbers” (CPT, 2002/14 para 90). Some 7% of sentenced prisoners, and no pre-trial detainees at all, were said to have work in 2001. The decision as to which prisoners are given work depends on personal interviews and work experience as recorded in prisoners’ files. The work that is done involves the production of construction materials “and other items of wide use”. Pay is determined by Article 55 of the Law on Imprisonment: 15% of the wage is transferred to the state budget, 10% is deducted for payment of maintenance costs of the penal institutions, 25% is “withheld by writ of execution or by administrative case” (Nikolaishvili, 2001) and the remaining 50% is given to the prisoner for personal use. No money is provided to prisoners who are unable to work or for whom no work is available.

Education and vocational training

The law requires the prison authorities to give primary education to all prisoners who were under 18 when convicted and who have not completed a programme

of primary education in school. A basic education is also supposed to be provided to all who submit an appropriate application to the prison administration. Prisoners are also entitled to undertake individual study and even to follow university courses; however, it is said that this theoretical right is not available in practice. The prison administration reports that vocational training is available for sentenced prisoners. There are no programmes of remedial education arranged for prisoners with special problems such as illiteracy or innumeracy.

Inspection and monitoring

Inspections, in order to monitor the extent to which the penal institutions are operating in accordance with the laws and regulations and with the objectives of the prison administration, are conducted by a variety of bodies. The CPT was informed in May 2001 that “these included supervisory prosecutors, a recently established inspectorate of the Ministry of Justice, the National Security Council set up under the auspices of the President of Georgia, the Parliamentary Committee of Human Rights, the Public Defender (Ombudsman), and a monitoring board composed of representatives from various non-governmental organisations” (CPT, 2002/14 para 143).

As the CPT pointed out, “the emergence of a diversified system of internal and external control of penitentiary establishments in Georgia is in itself a positive development. The system has the potential of making a useful contribution to improving conditions of detention and the treatment of prisoners, and will no doubt stimulate public debate on the prison service” (CPT, 2002/14 *ibidem*). They suggested co-ordination and information-sharing between the bodies undertaking such monitoring.

The CPT understood in May 2001 that the monitoring board would cease its activities during 2001, after having carried out a first round of visits to penal institutions. In fact, the Acting Minister of Justice reported in November 2001 that the activities of the board were on hold, since it had emerged that there had been many instances of corruption by the board. His idea was to establish a system where each prison colony would have its own monitoring council made up of people close to the institution. There should at the same time be a central co-ordinating monitoring council (board), probably including most of the current members and being linked to the Ministry of Justice (Tskrialashvili, 2001).

The prison administration reports that the Director General and the directors of the penal institutions have their own copies of the international standards and that a copy is available for prisoners to read, for example in the prison library. However, copies are not available for other management staff at the national prison administration or for staff in the penal institutions (apart from the director).

The CPT undertook its first inspection of the Georgian prison system in May 2001. As noted above a number of recommendations were made, some 47 in fact, dealing with conditions of detention, health-care services, prison staff, contact with the outside world, discipline, and complaints and inspection procedures.

Non-governmental organisations

Non-governmental organisations visit the penal institutions for the purpose of monitoring and the implementation of treatment programmes. The prison administration considers this work to be positive. In addition to undertaking monitoring activities and conducting constructive treatment programmes for women, NGOs also provide free legal advice. The development of activities in co-operation with NGOs was stimulated by the appointment of Mr. Paata Zakareishvili, who formerly worked for an NGO on human rights issues, as Deputy Head of the prison administration with responsibility for human rights matters. He was able to increase co-operation in accordance with a recommendation by the Council of Europe experts in December 1998 to the effect that there was scope for much assistance from NGOs in the work of the prison service. Until that time the International Committee of the Red Cross was the only NGO providing direct assistance, although some NGOs had highlighted the poor conditions in the institutions (Morrison and Colliander, 1998).

The international NGO Penal Reform International has played a significant role in the recent development of the Georgian prison system and has now established an office in Tbilisi. Having assisted the Ministry of Justice in preparing to take over the prison system in 2000, it developed projects to strengthen the radical reform process which the Ministry was introducing. The projects, implemented by local NGOs, included training for members of the national council responsible for the monitoring of penal institutions, providing medical, psychological and legal assistance to prisoners, and providing rehabilitative services to women prisoners and staff of the women's prison colony.

International co-operation

The prison administration is involved in international co-operation that is intended to improve prison standards. Multi-lateral organisations concerned in this work include Penal Reform International (see above), the OSCE, the Council of Europe and the International Corrections and Prisons Association. The prison administration also has good bi-lateral co-operation with the Czech Prison Service. Following the production of its assessment report in December 1998 (Morrison and Colliander, 1998) the Council of Europe established a steering group for the reform of the prison system in Georgia, which developed an action plan focusing on new legislation, the use of dynamic security, the transfer of the prison system to the Ministry of Justice, the procedure and conditions of pre-trial detention, the treatment of long-term prisoners, staff training, prison inspection, the transfer from a dormitory to a cellular system, and probation and community sanctions.

Other matters

Pre-trial detainees have the right to vote in national elections but sentenced prisoners do not have that right.

Important recent developments

The following are some of the most important recent developments affecting the Georgian prison system:

- the transfer of the responsibility for the prison system from the Ministry of Internal Affairs to the Ministry of Justice (January 2000);
- the transfer of the prison medical department from the responsibility of the prison administration to give it greater independence as a separate department within the Ministry of Justice (December 2000);
- the development of an independent public monitoring board (2000-2001);
- the installation of phone hotlines for prisoners, principally as a means of combating corruption (2001);
- the installation of telephones in the pre-trial institutions.

Current objectives

The main objectives of the prison administration include:

- to combat staff corruption and improve staff training;
- to provide more room for prisoners by opening more institutions;
- to move from dormitory to cellular accommodation;
- to increase the amount of work available for prisoners;
- to create a rehabilitation (treatment) programme for prisoners;
- to establish a working probation system;
- to bring the prison medical staff under the control of the Ministry of Health;
- to draft a new law on pre-trial detention.

Main problems

Some of the main problems facing the Georgian prison administration are:

- staff corruption, the attitudes of staff and their need for additional training;
- the shortage of resources (in the year 2000 only 40% of the official budget was made available);
- relations with the police (the Police Act contains unimplemented provisions for the nomination of a police officer in every prison, and there are repeated allegations of ill-treatment inflicted on pre-trial detainees by police officers);
- an infrastructure insufficient adequately to tackle tuberculosis in the penal institutions;
- overcrowding in pre-trial institutions and also in institutions for sentenced prisoners;
- the poor state of many of the prison buildings.

Achievements

Notable achievements in the Georgian prison system in recent years include:

- the development of the independent monitoring board comprising 17 non-governmental organisations and public figures and the fact that inspections are conducted by a variety of bodies;
- the tuberculosis programme, operating since 1997 in co-operation with the International Committee of the Red Cross and the National Tuberculosis Programme;
- the inclusion of various liberalising measures in the Law on Imprisonment;
- the energetic action being taken to combat staff corruption, including the installation of hotlines for prisoners to report any abuses;
- the determination to create a professional staff;
- the fact that pre-trial detainees who are allowed visits are not separated from their visitors by a screen;
- the removal of military conscripts from responsibility for perimeter security and manning prison gates;
- managing to keep the number of prisoners in a social worker's group to about 50;
- the good level of co-operation with non-governmental organisations in the interests of the positive development of the prison system;
- participating in international co-operation activities intended to improve prison standards;
- the appointment of a deputy director of the prison service who was mainly responsible for ensuring the human rights of prisoners.

Conclusion

Much progress has been made in recent years. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation;
- to enable all prisoners to have a balanced diet, including meat, fruit and vegetables, and to make special diets available for those prisoners who require them for reasons of health or religion;
- to ensure that every pre-trial detainee and sentenced prisoner has a separate bed;
- to ensure that sanitary installations and arrangements for access are adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions;
- to ensure that medical staff carry out their responsibilities to advise prison directors concerning the quality and quantity of food, the hygiene and cleanliness of the institution and the suitability of prisoners' clothing and bedding;

- to improve the level of co-operation with the Ministry of Health and public health-care facilities and to ensure that prison health-care is based on the principles of equivalence of care, patient's consent, confidentiality of information and the professional independence of medical staff;
- to extend the DOTS programme of treatment to all institutions where tuberculosis patients are held, and to create conditions of lighting, ventilation and the provision of good food that are necessary for the treatment of such patients;
- to ensure that prisoners undergoing disciplinary punishment are offered a minimum of one hour's exercise in the open every day;
- to enable all pre-trial detainees to have the opportunity of regular visits from their family, unless there are exceptional reasons for prohibiting this;
- to develop programmes of purposeful activities for pre-trial detainees and sentenced prisoners, with the aim of providing a constructive use of their time for at least eight hours a day;
- to develop pre-release programmes for prisoners who are approaching the end of their sentence, in order to maximise the chances of their successful re-integration into the community.

Annex 1

GEORGIA: Numbers in the penal institutions 1995-2001

Year (31 December)	TOTAL in penal institutions (excluding Abkhazia and South Ossetia*)	Prison population rate (per 100,000 of national population)	National population (estimate, excluding Abkhazia and South Ossetia*)
1995	8,048	179	4.5 million
1996	10,105	230	4.4 million
1997	10,051	234	4.3 million
1998	10,406	248	4.2 million
1999	8,529	210	4.07 million
2000	8,349	213	3.92 million
2001	7,688	202	3.8 million

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(31/12)	2,422	31.5	64
Female prisoners in 2001			
(31/12)	227	3.0	6
Juveniles (under 18) in 2001			
(31/12)	64	0.8	2
Foreign prisoners in 2001			
(31/12)	90	1.2	

* For information on Abkhazia and South Ossetia see section 45.

Note: There were several amnesties in the period 1996-99; the President announced in February 1999 that around 35% of the prison population had been amnestied in the preceding three years. An amnesty in February 1999 affected 1,213 prisoners, some being released and others having their sentence reduced. An amnesty in September 1999 led to the release of some 1,000 prisoners.

Annex 2

Georgian penal institutions: functions and capacity, 2001

Penal institutions for sentenced prisoners

1	Prison No.1	Rustavi town	General regime colony for male adults serving their first sentence	950
2	Prison No.2	Rustavi town	Strict regime colony for male adult recidivists, and first-timers with grave offences	1,000
3	Prison No.3	Sagarejo town	Strict regime colony for male adult recidivists, and first-timers with grave offences	1,005
4	Prison settlement No.4	Sagarejo	Settlement for male adults serving their first sentence	100
5	Prison No.5	Tbilisi town	General regime colony for sentenced females (all types of crime)	350
6	Prison No.6	Tbilisi town	Strict regime colony for male adult recidivists, and first-timers with grave offences	1,010
7	Prison No.7	Mtskheta district	Strict regime colony for male adult recidivists, and first-timers with grave offences	1,010
8	Prison No.8	Geguti	General regime colony for male adults serving their first sentence	320
9	Prison No.9	Khoni town	General and strict regime colony for former officers of law enforcement agencies (males, all types of crime)	300
10	Institution No.10	Khoni	For male juveniles aged 14-18	300
11	Institution for TB treatment	Qsani	For males with open form of tuberculosis (all types of crime)	760
12	National Prison Hospital	Tbilisi	For males and females, adults and juveniles, untried and sentenced	350

Penal institutions for pre-trial detainees

13	Penitentiary No.1	Tbilisi	Pre-trial detention centre for males and females (incl. some sentenced)	600
14	Penitentiary No.2	Kutaisi	Pre-trial detention centre for males (incl. juveniles) and females	650
15	Penitentiary No.3	Batumi	Pre-trial detention centre for males (incl. juveniles) and females	250
16	Penitentiary No.4	Zugdid	Pre-trial detention centre for males (incl. juveniles) and females	305
17	Penitentiary No.5	Tbilisi	Pre-trial detention centre for males (incl. juveniles) and females	2,020

TOTAL (at end of 2001)

11,860

Annex 3

Georgia: principal sources of information

Response by Mr. Kakha Kakhishvili, deputy head of the Department for Punishment Execution, to survey questionnaires for this project.

Responses by the Georgian Government to the United Nations 6th Survey of Crime Trends and Operations of Criminal Justice Systems (1995-97) and 7th Survey (1998-2000).

CPT, 2002/14. Report to the Georgian Government on the visit to Georgia [by the CPT in May 2001]. Council of Europe, Strasbourg

Council of Europe, 2000. First Steering Group meeting on the reform of the prison system in Georgia, Strasbourg, 6-7 November 2000. Council of Europe, Strasbourg

Council of Europe, 2002. Second Steering Group meeting on the reform of the prison system in Georgia, Tbilisi, 29 April 2002. Council of Europe, Strasbourg

ICPS, 2002. Prison Healthcare News, Issue 1, Spring 2002. ICPS, King's College, London

Ministry of Justice, 2002. Department for Punishment Execution: past, present and future. Tbilisi.

Morrison M. and Colliander P. 1998. Report of an expert visit to Georgia, November-December 1998, to describe and assess the Georgian prison system. Council of Europe, Strasbourg

Nikolaishvili G., 2001. Penitentiary System of Georgia. Tbilisi.

Penal Reform International, 2002. Annual Report 2001.

Tevdoradze E., 2000. Prison conditions: getting them right. Keynote speech at the United Nations Congress, May 2000, by the Chairman of the Parliamentary Committee on Human Rights and Petitions and the Development of Civil Society.

Tskrialashvili G., 2001. Notes of a meeting with representatives of Penal Reform International, November 2001.

Information from Maura Harrington and Leonora Lowe, Penal Reform International.

32. Hungary

Legislative framework

The Criminal Code (Penal Code) of 1978 has been substantially amended on many occasions, notably by a new Act which came into force in 1993. The Criminal Procedural Code dates back to 1973, but has been amended to accord with democratic developments and a new code was approved by Parliament in 1998; originally expected to come into force in the year 2000, this date has been put back until 1 July 2003.

The Penal Executive Code (or Punishment Enforcement Code) carries the official title of 'Statutory Rule Regarding the Execution of Punishments and Measures'. Dating from 1979 it was substantially revised by a new Act which came into force in 1993. The main changes were set out in the previous report (Walmsley, 1996, pp. 256-7). A new Penal Executive Code was in draft at the beginning of 2001 and expected to come into force, like the Criminal Procedural Code, in 2003.

Organisational structure

The prison system has been the responsibility of the Ministry of Justice since 1963. The Director General (head of the National Prison Administration) is Dr. István Bökönyi, who succeeded Dr. Ferenc Tari (Director General since 1990) in mid-1999. Dr. Bökönyi previously held a senior post in the Police Department of the Ministry of Internal Affairs.

The senior management team includes the first Deputy Director General Mr András Csóti, and the Deputy Director General responsible for financial matters, Mr. Valéria Varga. It is reported that following the changeover from Dr. Tari to Dr. Bökönyi there were a large number of other senior staff changes. There were a total of 165 staff employed at prison service headquarters at the end of 2001, plus four engaged in part-time work.

There were 33 penal institutions operating in 2001 with a total capacity at the end of the year of 10,799. Of these the seventeen county remand houses (Bv. Intézet) mainly hold pre-trial detainees but also contain a smaller number of prisoners who have been sentenced to short-term detention for petty offences and who are involved in the maintenance of the institution. The fourteen national prisons include one for women and one for juveniles; they are divided into eight which provide maximum and medium security conditions (Fegyház és Börtön), and six which provide medium and minimum security (Börtön és Fogház). In four of the latter the prisoners are employed in agriculture; in the others the work is industrial. The other two institutions are the central prison hospital and the I.M.E.I., which serves as a psychiatric hospital and forensic observation centre.

Of the county remand houses (for pre-trial detention) the average capacity is 160 and all but two have capacities of no more than 170. The exceptions are at

Miskolc (327) and Budapest where a new building is under construction and the current capacity of 831 will rise to 1,310. The average capacity of the fourteen national prisons is 560; six have capacities under 500, six between 500 and 750 and two, Budapest Central Prison and Pálhalma prison, have capacities of 1,168 and 1,186 respectively.

Most of the prisons were built in the second half of the 19th century. Though improvements have taken place on several occasions since then, in respect of accommodation and security, nevertheless the prison administration considers them to be “obsolete” (Hungarian Prison Administration, 2000(2)).

Pre-trial detention

The level of pre-trial detention in Hungary has risen by some 20% since 1994. At the beginning of 2001 there were 41 pre-trial detainees in the prison system per 100,000 of the national population, compared with 34 in June 1994 (26.4% of the prison population compared with 26.8% in 1994). This is slightly above average for European countries. Some 1,300 additional pre-trial detainees were reported to be held in police cells, and if these are included, the rate at the beginning of 2001 was approximately 54 per 100,000.

The pre-trial process is under the jurisdiction of the prosecutor. It was described in detail in the previous report (Walmsley, 1996 p. 258). Pre-trial detainees can be held in police cells until the end of the police investigation, and may be so held for several months. The new law of Criminal Procedure will provide that pre-trial detention must be carried out in remand houses, and only exceptionally will the police be able to hold remand prisoners for a maximum of 30 days.

The length of pre-trial detention is considerable, especially in cases where several defendants or victims are involved, or in cases which are complicated for other reasons. At a time when society is still in a period of change, the legal process is quite slow. 45% of remand prisoners are in prison for less than six months, 32% for between six months and a year, 20% for between one and two years and 4% for at least two years. The regime for pre-trial detainees in Budapest remand house was criticised in 1994 by the CPT as ‘extremely impoverished’. The Ministry of Justice responded that the arrangement and design of a number of institutions provided insufficient moving space for spending time out of cells and participating in communal activities. In 1999 the CPT noted that small fitness rooms were now available but they were still not impressed with the regime. Few detainees had work and no professional training of vocational value was available to male prisoners. Nor were there any premises for sports or educational activities. The Ministry of Justice pointed out that the opening of a new unit at that prison would help expand opportunities. Seven different courses were launched for detainees in October 1999 and it was planned to hold these on a regular basis. In January 2001 the Deputy Director General explained that education programmes, usually short vocational or basic education programmes, were available in some pre-trial institutions.

The numbers held in penal institutions

The prison population at the end of 1990, following the amnesty of that year, was 12,319. Despite growth in 1991 and 1992 the numbers subsequently fell back and remained close to the end-1990 figure until 1997, since when they have grown steadily. The prison population rate at year-ends has risen from 119 per 100,000 of the national population at the end of 1990 to 155 at the end of 2000 and 173 at the end of 2001. This is lower than the rate in neighbours Czech Republic and Poland but higher than that in Slovakia and higher than the highest rate in western European countries.

At the end of the year 2001 17,275 people were held in Hungarian penal institutions, of whom 24.7% were pre-trial detainees, 6.2% were females and 5.1% were not Hungarians. Juveniles (under 18) made up only 0.3% of the prison population. During 2001 the prison population had risen by over 11% from 15,539 at the start of the year, at which time Budapest remand house had held prisoners of 38 different nationalities.

There is concern at the potential rise of about 1,300 in the prison population when, following the expected implementation of the new law on criminal procedure in 2003, the pre-trial detainees held in police facilities are transferred to the prison system.

Accommodation and overcrowding

The number in the penal institutions at the beginning of 2001 was 52% above the planned capacity. All the county remand houses and the national prisons were over capacity, including two which held more than twice that level. The main reason for this was the revision of capacity figures that took place in 1995. In 1994, only 6 of the 32 institutions were over capacity (Walmsley, 1996 p. 278), which at that time was based on 3m² or 6m³ per prisoner. The 1995 revision, which was based on the assumption that all prisoners would have at least 3.5m² of space, reduced the national capacity figure from 16,831 at 2.6.94 to 11,352 at 1.9.95. This increase in planned space per prisoner brought the Hungarian prison system closer to the 4m² which is regarded as the minimum acceptable by the CPT but, having been accompanied by an increase in the prison population, has drawn attention to the degree of overcrowding in the system. At the beginning of 2001 there were 10,249 places in the system. An extra 480 places were due to be available at Budapest remand house and an extra 200 places in a new prison at Veszprém, likely to be opened in 2003. But unless there is a significant decrease in the prison population, it seems that the total will remain at least 50% above the planned capacity for the foreseeable future. The capacity rose by 550 during 2001 but the rise in the prison population meant that the system was overcrowded at the end of the year by 60%.

The capacities of the prisons are now reported to be based on all prisoners having at least 3.5m² of space. If all institutions had allocated 4m² per prisoner, as the minimum acceptable to the CPT for cells accommodating three or more prisoners, there would have been room for about 8,375 prisoners at the end of

2001 and the system would have been more than 100% overcrowded. The average space per prisoner, at the end of 2001, in Budapest remand house, the institution with the largest number of pre-trial detainees, was 1.9m², assuming that its official capacity is based on 3.5m². The national prison at Vác also provided an average of 1.9m² per prisoner, while at the national prison at Sopronkőhida the average was 1.6m², and at Veszprém remand house the average was 1.4m². The largest number of prisoners accommodated in one room in the Hungarian prison system is 40 in a room of 94m².

As in other countries of central and eastern Europe very few prisoners are housed alone in single cells. New institutions, such as the third section of Budapest remand house, follow a policy of locating two prisoners in a cell, in contrast to the rest of the system in which rooms are generally for considerably more than this (see Walmsley, 1996 pp. 260-1). Lighting, heating and ventilation in Hungarian prisons is said to be adequate throughout.

The prison administration reports that untried prisoners are always detained separately from convicted prisoners, and women prisoners separately from men. Juveniles (under 18) are not always detained separately from adults.

Sanitary arrangements and arrangements for access are said to be adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison service provides the toilet paper. Every prisoner is able to have a bath or shower at least once a week; those in work can shower every day. Women and juveniles are also able to shower every day. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable; sentenced prisoners must wear a prison uniform but may use their own underwear and take responsibility for washing it.

Food and medical services

The quality and quantity of food is regarded by the head of the health care department as at least equal to average standards in communal catering outside, with the variety and quantity often being superior. The Ministry of Health sets norms for the calorific levels required for work and the prison service applies these standards. The budget per prisoner per day was 232 forints (90 euros) in January 2001 with an additional 35-120 forints allowed for special needs. Although the diet is said to be balanced and includes fruit and vegetables, the head of health care felt that it included insufficient vitamins. Special diets were provided for those who needed them on health or religious grounds and for vegetarians. The number of special diets available has increased in the last few years.

Health care in prison is said to be better than in the community. It is more accessible and prisoners do not have to pay for medicines, whereas free citizens do have to pay. There are also more treatment possibilities. Prison health care is funded from two sources: from the central prisons budget and from public health insurance. Free citizens pay public health insurance through their employment pay, while prisoners, like students, are treated as if they have paid but do not do so. Foreign prisoners receive treatment free of charge while they are in prison but must pay for any continuing treatment that is needed after their release.

Almost all the treatment needed by prisoners can be provided by the prison health care service. Prisons with more than 500 inmates have a full-time doctor and the largest prison has four. The remand houses with populations of 200 or less have a part-time doctor on contract, supported by 2-5 nurses. There are full-time dentists in the larger prisons and part-time elsewhere. The central prison hospital near Budapest has 297 beds for in-patients and also outpatient facilities. Expert medical treatment is available from pulmonary specialists, gynaecologists, dermatologists, 'internists', dentists and ear, nose and throat specialists. An outside hospital is used if the prison hospital does not have the specialist required. There is also a forensic psychiatric unit (IMEI) within the grounds of Budapest Central Prison which is used for neurological and psychiatric treatment and for the observation of those suspected of being mentally ill. Court orders for mandatory psychiatric treatment are also carried out at the IMEI, which has 311 beds. There are another 80 beds in an after-care unit for those with degenerative diseases and others who will need permanent medical supervision.

The prison service employs 95 full-time doctors and there are another 10 vacancies. There are 387 nurses out of a complement of 410. Health care staff are better paid if they are classified as uniformed staff and the prison service tries to have as many doctors as possible classified as uniformed personnel in order to retain them within the service.

The prison health care department reports that many prisoners have an alcohol problem but the numbers are not increasing. Some programmes are available for such prisoners. There is not considered to be a drug problem in the prisons; usage is rare and the situation is felt to be under control so far. However, the amount of drug addiction in the country is increasing and there is concern that this may soon be reflected in the prisons; the new criminal code allows for more severe sentencing for drug-related crime. Parliament is currently designing a national drug strategy and the prison administration's practice will be developed from this. The current response involves staff education, attempting to minimise the amount of drugs that get into the prisons, and the planned introduction of drug-free units. Some prisoners receive individual drug therapy and others are permitted to go outside the prison for treatment, but the prison administration wants to develop programmes for drug addicts which can be conducted within the prisons (see also MacDonald, 2001).

HIV/AIDS is not a problem within the prisons. There were only eight prisoners in 2001 who were HIV positive. HIV testing is compulsory in Hungarian prisons and is part of Ministry of Health regulations. It forms part of the process of medical examination on admission. In the opinion of the head of the health care department the system of testing and management of HIV works well and the prison administration wants it to continue. However, the World Health Organisation has been pressing the Ministry of Health to change their policy of mandatory HIV testing (of prostitutes, homosexuals and prisoners) and the CPT has recommended "that the Hungarian authorities bring their HIV policy into line with the relevant international standards, in particular those established by the World Health Organisation and the Council of Europe" (CPT, 2001/2 para

122). But the Hungarian prison service is resistant to such persuasion, arguing that the policy is effective in preventing the disease, that prisoners are content to take the test and that there is such concern about HIV/AIDS among the Hungarian population that the segregation of the small number of prisoners with the disease is in their own interests. The CPT also recommended that staff working in prison establishments should be provided with ongoing training in the preventive measures to be taken and the attitudes to be adopted to HIV-positivity and given appropriate instructions concerning non-discrimination and confidentiality. The prison service reports that staff education has resulted in a marked change in attitudes (CPT, 2001/3 para 58).

Tuberculosis is a problem in the Hungarian prison system and the numbers are growing. The incidence in prisons is at least four times higher than in the community outside. In 1999 the rate in the community was 39 per 100,000 while in the prisons it was 145 and rose to 212 in the year 2000. Specialist treatment is provided in the central prison hospital.

There were 41 deaths in prison in 1999 and 54 in 2000. No one died from tuberculosis. Nine prisoners committed suicide in 1999 and eight in the year 2000, and suicide prevention is a topic to which special attention was being devoted in 2001.

Staff from the health care department have the responsibility of advising the director of the prison on the quantity, quality, preparation and serving of the food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation of the institution, and the suitability and cleanliness of the prisoners' clothing and bedding. They also examine prisoners sentenced to solitary confinement before they begin the punishment and visit them every day during the period of isolation.

Health promotion activities include group sessions with prisoners about personal hygiene, drugs and HIV, tuberculosis and mental health. The health care department organises these on the basis of a six-month work plan.

Discipline and punishment

The least serious disciplinary sanction is a caution and the most serious is solitary confinement. In addition the amount of money a prisoner may spend on goods may be reduced. In maximum security regimes, solitary confinement may be for up to 30 days, in medium security up to 20 days and in minimum security up to 10 days. "During this time they cannot receive or send parcels, cannot have visitors, cannot buy any items for themselves, and cannot use the prison's cultural or sport facilities either. However the Hungarian Prison Act [sc. the Punishment Enforcement Code of 1979] stipulates that prisoners should be compensated for the missed visits, parcels and shopping by being given these opportunities once the period of solitary confinement has ended. The prisoners are entitled to appeal to the penal judge against the decision to impose solitary confinement. The appeal suspends the enforcement process" (Nagy, 2001).

The CPT noted that prisoners have the right to be heard on the subject of any disciplinary offence that is alleged against them and are usually shown a form

detailing the charge. They recommended that prisoners be informed in writing of the charges against them and be provided with sufficient time to prepare their defence and the opportunity to call witnesses on their behalf and cross-examine witnesses giving evidence against them, (CPT, 2001/2 para 128). In response the Hungarian authorities agreed with this recommendation and reported that a revised instruction would enable prisoners to receive documented information about the reason for which disciplinary action was being taken against them. They also notified the CPT that a prisoner may cross-examine witnesses and “fully express his position and present his defence” (CPT, 2001/3 para 63).

One prison has a maximum security unit for those who have committed a particular serious offence or tried to escape. It housed five people in January 2001. At any one time about 50 or 60 prisoners are in solitary confinement in the system as a whole. Efforts are made to avoid the use of solitary confinement whenever possible.

Contact with the outside world

Although the legislation only states that visits, both to pre-trial detainees and sentenced prisoners, shall be at least once a month, for half an hour, the prison administration reports that in practice visits are once a month for one or two hours. On request they can be longer than this, provided that sufficient staff are available. The prosecutor will decide who may visit pre-trial detainees but he cannot stop visits from a prisoner’s close family. How the visit takes place is dependent, in the case of sentenced prisoners, on their security classification. Low security prisoners may be permitted to receive a visitor outside the prison; medium security visits are across a table which has a shelf dividing the prisoner from the visitors, and high security visits are closed in that they are conducted by telephone through a screen. There are no current arrangements for unsupervised (intimate) visits from spouses or for long visits from a whole family involving an overnight stay, but these are regarded as desirable initiatives especially since short-term leave is no longer allowed. A prisoner’s family may meet him/her round a table, as long as he/she is not in maximum security conditions. Rooms for intimate and long visits may be introduced once new legislation comes forward from the Ministry of Justice; however, the main problem would be finding the necessary space in the prison to implement such changes.

The Hungarian Prison Service keeps pre-trial detainees in a prison in the county in which they live and 26% of sentenced prisoners are also held in their own county. Hungary’s comparatively small size (500 km wide) means that no prisoners are particularly far from home. They can also ask to be transferred to a prison nearer home. Nonetheless many families do have difficulties in travelling to the prison and in some cases a prisoner is transferred to another institution for the purpose of a visit. There are only three prisons for women and so the problem is more acute for them; as a result they may be allowed more use of the telephone and longer visits.

Correspondence is not limited but is subject to random monitoring which is more regular in the case of the most dangerous prisoners. In 2001 16,000 pris-

oners were in contact with 80,000 correspondents. Official letters, such as those sent to the Ombudsman, cannot be read by prison staff but their transmission is recorded. Parcels or packets of no more than 5 kilos may be received once a month. In practice prisoners can receive parcels more often in some prisons. There is a list of what parcels may and may not contain. The regulations have not changed since 1993.

Telephone contact with family members was first authorised in 1993. The CPT commented that on the occasion of their visit in December 1999 access to telephones was under close surveillance in the three prisons visited and all calls, with the exception of those to a lawyer, had to be made by a member of staff, who remained at the prisoner's side throughout the call. "Consequently, availability of staff to supervise the calls severely limited the prisoners' access to the telephone; in the establishments visited, prisoners were able to make phone-calls during week-ends for a maximum of three minutes". The CPT regarded this procedure as onerous in terms of staff resources and inefficient in terms of security, given that prisoners have free access to their family and friends during visits. They recommended that steps be taken to review the procedure, with the objective of significantly increasing access to the telephone for prisoners; they said that close surveillance should be the exception rather than the rule (CPT, 2001/2 para 126). In response the Hungarian authorities said that access to telephone is governed by prison regulations and pointed out that verbal and written contact by a pre-trial detainee, apart from with the legal representative, had to be subject to surveillance (CPT, 2001/3 para 62). The prison administration comments that calls are limited because there is only one telephone for each wing. There does not seem to have been a review aimed at significantly increasing access to the telephone.

Home leave is available to all sentenced prisoners except those serving life imprisonment. Leaves are for 24 hours (244 cases during 2000) or for 14 days (1,155 during 2000). Both types are used as a reward and 14-day leaves replace a visit. A prisoner in minimum security conditions can also leave the prison four times a month for 24 or 48 hours (2,542 cases during 2000). Interruptions of sentence for up to 30 days may be approved if there is a serious reason for it; the governor can authorise an interruption of up to 10 days, after which the Director General's authority is necessary. There were 147 interruptions of sentence in the year 2000.

As a result of a few cases in which prisoners on home leave were involved in serious incidents stricter requirements have been introduced and directors have been instructed to minimise the risks of escapes. Consequently there were one-third fewer 14-day leaves in 2000 compared to 1999 and in some prisons home leaves had almost stopped.

Sentenced prisoners have access to as many newspapers as they wish. They can also watch television but teletext is not allowed and the television must be no bigger than 37 cms. The prison service could only afford to purchase 60 sets in 2000 and so prisoners have to buy their own if they want one in the cell.

Prison staff

The Hungarian prison service employed 6,776 staff at the beginning of 2001, out of a complement of 7,243. There was thus a vacancy level of 6.4%. Most vacancies are in respect of lower grade staff – basic grade security staff, work supervisors in the economic organisations and escort staff. There were 73 vacancies for security staff at the end of 2001. Staff in post had increased by 8% since mid-1994. The number working at headquarters at the end of 2001 was 165 plus four people engaged in part-time jobs - about the same number as in 1994.

Statistics based on 6,721 of the prison staff at the beginning of 2001 reveal that 402 (6%) were management staff, 2,068 (31%) were security staff, 1,262 (19%) were treatment staff and the remaining 2,989 (44%) were administrative staff and people employed in the economic organisations. The overall ratio of prison staff to prisoners, based on the total of 6,776 at the beginning of 2001 was 1 : 2.3 or, if the ratio is based only on management, security and treatment (including medical) staff in the prisons, 1 : 4.2. In terms of military-civilian status 83% were uniformed staff (15% commanding officers and 68% non-commanding officers) and 17% were civilian staff.

There is a problem in recruiting and retaining staff and about 900 (more than 1 in 8) leave each year. Staff salaries are a factor in this. Basic police pay is 50% higher than that of basic grade prison security staff, and this is seen as a risk in terms of corruption (e.g. regarding the bringing of drugs into the prisons). In general, prison personnel, in particular security staff, are perceived by the community as having very low status, as indeed are the police. Security staff often live in large estates with similar staff. The reason for this low status is said to be historical, in that prior to the change of regime prisons were closed institutions and staff tended to be poorly educated. Efforts are made to boost staff morale, including by regular contact with the media in order to explain that prison staff are better educated than previously and have an important role.

Initial training for new recruits to the prison service as basic level security staff lasts three weeks at the Prison Service Training Centre. After that time they work in a prison and practical experience and schooling are combined; the full training lasts ten months. Different training is provided for those who attended secondary education and higher education. There are no specific courses for prison directors but consideration has been given to the possibility of special training for those who become leaders. A key part of staff training is about changing attitudes towards prisoners but the prison administration reports that due to staff vacancies and lack of resources such training is not occurring in practice.

The Hungarian prison service employs a number of female staff in the prisons for men. At the end of 2001 26.7% of staff in such prisons were female. They are involved in all aspects of work, although there is no female governor in a male prison. Most educators are women. In the prisons for women, 58% of staff at Kalocsa prison are male and 10.3% of the staff in the women's unit (in Mélykút) at Pálhalma prison. The male staff are security guards, economic and educational experts and the doctor.

Security staff are selected either to guard the perimeter or to work in the prison in contact with the prisoners. The latter are those with the best interpersonal skills and they work closely with treatment staff. Training for security staff gives special attention to the best way to interact with prisoners, and includes a psychology course. The average age of security staff is decreasing and most are between 31 and 40.

Security work is said to have changed significantly in the seven years since 1994, with emphasis on the use of new technical equipment and creating a positive atmosphere in the institutions which itself improves security. "Previously security was just about preventing escapes", said a security expert in the prison administration.

Staff still carry batons, or else have them available in an armoury. But although prisoners know that staff may be carrying batons they also know that the policy is to maintain good relations between staff and prisoners. There were 13 cases in the year 2000 of the use of batons. Guard dogs are used as a deterrent – the service has about 130 – and there are also three dogs to detect drugs. If it is decided to search a prison for drugs, sniffer dogs may be borrowed from the police. Towers are rarely to be found in Hungarian remand houses, which are usually in the centre of a town. Others have four or six towers depending on the institution. But the towers are usually unmanned or only manned in specific circumstances. No shot was fired by a member of the Hungarian prison service in the year 2000.

Treatment and regime activities

The prison administration points out that following the political changes in 1990 the prison system ceased to attempt to change the prisoners but wanted rather to give them the opportunity to change. This is seen as a long process that will develop gradually.

Each sentenced prisoner becomes part of an educator's group, the educator being responsible for the prisoner's welfare, progress and activities. It is recognised that there are insufficient educators to have regular personal contact with each member of their group and deal with their problems. The job has become more administrative. Educators' groups in the case of young offenders are about 20 or 22 in size but for adults the number is 100. In Budapest Central Prison where the ratio is 1 to 120, the absence of one educator would mean that it was impossible for the remaining educators to cope with all the demands that such a role entails. There are 227 social workers in the Hungarian prison system and 25 psychologists.

Sentenced prisoners spend 8 or 9 hours out of their cell or room if they have work; otherwise it is 4 or 5 hours on average. Pre-trial prisoners are reported to have one hour exercise but no additional time out of their cells. The CPT, on the occasion of their visit in December 1999, were critical of the limited regime offered to prisoners at Budapest remand house and the absence of a regime of activities at Veszprém. They also noted that at both institutions there were numerous complaints that prisoners were not always receiving as much as an hour

of outdoor exercise (CPT, 2001/2 paras 104 and 114). The Hungarian authorities stated that regulations provide that in all institutions prisoners must be offered the opportunity of one hour's outdoor exercise daily. They also said that opportunities for activities would be expanded with the progressive opening of the new unit of Budapest remand house and that a wide range of church-related programmes was introduced at Veszprém in September 2000 (CPT, 2001/3 paras 45 and 53).

The welfare needs of pre-trial detainees are not the responsibility of educators and there is no formal provision for meeting them. This is recognised by the prison administration as a problem. Medical needs are dealt with by health care staff and for social and psychological problems it is sometimes possible to make use of social workers, psychologists or priests.

There are few treatment programmes for sentenced prisoners, apart from those concerning medical services, to which reference has already been made. However, efforts are made to prepare prisoners for release in a variety of ways. Six months before release the educator discusses accommodation and employment prospects, and there is a special programme for providing assistance in finding work. Long-term prisoners are prepared for release during the last two years of their sentence. They are placed in groups giving them more independence and the possibility of leaving the prison to find employment. However several recent cases, in one of which a prisoner on a release group killed members of his family, have led to a reduction in the number of prisoners considered suitable for such groups. The minimum security pre-release hostel at Szeged prison was temporarily closed in 2001. Non-governmental organisations are also reported to play an important part in pre-release preparation.

Conditional release and probation

Prisoners may obtain conditional early release after two thirds of their sentence if they are in a minimum security regime, after three quarters in a medium security regime, and after four-fifths in a maximum security regime. The security status is defined by the court at the time of sentence but can be changed on application to a court, for example if a prisoner has satisfied the prison that a different level is appropriate. In the year 2000 265 prisoners had their security levels reduced and 29 had them increased. Conditional release can be granted earlier, after half the sentence, if the sentence is no longer than three years, if there are mitigating circumstances, and provided that the offender is not a multiple recidivist. By contrast life sentence prisoners become eligible for conditional release after a period of between 15 and 30 years depending on a minimum period decided by the sentencing court.

Conditional release is decided by a 'penitentiary judge' on the application of the prison. The prison service asks for about 80% of prisoners to have conditional release and the application is granted in about 95% of these cases. In the year 2000 some 5,725 prisoners were released early by this procedure (compared to about 4,550 in 1995). Three months before eligibility for conditional release the heads of department are consulted and the governor decides whether

the application should be made. The file goes to the court two months before the date of eligibility. In 2001 discussions were taking place as to whether eligibility should depend on security category and what fraction of the sentence should have to be served; whether there will be a legislative change was dependent on the outcome of these discussions.

Until the end of the 1980s prisoners were assisted on release with employment and accommodation through companies and hostels that were available for this purpose. But in the 1990s such opportunities ceased to be available and the probation service can no longer ensure employment or accommodation. It can merely offer advice to prisoners after release. Some religious organisations provide accommodation, for example for mothers. The probation service is said to work well with juveniles but to be in something of a crisis in respect of adults, partly because of professional disagreements. The prison administration considers that there would be advantages in it becoming part of the prison service.

Prison work

Sentenced prisoners are required to work if they are fit to do so and if work is available for them. The organisational structure of prison work was described in the previous report (Walmsley, 1996 pp. 271-2). There are now twelve economic companies (prison firms) operating within the prisons but under directors who report to the Ministry of Justice through the national prison administration. These are wood industries at Budapest Central Prison and at Szeged, agricultural companies at Állampuszta, Baracska and Pálhalma, textile industries at Sátoraljaújhely, Kalocsa and Sopronkőhida, a shoe industry at Balassagyarmat and mixed companies at Vác, Tököl and Márianosztra. Prisoners either work for one of these prison firms or they are employed by the prison on work connected with the efficient running of the institution (e.g. cleaning, catering, laundry).

At the beginning of 2001, some 58% of sentenced prisoners were employed, a total of 6,600 persons. This is a similar percentage to that in January 1994 (60%), but during 1996 81% of sentenced prisoners had work and during 1997 75%. Part of the difference is accounted for by the fact that more prisoners are able to work in the spring, summer and autumn in the agricultural enterprises. As for remuneration for prison work, "the prisoner is entitled to wages that correspond with wage levels of free workers in similar positions. In reality though, prisoners are paid significantly less because the cost of their upkeep, paid from the state budget, is also taken into consideration. Taking this into account, prisoners' wages amount to approximately one-third of the free workers' minimum wage" (Nagy, 2001). The time prisoners spend at work does not count for pension entitlement, but "in other respects, rights attached to work are similar to the general rules of labour law. For instance, a prisoner's working hours are the same as those of other workers, as regulated by labour law, generally 40 hours [sc. a week]. A prisoner is also entitled to 20 days paid holiday each year" (ibidem).

Few pre-trial detainees have employment but some simple work has been created to occupy them and enable them to earn a little money. Prisoners who

are unable to work, either because they are not fit or because no work is available for them, do not receive any money.

Education and vocational training

General education and vocational training “are regarded as the core of the rehabilitation programmes” (Hungarian Prison Administration, 1997). Some 2,500 prisoners were involved in such activities in the year 2000 (compared with 2,176 in 1996) including some in pre-trial prisons (remand houses). While prisoners in employment receive about one-third of the minimum salary in the country, those who participate in education and vocational training receive one-third as much (i.e. one-ninth of the minimum national salary). Educational and vocational training activities occupy between 6 and 20 hours per week and have developed significantly in recent years, very good contacts having been established between the prison administration and the Ministry of Education.

Inspection and monitoring

The prison administration organises three kinds of inspection. One-third of the prisons are inspected each year, involving all departments and sections of each establishment. Second, there are thematic reviews, for example on health care in all prisons. In both cases a report is produced with recommendations and the prison is given a copy indicating the changes that must be made. The third type of inspection is known as ‘target control’ where prisons are visited in order to see if they have carried out the recommendations of the inspection or the thematic review.

Ensuring that penal institutions function within the law is the responsibility of the Office of the Public Prosecutor. The prosecutor visits once a month to assess the legality of pre-trial detentions and prison sentences. In order to fulfil this task legal investigations may be held, official documents examined, prisoners interviewed, and consideration given to complaints about decisions on sentence enforcement matters (Nagy, 2001). The role of the prosecutor is said to be getting stronger in Hungary and the prison administration approves of this. Such inspection is regarded as introducing an independent element of control by an important professional expert. The prosecutor also examines the prison menus and takes an interest in other aspects affecting the proper treatment of prisoners. A report is prepared and copies go to the prison director and the national prison administration.

Another source of independent inspection is the Parliamentary Commissioner for Human Rights, the Ombudsman. Cases dealt with by the Commissioner have focused on ensuring that prison sentences have been enforced in a lawful manner. The Commissioner’s recommendations have also been concerned with the further development of relevant statutory regulations. The Helsinki Committee is yet another source of independent inspection.

The Council of Europe’s CPT visited the Hungarian prison system in December 1999, as already noted. This was their second visit, the previous one

having taken place in November 1994. They made 25 recommendations, some of which have already been mentioned, covering overcrowding, the treatment of dangerous prisoners, the prison regime and regime activities, conditions in the living accommodation and in respect of sanitary annexes, opportunities for exercise, staff vacancies in the health care departments of the three prisons visited, policy and practice in respect of HIV testing, prevention, and the handling of HIV positive prisoners, visiting arrangements, the availability of telephone calls and the rights of prisoners facing disciplinary charges. The Hungarian authorities responded positively to these recommendations but, as mentioned, were resistant to the recommendations concerning HIV testing.

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Hungarian prison system. The Director General and his deputies have copies, as do management staff at the national prison administration and in each prison. Copies are also said to be available to be used by other prison staff and by prisoners.

There are a number of methods by which the law enables prisoners to make complaints. "They may contact a body independent of the prison administration in order to report a matter of public interest, lodge a complaint or request or submit an affidavit (Nagy, 2001)". They may complain to the prison governor about a decision, or the lack of it, affecting their custody and if they disagree with the response they have the right to appeal to the penal judge or to file a case with the civil court; they may request a hearing from the public prosecutor; they may take the case to the Ombudsman or the parliamentary commissioner for ethnic minorities' rights if they believe their rights as citizens have been violated; they may contact the commissioner for data protection if they consider their personal data has been mishandled; and they may also submit a complaint to international bodies.

Non-governmental organisations

The prison administration reports good co-operation with a large number of non-governmental organisations, including religious and charitable bodies and the campaigning organisation the Helsinki Committee for Human Rights. There are religious services in the prisons and also missions; full-time priests are available for sentenced prisoners and part-time priests in the remand houses. Between 5 and 10% of prisoners show interest in religious matters. There is good co-operation with the Catholic charitable organisation CARITAS, with the International Red Cross and with the 'Martyrs'. Non-governmental organisations are becoming more and more involved in prison affairs and their relationships with the prison administration are steadily improving.

They are recognised as playing a valuable role in pre-release activities. The Helsinki Committee was involved in 2001 in a detailed study in eight prisons. In 1996 it conducted a study of pre-trial detention in Hungary together with the Constitutional and Legislative Policy Institute of the Open Society Institute, which was mainly focused on conditions in police cells (Kövé, 1998). The prison

administration is more accepting nowadays of the work of the Helsinki Committee; “relations are not very good but they are tolerated” as one prison director put it. The same director expressed the view that there is a multiplicity of religious bodies who are allowed to visit and this is making it difficult to find time to admit non-religious NGOs.

In 1998 the Hungarian prison administration reported having contact with about 100 non-governmental organisations, 60% of these involving an institutionalised relationship and the other 40% involving occasional contact.

International co-operation

Until the end of 1998 the Hungarian Prison Service had very broad contacts, which were seen as contributing to the country’s wish to join the European Union. There were two international conferences a year in Hungary and exchange visits. There have been some changes since 1999 with a greater concentration on the development of the prison system at home and a reduction in international contacts; however, these are still regarded as important. The prison administration has continuing good relations with Bavaria (Germany), Sweden, Finland, Switzerland, the Netherlands, the Baltic States, Slovakia, Poland and Romania, and also with Ukraine, Moldova, Austria, Croatia, Slovenia and Novi Sad, the Serbian city with a large Hungarian minority. About a half of the Hungarian prisons are twinned with prisons in other countries, and this is seen as a vehicle for the sharing of good practice. Some of these links have been made without any liaison assistance from the national prison administration.

Other matters

Convicted prisoners are not allowed to vote in Hungarian elections but pre-trial detainees retain the right to do so. The court can also impose the secondary punishment of ‘prohibition from public affairs’. In this case a prisoner may be banned from voting even after release from prison.

An annual report/yearbook is produced ‘Évkönyve’. It is not formally published but it is not a secret document. Copies are sent to Members of Parliament, the Central Statistical Office, research institutes, universities, heads of media outlets and other organisations with whom the prison service co-operates. It has a wide circulation and there are plans to translate it into English and Russian.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Hungarian prison system:

- the restrictive aspects of the new Penal Code 1999;
- the programme of developing the prisons – new units, enlargement of existing buildings;
- recent rises in staff salaries;
- the changes in 1999 when Dr. Ferenc Tari (Director General 1990-99)

was succeeded by a new Director General and 70% of prison directors and senior managers are said to have left;

- the fact that home leaves have been much reduced following the scandal associated with serious incidents that occurred during home leaves.

Current objectives

The following are some of the main objectives reported by the Hungarian prison administration:

- the continuation of the programme of developing the prisons (including building a new prison at Veszprém, creating a new remand house at Szeged and extending Szolnok, Miskolc and Nyíregyháza);
- the development of staff training;
- enlarging the number and scope of treatment programmes for prisoners (including for sex offenders and drug addicts);
- improving security in the prison system;
- implementing the provisions in a new document about improving the prison service (concerning better management, improved staff-prisoner relations, more prisoner programmes, more employment);
- reducing the prison population, and hence overcrowding, in order to have more space for cultural and leisure activities;
- modernising old buildings for new conditions (e.g. Sopronköhida, Budapest Central);
- increasing the number of staff and improving their educational level;
- continuing to ensure a good atmosphere in the institutions;
- dealing with the problem of separating difficult prisoners from others;
- introducing more differentiated treatment for prisoners.

Main problems

The following were identified by the prison administration as some of the main problems, which are obstacles to the achievement of the objectives and to the advancement of the prison system in Hungary:

- the serious overcrowding in the institutions (160% occupancy in the system as a whole at the end of 2001 and more than two prisoners for every authorised place in two institutions);
- the inadequacy of the prison budget which, for 2001, was about 15% less than was needed;
- the fact that the prison system is insufficiently developed in terms of facilities;
- the fact that there are not enough prison staff and they are inadequately prepared by training for their duties;
- the difficulties of the probation service in reintegrating prisoners into the community;
- the need for improved suicide prevention measures.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. They drew attention in particular to:

- the on-going programme of developing the prisons;
- the fact that money has been allocated unprecedentedly for a two-year period in order to ensure the continuity of such work.

Further achievements of the Hungarian prison service include:

- staff attitudes are reported to have changed, with real efforts being made to deal with prisoners in a way that fully respects their human dignity;
- the education system has developed in the last few years, with very good contacts having been established with the Ministry of Education;
- a generally relaxed atmosphere has been achieved, including among pre-trial detainees and in seriously overcrowded conditions;
- some 2,500 prisoners are involved in education and vocational training, and short vocational or basic education programmes are available in some remand houses;
- in accordance with Government policy there has been a large expansion in religious activities in the prisons, with full-time priests for sentenced prisoners and part-time priests in pre-trial institutions;
- the official space allowances for prisoners have been increased, although in the current overcrowded conditions prisoners are not receiving the specified increases;
- a new penal executive code has been drafted, with legislation expected in 2002, which is intended to bring practice in the Hungarian prison system fully into conformity with the European Prison Rules;
- there has been some improvement in staff reaction to HIV-positivity amongst prisoners, with a marked change in attitude since the autumn of 2000;
- daily efforts are made to present to the media a balanced picture of what is going on in the prisons, in order to have a positive effect on public opinion;
- simple work has been created to occupy some pre-trial detainees, and to enable them to earn a little money and to introduce them to the habit of work;
- there are good facilities in the newly opened third unit of Budapest (Capital) remand house, including a convenient and pleasant area for visitors and their children and a punishment cell which is a normal large room with good lighting and ventilation.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. Relations between staff and prisoners are generally good and there are many examples of good practice.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to amend the practice whereby pre-trial detainees are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to devise a strategy for gradually increasing the minimum space allowance for all prisoners to at least 4m², the minimum which the CPT considers acceptable;
- to increase the number of educators throughout the system in order to reduce prisoner groups to a maximum of 50;
- to develop regime activities for pre-trial detainees and sentenced prisoners so that they all spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to pay further attention to the protection of juveniles under 18, and to consider, in particular, whether a means can be found of separating them, in living accommodation and at all other times when they could be vulnerable, from young men in their early 20s;
- to give further consideration to bringing policy in respect of HIV testing into line with the relevant international standards, in particular those established by the World Health Organisation and the Council of Europe.

Annex 1

HUNGARY: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1989	15,928	154	10,374,800
1990	12,319	119	10,354,800
1991	14,810	143	10,337,200
1992	15,913	154	10,310,200
1993	13,196	128	10,277,000
1994	13,143	128	10,245,700
1995	12,455	122	10,212,300
1996	12,763	125	10,174,400
1997	13,405	132	10,135,400
1998	14,366	142	10,091,800
1999	15,110	150	10,043,200
2000	15,539	155	10,005,200
2001	17,275	173	10,000,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	4,105	26.4	41
(31/12)	4,263	24.7	43
Female prisoners in 2001			
(1/1)	976	6.3	10
(31/12)	1,065	6.2	11
Foreign prisoners in 2001			
(1/1)	807	5.2	
(31/12)	874	5.1	
	TOTAL among sentenced population	Percentage of sentenced population	
Juveniles (under 18) in 2001			
(1/1)	36	0.3	
(31/12)	38	0.3	

Annex 2

Hungarian penal institutions: functions and capacity, 2001

County remand houses (for pre-trial detainees)

1	Budapest (Capital)	Pre-trial prison for Budapest city and Pest county	1,018
2	Debrecen	Pre-trial prison for Hajdú-Bihar county	177
3	Eger	Pre-trial prison for Heves county	114
4	Esztergom	Pre-trial prison for Komárom-Esztergom county	50
5	Győr	Pre-trial prison for Győr-Moson-Sopron county	120
6	Gyula	Pre-trial prison for Békés county	86
7	Kaposvár	Pre-trial prison for Somogy county	129
8	Kecskemét	Pre-trial prison for Bács-Kiskun county	153
9	Miskolc	Pre-trial prison for Borsod-Abaúj-Zemplén county	200
10	Nyíregyháza	Pre-trial prison for Szabolcs-Szatmár-Bereg county	142
11	Pécs	Pre-trial prison for Baranya county	97
12	Szekszárd	Pre-trial prison for Tolna county	97
13	Székesfehérvár	Pre-trial prison for Fejér county	108
14	Szolnok	Pre-trial prison for Jász-Nagykun-Szolnok county	70
15	Szombathely	Pre-trial prison for Vas county	120
16	Veszprém	Pre-trial prison for Veszprém county	58
17	Zalaegerszeg	Pre-trial prison for Zala county	85

National prisons

18	Állampuszta	Minimum and medium security	814
19	Balassagyarmat	Medium and maximum security (and Remand House for Nógrád county)	321
20	Baracska	Minimum and medium security	861
21	Budapest (Central)	Medium and maximum security	1,154
22	Kalocsa	Medium and maximum security (women)	240
23	Márianosztra	Medium and maximum security	508
24	Nagyfa	Minimum and medium security	391
25	Pálhalma	Minimum and medium security (includes unit for women)	1,214
26	Sátoraljaújhely	Medium and maximum security	263
27	Sopronköhida	Medium and maximum security	324
28	Szeged	Medium and maximum security (and Remand House for Csongrád county)	508
29	Vác	Medium and maximum security	522
30	Kecskemét	Institution for juveniles	30
31	Tököl	Institution for juveniles	825

Hospitals

32	Central hospital (Tököl)	National prison hospital	(297)*
33	I.M.E.I. (Budapest)	Forensic and psychiatric hospital and observation centre	(311)*

* The capacity of the hospitals is not included in the overall total. Patients are counted in the totals of the institutions from which they were referred to the hospitals.

TOTAL (at end of 2001)

10,799

Annex 3

Hungary: principal sources of information

Dr András Csóti	Deputy Director General, National Prison Administration (NPA)
Mr Csaba Boglyasovszky	Head of security department, NPA
Mr Lajos Garami	Head of inmate programmes and inmate administration, NPA
Mr Miklós Sárdi	Head of strategy, research and international division, NPA
Dr Katalin Heylmann	Head of department of health care, NPA
Dr László Huszár	Director of Budapest Central Prison
Mr László Csere	Director of Budapest (Capital) remand house
Mr István Gyenge Biro	Deputy head of personnel department, NPA
Mr László Biczó	Deputy director of Budapest (Capital) remand house
Mr Ferenc Deák	Senior Officer, strategy, research and international division, NPA

Other information and documentation supplied by the Hungarian prison administration.

CPT, 2001/2. Report to the Hungarian Government on the visit to Hungary [by the CPT in December 1999]. Council of Europe, Strasbourg

CPT, 2001/3. Response of the Hungarian Government to the CPT report on their visit in 1999. Council of Europe, Strasbourg

Hungarian Prison Administration, 1997. Hungarian Prison Service: quick facts. Budapest

Hungarian Prison Administration, 2000. Statistical data of Hungarian inmates, 30 September, 2000

Hungarian Prison Administration, 2001. Évkönyve (Year book) 1999.

Kövér A., 1998. Punished before sentence: detention and police cells in Hungary, 1996. Constitutional and Legislative Policy Institute (COLPI) and Hungarian Helsinki Committee, Budapest.

MacDonald M., 2001. Prison Health Care in the Czech Republic, Hungary and Poland. HEUNI Paper No.16. HEUNI, Helsinki

Nagy F., 2001. 'Hungary' in 'Imprisonment today and tomorrow' (second edition), eds. van Zyl Smit D. and Dünkel F. Kluwer Law International, The Hague, London and Boston.

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

33. Latvia

Legislative framework

The Execution of Punishment Code which came into force in August 1994 was amended before the end of that year to introduce a progressive system for the execution of imprisonment in closed, semi-closed and open prisons, and to authorise the prison administration to approve transfers of prisoners from one type of prison to another. In 1997 the Criminal Code was amended to impose additional conditions, including therapeutic interventions, that have to be satisfied before prisoners who had been sentenced for alcoholism, drug addiction or solvent abuse could qualify for early release (Lakes and Engesbak, 1998). Since then a complete set of new legislation has been introduced. A new Criminal (Penal) Code and Criminal (Penal) Procedural Code came into force in 1999 and a new Execution of Punishment Code in 1998, all of them said to modernise the legislation and bring it closer in line with good European standards.

Organisational structure

Responsibility for the Latvian prison system transferred from the Ministry of Internal Affairs to the Ministry of Justice in January 2000 after being in process since April 1997. The possibility of prison staff losing certain benefits as a result of the transfer was overcome. Initial uneasiness concerning co-operation between the prison administration and the Ministry of Justice diminished during 2001.

The Director General of the Latvian Prison Administration Dr. Vitolds Zahars succeeded Mr. Stanislavs Poksans in 1997. He is assisted by three Deputy Heads of the Prison Administration, one of whom is responsible for security staff and related security and investigation matters, another for prisoners' employment and provisioning, and the third for legal matters, staff matters and the secretariat. All three have line responsibilities for the so-called 'Organisational and Analytical Board', which deals with social rehabilitation and health care. The planning and finance section, an inspection section and the international relations section all report directly to the Director General. A head chaplain has been appointed to the social rehabilitation section in order to develop a prison chaplaincy service. A total of 80 staff were employed at the prison administration headquarters in 2001.

In August 1998 Lakes and Engesbak reported that the military ranks, which defined the prison service hierarchy, were falling into disuse, being retained only for the purpose of pay and pensions.

There were 15 prisons in mid-2001, which comprised six closed prisons (three with departments for pre-trial detainees), three semi-closed prisons (one of them being the women's prison with a department for pre-trial detainees), two open prisons, three pre-trial prisons (one containing the prison hospital), and a correctional institution for juveniles (including a department for pre-trial detainees). Three of the closed prisons/pre-trial prisons also have semi-closed sections for sentenced prisoners.

The total capacity of the system at the beginning of 2001 was 9,922, with the largest institution (the Central prison, including the prison hospital) having a capacity of 2,101 and most other institutions having capacities between 470 and 970; only the women's prison (347), the juvenile prison (210) and the two open prisons (200, 80) are smaller.

In the seven years since 1994 the capacity has fallen by 3,000, despite the addition of two new prisons (Liepajas pre-trial prison and Olaines open prison). This is because the capacity of eleven institutions has been reduced so as to ensure that the space allowed for each prisoner is in accordance with new norms (see Accommodation below).

Pre-trial detention

The level of pre-trial detention is extremely high, having increased significantly since 1994*. In 1994 less than 33% of the prison population were pre-trial detainees, while the proportion at the end of 2001 was over 43%. At the end of 2001 there were 157 pre-trial detainees in the prison system per 100,000 of the national population (compared with about 120 in mid-1994). This is the highest rate of any country in Europe, and more than six times the average rate in European countries outside central and eastern Europe. The rise since 1994 is said to be attributable to delays in the courts, especially in connection with the appeal process (Lakes and Engesbak, 1998; Latvian prison administration, 2001).

It is understood that there have been no changes to the pre-trial process that was described in the previous report (Walmsley, 1996 p. 429). Pre-trial detainees normally spend only one hour a day out of their cells/rooms, despite the CPT recommendation that such prisoners should spend a minimum of eight hours outside the cell/room, engaged in purposeful activities of a varied nature.

The numbers held in penal institutions

The prison population rose from around 8,500 in the early 1990s to a peak of around 10,300 at the end of 1996. It then decreased to 8,800 in 1999. At the beginning of 2001 there were 8,831 prisoners in the system, of which 43.8% were pre-trial detainees/remand prisoners, 5.1% of the adult prisoners were women, 4.2% were juveniles under 18 and only 32 (0.4%) were foreign prisoners. At the end of the year the prison population had fallen to 8,531.

Latvia's prison population rate of 373 (per 100,000 of the national population) at the beginning of 2001 and 364 at the end of the year was similar to that of its neighbour to the north Estonia (351) but considerably higher than the rate in Lithuania to the south (257 at the beginning of 2001, and 304 in November that year). It is some six times higher than the rate in the Nordic countries.

* Figures supplied for the previous study suggested that there were just 2,163 pre-trial detainees in mid-1994, 22.7% of the prison population and 81 per 100,000 of the national population. It has now emerged that this did not include all pre-trial detainees. The correct figures were about 3,100 32.7% and 120 per 100,000.

Accommodation, overcrowding and living conditions

The number in the prisons at the beginning of 2001 was 89% of the official capacity of the system. Overcrowding is reported in the pre-trial institutions.

The minimum space specification per prisoner in Latvia in mid-1994 at the time of the previous study was 2m². Under the Execution of Punishment Code of August 1994 2m² remained the minimum specification for male sentenced prisoners, 2.5m² became the minimum for pre-trial detainees and juveniles, and 3m² became the minimum for female sentenced prisoners. Under more recent regulations the minima have become 2.5m² for males and 3m² for juveniles and women.

As a result of these increases in space allowances the capacities of individual institutions have been reduced. However the CPT recommends “that the standard living space be increased as soon as possible to at least 4m² per prisoner” (CPT, 2001/27 para 93). Assuming that the current capacities are based on the norms required by the latest regulations, a rise in the minimum space specification to 4m² for all prisoners would result in more than 30% overcrowding in the system.

The prison administration reports that different categories of prisoner are separated in the Latvian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults. In 1999 the CPT had found that juveniles were sometimes accommodated with adults in the women’s prison.

As elsewhere in central and eastern Europe, very few prisoners are accommodated alone in single cells. However, an extensive renovation and refurbishment programme has been undertaken and the CPT reported (CPT, 2001/27 para 91) that some 40% of the prison population, about 4,000 people, were already living (early in 1999) in smaller renovated cells with proper sanitary annexes. In October 2001 the prison administration reports that 4,400 prisoners were in such accommodation (which was in accordance with the European Prison Rules). In 1995 it began rebuilding the old Soviet-type prisons, where prisoners were housed between 50 and 100 to a room (Zahars, 1998). By 1998 five closed prisons had been adapted so that no more than eighteen prisoners shared one room. In the Central prison extensive reconstruction will create, by 2005 according to current plans, conditions in which rooms are for two, six or ten prisoners and conform to modern standards (CPT, 2001/28 p.52). The largest number of prisoners in one room, in any prison in Latvia, is 50 in a room measuring 100m². The largest number in a cell is 18, in a cell measuring 45m².

Sanitary installations, and arrangements for access, are reported by the prison administration to be adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prisoners must supply the toilet paper. Every prisoner is able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners receive a change of

underclothing once a week, but many have their own underclothing. It is reported that every prisoner now has a separate bed.

These conditions are much better than those noted only a few years earlier. At the beginning of 1999 the CPT described material conditions in the Central prison, for the vast majority of prisoners in four of the five blocks which are used for pre-trial detention, as intolerable. They referred in particular to the overcrowding, poor lighting, ventilation, the state of repair, the level of cleanliness and, in many cells, the infestation (CPT, 2001/27, p.45). In their response, the government of Latvia reported that some progress had been made, including the reconstruction of the sewerage system and the ventilation system.

Food and medical services

The quality and quantity of food received by prisoners are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for health reasons.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability and cleanliness of prisoners' clothing and bedding.

The Council of Europe Nord-Balt Prison Project, under which Nordic and Baltic countries co-operate in the development of the prison systems of the Baltic countries, organised an expert mission in October 1997 to assess the factors influencing the health of prisoners in Latvia (Wool and Christensen, 1997). The experts, Dr. Rosemary Wool, former director of health care of the prison service of England and Wales and Dr. Knud Christensen, consultant in prison medical care to the Council of Europe, concluded that prisoners entering Latvian prisons had a high prevalence of tuberculosis and sexually transmitted diseases. They commented that the conditions of imprisonment, particularly overcrowding, were increasing the risk of the spread of infectious diseases and injuries. They advocated that the prison administration form a close relationship with the Ministry of Welfare and with community health services, and introduce health education and health promotion programmes. Following this report, and similar health care reports in respect of Estonia and Lithuania, proposals to follow up the recommendations of these reports were prepared by Dr. Rosemary Wool, Secretary General of the International Council of Prison Medical Services and agreed by the steering group of the Nord-Balt project (Wool, 1998).

Health care in Latvian prisons in 2001 is the responsibility of the prison service and separate from the Ministry of Welfare, which is responsible for general health care in the country. Not only Wool and Christensen, as mentioned above, but also the CPT (2001/27, on the basis of a visit in 1999) recommend a greater involvement of the Ministry of Welfare and argue that it will

help to ensure optimum health care for prisoners, as well as implementation of the general principle of the equivalence of health care in prison with that in the outside community. The CPT requested the observations of the Latvian authorities on such matters but no observations were included in the published formal response of the Latvian government.

At present in-patient treatment is performed in the prison hospital in the Central prison. Until recently this hospital's official capacity was 314 beds, but it was recognised as severely overcrowded (e.g. Lakes and Engesbak, 1998 and CPT 2001/27) and the capacity in 2001 is reported to have been reduced to 200.

The prison administration reports that many prisoners have an alcohol problem (15% of the prison population suffered from alcohol dependency in 1996 – Wool and Christensen, 1997) but the numbers are not increasing. A treatment programme is in place. The number of prisoners with a drug problem is also large (estimated at 800 to 1,000 in October 2001) and is still increasing. There is no treatment programme in place. HIV/AIDS is also a problem; the number of HIV positive prisoners increased from 290 in 2000 to 457 in October 2001 (a rise of 58%). The World Health Organisation considers that the compulsory screening of prisoners for HIV infection should be proscribed as unethical. The CPT drew this to the attention of the Latvian authorities in the report on its visit in 1999 but the prison administration reports that all prisoners were still being tested in 2001. The amount of information about HIV and AIDS that is made available to prisoners was increased well before the CPT visit and arrangements were made for them to receive counselling before and after the tests (Lakes and Engesbak, 1998).

The severest health problem among prisoners is tuberculosis. Between 1993 and 1997 the number of prisoners found to be suffering from TB increased twelve-fold. In March 1998 it was reported that 324 prisoners (3% of the prison population) had the disease. A treatment programme was developed with the assistance of the Norwegian government and the Soros Foundation. By the end of 1999 5% of the prisoners had the disease. The significant rise in the number of tuberculosis cases was attributed primarily to prison overcrowding and the shortage of appropriate sanitary means to control the disease (CPT, 2001/27). Following the visit of the CPT (January-February 1999) a new system of treating tuberculosis patients was started, said to have been developed and approved by the World Health Organisation. Close co-operation was established with the State Tuberculosis and Lung Diseases Centre, where training was provided for medical staff from the prison hospital. Olaines prison is being reconstructed as an institution for TB inmates and the first patients were expected to be admitted during 2001. The number of prisoners with the disease has begun to fall. From 562 (6% of the prison population) in 2000 it decreased to 308 (about 3.5%) in mid-2001. There were two deaths from tuberculosis in 2000, a year in which a total of 37 prisoners died (nine of them as a result of suicide).

Modern medical equipment is in short supply but some prisons have benefited from gifts of medical and dental equipment from Norway and Sweden, under the Nord-Balt project and its twinning arrangements. Members of the

medical service have had increased opportunities to participate in international conferences and visits and the international conference on 'Professional Standards in Prison Health Care' which was organised by the International Council of Prison Medical Services and hosted by the Latvian prison service in 1996, "made a significant contribution to the establishments of a network of communications with medical personnel working in other prison systems" (Lakes and Engesbak, 1998).

Discipline and punishment

The disciplinary measures in the Latvian prison system remain substantially the same as those described in the previous report (Walmsley, 1996 pp. 433-4). Recommendations in the first Council of Europe assessment report (Lakes and Rostad, 1994) were said to have been implemented (Lakes and Engesbak, 1998). Specifically Lakes and Engesbak were informed in July-August 1998 that:

- the prisoner is now entitled to attend the disciplinary proceedings and allowed to offer an explanation, a defence or any other response in person;
- the prisoner is informed of the outcome of the adjudication by the Governor (director) or the person authorised to conduct the adjudication on his behalf;
- restrictions on visits are imposed only for violations of the visiting regulations;
- prisoners in isolation are provided with bedding and are allowed outdoor exercise for at least one hour every day; and
- a member of the prison medical staff pays a daily visit to prisoners in isolation.

In addition Lakes and Engesbak noted a significant improvement in the system of recording and reporting disciplinary proceedings whereby, in accordance with Prison Administration Orders of May 1996 and May 1997, each prison is required to record all disciplinary proceedings and to compile a statistical analysis of the proceedings every month. Twice a year a report has to be submitted to the prison administration giving details of the offences committed, the punishments imposed and the rewards recorded in the preceding six months. The Director General points out that emphasis is placed on understanding the cause of any disciplinary infraction in order to avoid its recurrence. Such work is carried out before any disciplinary action is taken.

However, it is clear that not all the above changes have been fully implemented in every prison. Lakes and Engesbak themselves reported that the provisions in respect of bedding and exercise had not been fully implemented in more than one establishment that they visited. The CPT, visiting Latvian prisons early in 1999, were informed that only in the event of a very serious disciplinary offence did the directors of the prisons they visited decide to interview the

prisoners concerned before making the adjudication. They also found that prisoners in disciplinary cells received neither mattresses nor blankets at night in the Central prison and the women's prison, and that such prisoners in the Central prison were not allowed outdoor exercise.

Contact with the outside world

Pre-trial detainees are allowed to be visited at least once a month, provided that they are granted permission by the investigating authority or the court with jurisdiction in the case. Where authorised, visits amount to one or two hours per month. The correspondence of pre-trial detainees is also subject to the permission of the investigating authority or the court. The CPT was told by detainees in 1999 that they had spent long periods of time without being allowed to receive visits from their relatives and friends, and without being entitled to correspond (CPT, 2001/27 para 179). Pre-trial detainees are separated from their visitors by a screen and may not touch them. They may not use the telephone system to communicate with friends or family.

The number and duration of visits a sentenced prisoner may receive per month depends on the regime (closed or not) and category (lower, medium or higher level) in which he or she has been placed (see p.435 of previous report – Walmsley, 1996). The regime and category also determine the number and duration of the long visits under which prisoners may receive visits from their families, for periods of up to 36 hours, in one of a suite of rooms consisting of bedrooms and shared cooking, recreation, toilet and bathing facilities. Sentenced prisoners may also receive private (intimate) visits from their wives, but not from girlfriends. There are no limitations on the frequency of correspondence, but letters are always read by the prison authorities. Sentenced prisoners are allowed to speak to their family and friends by telephone. The number of parcels they may receive was also determined by the regime and category until early 2001 when the prison administration put a ban on incoming parcels in order to reduce the amount of drugs that were circulating in the institutions. This provoked threats of hunger strikes by prisoners but it was explained to them that relatives would be able to transfer money to their accounts, which could then be used to buy food from the prison shop. Prisoners in open or semi-closed prisons are able to obtain home leaves.

The Latvian prison administration has supported a programme to provide spiritual assistance to prisoners (Zahars, 1998). In all but one of the prisons a particular emphasis has been placed on such matters, on the grounds that “in the overwhelming majority of cases, convicts who accept religion and other spiritual values in prison become law-abiding while serving their sentences and after their release”. In 1998 eleven spiritual assistance leaders (chaplains) and 60 volunteer assistants were involved, from a wide spectrum of churches, including Evangelical Lutheran, Roman Catholic, Russian Orthodox, Baptist and Adventist.

Prison staff

The Latvian prison service employed 2,237.5 staff at the beginning of 2001, of whom 80 worked in the prison administration headquarters. In the prisons there were 62 management staff, 1,303.5 security staff, 305.5 treatment staff (including psychologists, educators, social workers and medical staff) and 476.5 other staff (including administrative and secretarial staff and others working in connection with prisoners' employment). There were vacancies for 44 security staff at 1 October 2001, but no vacancies for treatment staff. The overall ratio of prison staff to prisoners at the beginning of 2001 was thus 1 : 3.9 or, if the ratio is based only on management, security and treatment staff in the prisons, 1 : 5.3. Staff numbers have increased by a third since 1994 but the staff-prisoner ratio is still one of the lowest in central and eastern Europe. The CPT recommended an increase in the number of nursing staff at the Central prison hospital and a review in order to increase the number of doctor posts (CPT, 2001/27 para 156). However the Latvian authorities replied that "because of insufficient funding, it is not possible to increase the number of staff in prisons" (CPT, 2001/28 p.53).

In 1994 the perimeter of each closed prison was guarded by staff who were part of a special regime and guarding section. In only four prisons were these guards members of the prison service. Elsewhere they were unqualified military conscripts. By August 1998 the prison service had assumed responsibility for perimeter security at a further three prisons (Lakes and Engesbak, 1998) and it was noted that specially trained guards were to take responsibility for a further prison (Grīvas) in October 1998 and that all military guards were due to be replaced by prison staff by the beginning of 2002. At the end of 1999 it was reported that two further prisons would be guarded by prison staff in the year 2000. However the target for all prisons to be professionally guarded had been put back to 2004. The CPT emphasised that "it is axiomatic that the cornerstone of a humane prison system will always be properly recruited and trained prison officers" and, while recognising that the prison administration themselves considered this "a very unfavourable state of affairs", recommended that appropriate steps be taken to fill all posts currently occupied by military conscripts with professional prison staff (CPT, 2001/27, para 95).

Staff training is an area in which much work has been done in recent years as part of the Nord-Balt project and considerable progress is reported (Lakes and Engesbak, 1998). The prison administration, like its counterparts in Baltic neighbours, is concerned to improve the professional skills of prison staff and, following a seminar in Vilnius in 1999, a 'Basic Training Framework' was established, setting out the aims, curriculum and methods of such training. The document was translated into Latvian and it now provides the basis for training. Sweden has given much help in staff training matters over the years, in particular to the training centre at Dzintari, Jurmala, and such co-operation continues in respect, for example, of training materials and lecturers on topics of special concern to the Latvian prison administration.

Newly recruited security staff, known in Latvia as 'supervisors' attend an initial three-month training course, having completed a period of familiarisation

training in the prison setting. In 1998 the course comprised 315 hours of tutorial work, followed by 200 hours devoted to a practical project in a prison. The results of the final examination are notified to the director of the recruit's prison and provide a basis for further developmental work and eventual promotion. There are also courses for directors of prisons, deputy directors, inspectors and specialists. Special courses have been arranged for the staff who are taking over responsibility of perimeter security from the military conscripts.

Some 32% of staff in institutions for male prisoners are women, working mainly on administrative matters. In the institutions for female prisoners approximately 16% of staff are men, working mainly as security staff.

Treatment and regime activities

On entering a penal institution prisoners go through an acclimatisation programme in what is known as the quarantine section. This lasts 10-12 days and includes interviews to establish the individual characteristics of prisoners, their attitudes, abilities and preferences. This information is used to make an assessment as to the room in which they should be accommodated and subsequently to draw up a plan for their 'resocialisation'. Within a month of a prisoner leaving the quarantine section a sentence plan is prepared and a record of how the proposed measures are to be carried out. The plan is based on the prisoner's behaviour, interviews and psychological tests. In describing the above process Zahars (1998) points out that it is important to recognise, praise and stimulate any positive change in the prisoner's behaviour "because this is the basis for his resocialisation". A large number of social workers are involved in the process – some 200 in all in the year 2001 – and some psychologists (three in post in 1997).

Various treatment programmes are carried out, which are described as 'social rehabilitational'. They are co-ordinated by 'educators', each of whom is responsible for a group of some 50 prisoners. In order to develop positive initiative in young offenders, talent groups were established at the correctional institution for juveniles, organised by the prisoners but under the supervision of staff. It is claimed that such programmes contributed firstly to a sharp reduction in the number of disciplinary punishments that it was necessary to impose at that institution over a three-year period, and secondly to a significant increase in successful applications for conditional release by prisoners who had participated in the talent groups. Adult prisoners as well as juveniles have been involved in a programme to teach them social skills and to provide vocational training in creative trades. Areas of activity include food preparation, decorative metalwork, wood and leatherwork, bookbinding, furniture construction, drawing and painting. Every year the prison administration organises fine arts competitions and exhibitions of work done by prisoners. It is agreed that such activities help to prepare prisoners for life in open society by participating in socially useful events. Reference has already been made to the programme to provide spiritual assistance to prisoners.

Preparation for release is said to be in progress throughout a prisoner's sentence, but it intensifies in the six months before release. Zahars says (1998) that

a prisoner shows he has been rehabilitated by admitting his guilt, respecting the prison's internal rules, displaying good behaviour, being diligent in his work, studies and vocational training, taking part in the social life of the prison and being motivated to obey the law on release. Prison staff contact the prisoner's relatives, local government officials and the police when release is imminent and try to make suitable arrangements for accommodation and employment. However not all the prisoners take advantage of the arrangements that are made for them.

The length of time that the cells/rooms of sentenced prisoners are unlocked depends on the regime and level of the prisoners. Every prisoner is reported to be allowed at least one hour of walking or suitable exercise every day (including weekends) in the open air.

Conditional release and probation

There is a system of conditional release under which prisoners may be released after either a half, two-thirds, or three-quarters of the prison sentence, depending on the gravity of the crime and the length of the sentence. Those sentenced to life imprisonment are not eligible for conditional release. In 1998 it was reported that only 9% of prisoners were released after serving one half of the sentence and 36% at a later stage, with the remaining 55% serving their full sentence, either because of the seriousness of their crimes or because of poor behaviour in prison. In the year 2000 10% of sentenced prisoners were granted conditional release.

There is no probation system in Latvia, apart from conditional release, which is sometime referred to as parole (or probation). However prisoners are not supervised in any way during their period on conditional release. A probation service is to be established in 2002, which will be under the Ministry of Justice but separate from the prison service. The Nord-Balt project Steering Group is concerned to assist Latvia in developing a probation system and in its meeting in October 2001 it was agreed that a needs analysis of the situation would be carried out in close contact with the Ministry of Justice.

Prison work

Sentenced prisoners are not required to work; they may choose whether to do so or not. About 30% were employed in mid-2001, compared with 42% in 1994 when there was a requirement to work if a prisoners was fit to do so and there was work available. In the winter far fewer have jobs and in the winter of 1997/98 it was reported that only 17 or 18% of sentenced prisoners were employed (Zahars, 1998); a figure of 26% for July/August 1998 is quoted in Lakes and Engesbak (1998). No work is available for pre-trial detainees. Prisoners in work are paid no less than the minimum salary in the community outside; no money is given to prisoners who are unable to work or for whom no work is available.

Lakes and Engesbak report on the work situation in some of the prisons in July/August 1998, commenting particularly on the contribution made by Nordic

countries. In Grīvas prison one of the large workshops had been converted into a vocational training and industrial woodwork centre using machinery supplied by the twin prison in Trondheim, Norway. In Jelgavas prison woodworking machinery had been provided by Sweden. In Valmieras prison paid employment was available for only 13% of the sentenced prisoners but Norway had provided equipment and machines for wood production, which had enabled more prisoners to be employed.

The CPT visited the Central prison and Ilguciema women's prison in January/February 1999. All 131 sentenced prisoners who had been assigned to work in the Central prison, which is mainly for pre-trial detainees, did indeed have work. They mostly carried out maintenance and renovation work in the prison, worked in the kitchens, or were employed in various workshops (e.g. ironwork, joinery, car repairs). Some vocational training was also available to them, for example in plumbing and in operating industrial lifts. In the women's prison approximately 60% of the sentenced prisoners were employed in the large workshops (industrial laundry, designing and sewing clothes, towels, bedding and blankets, packaging, assembling carton boxes). The CPT were informed that there had previously been many more work opportunities, and that "the impressive industrial estate of the establishment was now to a large extent unused, due to the lack of orders from outside contractors". The CPT stressed (CPT, 2001/27 p.43) that the provision of appropriate work to sentenced prisoners was a fundamental part of the rehabilitation process and that, in the interest of their psychological well-being, remand prisoners should as far as possible also be offered work. Commenting that the employment situation within the prison system should thus not be dictated exclusively by market forces, the CPT recommended that special measures be introduced with a view to providing more work places for prisoners.

The Director General, Dr. Zahars, reported at the end of the year 2000 (Council of Europe, 8th Nord-Balt steering meeting) that the existing tax regulations in Latvia made it very difficult to continue manufacturing work in the prisons; he said that special rules were needed to stimulate the creation of work for prisoners.

Education

Education programmes available in at least some of the prisons, both for adults and younger prisoners, consist of general education, vocational training and education in life skills. Reference has already been made to these in connection with treatment and regime activities. Programmes of remedial education are arranged for prisoners with special problems such as illiteracy or innumeracy. However in July/August 1998 only 4% of sentenced prisoners attended education classes and about 80% of these were juveniles (Lakes and Engesbak, 1998). These authors concluded that, despite the good quality of the educational and vocational facilities that they found in the correctional institution for juveniles, the low level of educational provision in the prison system as a whole meant that it would be advantageous if responsibility for the education of prisoners were to be transferred to the Ministry of Education and Science.

Inspection and monitoring

A system of inspection is in place to monitor the extent to which the prisons are operating in accordance with the laws and regulations, and with the objectives of the prison administration. The inspection section of the prison administration became responsible for conducting a full inspection of every prison on a two-year basis in accordance with the Regulations of the Penal Institutions, which were approved by the Ministry of the Interior in June 1995. The inspection team included experienced prison officials and prison administrators (Lakes and Engesbak, 1998).

The CPT learned in 1999 that there were also independent inspections conducted by the prosecutors, who were entitled to visit detention areas in order to inspect conditions and to control compliance with legislation and regulations, including disciplinary measures. However staff in the prisons visited by the CPT reported that the relevant prosecutors normally limited their inspections to examining the legal and administrative documents of prisoners. The CPT recommended that steps should be taken to ensure that the prosecutors regularly visited detention areas and entered into direct contact with prisoners (CPT, 2001/27 p.73).

Following the transfer of responsibility for the prisons to the Ministry of Justice in January 2000, the Ministry has established a bureau of inspection with eight staff but there was some doubt as to whether the inspectors would have the knowledge or experience to carry out inspections on an effective basis, such as would command the confidence of prison staff.

The CPT inspection of January-February 1999 resulted in more than 50 recommendations, some of which have already been mentioned. Particular attention was paid to health care services in the Central prison and its prison hospital, to which about half of the recommendations referred (CPT, 2001/27 pp.102-5). Many more referred, as indicated above, to conditions in some of the cellblocks in the Central prison. Others urged developments in staff training with emphasis placed on developing inter-personal communication skills so that relations between security staff and prisoners could be more positive and constructive. On this last point it is to be noted that Lakes and Engesbak (1998) referred to a complete shift in the attitude of Latvian prison staff in a positive direction in the period since 1994, and the CPT – whose comments were based particularly on their observations in the Central prison – confirmed this by reporting that their interviews with prisoners revealed that, in the few years immediately before their visit in January-February 1999, the general behaviour of staff towards prisoners had evolved in a positive direction (CPT, 2001/27 para 171).

The international standards (the UN Standard Minimum Rules and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Latvian prison system. The Director General and the directors of the prisons have copies of the standards, as do other management staff at the prison administration headquarters and in each prison. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

Reference has already been made to co-operation between the prison administration and religious representatives. Closer links have also been established with non-governmental human rights organisations, which now visit the prisons to offer help to prisoners, to check on complaints that have been made and to observe daily life there. The prison administration regards such activities as positive and helpful. A number of initiatives of direct benefit to prisoners are reported to have resulted from contacts with such organisations. For example, funds were provided to enable publication of a newspaper by prisoners, and the Soros Foundation financed 32 weekly radio programmes through which relatives and friends broadcast messages to prisoners (Lakes and Engesbak, 1998).

International co-operation

The Latvian prison service is involved in much international co-operation, especially with the other Baltic republics and with the Nordic countries, but also with Germany, Canada and the USA. Much of this is arranged under the aegis of the Council of Europe's Nord-Balt project, as has already been noted. Eleven of the fifteen prisons are twinned with institutions in Norway (5), Sweden (3), Finland (2) and Germany (1) and discussions are taking place in respect of two more with institutions in Denmark and Norway. In addition the staff training centre at Jurmala is twinned with the Swedish prison service's training centre.

The twinning arrangements are reported to have made a substantial contribution to the improvement of prison conditions in Latvia. Norway and Sweden have been particularly generous in the provision of materials, expertise and support (Lakes and Engesbak, 1998). At the 2001 meeting of the Nord-Balt steering group, the Director General referred to the extensive assistance and financial support that Latvia had received from the countries and organisations in the region, especially Norway and Sweden.

Other matters

Neither pre-trial detainees nor sentenced prisoners have the right to vote in national elections. There is never any limitation on prisoners' right to vote after they are released from prison.

The prison administration produces an annual report. Lakes and Engesbak (1998) and the Latvian prison administration report that closer links have been established with the media and also with politicians in order to draw the attention of the community to the problems faced in the prisons and to influence penal policy.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Latvian prison system:

- the improvement of living conditions for prisoners, with 4,400 prisoners accommodated in circumstances that were in accordance with the European Prison Rules;
- the implementation of new social rehabilitation programmes;
- the transfer of responsibility for the prison system from the Ministry of Internal Affairs to the Ministry of Justice in January 2000;
- the introduction of the new Execution of Punishment Code in 1998 and the new Criminal Code and Criminal Procedural Code in 1999.

Current objectives

The following are some of the main objectives reported by the prison administration:

- to continue improving the living conditions of prisoners, for example by the replacement of large dormitories with smaller cells and by improving lighting, ventilation and sanitary facilities;
- to continue the process of transferring from the guarding of prison perimeters by military conscripts to guarding by professional prison staff;
- to finish the reconstruction of Olaines prison as a hospital for prisoners with tuberculosis;
- to develop employment opportunities for prisoners;
- to complete the refurbishment plan for the prisons.

Main problems

The following were identified by the prison administration as some of the main problems, which are obstacles to the achievement of the objectives and to the advancement of the prison system in Latvia:

- the lack of finances; for example the funding from the state budget was the equivalent of less than 6 euros per day.
- the large number of pre-trial detainees (almost 44% of the prison population at the beginning of 2001) as a result of delays in court processes;
- the presence of tuberculosis among a significant minority of the prisoners;
- increasing difficulty in preventing the importation of drugs into the prisons;
- the high percentage of prison sentences passed by the courts, and the length of sentences (averaging 4 years 6 months for men and 3 years for women in 1998);
- the low usage of conditional release, with 55% of prisoners in 1998 not being released before the full term of their sentences.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. They drew particular attention to:

- “the scientifically-grounded conception of the development of the prison system which is directed to the improvement of the physical and moral conditions of prison treatment”;
- the introduction of community service as an alternative to imprisonment. (In the year 2000 4.7% of those convicted in the courts received this sentence.)

Further achievements of the Latvian prison system include:

- the inspection section of the prison administration being responsible for conducting a full inspection of every prison on a two-year basis;
- the introduction of a good system of recording and reporting disciplinary proceedings, whereby each prison is required to make a record of all disciplinary proceedings, compile a statistical analysis of the proceedings every month, and submit a detailed report to the prison administration twice a year;
- the reduction in the capacities of institutions to reflect increases in minimum space specifications for prisoners;
- the extensive renovation and refurbishment programme, including the replacement of large dormitories with smaller cells/rooms and improvements to lighting, ventilation and sanitary facilities;
- the implementation of a new social rehabilitation programme, including assisting prisoners to prepare for life in the community by participating in socially useful activities;
- the programme to provide spiritual assistance to prisoners, involving the participation of representatives of a wide spectrum of churches;
- the transfer from having military personnel guarding the perimeter to having the task performed by properly recruited and trained prison staff;
- the high level of international co-operation, and in particular the arrangements by which most prisons are twinned with penal institutions in Norway, Sweden, Finland and Germany.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements.

The following are some of the important outstanding tasks, in addition to the objectives listed above:

- to take steps to increase the minimum space allowance for all prisoners to 4m²;
- to amend the practice whereby pre-trial detainees (remand prisoners) are separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial detainees, and to enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to abolish compulsory testing for HIV infection, in accordance with World Health Organisation guidelines;
- to ensure that prisoners are heard in person in all disciplinary hearings, and that prisoners in disciplinary isolation are provided with bedding, allowed visits, and offered one hour's outdoor exercise daily;
- to take full responsibility for the adequacy of sanitary arrangements, including the provision of an amount of toilet paper;
- to take steps to obtain financial resources that enable the employment of additional staff, so that the staff-prisoner ratio can be reduced.

Annex 1

LATVIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	8,726*	326	2,673,500
1991	8,585*	322	2,667,900
1992	8,252*	311	2,657,000
1993	8,473*	325	2,606,200
1994	9,319*	363	2,565,900
1995	9,633*	381	2,529,500
1996	9,878	395	2,501,700
1997	10,316	416	2,479,900
1998	10,070	410	2,458,400
1999	9,409	386	2,439,400
2000	8,815	364	2,424,200
2001 (1/1)	8,831	373	2,366,100
2001 (31/12)	8,531	364	2,345,800

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	3,864	43.8	163
(31/12)	3,676	43.1	157
Juveniles (under 18) in 2001			
(1/1)	368	4.2	16
Foreign prisoners in 2001			
(1/1)	32	0.4	
	TOTAL among adult prison population	Percentage of adult prison population	
Female prisoners in 2001			
(1/1)	431	5.1	

Note: There were amnesties in 1990 (136 prisoners released), 1992 (460 released), 1997 (155 affected but only some of these released).

* These totals supplied by the Latvian prison administration are slightly amended from totals supplied for the previous study.

Annex 2

Latvian penal institutions: functions and capacity, 2001

1	Grīva(s)	Closed prison for sentenced adult males	960
2	Daugavpils	Closed prison for adult male pre-trial detainees (200), juvenile male pre-trial detainees (43), and sentenced adult males (300)	543
3	Valmiera(s)	Closed prison for adult male pre-trial detainees (150) and sentenced adult males (750)	900
4	Jelgava(s)	Closed prison for sentenced adult males	700
5	Matīsa	Closed prison for adult male pre-trial detainees (400) and closed prison (with semi-closed department) for sentenced adult males (380)	780
6	Pārlieupe(s)	Closed prison for sentenced adult males	520
7	Ilguciema (Ilguciems)	Semi-closed prison for adult female pre-trial detainees (130), juvenile female pre-trial detainees (10), sentenced adult females (200) and sentenced juvenile females (7)	347
8	Jēkabpils	Semi-closed prison (with open department) for sentenced adult males	966
9	Škirotava(s)	Semi-closed prison for sentenced adult males	565
10	Olaine(s)	Open prison for sentenced adult males and females [being reconstructed as hospital for prisoners with TB]	200
11	Vekumnieku	Open prison for sentenced adult males and females	80
12	Central prison	Closed prison for adult male pre-trial detainees (1,770), semi-closed department for sentenced adult males (131), and national prison hospital for adults and juveniles, male and female	2,101
13	Liepāja(s)	Closed prison for adult male pre-trial detainees (410) and juvenile male pre-trial detainees (60)	470
14	Brasa(s)	Closed prison for adult male pre-trial detainees (300), juvenile male pre-trial detainees (200), and semi-closed department for sentenced adult males (80)	580
15	Cēsu	Closed correctional institution for male juveniles (188), with pre-trial department for male juveniles (22)	210

TOTAL

(at beginning of 2001)

9,922

Annex 3

Latvia: principal sources of information

Response by the Director General of the Latvian prison administration, Dr Vitolds Zahars, to survey questionnaires for this project.

Other information and documentation supplied by the Latvian prison administration.

CPT, 2001/27. Report to the Latvian Government on the visit to Latvia [by the CPT in January-February 1999]. Council of Europe, Strasbourg

CPT, 2001/28. Response of the Latvian Government to the CPT report on their visit in 1999. Council of Europe, Strasbourg

Council of Europe, 1996-2001. Reports of the steering meetings of the Nord-Balt Prison Project. Council of Europe, Strasbourg

Council of Europe, 1997 and 1998. Replies submitted by the Latvian prison administration to questionnaires on overcrowding and prison population size. Strasbourg

International Council of Prison Medical Services (ICPMS) and Latvian prison administration, 1996. Proceedings of conference on Professional Standards in Prison Health Care, September 1996, Jurmala, Latvia.

Lakes G. and Engesbak P., 1998. Report of an expert visit to reassess the prison system in Latvia, July-August 1998, Council of Europe, Strasbourg

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

Wool R. and Christensen K., 1997. The Health of Prisoners in Latvia. Council of Europe, Strasbourg

Wool R., 1998. 'Where do we go from here?' Proposals for following up the recommendations of reports on the health of prisoners in Estonia, Latvia and Lithuania. In report of fifth steering meeting of the Nord-Balt project. Council of Europe, Strasbourg

Zahars V., 1998. Problems associated with introducing convict resocialisation programmes. Paper presented at symposium, Kingston, Ontario, Canada, March 1998

Zahars V., 2002. Active reform and development of Latvia's prison system: priorities, progress and problems. Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

34. Lithuania

Legislative framework

After more than ten years of intensive legislative work, Lithuania's new Criminal Code, which was approved by Parliament in September 2000 (CPT, 2001/22) and finally adopted in the autumn of 2002, was to come into force in May 2003. It was expected to increase the use of non-custodial penalties. A new Criminal Procedural Code was also adopted in 2002 with a view to coming into force in May 2003. Thus, in 2001 it remained true that "for the time being the old Soviet Codes of 1961 are still operative. Since then, however, so many amendments have been made to these Codes that it is really difficult to define the current criminal law as old or new, socialist or capitalist, Soviet or Lithuanian" (Justickis and Pečkaitis, 2001).

Imprisonment was regulated in 2001 mainly by the Correctional Labour Code (Penal Executive Code) of July 1971, which had also been amended many times. A new Penal Enforcement Code to replace this old legislation was, like the Criminal Code and Criminal Procedural Code, adopted in 2002 with a view to coming into force in May 2003. A Pre-trial Detention Act of 1996 removed the restrictions on correspondence and allowed visits of up to two hours with the permission of the investigators or courts responsible for individual cases. New internal regulations for pre-trial detention and for the treatment of sentenced prisoners were issued by the Ministry of Justice in 2001. These regulations are said to be complementary to the new Penal Enforcement Code, and to bring practice closer to that envisaged by the European Prison Rules and the recommendations of the CPT following their visit to Lithuania in February 2000.

Organisational structure

Responsibility for the prison system transferred from the Ministry of Internal Affairs to the Ministry of Justice in September 2000, in accordance with the 'Law on the Statute of Service in the Prison Department' which had been adopted by Parliament in the preceding April. The law also set out the legal status of staff, recruitment, training, social and economic rights etc.

The Director General of the Lithuanian prison administration, known as the Prison Department of the Ministry of Justice, in 2001 was Mr. Jonas Blaževičius who was appointed to the post in 1991. He has served for many years in the prison service and was formerly a prison director. The responsibilities of his management team were set out in the previous study (Walmsley, 1996 p.445).

A total of 86 staff were employed at the prison administration headquarters at the beginning of 2001. The prison staff in Lithuania, as in many central and east European countries, is militarised.

There were 15 prisons in mid-2001, comprising two pre-trial prisons, nine semi-closed correctional labour colonies (two with normal regime, three with strengthened regime and four with strong regime), an open type settlement colo-

ny, a colony for juveniles, a medical (TB) colony and a prison hospital.

The total capacity of the system in 2001 was 9,941, excluding the 315 places in one of the strong regime colonies which was temporarily empty while under reconstruction. Four institutions have capacities of between 1,050 and 1,320 and three more have capacities of over 750. In 2002 it was intended to commence work on a new pre-trial prison in Kaunas (for 232 prisoners) and a closed establishment for sentenced prisoners in Pravieniškės (for 320 prisoners).

In the seven years since 1994 the capacity has fallen by just over 3,000 places. This is because the capacity of about two-thirds of the institutions was reduced in the year 2000 so as to reflect increased minimum space allowances per prisoner (see Accommodation below).

Pre-trial detention

The level of pre-trial detention has fallen substantially since 1994, by 39% in fact. At the beginning of 2001 there were 52 pre-trial detainees in the prison system per 100,000 of the national population, compared with 85 in July 1994 (20.1% of the prison population compared with 27.2% in 1994). This is less than half the rate in Estonia, less than a third the rate in Latvia, and also less than the rate in Poland, Lithuania's southern neighbour. It has been achieved at least partly by a legislative amendment in July 1996 which removed the right to impose pre-trial detention from the General Prosecutor and public prosecutors of towns and districts and provided that it could be imposed only by a judge or court. However, a large amnesty in mid-2000 may also have been partly responsible, and pre-trial detention figures rose again in 2001, reaching 61 per 100,000 in September of that year.

The pre-trial process was described in the previous report (Walmsley, 1996 p.446). As already mentioned, the Pre-trial Detention Act of 1996 removed the restrictions on correspondence and improved the possibilities of detainees receiving visits. It is reported that new regulations have been introduced, as a result of which detainees can be granted compassionate leave and may have television, radios and watches. Furthermore, the regulations governing pre-trial detention are now displayed in every room occupied by pre-trial detainees (Lakes and Johansson, 1999). Such detainees normally are allowed out of their cells/rooms only for one hour per day for exercise, despite the CPT recommendation that they should spend a minimum of eight hours outside the cell/room, engaged in purposeful activities of a varied nature.

The numbers held in penal institutions

The prison population rose from 8,500 at the beginning of the 1990s to reach a peak of more than 14,400 at the beginning of 2000. The large amnesty in mid-2000 reduced it to below 8,750 by the autumn of that year, but it has since risen steadily and by the beginning of November 2001 there were 11,216 prisoners in the system. At the beginning of 2001 20.1% of the prison population were pre-trial detainees/remand prisoners, 3.3% were female, 2.1% were juveniles and 1.5% were foreigners.

The reasons for this rise in the prison population are given as the growth in crime (2.2 times as much crime in 1999 as in 1991 – Justickis and Pečkaitis, 2001), an increased risk of serious crime (resulting in long prison sentences), and an increase in the punitiveness of the criminal justice system, with a greater role for incarceration. In 1995 38.6% of convicted persons were sentenced to imprisonment; in 1998 it was about 45%. (A similar percentage each year received suspended sentences of imprisonment.) A further reason is the limited use of conditional release. On four occasions between 1993 and 2000 it was found necessary to declare amnesties in order to reduce the pressure on the prison system.

Lithuania's prison population rate of 304 (per 100,000 of the national population) at 1 November 2001 was lower than that of its northern neighbours Estonia and Latvia (351 and 364 respectively at the end of 2001) but much higher than that of Poland to the south (203 at the end of 2001). However, Lithuania's rate had climbed by almost 50 points since the beginning of 2001 and was still rising.

Accommodation, overcrowding and living conditions

The number in the prisons at the beginning of 2001 was 96% of the official capacity of the system, though by November 2001 the total exceeded the capacity by nearly 13%. Overcrowding was to be found both in pre-trial prisons and in institutions for sentenced prisoners.

The minimum space specification per prisoner in Lithuania in 1994 at the time of the previous study was 2m², although Justickis and Pečkaitis imply that it may have become 2.5m² for juveniles and 4m² in the central prison hospital. However, following an Order of the Ministry of Health Care of Lithuania, which was issued in October 1999, the specifications were changed (in the year 2000) to 5m² in closed institutions, 3m² in semi-closed (i.e. colony-type) institutions, 6m² in open (i.e. colony settlement) institutions, 7m² in the central prison hospital and 4m² in the medical colony for TB patients. As a result of these increases in space allowances the capacities of most institutions were reduced in the year 2000, but generally to allow 3m².

The prison administration reports that different categories of prisoner are separated in the Lithuanian system in accordance with Rule 11 of the European Prison Rules and Lithuanian legislation. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, very few prisoners are accommodated alone in single cells. However an ongoing refurbishment plan is creating smaller rooms with fewer inmates sharing and more space per inmate. The largest number of prisoners in one room in any prison in Lithuania is 40, in a room measuring 80m².

Sanitary installations and arrangements for access are reported by the prison administration to be adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions. A lack of privacy

in Vilnius prison was noted by the CPT (CPT, 2001/22) but it is reported (CPT, 2001/23) that in-cell sanitary facilities which were not screened have now been partitioned. The prison provides the necessary toilet paper for prisoners. Every prisoner is able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing, if it is clean and suitable. Prisoners receive a change of underclothing once a week. Every prisoner has a separate bed. The standards of cleanliness and hygiene are said to have improved greatly (Lakes & Johansson 1999).

Food and medical services

The quality and quantity of food received by prisoners are said to be not quite as good as average standards in communal catering outside. The prison administration reports that the proportion of fruit and vegetables is not quite enough, though every prisoner is allowed to receive an additional parcel (or goods handed over) per month, in addition to the number specified in the regulations. Special diets are provided for health reasons.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

The Council of Europe Nord-Balt Prison Project, under which Nordic and Baltic countries co-operate in the development of the prison systems of the Baltic countries, organised an expert mission in October 1997 to assess the factors influencing the health of prisoners in Lithuania (Wool and Rex, 1997). The experts, Dr. Rosemary Wool, former director of prison health care of the prison service of England and Wales, and Dr Rainer Rex, head of health care of the prison service in Berlin, concluded that the prison population contained high numbers of prisoners with tuberculosis and sexually transmitted infectious diseases, and also many prisoners misusing drugs and alcohol. They commented that the conditions of imprisonment, particularly overcrowding, were increasing the risk of the spread of infectious diseases and of injuries. They advocated that the prison administration establish a close relationship with the Ministry of Health and with community health services, and introduce health education and health promotion programmes. Following this report, and similar health care reports in respect of Estonia and Latvia, proposals to follow up the recommendations of these reports were prepared by Dr. Rosemary Wool, Secretary General of the International Council of Prison Medical Services and agreed by the steering group of the Nord-Balt project.

At the time of the CPT's visit to Lithuania in February 2000 health care services were under the authority of the prison administration (then part of the Ministry of Internal Affairs) but the Ministry of Health was responsible for public health issues arising in prisons (hygiene control, epidemiological surveillance) and had the authority to issue directives to and inspect the facilities of prison health care services. The CPT considered that a greater involvement of the Min-

istry of Health would be beneficial, in particular as regards the organisation and assessment of prison health and services. The Lithuanian authorities moved swiftly to implement this suggestion. In January 2001 the prison hospital was registered with the Ministry of Health as a state closed institution of personal hygiene, pre-trial detention and enforcement of a custodial sentence. Thus the hospital must perform its activities in accordance with the Law on Health Care Institutions, which includes the principle of the priority of patients' health interests over other official responsibilities. The Ministry of Health is entitled to supervise the activities of the hospital. The Prison Department has also established a health care service, which will supervise health care in all penal institutions in direct co-operation with the Ministry of Health. During 2001 a commission was to be established jointly by the Ministries of Health and Justice under which representatives of the two Ministries would regularly assess the quality of diagnosis and treatment of pre-trial detainees and sentenced prisoners, the prevention of contagious diseases, mental disturbances and drug addiction and refer the findings of the commission to the two Ministries.

The central prison hospital is situated alongside Vilnius prison (Lukiškes) within the same compound but is administered as a separate penal institution. Its capacity until 2000 was 310 but this allowed many patients only 2m² of space (CPT, 2001/22). The new regulations, whereby patients in the hospital are supposed to have at least 7m² of space each, reduce the official capacity to 126, but early in 2001 it was accommodating 160. There are 24 doctors (the complement is 28.25), 50 nurses (60.75), and three other medical staff (pharmacist, laboratory assistant, hospital porter).

The prison administration reports that in the first six months of 2001 593 prisoners were recorded as having an alcohol problem. The number is now increasing and a treatment programme is in place. Drug dependency in the first six months of 2001 was recorded in respect of 1,051 prisoners, or some 10% of the prison population. Here again the numbers are increasing and there is a treatment programme in place. Justickis and Pečkaitis report that when an offender is diagnosed as a drug addict, treatment is compulsory. If at the end of the sentence treatment is not successful, compulsory treatment is prolonged. "In this way", they comment, "Lithuania can be said to have an indefinite sentence for drug addicts" (ibidem, p.465). HIV/AIDS is also reported to be a problem, with the numbers increasing. No case of a prisoner being infected with HIV while in prison has been recorded. All prisoners are tested for HIV/AIDS despite the fact that the World Health Organisation considers that the compulsory screening of prisoners for HIV infection should be proscribed as unethical. A unit in Pravieniškes strengthened regime colony No.1 is used for the segregation of prisoners who are HIV positive or ill with AIDS, but they are so segregated only on their written request. Other such prisoners serve their sentences in normal conditions.

Tuberculosis is a serious problem. A treatment programme is in place and the numbers are no longer increasing. In 1996 the incidence of tuberculosis was said to be 8.1 for every 1,000 prisoners (approximately 1,040 prisoners); at the

beginning of the year 2000 there was 530 prisoners with the disease but the number fell to 280 in November 2000 following the large amnesty. There was one death as a result of tuberculosis in the year 2000 and none in the first nine months of 2001. In 2000 a total of 33 prisoners died (nine as a result of suicide); in the first nine months of 2001 there were 18 deaths (eight as a result of suicide). The number of suicides in the system seems to have been more or less unchanged at a similar level to this throughout the 1990s, averaging 8.6 in the period 1991-97 (Baltushene, Chesiułene and Petrauskas, 1998).

The CPT recommended that written information on the prisoners' health care service and on related issues such as preventive measures and health promotion should be provided systematically to inmates (CPT, 2001/22). In the light of this recommendation the prison administration instructed the directors of all penal institutions to make written information on the organisation of the work of the health care service (the reception procedure, working hours, etc.) available to all prisoners. It is reported that early in 2001 such written information was available in all living accommodation and that some institutions had handed out leaflets to all prisoners explaining not only medical services but also other aspects of prisoners' rights and duties (CPT, 2001/23).

Discipline and punishment

The disciplinary measures available in the Lithuanian prison system remain substantially the same as those described in the previous report (Walmsley, 1996 p.451). However the conditions in the segregation units are said to have improved since 1995; Lakes and Johansson (1999) reported that all had been made much cleaner and better ventilated, in some cases following extensive renovations. Furthermore, the restriction of visits and the practice of shaving the heads of prisoners undergoing disciplinary punishment have been prohibited, in accordance with Internal Order Rules of July 1996. Prisoners have the right to be heard on the subject of the offences they are alleged to have committed and to appeal to the Prison Department against any sanctions imposed.

In addition to isolation on disciplinary grounds (up to 15 days for adult male sentenced prisoners, 10 days for women and for adult male pre-trial detainees, 5 days for juveniles) there is a system of administrative segregation (or cellular confinement) for up to six months. Prisoners so segregated occupy ordinary cells and are allowed largely normal conditions apart from their segregation from almost all other prisoners (although they may be located several to a cell). The CPT found that prisoners held in the segregation unit, whether for disciplinary punishment or for administrative segregation, were only allowed half an hour's exercise and those undergoing disciplinary punishment were not allowed access to reading matter (CPT, 2001/22). Following their recommendations on these matters the Lithuanian authorities reported (CPT, 2001/23) that new Internal Rules of June 2000 authorise all prisoners to have an hour's exercise. They have also proposed to the Ministry of Justice that Internal Rules be amended to allow prisoners undergoing disciplinary isolation to have access to reading matter, and to substitute fold-up bunk beds for the existing beds, which

are padlocked in an upright position during the day. Prisoners would be allowed to rest on the beds during the day. It was reported early in 2001 (CPT, 2001/23) that there was no doubt that these amendments would shortly be approved. Forthcoming amendments to the legislation will also enable prisoners undergoing disciplinary punishments in segregation units to participate in cultural activities.

Contact with the outside world

Pre-trial detainees may be visited without restriction, according to the law, but only with the authorisation of the relevant investigator or court. In general it is said that visits are allowed, but for 3,571 prisoners who were in pre-trial detention during the first six months of 2000 there were only 3,450 visits. Although some detainees will not have family or friends to visit them and others will be in pre-trial detention for a short time, it seems unlikely that many pre-trial detainees will have more than one visit every three months. In January 2001 a law supplementing Article 105 of the Code of Criminal Procedure came into force whereby visits may be granted, but they can be refused if there are grounds to assume that they may restrict investigation on a case or negatively influence a detainee's behaviour. This does not seem to advance matters greatly, but it does mean that for the first time reasons have to be given for a refusal of visits. Pre-trial detainees are separated from their visitors but may greet them by squeezing hands through a gap in the partition.

Sentenced prisoners are allowed six short visits (2-4 hours) a year and four long visits (1-2 days) if they are in a normal regime colony, four short visits and four long visits in a strengthened regime colony and three short visits and three long visits if they are in a strong (strict) regime colony. Those held in closed (prison) conditions are allowed six short visits a year and no long visits. Long visits could previously be up to three days. Directors of prisons may grant additional visits in the interests of maintaining family ties but the overcrowding of facilities restricts their freedom in doing this. A prisoner is also allowed private (intimate) visits from his or her spouse (or partner provided they have children together). Lakes and Johansson (1999) report that there has been a general improvement in the standard of visiting facilities in the institutions since 1995.

There are no limits on the number of letters that may be sent and received. Correspondence is censored if so ordered by the prosecutor, director of the institution, court or judge. At Vilnius prison the CPT found that all incoming and outgoing mail of both pre-trial detainees and sentenced prisoners was censored and that there were delays in forwarding/distributing the mail of detainees. This was because information thought to be relevant to a particular case was referred to the relevant investigator or public prosecutor. The Ministry of Justice prepared amendments to the relevant legislation to abolish censorship except on the decision of the relevant investigator, prosecutor, or court and these were approved in 2001. Sentenced prisoners, but not pre-trial detainees, are allowed to speak to family and friends by telephone.

The prison administration reports that female prisoners and male juveniles are able to benefit from a system of home leaves. There is also co-operation

with the local employment exchange in providing training for jobs that women prisoners may do when released (e.g. hairdressing, needlework, and computer operating).

Prison staff

The Lithuanian prison service employed 3,315 staff at the beginning of 2001, of whom 86 worked in the prison administration headquarters. In addition there are 789 persons involved within the prison system who are not employees of the prison administration: 650 are officials of the Ministry of Internal Affairs who are responsible for guarding the perimeter of six of the institutions, 110 are teachers of general education and vocational training, 20 are health care employees and 9 are workers in shops/canteens. Of the prison service personnel there were 54 management staff in the prisons, 1,427 security staff, 465 treatment staff (including psychologists, educators, social workers and medical staff) and 1,161 other staff (including administrative and secretarial staff and others working in connection with prisoners' employment). There were vacancies for 97 security staff and 64 treatment staff. The overall ratio of prison staff to prisoners in 2001 was thus 1 : 2.9 or, if the ratio is based only on management, security and treatment staff in the prisons, 1 : 4.9. Staff numbers have increased by nearly 8% since 1994. The CPT recommended an increase in the number of staff in health care services. However, the Lithuanian authorities replied that financial constraints prevent an increase at present; they argued that the significant decrease in the number of prisoners removed any difficulties about the quality of health care and access to a medical doctor (CPT, 2001/23 p.23).

In 1995 the perimeter guards in seven of the eight colonies for adult males (including the open colony settlement) were young soldiers undergoing a period of conscripted service and attached to the Ministry of Internal Affairs for this purpose. Lakes and Colliander (1995) recommended that the use of military personnel to guard the perimeters of establishments be discontinued and that the task be undertaken by appropriately trained members of the prison staff. The CPT report surprisingly failed to mention that, on the occasion of their visit in 2000, this practice was still continuing. The CPT view is clear from their comments on the situation in Latvia, which was almost identical (CPT report 2001/27 on visit to Latvia in 1999). "It is axiomatic that the cornerstone of a humane prison system will always be properly recruited and trained prison officers". They recommended that appropriate steps be taken to fill all posts currently occupied by military conscripts with professional prison staff (op.cit. p.43). In 2001 such military conscripts were still guarding six institutions (one less than in 1995). The transfer of responsibility to professional prison security staff is scheduled for October 2003 (Agurkis, 2002).

Staff training is an area in which much work has been done in recent years as part of the Nord-Balt project and considerable progress is reported (Lakes and Johansson, 1999). The prison administration, like those in its Baltic neighbours, is concerned to improve the professional skills of prison staff and, following a seminar in Vilnius in 1999, a 'Basic Training Framework' was established, set-

ting out the aims, curriculum and methods of such training. A new staff training centre was established in Vilnius in 1999; the facilities are of a high standard which provide a good environment for training. Sweden has given much help in devising the strategy for recruitment and training and in the development of training programmes and the provision of computers, furniture and other training aids. Each penal institution now has a staff training officer and study visits have been made to prisons in Sweden, Finland, Canada, Germany and Poland.

Newly recruited security staff, known in Lithuania as 'controllers' attend an initial three month training course. Prior to the establishment of the training centre most controllers received little or no formal training. The Internal Rules for Correctional Institutions (2000) and draft Internal Rules for Pre-trial Institutions set out what is required of staff and how they should relate to prisoners, and provide a detailed guide for the directors of the institutions regarding staff selection, training and behaviour, including relations with prisoners. Training programmes are reported to be designed in such a way that at least one fifth of the whole term of training is dedicated to ensuring positive treatment of prisoners by staff, including detailed explanation of their responsibility not to ill-treat prisoners. Lectures from the Law University of Lithuania lecture at the training centre and there is bi-lateral co-operation with the Swedish and Polish training centres. Senior and middle ranking staff are trained at the Law University. Newly recruited staff, including senior staff (officers), have to serve a probationary term of six months. They are then evaluated, by a certification commission, on their suitability for service. Henceforth they must be re-certificated every four years.

Some 29% of staff in institutions for male prisoners are women, working as health care staff, accountants, psychologists, social workers, checkers of parcels, librarians, kitchen staff and administrators responsible for prisoners' records and staffing matters. In the institutions for female prisoners approximately 27% of staff are men, working mainly on security matters, maintenance of equipment and as drivers.

Treatment and regime activities

Prisoners entering a penal institution go through an admission stage, known as 'quarantine', during which they are medically examined, interviewed by various specialists and informed as to their rights and duties. There are basic programmes to assist newly-admitted prisoners to adapt to prison life. The treatment staff includes over 200 social workers and a small number of psychologists – together the two groups number 224. Prisoners are organised into groups led by an educator who is responsible for co-ordinating their activities. The usual number of prisoners in such a group is 70.

Regime activities are limited in most of the institutions and Lakes and Johansson report that there have been few changes in daily routines. With insufficient opportunities for work and education (see the following sections), prisoners are left to their own devices for most of the time. In the colonies prisoners may move about under supervision and in the colony settlement they may move about unsupervised. In closed prisons the cells are locked throughout the day

apart from a period of not less than one hour when prisoners are allowed out for exercise (two hours in the case of women and juveniles). About a third of all sentenced prisoners are involved in work or education, but there are no organised activities during the day for the others. There are some cultural and sporting opportunities. The prison administration reports that all institutions for sentenced prisoners have a sports hall, an open-air sports area and a library. Sports competitions are organised with professional teams from outside and cultural groups (artists, musicians) are invited to visit the institutions. Prisoners may participate in artistic activities and needlework. Concerts are organised and films are shown.

Most juvenile prisoners are involved in study and nearly a fifth have paid work. About a third take part in vocational training. They may occupy themselves in sporting activities, including physical training and use the library service. Sporting competitions are arranged with teams from educational establishments in the community, and they are given the opportunity of participating in cultural activities with people from outside. There is also training in cognitive skills and prisoners with particular problems are allocated a social worker to help them.

The CPT drew attention (CPT, 2001/22 p.36) to the importance of developing the programme of activities offered to prisoners, with the aim of ensuring that all prisoners are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (recreation/association, work - preferably with vocational value, education, sport). The Lithuanian authorities responded by announcing early in 2001 that a Government programme had been established to develop programmes of activities and vocational training, including measures to increase employment opportunities. This programme was to be completed by the end of June 2001. Social rehabilitation programmes for prisoners, designed to help them adapt to prison life and change their behaviour and to prepare them for reintegration into society on release were in the final stages of drafting and would start before the end of 2001. These programmes would occupy a substantial part of the day (CPT, 2001/23 p.16). In October 2001 the Director General reported to the Nord-Balt project steering meeting that a new treatment programme for prisoners, aiming at social rehabilitation and preparations for release, had been started in every institution. Pre-release arrangements aim to assist prisoners in returning to society, family life and employment after release. For long-term prisoners these include steps to ensure a gradual return to normal life, for example a pre-release regime and semi-open or open conditions.

Conditional release and probation

There is a system of conditional release under which some 54% of prisoners are released before the end of their sentence. Amendments to the Criminal Code were under consideration in Parliament in 2001 which would expand the sphere of applicability of conditional release. Previous draft laws with this objective were approved by the government but not by Parliament (May 1995), and joint-

ly proposed by the Ministry of Internal Affairs and the Ministry of Justice but not approved by the Prime Minister (May 1997). Conditional release is open to juvenile offenders, pregnant women and women with children under the age of seven, after one third of their sentence, provided that the sentence is not more than five years. Other prisoners are eligible after serving half their sentence except that persons convicted of murder and sentenced to ten or more years are not eligible until three-quarters of the sentence. Those classified as particularly dangerous individuals or convicted of aggravated murder are not eligible for conditional release at all. Fuller details of selection for conditional release are at Walmsley, 1996 pp.455-6 and Justickis and Pečkaitis, 2001 pp.462-3.

Prisoners granted conditional release and subject to supervision were required to report to so-called 'inspections' by the police (Lakes and Johansson, 1999). On 1 July 1999 2,873 ex-prisoners were reporting in this way. So were 13,433 who had been given a suspended sentence as an alternative to prison and more than 1,100 others. But it is envisaged that supervision will be transferred to the Ministry of Justice under a system of probation which is being developed with the support of the Canadian Correctional Service and the Swedish Prison and Probation Administration. Training of probation staff commenced in the year 2000. The probation system, including parole, grew in 2001 and before the end of the year it was organised in 52 administrative regions (co-terminous with the 52 police districts), employing a staff of 100 who had to supervise a total of 16,000 people on probation. It was envisaged that staff numbers might rise to 200 during 2002.

Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. In 2001 only about 25% of sentenced prisoners were employed, compared with just over 30% in 1994. No work was available for pre-trial detainees. The former prison industry has largely become unprofitable. Average pay for those in work in 2001 was 37 litas per week or about 9.25 euros. Those without work may receive a small sum on a monthly basis to enable them to buy the most necessary articles.

The CPT visited Vilnius (Lukiškes) prison and Pravieniškes strengthened regime colony No.2 in February 2000. They made no reference to the availability of any work for the sentenced prisoners included in the population of Vilnius prison. In the colony only 10% of the prisoners were given work of any kind. The CPT considered that there was potential in that institution for providing work for a significant part of the population. "A furniture factory and sizeable industrial production facilities were attached to the prison. However, the industrial facilities had apparently become somewhat obsolete and production was not profitable. Further a decision to renovate the facilities had not yet been implemented. Consequently industrial production employed only a small number of Pravieniškes inmates. In addition a comparatively small number of prisoners worked in the prison's general services (maintenance, laundry)." Twenty eight prisoners were receiving vocational training in carpentry (CPT, 2001/22 p.35).

In response the Lithuanian authorities reported that the Ministry of Justice had submitted a draft Resolution to the government proposing that “ministries, departments, public services, enterprises, institutions and organisations shall ensure that institutions under their control, engaging in public procurement from the state budget funds, allocate not less than 10% of the total allocation, in the estimate of expenditure allotted, for the purchasing of different goods and services produced and services rendered at imprisonment institutions” (CPT, 2001/23 p.48). The objective is to increase the level of employment for prisoners. They also reported that the Ministry of Justice had proposed draft laws concerning value added tax, which would set tax privileges for employers who employ sentenced prisoners serving their sentences in penal institutions. The laws were to be submitted to the government before the end of 2001. However they pointed out that in the near future “increasing the number of jobs for prisoners will be problematic due to the physically and mostly outdated industrial basis and shortage of circulating capital” (CPT, 2001/23 p.16).

Education

In mid-1999 there were educational programmes in seven institutions and vocational training in ten. At the beginning of the 1998-99 academic year 737 persons were said to be attending secondary education (Lakes and Johansson, 1999). In 2001 the prison administration reports that 7% of the prison population were receiving vocational training. At Pravieniškės colony in February 2000 the CPT were told that a large number of the 2,000 inmates had educational needs but there had been no budget for educational activities in the last two years and although the colony had three classrooms they were seldom used. As mentioned, only 28 prisoners there were receiving vocational training.

All juveniles in Lithuanian institutions (including those awaiting trial) have the opportunity of studying at secondary school level and about 91% do so. Some 32% of juveniles are involved in vocational training (and 18% in paid work). Remedial education for prisoners with special problems such as illiteracy or innumeracy is not available; the prison administration reports that there are very few prisoners with such problems.

In its response to the CPT report, the Lithuanian government reports that secondary schools for the four institutions at Pravieniškės and the one at Alytus were to be established by September 2001. It was also planned to increase the number of students to 1,600 (organised in 65 training groups) in vocational schools operating in the colonies. This would provide an opportunity for all prisoners (except adults awaiting trial) to participate in educational activities (CPT, 2001/23 p.16).

Inspection and monitoring

A system of inspections is in place to monitor the extent to which the prisons are operating in accordance with the laws and regulations, and with the objectives of the prison administration. These are now conducted by the Ministry of Jus-

tice. Pre-trial and juvenile institutions are inspected annually and colonies every two years (Lakes and Johansson, 1999). Independent inspections are undertaken by prosecutors and judges and also by the Parliamentary Ombudsman, but the CPT gained the impression that their visits were rare and, in the case of the prosecutors and judges, limited in scope. The government response pointed out that Lithuanian officials, and also those of foreign states and international organisations who have the mandate to inspect, supervise or control penal institutions, may do so and associate with prisoners without any restrictions (CPT, 2001/23 p.21).

Prisoners' letters to an investigator, a court, a prosecutor, the Parliamentary Ombudsman, state and municipal institutions, the Minister of Justice, and also to international institutions such as the CPT or the European Court of Human Rights, are not censored and, following a recent amendment to the law, are to be forwarded within a working day of being received. In the year 2000 prisoners wrote to the Ombudsman on 319 occasions and to the European Court of Human Rights 259 times.

The CPT inspection of February 2000 resulted in 24 recommendations, some of which have already been mentioned. They drew attention, for example, to the need to pursue vigorously policies to reduce overcrowding, to train prison staff to acquire and develop interpersonal communication skills, to develop and implement a strategy to counter inter-prisoner violence, to reduce occupancy levels in dormitories, to make improvements in several aspects of health care (including staffing levels, the recording of medical examinations and confidentiality), to increase visits and to improve regime activities. The government response set out in detail the measures that were being taken, or had already been taken, to address the issues about which recommendations had been made.

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Lithuanian prison system. The European Prison Rules have been translated into Lithuanian and the Director General and the directors of the penal institutions have copies, as do management staff at the prison administration headquarters and in each prison. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

Non-governmental organisations are reported to visit Lithuanian penal institutions in order to provide social support, to help prisoners overcome their dependency on alcohol and drugs and to assist them in gaining employment skills (vocational training). The prison administration regards such activities as positive and helpful. Church representatives visit to carry out religious services. Every penal institution has a chapel and there are regular contacts with parish priests. The institution for juveniles at Kaunas co-operates with the local seminary for priests.

International co-operation

The Lithuanian prison service is involved in international co-operation with other Baltic republics and the Nordic countries, and also with Germany, Poland and Canada. Much of this is arranged under the auspices of the Council of Europe's Nord-Balt project, as has already been noted. Eight of the penal institutions are twinned with prisons in other countries (six in Sweden and the others in Finland and Germany) and discussions are taking place in respect of a ninth twinning with an institution in Finland. In addition the Mokymo staff training centre in Vilnius is twinned with the Swedish and Polish training centres. The twinning arrangements are reported to have made a substantial contribution to the improvement of prison conditions in Lithuania.

Other matters

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections. There is never any limitation on prisoners' right to vote after they are released from prison.

The prison administration produces an annual report.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Lithuanian prison system:

- the transfer of the prison system from the Ministry of Internal Affairs to the Ministry of Justice (September 2000);
- the Law on Amnesty (April 2000) which reduced the prison population from 14,400 in January 2000 to 8,750 by Autumn 2000;
- new legislative amendments, new Internal Rules and the Pre-trial Detention Act bringing conditions in the penal institutions closer to the standards set out in the European Prison Rules;
- preparation of a new Criminal Code and new Criminal Procedural and Penal Enforcement Codes (all due to come into force in May 2003).

Current objectives

The following are some of the main objectives reported by the prison administration:

- the implementation of the new Penal Enforcement Code;
- preparation and implementation of plans for the development of the Probation Service, with the assistance of the Correctional Service of Canada;
- the transfer of those perimeter guarding functions which are still under the Ministry of Internal Affairs to the prison administration;
- the development of programmes of activities and vocational training, including measures to increase employment opportunities for prisoners;
- the implementation of social rehabilitation programmes for prisoners;

- the establishment of new secondary schools in the colonies and steps to enable all prisoners, except adult pre-trial detainees, to participate in educational activities.

Main problems

The following were identified by the prison administration as some of the main problems which are obstacles to the achievement of the objectives and to the advancement of the prison system in Lithuania:

- the overcrowding of the penal institutions;
- the shortage of useful activities to occupy pre-trial and sentenced prisoners;
- the forthcoming spread of drugs within penal institutions;
- insufficient financial resources, for example to proceed with the refurbishment of the prison in Kaunas and the construction of a new prison hospital in Vilnius;
- the comparatively low usage of conditional release;
- the growth in crime, including serious crime resulting in long prison sentences.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas which could be taken up by the prison systems of other countries. They drew particular attention to:

- the fact that the health care service is well organised, with a central prison hospital and a separate institution for those suffering from tuberculosis;
- the fact that there are good arrangements for social relations between prisoners and their families, including long-term visits every three months up to two days in length, and every two months for inmates of good behaviour who have served at least a half of their sentences. During such meetings they can live together free of charge using visiting facilities.

Further achievements of the Lithuanian prison system include :

- the reduction in the capacities of institutions to reflect increases in minimum space specifications for prisoners;
- the measures taken to improve conditions for pre-trial detainees by allowing them the use of radios, televisions and watches;
- the arrangement whereby every institution has a training officer;
- the changes to the structure of health care organisation, whereby the Ministry of Health has acquired a major role in supervising the quality of health care in prisons;
- the placing of written information on the organisation of health care in all living accommodation;

- the arrangements whereby institutions co-operate with local labour exchanges in providing training for prisoners in work that they may do on release;
- the transfer from having military personnel guarding the perimeter to having the task performed by properly recruited and trained prison staff;
- the high level of international co-operation, and in particular the arrangements by which a majority of institutions are twinned with prisons in Sweden, Germany and Finland.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements.

The following are some of the important outstanding tasks, in addition to the objectives listed above:

- to take steps to increase the minimum space allowance for all prisoners to at least 4m²;
- to amend the practice whereby pre-trial detainees (remand prisoners) are separated from their visitors by a partition. Such separation is only necessary in exceptional circumstances;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial detainees, and to enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to abolish compulsory testing for HIV infection, in accordance with World Health Organisation guidelines;
- to facilitate more regular visits for pre-trial detainees so that all can be visited at least once a month, and, if possible, as often as once a week;
- to improve the quality of food so that it reaches at least average standards in communal catering outside;
- to take steps to obtain financial resources that enable the employment of additional staff and thus a reduction in the staff-prisoner ratio.

Annex 1

LITHUANIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	8,586	232	3,708,200
1991	8,894	238	3,736,500
1992	9,175	245	3,746,900
1993	9,900	265	3,736,500
1994	10,357	278	3,724,000
1995	12,782	344	3,717,700
1996	13,289	358	3,711,900
1997	12,200	329	3,707,200
1998	13,628	368	3,704,000
1999	14,404	389	3,700,800
2000	14,412	390	3,698,500
2001 (1/1)	9,516	257	3,692,600
2001 (1/9)	10,750	291	3,688,600
2001 (1/11)	11,216	304	3,687,600

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	1,915	20.1	52
(1/9)	2,264	21.1	61
Female prisoners in 2001			
(1/1)	318	3.3	9
Juveniles (under 18) in 2001			
(1/1)	201	2.1	5
Foreign prisoners in 2001			
(1/1)	142	1.5	

Note: There were amnesties in 1990, 1993, 1995, 1998, and 2000.

The amnesty of 15.6.1993 led to the release of 295 prisoners.

The amnesty of 21.12.1995 led to the release of 557 prisoners.

The amnesty of December 1998 led to the release of 30 prisoners.

The amnesty of 11.4.2000 led to the release of 2,271 prisoners.

Annex 2

Lithuanian penal institutions: functions and capacity, 2001

1	Šiauliai	Closed prison for pre-trial detainees	454
2	Lukiškes (Vilnius)	Closed prison for pre-trial detainees (656), and sentenced adult males (250)	906
3	Panevežys	Semi-closed correctional labour colony for females – normal (common regime)	540
4	Pravieniškes	Semi-closed correctional labour colony for males – normal (common regime). For first time offenders sentenced for minor premeditated crimes.	1,058
5	Pravieniškes	Semi-closed correctional labour colony for males – 1 st strengthened regime colony. For first time offenders sentenced for serious premeditated crimes.	763
6	Pravieniškes	Semi-closed correctional labour colony for males – 2 nd strengthened regime colony. For first time offenders sentenced for serious premeditated crimes.	1,248
7	Vilnius	Semi-closed correctional labour colony for males – strengthened regime colony. For former employees of state government and law enforcement institutions.	124
8	Alytus	Semi-closed correctional labour colony for males – strengthened regime colony. For recidivists.	1,316
9	Marijampolė	Semi-closed correctional labour colony for males – strong regime colony. For recidivists.	1,316
10	Vilnius	Semi-closed correctional labour colony for males – 1 st strong regime colony. For recidivists.	759
11	Vilnius	Semi-closed correctional labour colony for males – 2 nd strong regime colony. For recidivists.	0*
12	Kybartai	Open correctional labour colony for males and females. For offenders sentenced for crimes of carelessness.	423
13	Kaunas	Closed pre-trial institution and correctional labour colony. For male juveniles.	398
14	Pravieniškes	Medical correctional labour colony for sentenced males suffering from tuberculosis	510
15	Vilnius (hospital)	Prison hospital for pre-trial detainees and sentenced prisoners.	126

TOTAL (2001)

9,941

* Capacity should be 315 but institution is under reconstruction.

Annex 3

Lithuania: principal sources of information

Response by the Director General of the Prison Department of the Ministry of Justice, Mr Jonas Blaževičius, to survey questionnaires for this project.

Other information and documentation supplied by the Lithuanian prison administration.

Agurkis S., 2002. Development of the Penitentiary System in Lithuania. Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

Baltushene R., Chesiulene T. and Petrauskas K., 1998. Prison Health Care in Lithuania. Health Care Service, Ministry of Internal Affairs, Vilnius

CPT, 2001/22. Report to the Lithuanian Government on the visit to Lithuania [by the CPT in February 2000]. Council of Europe, Strasbourg

CPT, 2001/23. Response of the Lithuanian Government to the CPT report on their visit in 2000. Council of Europe, Strasbourg

Council of Europe, 1996-2001. Reports of the steering meetings of the Nord-Balt Prison Project. Council of Europe, Strasbourg

Council of Europe, 1997 and 1998. Replies submitted by the Lithuanian prison administration to questionnaires on overcrowding and prison population size. Strasbourg

Justickis V. and Pečkaitis J., 2001. 'Lithuania' in 'Imprisonment today and tomorrow' (second edition), eds. van Zyl Smit D. and Dünkel F. Kluwer Law International, The Hague, London and Boston.

Lakes G. and Johansson B., 1999. Report of an expert visit to reassess the prison system in Lithuania. Only available in summary form in report of seventh steering meeting of the Nord-Balt project. Council of Europe, Strasbourg

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

Wool R., 1998. 'Where do we go from here?' Proposals for following up the recommendations of reports on the health of prisoners in Estonia, Latvia and Lithuania. In report of fifth steering meeting of the Nord-Balt project. Council of Europe, Strasbourg

Wool R. and Rex R., 1997. The Health of Prisoners in Lithuania. Council of Europe, Strasbourg

35. Macedonia (the former Yugoslav republic of)

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Criminal Code (29 July 1996), the Criminal Procedural Code (3 April 1997) and the Penal Executive Code, known as the Law on the Execution of Sanctions (24 January 1997).

Organisational structure

Responsibility for the prison system in the Republic of Macedonia lies with the Ministry of Justice, and the system is managed by the Director of the Directorate for the Execution of Sanctions (Directorate of Prison Administration). The Director is Mr. Mitasin Bekiri. A total of four persons are employed in the prison administration headquarters.

The duties of the Directorate include the preparation of draft laws, rules and regulations on the execution of sanctions; the preparation of information and reports on issues relating to the execution of sanctions; conducting expert and instructional supervision of the penal institutions; examination of the operation of penal institutions with regard to improvement of their organisation and work; personnel issues and the provision of suitable conditions for their work; administration of the enforcement of sanctions, including solitary confinement and the exercise of prisoners' rights; professional training of prison staff; co-operation with international bodies, the State Commission for the Execution of Sanctions, courts and other state bodies, academics, educational institutions and non-governmental organisations; the establishment and maintenance of an information system and data on convicted persons; the planning and development of correctional work with prisoners; improvement of the standard of living in prisons; research and planning of treatment methods with prisoners (Directorate of Prison Administration, 2002).

Eight prisons were operating in 2001, four of which have separately located open sections. One is a closed institution (Idrizovo), one is an open institution (Struga) and the other six, including the juvenile prison (Ohrid), are semi-open. Women and girls are held in a closed section of Idrizovo prison. A ninth institution, the House of Correction (or Educational-Correctional Institution) at Tetovo, is at present out of action following recent internal strife in that part of Macedonia.

The total capacity of the system in 2001 was 2,363 of which more than half the places are in Idrizovo prison (1,204) and its open section at Veles (106 places). Skopje prison has a capacity of 270 and its open section at Kriva Palanka 58 places, and Stip prison has a capacity of 200. The other five institutions all have capacities of less than 100. The average capacity per prison is 295. When functioning, the educational-correctional institution at Tetovo had a capacity of 96.

Pre-trial detention

There were 217 persons in pre-trial detention at the beginning of 2001 (11 per 100,000 of the national population), and 145 at the end of the year (7 per 100,000). This is the lowest level in all countries of central and eastern Europe. Pre-trial detainees constituted 14% of the prison population at the beginning of 2001 and 11% at the end of the year.

According to the Code of Criminal Procedure a person may be held in police custody for no more than 24 hours before being brought before the investigating judge.

The prison administration reports that pre-trial detainees spend a minimum of 30-60 minutes a day out of their cells/rooms in normal circumstances. This is the shortest period of any country in central and eastern Europe. The CPT recommends that pre-trial detainees should spend at least eight hours a day outside the living accommodation, engaged in purposeful activities.

The numbers held in penal institutions

The prison population fluctuated during the 1990s between about 940 and 1,250, but it was above this level in 2001, being 1,518 at the beginning of the year and 1,336 at the end. These figures for the year 2001 mean that the prison population rate per 100,000 of the national population fell from 75 to 66. This level is considerably lower than that in most countries of central and eastern Europe but similar to the rate in most of the other republics of former Yugoslavia, including Bosnia and Herzegovina, Croatia, Serbia and Slovenia.

Of the prison population at the end of 2001 10.9% were pre-trial detainees, 1.9% were females, 5.1% were juveniles under 18 and 6.5% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the prisons at the end of 2001 was 56.5% of the official capacity of the system. There is no overcrowding.

The minimum space specification per prisoner in the Macedonian prison system is 9m³ or about 4.5m². The CPT, in its inspection of May 1998, found that space per prisoner in the main prison at Idrizovo was entirely satisfactory (7-9m² per prisoner) in the women's section, and on the whole acceptable (6m² per prisoner) in the closed section of the prison. However, in the reception section prisoners had little more than 2m² of space (CPT, 2001/20 para 53). The government notified the CPT in 2001 that a new ward had been created for accepting newly arrived prisoners (CPT, 2001/21 p. 25).

The prison administration reports that different categories of prisoner are separated in the Macedonian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults.

Few prisons are housed in single cells. Accommodation generally holds at least five prisoners. It is reported that the largest number accommodated in one room is fifteen.

Sanitary installations and arrangements for access are reported to be adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides some toilet paper but prisoners have to supplement this. In 1998 the CPT had found that sanitary facilities had been allowed to deteriorate to such a point as to impinge seriously upon the prisoners' quality of life (CPT, 2001/20 para 60), but the government reported in 2001 (CPT, 2001/21 p. 12) that much work had been done to deal with such deficiencies.

Food and medical services

The quality and quantity of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for health reasons and for religious reasons.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation, and the suitability of prisoners' clothing and bedding.

Health care staff in the largest prison, at the time of the CPT visit in 1998, consisted of a doctor, a dentist, a nurse and two medical technicians, who worked only on Mondays to Fridays. The doctor was also available for telephone consultation at other times. In the event of an emergency outside working hours, prisoners were taken to the closed unit of the State Hospital in Skopje, which operates under the authority of the prison. This closed unit also received referrals from Idrizovo who required diagnosis or treatment from a specialist, as well as pre-trial prisoners from other institutions. It was staffed on weekdays by a medical technician (reporting to the Idrizovo prison doctor) and there was always one member of the Idrizovo security staff on duty. There was no in-house psychiatric care at Idrizovo and prisoners requiring such care had to be transferred to the forensic section of the Bardovci Psychiatric Hospital near Skopje. The CPT considered the medical staff resources at Idrizovo insufficient. Nor were they impressed by the 30-bed clinic at the prison which they described as "distinctly dilapidated, the state of repair and hygiene of the dormitories and sanitary facilities being particularly poor" (CPT, 2001/20 paras 65-8). By contrast they considered that the health care service at Tetovo Educational-Correctional Institution was of a reasonable standard and patients were receiving adequate psychological/psychiatric support. The government accepted the CPT's recommendation to increase the number of medical staff at Idrizovo and engaged a psychologist and a part-time neuro-psychiatrist, and by July 2001 refurbishment of the clinic was in its final stages.

The prison administration reports that there are not many prisoners with an alcohol problem, the numbers are not increasing and there is no special treatment programme available. However around 12% of the prison population have a drugs problem and this percentage is growing; ordinary medical treatment is used with no special drugs programme. HIV/AIDS is not a problem in the Mac-

edonian prison system and is not increasing. In accordance with WHO guidelines there is no policy of testing all prisoners for this condition, but prisoners may be tested if they consent. Again, the situation with tuberculosis is that it is not a problem in the prison system, numbers are not growing, and it has not been found necessary to have a special treatment programme for the disease; ordinary medical treatment is given if necessary.

In the year 2001 five prisoners died, two of them as a result of suicide. None died from tuberculosis.

Discipline and punishment

Prisoners charged with a disciplinary offence were found by the CPT in May 1998 to be given the opportunity to make a statement in their defence. Apart from warnings, restrictions of privileges and the confiscation of a percentage of a prisoner's wages, up to 15 days solitary confinement can be imposed for offences against prison discipline. Rooms used for solitary confinement (isolation punishment) in Idrizovo prison were of adequate size (7-8m² for single occupancy), reasonably clean and had good access to natural light and ventilation. One hour's exercise was allowed to prisoners serving this punishment and they had access to books. In the women's section of the prison the conditions were of a similarly high standard to those in other dormitories.

Contact with the outside world

Pre-trial detainees are allowed to be visited twice a month. Sentenced prisoners held in a closed institution may be visited once a month, those in a semi-open institution twice a month, and those in an open institution once a week. However, the director of an institution may grant additional visits so that a prisoner in a closed prison could even be allowed weekly visits. It is also within the director's discretion to grant an unsupervised visit for married prisoners in special premises, in other words a private (intimate) visit. These may take place once a month for up to two hours. There are no arrangements for long visits, including overnight stay, from a prisoner's family. The prison administration reports that pre-trial detainees are separated from their visitors by a screen but in specific cases they may be allowed to touch.

The CPT noted, during their visit in May 1998, that "the material conditions in which visits took place were of a good standard; the visiting room [in Idrizovo prison] was large, well ventilated, bright and smoke-free. Further, coffee and snacks were available for purchase during visiting times and visitors could bring parcels of food" (CPT, 2001/20 para 76).

There is no restriction on the number of letters that prisoners may send or receive but they are always read by the prison authorities, apart from those to official bodies and others to whom confidential complaints or requests may be sent. Sentenced prisoners may speak to their families by telephone but this is not allowed to pre-trial detainees. Telephone calls from closed institutions are monitored by prison management. Families may send in parcels, so long as these are in accordance with regulations as to weight, frequency and contents.

Prisoners are allowed home leaves after they have served one half of their sentence; in an open institution these may take place as often as monthly. Those who have been working continuously for 11 months have the right to a vacation during which they are paid as though they were working.

Prison staff

The Macedonian prison service employed 452 staff in 2001, of whom just four worked in the prison administration headquarters. In the prisons there were 16 management staff, 253 security staff, 109 treatment staff (including psychologists, educators/pedagogues and medical staff) and 70 other staff (including secretarial staff and those working in connection with prisoners' employment). The overall ratio of prison staff to prisoners was 1 : 3.4 at February 2001 or, if the ratio is based only on management, treatment and security staff in the penal institutions, 1 : 4.0. The number of security staff was 35% (135) below complement, and the number of treatment and medical staff 46% (94) below complement.

Initial training for a new member of the security staff lasts for one year. The prison administration considers it a priority to establish a training centre for prison staff but this has not yet been done.

In institutions for male prisoners about 15% of staff are women - about half the treatment (re-socialisation) staff and some 3.4% of the security staff. In institutions for female prisoners there are no male staff employed.

Treatment and regime activities

The prison administration states that "the fundamental principle in the execution of criminal sanctions in the Republic of Macedonia is the principle of re-socialisation and social rehabilitation". They point out that, according to Article 11 of the Law on the Execution of Sanctions, the aim of imprisonment is to qualify prisoners to be involved in society with the best prospects for leading an independent life in accordance with the law. In order to achieve this goal work, education, leisure activities, corrective work etc. are organised as an integral part of the treatment of prisoners (Directorate of Prison Administration, 2002).

The treatment staff includes psychologists and social workers totalling 46. Prisoners are organised into groups led by a pedagogue who co-ordinates their activities. The number of prisoners in such a group ranges from 30 to 90.

Treatment activities include correctional work aimed at resolving both the individual and common problems of prisoners through individual and group conversations and discussions. Leisure activities, sport and recreation - like work, education and vocational training - are considered as part of the treatment.

In Idrizovo prison the CPT found in May 1998 that 30% of the prisoners participated in sports and games (football, table tennis, basketball and chess), which took place daily during two to three hour exercise periods. Just over 5% participated in music, theatre and literature clubs. Women prisoners were offered no purposeful regime activities, as far as the CPT delegation could ascer-

tain, other than work of a limited nature, which amounted to little more than carrying out domestic chores.

Sentenced prisoners have their cells/rooms unlocked for the whole day. All are allowed at least an hour of walking or suitable exercise every day (including week-ends) in the open air.

The prison administration reports that they make pre-release arrangements to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return. The use of open sections of the prisons clearly contributes to this. There is contact with Centres for Social Work in the community outside, which may be able to assist prisoners who have recently been released.

Conditional release

According to Article 36 of the Criminal Code, a convicted person may have early release from prison on condition that, until the expiry of the period of the sentence imposed, no further offence is committed. Conditional release may be granted to someone who is expected to do well on release and who has served at least one half of the sentence. Exceptionally a prisoner who has served at least a third of the sentence may be conditionally released “if special circumstances relating to his personality evidently show that the aim of the punishment has been achieved” (Directorate of Prison Administration, 2002). Persons sentenced to life imprisonment may not be conditionally released until they have served at least 15 years in prison. Decisions to release prisoners conditionally are made by the court. The prison administration reports that about 61% of sentenced prisoners are conditionally released.

Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. Work is considered to have the most important role in the process of the re-education of prisoners. The Law on the Execution of Sanctions defines work as both a right and an obligation of a prisoner. Work in the prisons must not involve coercion or additional punishment; it is based on the following principles: it should be organised and performed as an integral part of the national economy; the work must be useful and be undertaken in a way similar to that in which it would be performed in freedom; it must not be selected merely with reference to its economic value; and, the prisoner must be paid for work done. The work is generally organised and performed within the economic units of the penal institution. However, prisoners may also work outside the institution in certain circumstances.

At the end of 2001 60% of sentenced prisoners had some work, but no pre-trial detainees. Pay ranges from 5 to 50 euros a month. Some money is given to prisoners who are unable to work or for whom no work is available.

Work available at Idrizovo prison at the time of the CPT visit enabled 205 male prisoners from the closed and semi-open sections of the prison to work an

eight-hour day in a variety of semi-industrial settings and in general services (woodworking, metal work, building work, car repairs, the production of cement blocks, kitchen, bakery, laundry, barber's shop, canteen, warehouse, central heating maintenance and gardening). Further, all of the 124 men in the open section were employed in farming and service tasks (dining hall, canteen and motor maintenance). The CPT were impressed that prisoners were being offered such a wide range of activities but noted that more than half the prisoners in the closed and semi-open sections were not employed (CPT, 2001/20).

Education and vocational training

Education and vocational training are available both for adult and for juvenile prisoners. These include programmes of remedial education for prisoners with such problems as illiteracy and innumeracy.

The prison administration reports that education has an important role in the treatment of prisoners. Education classes are organised "in the institution itself or in the urban area where the institution is located. Prisoners who finish education are issued [with] a certificate, which must not include any indication.....that the education has been achieved in prison. A prisoner may be allowed to attend part-time education at his expense in all education institutions [in the community outside] if this does not violate the rules of the institution" (Directorate of Prison Administration, 2002).

Inspection and monitoring

As has already been stated, the prison administration has the task of "instructional supervision" of the penal institutions. In fact, inspections are done both by the prison administration and the Ministry of Justice. In addition, independent inspections are carried out by the judge of the court of first instance, and also by the Ombudsman. A parliamentary commission on the rights and liberties of citizens is also authorised to monitor the operation of penal institutions but this was not functioning in 2001.

The Law for the Execution of Sanctions provides also for the establishment of a State Commission for the Supervision of Prisons, to be composed of five members selected from among the judges, penological, social and educational workers, the Ministry of Justice, the Ministry of Health, the Minister of Labour and Social Politics, and the Ministry of the Economy, as well as from among scholars and experts from other bodies. The Commission is authorised to make occasional visits to examine the situation in prisons regarding the implementation of the law and other existing rules and regulations on the execution of sanctions, the treatment of prisoners and the living and working conditions of prisoners. The CPT recommended that a very high priority be given to establishing this State Commission and the members were elected in August 1999.

In the CPT's report on its visit in May 1998 (CPT, 2001/20) topics that gave rise to recommendations, and which have not already been mentioned, include the shaving of heads of some juvenile prisoners, the carrying of batons, the ma-

terial conditions of the prisons, the shortage of regime activities, medical confidentiality, and the need for interpersonal communication to be a major factor in staff recruitment and training. The CPT's recommendations were mainly based on their visits to Idrizovo prison and Tetovo Educational-Correctional Institution.

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Macedonian prison system. The Director of the prison administration and the directors of penal institutions have personal copies of the standards, as do other management staff at the national prison administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

Non-governmental organisations, including the Helsinki Committee, visit the penal institutions and are said to monitor the behaviour of the prison authorities towards the prisoners and the state of the accommodation in which prisoners live. The prison administration report that they consider the work of the NGOs to be positive because it helps to convey the real picture of the situation in Macedonian prisons. The International Red Cross is also among NGOs that visit the institutions as are the Penology Association, the Association for Criminal Law, the Open Society Institute and the American Bar Association.

Other matters

The Macedonian prison administration is involved in international co-operation that is intended to improve prison standards. They report co-operation with the OSCE – ODIHR, the Council of Europe and the United Nations.

Pre-trial detainees and sentenced prisoners retain the right to vote in national elections.

The prison administration produces an annual report.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Macedonian prison system:

- investments for improving conditions for prisoners;
- the loss of Tetovo educational-correctional institution as a result of internal strife in that part of Macedonia (2001);
- the introduction of a new modern law on the execution of criminal sanctions (1997).

Current objectives

The following are the main objectives reported by the prison administration:

- the establishment of a training centre;
- improving continually the management of prisons and the treatment of prisoners in accordance with the international standards;
- improving continually the physical conditions in the penal institutions by reconstruction and renovations;
- improving health care provision in the penal institutions;
- reducing the level of staff vacancies.

Main problems

The following were identified by the prison administration as some of the main problems which are obstacles to the achievement of the above objectives and to the advancement of the prison system in Macedonia:

- the large number of staff vacancies;
- staff attitudes;
- inadequate financial resources;
- the need to improve prison health care, including by the provision of more medicaments;
- the loss of Tetovo educational-correctional institution;
- the need to improve the material condition of prison establishments.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. They drew particular attention to:

- the work that has been done in preparing for the establishment of a training centre;
- the investments that have been obtained to improve prison conditions.

Further achievements of the Macedonian prison system include:

- providing a good amount of space per prisoner, an average of 8m² across the system as a whole in 2001;
- having good conditions for the serving of the disciplinary punishment of solitary confinement, including in respect of accommodation and access to reading materials;
- increasing the number of opportunities for prisoners to maintain contact with their families by telephone;

- having good opportunities for sentenced prisoners to have home leave;
- creating good material conditions for prison visits, including a bright, well-ventilated and smoke-free room and the availability of coffee and snacks;
- having initial training for a new member of the security staff that lasts for a full year;
- having one of the higher employment rates among sentenced prisoners in the prison systems of central and eastern Europe;
- establishing positive contacts with a number of non-governmental organisations.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to end the practice whereby some pre-trial detainees spend less than one hour a day out of their cells/rooms;
- to take steps so that neither legislation nor practice prevent the introduction of a programme of regime activities for pre-trial detainees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to further develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of re-settlement after release;
- to ensure that there are sufficient security and treatment staff to run the penal institutions effectively and, in particular, that there are sufficient pedagogues to enable no group to exceed 50 prisoners;
- to amend the practice whereby pre-trial detainees are generally separated from their visitors by a screen. Such arrangements are only necessary for exceptional cases;
- in accordance with Rule 62 of the European Prison Rules, to appoint some male staff to work with women prisoners and to appoint more female staff in institutions for men, in order to help diminish the gulf between circumstances outside and inside.

Annex 1

MACEDONIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	1,570	74	2,121,400
1991	943	44	2,129,800
1992	796	37	2,162,500
1993	947	47	2,000,000
1994	1,249	64	1,936,700
1995	1,156	59	1,957,300
1996	1,133	57	1,974,800
1997	1,007	51	1,991,400
1998	859	43	2,002,300
1999	1,053	52	2,012,700
2000	1,178	58	2,021,600
2001 (1/1)	1,518	75	2,031,100
2001 (31/12)	1,336	66	2,038,700

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	217	14.3	11
(31/12)	145	10.9	7
Female prisoners in 2001			
(1/1)	31	2.0	2
(31/12)	25	1.9	1
Juveniles (under 18) in 2001			
(1/1)	76	5.0	4
(31/12)	68	5.1	3
Foreign prisoners in 2001			
(1/1)	100	6.6	
(31/12)	87	6.5	

Note: Amnesties in 1990, 1991 and 1999 led to the release of 160, 8 and 4 prisoners respectively.

Annex 2

Macedonian penal institutions: functions and capacity, 2001

1	Idrizovo	Closed prison for sentenced prisoners with maximum security accommodation and a section for female prisoners	1,204
	-----	Open section at Veles	106
2	Struga	Open prison for sentenced prisoners	80
3	Skopje	Semi-open prison for pre-trial detainees (105) and sentenced prisoners (165)	270
	-----	Open section at Kriva Palanka, including eight places for pre-trial detainees	58
4	Bitola	Semi-open prison for pre-trial detainees (32) and sentenced prisoners (55)	87
	-----	Open section at Prilop, including sixteen places for pre-trial detainees	96
5	Stip	Semi-open prison for pre-trial detainees (40) and sentenced prisoners (160)	200
	-----	Open section at Strumica, including ten places for pre-trial detainees	70
6	Tetovo	Semi-open prison for pre-trial detainees (40) and sentenced prisoners (50)	90
7	Gevgelija	Semi-open prison for pre-trial detainees (12) and sentenced prisoners (40)	52
8	Ohrid	Semi-open prison for juvenile pre-trial detainees (25) and juvenile sentenced prisoners (25)	50
9	Tetovo	Educational-correctional institution ('House of Correction'), not currently functioning following internal strife in Macedonia	0

TOTAL

(at end of 2001)

2,363

Annex 3

Macedonia: principal sources of information

Response by the Director of the Macedonian Prison Administration, Mr Mitasin Bekiri, to survey questionnaires for this project.

Bekiri M., 2002. The situation in 'the former Yugoslav Republic of Macedonia'. Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

CPT, 2001/20. Report to the Government of 'the former Yugoslav Republic of Macedonia' on the visit to Macedonia [by the CPT in May 1998]. Council of Europe, Strasbourg

CPT, 2001/21. Response of the Government of 'the former Yugoslav Republic of Macedonia' on the visit to Macedonia to the CPT report on their visit in 1998. Council of Europe, Strasbourg

Directorate of Prison Administration, 2002. Brief Outline of the Prison Administration in the Republic of Macedonia. Ministry of Justice, Skopje

36. Moldova

Legislative framework

The Penal Code and Penal Procedural Code current at the beginning of 2002 are legislation which dates from March 1961 but has been amended many times since. The Penal Executive Code dates from June 1993 and came into force in March 1994. A law regulating the activities and structure of the prison administration ('Law on the Penitentiary System') came into force in March 1997. New amendments to the Penal Executive Code, including a provision enabling one day's work by offenders sentenced for minor crimes to count as two days of their sentence, came into force in September 2000. The prison administration wants these amendments to apply to all sentenced prisoners and optimism was expressed in December 2000 that this would happen. Further amendments to the Penal Executive Code were also thought to be imminent. These would include an increase in the minimum space allowance per prisoner to at least 4m² in all prisons and colonies and a reduction in the maximum capacity of prisons to 500 and of colonies to 1,000. It was also expected that Parliament would legislate that courts should no longer decide the type of regimes under which sentences are served.

Organisational structure

Responsibility for the prison system transferred from the Ministry of Internal Affairs to the Ministry of Justice in January 1996 following legislation passed in the autumn of 1995.

Mr. Valentin Sereda, Vice-Minister of Justice and Director General of the prison administration, assumed his post in August 2001, succeeding Mr. Valeriu Troenco (1999-2001). He in turn had succeeded Mr. Evgheni Sokolov who had been in post at least since 1993. The Director General is supported by a first deputy who is responsible for the direction of security staff and for security, for the prison regime and for the supervision, education and treatment of prisoners. Another deputy is responsible for manufacturing (including an engineering division) and for the inspection of metallurgical-technical equipment and for technical security. The third senior manager, also reporting to the Director General, is the director of the division for the supply of technical materials and provisions, the division for capital construction, and the inspection of fire safety. The Director General also has direct oversight of the general staff (secretariat), the personnel department, and divisions concerning health care, protocol, economy, finance and accounting, and legal matters. A total of 86 staff were employed in the prison administration headquarters at the beginning of 2001; another 27 posts were vacant.

There were 20 penal institutions at the beginning of January 2001, with a total capacity of 11,890. By the end of the year, reorganisation and an increase of capacity had altered the structure to 19 separately administered institutions

with a capacity of 12,860. There are five pre-trial prisons, twelve colonies for adults (including one for women and one which also contains a hospital for tuberculosis patients), one educational colony for juveniles and one prison hospital serving the whole country. The twentieth institution, for the social rehabilitation of alcoholics, is now administered as part of one of the colonies.

The largest institution is the pre-trial prison at Chişinău with a capacity of 1,480. Other institutions with capacities exceeding 1,000 are the colonies at Cricova – intensive regime (1,250), Soroca (1,300), Pruncul (1,100), and Braneşti (1,050). Most of the colonies now include a settlement sector, which is a semi-open or open unit. Of the twelve colonies for adults, three have strict regimes, three have reinforced (or intensified) regimes, one has a common (or general) regime and one has a regime for prisoners classified as particularly dangerous recidivists. Of the other four, one is for women, and the other three are colony settlements, which are run entirely as open institutions.

Pre-trial detention

The level of pre-trial detention has risen by 32% since 1994. At the beginning of 2001 there were 96 pre-trial detainees in the prison system per 100,000 of the general population of the country, compared with 72 in October 1994 (34.7% of the prison population compared with 26.2% in 1994). At the end of 2001 the rate was 95. This is one of the highest levels in central and eastern Europe, but lower than in Latvia, Russia, Estonia and Belarus.

The pre-trial procedure is that the police may hold a suspect for 36 hours, after which he/she must be brought before a judge who can authorise detention for a month while the case is investigated. A judge can then be asked to authorise a further month but this total of two months is the maximum and the suspect must be transferred to a pre-trial prison. Such a transfer frequently occurs before the investigation is complete because of the shortage of space in police stations. Pre-trial detention is often very long, and it is not unusual for detainees to wait one or two years for the result of the appeal against their sentence. The Director General at the end of 2000 stated that many detainees did not need to be held in custody.

The regimes experienced by pre-trial detainees are extremely impoverished. They are normally allowed out of their cells/rooms for just one hour a day for exercise in small cage-like compounds in the open air despite the CPT recommendation (CPT, 2000/20 para 90) that they should be able to spend a minimum of eight hours a day outside the cell/room, engaged in purposeful activities of a varied nature. The CPT recognised that this would need to be achieved in stages. Pre-trial detainees seem to have no access to books or television.

The numbers held in penal institutions

The prison population has remained stable since 1992 at between about 9,450 and 10,600 (about 255-290 per 100,000 of the national population). Amnesties in 1994 and 1999 helped to keep the numbers within this range. At the beginning of 2001 the total was 10,037 (276 per 100,000) while at the end of the year

it had risen to 10,633 (293). Of the total at the beginning of the year 34.7% were pre-trial detainees, 4.4% were female, 2.1% were juveniles and 1.9% were foreigners.

Moldova's prison population rate of 293 at the end of 2001 was lower than the rate of Ukraine to the east but higher than that of Romania to the west. The rate is lower than that of the three Baltic States which, like Moldova, were small European republics in the former Soviet Union.

Accommodation, overcrowding and living conditions

The number in the prisons at the beginning of 2001 was 84% of the official capacity of the system, and was still at that level at the end of the year, the 7.6% rise in the prison population having been more or less matched by a rise in the official capacity. Overcrowding (exceeding the official capacity) is present in three of the five pre-trial prisons but not in the colonies.

The minimum space specification per prisoner in Moldova in 1994 at the time of the previous study was 2m² in the pre-trial institutions and the general regime colonies and 4m² elsewhere. In 2001 it was 2m² in pre-trial institutions and colonies for adult men, 3.5m² for juveniles, 3m² for women and in medical units and 4m² in medical-prophylactic institutions (Article 86 of the Penal Executive Code). It is said that efforts are made to achieve at least 5m² in hospitals, which is already regarded as the norm there, and the aspiration is to have at least 4m² for every prisoner throughout the system.

The prison administration reports that different categories of prisoner are separated in the Moldovan system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults. However, in December 2000 juveniles were being held with adults in the pre-trial prison in Chişinău.

As elsewhere in central and eastern Europe, very few prisoners are accommodated alone in single cells. The largest number of prisoners in one room, in any penal institution in Moldova, was reported by the prison administration in March 2002 to be 30, in a room measuring 46m². (This would allow each prisoner scarcely more than 1.5m² of space, compared with the 4m² which the CPT regards as the lowest acceptable amount.) However in December 2000 pre-trial institutions ranged from 4-40 prisoners to a room and colonies ranged from 30-100.

Reference has been made to the fact that only three institutions were overcrowded at the end of 2001 when considered in terms of the official capacity. One of these is the pre-trial prison in Chişinău where conditions are very poor indeed. At the end of 2001 there were 1,796 prisoners – 21% overcrowding in terms of the official capacity, but giving each prisoner only about 1.65m². Twelve months earlier, when there was 14% overcrowding (1.75m² per prisoner), ten women were living in one cell where there were only eight beds, one of which had no bedding and was clearly out of use. The room was cold and they said they shared beds to keep warm. Some of the bedding was brought in from pris-

oners' homes. Since the prison's electricity was said to be under repair at the time, the prisoners were in semi-darkness because the lighting from the window was inadequate. In one of the cells for men, containing 24 beds but intended for 20, there were 33 prisoners (and sometimes as many as 40 or 45, prison staff said). The oldest prisoner was 50 and the youngest 16. With 40 prisoners in the room each would have a space of about 1m². The lighting and ventilation were seriously inadequate. It is reported that the supply of electricity to Moldovan penal institutions is irregular because there is insufficient money to pay the bills on time and this frequently results in disconnection (van den Brand et al., 2000).

Conditions in Benderi prison (said to be one of the best three in the country) were much better in December 2000 than those in Chişinău but, although there were only 600 prisoners in an institution with an official capacity of 690, they were overcrowded. Rooms were kept moderately warm at the expense of ventilation and some windows were completely blocked, reportedly because the cells overlooked the street outside. If the 18 institutions in Moldova which are for adult males were to allow 4m² per prisoner, the minimum acceptable to CPT, instead of the present 2m², they would all be overcrowded. The average space per prisoner in the ten adult colonies for males that do not include a hospital (which has different space specifications) was 2.8m² at the beginning of 2001 and 2.5m² at the end of the year. The average space per prisoner in the four pre-trial prisons that do not include a hospital, was 1.8m² at the beginning of the 2001 and 1.9m² at the end of the year.

Sanitary installations and arrangements for access are now reported by the prison administration to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. However, the prisoner must provide toilet paper and often soap too. Every prisoner is able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. It is reported that it is often necessary also for sentenced prisoners to bring in clothes because the prison is unable to provide them (van den Brand et al., 2000). Prisoners receive a change of underclothing once in 7-10 days. As noted above, not everyone has a separate bed; the production of beds is organised in the prison system's own factories and new beds are supposed to be distributed to the institutions when required. However in 2001 this was not being successfully achieved.

At the end of the year 2000 the then vice-minister and head of the prison administration reported that sanitary facilities were deplorable and hygienic conditions very poor. At that time of year the overcrowded rooms were either cold or else they were steamy through lack of ventilation. The worst rooms were so overcrowded that cleaning them properly would be almost impossible. Cell toilets were not always clean and privacy was not always assured. In Chişinău prison the cell toilets were said to be used for washing purposes, at least by some prisoners, and at Rusca women's prison the showers were situated so far from the living area that they could scarcely be used in inclement weather conditions by older prisoners or, in the icy conditions of winter - because of the long flight of steps that has to be used to reach them - by anyone.

Food and medical services

The quality and quantity of food received by prisoners is inferior to average standards in communal catering outside and is not even close to such standards. The prison administration reports that this is because of the lack of financial resources. Prisoners do not receive a balanced diet, and no special diets are provided for health reasons, religious reasons or any other reason. The CPT called upon the Moldovan authorities to respect the food norms of 2,326 calories for sentenced prisoners and 3,105 for those engaged in heavy work (CPT, 2000/20). However it noted in a subsequent visit that the budget available for food was less than 40% of what was needed to enable the prisons to adhere to the food norms (CPT, 2002/11).

The head of the medical department of the prison administration explained in December 2000 that chronic malnutrition was one of the most difficult problems faced by the prison authorities. Prisoners do not have the meat, fish and eggs that they need and the lack of protein results in prisoners having a poor immune system. The CPT report (CPT, 2000/20) states that there has been no butter, meat or fish since 1992 and no potatoes since 1998. In June 1999 the prison administration received 1,200 hectares of land from the government to increase the amount of food available. The food provided by the prison has to be supplemented by that brought in by prisoners' families. In October 1994 prisoners were allowed to receive a 8 kg parcel six times a year; at the end of 2000 parcels up to 10 kg in weight were allowed at least once a month. Juveniles may receive an unlimited number of parcels. Some food is brought in by non-governmental organisation such as Pharmaciens sans Frontières. In most of the six institutions visited in December 2000 prisoners were pale-faced and clearly in need of proper nourishment.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

Medical services in the Moldovan prison system are thought to be better in the penal institutions than in the community outside. For example dental treatment is free in prison but must be paid for by people outside. Various medical expertise, medical equipment and surgery are also available free of charge in prison but not outside. There are however considerable shortages of medical equipment, although

25,000 US dollars worth has been received recently from Switzerland. There are problems when medical treatment that has commenced in prison needs to be continued outside, because of the difficulty of financing it. There is said to be improving collaboration between the Ministry of Health and the Ministry of Justice; until November 2000 the Ministry of Health was taking no interest in the handling of the 300 TB patients released from prison each year but this has changed and the medical department in the prison administration is now partic-

icipating in a national Ministry of Health programme to combat tuberculosis. The two Ministries also collaborate concerning the treatment of the mentally ill (CPT, 2000/20).

However the Ministry of Health reported (December 2000) that the health situation in Moldova is very bad. Due to the collapse of the economy there is a lack of money to support health programmes, or indeed other programmes. The national TB programme has been approved by the government but cannot be implemented for lack of financial means.

The prison system now includes three hospitals. The multi-profiled hospital at Pruncul is the prison hospital for the whole country. Its facilities were described in the previous HEUNI report (Walmsley, 1996 pp.286-7). There are 160 patient beds of which 32 were occupied by TB patients in December 2000. The TB hospital at Benderi has been a prison hospital since 1989. It is formally part of a correctional colony, with a capacity of 650; there are 200 in-patient beds in the hospital part (168 of which were occupied in December 2000) and 450 places in the colony-type facility, which is considered as an out-patients department used for rehabilitation. The hospital is divided into two sections (100 patients each), each of which is staffed by a head of section, three physiologists and ten nurses. There is also a psychiatrist on the staff. The third hospital in the system has been created recently at Rezina prison (opened in 2001) and has a capacity of 250. It is for chronic TB patients.

There are about 120 doctors in the whole prison system and about 260 medical assistants and nurses. Every institution has its own medical centre and a sick-bay with ten beds for every 1,000 prisoners. The prison at Chişinău had nine doctors and sixteen medical assistants/nurses at December 2000. This situation compares unfavourably with that in October 1994 when there were twelve doctors and twenty medical assistants/nurses for an occupancy level 25% lower.

Many prisoners are said to have alcohol or drugs problems and the numbers are increasing; however there are no treatment programmes in place. HIV/AIDS is also a problem in the prisons and the numbers are growing here too. In accordance with World Health Organisation guidelines prisoners are not tested for HIV/AIDS.

Tuberculosis, however, is the most serious problem facing the prison system, and the rate is believed to be 30-40 times higher than in the general population. Conditions in the TB hospital in Benderi in December 2000 were seriously inadequate, although prisoners receive better food than that provided in other institutions. The intention is that living conditions should be superior to those in other colonies but it was reported that the prison administration only receives 30% of the finance needed and so can only provide 30% of requisite conditions. Cold, dark (most of the lighting was off) and with insufficient space – the director said that, despite the intention to have 5m² of space per patient in such an institution, an average patient received only 1.7m² – this was unacceptable for fit prisoners, let alone those suffering from TB. Benderi being a Moldovan enclave within Transnistria (the part of Moldova that declared internationally unrecognised independence and is much more impoverished than the rest of Moldova

– see section 45), the electricity and water supplies were adversely affected by being dependent on their availability in Transnistria. The numbers with TB are increasing – more than 20% of the prison population was believed to have the disease in December 2000 and more than half of these had the active form of the disease. 50 prisoners died of it in 1999. In the most recent 12 months for which figures were available at March 2002 47 prisoners died of the disease. The reasons for the high incidence of TB in the prisons are said to be overcrowding, damp dormitories, lack of basic hygiene and inadequate food.

With the assistance of the NGO Caritas Luxembourg, the Moldovan prison system has introduced the DOTS strategy for the treatment of tuberculosis, which involves the direct observation of prisoners' adherence to the treatment programme. The pilot programme began in 1999 and this was expanded in 2001.

A total of 87 prisoners are reported by the prison administration to have died in the last year for which figures are available. This includes the 47 deaths from tuberculosis and six suicides.

Discipline and punishment

The disciplinary punishments available in the Moldovan prison system were described in the previous HEUNI report, commenting on the situation in October 1994 (Walmsley, 1996 p.287). Attention was drawn there (p.295) to the need to ensure that prisoners undergoing punishment have books, mattresses, blankets and exercise. A Council of Europe assessment report prepared in March 1995 (Herenguel and Theis, 1995) made several recommendations concerning the conditions under which disciplinary punishment is carried out. They described the practice of placing prisoners in a half-lit dungeon as inhumane and recommended its immediate abolition. They also called for the windows of isolation cells to be altered to ensure sufficient light and ventilation; prisoners suffering isolation punishment to be guaranteed daily exercise; isolation cells to be suitably furnished; and medical supervision of prisoners before and during isolation punishment. These recommendations are in accordance with the European Prison Rules (Rules 37-38).

The CPT, visiting in October 1998, recommended that all prisoners held in punishment cells should have mattresses and blankets at night-time and access to reading materials. They also commented that a cell measuring 3.5m² was too small for prolonged placement of a prisoner. In their response the Moldovan authorities announced that mattresses were being provided. They also mentioned that such prisoners had the right to a half-hour walk every day, and the duration of the walk was likely to be extended to an hour.

In December 2000 the living conditions in the isolation cells, both in Chişinău prison and in the reinforced regime colony at Cricova, were extremely poor. In Chişinău the metal shutters on the windows kept out light and ventilation and when the prison lights were turned off during the day as an economy measure the cell was completely dark. Conditions at the Cricova colony were similar. The window was covered – the prisoner had apparently broken it because of the lack of ventilation – and staff seemed uncertain as to whether prisoners in isola-

tion were allowed any exercise. The sanitary facilities in isolation cells were bad. In Chişinău prison they were very dirty; staff said that it was up to the prisoner to clean them but could not explain how this was to be done since no suitable equipment was provided. There was no toilet paper in the cell and staff said that prisoners were supposed to use pages from old books from the library; however, they could not explain convincingly the arrangements for making such materials available. At Chişinău prison, at least, it was not clear that recommendations that had been made, on several occasions, for improving conditions in isolation punishment, had resulted in significant changes. In 2001, the CPT, noting the conditions in isolation cells in Chişinău prison, and that economic circumstances made it impossible to increase their size, recommended that they should no longer be used and that other cells should be employed for isolation punishment. The Moldovan authorities announced that walks had been extended to one hour and that some of the metal shutters had been removed from the windows of the cells (CPT, 2002/11 and 12).

Contact with the outside world

Pre-trial detainees may receive visits if permission is granted by the investigating or judicial body. Sentenced prisoners in colonies may be visited eight times a year (every 45 days) for up to two hours and may have four long visits a year (1-5 days) from their families. Sentenced prisoners may also receive private (intimate) visits from their wives/girlfriends in rooms referred to as the 'hotel', which are also used for the long family visits. One prison director explained that the economic and social situation in Moldova precluded more frequent visiting. Pre-trial detainees are not allowed to touch their visitors and are physically separately from them by a screen. There is no limit on the number of letters that may be sent or received by sentenced prisoners. The letters are sometimes read by the prison staff.

Sentenced prisoners are allowed to speak to their family and friends by telephone but this is not allowed to pre-trial detainees. Home leaves are permitted only in exceptional circumstances, for example on the occasion of a death of a relative. Leaves are not used as a regular means of maintaining good family ties with a view to the prisoners' successful reintegration on release. One opportunity for contact with the outside world was created in November 2000 when the prison administration organised a charity tour for a famous Moldovan pop singer (Lenuta Burghila) to visit some of the institutions.

The Moldovan prison system includes some good quality visiting facilities. For example the colony at Cricova has an attractively decorated room where prisoners and their visitors can converse in a relaxed atmosphere over open tables with coffee to drink. The 'hotel' contained a variety of rooms, one or two of which were outstandingly painted and equipped by a particular group of prisoners for their own use; one was equipped with a TV and a video machine.

Prison staff

The Moldovan prison service employed some 2,500 staff at the end of December 2000 of whom 86 worked in the prison administration headquarters. The intended complement is 3,390, including 113 at headquarters. There were 469 vacancies for security staff and 15 vacancies for treatment and medical staff. Of the 3,044 staff on the complements of the penal institutions 75 were management staff, 2,056 security staff, 380 treatment staff (including psychologists, educators, social workers and medical staff), and 533 were administrative and secretarial staff and others working in connection with prisoners' employment. The overall ratio of prison staff to prisoners, based on the figure of 2,500 staff in post in December 2000, was 1 : 4.0 or, if the ratio is based only on management, security and treatment staff in the penal institutions, 1 : 5.0. The full complement would produce ratios at the beginning of 2002 of 1 : 3.1 and 1 : 4.2 respectively. The numbers in post have increased by nearly 3% since 1994.

The salaries of prison staff were reported (in December 2000) to have been doubled since 1 August 2000. All staff were receiving their monthly pay on a regular basis, despite this not having been the case in the recent past.

New security staff joining the Moldovan prison service receive 3 months training at the training centre at Goieni which was opened in February 1996. Other staff receive one month's training. Additionally there are links with the training school at Tirgu Ocna in Romania, as a result of a protocol of co-operation between the Ministries of Justice of Moldova and Romania. Ten staff go there each year for more advanced training. All prison staff have four hours a week set aside for training and each institution has an officer responsible for training, including training in military, legal, medical and other matters. Once in three months there is shooting practice. The directors of institutions spend a week every Spring during which they have three days theoretical training and two days practical. This covers international standards, recent legislation and training in psychology. It was reported that efforts are being made to change the attitudes of staff and there is an intention to familiarise security staff with how their tasks are performed in other European countries. A plan has been developed and submitted to the Government to have a faculty of penitentiary studies at the Police Academy, which would make further more specialised and more advanced training possible. However resources are not currently available.

The Moldovan Centre for Human Rights (Ombudsman's Office) commissioned the NGO SIEDO (The Independent Society for Education and Human Rights), using money from the United Nations Development Programme, to hold human rights workshops for prison staff at the training centre. Thirteen such workshops had been held by the beginning of 2001, covering about 10% of all staff. It was thought that further money might be available for the expansion of such courses.

The CPT recommended that training for staff at all levels should be developed and that this should be accorded a high priority. They emphasised that the training should include the acquisition and development of inter-personal communication skills, and that the establishment of positive relationships with the

prisoners should be recognised as a key element of the work of security staff (CPT, 2000/20 para 72). The Moldovan response drew attention to the training programme being devised in the context of the reform programme of the European Commission and the Council of Europe in collaboration with the Moldovan prison administration.

Staff in the Moldovan penal institutions are not all under the control of the directors of those establishments. Perimeter security in the colonies is the responsibility of Ministry of Internal Affairs troops, and custodial staff within the institutions, though under the Ministry of Justice, are not officially under the command of the directors of those institutions. This was said (December 2000) to be a transitional arrangement. In practice it seemed that the directors of the colonies do have de facto control of custodial staff and are thus able, for example, to recruit new staff. The pre-trial prisons do not have Ministry of Internal Affairs troops guarding the perimeter.

Some 16% of staff in institutions for male prisoners are women, working in the medical section, the personnel department and the accounts department. In the institutions for female prisoners approximately 55% of the staff are men, working as security staff.

Treatment and regime activities

On admittance into a penal institution prisoners used to have an induction period, known as quarantine, in which in addition to the preliminary medical examinations, they received information about their rights and duties and were interviewed about personal circumstances and capacities. This induction period was discontinued for several years until autumn 2000 when it was revived.

Sentenced prisoners in colonies are normally unlocked for 16 hours a day. They have freedom of movement within their detachment (in Cricova intensified regime colony, for example, they could move between the three rooms in which the members of the detachment sleep at nights) but there are few activities to occupy them. Those who do not have work may watch television or read books. The detachment, a group of prisoners who are under the supervision and guidance of a single 'educator' or 'detachment head' contained on average 120 prisoners at the end of 2001. A year earlier it was said that the average was 100 but numbers vary according to the type of regime and current staff levels. There was a detachment of 62 at Cricova colony in December 2000. Mr. Valeriu Troenco, Director General at that time said that he considered 50 to be the appropriate number for a prisoner group. Each institution's head of education, who is responsible for the heads of detachment, now has psychological training. There are four or five qualified psychologists in the system but there are vacancies for a further six. (In October 1994 there were 12 in post.) There are also some 15 social workers.

The work undertaken by heads of detachment seems to be extremely variable. Unsurprisingly, considering the very large groups of prisoners for which they are responsible, some prisoners interviewed in December 2000 said that they had little contact with them. Activities are supposed to be dependent on the

character of individual prisoners. Young prisoners receive individual and group training in general education. Vocational training is available. Mr. Troenco expressed an intention of using some of the vacancies for security staff to boost the number of heads of detachment and thus strengthen the level of regime activities.

Every prisoner, whether a pre-trial detainee or sentenced, is reported by the prison administration to be allowed one hour of walking or suitable exercise every day (including weekends) in the open air. The CPT recommended a review of exercise areas so as to stimulate real physical exercise, and called for exploration of the possibility of providing a minimum of sporting equipment for use during the exercise period (CPT, 2000/20 p.47).

The CPT was concerned at the absence of any regime activities at Chişinău pre-trial prison, apart from those available to the 50 sentenced prisoners who were responsible for the maintenance and support of the institution. These prisoners had access to a leisure room with a television. But pre-trial detainees did not even have “l’ombre d’une esquisse” (the shadow of a sketch) of a programme of activities. They are entitled to a radio and even a television but it was extremely rarely that anyone had the means to acquire these. Nor was there any opportunity for sporting activities. Few prisoners had access to newspapers and the library was too small to meet requirements. There was very little for juveniles to do except await their daily exercise, although occasionally they had a discussion with a head of detachment/educator. The CPT recommended that this situation be progressively improved with the objective of ensuring that all prisoners, including pre-trial detainees, had the opportunity of spending a reasonable part of the day (8 hours or more) outside their cell, engaged in stimulating activities of a varied nature (group activities, work preferably containing training value, educational studies, sport). Juveniles, the CPT specified, should have the benefit of a full programme of educational activities and leisure activities in order to stimulate their potential for social reintegration on release; physical education, it was stressed, should constitute an important part of this programme (CPT, 2000/20 paras 86-90).

In response, the Moldovan authorities reported that more literature, of an artistic nature, had been made available to juveniles and a television room had been opened in the juveniles section. They were striving to introduce education programmes that would facilitate their social reintegration. They were in contact with various non-governmental and religious organisations, one of which (the Soros Foundation) had provided assistance in the purchase of books and journals for the prisoners.

The prison administration reports that pre-release arrangements are made to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return via the settlement units which have been made part of most of the institutions. Formal pre-release programmes however do not seem to be in place.

Conditional release

There is a system of conditional release but only 3.6% of prisoners were so released in 2001.

Prison work

In accordance with Article 78 of the Penal Executive Code sentenced prisoners are not required to work. In the year 2001 the prison administration reported that 21% were working, compared to 30% in 1994. In the year 2000 a senior official estimated that 15% were working in summer and 10% in winter. Average weekly pay for workers is 43 lei (3.5 euros) and no money is given to prisoners who are unable to work or for whom no work is available. No pre-trial detainee has employment. The CPT stated that appropriate work constitutes a fundamental part of the readaptation process; they also advised that, in the interests of their psychological well-being, pre-trial detainees should have the possibility of working, in so far as this could be arranged (CPT, 2000/21 para 90).

The prison administration reports that many prisoners would like to work but there is insufficient employment available. The goods they can produce are not competitive in the market. Land provided by the government for the production of additional food has created new agricultural work. In the colony at Cricova about 10% of sentenced prisoners were working in December 2000, 40 in wood-work (making doors and window-frames) and 80 on domestic work. At the prison at Benderi none of the 122 sentenced prisoners had work.

Education

Programmes of general education and technical studies are reported to be available for younger prisoners. For adults there are six vocational schools which offer studies in fourteen professions. Programmes of remedial education are arranged for prisoners with special problems, such as illiteracy or innumeracy. Nonetheless education and vocational training seem to be at a very low level, probably below that recorded in 1994.

Inspection and monitoring

A system of inspections is in place to monitor the extent to which prisons are operating in accordance with the laws and regulations and with the objectives of the prison administration. Inspections are conducted by the prison administration and by the Ministry of Justice. There are also independent inspections conducted by the Prosecutor's Office and by the Parliamentary Ombudsman for prisons. Non-governmental organisations, in particular the Helsinki Committee for Human Rights in Moldova, have monitored prison conditions since 1995. In 1997 they made a series of visits to the prisons with video cameras and microphones and met 120 prisoners as part of a project designed to help make prison life correspond precisely to the law. 50 of the prisoners participated, setting out matters which in their opinion conflicted with human

rights. The Helsinki Committee's report on the project was presented to the Supreme Court.

Prisoners have the right to make complaints to the director of the institution, to other inspecting authorities who are entitled to visit the prison, to the Director General, and even to Parliament and the President. Such provisions are in accordance with Rule 42 of the European Prison Rules, but it seems that they are little publicised and little used by the prisoners, despite the fact that the Helsinki Committee and another non-governmental organisation CREDO have prepared a document for prisoners entitled 'How to react when your rights are infringed'. Neither the Helsinki Committee nor the Parliamentary Ombudsman receive many complaints; the Ombudsman receives five to ten a year. One non-governmental organisation, the League for the Protection of Human Rights in Moldova (LA-DOM) does receive a number of complaints, mostly against the length of pre-trial detention.

The CPT inspection of October 1998 resulted in 37 recommendations, some of which have already been mentioned. They drew attention, for example, to the need to reduce overcrowding and increase the space allowed to prisoners, to develop a strategy to combat violence between prisoners, to improve material conditions and provide sufficient hygienic/toilet products, to develop staff training, to improve conditions for prisoners who have been imprisoned for life, to ensure that medical decisions are taken only on medical criteria, to ensure that there is a full complement of staff to provide psychiatric care, to develop the medical examinations of newly arrived prisoners, to respect the food norms and improve the hygienic conditions of kitchens (and improve the working conditions of kitchen staff), and to improve the conditions in isolation cells. The government response set out the measures that were being taken, or had already been taken, to address the issues about which recommendations had been made.

The CPT inspection of 2001 emphasised the need for the Moldovan authorities to take steps to ensure that all prisoners have the basic requirements of life, to establish a comprehensive policy to combat overcrowding, and to increase the space per prisoner to 4m². They also called for greater efforts to develop staff training, the removal of shutters from cell windows and the provision of a programme of activities for juveniles. Recommendations were also made concerning the conditions of imprisonment for those with life sentences, measures to improve health care and improvements to the three penal institutions that focus on medical matters (CPT, 2002/11). The government response drew attention to the financial restraints faced but listed a number of measures that have been taken as a result of the CPT's recommendations, including the removal or partial removal of most shutters from cell windows and the development of staff training. They regretted that they could not guarantee the safety of all prisoners because of the size of dormitories and the shortage of staff (CPT, 2002/12).

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Moldovan prison system.

The Director General and the directors of the penal institutions have copies, as do management staff at the prison administration headquarters and in each prison. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

In October 1994 at the time of the previous HEUNI study there appeared to be no NGOs working on prison matters except for the representatives of Orthodox and Evangelical Churches. Evangelical bodies are still involved but there is said to be little interest from the Orthodox Church. The intensive regime colony at Cricova contains an attractively decorated chapel which was established through the auspices of the Seventh Day Adventists.

However, there are now a number of NGOs who are interested in improving prison conditions. Reference has already been made to the work of Caritas Luxembourg, CREDO, SIEDO, the Helsinki Committee and LADOM. The relationship between the Helsinki Committee and the prison administration is reported to be proper but could not be said to be friendly since the Committee's interventions are often inconvenient for the administration; nevertheless, the administration is frequently grateful to the Committee for issues it raises. The NGO Caritas Moldova has been involved in renovation work at Pruncul prison hospital, improving conditions in one of the three blocks there. Pharmaciens sans Frontières regularly provide food for the sick, for women and for children at Chişinău pre-trial prison. At December 2000 they were seeking donors for a large programme to provide laboratory equipment and drugs and improve the nutrition of tuberculosis patients in prisons.

The International Society of Human Rights in Moldova started working with the prison administration in 1998. In the year 2000 they carried out two workshops, at the colony for juveniles (Lipcani) and the colony for women (Rusca). They are currently undertaking a project for the international NGO Penal Reform International whereby they meet women prisoners in private interviews to hear of any problems concerning their children who are being looked after by relatives, and bring some children to visit their mothers. They work jointly with SIEDO and the Centre for Human Rights/Ombudsman's Office. Another NGO, CREDO, in November 2000 began producing monthly pages about prisons in a widely circulated newspaper 'Moldovan Youth'; this project was said to have been funded by the Westminster Foundation for Democracy. The prison administration regards the work of NGOs in monitoring and assistance as making a positive contribution to penal reform and introducing an advanced level of experience.

NGOs undertook two assessment meetings in the year 2000 with a view to further progress in the development of the prison system. Following a request from the Moldovan Government, the Dutch Embassy in Kiev and the Soros Foundation Moldova arranged for the Centre for International Legal Co-operation (Leiden, Netherlands), the Dutch Helsinki Committee and the Constitutional and Legal Policy Institute (Soros Foundation) to conduct a needs assessment in Oc-

tober 2000. They made a number of recommendations (van den Brand et al., 2000). In December 2000, ICCO, a large Dutch protestant organisation, asked the Royal Netherlands Tuberculosis Association (KNCV) to formulate a project proposal for tuberculosis control in prisons in Moldova. Since such reform depends also on the improvement of prison conditions, KNCV asked Penal Reform International to be involved. Reports by KNCV (Veen, 2001) and PRI (Walmsley, 2001) followed a needs assessment conducted in December 2000. It will be of value if the two initiatives described above can result in joint projects, in order to maximise the value of the expertise at the disposal of the organisations concerned and to avoid duplication of effort.

International co-operation

The Moldovan prison service is involved in international co-operation, in particular with the prison services of France, Switzerland, Russia, Romania and the Netherlands, with Penal Reform International and with the Council of Europe. The Council of Europe works with the Moldovan prison administration both in its joint penitentiary reform committee with the European Commission and through the CPT and other multilateral meetings. Other international NGOs working in Moldova include the Soros Foundation, Caritas Luxembourg and Pharmaciens sans Frontières, as already mentioned; these three are reported by the Director General to give significant assistance in respect of prison health care (Council of Europe, 2002).

Other matters

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections. There is never any limitation on prisoners' right to vote after they are released from prison.

The prison administration does not produce an annual report.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Moldovan prison system:

- the opening of a special unit for lifers at Rezina prison (2001);
- the opening of a unit for former workers in state administration bodies at Lipcani colony (2001);
- the opening of a new strict regime correctional colony at Leovo (2001);
- the receipt from government reserves of 1,200 hectares of agricultural-land to improve quantities of food available (Resolution 525, June 1999);
- the amendment to the Penal Executive Code whereby for minor offenders one day's work counts as two days of the prison sentence (2000).

Slightly less recent but of particular importance was the transfer of the prison system from the Ministry of Internal Affairs to the Ministry of Justice (January 1996) and what was referred to by the vice-Minister of Justice in December

2000 as “the subsequent humanisation of the system”. At the end of 2001 the prison system was visited by the President of the Republic of Moldova, the President of Parliament and the Prime Minister; this led to certain measures being taken to improve the situation in the prison system, including the provision of additional food products and medicaments (CPT, 2002/12 p. 16).

Current objectives

The following are some of the main objectives reported by the prison administration:

- to open a new hospital for tuberculosis patients and to increase the size of the present tuberculosis hospital;
- to open a new intensive regime colony;
- to improve the conditions of imprisonment for juveniles and women.

Additional objectives reported in December 2000 by the former vice-Minister and head of the prison administration were:

- to get rid of the operative services and have psychologists working to change staff attitudes;
- to have the new ‘one day’s work counts as two days of the sentence’ rule extended to all sentenced prisoners;
- to introduce a new minimum space allowance for pre-trial detainees and sentenced prisoners of 4m², and 5m² in the hospitals and thus reduce overcrowding;
- to increase the number of heads of detachment so that each is responsible for only 50 prisoners;
- to reduce the length of pre-trial detention and in particular the time newly convicted prisoners have to wait for the results of their appeals (currently often 1-2 years);
- to reduce the capacity of the penal institutions so that no colony has a capacity exceeding 1,000 and no pre-trial prison a capacity over 500;
- to carry out the plan to have a penitentiary treatment faculty in the Police Academy;
- to improve the quality of the food provided to TB patients.

Main problems

The following were identified by the prison administration as some of the main problems, which are obstacles to the achievement of the objectives and to the advancement of the prison system in Moldova:

- lack of financial resources for the prison system and consequently an absence of adequate conditions for the treatment of tuberculosis patients (the medical department gets only 30% of the money needed);

- overcrowding of pre-trial prisons, sometimes allowing prisoners no more than 1.6m² – 1.8m²;
- providing prisoners with a normal level of existence, in terms of living conditions and food;
- the tuberculosis epidemic (276 new cases came to light between January and November 2000);
- the fact that lighting, heating and air quality are sub-standard in the old buildings;
- the absence of suitable windows in the pre-trial institutions and the need to replace the metal shutters with more modern devices.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. They drew particular attention to:

- the introduction of the DOTS strategy in the treatment of TB patients;
- drawing the process of the correction and re-education of prisoners to the attention of an NGO, with the result that women prisoners now receive free legal advice on everyday personal problems;
- drawing religious bodies into the work of the correction and re-education of prisoners. The prison system of Moldova has become a member of Prison Fellowship International.

Further achievements of the Moldovan prison system include:

- the legislative provision whereby one day's work counts as two days of a prison sentence;
- the increase in the number of heads of detachment (at Cricova intensive regime colony) in order to reduce the number of prisoners per detachment and improve the treatment and regime activities;
- the large increase in staff salaries (from August 2000) in order to improve the quality of staff and also staff morale;
- the introduction of settlement units (semi-open or open units) at most institutions for sentenced prisoners;
- the positive relations that have been established with several non-governmental organisations, who are thus able to contribute in various ways to the improvement of the prison system;
- the NGO project to improve contacts and relationships between women prisoners and their children;
- the increase in the number of parcels allowed to prisoners because of the food shortages, and the fact that juvenile prisoners are now allowed an unlimited amount of parcels.

Conclusion

This account of the Moldovan prison system, recent developments, objectives, problems and achievements demonstrates that despite extremely unfavourable circumstances, especially in respect of the economic situation of the country, the conditions in some of the institutions and the major difficulty of coping with a serious epidemic of tuberculosis, it has been possible to make progress in a number of areas.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to amend the practice whereby pre-trial detainees (remand prisoners) are separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial detainees, including access to books, and to enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to improve the quality of food so that it reaches at least average standards in communal catering outside, and prisoners receive a balanced diet including meat, fruit and vegetables;
- to obtain additional financial resources for the prison system in order to improve the conditions of imprisonment for all pre-trial detainees and sentenced prisoners;
- to improve lighting, heating and air quality in the old buildings, and remove all metal shutters from the windows of pre-trial prisons;
- to ensure that sanitary arrangements are satisfactory for all prisoners and to provide sufficient toilet paper and soap;
- to improve staff training for all levels and types of staff;
- to bring all prison staff, including those responsible for perimeter security in the colonies, not only under the control of the Ministry of Justice but also under the command of the directors of the institutions;
- to ensure that all juveniles, including pre-trial detainees, are held separately from adults;
- to ensure that conditions in all places of isolation punishment are fully in line with those envisaged by the European Prison Rules and recommended by successive reports of representatives of international bodies;
- to facilitate more regular visits for pre-trial detainees and sentenced prisoners so that all can be visited at least once a month, and pre-trial detainees more often if possible.

Annex 1

MOLDOVA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	12,075	277	4,361,600
1991	11,066	253	4,366,300
1992	10,258	276	3,719,100*
1993	9,943	268	3,707,800*
1994	10,497	283	3,712,700*
1995	9,781	263	3,717,900*
1996	10,363	281	3,694,400*
1997	9,826	267	3,680,000*
1998	10,521	287	3,664,700*
1999	10,044	275	3,653,000*
2000	9,449	259	3,643,500*
2001 (1/1)	10,037	276	3,634,500*
2001 (31/12)	10,633	293	3,627,200*

* The totals in penal institutions in the years 1992-2001 do not include those held in the internationally unrecognised Transnistria which, with a resident population estimated at 640,000, broke away from the rest of Moldova (see section 45). The national population figures shown for 1992-99 are thus 640,000 less than the estimates for the whole country that were produced by the Council of Europe; those for 2000-01 are in accordance with new Council of Europe estimates for Moldova, which exclude Transnistria. The prison population rates are calculated on the basis of the figures shown in the table.

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	3,479	34.7	96
(31/12)	3,446	32.4	95
Female prisoners in 2001			
(1/1)	441	4.4	12
Juveniles (under 18) in 2001			
(1/1)	214	2.1	6
Foreign prisoners in 2001			
(1/1)	187	1.9	

Note: An amnesty in 1994 led to the release of 763 prisoners by the end of the year.
An amnesty in 1999 freed 1,169 prisoners and reduced the sentences of 671.
A total of 3,010 prisoners were amnestied between 1993 and the end of 2000.
An amnesty in 2001 freed 800 prisoners and reduced the sentences of 700.

Annex 2

Moldovan penal institutions: functions and capacity, 2001

1	Taraclia	Colony settlement (No.1) with open regime	100
2	Leovo	Colony (No.3) with strict regime section (450), settlement unit (100) and social rehabilitation unit for alcoholics (60)	610
3	Cricova	Colony (No.4) with reinforced (intensified) regime section (1,200) and settlement unit (50)	1,250
4	Soroca	Colony (No.6) with strict regime section (1,250) and settlement unit (50)	1,300
5	Rusca	Colony (No.7) for women, including settlement unit (20)	310
6	Benderi	Colony (No.8) with strict regime section (450) and hospital for tuberculosis patients (200)	650
7	Pruncul	Colony (No.9) with reinforced (intensified) regime section (1,000) and settlement unit (100)	1,100
8	Goieni	Colony settlement (No.10) with semi-open regime	500
9	Basarabeasca	Colony settlement (No.14) with semi-open regime	150
10	Cricova	Colony (No.15) for most dangerous recidivists, including settlement unit (50)	560
11	Branеști	Colony (No.18) with common regime section (950) and settlement unit (100)	1,050
12	Goieni	Colony (No.19) with reinforced (intensified) regime section (250) and settlement unit (150)	400
13	Lipcani	Educational colony for minors (200) and settlement for former employees of administrative bodies (100)	300
14	Pruncul	Multi-profiled hospital for the Republic, including settlement unit (20)	220
15	Beltsi (Balți)	(Prison No.1) pre-trial institution (640) and settlement unit for sentenced prisoners (60)	700
16	Benderi	(Prison No.2) pre-trial institution (c.540) and unit for sentenced prisoners (c.150)	690
17	Chișinău	(Prison No.3) pre-trial institution (c,1,420) and unit for sentenced prisoners (c.60)	1,480
18	Cahul	(Prison No.5) pre-trial institution (410) and settlement unit for sentenced prisoners (100)	510
19	Rezina	(Prison No.17) pre-trial institution (350), social rehabilitation unit for alcoholics (100), hospital for tuberculosis patients (250) and unit for those serving life imprisonment (100)	800

TOTAL (end of 2001)

12,680

Note: See section 45 for information on the five penal institutions in Transnistria, part of Moldova that is not under the control of the Moldovan government.

Annex 3

Moldova: principal sources of information

Response by the Director General of the Prison Administration, Mr Valentin Sereda, to survey questionnaires for this project.

Other information and documentation supplied by the Moldovan prison administration.

Mr Valeriu Troenco	Director General of the Prison Administration until 2001
Mr Alexei Leorda	Chief of the medical department of the Prison Administration
Mr Ion Sheremet	Director of Chişinău pre-trial institution (Prison No.3)
Mr Andrei Roşca	Director of Cricova reinforced (intensified) regime colony (No.4)
Mr Valentin Poştu	Director of Rusca colony for women (No.7)
Mr Anatol Ciuharenco	Director of Benderi pre-trial institution (Prison No.2)
Mr Nicolae Sainsus	Director of Benderi hospital for tuberculosis patients
Mr Georghe Kupitaru	Director of Pruncul multi-profiled hospital for the Republic
Mr Ozya Russu	Vice-minister of Health, Republic of Moldova
Mr Paul Strudzescu	Director, League for Protection of Human Rights in Moldova (LADOM)
Mr Stefan Uritu	Director, Helsinki Committee for Human Rights in Moldova
Mr Anatol Beleac	Independent Society for Education and Human Rights (SIEDO)
Mrs Liubovi Nemchinova	International Society for Human Rights (Moldovan section)

CPT, 2000/20. Report to the Moldovan Government on the visit to Moldova [by the CPT in October 1998]. Council of Europe, Strasbourg

CPT, 2000/21. Response of the Moldovan Government to the CPT report on their visit in 1998. Council of Europe, Strasbourg

CPT, 2002/11. Report to the Moldovan Government on the visit to Moldova [by the CPT in June 2001]. Council of Europe, Strasbourg

CPT, 2002/12. Response of the Moldovan Government to the CPT report on their visit in 2001. Council of Europe, Strasbourg

Council of Europe, 1998-2002. Reports of the meetings of the Steering Group for the reform of the prison system in Moldova. Council of Europe, Strasbourg

Herenguel J-C. and Theis V., 1995. Report of an expert visit to Moldova, March 1995, to describe and assess the Moldovan prison system. Council of Europe, Strasbourg

Krumme B. and Ruppert-Mann G., 1997. The situation of tuberculosis and nutrition in Moldovan prisons (report of an assessment mission, July 1997). Medical Mission Institute, Würzburg, Germany

van den Brand J. et al., 2000. Republic of Moldova: the penitentiary system (report of a needs assessment mission, October 2000)

Veen J., 2000. Tuberculosis control in prisons in Moldova

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

Walmsley R., 2001. Penal Reform in Moldova: report of an assessment mission for Penal Reform International, December 2000.

37. Poland

Legislative framework

The Penal Code, Penal Procedural Code and Penal Executive Code, all of which dated back to 1969, were replaced by new Codes, which were adopted by Parliament in June 1997 and came into force in September 1998. This was the culmination of a process that had begun in 1989 when the totalitarian state collapsed, and had been accompanied by a number of major amendments to the legislation of 1969. The new Codes “completed the process of reforms of the penal law, which aimed to introduce the standards of a democratic state that observes the rule of law. The 1997 Penal Code has a thoroughly updated system of penal sanctions and rules for imposing them. The changed catalogue of penal sanctions is based on the assumption that a national penal policy requires the limitation of the application of imprisonment and the development of a system of non-custodial penalties and penal measures” (Stando-Kawecka, 2001). “Limiting the application of prison sentences and moving towards non-custodial penal sanctions is assumed to be a significant factor contributing to the reduction of the financial and social costs of the criminal justice system” (ibidem).

The basic legislation regulating the prison system are the Penal Executive Code, sometimes referred to as the Code of Execution of Penalties, the Rules for the Execution of Detention on Remand and the Rules for the Execution of Imprisonment Sentences. Both these sets of rules were issued by the Ministry of Justice in 1998 to provide more specific instructions about implementing aspects mentioned in the Penal Executive Code. There is also a fourth piece of regulatory legislation, the Prison Service Act of 1996 which defines the tasks and organisation of the prison service and specifies the rights and obligations of prison staff. In general terms all this legislation confirms the transformation of the Polish prison system, and gives it a modern legal basis in accordance with the international standards that are embodied in the European Prison Rules.

Organisational structure

Responsibility for the administration of the prison system has resided with the Ministry of Justice since 1956. According to section 1(2) of the Prison Service Act, the prison service is a non-political, uniformed and armed corps. This continuation of the military connection provides certain guarantees in respect of salary and pension which are of value to prison staff. But staff working as psychologists, case-managers (educators), and in the health service are now civilian employees. Nearly 5% of staff are civilian.

The Director General, head of the prison administration (Central Board of the Prison Service) is appointed by the Prime Minister on the recommendation of the Minister of Justice. The current Director General is Mr. Jan Pycak, the former deputy director general with responsibility for finance. He took up his post in February 2002. Dr. Pawel Moczydłowski was Director General from

1990-94 and he was succeeded by Mr. Włodzimierz Markiewicz (1995-2000), and later by Mr. Aleksander Nawrocki (2000-2002).

The senior management team includes two deputy director generals, one with responsibility for security, treatment, health care and information and the other for financial matters, prisoners' employment and information technology. Sections concerned with prison staff, legal affairs, inspection and publications report directly to the Director General. The prison service is divided into 15 regions, each of which has a Regional Director who is also the director of one of the major prisons of the region. There were 198 staff employed at the prison administration headquarters at the beginning of 2001.

There were a total of 156 prisons in 2001 (70 for pre-trial detainees and 86 for sentenced prisoners), which had attached to them a further 40 separate prison units - lower security institutions coming under the authority of the director of one of the 156 prisons. There are also two 'houses for mothers and children' which are sited on the premises of women's prisons, and 14 prison hospitals. These 212 institutions had a total capacity of 67,646 at the beginning of 2001; by 31 August the capacity had risen to 68,198. Although there are no pre-trial detainees in the institutions designated for sentenced prisoners, all of the pre-trial prisons have sections for sentenced prisoners; indeed some of them have more sentenced prisoners than pre-trial detainees.

Twelve pre-trial prisons have capacities in excess of 500, the largest being at Warsaw-Białoleka (1,272), Łódź (1,008), Gdańsk (952) and Radom (907); the other eight have capacities between 500 and 750. Of the institutions for sentenced prisoners, thirteen have capacities in excess of 750, the largest being at Wronki (1,405), Potulice (1,262), Kamińsk (1,255), and six more have capacities of over 1,000.

Two thirds of the prisons were built before the First World War and only one fifth were built after the Second World War. "Over 40 prisons are located in buildings that were built for other purposes : convents, military barracks or castles. The prison at Koronowo, for example, is located in a convent from the fourteenth century and the prison in Łęczyca in buildings from the fifteenth century" (Stando-Kawecka, 2001). In 2001 around 100 institutions required repairs, despite extensive efforts since 1989. Only one new prison, built to good European standards, has been completed in the last few years (at Radom).

Pre-trial detention

The level of pre-trial detention in Poland has risen by over 40% since 1994. At the beginning of 2001 there were 57 pre-trial detainees in the prison system per 100,000 of the national population, compared with 40 at the end of September 1994 (31.2% of the prison population compared with 25.0% in 1994). By the end of August 2001 the rate had risen to 64. This is the highest rate in central Europe but not as high as that in the countries of the former Soviet Union. The average length of pre-trial detention has risen from 6 months to 12 months in recent years. Pre-trial detainees spend an average of 3-4 hours a day outside their cells.

The pre-trial process, in accordance with section 244(1) of the 1997 Code of Penal Procedure, is that people suspected of criminal offences may be held in police custody for up to 48 hours, after which they may only be detained if a warrant of temporary arrest (pre-trial detention) has been obtained. "Since August 1996 only a competent court has the authority to issue such a warrant, acting on an application from the public prosecutor". Once the warrant is issued persons are transferred to a pre-trial prison. "Pre-trial detention may initially be set for a period not exceeding three months, although it can subsequently be extended. However, the total period of pre-trial detention until the verdict by the court of first instance may not, as a general rule, exceed two years" (Stando-Kawecka, 2001).

The numbers held in penal institutions

The prison population, which had been reduced dramatically by a major amnesty in 1989 to around 40,000, rose rapidly in 1990 and 1991 and then stabilised at around 61,500 until 1996. Legislative changes in 1995 led to significant reductions in 1996 both in the number of pre-trial detainees and the number of sentenced prisoners. An amendment to the Code of Penal Procedure removed the requirement that serious crime must lead to the pre-trial detention of the suspected offender. In addition, prosecutors were deprived of the right to decide whether persons should be held in custody at the pre-trial stage. The adoption of these amendments, the former on 1.1.96 and the latter on 4.8.96 resulted in a drop in the pre-trial population between the end of 1995 and the end of 1996 of over 2,000 (15%). At about the same time amendments to the Penal Code and the Penal Executive Code (12.7.95) "lightened the rules determining the length of sentences imposed on recidivists who were (being) given unreasonably long sentences in comparison to the gravity of their crimes", and "repealed the principle which deprived multi-recidivists of the right to conditional release" and granted them a right to release after at least three-quarters of their sentence had been served (Markiewicz, 1997). The same law, amending the penal code, introduced the possibility of a suspended sentence for a failure to pay a fine and the possibility of imposing community service instead of imprisonment if it was clear that the offender could not pay the fine. This law came into force on 20 November 1995. As a result there was an increase in the number of prisoners conditionally released and the number of sentenced prisoners fell by 2,450 between the end of October 1995 and the end of the year and by a further 3,650 between the end of 1995 and the end of 1996 (*ibidem*).

The prison population then remained around 54,000-57,000 (140-150 per 100,000 of the national population) until 2000, when the Minister of Justice called for more restrictive use of bail and the deputy head of the lower house of Parliament called for heavier sentences for manslaughter, aggravated assault, armed robbery, rape and trafficking in women. These and other developments, notably a tightening up of the circumstances in which conditional release is granted, have led to a very sharp increase in the prison population. It passed 70,000 before the end of 2000 and reached 80,000 at the end of August 2001, remaining

at about that figure for the rest of the year. Of the total of 70,544 at the beginning of 2001 (183 per 100,000) 31.2% were pre-trial detainees, 2.5% were female and 2.2% were foreign prisoners. Poland does not publish figures for the number of juvenile prisoners under 18, but most offenders under 17 are dealt with in correctional establishments under the control not of the prison administration but of a separate section of the Ministry of Justice and are not included in prison population totals. It was estimated in January 2001 that the prison population included one or perhaps two 15 year olds, about 100 16 year olds and over 1,000 17 year olds. The prison population at the end of December 2001 represented a rate of 206 per 100,000 of the general population, more than twice the rate in Germany to the west, higher than the rate in neighbouring Czech Republic and Slovakia, but only about half the rate in Ukraine to the east.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was 104.3% of the total capacity. Two-thirds of the institutions (53 of the 70 pre-trial prisons and 51 of the 86 institutions for sentenced prisoners) were overcrowded, with the two largest pre-trial prisons more than 20% overcrowded. By the end of August the occupancy level had risen to more than 117%. The Deputy Minister of Justice announced in November 2000 that he intended to acquire 2,500 new prison places in 2002/03 through the rebuilding of existing prisons; another 8,000 places were to be created by building new prison blocks on the territory of existing penal institutions.

The official minimum space specification per prisoner is 3m² (Penal Executive Code 1997, Article 110). The report of the CPT visit to Poland in 1996 (CPT, 1998/13 includes the following comment: "...the CPT wishes to stress that the existing standard of 3m² per male prisoner does not offer a satisfactory amount of living space, in particular in cells of relatively small size. The CPT recommends that the standard for male prisoners be changed to that which the Prison Rules (the secondary legislation) prescribe for female prisoners, namely at least 4m² per prisoner. The Committee also recommends that any cells measuring less than 6m² be taken out of service as prisoner accommodation". In their response to the report, the Polish authorities stated that "In the situation of a significant occupancy rate and lack of financial means for building or renovation of new blocks for prisoners to use, it is impossible to implement standards recommended by the CPT. The increase to 4m² of a surface provided for one inmate could happen if the total number of detained persons in prison establishments were reduced" (CPT, 1998/14 p.31). The Polish authorities also stated in their response to the CPT, that the recommendation to withdraw from use cells measuring less than 6m² cannot be carried out. In response to similar CPT recommendations in the year 2000 the Polish authorities set out the details of numbers of cells in which at least 4m² is available per prisoner (CPT, 2002/10 pp.19-20).

If the penal institutions in Poland were to allow 4m² per prisoner, the minimum acceptable to the CPT, there would be room for just over 50,000 prisoners;

with occupancy of over 70,000 (as at the beginning of 2001) the system would have been overcrowded by 40%, and with 80,000 (as at the end of the year) by 60%. The average space per prisoner at the beginning of 2001 in the two largest pre-trial prisons, Warsaw-Białoleka and Łódź, was 2.3m² and 2.5m² respectively. The largest number of prisoners accommodated in one room is believed to be 20, in a room of 70m².

The prison administration reports that untried prisoners are always detained separately from convicted prisoners and women prisoners separately from men. However prisoners under the age of 18 are not detained separately from those aged 18-24. Prisoners under 21 were always treated as a single group of young prisoners and, in order to provide better opportunities for prisoners aged 18-24 the age group for young prisoners has now been extended to the 24th birthday.

Sanitary installations and arrangements for access are now reported by the prison administration to be adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides toilet paper and other items necessary for personal hygiene. Every prisoner is able to have a bath or shower at least once a week; female prisoners are allowed a hot bath twice a week (section 21.5 of the 1998 Rules) and the chief doctor said that they can shower every day if they wish. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Every prisoner has a separate bed.

Food and medical services

The quantity and quality of food that prisoners receive is said to be better than average standards in communal catering outside. More is spent on food for prisoners than for patients in an outside hospital. The chief prison doctor said she would like to reduce the amount of fat in the diet that is provided. Prisoners are getting around 4,000 calories a day, whereas the legislation specifies “at least 2,600”, and “at least 3,200” for young offenders. Those who are working are given yet more. Although the legislation prescribes that staff and prisoners must be fed separately, staff and prisoners receive the same food, for example in Kraków prison. There is also said to be a good variety of food and a balanced diet. The menu is checked by the dietician and the doctor approves it. Nine different diets are prepared.

Medical services are intended to be at an equivalent level to that offered to the general population. Article 115 of the Penal Executive Code states that sentenced prisoners shall receive free medical care, free provision of medications and dressings and, in particularly justified cases, free dentures. There are said to be good co-operative relations between the prison health care service and the Ministry of Health. Urgent consultations, surgical interventions and specialised medical procedures are provided by the public health service and paid for from the prison health care budget.

The head of prison health care (chief prison doctor) is assisted by prison doctors working in the health care service in each of the fifteen regions into

which the Polish prison service is divided. At least once a year there is a meeting, lasting 3-4 days, for doctors and nurses of the health care service to provide information about policies and practice and share opinions and ideas. This has a training as well as a policy function. About five times a year there are meetings focussed on specific issues. Nurses working in the prisons are better paid than those outside. This used to be the case for doctors too but a reform in January 1999 resulted in a higher level for doctors in the community; the chief doctor is concerned that this may discourage recruitment in the future. There are some 644 doctors and 900 nurses in the prison system. Medical staff undergo regular training organised within the prison health care system.

Alcohol is seen as a more serious problem in Polish prisons than drugs. There are eleven units ('wings') for its treatment with a capacity of 400 places and this is regarded as insufficient; units for alcohol addicts like those for drug addicts tend to be for 30-35 people. The treatment is based on the Atlantis project, which was mentioned in the previous HEUNI report (Walmsley, 1996 p.308). It involves individual and group therapy. The prisoners are out of their cells (three or four to a cell) for 12 hours a day wearing their own clothes, and being required to eat together (MacDonald, 2001). At Mokotów prison in Warsaw, one of the eleven units, 49 prisoners were participating in the three-month programme.

The problem of drugs in prison is getting worse. "A wide selection of drugs are being smuggled into the prisons, including cocaine, cannabis and heroin. Independent research is being done (by the National Institute of Neurology and Psychiatry) with a grant from the Ministry of Health about the extent of drug use in prisons....All admissions to prison are asked if they are using drugs" and there will be anonymous urine checks to discover about illegal drug use (MacDonald, 2001). Security staff started being checked for drugs in the year 2000. There are about 1,000 drug addicts in the prisons. A special treatment programme for drug addiction lasts for 6 months. There are ten units ('wings') in the Polish prisons for the treatment of drug addicts, offering places for 300 patients.

The treatment programmes are said to reflect the national strategy in respect of alcohol and drug addiction, and some are similar to programmes that are available outside in public institutions for such addicts. Prison staff are trained by staff from public institutions. An obligatory part of the therapeutic programme is for staff to help prisoners obtain continued treatment after release.

In accordance with WHO guidelines there is no mandatory testing for HIV on entry to the prisons; the prisons are part of the national programme for HIV, which involves voluntary testing. Prisoners who are HIV positive are not separated from the rest of the prison population and their status is confidential, so that even the director of the prison does not know who is HIV positive; they are given anti-viral drugs in co-operation with the National Centre for Communicable Diseases in the community. The Ministry of Health supplies and pays for the drugs. In January 2001 there were 981 HIV positive prisoners. Numbers are said to be stable.

Tuberculosis is not spreading within the prisons. On admission prisoners are x-rayed and they are then x-rayed again on an annual basis. There are four TB wards in the prison system. The incidence of TB in the prisons is about seven

times the rate in the community and in January 2001 there were 274 cases. The number of cases is going down and there is no current problem with the strain of the disease that is resistant to drugs (MacDonald, 2001).

There are 22 units ('wings') in the Polish prison system for mentally disturbed prisoners, with spaces for 1,400 people; the capacity of the units varies from 50-200. The treatment strategy for such prisoners, as for alcohol and drug addicts, is part of the overall national strategy. The Penal Executive Code stipulates that a patient's consent must be sought before psychological or psychiatric examinations are undertaken (Article 83.1). If the patient refuses consent, an application for compulsory treatment may be made to the penitentiary judge. If a psychiatric illness persists a medical commission can propose termination of imprisonment and transfer to a psychiatric hospital outside.

The specialist units ('wings') for alcohol and drug addicts and for the mentally disturbed are usually led by psychiatrists or psychologists. The staff are organised into therapeutic teams consisting of a psychologist, a psychiatrist, a general doctor, an activity therapist and case managers. Prisoners are admitted to these units in accordance with provisions in the Penal Executive Code and the Prison Rules. The decision is taken either by the sentencing court, on the advice of forensic experts, or by referral to the penitentiary court. Treatment methods include individual therapy, group therapy, cultural activities, and co-operation with the prisoner's family. Each prisoner is assigned an individual treatment programme designed by the therapeutic team. Pharmacology is only used as an adjunct to these methods. Treatment for groups of prisoners with special medical needs is reported to have a 50-year history in the Polish prison system and to be well done.

Facilities for mothers and babies continue to be available at Grudziądz and Krzywaniec prisons, where mothers may be with children up to the age of three. At the beginning of 2001 24 of the 47 places in these 'houses for mothers and children' were occupied, seven of the 24 being pre-trial detainees.

There were 96 deaths in prison in the year 2000. None were from tuberculosis but 44 were as a result of suicide (35 in 1999). The circumstances of every death are examined by the prosecutor. Swallowing sharp items is a common form of self-injury in Poland; some prisoners are said to believe that it will get them out of prison, at least by being transferred to an outside hospital. Until 1998 the law stipulated that any period of medical treatment following self-injury did not count as part of the sentence. The new Penal Executive Code has removed this sanction.

As mentioned, medical staff check the food before it is served to prisoners. It is also their responsibility to advise the director of the prison on the hygiene and cleanliness of the institution and prisoners, the sanitation, heating, lighting and ventilation and the suitability and cleanliness of the prisoners' clothing and bedding.

The Polish prison health care service is focusing attention on health promotion. Prisoners receive much information from the medical centres in each prison (MacDonald, 2001). Health promotion information for staff is also being developed. A hepatitis vaccination programme for staff began in 2001 and also

an anti-smoking campaign, which is to be extended to prisoners later. Attention is also being paid to the stress levels amongst staff, and a psychologist has been designated to work with staff in each prison. It is also planned to introduce an alcohol reduction project.

Discipline and punishment

The new Penal Executive Code of 1997 includes eight articles (Art. 142-149) that regulate the nature of disciplinary punishment and the ways in which it will be carried out. There are also six rules, in the Rules for the Execution of Sentences of Imprisonment 1998, which specify further details. The prison administration states that the key elements of disciplinary proceedings include hearing what the person accused of a disciplinary offence has to say about it, hearing the opinion of the person's case manager, and hearing from any witnesses (Central Board of Prison Service, 2000). The new Code, unlike the old one, sets out a complete list of penalties available, from admonition through a ban on taking part in recreational activities and receiving packages with food and a reduction in remuneration for up to three months, to solitary confinement for up to 28 days. Prisoners in solitary confinement may not participate in common activities or take part in work outside their cell; however, they are allowed to read books and newspapers. But, despite the care taken in the legislation to deal with disciplinary matters in a careful and proper manner, Rule 54.2 contains the provision that during the disciplinary punishment of solitary confinement prisoners shall not be allowed visits. This restriction is not desirable since maintaining contact with families should not be regarded as a privilege or benefit but as an essential part of the process of ensuring that prisoners are released with the best possible chance of successful reintegration into society.

Solitary confinement (isolation punishment) is being used less and less in Poland and consequently the number of isolation cells in the prisons is being reduced. It is said by the prison administration that it is only used in circumstances where the behaviour concerned almost amounts to a crime and that this policy is able to be followed as a result of the low level of tension in the institutions; one member of the security staff is sufficient to control 50 prisoners. Conditions in the room where solitary confinement takes place are no worse than elsewhere; it is the isolation, the separation from other prisoners that is the principal punishment. Nevertheless Rule 54 does prohibit visits, the use of telephones, the purchase of food, the receipt of food parcels, and the use of the prisoner's own clothing and footwear, to anyone who is confined to an isolation cell. Before solitary confinement is carried out a doctor or psychologist must give a written opinion as to whether the prisoner is in a suitable condition for it, and during the period of isolation the Penal Executive Code requires that a doctor or psychologist must monitor the prisoner's ability to serve the punishment. The European Prison Rules specify that prisoners in disciplinary confinement must be visited daily by a medical officer (Rule 38.3) but in Białoleka prison the practice was to visit such prisoners only every few days.

Contact with the outside world

The number of visits that sentenced prisoners may receive depends on the type of prison in which the sentence is being served. In a closed prison two visits of one hour each are allowed per month, in a semi-open prison three such visits per month, and in an open prison an unlimited number of visits. Visits received by prisoners in closed or semi-open prisons are subject to visual and aural supervision; in open prisons supervision of visits is limited and there is no time limit. Prisoners may, as a reward for good behaviour, receive unsupervised visits in a common room or in a private room. This includes intimate visits from wives/girlfriends and long visits, including overnight stay, from families. Such visits may also be granted by a psychologist for therapeutic reasons.

Sentenced prisoners may make telephone calls at their own expense (or, in exceptional cases, at the prison's expense). Telephone calls are monitored in closed and semi-open institutions. Regardless of the prison regime, one package of food weighing no more than 5 kg may be received every month; additionally, packages containing clothing, shoes and toilet articles may be received, subject to the permission of the director of the prison. There is no limit on the number of letters that sentenced prisoners may send and receive.

Pre-trial prisoners are allowed more limited contacts with the outside. "Visits received by remand prisoners are subject to the prior consent of the authority at whose disposal they remain, that is the public prosecutor or the court. In accordance with the Pre-trial Detention Rules of 1998 these visits are supervised and, as a rule, take place in a room in which physical contact between the remand prisoner and visitor is impossible. The correspondence of remand prisoners is subject to censorship of the authority at whose disposal they remain" (Stando-Kawecka, 2001). Pre-trial prisoners are not allowed to make telephone calls (Pre-trial Rules, section 44). Despite these restrictions, the director of the largest pre-trial prison in Poland, Warsaw-Białoleka, said that there had been no recent case when visits had not been allowed; visits lasted at least an hour.

The Penal Executive Code requires the prison administration to place prisoners as near to their homes as possible. However it was pointed out that this could only be followed precisely if there were an unchanging number of prisoners and no overcrowding. The problem is greater in the case of women prisoners because there are comparatively few institutions for them; nevertheless these are distributed quite regularly across the country. The recent rise in the prison population has made it more difficult to locate prisoners near to their homes.

A liberal policy of granting prison leaves was introduced in 1990, partly to reduce tension in the prisons, partly to keep prisoners in touch with the world outside, and partly to contribute to a reduction in food costs. This policy was widely criticised by the mass media and politicians and from May 1993 greater caution was exercised and more consideration taken of the nature of a prisoner's offence. There was a steady decrease in the granting of leave in the following four years and regular 24 hour leave at weekends was abolished in 1996 (Sienaszko, Szumski and Wojcik, 1997). The new Penal Executive Code sets out in detail (Articles 91, 92, 138) new provisions for home leave. Home leave as a

reward has been extended from up to 5 days to up to 14 days but may not exceed 28 days per year. Short prison leave (formerly up to 24 hours) is now extended to up to 30 hours. "When granting prison leave as a reward, various factors are taken into consideration, such as behaviour in prison, whether the prisoner will return to prison, and a positive prognosis concerning his behaviour outside the prison. The formal premise of granting a prisoner such a reward is the completion of at least half the term that is needed to elapse before the prisoner could apply for conditional release. Inmates sentenced to life imprisonment may be rewarded with prison leave after serving 15 years" (Stando-Kawecka, 2001).

Leaves may also be granted in urgent situations, and in the last six months before release in order to seek employment or accommodation. A wide range of prison leave is available to prisoners in semi-open and open prisons in order to participate in education, therapeutic and recreational activities outside the institutions. The number of prisoners not returning on time, or not at all, in the period 1 January to 30 June 1999 amounted to 1.3% and was the lowest rate recorded (Central Board of Prison Service, 2000). Stando-Kawecka attributes this change to better prognosis of the likely behaviour of prisoners on leave and the fact that 25% of prisoners receive prison leave on relatively numerous occasions while the remaining 75%, particularly in closed institutions, were not granted any leave at all (Stando-Kawecka, 2001). The failure rate in 2001, when a total of 82,468 permits for leave were granted, was also 1.3% (Central Board of Prison Service, 2002).

The prison administration reports that 80-90% of prisoners are able to watch television and listen to the radio as much as they wish. In addition to keeping them in contact with the outside world, this is seen as an important educational and social activity.

As may be deduced from the policy in respect of prison leaves and access to radio and television, the Polish prison system lays stress on the principle of openness between the prison and the world outside. A number of associations, organisations and institutions are enabled to participate in prison life with the purpose of limiting the destructive effects of isolation and preparing the prisoners for adapting to social life on release. There have been national exhibitions of prison art and prison artists have participated in art competitions and charitable activities, such as providing assistance to local schools and health centres. Prisoners in semi-open and open institutions are allowed to take part in cultural, educational and sporting activities outside the prison.

Religious assistance

There are (Roman Catholic) priests in the prisons who are supported by lay people; in addition to their religious activities they co-operate with prison staff in "shaping [the] desired attitudes and [the] development of positive traits of character of inmates" (Central Board of Prison Service, 2000). The right to take part in religious practice and to receive assistance from religious representatives is guaranteed in the Penal Executive Code. Prisoners are also allowed to participate in religious teaching and charitable activities with a religious purpose. The

prison administration reports that representatives of many denominations conduct or support various treatment activities, including knowledge competitions, musical concerts and theatrical performances. The co-operation between the prisons and the religious representatives is at such a level that the prison administration considers that "religious care and participation of priests in the penitentiary work have made themselves a permanent element in the everyday functioning of penitentiary institutions and remand centres" (Central Board of Prison Service, 2000).

Prison staff

The Polish prison service employed about 23,750 staff throughout 2001, of whom some 1,000 were civilian staff. This is about 9% more than in 1994. Included in this total are 198 staff employed at prison headquarters. Non-military (civilian) staff include some of the case managers (educators), psychologists and medical staff but others in these professions do hold a military rank. Recruitment of staff is easier in the outlying districts than in the cities. With 15% unemployment nationally the prison service is an attractive proposition for people in small towns and villages, but less so in the cities where unemployment levels are lower. The general quality of staff is reported to be good. The Prison Service Act 1996 requires that every candidate must be a high school graduate (i.e. have at least a medium level of education), must be in a good physical and mental state (there is a medical examination) and must have no criminal record. Good references are needed. 90% of the case managers have university degrees. Every prison does its own recruiting through advertisements in the local newspaper; there is a 10% turnover of staff each year. Nevertheless posts are filled as quickly as people leave. There were no persisting vacancies for security staff in 2001 and only four for treatment or medical staff. The overall ratio of prison staff to prisoners, based on a figure of 23,750 staff in post in 2001 was 1 : 3.0.

Staff salaries are similar to those in the police. They were near the average national salary in 2001. Public respect for prison staff has risen significantly since the prison system was reformed at the beginning of the 1990s. They now have some prestige in the community. The increased openness contributes to this but also leads to complaints from some that the regime is too liberal.

The Polish training centre is at Kalisz in central Poland. New recruits attend an intensive initial training course lasting three weeks, which gives them basic knowledge about the prison service, the profession of being a member of the prison staff and prison practice. This is followed by training according to the educational level of the staff concerned. The first two years of the career of a member of the prison staff is a probationary period during which their physical and mental suitability for the job is monitored and assessed. Every promotion to a higher post must be preceded by specialised training, which seeks to provide an opportunity to keep in touch with the latest developments in knowledge about prison matters and about the social rehabilitation of those who have served a prison sentence; in this connection there are numerous contacts between penal institutions, schools of higher education and other research and scientific cen-

tres (Central Board of Prison Service, 1997). The ethical and professional standard of the prison service has risen significantly during the 1990s, and the atmosphere in the prisons has become more relaxed with little tension between staff and prisoners despite low staffing levels, as was noticed by the CPT during their visit in 1996 (CPT, 1998/13 p.33).

Some 50% of treatment staff (e.g. case managers and medical staff) in institutions for male prisoners are women. Other female staff work in administration. There are very few women among the security staff in prisons for men although there is one in Mokotów prison in Warsaw. Overall 16% of the total prison staff are women. In the institutions and units for women about 55% of staff are men, working as security staff, case managers, in the supplies and provisions (quartermaster's) department and in the management of the prison.

With regard to security matters the Prison Service Act of 1996 specified that firearms were only appropriate for perimeter security in closed prisons and remand prisons, and even then there should only be non-penetrative rubber bullets. Dogs too should only be used in closed and remand prisons, mainly where there are long distances between the towers. Towers themselves are not legally necessary in closed or remand prisons but the regulation is that the walls must be at least 7m high. The tendency now is to reduce the number of guards with firearms and replace them with electronic equipment. Even in a closed women's prison, as Lubliniec, there are no towers and no perimeter guards. Where there are towers in semi-open or open prisons these are being replaced. There is no legal barrier to replacing towers with electronic systems but the costs are huge, especially in closed and remand prisons.

Misbehaviour by staff is not a significant problem in the Polish prison service, the prison administration reports. When it does occur it is usually on the occasion of fights between prisoners, escapes or in the incorrect use of instruments of restraint. There are only a small number of serious cases. There is an increasing problem with prisoners who are involved in organised crime provoking staff corruption.

Treatment and regime activities

Chapter 4 of the Rules for the Execution of Imprisonment Sentences is entitled 'Treatment measures applied to the sentenced prisoners' and Rule 36 specifies that by treatment measures it means work, education, cultural, educational and social activities, physical education and sports activities, and rewards and disciplinary punishments. In other words 'treatment' is defined as anything that the prisoner will do while in prison which may have a positive effect on rehabilitation after release. Individualised treatment is covered in Chapter 5, which deals with the various types of prisons (e.g. for young offenders, for women, for first time prisoners, for recidivists) and types of security level (closed, semi-open, open) but also sets out the three types of treatment that are to be used, according to the circumstances of individual prisoners. The therapeutic system is to be used for those needing medical or psychological treatment, for example alcohol and drug addicts and those who are psychiatrically ill or mentally retarded. The

programmed treatment system is based on a differentiated treatment plan aimed at resocialisation, which is drawn up by a 'penitentiary commission' appointed by the prison director, in co-operation with the prisoner. The prisoner's consent is needed to the programmed treatment system, except for young prisoners under the age of 24. Anyone who does not need to be in the therapeutic system or wish to be in the programmed treatment system is placed in the standard system, "under which the sentenced prisoner may have access to the employment, education and cultural, educational and sports activities available in the penitentiary institution" (Penal Executive Code, Article 98) but will have no individual resocialisation programme. At the end of 2000 about 8% of sentenced prisoners were in the therapeutic system, 62% in the programmed treatment system and about 30% in the standard system.

The main organisers of the prisoners' treatment under the programmed treatment system are the case-managers. Although the high proportion in the Polish system with university education means that case managers are probably better academically qualified than prison staff in the equivalent posts in other central and eastern European prison systems, the role is the same as that fulfilled in most other central European systems by the educators or pedagogue and in the prison systems further east, including Moldova, Russia and Ukraine, by the 'heads of detachment'. In short, they are responsible for organising the activities that the prisoner will undertake. More specifically, in Poland their task is to prepare individualised programmes for those on the programmed treatment system, to arrange educational and cultural activities and to organise assistance for after release. Each case-manager is responsible for a group of prisoners and can be described as the host, who creates the atmosphere among the group: the size of the group averages about 50 and none are now larger than 80. This compares with an average caseload of 100 in 1994. Important figures in the planning and implementation of treatment for prisoners in the therapeutic system are the psychologists of whom there were some 250 in the Polish prison system in 2001 (127 in 1994). But it should not be thought that case-managers only work with prisoners in the programmed treatment system and psychologists only with those in the therapeutic system. Every sentenced prisoner is in a case-manager's group and case-managers and psychologists co-operate in work for prisoners in all treatment systems.

It is not only every sentenced prisoner who is in a case-manager's group; the same is true of pre-trial detainees, for whom the case-manager will mainly be occupied in dealing with difficulties that arise in connection with the uncertainties associated with the pre-trial situation and, where necessary, arranging legal assistance.

In a normal day sentenced prisoners without work (which is the vast majority) and in a closed regime will be out of their cells for about 3-4 hours a day, to enable them to have their exercise and to take part in cultural activities. But the director can authorise a longer walk and extra activities. Pre-trial detainees will similarly spend 3-4 hours a day out of their cells involved in similar activities. The cells in a semi-open prison remain unlocked in the daytime and are only

locked at night. In an open prison the cells remain unlocked for 24 hours a day (Penal Executive Code, Articles 90-92).

As mentioned, the age group for young prisoners (previously 16-21) has been extended to include prisoners up to 24. This is because it is considered that young prisoners up to this age are more responsive to rehabilitation measures than older prisoners and should be given every opportunity to benefit from them. They receive more intensive attention from staff in terms of measures likely to assist them and are provided with a wider range of cultural and educational activities, sports and physical education activities. There is also a greater emphasis on contacts with parents and other close family and friends.

There has been no special focus in the Polish prison system on the treatment of sex offenders but a programme in the Netherlands, which was studied by Polish experts and which is based on individual and group therapy, is the model for one that was introduced in one Polish prison early in the year 2000.

The various forms of prison leave that are possible for Polish prisoners are an important part of preparation for release. So is the provision in the Penal Executive Code enabling certain prisoners to leave the prison in the last months before release in order to find employment and accommodation. Case-managers work with prisoners in a variety of ways, and also involve prisoners' families in making preparations for them to be as well prepared as possible for the circumstances that they are most likely to face on their return to normal life outside.

Conditional release and probation

Conditional release, under the new Penal Code of 1997, may be granted on completion of a half, two-thirds or three-quarters of the sentence, depending on the prisoners' criminal record. In general, conditional release may be granted after half the sentence, as long as at least six months has been served. Recidivists, however, are not eligible until two-thirds has been served, and multiple recidivists, professional criminals and members of an organised crime group not until after three-quarters has been served. Prisoners sentenced to life imprisonment must serve at least 25 years before they are eligible for conditional release.

The decision on conditional release is taken by the penitentiary court, sitting in the prison. The proposal for release may be made by the prisoner, his legal representative, the director of the prison, the probation officer or the prosecutor. The court hears both the prisoner and a representative of the prison staff. If it is the probation officer who has proposed the release then he/she will also be heard. The prisoner can appeal to a higher court against a negative decision.

Conditional release may be granted either in simple form or with the supervision of a probation officer. According to Article 167 of the Penal Executive Code a sentenced prisoner, before release, may apply to the penitentiary court for the supervision of the professional court probation officer, particularly if the expected living conditions after release "may hinder his social readaptation". Supervision may not be for longer than two years. In granting conditional release with probation supervision the court may impose certain obligations on the prisoner concerning the nature of the supervision. The full period of condi-

tional release is the remainder of the sentence but it cannot be shorter than two years, nor longer than five, except that conditional release after life imprisonment involves a ten year period of probation supervision. The probation system in Poland is as yet undeveloped and there is a need for more social work support in the community both during the period of conditional release and after it.

A majority of prisoners are granted conditional release, but the proportion has fallen during the 1990s. In the period from 1992-1998 it fell from 75% to 60%. One of the main factors contributing to the decrease is the fact that in the early 1990s conditional release was applied to some extent as a means of correcting the repressive penal policy that had preceded this period (Stando-Kawecka, 2001). Since early 1999 the courts have been increasingly reluctant to respond favourably to requests for conditional release (Central Board of Prison Service, 2002).

Prison work

Prisoners have a duty to work under the new Penal Executive Code, as under the old one. But at the beginning of 2001 only 27.2% of sentenced prisoners were employed, and less than 21% were in paid work. In the early and mid-1990s approximately 27 to 29% of sentenced prisoners were in paid work and a law was passed in 1997 with the intention of improving the situation. The Act on Employment of Persons Deprived of their Liberty came into force on 1 January 1998 and regulates factories inside prisons as well as the employment of prisoners in factories outside. It provides tax allowances and exemptions for factories inside prisons and enables external employers of prisoners to claim certain allowances. The 1997 Penal Executive Code also introduced provisions aimed at reducing the unemployment of prisoners. It is thus particularly disappointing that the level of paid work, instead of rising as a result of these measures, is still falling; at the beginning of 1998 it was 26.1% whereas the figure three years later was 20.8%. In response to a CPT recommendation the Polish authorities described a number of steps that were being taken to improve the situation (CPT, 2002 pp. 21-2).

Pre-trial detainees may not be required to work, except to undertake cleaning of the prison. Nonetheless 4% of pre-trial prisoners were undertaking paid employment at the beginning of 2001. Of all the paid employment undertaken, by sentenced prisoners and pre-trial detainees, in 1999 74% was paid domestic work, 20% was in prison factories, 5% was for outside employers and 1% was craft work (e.g. sewing footballs, light assembly). Prisoners are not entitled to be paid for cleaning work that does not exceed 60 hours per month.

The law requires that a prisoner's pay shall be no lower than the minimum pay of employees outside, as established by employment law. He/she generally receives 50% of what remains after 10% of the total sum has been deducted for the post-release assistance fund. Self-employed prisoners receive not 50% of what remains but 75%. Prisoners undertaking paid work have 14 to 18 days paid holiday annually.

Education and vocational training

As mentioned above in connection with treatment and regime activities, education is regarded as one of the basic treatment measures. The Penal Executive Code requires the prison administration to provide schooling covering the primary school curriculum, but higher level education and vocational courses are also conducted. Young offenders are given priority in access to education, especially if they did not complete primary school education or have no professional skills. There were 70 prison schools in the academic year 2000/01, comprising primary, primary vocational, secondary, secondary vocational and vocational technical schools. 3,833 prisoners took part in some kind of education, in addition to which 1,365 acquired vocational skills. There were 66 vocational training courses on offer, which are several months long. The prison administration considers that there are sufficient courses; some have had to close through lack of demand. The Ministry of Education monitors the quality of the education, so that it can be regarded as of equal standard to education in the community.

The prison administration points out (Central Board of Prison Service, 2002) that education and vocational training are free of charge in the Polish prison system and sentenced prisoners with no financial means receive the necessary books and educational equipment at the expense of the prison service. Certificates and diplomas make no mention of the fact that they were gained during a prison sentence. Secondary school certificates are a qualification for entrance to university studies. In the academic year 1999/2000 ten sentenced prisoners were undertaking university courses.

Inspection and monitoring

The Polish prison system is much inspected and by many bodies. The 1996 Prison Service Act states that the Central Board of the Prison Service and the Regional Directors are responsible for checking that the prisons are operating in accordance with the laws and regulations. The Inspection Bureau at prison service headquarters has a distinguished record of intensive inspection, ensuring also that the prisons are operated in accordance with the objectives of the prison administration. In addition to the ordinary systematic inspections they conduct thematic inspections or special inspections in response to an emergency situation. Between successive systematic inspections short unannounced inspections will sometimes be carried out.

The programme followed during a systematic inspection has not changed since Mr. Henryk Oleksy, the head of the Inspection Bureau, introduced it in 1990. The team making the inspection is known as the Commission. First, all parts of the prison where activities occur are visited, in order to check the conditions of the prisoners and of the establishment. Second, separate meetings are held with prisoners where they can make complaints or requests; any complaint will be written down and signed by the prisoner and by a member of the Commission. Third, a record is kept of other matters noticed, and finally after talking to the prisoners a note is made of the general atmosphere in the prison. The Commission will then meet together, exchange information and identify any

matters that need further investigation. They will then meet staff, who may also make confidential complaints and requests. Finally a check is made that all documentation is in accordance with legal requirements. In the last full year 4,396 prisoners were seen individually, 26 complaints were made and just one was upheld; explanations were given to the prisoners who made the other complaints, in accordance with a legal obligation. Taking regional and national inspections together 28,944 prisoners were seen, complaints were made by 136 (0.5%) and just two were upheld.

The fact that only two complaints were upheld might be thought to call into question the credibility of the inspection system, in so far as complaints are concerned. However, prisoners can complain at any time and if all complaints are included there were 7,861 in the year of which 202 were upheld (2.6%). The low level of upholding complaints is explained as being attributable to several factors. First, prisoners sometime have poor knowledge of the law and consequently they wrongly believe that their rights have been violated. Second, in the present circumstances of overcrowding prisoners complain that they are not located near to their home or relatives in breach of Article 100 of the Penal Executive Code. But in circumstances of overcrowding this is sometimes inevitable. Again, prisoners with mental problems may complain irrationally; in one prison five men made 100 complaints.

Prisoners may also complain to a number of other independent bodies, which have inspectorial functions. The Ombudsman ('Spokesman for civil rights') has the duty of checking that the rights and freedoms of citizens are observed, including those of persons who have been deprived of their liberty. The Ombudsman makes frequent visits to prisons and calls on the prison administration to advise. The Inspection Bureau states that they rarely disagree with a conclusion of the Ombudsman and, even if they do, they attempt to take action in accordance with the recommendation. The Ombudsman is reported to have stated that the Inspection Bureau is protecting human rights in prison. The 1997 Penal Executive Code removed the prosecutor from the list of people with responsibility for supervision of the prisons, but penitentiary judges may visit prisons at any time to talk to the prisoners and move within the institutions without restrictions. After a visit they prepare a report, including suggestions and recommendations, which is submitted to the prison director and sometimes the regional director or the Central Board. The report also goes to the Minister of Justice. The penitentiary judge has the power to annul any decision of a prison official if it is contrary to the law. The prison administration may lodge an appeal against such a decision to the penitentiary court, The prisons are also inspected by the Polish Helsinki Committee who also prepare reports on their visits and may make suggestions about how prisoners are treated.

The Council of Europe's CPT visited Poland in July 1996 and in May 2000. Following the 1996 visit they made 34 recommendations, some of which have already been mentioned. They covered such matters as improving the infrastructure of the prison system, the space allowed to each prisoner (see above under Accommodation, overcrowding and living conditions), the separation of juveniles and adults, the partitioning of sanitary facilities, regime activities for

pre-trial prisoners, the shortage of paid work for sentenced prisoners and of regime activities and the segregation of HIV-positive prisoners. The Polish authorities responded constructively to the recommendations but, as already noted, stated that a shortage of financial resources prevented them implementing the recommendations concerning the space allowed to prisoners.

Following the visit in 2000 they made 38 recommendations, some of which have also been mentioned. They covered overcrowding, space per prisoner, prison work, the treatment of prisoners classified as 'dangerous', developing programmes of activities, staffing levels, psychological support for prison staff and complaints procedures (CPT, 2002/9). The Polish authorities again responded positively to the recommendations but drew attention, in respect of overcrowding and the shortage of space per prisoner, to the increase in the prison population and the impossibility of overcoming these difficulties immediately (CPT, 2002/10).

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Polish prison system. The Director General and the directors of penal institutions have personal copies of the standards, as do other management staff at the national prison administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

The prison administration reports that it has good co-operative relations with a wide range of non-governmental organisations, which participate in social rehabilitation, religious, educational, cultural, leisure and sporting activities. Contact with outside bodies is often initiated by the case-managers and is seen as limiting the harmful effects of separation from the community as well as being helpful in terms of the future re-integration of prisoners. As the prison service puts it: "The gates of penitentiary institutions remain open for organisations which operate with the aim of assisting persons who are [behind] the bars" (Central Board of Prison Service, 2000). These include the 'Patronat' penitentiary association, the Wrocław Society for the Support of Prisoners, and the Opole Society for Prisoners and Victims of Crime. The members of these groups visit the prisons, give legal advice and material assistance, and offer emotional support through conversations with prisoners.

Reference has already been made to contact with religious organisations, organisations involved in monitoring the prisons and those involved in financial support for health care programmes. In addition Alcoholics Anonymous organises meetings in prisons both for prisoners and for people from the community. Other non-governmental contacts are with places of learning from which people come to engage in scientific studies. Such contact with bodies from outside the walls, which has increased considerably in recent years, is seen as the embodiment of the principle of openness of the prison system, and also as a means of social control over the way that imprisonment is carried out (Central Board of Prison Service, 2000).

International co-operation

The Polish prison service is involved in much international co-operation, notably with Georgia and Moldova, through the Organisation for Security and Co-operation in Europe (OSCE). It also has contacts with many other European countries, notably Denmark, England and Wales, Estonia, Germany, Hungary, Slovakia and Switzerland, with the Council of Europe, and with Penal Reform International. Several countries from the former Soviet Union and elsewhere have visited the prison system to learn about the Polish experience in transforming it from its condition prior to the social and political changes of 1989. During the 1990s the Polish prison service has organised a number of international conferences, in co-operation with the Council of Europe, focusing for example on dangerous prisoners (1995), staff training (1996) and prison work (1997).

Other matters

Both pre-trial detainees and sentenced prisoners are generally entitled to vote in Polish elections. On very rare occasions a court forbids participation in elections for a specified period.

An annual report is prepared, with a main emphasis on the prisoners.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Polish prison system:

- the computerisation of the prison system, especially the registration system;
- the sharp rise in the prison population (over 40% in the 20 months between beginning of the year 2000 and the end of August 2001);
- the new legislation (Penal Code, Penal Procedural Code and Penal Executive Code), which came into force in September 1998, and the new Rules concerning pre-trial detention and sentences of imprisonment;
- the opening of a new modern prison at Radom in September 1998.

Current objectives

The following are some of the main objectives reported by the prison administration:

- to provide sufficient living spaces to cope with the sharp rise in the prison population (by a programme of rebuilding and of building new blocks within existing institutions);
- to obtain more work for sentenced prisoners;
- to maintain the relaxed atmosphere in Polish prisons despite the overcrowding brought about by the rise in numbers;

- to increase the number of units ('wings') for the treatment of alcohol addicts;
- to obtain more money for the prisons budget. In 2001 the budget fell by over 9% despite inflation of 7% and a 25% rise in the prison population.

Main problems

The following were identified by the prison administration as some of the main problems, which are obstacles to the achievement of the objectives and to the advancement of the prison system in Poland:

- the overcrowding in the prisons;
- the inadequacy of the prison budget. In addition to the figures in the previous paragraph, the prisons budget in 1990 was 42% of the total Ministry of Justice budget but in 2000 it was just 28% of that budget;
- pre-trial detention has become longer, averaging 12 months instead of 6 months which was the average in the recent past;
- there are insufficient staff, especially in the special treatment units but also throughout the system. The budget does not allow an increase in the number of posts;
- there are insufficient regime activities, including sporting activities, for pre-trial detainees and sentenced prisoners in closed prisons;
- the drug problem is getting worse;
- the fact that society wants a restrictive prison system.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas which could be taken up by the prison systems of other countries. They drew particular attention to:

- succeeding in keeping the prison system in a 'normal state' despite the overcrowding and prison population growth;
- having very good treatment programmes for prisoners addicted to alcohol;
- ensuring that the human rights of prisoners are well protected in the Polish system;
- paying special attention to providing constructive opportunities for younger prisoners up to the age of 24.

Further achievements of the Polish prison system include:

- putting a special emphasis on keeping the prisons calm, through good relations between staff and prisoners;
- having developed programmes of diversified treatment for prisoners, especially the programmed treatment system and the therapeutic system,

which were being used in respect of 70% of prisoners at the beginning of 2001;

- having enough case-managers to keep the groups with which each works down to an average of 50, having case-managers 90% of whom have a university degree, having case-managers working with pre-trial detainees, and having 250 psychologists working in the prison system;
- having women filling some 50% of the treatment staff posts in institutions for male prisoners;
- paying particular attention to identifying vulnerable prisoners at the time of admission to prison;
- having an intensive and rigorous inspection system;
- placing particular emphasis on education and vocational training;
- having over 40 special units, staffed by therapeutic teams, for the treatment of those addicted to drugs and alcohol and those who are mentally disturbed;
- having meetings, at least annually, for health care staff to share information with the chief prison doctor about policies and practice and to share opinions and ideas;
- conducting preventive work on health promotion for prisoners, and developing it also for staff;
- steadily reducing the number of cells for solitary confinement (isolation cells);
- making the penal institutions as open as possible to the outside world, with many prisoners being allowed out frequently and a large number of outside organisations enabled to make a positive contribution to the life and work of the prison, including the rehabilitation of prisoners.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. There is a generally relaxed atmosphere between staff and prisoners in the Polish prison system and there are many examples of good practice.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to pay further attention to the protection of juveniles under 18, and to consider, in particular, whether a means can be found of separating them, in living accommodation and at all other times when they could be vulnerable, from young men in their early 20s;
- to devise a strategy for gradually increasing the minimum space allowance for all prisoners to at least 4m², the minimum which the CPT considers acceptable;

- to seek the amendment of Rule 54.2 of the rules for the Execution of Sentences of Imprisonment so that prisoners in solitary confinement are no longer denied visits, and to ensure that in all institutions prisoners who are so confined are visited daily by a medical officer, as prescribed by Rule 38.3 of the European Prison Rules;
- to take steps to introduce programmes of regime activities for pre-trial detainees and sentenced prisoners in closed prisons, which enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature.

Annex 1

POLAND: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1989	40,321	106	38,038,400
1990	50,165	131	38,183,200
1991	58,619	153	38,309,200
1992	61,409	160	38,418,100
1993	61,562	160	38,504,700
1994	62,719	163	38,580,600
1995	61,136	158	38,609,400
1996	55,487	144	38,639,300
1997	57,382	148	38,660,000
1998	54,373	141	38,667,000
1999	56,765	147	38,653,600
2000	70,544	183	38,644,200
2001 (31/8)	80,004	207	38,636,000
2001 (31/12)	79,634	206	38,632,500

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	22,032	31.2	57
(31/8)	24,813	31.0	64
Female prisoners in 2001			
(1/1)	1,729	2.5	4
Juveniles (under 18) in 2001			
(1/1)	c.1,120	c.1.6	3
Foreign prisoners in 2001			
(1/1)	1,565	2.2	
(31/12)	1,550	1.9	

Annex 2

Polish penal institutions: functions and capacity, 2001

Białystok region (1,899)

Remand prisons (areszty śledcze)

Białystok (657), Gizycko (115), Hajnówka (213), Ostrołęka (124), Suwałki (316)

Closed prisons (zakłady karne)

Białystok (303), Grądy-Woniecko (171)

Bydgoszcz region (5,820)

Remand prisons

Bydgoszcz (453) + hospital (82) + three separate units (151), Chełmo (63), Chojnice (132), Inowrocław (236) + separate unit (152), Toruń (156)

Closed prisons (zakłady karne)

Bydgoszcz Fordon (274), Czersk (68), Grudziądz I (626) + house for mothers and children (15) + hospital (20), Grudziądz II (328), Koronowo (348), Potulice (1,262) + hospital (77) + two separate units (373), Włocławek (1,004)

Gdańsk region (4,156)

Remand prisons

Elbląg (234) + separate unit (0), Gdańsk (952) + hospital (95), Starogard Gdański (255), Wejherowo (267) + separate unit (25)

Closed prisons

Braniewo (138), Gdańsk Przeróbka (465), Kwidzyń (509), Malbork (199), Sztum (1,017)

Katowice region (6,939)

Remand prisons

Bielsko Biała (167), Bytom (284) + hospital (100), Częstochowa (237) + two separate units (123), Gliwice (332), Katowice (397), Mysłowice (350), Sosnowiec (380), Tarnowskie Góry (442), Zabrze (306)

Closed prisons

Cieszyn (165) + hospital (155) + separate unit (10), Herby (438), Jastrzębie Zdrój (902), Lubliniec (182), Racibórz (748), Wojkowice (552), Zabrze (669)

Koszalin region (3,334)

Remand prisons

Koszalin (312), Słupsk (238) + separate unit (252), Złotów (65)

Closed prisons

Czarne (1,024) + hospital (59), Koszalin (342), Stare Borne (168) + separate unit (134), Szczecinek (213), Wierzchowo Pom. (527)

Kraków region (4,505)

Remand prisons

Kielce (736), Kraków (599) + hospital (103), Kraków Podgórze (210)

Closed prisons

Kraków Nowa Huta (287), Nowy Sącz (388) + separate unit (18), Nowy Wiśnicz (391), Pińczów (184), Tarnów (673), Tarnów Mościce (369), Trzebinia (238), Wadowice (309)

Lublin region (3,073)

Remand prison

Krasnystaw (277), Lublin (679)

Closed prisons

Biała Podlaska (253), Chełm (704), Hrubieszów (350), Włodawa (503), Zamość (307)

Łódź region (5,054)

Remand prisons

Łódź (1,108), Piotrków Trybunalski (287) + two separate units (100),

Closed prisons

Garbalin (322), Łęczycza (334), Łowicz (732), Łódź I (397), Łódź II (165) + hospital (171), Płock (629), Sieradz (680) + separate unit (129)

Olsztyn region (4,163)

Remand prisons

Bartoszyce (139) + separate unit (360), Działdowo (102), Olsztyn (188) + separate unit (313), Ostróda (75), Szczytno (143)

Closed prisons

Barczewo (590) + hospital (46) + separate unit (54), Iława (898), Kamińsk (1,255)

Opole region (3,604)

Remand prisons

Kędzierzyn-Kozle (104), Opole (350), Prudnik (111)

Closed prisons

Brzeg (262), Głubczyce (291), Grodków (68), Kluczbork (155), Nysa (521), Opole (105) + separate unit (27), Strzelce Opolskie I (1,006), Strzelce Opolskie II (604)

Poznań region (5,759)

Remand prisons

Leszno (61), Lubsko (93), Nowa Sól (94), Ostrów Wielkopolski (241), Poznań (594) + hospital (98) + three separate units (302), Szamotuly (115), Śrem (157), Środa Wielkopolska (40), Zielona Góra (269)

Closed prisons

Gębarzewo (419), Kalisz (195), Koziegłowy (472), Krzywaniec (385) + house for mothers and children (32), Rawicz (787), Wronki (1,405)

Rzeszów region (3,690)

Remand prisons

Nisko (92) + separate unit (210), Sanok (151)

Closed prisons

Dębica (575), Jasło (174), Łupków (257) + separate unit (164), Medyka (245), Przemyśl (234), Rzeszów (954), Uherce (427) + three separate units (207)

Szczecin region (3,537)

Remand prisons

Choszczno (137) + separate unit (103), Kamień Pomorski (61) + separate unit (132), Międzyrzecz (143), Szczecin (401) + hospital (85), Świnoujście (55)

Closed prisons

Goleniów (561), Gorzów Wielkopolski (521) + separate unit (256), Nowogard (474), Płoty (137), Stargard Szczeciński (471) + separate unit (0)

Warsaw region (5,772)

Remand prisons

Grójec (82), Płońsk (125), Radom (907) + separate unit (60), Warsaw-Białołęka (1,272), Warsaw-Grochów (446), Warsaw-Mokotów (710) + hospital (154), Warsaw-Służewiec (677) + separate unit (61)

Closed prisons

Siedlce (363), Warsaw-Białołęka (469) + separate unit (138), Zytkowice (250) + separate unit (58)

Wrocław region (6,341)

Remand prisons

Dzierżoniów (162) + separate unit (132), Jelenia Góra (156) + separate unit (12), Lubań (130), Świdnica (299), Wałbrzych (113), Wrocław (697) + hospital (46)

Closed prisons

Głogów (313), Kłodzko (646), Oleśnica (166), Strzelin (543), Wołów (1,041) + separate unit (20), Wrocław I (1,001) + hospital (59), Wrocław II (393), Zaręba Górna (412)

SUMMARY	Number of prisons	Capacity
Remand prisons	70	21,271
Closed prisons	86	40,902
	<hr/>	<hr/>
	156	62,173
	<hr/>	<hr/>
Separate units	40	4,076
Hospitals	14	1,505
Houses for mothers and children	2	44
	<hr/>	<hr/>
	56	5,473
	<hr/>	<hr/>
	212	
TOTAL	(at beginning of 2001)	67,646

Annex 3

Poland: principal sources of information

Mr Jan Pyrcak	Director General, Central Board of Prison Service (CBPS)
Dr Marzena Ksel	Deputy director of Penitentiary Bureau and Head of Health Department (Chief Prison Doctor), CBPS
Mr Henryk Oleksy	Director of Inspection Board, CBPS
Mr Jan Dziewoński	Penitentiary Bureau, CBPS
Mr Mirosław Nowak	Deputy director, Inspection Board, CBPS
Ms Teresa Wojtaszyk	Senior specialist, Social- Penitentiary Bureau, CBPS
Mr Krzysztof Gadomski	Senior specialist, Social- Penitentiary Bureau, CBPS
Mr Roman Kobyliński	Senior specialist, Security Bureau, CBPS
Mr Tomasz Wierchowski	International relations, CBPS
Mr Arkadiusz Zmowski	Director of Warsaw-Białoleka prison

Other information and documentation supplied by the Polish prison administration.

CBPS, 2000. Prison System in Poland, August 2000. Warsaw

CBPS, 2001. Informacja statystyczna o tymczasowo aresztowanych, skazanych i ukaranych (Statistical information about pre-trial detainees, convicted prisoners and those sentenced to administrative detention), December 2000. Warsaw

CBPS, 2002. Prison System in Poland, April 2002. Warsaw

CBPS, 2002. The Situation in Poland. Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

CPT, 1998/13. Report to the Polish Government on the visit to Poland [by the CPT in June-July 1996]. Council of Europe, Strasbourg

CPT, 1998/14. Response of the Polish Government to the CPT report on their visit in 1996. Council of Europe, Strasbourg

CPT, 2002/9. Report to the Polish Government on the visit to Poland [by the CPT in May 2000]. Council of Europe, Strasbourg

CPT, 2002/10. Response of the Polish Government to the CPT report on their visit in 2000. Council of Europe, Strasbourg

Council of Europe, 1997. Reply submitted by the Polish prison administration to questionnaire on overcrowding and prison population size. Strasbourg

Ksel M., 1999. Reform of Prison Health Care in Poland. Paper given at conference on health care in prison, Strasbourg, December 1999. Council of Europe, Strasbourg

MacDonald M., 2001. Prison Health Care in the Czech Republic, Hungary and Poland. HEUNI Paper No.16, HEUNI, Helsinki

Markiewicz W., 1997. 'Means to regulate prison population'. Unpublished paper.

Markiewicz W., 1999. 'Co-operation with central and eastern Europe'. Paper given at the 12th conference of directors of prison administration, Strasbourg, November 1997. Council of Europe, Strasbourg

Siemaszko A., Szumski J. and Wojcik D., 1997. 'Prison leave'. *Archiwum Kriminologii* (Archives of Criminology), xxiii-xxiv, pp.115-165.

Stando-Kawecka B., 2001. 'Poland' in 'Imprisonment today and tomorrow' (second edition), eds. van Zyl Smit D. and Dünkel F. Kluwer Law International, The Hague, London and Boston.

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

38. Romania

Legislative framework

The Criminal Code and the Criminal Procedural Code both date back to 1968, but they have been amended and updated. The Penal Executive Code dates back to 1969, but has also been updated many times. A new Penal Executive Code, which was available in draft in 1991, was expected to be approved by Parliament soon after that, once a new Criminal Code had become law, but no such new codes have been approved and enacted. More information about the 1969 Penal Executive Code is to be found in the previous HEUNI study of prisons in central and eastern Europe (Walmsley, 1996 pp. 330-1).

Organisational structure

Responsibility for the administration of the Romanian prison system returned from the Ministry of Internal Affairs to the Ministry of Justice in January 1991. The Director General (head of the General Directorate of Penitentiaries) reports directly to the Minister of Justice.

Mr. Emilian Stănişor, the current Director General, succeeded Mr Mihai Eftimescu. Since 1994, when Mr. Ioan Chiş was Director General, Mr. Mircea Criste was appointed the first civilian head of the prison administration in 1997 and Mr. Marinel Nemoianu and Mr Zinica Trandafirescu have also held the post. The Director General is assisted by a Deputy Director General, Mr Valentin Binişor, and the heads of five Directorates (responsible for Penitentiary Treatment and Detention Safety, Human Resources, Logistics, Finance, and Education, Studies and Penitentiary Psychology). The headquarters administration, where a total of 214 staff are employed, also contains four Departments, including the Medical Department and the Public Relations and Secretariat Department and two Offices.

There were 43 penal institutions in 2001 which comprised 24 closed regime prisons (with semi-open sections), a prison for women (Târgşor) and one for juveniles and young offenders (Craiova), eight maximum security prisons (also with closed and semi-open sections), one prison with a semi-open regime, three re-education centres for juveniles, and five penitentiary hospitals. All the closed regime prisons and all but one of the maximum security prisons take both male and female prisoners, pre-trial detainees and sentenced prisoners, adults and juveniles (minors). The maximum security prison at Bucharest – Jilava is only for pre-trial prisoners and others in transit.

The total capacity of the system in mid-2001 was 35,346 with the 12 largest institutions each having a capacity over 1,000. These are Bucharest-Rahova (2,174), Poarta Albă (1,961 plus 796 in two separate sections), Aiud (1,750), Bucharest-Jilava (1,401), Timișoara (1,370), Gherla (1,328 plus 350 in a separate section), Deva (1,226), Iași (1,190), Mărgineni (1,175), Craiova (1,158),

Tulcea (1,147 plus 588 in a separate section) and Colibași (1,029). At the end of the year the capacity of the system was 36,137.

In the seven years since mid-1994 the capacity of the system has risen by more than 5,300, principally as a result of the completion of the new prison at Bucharest-Rahova and the opening of new prisons also at Arad and Giurgiu, but also as a result of creating new accommodation in at least one third of the institutions, and bringing former institutions back into use. A number of other measures were taken in order to reduce the level of overcrowding.

Pre-trial detention

The level of pre-trial detention is slightly lower than it was in 1994 but it continues to be regarded as too high. At the beginning of 2001, there were 48 pre-trial detainees in the prison system per 100,000 of the national population, and at the end of the year the rate was 51. This is an average level for central and Eastern Europe but much higher than in most countries in the rest of the continent. The rate does not include pre-trial detainees held in police detention. The law concerning the investigation process and how long a suspect may be held in police detention was described in the previous HEUNI study (Walmsley, 1996 pp. 332-3). More than half those held in pre-trial detention conditions have been convicted in the first instance but are awaiting confirmation of their sentence.

It is reported that pre-trial detainees normally spend about four hours a day out of their cell/room, which is more than is achieved in most prison systems of central and Eastern Europe. However the CPT recommends (e.g. CPT, 2001/4) that they should spend a minimum of eight hours outside the cell/room, engaged in purposeful activities of a varied nature.

The numbers held in penal institutions

The prison population has risen since the revolution at the end of 1989. At that time it was just over 29,000, climbing rapidly to 44,000 at the end of 1992. It then remained at a similar level until the end of 1997, rising sharply in 1998 to 52,000 since when it has been stable at around the 50,000 mark. The Romanian prison administration explains the rise in the population as attributable to the following causes: -

- an increase in the level of crime, itself the result of the period of transition to a market economy, the uncertainty concerning the Romanian economy, and the absence of state agencies to aid the social re-integration of released prisoners;
- successive law changes increasing the maximum sentences for some crimes to 30 years or life imprisonment;
- restrictions on the availability of conditional release;
- new legislative requirements that suspects must be held in pre-trial detention;

- absence in the legislation of non-custodial alternatives to imprisonment (General Directorate of Penitentiaries, 1998).

At the beginning of 2001 there were 48,267 prisoners in the penal institutions in Romania; at the end of the year there were 49,841, a prison population rate of 223 per 100,000 of the national population. Of this total 10.1% were unconvicted, with another 12.9% also in pre-trial conditions because, although convicted, their sentence was still unconfirmed. 4.3% of the prison population were females and 2.8% were juveniles under 18. Only a very small proportion (0.6% at the beginning of 2001) were not Romanians.

Romania's prison population rate of 223 at the end of 2001 was considerably higher than that of three of its neighbours, Bulgaria, Hungary and Yugoslavia: Serbia, but considerably lower than that of the other two, Moldova and Ukraine.

Accommodation, overcrowding and living conditions

The number in the penal institutions in mid-2001 was 41% higher than the official capacity, and 31 of the 35 prisons were over the limit. Eighteen were more than 50% over capacity, and five of these more than 100% over capacity; in other words each of these five institutions held more than twice the number which is recognised as the official legal capacity. Indeed the living conditions were so overcrowded that in mid-2001 there were only 47,500 beds for about 50,000 prisoners. In seven prisons (Bacău, Botoşani, Bucharest-Jilava, Codlea, Focşani, Galaţi, Ploieşti) around half the prisoners had to share beds. This situation was unequalled in central and eastern Europe outside Russia.

The CPT, following their visit to two prisons in September/October 1995, called for immediate action (CPT, 1998 paras 124, 161) to ensure that all prisoners had their own bed. In their response, the Romanian government said in April 1997 that it was clear that the problem of overcrowding could not be solved in the short term; nevertheless much had been done and every prisoner at Gherla prison had his own bed. Unfortunately by 2001 there were 1,750 prisoners in that institution but only 1,545 beds. In the other institution visited by the CPT, the prison hospital at Bucharest-Jilava, again the administration reported that much had been done since the CPT visit; in 2001 each prisoner/patient in that institution did have his/her own bed.

In order to tackle the problem of overcrowding the capacity of the system has been increased, as already described. A number of other measures have also been taken:-

- the Code of Criminal Procedure was amended (1996) to make it possible for more pre-trial detainees to remain at home instead of being held in custody;
- the Penal Code was amended (1996) to enable large fines to be used as one of the main penalties available to the courts;
- conditional release was introduced (1996). Its scope was subsequently broadened;

- a collective pardon was voted by Parliament in July 1997. This resulted in the release of 2,248 prisoners (Council of Europe, 2000).

The official minimum space specification per prisoner in Romania is now 6m². At the time of the previous HEUNI study in 1994 it was 6m³ or about 3m². But unfortunately the figure of 6m² has to be regarded only as an aspiration. It does not appear that any institution has had its official capacity reduced as a result of the nominal change in the official minimum. The present level of overcrowding clearly precludes such reductions.

The prison administration reports that different categories of prisoner are separated in the Romanian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, very few prisoners are accommodated alone in single cells. In many prisons the rooms are designed for 20-40 prisoners, but in the new Bucharest prison (Bucharest-Rahova) they are designed for 3-5 prisoners. The largest number of prisoners in one room, in any prison in Romania is 55. The room is only 28.6m² in size, thus affording each prisoner only 0.5m² of space.

Sanitary installations and arrangements for access are reported to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides some toilet paper but prisoners must supply extra. All prisoners are able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners receive a change of underclothing once a week. The Romanian prison administration reports that measures are being taken to increase the capacity of the institutions and supply all prisoners with their own beds.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for health reasons, for religious reasons and for minors and pregnant women.

Prisoners who are not working are supposed to receive 2,855 calories daily, and those who are working should receive 3,645 calories. In one prison visited by the CPT in 1995 it was said that there were six different menus prepared but the CPT reported that the light menu for prisoners not working was very similar to that for those suffering from tuberculosis. In a prison hospital, also visited in 1995, the CPT considered the quality and quantity of the food inadequate considering the state of health of the patients.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the

hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

Many prisoners have an alcohol problem and the number is increasing; however there is no treatment programme for such prisoners. It is reported that not many prisoners have a drug problem, but the number who do is increasing; there is again no treatment programme available. HIV/AIDS is said not to be a problem in the Romanian prison system but the numbers are increasing. In accordance with WHO guidelines there is no policy of testing all prisoners for this condition. The response is in accordance with the Romanian national plan. Tuberculosis is a significant problem, the numbers are increasing and there is a treatment programme in place, again in accordance with the national plan. It is reported that nine prisoners died from tuberculosis in the most recent twelve month period for which figures were available; in the same period there were five suicides. In all there were 62 deaths in the prison system in the first six months of 2001 – the same figure as that reported for the first six months of the year 2000. There are many prisoners with psychiatric problems but no psychiatric hospital available for them.

A programme 'Education for the prevention of HIV in prisons' is financed, to the sum of 50,000 US dollars, by the Centre for Health Services and Strategy of the Open Society Institute. A programme 'Management of tuberculosis in prisons' is also financed, to the sum of 42,900 US dollars, by the same body. Prisoners' medical care is funded through the national system of health insurance, with their personal contributions to the scheme paid by the General Directorate of Penitentiaries.

Discipline and punishment

Romanian practice in respect of disciplinary measures was described in the previous HEUNI study (Walmsley, 1996 pp. 338-9). The most notable feature is that, following a decision of the prison administration in 1991, prisoners punished with the disciplinary measure of 'isolation' are held in conditions identical in terms of ventilation, lighting, food, exercise, etc. to that of all other prisoners. Isolation rooms look like much smaller versions of normal rooms. The sanction involves simply isolation from other prisoners. As the CPT noted, such punishment is thus served in better material conditions than those experienced by a prisoner housed in an overcrowded dormitory (CPT, 1998 pp. 67-8, see also p. 213). It was noted in the previous HEUNI study that the number of disciplinary punishments fell by 13% in 1994 compared with the previous year. By 1997 they had fallen to less than half the 1994 level (General Directorate of Penitentiaries, 1998).

Contact with the outside world

Pre-trial detainees and sentenced prisoners are allowed to be visited once a month. There are no arrangements for sentenced prisoners to receive private (intimate) visits from their wives or girlfriends, or to receive long visits, including overnight stay, from their families. The prison administration reports that pre-trial detainees are allowed to touch their visitors rather than being separated from them by a screen. There is no restriction on the number of letters that may be sent or received and prisoners' letters are never read by the prison authorities. Sentenced prisoners are allowed to speak to family and friends by telephone, as may pre-trial detainees if they have the approval of the prosecutor or judge.

Prison leave is granted, to those regarded as having shown good behaviour, for special events, such as Easter, Christmas and New Year and on the occasion of special events in the prisoners' family, such as a death or a marriage. But it is not used as a regular means of maintaining contact with friends and family outside the prison. In the first half of 2001 267 prisoners were granted leave to spend Easter with their families, and 34 were granted leave on other occasions. This compares with 318 at Easter 2000 and 49 granted leave on other occasions in the first half of the year 2000. The equivalent figures for the full year 1994 were 94 (religious holidays and the New Year) and 48 (solving grave family problems).

As described in the previous HEUNI study (Walmsley, 1996 pp. 340-1) the Romanian prison administration has introduced a policy of appointing Orthodox priests to each of the penal institutions. By the end of 1995 the number appointed was approaching 40. In a paper given at an international conference in Oradea, Romania in November 1995 the director of Deva prison, Mr. Andrei Traian reported on the purpose of this initiative and its implementation in his own institution, and drew some conclusions. He argued for an office (small department) within the prison administration 'to understand and run' the work of the priests, for regular meetings of the priests in order to share both their positive and negative experiences, and for the greater involvement of the Orthodox church superiors to whom, in their spiritual work, the priests report. He concluded by saying that "the priest tries to create a normal relationship between the prisoners and (the staff) (and) to make sure that once they are set free the prisoners will behave as good citizens both in their families and in society".

Prison staff

The Romanian prison service employed 11,049 staff at the beginning of 2001, of whom 214 worked in the prison administration headquarters. In the prisons there were 502 management staff, 6,663 security staff, 1,151 treatment staff (including sociologists, psychologists, social workers, teachers - referred to in some prison systems as educators or pedagogues - and medical staff) and 2,519 other staff (including lawyers, other administrative staff - including secretarial staff - and those working in connection with prisoners' employment). The numbers of staff have risen from 6,700 in 1992, 8,500 in 1995 and 9,400 in 1998. The overall ratio of prison staff to prisoners was thus 1 : 4.5 at 1.1.2001

or, if the ratio is based only on management, treatment and security staff in the prisons, 1 : 5.8. The number of security staff was 8% (561) below complement, and the number of treatment staff 9% (119) below complement.

Initial training for new members of the security staff lasts 45 days. This training is undertaken by means of courses organised both by the Military Penitentiary Training School at Târgu Ocna and in ten penal institutions which have training facilities. There is no specialised facility for advanced training for future senior staff within the prison service and consequently the Ministry of Justice has resumed co-operation with the Ministry of Internal Affairs for training, using a special prison curriculum, at the Police Academy and the National Intelligence Academy. A co-operation protocol has also been prepared, for graduate training for prison staff, with the Ministry of Defence. Intensive courses for management staff (directors and deputy directors) were carried out in 1999 and 2000 under a programme developed in co-operation with the Legal Resources Centre and financed by the Open Society Foundation. The courses, which addressed modern management needs, were specially adapted to the problems of the prison system and were carried out by a variety of management and human rights experts.

Some 19% of the staff in institutions for male prisoners are women working in health care, logistics, finance and other administrative matters. In the institutions for female prisoners 51.3% of staff are men, working on logistical matters and as security guards.

The Romanian prison administration has paid particular attention to carrying out the intentions of Rule 53 of the European Prison Rules. This states "the prison administration shall regard it as an important task continually to inform public opinion of the roles of the prison system and the work of the staff, so as to encourage public understanding of their contribution to society". Papers have been given on this subject by the Head of the Public Relations Department, Mr. Dan Sterian, at several international conferences, including at Oradea, Romania in November 1995 and at Helsinki, Finland in March 1997. In his paper at the latter event, he reported that the value of the work of the prison service had come to be known and appreciated. More recently there have been radio and television programmes about the prison system, including two films about the reality of life behind the prison walls, made by the prison administration in co-operation with television. In the first half of 2001 it is reported that 809 representatives of 274 newspapers and local or national TV stations visited the prisons.

A key component in the reform of the justice system is considered to be the demilitarisation of prison staff. The Romanian prison administration has made progress in preparing for such a development. A draft law is being prepared on the status of public officials in the prison system. This is seen as the beginning of a new organisational culture for Romania's prison system (Stănişor, 2002).

Treatment and regime activities

All prisoners who enter a penal institution go through an admission stage, lasting 21 days and known as ‘quarantine’, during which they are interviewed by various members of the treatment staff (Walmsley, 1996 p. 336). Prisoners are organised into groups led by an educator who co-ordinates their activities. The usual number of prisoners in such a group is at present 200. In addition to medical personnel and educators, treatment staff in the Romanian prison system include 44 psychologists, 6 sociologists and 15 social workers.

In the year 2001 the main ‘socio-educative and psychotherapeutic activities’, as described by the Prison Administration (2001) included: -

- programmes of human development for [sc. adult] prisoners and minors;
- schooling (primary and lower secondary school);
- vocational training;
- artistic and sporting activities and the promotion of cultural diversity;
- therapeutic programmes for [sc. adult] prisoners and minors;

“The entire socio-educative and psycho-therapeutic activity has been carried out taking into consideration respect for human dignity, humanism, ensuring prisoners’ rights. Educators and psychologists contribute to the prevention of crisis situations, maintaining a human environment in the places of detention by promoting and developing specific activities”. The publication goes on to explain that “collaboration with governmental and non-governmental organisations has been important, having as a goal the prisoners’ social rehabilitation by programmes of schooling, moral-civic education, education for family, health education, respect for human rights, encouraging and developing creativity and technical inventiveness, increasing and maintaining the [sc. adult] prisoners’ and the minors’ physical and mental [sc. capacity]”. Special activities conducted in accordance with the above objectives are then listed, including performances, exhibitions of prisoners’ work, seminars, a symposium and a programme to help teenagers to take correct decisions on release.

The programmes of human development, schooling and therapeutic programmes referred to above include activities which are described more specifically as follows:

- programmes to assist in prisoners’ adaptation to the prison regime;
- education on legal matters;
- programmes to decrease depression in prisoners who present a suicide risk;
- programmes to decrease aggression;
- psychological counselling and moral support;
- therapeutic assistance and support for vulnerable prisoners;
- programmes to prepare prisoners for release. These are reported

to include, for long-term prisoners, steps to ensure a gradual return to society, family life and employment.

It is also reported that there are some 2,350 TV sets in the system, of which 1,750 are the prisoners' private property, over 1,000 radio sets (more than 90% are the prisoners' property), 56 radio stations, 13 TV studios and 55 video recorders. There are also more than 3,000 subscriptions to newspapers and magazines and many prisons receive local newspapers free-of-charge for the prisoners. The prison libraries are said to contain over 110,000 books.

Every prisoner is allowed at least one hour of walking or suitable exercise every day (including week-ends) in the open air. There are also said to be 49 sports yards in the penal institutions, and 78 'clubs'. These enable prisoners to play table tennis and chess and to take part in some other leisure activities. However access to such activities and opportunities for sport is limited because of the overcrowded state of the institutions (CPT, 1998/5 p.208).

Conditional release

Prisoners serving up to 10 years are eligible for conditional release after serving half their sentence; those with longer terms must serve at least two-thirds. Each case is considered by a commission on which the prosecutor is chairman and the other members are the director of the prison, the prisoner's educator and the work organiser. If the commission concludes that release is appropriate, the court must formally decide within five days. In 1994 some 73% of all eligible prisoners were released (84% of first time prisoners, 54% of recidivist prisoners). There has subsequently been an increase in the percentage being released. In the first half of 2001 81% of eligible prisoners were released. The commission recommended release for 85% of eligible prisoners (88% of first time prisoners and 80% of recidivist prisoners) and the court endorsed 95% of these recommendations. Of the 15% who were not recommended for release 51% were to be discussed again within three months, another 27% within six months and another 12% within a year. 10% were considered unsuitable for release before the completion of their sentences.

Prison work

The existing legislation requires that all sentenced prisoners should work if they are fit to do so and work is available for them. In July 2001 41% of prisoners had work. The numbers in work vary seasonally so that in January 2001 little more than half as many had work. 43% of those working in January were engaged in 'remunerated work' (as opposed to work performed 'in the interests of the prison') compared to 57% in July. No money is given to prisoners who are unable to work or for whom no work is available. As stated earlier, vocational training is available for some sentenced prisoners. (For more information on prison work in Romania see Walmsley, 1996 pp. 347-8.)

Education

Reference has already been made to the provision of primary and lower secondary school education and education on legal matters. The prison administration reports a total of eleven different types of education that are available in Romanian prisons. These are:

- remedial education for younger prisoners with special problems such as illiteracy and innumeracy (teaching prisoners to read and write);
- education in good citizenship (for younger prisoners);
- the encouragement and development of family and community ties;
- health education;
- education on legal matters;
- completion of basic education;
- education for work;
- professional training (and professional development training for adults);
- education for family life;
- religious and moral education;
- sport and physical education.

Inspection and monitoring

The work undertaken in the prisons is inspected by the Ministry of Justice and by the prison administration itself, in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the prison administration. The CPT reported that in 1995 the prosecutor's office also was required by the law on the organisation of the judiciary to monitor the measures involving the deprivation of liberty and the conditions of detention in the penal institutions. They learned that in principle prosecutors visited the institutions weekly and submitted annual reports to the Ministry of Justice summarising this work. The CPT was concerned that some prosecutors did not visit the prisoners' living quarters and engage in spontaneous confidential conversations with them.

The government response to the CPT reported that the General Prosecutor, as a result of the recommendations of the CPT, issued an official Order (No. 52/1996) setting out in detail the duties of the prosecutors with regard to inspection. He established a special division in his department to co-ordinate inspection of facilities for pre-trial detention and penal sanctions, and to ensure that inspections were carried out in accordance with the laws and the international standards. The prison administration reports that the Ombudsman too carries out an independent inspection of the penal institutions and that non-governmental organisations also do monitoring work.

The CPT visit in September/October 1995 has been followed by a second one, which took place in January/February 1999. The report on the latter visit has not yet been published. The principal recommendation following the 1995

visit was that a high priority should be given to improving the conditions of detention in the penal institutions. In respect of the prisons visited attention was drawn in particular to ensuring that all prisoners had their own bed; that hygienic requirements were observed; that living accommodation was adequately heated; that more activities were made available and more time out of cell, including a full hour's exercise each day; that food was adequate; that staff numbers were increased, especially in the medical department; that prisoners had confidential access to the prosecutor; and that medicines were sufficient and medical equipment adequate. The Romanian authorities responded positively to the recommendations but pointed out that the shortage of budgetary resources made it impossible to implement all of these recommendations.

The international standards (the UN Standard Minimum Rules and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons or the treatment of prisoners, are reported to be widely available in the Romanian prison system. The Director General and the directors of penal institutions have copies of the standards, as do other management staff at the national prison administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

In the first six months of 2001 some 2,500 people representing 239 non-governmental organisations are reported to have visited the penal institutions, including the re-education centres for minors. There is close co-operation between the prisons and some of these NGOs who are approved to pay weekly, monthly or two-monthly visits in connection with agreed activity programmes. Significant activities were current in mid-2001 with Prison Fellowship Romania, the Humanitarian Service for Prisons, Rock of Ages, the Romanian Group for the Defence of Human Rights, Terre des Hommes Foundation and the Organisation for the Defence of Human Rights.

Reference has been made above, under regime activities, to the importance that the administration places on collaboration with NGOs. They are recognised as assisting the treatment/education department in their work to ensure the rehabilitation of prisoners for their successful re-integration on release. NGOs are also welcomed for monitoring the degree to which human rights are respected in the prisons and informing the administration of breaches.

Other matters

The Romanian prison service is much involved in international co-operation, which is intended to improve prison standards. It has established contacts with most of the European prison systems, and in particular with Spain, the Netherlands, England, Hungary and Moldova. International co-operation with Penal Reform International has assisted with the planning of the design and regime of the new Bucharest-Rahova prison. Bi-lateral co-operation agreements were signed

with the Hungarian prison administration in 1998 and the Moldovan administration in 2000. These agreements focus on information and documentation exchange, visits, joint seminars and symposia and twinning between prisons. Twelve of Romania's 35 prisons for adults are twinned with similar institutions in other countries: nine in the Netherlands, two in Hungary and one in England.

In addition, a collaborative project with the Swiss government is providing consultancy help in adjusting initial training requirements for staff in order to meet European standards.

Pre-trial detainees retain the right to vote in national elections, but sentenced prisoners do not. There may also be some limitation on prisoners' right to vote after they are released from prison if it was mentioned in court as part of the sentence imposed.

The prison administration produces an annual report, which has on occasion been issued in a version in the English language, and a quarterly journal 'Revista de Administratei Penitenciara din Romania' (Romanian Prison Administration Review), which seeks to inform those interested in prison affairs about a range of issues. The administration has also established a website (www.anp.ro) and produces, approximately on an annual basis, an English language document 'The Romanian Penitentiary System in Figures and Diagrams'. A trilingual publication 'Monografia' gives photographs and descriptions of all the penal institutions in a 168 page attractive format (General Directorate of Penitentiaries, 2002).

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Romanian prison system:

- managing to increase the capacity of the prison system (by more than 15% between mid-1994 and mid-2001);
- the increase in the number of prisoners (by more than 15% between mid-1994 and mid-2001), and consequent very severe overcrowding in the system;
- the modernisation of existing accommodation in the system;
- the production of new orders and instructions concerning the treatment of prisoners;
- the preparation of a new strategy for working with minors/juveniles (including the siting of a re-education centre alongside the staff training school).

Current objectives

The following are some of the main objectives reported by the Romanian prison administration:

- to reduce the level of overcrowding in the system;

- to demilitarise the system – since 1997 the Director General has been a civilian (magistrate);
- to improve the conditions in which pre-trial detainees and sentenced prisoners are held;
- to align the legislation with the European Prison Rules;
- to take steps to combat the corruption of prison staff;
- to improve staff training and the pay and conditions of staff;
- to increase the number of specialists in the system – including sociologists, social workers, psychologists and lawyers.

Main problems

The following were identified by the prison administration as some of the main problems, which are obstacles to the achievement of the above objectives, and to the advancement of the prison system in Romania:

- the level of overcrowding – most prisons are well over their capacity and there are insufficient beds;
- the shortage of financial resources; the prison administration considers that the funds received from the Ministry of Finance for 2001 are insufficient to guarantee the smooth functioning of the penal institutions;
- the fact that the system is based on old legislation (more than 30 years old);
- the shortage of specialists in the system, including doctors and psychiatrists;
- the absence from the legislation of non-custodial alternatives to imprisonment;
- the increasing presence of tuberculosis among the prison population.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. In addition to those listed above under ‘important recent developments’, they drew attention to :

- the opening of the new re-education centre for minors at Târgu Ocna on the same site as the Military School for the training of prison staff;
- the establishment of a new modern prison at Giurgiu.

Further achievements of the Romanian prison system include:

- commencing the process of demilitarising the prison system;
- prisoners punished with the disciplinary measure of isolation are

held in particularly humane conditions in which the sanction simply involves isolation from other prisoners. Conditions are identical in terms of ventilation, lighting, food, exercise etc. to those of other prisoners. The rooms are smaller versions of normal accommodation;

- the prominent place given to religious opportunities;
- the extensive contacts which have been developed with the media;
- the high proportion of prisoners eligible for conditional release who were receiving it (81% in the first half of 2001);
- the close co-operation that has been established with non-governmental organisations;
- the co-operation agreements signed with neighbouring prison administrations and the attention paid to twinning the prisons with penal institutions in other countries;
- the production, to enhance international understanding of the prison system, of several publications, including some in the English language, providing information and statistics, and the establishment of a prison service website (www.anp.ro).

Conclusion

This account of the Romanian prison system, recent developments, objectives, problems and achievements, demonstrates that despite very unfavourable circumstances, especially in respect of the gross overcrowding of the prisons, it has been possible to make progress in a number of areas.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to ensure that every prisoner has his/her own bed;
- to take steps to increase the space available to each prisoner to at least 4m²;
- to ensure that sanitary installations, and arrangements for access, are adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions;
- to increase staff numbers, in order that the staff-prisoner ratio can be reduced, and that the size of an educator's group can be brought down to no more than about 50 prisoners;
- to increase the number of prisoners who are regularly involved in employment or other purposeful activities, such as education or vocational training;
- to develop opportunities for constructive activities for pre-trial detainees, such as can be undertaken despite the level of overcrowding;
- to introduce a new Penal Executive Code, incorporating all aspects of the European Prison Rules and modern ideas of best practice.

Annex 1

ROMANIA: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1989	29,031	125	23,211,400
1990	26,010	112	23,192,300
1991	39,609	171	23,191,900
1992	44,011	193	22,778,500
1993	44,521	196	22,748,000
1994	43,990	194	22,712,400
1995	45,309	200	22,656,100
1996	42,445	188	22,581,900
1997	45,125	200	22,526,100
1998	52,149	232	22,488,600
1999	49,790	222	22,455,500
2000	48,267	215	22,430,500
2001	49,841	222	22,405,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	10,789	22.4	48
(31/12)	11,482	23.0	51
Female prisoners in 2001			
(1/1)	1,931	4.0	9
(31/12)	2,122	4.3	9
Juveniles (under 18) in 2001			
(1/1)	1,521	3.2	7
(31/12)	1,412	2.8	6
Foreign prisoners in 2001			
(1/1)	288	0.6	

Note: An amnesty in July 1997 resulted in the release of 2,248 prisoners.

Annex 2

Romanian penal institutions: functions and capacity, 2001

Prisons (penitentiaries)

1	Aiud	Pre-trials, sentenced, males, females, adults, minors	1,750
2	Arad - old prison - R104	Pre-trials, sentenced, males, females, adults, minors	544 324
3	Bacău	Pre-trials, sentenced, males, females, adults, minors	770
4	Baia Mare	Pre-trials, sentenced, males, females, adults, minors	540
5	Bistrița	Pre-trials, sentenced, males, females, adults, minors	837
6	Botoșani	Pre-trials, sentenced, males, females, adults, minors	710
7	Brăila	Pre-trials, sentenced, males, females, adults, minors	668
8	Bucharest-Jilava	Pre-trials (both sexes and all ages) and sentenced prisoners in transit	1,401
9	Bucharest-Rahova	Pre-trials, sentenced, males, females, adults, minors	2,174
10	Colibași	Pre-trials, sentenced, males, females, adults, minors	1,029
11	Codlea	Pre-trials, sentenced, males, females, adults, minors	683
12	Craiova	Pre-trials, sentenced, males, females, adults, minors	1,158
13	Deva	Pre-trials, sentenced, males, females, adults, minors	1,226
14	Drobeta Turnu Severin	Pre-trials, sentenced, males, females, adults, minors	709
15	Focșani	Pre-trials, sentenced, males, females, adults, minors	810
16	Galați	Pre-trials, sentenced, males, females, adults, minors	590
17	Gherla - centre - Cluj	Pre-trials, sentenced, males, females, adults, minors	1,328 350
18	Giurgiu	Pre-trials, sentenced, males, females, adults, minors	620
19	Iași	Pre-trials, sentenced, males, females, adults, minors	1,190
20	Mărgineni	Pre-trials, sentenced, males, females, adults, minors	1,175

21	Miercurea-Ciuc	Pre-trials, sentenced, males, females, adults, minors	435
22	Oradea	Pre-trials, sentenced, males, females, adults, minors	680
23	Ploești	Pre-trials, sentenced, males, females, adults, minors	479
24	Poarta Albă - centre - Moșneni - Valul lui Trajan	Pre-trials, sentenced, males, females, adults, minors	1,961 365 431
25	Satu Mare	Pre-trials, sentenced, males, females, adults, minors	470
26	Slobozia	Pre-trials, sentenced, males, females, adults, minors	800
27	Timișoara	Pre-trials, sentenced, males, females, adults, minors	1,370
28	Târgșor	Sentenced females	754
29	Târgu Jiu	Pre-trials, sentenced, males, females, adults, minors	500
30	Târgu Mureș	Pre-trials, sentenced, males, females, adults, minors	480
31	Tulcea - centre - Chilia	Pre-trials, sentenced, males, females, adults, minors	1,147 588
32	Vaslui	Pre-trials, sentenced, males, females, adults, minors	538
33	Craiova	Prison for sentenced male minors, some male adults	588
34	Târgu Ocna	Military school for prison staff training	291
35	Pelendava	Half open prison for sentenced prisoners	140

Hospitals

36	Bucharest-Jilava	Prison hospital	773
37	Colibași	Prison hospital	279
38	Dej	Prison hospital	249
39	Târgu Ocna	Prison hospital	274
40	Poarta Albă	Prison hospital	313

Centres for reeducation (C.R.)

41	C.R. Gaești	Minors	336
42	C.R. Tichilești	Minors	419
43	C.R. Târgu Ocna	Minors	100

TOTAL (mid-2001)

35,346

Annex 3

Romania: principal sources of information

Response by the Director General of the Prison Administration, Mr Emilian Stănişor, to survey questionnaires for this project.

Other information and documentation supplied by the Romanian prison administration.

Material from the website of the Romanian prison administration www.anp.ro

CPT, 1998/5. Report to the Romanian Government on the visit to Romania [by the CPT in September-October 1995] and the response of the Romanian Government. Council of Europe, Strasbourg

Council of Europe, 1997. Reply submitted by the Romanian prison administration to questionnaire on overcrowding and prison population size. Strasbourg

Dianu T., 1995. Topical issues on reforming the Romanian criminal justice system. Paper presented at the annual meeting of the American Society of Criminology, Boston, November 1995.

General Directorate of Penitentiaries, 1995. Putting into practice the European Prison Rules in the Romanian Penitentiary System. Proceedings of an international symposium at Oradea, November 1995.

General Directorate of Penitentiaries, 1998. Document concerning the growth in the prison population, sanctions in the Penal Code, conditional release, probation and treatment programmes for prisoners. Ministry of Justice, Bucharest

General Directorate of Penitentiaries, 1998, 2000 and 2001. The Romanian Penitentiary System in Figures and Diagrams. Ministry of Justice, Bucharest

General Directorate of Penitentiaries, 2002. Monografia – 168 page trilingual publication, including information and photographs of every penal institution in the Romanian prison system. Ministry of Justice, Bucharest

General Directorate of Penitentiaries, 2002. Anuar Statistic (Annual Statistics) 2001. Ministry of Justice, Bucharest

Stănişor E., 2002. Demilitarisation – the beginning of a new organisational culture for Romania's prison system. Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

Sterian D., 1997. Public opinion, press and prison population. Paper presented at conference in Helsinki, Finland, March 1997.

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

39. Russian Federation

Legislative framework

In July 1993 a new law was adopted, for the first time dealing in detail with the activities of the penal system. In the 18 months prior to that radical changes had been made to the Penal Code, the Code of Criminal Procedure and the Penal Executive Code, which was known as the Corrective Labour Code. These changes had done away with a number of restrictions and granted more rights to sentenced prisoners, including the right to home leave and other visits outside the penal institution. In 1995 legislation was adopted governing procedures and practice in respect of pre-trial detention and 1996 saw the adoption of a new Penal Code and a new Penal Executive Code (or Penal Enforcement Code as it was now called), both of which came into force in 1997. These three laws “constituted an important landmark on the path towards the democratisation of the regime and conditions under which punishments for crime are administered, with a view to rendering all of them, including custodial sentences, more humane. These advances were a major step forward in respect of safeguarding the rights and legitimate interests of prisoners suspected, accused or convicted of crimes. They have also brought the conditions for the custody of such persons into line with international standards and have ensured that the activity of those institutions and agencies enforcing punishment should be subject to control from state and public bodies” (Kalinin, 2002/2).

In March 2001 a Federal Law was adopted (No. 25-FZ), containing 59 amendments to the Penal Code, the Code of Criminal Procedure, the Penal Enforcement Code and other legislation. “The amendments are designed to bring about a further easing of penal policy, particularly as regards prisoners who have committed offences of a minor or medium importance” (Kalinin, 2002/1). In the 12 months following the adoption of the Federal Law the number of convicted prisoners serving their sentences in settlement colonies (open prisons) increased from 4,000 to 35,000 (Kalinin, 2002/2).

Organisational structure

Responsibility for the administration of the prison system had resided with the Ministry of Internal Affairs for many years but on 31 August 1998, following a Presidential Decree in July 1997, it was transferred to the Ministry of Justice. (Previous short-lived attempts to make such a transfer had occurred in 1927 and 1953.) “This was one of the most significant steps aimed at ensuring more reliable guarantees for compliance with norms of legality and with human rights. The Ministry of Justice is more free to act in this respect, since it is not burdened with the legacy of the past and has not been associated with bringing psychological pressure to bear on those who have violated the law and are serving custodial sentences” (Kalinin, 2002/2).

The head of the Principal Department of Prison Administration from 1992 to 1996 was Mr. Yuri Kalinin, who was succeeded by Mr. Boris Sushkov, Mr. Vyacheslav Ovchinnikov and then in 1998, following the transfer of the prison system to the Ministry of Justice, by Mr. Vladimir Yalunin who remained in position at the end of 2001. The head of the prison administration reports to a Deputy Minister of Justice who, since 1998, has been Mr. Yuri Kalinin, the former head of the prison administration. Russia's 89 administrative divisions are now divided into seven large regions each of which has a department of prison administration.

There were 998 penal institutions operating at 1 September 2001. Of these 184 were pre-trial 'investigative isolators' (SIZOs), 13 were closed prison (tyoor-mi), 737 were corrective colonies and 64 were educative colonies (for juveniles and prisoners under the age of 22 who were under 18 when sentenced). There are distinct sections which function as pre-trial institutions within the closed prisons and also within most of the corrective colonies. The corrective colonies have regimes of different levels of strictness – very strict, strict or general; others (colony-settlements) have open conditions.

The total capacity of the system at the beginning of 2001 was 960,381, of which 122,790 places were in pre-trial SIZOs and closed prisons which therefore had an average capacity of about 620; 791,615 were for sentenced prisoners in corrective colonies (average capacity about 1,075), 20,205 were in pre-trial sections in corrective colonies (average capacity about 120), and 25,771 were in educative colonies (average capacity about 400). The overall capacity had thus risen by about 2.7% since the beginning of 1994. At the end of 2001 it was 953,240.

Pre-trial detention

The level of pre-trial detention has been one of the most serious problems faced by the prison system; in 1994 when there was some 223,000 detained the average space per person in one pre-trial prison in Moscow was found to be less than 1.3m². Numbers subsequently rose to almost 300,000 in April 1996, remaining above 270,000 until mid-1999. Extensive efforts by the prison administration and the Ministry of Justice (including the aforementioned Federal Law of March 2001) have since reduced the numbers so that they were at 206,879 at the end of 2001 and continuing to fall. Nevertheless this amounts to 144 per 100,000 of the national population, making it the second highest in central and eastern Europe and about six times the rate in most of western and southern Europe.

A new Code of Criminal Procedure came into force on 1 July 2002 and the prison administration was confident that it would further reduce the numbers in pre-trial detention. Decisions about holding suspects in pre-trial detention will be made only by courts. Likewise any extension to the period during which the detainee will remain in custody prior to the trial must be authorised by a court. The transfer of these decisions from the prosecutors to the courts should stop pre-trial detention being almost automatic. Furthermore, under the new Code only a court can give permission for an individual to be held under police arrest

for more than 48 hours, and the circumstances in which a person may be remanded in custody have also been changed. In particular, a custodial remand can only be used if it is impossible to use another less rigid measure of restraint and after a decision has been taken on this matter by a court. House arrest is introduced as an additional alternative to remand in custody. Again, the new code introduces judicial review of the legality and validity of decisions and actions of the Prosecutor's Office and investigative bodies.

The numbers held in penal institutions

The prison population rose by 50% between the beginning of 1990 and the beginning of 1997 so that it then exceeded 1,050,000, with a prison population rate of 715 per 100,000 of the national population, the highest in the world. It rose further at the end of 1999 reaching a peak of over 1,090,000 at the end of May 2000 (more than 750 per 100,000). There was then a fall of 170,000 in 5 months and at the beginning of 2001 it was 923,765 (a prison population rate of 638) rising to 980,092 at the end of the year (a rate of 681). This is by far the highest rate in central and eastern Europe (Belarus with a rate of 554 is second highest) and is the second highest in the world, behind the USA.

There have been several amnesties during the 1990s, most recently in 1996, 1998, 1999, 2000 and 2001. The last of these was approved by Parliament at the end of November 2001 and was expected to lead to the release of 13,000 prisoners who committed offences when they were juveniles (under 18) and 10,000 women.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was 96.2% of the official capacity of the system, and the number at the end of the year was 102.8%. But this obscures the variation between the different types of institution. At the end of 2001 the occupancy level in pre-trial institutions (SIZOs) was 180%, in closed prisons it was 64%, in the pre-trial sections in corrective colonies it was 30%, for sentenced prisoners in corrective colonies it was 95%, and in educative colonies it was 69%.

The official specification of the minimum space allowance per prisoner was 2.5m² for adult males and 3m² for women and juveniles until February 2000 when the space allowances in pre-trial institutions and in educative colonies for juveniles were increased to 4m². The allowance of 2.5m² still applies in corrective colonies for sentenced males.

Overcrowding in the pre-trial institutions has been a very serious problem throughout the 1990s. Attention was drawn in the report on the previous study (Walmsley, 1996 p. 362) to institutions in which the occupancy level was twice the capacity, there were far more prisoners than beds and prisoners had to sleep in shifts. As the Deputy Minister of Justice reports "in some of these institutions prisoners had no more than one square metre of living space each" (Kalinin, 2002/2). In 1999 it was reported that in some SIZOs the number of prisoners was three to four times higher than capacity (Council of Europe, 1999).

Since the pre-trial population was expected to continue falling, the Ministry of Justice hoped that by the end of 2002 the occupancy level in the SIZOs would be close to the official capacity. It was planned to create an additional 46,000 places in these institutions in the five years 2002-2006 (Kalinin, 2002/2).

Conditions in the living accommodation in pre-trial institutions have been very poor, not only in terms of space per prisoner but also in terms of lighting, heating, ventilation, hygiene and sanitary conditions. Extensive efforts are being made to improve this situation but the task is enormous. Many of the buildings are very old and the necessary changes will take many years to complete, even if the resources can be found.

Few prisoners are held in single cells, which are generally regarded as the type of accommodation only used for disciplinary isolation. Over 100 prisoners are held in some dormitories and large cells and there are not enough beds for all.

Food and medical services

It is reported that the quality and quantity of food prisoners receive is not as good as that in communal catering outside. It is not possible to provide a balanced diet, including meat, fruit and vegetables but in almost all institutions prisoners receive the number of calories prescribed by law and regulations.

The head of the medical department in the prison administration, Dr. Alexander Kononets, reports that although the Ministry of Justice is fully responsible for all aspects of the health care of prisoners very close contact takes place with the Ministry of Health on virtually all issues. Prison medical services are largely organised in accordance with Ministry of Health norms. He regarded the prison medical service as “an integral part of the state healthcare structure” (Kononets, 2002).

Prison medical services are said to be at least as good as health care services outside. Indeed “in certain places in the Russian Federation, penal medical services are the only ones available for many hundreds of kilometres” (ibidem). There are 119 prison hospitals of different types and medical departments or medical centres in every institution.

Health care in the Russian prison system is an extremely grave problem. The rates of illness and death are said to be many times higher than in the world outside. Tuberculosis and HIV/AIDS are the most serious diseases but there are also large numbers of prisoners who are dependent on alcohol and drugs.

Until 1994, when they were transferred to the responsibility of the Ministry of Health, there were a large number of special corrective labour establishments for alcoholics; in May of that year there were 94 such establishments containing over 20,000 prisoners/patients. But the number of chronic alcoholics remaining in the prison system is extremely large – some 8% of the total population.

The number of prisoners who are drug dependent is increasing. Some 11% of the prison population are registered drug addicts. It is reported that in 2001, for the first time, penal institutions were satisfactorily supplied with the necessary equipment and medicines for these prisoners. Special sections have been set up in every penal institution to treat them and psychologists specialising in

substance misuse, psychotherapists and psychologists have been employed to work with them (Kalinin, 2002/2). Nine of the corrective colonies are medical institutions for drug addicts.

At the end of 2001 the Ministry of Justice reported that 21,000 prisoners were HIV positive, an increase of nearly 30% in 6 months. 95% were said to be intravenous drug-users. Preventive work in respect of HIV infection was being carried out jointly by the prison administration and a large number of Russian NGOs (30 at November 2002). Prisoners and staff were being provided with reliable and effective information about this problem, including methods of reducing risks, and support was being given to those identified as HIV positive.

Approximately 1 in 10 of all prisoners in the Russian Federation have active tuberculosis. This is almost 100,000 people. It was stated in 1998 that 5,000 prisoners were expected to die from TB each year due to lack of food, heating and drugs caused by the economic crisis in the country. (There had been a total of 7,760 deaths from all causes in Russian penal institutions in 1997.) From that time there has been a concerted effort, involving the Ministry of Justice, non-governmental agencies and funders such as the Open Society Foundation, to combat the problem, which amounts to an epidemic within the penal institutions and which, as a result of prisoners being released at the end of their sentences while still sick with the disease, threatens the community outside. The World Bank too has joined in these efforts and in 2001 it started to provide a 48 million US dollar credit to finance TB programmes in Russian penal institutions. Although there was a serious deterioration in the situation between 1998 and 2000 and the prevalence of TB in the penal institutions was then 40 times higher than in the community the overall TB rate in the penal institutions was reported by ITAR-TASS in July 2002 to have fallen by 15%. TB clinics have acquired an additional 3,500 beds, and four specialised treatment facilities with room for 3,000 patients have been opened. In all, specialist treatment for tuberculosis is available in 34 of the prison hospitals and 55 medical centres in corrective colonies.

More than a quarter of the prison population is believed to be suffering from mental disorder.

Discipline and punishment

Disciplinary measures include a warning, a fine, solitary confinement for 15 days (7 days for young prisoners in educative colonies) and “the transfer of prisoners who are categorised as ‘deliberate offenders against the Prison Regulations’ into either confinement cells, single cells or special departments with confinement cells.... Detention in these confinement cells lasts up to three months for women and six months for men” (Uss and Pergataia, 2001). The 1996 Penal Enforcement Code has abolished the provision whereby the total length of time spent in solitary confinement could not exceed 60 days per year. Prisoners whose behaviour cannot be contained within a corrective colony may be transferred to an institution with ‘prison’ (tyoorma) conditions. In some pre-trial institutions (SIZOs) prisoners in solitary confinement may only be allowed 30 minutes for daily exercise.

Contact with the outside world

Sentenced prisoners may receive short visits of up to four hours and long visits of up to three days, the frequency of which is dependent on the type of regime of the penal institution. The allowance is generally between four and eight visits a year (half short visits and half long visits), but prisoners in a single cell regime in 'prison' (tyoorma) conditions are only entitled to two visits a year, some prisoners in a general regime colony may have one visit a month and young prisoners in educative colonies may have more than one visit a month. Indeed young prisoners with a so-called privileged regime may have unlimited visits, as may prisoners in settlement colonies (open prisons). Young prisoners may also have long visits lasting five days with their families outside the colonies. Full details of the different allowances are in Uss and Pergataia (op. cit.). Visits to pre-trial detainees depend on the prosecutor or judge, and sometimes the director of the institution. It is reported that about half of all pre-trial detainees are visited, but in some cases this will be because there is no-one who wishes to visit.

Prisoners may send and receive an unlimited number of letters but these are subject to monitoring by prison staff. Packages may also be received; the number is regulated by law and, as with visits, varies according to the type of regime of the penal institution. (Again, see Uss and Pergataia for details.) Prisoners may also subscribe to newspapers and magazines.

Prisoners may be allowed leave from the institution if there are exceptional personal circumstances and in order to make arrangements concerning their forthcoming release. Women may be granted leave in connection with arrangements for the transfer of their children, on reaching the age of three, from mother and child accommodation in the penal institution to relatives or a children's home outside.

The Penal Executive Code (Article 73) specifies that prisoners should serve their sentences near their place of residence. However the small number of educative colonies for sentenced juvenile girls (3) and of institutions with units for mothers and children (11) mean that these groups are likely to be located far from their home areas. The same is true to a lesser extent of juvenile boys and women, since there are just 61 institutions for sentenced juvenile boys and 31 corrective colonies for women.

Prison staff

The Russian prison service employed some 347,400 staff at the end of 2001, including those at national and regional headquarters - a 50% rise on the number recorded in 1994. This represented an overall staff – prisoner ratio of 1 : 2.8. A significant part of this increase is attributable to the prison administration having taken over responsibility from the militia of the Ministry of Internal Affairs for the control and protection of the institutions, mainly the manning of the perimeter. "The staff – prisoner ratio in a particular institution, calculated according to the annual average, is presented by law: in pre-trial detention facilities the prison personnel is at most 25% of the number of prisoners [i.e. 1 : 4];

in corrective colonies of all regimes the ratio is up to 17% [i.e. 1 : 6]; and in educational colonies up to 48% [i.e. almost 1 : 2]" (Uss and Pergataia, 2001).

Staff training is organised by the Ministry of Justice in six higher educational establishments with six branches, one special secondary school, two law schools, 80 training centres and a scientific research institute with branches in Tver and Ivanovo. In 2001 an Academy of Law and Administration was established under the auspices of the Ministry of Justice. Curricula have been revised to reflect the experience of European penal systems and recommendations of the Council of Europe. Training provision for lawyers and psychologists has been expanded and in all educational institutions the syllabus has been amended to include courses on human rights in places of detention (Kalinin, 2002/1). The length of initial training of a new member of the security staff is eight weeks. There are many types of international co-operation, including with NGOs, in the field of staff training (see below).

The Ministry of Justice regards it as one of the most important challenges in reforming the penal system to produce "a new breed of prison staff, one that is professionally trained and capable of accepting international standards with regard to the treatment of prisoners. This is a crucial task, for not only will the new generation of prison staff be required to ensure the smooth running of the system, but they will also be expected to perform their duties with due regard for the relevant international standards" (Kalinin, 2002/1).

Steps are being taken to improve the welfare of prison staff. Salaries were increased by 100% or more in July 2002 and allowances for special duties are also to be increased. In terms of staff health care, a network of clinics is being set up especially for prison staff, and fifteen rehabilitation centres and three sanatoria are in operation. In many regions, with the help of the local administration, holiday centres have been set up for families of prison staff and steps are being taken to provide them with housing and other forms of social assistance (Kalinin, *ibidem*).

Treatment and regime activities

There were only a few dozen psychologists employed in the prison system in 1991 but by 1994 a number were being trained with a view to their having a greatly enhanced role in the penal institutions. In 1998 there were 800 and this has since risen to over 2,000; they work both with prisoners and staff. "The development of a new prison culture within the Russian penal system reflects a shift in emphasis away from the use of force and authoritarian methods towards human relations" (Kalinin, 2002/1).

Heads of detachment, responsible for organising the constructive use of prisoners' time during their sentence and for their preparation for release, supervised groups of 70-100 in 1994 and in 1998 the sizes were said to vary between 100 and 150 (Utkin, 1998). The rise in the number of psychologists has been accompanied by rises in the number of teachers and social workers. It is not known how this has affected the work of heads of detachment and the size of prisoner groups. Nevertheless, there is reported to be an emphasis on helping

prisoners adjust to society after they are released, and this is regarded as a priority requirement from the first day of a prisoner's arrival at a corrective colony (National Prison Administration, 2002).

In accordance with Article 14 of the Penal Code, freedom of conscience and religious worship is guaranteed to prisoners. In penal institutions at the end of 2001 there were 286 chapels and other premises for religious services and 662 prayer rooms (*ibidem*). Classes have been established to provide religious instruction for prisoners in almost half of Russia's administrative regions.

The Penal Code has also altered the conditions of detention, in that prisoners in a corrective colony may live under a general, strict or relaxed type of regime. This applies whether the prisoner is held a general, strict or very strict regime colony. So not only do the colonies have different regimes but also within each there are different conditions, each carrying with it different privileges in terms of visits, packages and the amount of a prisoner's money that he or she may use in the institution. Such a policy has its advantages and disadvantages, as indicated by Uss and Pergataia (2001). "Measured by international standards, according to which living conditions ought to be as similar as possible to living conditions outside of prisons, such differentiation does not seem desirable. On the other hand, the practice of the prison system shows that regimes with different severity levels provide a useful incentive for orderly behaviour, because prisoners understand that their living conditions are determined solely by their own behaviour".

The principal regime activities available are employment and education (see below). The rooms/dormitories of sentenced prisoners in colonies are unlocked during daytime and locked only for eight to ten hours at night. However, opportunities are limited, when compared with the CPT recommendation that all prisoners should spend at least eight hours a day engaged in purposeful activities of a varied nature. The cells of pre-trial detainees are unlocked only for one hour a day. Every prisoner is allowed at least one hour of walking or suitable exercise every day, except that, as mentioned above, only 30 minutes is sometimes allowed to pre-trial detainees held in isolation punishment.

Conditional release

Within one month of a prisoner having served the legally required fraction of the sentence a special commission of senior prison staff in the institution must decide whether conditional release is to be granted. The fraction may be a half, two-thirds or three-quarters but at least six months of any sentence must be served and at least 25 years of a sentence of life imprisonment. The final decision is made by a court. There has recently been an increase in the number of prisoners selected for conditional release and in those who have their custodial sentence replaced by a non-custodial penalty. In 2001 more than 101,000 prisoners were released in these ways.

Amnesties have recently become a more commonly used means of early release. It has been noted that they have not increased the levels of crime re-

corded in the country. Amnesties were announced in May 2000 and November 2001. Following the amnesty of May 2000 the prison population fell by over 170,000 in 5 months; the amnesty of November 2001 was intended to apply to approximately 25,000 sentenced women and juveniles.

Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. But there are major problems in finding work. Much effort is being put into increasing the amount of employment available and in the year 2001 an additional 42,000 work places were created and the wages paid for prisoners' work were gradually increasing. In the second half of 2002 more than 88% of convicted prisoners (sc. in the corrective colonies) were reported to have employment (Kalinin, 2002/2). A great deal remains to be done in reforming the production sector but in 2001 750 different enterprises were operating, including 50 agricultural ones. The annual volume of production is more than 10.9 billion roubles (National Prison Administration, 2002).

The law prescribes that the main function of prison work is not profit but the reform of the prisoners. Most prisoners with work are employed within the prisons, but those located in colony settlements can work in the community; prisoners may also engage in private work and even establish a limited company, though such activities must be conducted from within the penal institution. Since prison work is governed by national labour laws, prisoners are entitled to all applicable rights and social security guaranteed by the state. Under the 1996 Penal Executive Code (Law for the Enforcement of Sentences) working hours have been shortened to eight hours a day for five days a week. Time spent on prison work is counted as a period of employment for pension purposes. Juveniles have the right to eighteen days paid leave per year and adults to twelve days; each can be increased by six days as a reward. The monthly pay must correspond to the minimum monthly wage in federal legislation; however after deductions for alimony, income tax, contributions to the national pension fund, maintenance costs and some other purposes the pay that prisoners actually receive is very small. The minimum amount that must be transferred to a prisoners' private account after all deductions must amount to at least 25% of the pay earned; pregnant women and juveniles must be assured at least 50%. Some domestic and maintenance work is unpaid; this is regarded as being carried out during leisure time and cannot be for more than two hours per week (Uss and Pergataia, 2001).

Education and vocational training

In accordance with the requirements of the Penal Executive Code (Articles 108 and 112), the Ministry of Justice reports that "efforts are under way in correctional facilities to enable convicted prisoners to exercise their right to receive a basic general education. Convicted prisoners who do not have an occupation are

required to undergo some form of vocational training, and existing provision in terms of correspondence courses and distance learning for convicted prisoners in higher educational institutions has been further expanded” (Kalinin, 2002/1). Prisoners in almost one third of Russia’s administrative regions are able to study in institutions providing secondary and higher education aimed at equipping them with qualifications in demand in the labour market. At the end of 2001 there were 282 schools providing evening classes in general education and 205 study areas, which were being used by more than 60,000 prisoners (National Prison Administration, 2002).

Inspection and monitoring

The Ministry of Justice conducts inspections of the penal institutions, in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the prison administration. Independent monitoring is carried out by several bodies. The public prosecution services focus particularly on checking the legality of actions taken by the prison administration. The judiciary review the decisions of the prison authorities in connection with matters such as conditional release and the transfer of a prisoner to another institution. They are also empowered to undertake a judicial enquiry to deal with a prisoner’s complaints.

Matters relating to the observance of human rights in penal institutions are said to come under the permanent scrutiny of the Russian President who sets targets for improving penal policy, including practice in the institutions. Under his authority the Human Rights Commission has prepared a draft federal blueprint for safeguarding and protecting human rights and freedom, with a special section devoted to protecting the rights of prisoners deprived of their liberty (Kalinin, 2002/1).

In accordance with recommendations from the Civic Forum, which was held in Moscow in November 2001, a special service has been established in the central and regional agencies of the penal system to ensure the observance of human rights of citizens in prisons and colonies. The Ministry of Justice regards this service as an important step in the process of the reform of the penal system in Russia. “The staff of this service have been granted wide powers. They are independent as they go about their activities and accountable only to the head of the regional branch of their agency. Their powers extend to all institutions within the territory of any given region of the Russian Federation” (Kalinin, 2002/2).

Changes were introduced into the legislation in 2001 to enable the Ombudsman for Human Rights in Russia to visit penal institutions, when he is investigating complaints from prisoners, without having to seek permission. Non-governmental organisations may also acquire shortly the statutory right to ensure that human rights are being respected in the penal institutions. A Federal Law has been prepared which, if passed, would give members of the public, including NGOs, the opportunity to uphold the rights of persons in custody under investigation, awaiting trial and serving a sentence of imprisonment.

Non-governmental organisations

Although the above-mentioned draft legislation would for the first time give statutory authority to NGOs to uphold the rights of people held in penal institutions, Russian NGOs have been working in this field for many years. As mentioned in the report on the previous study, the Moscow Center (sic) for Prison Reform takes a high public profile in its criticism of conditions, the treatment of prisoners and general matters affecting the prison system. Other NGOs concerned with monitoring human rights include the All-Russian Scientific Penitentiary Society and the Prisoners' Assistance Fund; the Ministry of Justice reports that the fact that they have common interests with the prison administration has enabled them to move from confrontation to co-operation (Kalinin, 2002/1).

International NGOs play an important role in assisting the prison administration in combating tuberculosis and other socially dangerous diseases in Russian penal institutions. These include Médecins sans Frontières, the Open Society Institute, Penal Reform International, AIDS Foundation East-West, Doctors of the World (France), and the New York Institute of Health. With funding from the UK government Penal Reform International has contributed to the training of prison staff; courses have been held to train Russian trainers. The International Centre for Prison Studies (King's College, London), with funding from the same source, has facilitated the creation of partnerships between the five pre-trial institutions (SIZOs) in Moscow and the staff training centre in Moscow and similar large prisons in the United Kingdom; the main component of the partnerships has been the exchange of professional skills among those involved.

International co-operation

In addition to co-operation with international NGOs, the Russian prison administration has fruitful co-operation with other prison administrations in Europe. This has been especially important in respect of staff training. Co-operation between training centres in respect of basic, advanced and further vocational training is being pursued with many countries and co-operation also involves joint projects, international conferences and seminars and the co-production of textbooks and teaching materials. The Ministry of Justice says that these activities not only provide a better insight into the experience of other countries, but also enable Russia to take the most progressive elements from foreign systems and incorporate them into their own practice.

Under the auspices of the Council of Europe Russian representatives are taking an active part in a steering group on prison reform. A prison 'twinning' scheme has been developed under which direct contacts have been established between prison staff in a number of Russian regions and their counterparts in other European countries. Activities include reciprocal visits and exchanges of professional experience, examination of the practical aspects of implementing

European rules and standards for the treatment of prisoners, and the provision of humanitarian assistance. Joint projects are under way with the United Kingdom, as mentioned above, Norway and other countries (Kalinin, 2002/1).

Other matters

The Ministry of Justice reports that there have been radical changes in relations with the media. “Every year thousands of articles are published on the activities of penal institutions, including problem prisons. All this helps to raise public awareness and attract the attention of the legislative and executive authorities, and to speed up the adoption of decisions which are important for penal reform” (Kalinin, 2002/1).

The prison administration publishes a journal ‘Crime and punishment’, a ‘Prison System Bulletin’, and a newspaper ‘State House’.

The budget for the prison system doubled in the year 2001 and has increased more than four-fold in recent years (National Prison Administration, 2002; Kalinin, 2002/2).

Convicted prisoners are not allowed to vote in Russian elections but pre-trial detainees retain the right to do so.

Important recent developments

The following are some of the most important recent developments affecting the Russian prison system:

- the transfer of Ministerial responsibility from the Ministry of Internal Affairs to the Ministry of Justice (1998);
- the adoption (March 2001) of Federal Law No. 25 – FZ containing 59 amendments to the Penal Code, Code of Criminal Procedure, Penal Enforcement Code and other legislation;
- a broad Government campaign since May 2000 to humanise the penal system and reduce the number of people held in correctional and pre-trial penal institutions;
- considerable increases in the scale of financial allowances to the prison system from the federal budget;
- increased openness in the penal system including, with the direct support of the Russian President, measures to strengthen and protect the human rights of people held in penal institutions.

Current objectives

The main objectives of the prison administration include :

- to improve the quality of prison staff and further develop staff training, so that the penal institutions are operated by professionally trained people who accept international standards with regard to the treatment of prisoners;

- to provide in the period 2002-2006 an additional 46,000 places in pre-trial institutions (SIZOs) and 215,000 square metres of living quarters for prison staff, and to create work opportunities for a further 40,000 sentenced prisoners;
- to move in the direction of developing penal institutions into centres of social rehabilitation and, with this purpose, to establish relations between staff and prisoners that are based on trust and to invest effort in teaching methods and the resolution of social questions that affect prisoners' rehabilitation;
- to improve social conditions for prison staff;
- to reduce further the number of prisoners with tuberculosis and to continued the fight against HIV infection.

Main problems

Some of the main problems facing the Russian prison administration are :

- the size of the prison population, which at the end of 2001 was more than 50% higher, per head of the national population, than any other European country apart from Belarus;
- serious overcrowding, especially in the pre-trial institutions (SIZOs) which were 80% over the capacity figure at the end of 2001;
- high levels of tuberculosis and HIV infection in the prison population;
- poor living conditions in many penal institutions;
- poor hygiene and medical facilities;
- insufficient financial resources, despite large increases in recent years.

Achievements

Notable achievements in the Russian prison system in recent years include:

- reducing the official capacity of pre-trial institutions and educative colonies for juveniles in order to allow increased space per prisoner;
- introducing radical changes in relations with the media, so that many articles are published which raise public awareness, attract the attention of legislative and executive authorities, and speed up the adoption of decisions that are important for penal reform;
- the creation of a special service to ensure that the rights of prisoners in custody are observed;
- a greatly increased use of open prisons (colony settlements);
- obtaining a large amnesty, which reduced the prison population by more than 15% in five months of the year 2000;

- making great efforts to tackle tuberculosis and succeeding in stabilising the position and reducing the incidence and mortality rate;
- increasing the number of teachers, social workers and, especially, psychologists in the prison system;
- beginning to develop a new 'culture' that shifts the emphasis from the use of force and authoritarian methods towards good staff - prisoner relations;
- increasing the number of jobs available for prisoners (by 42,000 in 2001) and gradually increasing wages;
- focusing on the improvement of conditions and welfare for prison staff;
- developing staff training, partly through extensive co-operation with other European prison administrations;
- succeeding in taking responsibility from the Ministry of Internal Affairs militia for the manning of the perimeter of penal institutions;
- developing fruitful co-operative relationships with national and international non-governmental organisations.

Conclusion

A very great deal of progress has been made in recent years, especially since the transfer of responsibility for the prison system to the Ministry of Justice. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps to enable all pre-trial detainees and all sentenced prisoners in the corrective colonies and the prisons to have at least 4m² in their living accommodation;
- to continue improving the living conditions in pre-trial institutions so that all are adequate not only in terms of space per prisoner but also heating, lighting, ventilation, hygiene and sanitary conditions;
- to ensure that every pre-trial detainee and sentenced prisoner has his/her own separate bed;
- to provide all prisoners with a balanced diet, including fruit, meat and vegetables;
- to ensure that all prisoners, including pre-trial detainees in solitary confinement, are allowed at least one hour of walking or suitable exercise every day in the open air;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such arrangements are only necessary for exceptional cases;
- to take steps so that neither legislation nor practice prevent the introduction of a programme of regime activities for pre-trial detain-

ees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;

- to develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to ensure that the number of medical staff is adequate in all institutions;
- to ensure that there are sufficient security and treatment staff, and in particular sufficient social workers/educators to enable no prisoner group for which they are responsible to exceed 50 in number;
- to increase the opportunities for prison visits so that, in whatever institution and regime prisoners are serving their sentences, they are entitled to receive visits at least once a month, and if possible more frequently.

Annex 1

RUSSIAN FEDERATION: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	698,900	473	147,762,500
1991	714,700	485	147,440,000
1992	722,636	487	148,330,200
1993	750,280	506	148,294,700
1994	844,870	571	147,997,100
1995	920,685	622	147,938,500
1996	1,017,372	689	147,608,800
1997	1,051,515	715	147,137,200
1998	1,009,863	688	146,739,400
1999	1,014,066	693	146,327,600
2000	1,060,401	729	145,559,200
2001 (1/1)	923,765	638	144,819,100
2001 (31/12)	980,092	681	143,954,400

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(31/12)	206,879	21.1	144
	TOTAL among sentenced population	Percentage of sentenced population	
Female prisoners in 2001			
(1/1)	39,601	5.9	
(1/9)	45,300	6.2	

Note: There have been several amnesties during the 1990s, most recently in 1996, 1998, 1999, 2000 and 2001. The amnesty of May 2000 eventually led to the release of 206,200 prisoners and reduced the total from 1,091,973 at the end of May 2000 to 912,117 six months later.

Annex 2

Russian Federation penal institutions: functions and capacity, 2001

Pre-trial institutions (Sledstvennie Izolatori (SIZOs) – investigation isolation institutions)

184 institutions, with a capacity (at the beginning of 2001) of 114,880 (average 624 each)

- including Butyrka (Moscow) with a capacity of 2,190 and Kresty (St. Petersburg) 2,097.

Prisons (Tyoormi – closed prisons)

13 institutions, with a capacity (at the beginning of 2001) of 7,910 (average 608 each)

(The prison (tyoorma) regime is for prisoners convicted of exceptionally serious crimes, those regarded as dangerous, and those who have caused serious control or disciplinary problems in other institutions.)

Corrective colonies (Ispravitelnie kolonii (IK)

737 institutions, with a capacity for sentenced prisoners (at the beginning of 2001) of 791,615 (average 1,074 each)

(Corrective colonies are of four types: special (very strict) regime, strict regime, general regime, or colony settlements with an open regime.)

Pre-trial sections in corrective colonies

166 sections, with a capacity (at the beginning of 2001) of 20,205 (average 122 each)

(Created on 1 July 1999 by Ministry of Justice Order 212 of 30 June 1999.)

Educative labour colonies (Vospitatelnie kolonii (VK)

64 institutions for juveniles (under 18), with a capacity (at the beginning of 2001) of 25,771 (average 403 each)

(61 of these are for boys and three for girls. Juveniles may remain in these institutions in order to complete their sentences up to, but not beyond, their 22nd birthday. After that they must be transferred to a corrective colony.)

TOTAL (at beginning of 2001) 998 institutions with a capacity of **960,381**

Annex 3

Russian Federation: principal sources of information

Council of Europe, 1995-2002. Reports of the meetings of the Steering Group on the reform of the prison system of the Russian Federation. Council of Europe, Strasbourg

Kalinin Y., 2002/1. Keynote address at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

Kalinin Y., 2002/2. The Russian penal system: past, present and future. Lecture given at King's College, London, 26 November 2002. International Centre for Prison Studies (ICPS), King's College, London

Kononets A., 2002. Interview in Prison Healthcare News, Issue 1, Spring 2002. ICPS, King's College, London

National Prison Administration, 2002. Criminal-Executive System of the Russian Ministry of Justice. Unpublished document, March 2002. Prison Administration, Moscow.

Uss A. and Pergataia A., 2001. 'Russia' in 'Imprisonment today and tomorrow' (second edition), eds. van Zyl Smit D. and Dünkel F. Kluwer Law International, The Hague, London and Boston.

Utkin V., 1998. International Standards for the Treatment of Prisoners and their Implementation. Tomsk

Walmsley R., 1996. Prison systems in central and eastern Europe: progress, problems and the international standards. HEUNI Publication Series No. 29, HEUNI, Helsinki

40. Slovakia

Legislative framework

The current law on the enforcement of imprisonment dates from June 1993. It is claimed that “the treatment of convicted prisoners in this law comes from the [UN] Standard Minimum Rules for the Treatment of Prisoners and from the European Prison Rules” (General Directorate of the Corps of Prison and Court Guard, 1998).

A new Criminal Code and Criminal Procedural Code are in preparation; drafting was expected to be completed by the end of 2001, with enactment in 2002 and the laws coming into force in January 2003. The existing laws, which have been amended many times, are reported to date back to 1961 and 1965 respectively. The new laws particularly address violent crime and the rise in organised crime and corruption and introduce harsher sentences for these while expanding the scope for the use of alternative sentences for less serious and unintentional (negligent) crimes, perhaps by introducing probation and/or community service. The maximum penalty is likely to be increased from 15 years to 25 years. The death penalty was last used in June 1989 and was replaced by life imprisonment in July 1990. At March 2001 there were 14 persons serving life sentences and 30 serving ‘exceptional sentences’ of between 15 and 25 years. A new law on the enforcement of imprisonment (Penal Executive Code) is being prepared and also a new law on pre-trial detention. These were due to be completed in 2002 and to be in force less than a year after the other new legislation. The harsher treatment for serious offenders is likely to increase the prison population and so the prison estate will be enlarged, at least partly by making more space available in existing institutions. The Minister of Justice believes that this policy will provide better protection for the public. However, it was also intended that the new legislation should improve pre-release arrangements for prisoners. Another provision planned would place dangerous prisoners in single cells. An important reason for recodifying the enforcement of imprisonment law is to rationalise the existing law of 1993 which has been amended some fourteen times already.

The prison administration is pleased with the new law on the duties and conditions of service of prison staff, which came into force in the year 2000. It reflects changes that have taken place in recent years and formulates new tasks for the prison service, including improved protection for prison establishments and new rights for staff.

Organisational structure

Since 1969 the prison system has been the responsibility of the Ministry of Justice, as indeed it was from 1865-1952 (General Directorate of the Corps of Prison and Court Guard, 1998). In 2001 the head of the prison administration, the Corps of Prison and Court Guard, was Dr Anton Fábry, a former prosecutor

general who had held the post since 1991 – before Slovakia became a separate state in 1993. He was the longest serving Director General in any central and eastern European country. The Director General reports directly to the Minister of Justice. Until July 2000 there was a small department (three staff) in the Ministry of Justice that liaised between the Director General and the Minister.

The senior management team includes the first Deputy Director General, Dr Oto Lobodaš, who has responsibility for treatment and security, and the Deputy who is responsible for economic matters. Also reporting to the Director General are the head of the secretariat, Dr Vladislav Lišták, the head of the inspection department, Mr Josef Kovalovský, the head of the medical department, Dr Werner Scholz, and the heads of the administrative and legal department and the personnel department. A similar structure operates in the prisons, with the director having a first deputy responsible for treatment and security and another deputy responsible for economic matters. There are a total of 135 staff working in the prison administration headquarters.

There are 18 penal institutions with a total capacity at the beginning of September 2001 of 9,085 (including 156 spaces in the prison hospital). Five are exclusively for pre-trial detention, nine are for sentenced prisoners, and the other four – Košice, Leopoldov, Prešov and Trenčín (where the prison hospital is located) have sections for sentenced prisoners and also sections for pre-trial detainees. The largest institutions are Banská Bystrica-Kráľová with a capacity of 846, Hrnčiarovce nad Parnou with a capacity of 850 plus a separately located department for 120, and Leopoldov with a capacity of 815. The prisons at Bratislava, Košice, Košice-Šaca and Želiezovce have capacities of between 600 and 700. Male prisoners in the highest security category (known as correctional group 3) are held at Ilava (which has a department for life-sentence prisoners), Leopoldov or Ružomberok, female prisoners at Nitra-Chrenová and male juveniles at Martin. Four prisons have open or semi-open departments: in 1997 these housed 800 prisoners but fewer are now considered suitable for such conditions (only 2,640 were classified as dangerous in 1997 whereas in March 2001 the figure had risen to 3,564) and their capacity is now 420 of which only 278 places were occupied at the end of March 2001. The oldest institutions are Leopoldov, which was originally a 17th Century anti-Turkish fort that was reconstructed as a prison in 1855, and Ilava which was a former monastery purchased and enlarged as a prison under the Austro-Hungarian Empire. A new prison with a capacity of 300 is to be built at Rimavská Sobota (a reconstruction of an old tobacco factory) with a view to opening in 2003. (26 million Slovak koruna - 550,000 US dollars - were dedicated to it in the budget for 2001.)

Pre-trial detention

Prior to pre-trial detention in a penal institution, the law provides that a suspect may be held in a police station for a maximum of 48 hours. “Anyone who is arrested must be promptly informed of the grounds thereof, and after interrogation within 24 hours, either released or brought before a court and heard by a judge who shall determine whether the individual shall be kept in pre-trial de-

tion or released” (Article 17.3 of the Constitution of Slovakia). If the suspect is brought before a court (on a charge) the judge has 24 hours to decide whether there are sufficient reasons to order that he/she be remanded in custody (section 69.5 of the Criminal Procedural Code).

The level of pre-trial detention in Slovakia is average for European countries. At the end of 2001 the number of pre-trial detainees in the prison system amounted to 36 per 100,000 of the national population. Nevertheless the prison administration considers the number to be too high; it is attributed to the increasing complexity of cases, especially those concerned with organised crime.

Of some 1,950 pre-trial detainees at the end of March 2001, about 60% had been in pre-trial detention for up to six months, a further 22% for up to a year, 16% for up to two years and 2% for longer than two years. One particularly serious and complicated case was, at the beginning of 2001, approaching the three year maximum allowed by law, with the result that, on the basis of this case alone, the national council extended the limit to five years for exceptional cases. Pre-trial detention both in Banská Bystrica and Leopoldov prisons was said to be of at least one year on average.

The pre-trial process is under the jurisdiction of the investigating authority, which decides whether or not a detainee shall be entitled to certain activities (1993 Act concerning pre-trial detention). Pre-trial prisoners spend most of the day locked in their cells without purposeful activities to occupy them. In the year 2000 just six were able to do any work. This extremely limited regime was criticised by the CPT following their visit in October 2000 (CPT, 2001/29 para 63). The Slovak government response points out that organising activities for pre-trial detainees in Slovakia is “exceptionally difficult” because of the requirement of the pre-trial detention Act that detainees must be prevented from any potential contact with accomplices. They have access to books, can receive additional visits for good behaviour, can attend religious activities and can listen to the radio. Television, however, is not at present available because of the costs that would be involved in supplying it, including the cost of modifying the institutions’ facilities (CPT, 2001/30 p.32).

The numbers held in penal institutions

The prison population doubled between 1990, when President Vaclav Havel’s major amnesty reduced it to 3,500, and the beginning of 1994 when it was 7,275. But since then it has remained fairly stable, being 6,941 at the beginning of 2001 (129 per 100,000 of the national population) and 7,433 (138 per 100,000) at the end of the year; the prison population rate at year-ends fluctuated only between 123 and 147 between 1994 and 2001. At the end of 2001 26.2% of the prison population were pre-trial detainees, 3.6% of sentenced prisoners were females and 1.5% were juveniles (under 18). 2.6% of the prison population were not Slovaks.

As already mentioned, there are concerns that the prison population could rise as a result of the harsher sentences for serious offenders that are expected to be indicated in the new Criminal Code. Another potential source of growth is the

approximately 1,300 people who were sentenced to imprisonment, not after being held in pre-trial detention but after being remanded 'in freedom', and have not responded to the requirement to present themselves at the prison to serve their sentences. If these were rounded up by the police the prison population would be nearly 20% higher.

The level of crime rose sharply following the political changes of 1989 and continued to rise for several years. The Ministry of Justice advises that it has more or less stabilised, but violent crime, corruption and organised crime are of increasing concern.

Slovakia's prison population rate of 138 at the end of 2001 is lower than that in Hungary to the south (173), the Czech Republic to the west (188) and Poland to the north (206).

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of September 2001 was 82.7% of the total capacity of the system. In central and eastern Europe this is one of the lowest levels of occupancy. None of the institutions was over capacity.

As elsewhere in central and eastern Europe, few prisoners are accommodated alone in single cells. However, it is planned to put the most dangerous prisoners in single cells. The largest rooms in the system are reported to be at Ilava where some are intended for 20-22 prisoners.

The official minimum space specification per prisoner is 3.5m² and capacity figures for the institutions are calculated on this basis. This space specification was established by the Imprisonment Act of 1965.

The CPT report of 1995 included the recommendation that each prisoner should have at least 4m² of space, excluding the sanitary annexes that occupied about 1.5m² per cell. Both prisons visited by the CPT at that time (Bratislava and Leopoldov) suffered from overcrowding, even when judged by the allowance of 3.5m² per person including sanitary annexes. The Slovak prison administration has increased the number of spaces available in the system from 8,305 in 1994 to 9,085 in 2001. This has been achieved by the completion in 1995 of the rebuilding of Banská Bystrica prison (adding 300 places), the opening in 1997 of a new institution at Levoča (adding 148 places), and increases in the pre-trial institutions at Nitra and Žilina and in the institutions for sentenced prisoners at Košice-Šaca and Nitra-Chrenová.

But, although these developments have made it possible for all prisoners to have the 3.5m² specified in the legislation, there has been no reassessment of the official capacity of institutions in order to bring them into line with the CPT recommendation that each prisoner should have at least 4m², excluding the sanitary annexes. If such an exercise was undertaken it seems likely that there would be some overcrowding in about half the institutions, namely the nine in which the current capacity figure (on the basis of 3.5m²) exceeds 90%. Accommodating eight prisoners and a sanitary annex in a 31m² room and four (and an annex) in a 17m² room, as at Bratislava in April 2001, is not providing adequate space.

There are no current plans to increase the 3.5m² space allowance that was considered appropriate in 1965. This is said to be for financial reasons and in order to avoid including unrealistic aspirations in the new legislation. It is reported that there were pressures on the prison administration to increase the space allowance for juveniles and women but these were resisted. While they agreed in principle, especially in the case of women, they were conscious of the fact that an increasing number of women were involved in drug offences and violent crime and there could be insufficient space in the women's prison if the legal specification was increased.

The heating, lighting and ventilation in Slovakian prisons in general are reported to be of similar satisfactory quality to that noted in the prisons at Banská Bystrica, Bratislava, Hrnčiarovce nad Parnou and Nitra-Chrenová. The Deputy Director General emphasised that this was considered a priority.

Pre-trial detainees are kept separate from sentenced prisoners and women from men. The policy in respect of juveniles is that while they are kept separate from adult recidivists they are sometimes allowed to mix with young adults who are serving their first sentence for a less serious crime. One informant said that if juveniles were kept together without the presence of an adult there was likely to be aggression and another said that in view of the small number of juveniles in district prisons and the danger of self-injury it was better that a juvenile should share with a suitable young adult than that he should be alone. It was reported that emphasis is placed on separating adult first time offenders from adult recidivists and young adults from older adults.

Hygienic conditions seemed to be generally good and the prison administration reported that whatever the budgetary constraints it did not economise on cleanliness. In most institutions it is reported that there are sanitary annexes to the cells which enable prisoners to have privacy when complying with the needs of nature. Following on from the recommendations of the 1995 CPT report (CPT, 1997/2) a programme was under way in 2001 to ensure complete separation of those annexes that are only separated by curtains. However, budget constraints mean that this work may not be completed before 2004.

Every prisoner has a separate bed and it is stated that restrictions are not imposed on how prisoners wear their hair. The showers at Bratislava prison were renovated following the 1995 CPT report recommendation and prisoners can now shower twice a week and women can shower at any time because there are showers in the cell. Pre-trial prisoners are allowed to wear their own clothes, but only if they can arrange for them to be changed and laundered every two weeks. Thus 90% in Banská Bystrica, for example, wear prison clothes.

Food

The quality and quantity of food are reported to be similar to average standards in communal catering outside. This is an achievement of which the prison administration is proud in view of the limited financial resources available for food. It is reported that prisoners receive a balanced diet. Meat and vegetables are produced on prison farms; in the year 2000 68% of pork and 35% of beef

were provided from this source. Those who work outside in the community take an additional (packed) meal in a tin. The amount to be spent on food, at rates for 1 April 2001, was:

Pre-trial prisoners and those not working. 39 Slovak koruna (0.83 euros)
Sentenced prisoners and pre-trial prisoners with work. 49.5 Slovak koruna (1.05 euros)
Juveniles. 55.2 Slovak koruna (1.17 euros)
Pregnant women. 52.5 Slovak koruna (1.12 euros)
Health diets (13 types). 40-57 Slovak koruna (0.85-1.21 euros)
Staff (breakfast, lunch and dinner). 73 Slovak koruna (1.55 euros)

These allocations are increased by 3-6% per year (in the year 2000 by 3 Slovak koruna or just over 6 euro cents) but the cost of food is also rising.

Medical services

Medical services in the Slovak prison system are covered by the legislation that governs such services in the community; it is generally believed that health care is better in the prisons. For example, health care centres outside are overcrowded with long waiting times, but prisoners face no such delays. If a prisoner needs a specialist examination in a civil hospital, he has priority over other citizens. The public are said to be critical of such privileges.

The prison service works closely with outside hospitals, liaising with the Ministry of Health. There is also co-operation with the civilian doctors who work in prisons on contract. The prison service has 14 places set aside in Trenčín civil hospital for prisoners who need to be transferred from Trenčín prison hospital for surgery. There is however no expectation of the prison service's responsibility for the health care of prisoners being transferred to the Ministry of Health. The prison service sees value in continued independence, for example where a newly convicted person makes representations to the court that his medical condition makes him unsuitable for imprisonment. Such matters are referred to the prison service's medical department for advice, which is felt to be better informed than community health experts would be. Apparently such referrals occur about 100 times a year.

The prison service employs 243 health care personnel, including a doctor and at least two nurses for every 250 prisoners. Some 225 were in post in April 2001. There are 25 general practitioners (including psychiatrists), 13 dentists, 14 specialist doctors, six doctors concerned with management (four at prison administration headquarters in Bratislava and two in the prison hospital in Trenčín), five medical pedagogues, eight clinical psychologists and 169 nursing staff. There are two support staff at headquarters (secretarial) and one responsible for social care, rehabilitation and recreation. In 1998 the hospital at Trenčín, which became the national prison hospital in 1977, had nearly a third of these medical staff, comprising 13 doctors, two clinical psychologists, one medical pedagogue, 54 nurses and five radiographic and laboratory assistants, a total of 75.

The head of the health care department reports that there is no problem in the quality and quantity of medicines and medical equipment available.

The drugs problem is getting worse. In 1995 there were 310 prisoners who had volunteered on reception that they were dependent on drugs; in 2000 the figure was 563. These include 310 heroin addicts in Bratislava prison of whom 272 use intra-venous injection. In all, more than two-thirds of known drug abusers in the system are at Bratislava prison. The most serious cases are transferred to the prison hospital at Trenčín.

Drug treatment is given at Bratislava, Košice, Leopoldov and Trenčín (hospital); this is treatment ordered by the courts. The courts also order specific treatment for alcoholism, sexual deviation and mental illness; there are some 230 such orders per year and the system has been in operation for 27 years. Drug treatment is also given on a voluntary basis for younger prisoners at two prisons, one of which is Hrnčiarovce nad Parnou (Trnava); here there is a drug-free zone with a capacity of 24. It was established in 1998 and there were seven patients in April 2001; it is said that there is little interest because the main drug problem cases are already subject to court orders. The zone includes a therapeutic room with tapes and mattresses for relaxation. Prisoners can stay there for up to a year. It is paid for by nationally contributed health insurance. There is a relaxed atmosphere with much space and nicely decorated rooms with plants situated in strategic places conveying a sense of harmony and peace in Japanese style. The objective was that by the end of 2001 there would be drug-free zones in all prisons for juveniles and prisoners in the first Correctional Group.

The head of health care reports that they are unaware what percentage of the prison population has a drugs problem. The Czech Republic discovered that 25% of their prison population had such a problem and he says that it is probably a similar percentage in Slovakia.

There were no HIV cases in the prisons in 2001. There have only been three cases since 1990 despite tests of over 20,000 prisoners.

Many prisoners have an alcohol problem and there is a treatment programme available. The numbers are not increasing. Tuberculosis is not a problem in the Slovakian system and the numbers are not increasing; in the year 2000 there were 20 cases, all of them discovered on reception from the community. There is a treatment programme available.

Although many prisoners have psychiatric problems the prison administration has few full-time psychiatrists employed and relies mainly on part-time contracted staff. There is a problem in affording the salaries that psychiatrists are paid. At Bratislava prison psychiatric care is given by two part-time staff. This is also the position at Košice where the post of full-time psychiatrist is vacant. Part-time contracted staff are also used at Banská Bystrica and at the women's prison at Nitra-Chrenová. Hrnčiarovce nad Parnou and Ilava are among the prisons where the staff do include a psychiatrist.

It is reported that the dental treatment provided does not involve modern techniques. If a prisoner requires false teeth he will receive them but not using new ceramic materials unless he can afford to pay for them.

The Slovak prison system does not have facilities for mothers with babies. If a woman is pregnant or has a child under the age of one she will not be sent to prison. A woman whose pregnancy comes to light during her sentence will receive an interruption of sentence by decision of the court on the proposal of the prison director; she will have to return when the child reaches the age of one. 65 of the 161 prisoners in Nitra-Chrenová in April 2001 were mothers of a total of 120 children. The majority of these children were in state facilities for children and had already been in such facilities prior to the mother's prison sentence. The prison social worker is sometimes involved in tracing a prisoner's children and re-establishing contact between them.

At each prison a member of the medical staff, usually a nurse, has the responsibility of checking food, hygiene and the cleanliness of the institution and advising the director of any deficiencies. No prisoner can be placed in solitary confinement as a disciplinary punishment without being checked by a medical officer. The regulation requires that a prisoner in isolation must be checked by medical staff every three days, despite Rule 38.3 of the European Prison Rules which states that a medical officer shall make daily visits to such prisoners.

There were eleven deaths in prison in the year 2000, including three suicides. The frequency of suicide and self-injury is reported to have fallen in recent times; this is attributed to the greater emphasis being placed on staff-prisoner relations. Twenty nine suicide attempts were recorded in 2000.

Discipline and punishment

The European Prison Rules state that "no prisoner shall be employed.... in any disciplinary capacity" (Rule 34) and in Slovakia it is reported that there is no practice of giving prisoners a supervisory role from which they can acquire power, including quasi-disciplinary power, over others. Prisons have a committee of prisoners, which consists of spokesmen for the different units. These are often the men who organise the cleaning of cells, for example, and the educator selects them as strong individuals, but it is reported that they are carefully supervised and cannot bully others. The protection of vulnerable prisoners at night-time is said to be secured by the night unit managers who are responsible for checking every unit. Each cell has to be observed at regular intervals.

It was emphasised that prisoners receive three times as many rewards for good behaviour as they receive punishments (12,400 in the year 2000 as against 4,100). The conditions of isolation are reported to be similar to ordinary conditions in a cell for one prisoner. However, at Nitra-Chrenová women's prison the punishment cell is rather dark and the light only just good enough for reading. The maximum length of isolation is 10 days for pre-trial detainees and 20 days for sentenced prisoners. For women and juveniles it is half that amount and they are only isolated at the end of each day's work.

In response to the recommendations of the CPT following their visit in 1995 mattresses are now provided at night and prisoners are allowed to have reading materials. They are not permitted to have visits while in isolation punishment but other conditions, including the right to one hour's exercise per day, are no different from those of other prisoners.

Information and complaints

Prisoners are informed about regulations during the psycho-diagnostic period of about a fortnight, which they spend in the pre-trial prison following conviction, and on arrival at the prison in which they will serve their sentence. They do not receive anything in writing. They are also told about their rights, including the right to make complaints. Since the 1995 visit the address of the CPT has been prominently displayed in the prisons in order to facilitate any communication that prisoners may wish to have with them.

Prisoners can also complain to the prison director, to the Director General, to the general prosecutor, to the Ministry of Justice and to the President of the Slovak Republic. Confidentiality is assured by the use of special sealed boxes to which access is highly restricted. The Minister of Justice and the prosecutor consult the Inspection Department in the prison administration about complaints they have received. This department also deals with complaints to the Director General. However, the head of department reports that complaints are generally unsubstantiated. Complaints against prison staff result in a hearing in the institution concerned. The prison administration monitors the outcomes of complaints and presents the results in its annual report (see Inspection and monitoring below), which indicate that in each of the six years 1996-2001 inclusive about twenty complaints are substantiated each year out of a total of some 350 (nearly 6%).

Contact with the outside world

Prisoners in the first correctional group (see Treatment and Regime Activities below) are entitled to visits twice a month, those in the second group once a month and those in the third group once every six weeks. This dates back to the Imprisonment Act of 1965 but is not expected to be changed by the new draft laws.

Pre-trial prisoners and sentenced prisoners in the third correctional group have closed visits, as do some prisoners in the second group. This is explained in terms of its effectiveness in limiting the in-flow of drugs. There is no arrangement for long family visits (including overnight stay) or private (conjugal) visits.

About 80% of prisoners are said to be in a prison comparatively near to their homes, but for the remainder there are often long distances for families to travel in order to visit and transport may be very difficult, especially for visitors without cars. It is reported that transport is not the only problem, since prisoners want their visitors to bring parcels, including cigarettes, and the cost of transportation and the parcels can be almost impossible to afford. In such cases, it was suggested, imprisonment is probably worse for the families than for the prisoners.

Letters, which may be sent without limitation, are not censored but may be checked for unauthorised contents. The new legislation is likely to place further restriction on parcels (at present prisoners in the first correctional group are allowed a parcel of 5kg twice a month) in order to combat the in-flow of drugs.

The use of telephones by prisoners is being developed. An experiment in the women's prison at Nitra-Chrenová was successful and prisoners in open and semi-open facilities may now use them. The prison administration intends to recommend the use of telephones in closed institutions, including pre-trial facilities. The calls would be monitored by staff.

Depending on their correctional group and their behaviour, prisoners may be granted five days home leave or leave for 24 hours (from semi-open institutions) or 48 hours (from open institutions). 1,430 five day leaves were granted in the year 2000 (one third less than three years earlier) and 345 leaves for 24 or 48 hours (only a quarter of the figure three years earlier). Some 6% of prisoners were granted leave at Christmas-time in an institution for prisoners in the first correctional group (Hrnčiarovce nad Parnou).

Sentenced prisoners have access to television in the group room that is available during leisure periods. They may read newspapers from the library and magazines may be sent in to them by relatives and friends.

Religious assistance

Prisoners are allowed to satisfy the needs of their religious life. Chapels are often attractively decorated by prisoners, as for example in Bratislava prison. In Banská Bystrica it was explained that the chapel is for the use of approved religious groups, including Baptists, Catholics and Evangelicals. The occasional member of a different faith is able to get a diet in accordance with his/her beliefs. The chapel in Hrnčiarovce nad Parnou was donated by the Catholic church (and is dedicated to Maximilian Kolbe who died in the Nazi concentration camp at Buchenwald). In this prison with some 625 prisoners it was reported that about 24 attend the weekly service and about 60 at Christmas. If a notable church figure comes in to take a service there is said to be much interest.

Prison staff

The new (1998) law on state service (see Legislative framework above) requires that all staff must have finished their secondary education (with some transitional exceptions). This has led to a large number of departures from the service and a shift in the age structure, length of experience and educational structure. In 1997 22% were under 30, but by 2000 this had risen to 27%. In 1997 27% were over 45 but by 2000 this had fallen to 23%. In the year 2000 30% of staff had less than five years experience. In Bratislava prison 70-80% of staff have no more than three years experience, which provides an opportunity for training in modern methods and attitudes but also necessitates careful supervision. 98% of posts were occupied in the year 2000, with it being easier to recruit in Banská Bystrica, for example, where the unemployment level is 25% than in Bratislava where it is 6%. Thus the security staff in Bratislava are 10% below complement. Salaries are low by Bratislava standards but less so in Banská Bystrica. Levels are above the average salary in Slovakia and similar to those in the police, who are covered by the same legislation.

Prison staff are said to be quite well respected in the community. Morale is reasonably high because of the salary level, the fact that staff are glad to have employment and that they appreciate the health benefits that come with the job. In Nitra-Chrenová, for example, there is a sauna, a massage room, a pool, a relaxation room and a shooting gallery. There is also a weight-training room and a gym. Banská Bystrica and Hrnčiarovce nad Parnou are other prisons with facilities of this kind. Staff may use them for one hour a week during working hours and also in their own time. There is much concern in the Slovak prison system to give staff good conditions and there is a belief that this contributes to better staff performance. There are also leisure centres (at Kovačova and Trenčín) where staff aged over 40 who have served at least 15 years can spend two weeks a year with their families at the prison service's expense. State service gives staff better than average pensions and holidays as well as better pay.

The Slovak prison service has a training centre at Nitra that was built at the end of the 1970s. Its main task is the training of new recruits. Basic grade security staff receive six months training, consisting of three weeks theoretical training at the centre followed by four and a half months in a prison – each prison has to prepare special training for this purpose – and finally another three weeks at the centre, after which they take an examination. There is also special training for directors and deputies and for other senior staff such as heads of security and treatment. The course for pedagogues, psychologists and doctors lasts for ten months of which ten weeks theoretical training is done at the training centre (Donnelly, 2000). The prison administration has the objective of introducing more extensive training (lasting for ten months) for newly recruited prison staff.

The CPT following their 1995 visit recommended the intensification of prison staff training, both initial and in-service, and said that considerable emphasis should be placed on the acquisition and development of interpersonal communication skills (CPT, 1997 para 124). They drew attention to the fact that building positive relations with prisoners should be recognised as a key feature of the prison officer's vocation. Proposals to implement these recommendations were prepared in 1997 but Donnelly (op. cit.) reports that shortages of funds, tutors and space have inhibited such developments.

There are regular staff exchanges with the Polish and Hungarian prison services and these will clearly contribute to improved practice. The women's prison at Nitra-Chrenová is twinned with women's prisons in the Czech Republic and Hungary.

The prison service employed 4,724 staff at the beginning of 2001 of whom 390 were civilians. 135 worked in the prison administration headquarters. The overall ratio of staff to prisoners is 1 : 1.7 but there are variations between institutions. A number of women are reported to work in male prisons including, for example, fifteen educators/pedagogues at Hrnčiarovce nad Parnou. In the women's prison 38 of the 140 staff are women, most of whom work directly with the prisoners. In the treatment department the split is 50/50.

There are strict regulations concerning the use of force by staff. Any incident must immediately be reported and the prisoner must be examined by a doctor.

The justification for the use of force is investigated. The annual report (table 22) sets out, by prison and by type of force, the number of cases that occurred. In the year 2000 there were 55 incidents in all, 23 of which came under the heading of “grips and holds, hits and kicks of self-defence”, twelve involved the use of handcuffs, ten the use of a baton, six the use of restraining belts, two the use of wrist-chains and two the use of firearms. It is said that the low level of the use of force is attributable to staff training in which it is emphasised that force rarely solves a problem.

Dogs are used to protect some prison buildings, on escorts, and when guarded prisoners are working outside the walls. They are also used to detect drugs.

Prison staff retire at 55 after which they receive as a pension some 40-50% of their salary. Pensions are paid from the prison service budget. It is reported that a number of staff die within two or three years of retirement.

The fact that the Slovak prison service is a military organisation is said to be traditional and to bring financial benefits. The prison administration does not believe that the uniform is an impediment to working constructively with prisoners.

Treatment and regime activities

Sentenced prisoners are divided by law into three correctional groups. Group I is for those serving a first prison sentence of up to five years, group II for second and subsequent offenders and group III for those convicted of serious offences. As has been seen, these groups affect visiting entitlements, frequency of packages and home leave. The penal institutions themselves are classified according to the correctional group of the prisoners they contain. At the end of the year 2000 37% of sentenced prisoners were in correctional group I, 49% in correctional group II, 12% in correctional group III, and 2% were juveniles and thus not classified into correctional groups.

But although it is the sentence of the court that determines the correctional group of a prisoner, the institutions themselves make a classification into four sub-groups, group A being those regarded as having positive prospects – these will be from correctional group I or II and will be entitled to an open or semi-open regime; group B are those who will receive a standard regime and may be from any of the three correctional groups, and groups C and D are those with a bad prognosis, those who require close attention because of their physical or psychiatric state, their negative behaviour, their dangerousness or the length of their sentence, or because they are serving life sentences.

This internal classification is made on admission to the prison in which the sentence will be served but before that, in each pre-trial institution there is a psycho-diagnostic (assessment) department where a team of specialists, including psychologists, make a diagnosis of the newly convicted prisoner’s criminality and family situation and make proposals as to the regime he/she should undergo and the prison to which he/she should be allocated.

On arrival at the institution where the sentence will be served, psychologists, psychiatrist and social workers, under the leadership of a pedagogue (educator),

make a plan for treatment with short term objectives based on the personality of the prisoner and the educational and employment opportunities available at the institution. The treatment itself will be the responsibility of a pedagogue, with security staff contributing by providing information, for example about how the individual is responding to orders at work.

Pedagogues, with just a few exceptions, have a university education. Specially qualified 'curing pedagogues' are responsible for the most dangerous and damaged prisoners and those with the longest sentences. Such prisoners will all be in correctional group III and sub-group D.

Treatment staff in the Slovak prison service include 300 pedagogues, two 'curing pedagogues', 21 psychologists in psycho-diagnostic centres in pre-trial institutions, 15 other psychologists in institutions for sentenced prisoners and 14 social workers. The prison hospital has a special department of pedagogy and counselling staffed by a psychologist, a special pedagogue and a curing pedagogue.

Each pedagogue is responsible for a small group of prisoners, no more than 30 adults or ten juveniles. This group size is small compared with that in most other central and eastern European countries. Groups of difficult or dangerous prisoners in sub-group D are as small as twelve. Juveniles are classified into two sub-groups, with sub-group A having one pedagogue to ten juveniles and sub-group B, containing the more difficult or dangerous cases, having one to four. In the women's prison the ratio is one to twenty one.

There are no pedagogues in pre-trial institutions. So-called 'independent regime managers' deal with matters concerning families, work, accommodation, the law, legal representatives and foreign prisoners. They are trained to deal with such issues as may arise and to solve problems. But this is said to be only at a superficial managerial level; they do not get involved in social work. It would be for the prisoner's lawyer to deal with such matters. There is one regime manager for each 25 pre-trial detainees. The prison administration is not confident that the welfare needs of pre-trial detainees are adequately addressed. They intend to analyse this more carefully and make proposals. However, a detainee can see a psychologist if he requests to do so or if the regime manager recommends this.

Four treatment programmes are carried out in connection with orders of the court, in respect of drug dependency, alcoholism, sexual deviation and mental illness. All four are run by medical staff, who transfer the prisoners to treatment staff for continued voluntary assistance once medical treatment is complete.

Remedial education is provided for those who need it. A general education course for Roma prisoners was in preparation early in 2001, which was to be run with assistance from the Open Society Institute and other non-governmental organisations; staff were to be trained for the work before the course began. There was also a 'positive social behaviour' programme in preparation, which was to include training in social skills and budgeting. Such matters had been dealt with up to that point by individual meetings between pedagogues and prisoners.

In order to stimulate prisoners' sense of responsibility and self-reliance each unit in Nitra-Chrenová women's prison, for example, has representatives, and a central committee of these representatives prepares a journal which circulates around the prison. A journal is also produced in Hrnčiarovce nad Parnou. Other means of fostering self-reliance include giving the prisoners the opportunity to work outside the prison and giving them key work jobs with significant responsibility.

Treatment for juveniles includes an educational group concerning drug use. Training, of a social-psychological nature, is focused on improving social abilities, deepening self-knowledge and gaining the ability to solve constructively interpersonal and group conflicts. There are also therapeutic programmes concerning the use of alcohol and gambling (including playing on fruit machines).

Activities available for leisure time depend on the individual prison. At Hrnčiarovce nad Parnou there is a possibility of having English, Latin and Italian lessons, painting – there is an impressive gallery of prisoners' work, taking part in an inter-unit football competition, watching films and using the sports hall/gymnasium. At Nitra-Chrenová there are courses to assist in ordinary family life, and the pedagogue for leisure activities helps the women to produce a number of items of handicrafts, especially sewing. In open and semi-open departments the opportunities for leisure activities are of course greater. Prisoners may be able to visit an outside cinema, a theatre or a football match, for example.

The amount of time that sentenced prisoners are unlocked during a normal day depends on their correctional group. Those in the first group are only locked in their rooms at night. Those in the third group eat their food in their room and are only unlocked for exercise, work, organised cultural activities (including watching television in the group room) and sport.

Pre-release work with prisoners depends on their individual treatment programmes. If the prisoner has a family then work will focus on providing help in coping with potential problems and finding employment for after release. If there is no family the intention will be to find accommodation. The main pre-release emphasis takes place in the last six months of the sentence when there may be a transfer to semi-open or open conditions as a preparation for freedom. Security considerations may preclude this but there are regular assessments of security risks in order to maximise the chances of allowing such a transfer.

Conditional release

There is a system of conditional release under which 90% of prisoners can ask for early release after having served half their sentence. If they do not apply the prison director can do so on their behalf. The decision about release is made by the court. The other 10% of prisoners can apply after serving two-thirds of their sentence because of the seriousness of their crimes. (Life sentence prisoners can apply after 25 years.) 90% of applicants in the first correctional group are released when first eligible. Anyone who is refused can reapply after a year.

There are real problems in finding housing for released prisoners. In 1996 110 prisoners were found accommodation but in 2000 it was only 17. By contrast, there has been more success in finding employment. Work was found for only 25 in 1996 but 121 in 2000. The fourteen social workers focus principally on this area. Social curators in the community are qualified people but there are few of them and they are unable to achieve much for prisoners. They are trained in university faculties and meet with the prison social workers who also have good qualifications. It is said that everyone is well-qualified but there are many problems, notably drugs and the family backgrounds of prisoners. There is much prejudice among the public concerning released prisoners, especially recidivists. The fact that some prisoners work alongside civilians outside the prison helps to educate the public. Articles are also written in newspapers and prison staff make contributions on television. Information is given to the media whenever they ask for it.

Relations between security and treatment staff are said to be good in Slovakian prisons. The fact that each institution has a first deputy director who is responsible for both aspects inevitably encourages close co-operation.

Exercise

The law requires that all sentenced prisoners and pre-trial detainees should have at least one hour of exercise per day (Act No.156/1993 on pre-trial detention, as amended, and Act No.59/1965 on the sentence of imprisonment, as amended). In 17 of the 18 prisons it is reported that these laws are observed. However, as a consequence of understaffing at Bratislava prison prisoners held there do not always receive their exercise at weekends. Extra staff have been drafted in from other prisons but costs have precluded the transfer of sufficient to eliminate the problem. The CPT criticised this deficiency on the occasion of their visit in October 2000.

In response to a recommendation in the report of the CPT following their 1995 visit, the exercise areas in Slovakian prisons have been partly covered to enable exercise to take place even in poor climatic conditions.

Sentenced prisoners usually have additional opportunities for physical education or recreational activities, but pre-trial detainees do not. There are sports hall/gymnasium facilities at Hrnčiarovce nad Parnou, for example, and a gymnasium at Nitra-Chrenová. Prisoners have a football field at Leopoldov. At Bratislava pre-trial prison there is a gymnasium that is in need of some renovation but is nevertheless used by staff, though not by prisoners. The prison administration would like to increase the opportunities for recreational activities in such remand prisons and there is space for this at Banská Bystrica, for example.

Prison work

In the year 2000 an average of 58% of sentenced prisoners had employment, as did just six pre-trial detainees. In the last six years the percentage of sentenced prisoners working has remained between 56 and 60%. In pre-trial prisons there are a small number of sentenced prisoners who undertake work necessary for the

running of the institution; they have a very high employment rate - usually 100%. But in the institutions for sentenced prisoners the annual average employment rate varied between, at one end, Ružomberok with under 20% with work and two other prisons with 30-40% and, at the other end of the scale, Leopoldov, Nitra-Chrenová and Trenčín where over 84% were reported to have work.

The low number of pre-trial detainees working is explained by the prison administration as attributable to the following circumstances: first, priority with regard to employment is given to sentenced prisoners; second, it is felt that a pre-trial detainee should not be given work that makes it difficult for investigator, prosecutor or judge to interview him/her during the day; and third, there is no obligation for pre-trial detainees to work. Although only an average of six detainees were working in the year 2000, the equivalent figures for the two preceding years were 12 (1999) and 28 (1998).

The working day lasts for eight or eight and a half hours and the working week is either 40 or 42½ hours. There is no work on Saturdays or Sundays. All sentenced prisoners are required to work if they are fit and work is available. Prisoners undertaking work, other than domestic and maintenance duties in the institution, are paid the same as free citizens doing similar work. Part of this goes to the prisoner's family, part as compensation to victims, part to the institution for costs, part into the prisoner's account, and part (no more than 500 Slovak koruna or 12 euros) may be spent in the prison as pocket money. Prisoners who have no work or are unable to work, and who have no money of their own, may be given a maximum of 180 Slovak koruna per month.

In three prisons for sentenced prisoners that were visited in April 2001 the employment situation was as follows. At Hrnčiarovce nad Parnou about 80% of prisoners had work, some inside the institution and some outside. There were six so-called 'managers for employment' whose task is to make contacts with employers. They obtained 65 short-term work places in the year 2000 and four permanent places. Employers outside will now approach the prison if they need workers and the prison staff attempt to provide them. In Leopoldov prisoners bake bread, which staff take to the local shops to be sold to the public. In Nitra-Chrenová socks are made for use in the penal institutions (see General Directorate, 1998 for further description of employment opportunities in the prisons). Safety and health regulations in the prison work places are the same as for work places in the community. An officer has responsibility for checking that conditions are satisfactory.

Education and vocational training

Education programmes are available for younger prisoners but there is little for adults. The new draft penal executive code is said to place a greater emphasis on education. Prisoners without work will be obliged to participate in educational studies. No payment is given for education.

Vocational training courses are available for juveniles. Courses for adults are available in connection with furniture-making.

Inspection and monitoring

A special prosecutor has responsibility for inspecting all the institutions. He conducts regular inspections and has authority over the prison director, to whom he can give warnings, recommendations and orders. It was reported that no orders had been given in any prison for over a year. He will often simply draw something to the attention of the prison director who will make the necessary change.

The prison administration's inspection department, which consists of eight staff including several economists, focuses only on economic matters and on dealing with complaints (see Information and complaints above). Each institution is visited every three years to check on the use of the budget and all materials needed for the functioning of the institution. The quality of security and treatment in the prisons is the responsibility of the deputy directors for security and treatment under the authority of the first Deputy Director General.

There is no system of independent inspections of the prisons apart from the work of the special prosecutor. The inspection department of the prison administration claims to be independent of the administration but it reports to the Director General. The Slovak Helsinki Committee has not been involved in monitoring the institutions but the Open Society Foundation is willing to assist the Helsinki Committee in monitoring work and is hopeful that this may develop.

The prison administration spoke positively of its experience with the Council of Europe's CPT which visited in 1995 and 2000. They regard the reports as helpful and consider that the problems that were drawn to their attention give them a new perspective on certain aspects and enable them to use the CPT's insights in planning and legislation. They state that they responded to the recommendations as positively as they could but matters requiring extra resources could not be dealt with at once. A programme was drawn up for the years 2001-04 to ensure, for example, that the sanitary facilities in each cell in Bratislava prison are closed off from the rest of the cell. They also have not been able to ensure that hot water, as well as cold water, is available in each cell. The recommendations to which they have already responded include the introduction into disciplinary cells of mattresses at night, the right of prisoners in such cells to have reading matter, the covering of part of the exercise areas, and an increase in the availability of showers. The report of the visit in October 2000 (published in December 2001) contained 25 recommendations concerning, for example, the amount of space allowed per prisoner, the separation of the sanitary facilities from the rest of the cell, the treatment of prisoners during searches, the use of force, the right of prisoners to have exercise every day, the organising of activities (including work) for pre-trial detainees, and the provision of health care.

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the prison system in the Slovak language and used in staff training. The Director General and the directors of penal institutions have copies of these standards, as do other management staff at the national prison

administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

Religious groups started visiting the prisons in 1990, assisting not only with spiritual matters but also preparing prisoners for life outside. But co-operation between the prison administration and the NGOs started on a broader basis in 1999. A number of visits to prisons have been organised for NGOs. There is much co-operation with the Open Society Foundation which organises courses for prison staff in connection with the treatment of prisoners. They are providing alcohol and drugs education for senior staff in one prison and they funded a needs assessment of the Slovak prison system (Donnelly, 2000), which is leading to improved staff training concerning the needs of women prisoners and the treatment of ethnic minorities (especially Roma), juveniles and drug users. A project involving the European Union and the American Bar Association, as well as the Open Society Foundation, is geared to reducing the time spent in pre-trial detention by speeding up court processes.

Other matters

There is much interest in international co-operation and the Slovak prison service has particularly good links with the prison services of Austria, the Czech Republic and Hungary. They are invited to attend western European conferences and seminars and try to participate as often as possible. However, the budget for such matters is reported to be somewhat limited.

The law entitles pre-trial detainees to vote in national elections but sentenced prisoners are not allowed to do so.

The prison administration produces an annual report, a copy of which is given to anyone who requests it. It is possible that it will be published formally in the future but no firm decision has been taken. The administration also publishes eight times a year a journal 'Zvesti' (News), which was in its 33rd year in 2001. This includes items on a variety of topics likely to be of interest to the staff of the prison service, including historical pieces and coverage of new legislation. A book on the Slovak prison system was published in 1998 (see Achievements below).

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Slovak prison system:

- the introduction of new legislation concerning prison staff (2000), which seeks to combat changes in security circumstances (the fear of security being endangered by organised crime groups) and the need to protect prison sites;

- although the prison population is fairly stable, the number of prisoners considered suitable for open conditions is diminishing and less use is being made of such conditions;
- the opening of the rebuilt Banská Bystrica pre-trial prison with a modern design and good facilities, the opening of a new pre-trial prison at Levoča, and security improvements in various prisons, including Ilava;
- the new Penal Code, the drafting of which was expected to be completed before the end of 2001, and which was expected to lead to an increase in the prison population but more use of alternative sentences.

Current objectives

The following are some of the main objectives reported by the Slovak prison administration:

- to increase the length of training for new custodial staff, to improve staff training in respect of drugs and, as a number of staff retire, to focus on the recruitment of good quality replacements and to school them in the best modern practice;
- to improve treatment by increasing regime activities, paying more attention to juveniles and to long-term prisoners, developing the use of drug-free zones, improving pre-release arrangements and aiming to give equal attention to three aspects of treatment – work, treatment programmes and education, and regime activities;
- to tighten security so as to be able to withstand attempts by organised groups to break into maximum security prisons, to build a new prison at Rimavská Sobota, to build a new block for long-term prisoners, and to continue renovation work throughout the system;
- to re-examine the role of the independent regime manager in pre-trial institutions with a view to improving the quality of regime for pre-trial detainees;
- to make preparations to ensure that the prison service adapts well to the changes that will follow the passing of the new Penal Code, the new law on the enforcement of imprisonment, and the new law on pre-trial detention.

Main problems

The following are some of the principal obstacles to the achievement of the above objectives and to the advancement of the prison system in Slovakia:

- the shortage of resources. The budget for the prison system has been too small to enable the planned maintenance and construction work to be undertaken;
- problems associated with the turnover in staff, and the general pressure of work for staff who are increasingly suffering from stress leading to fam-

ily difficulties and alcoholism, which they are often reluctant to admit before it has become serious;

- the rise in the number of prisoners whose crime was connected with drugs, and the increasing difficulty in preventing the importation of drugs into the institutions;
- the shortage of adequate social work resources in the community (i.e. social curators) to assist prisoners both before and after their release from the institution;
- security concerns, including the inability to modernise surveillance equipment quickly enough;
- the comparatively large number of pre-trial detainees (approaching 30% of the prison population) and the fact that pre-trial detention is becoming longer.

Achievements

Staff of the prison administration and in the prisons visited were asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. Attention was drawn to the considerable efforts that have been made, through training, to improve staff-prisoner relationships. Although it is not intended that security staff should become directly involved in treatment, it is felt that much progress is being made in training them about good communications with prisoners, and the reduction in self-injury and suicides was quoted as evidence of this.

Reference was also made to the treatment of juveniles, including programmes in respect of drug abuse, alcoholism and gambling, and socio-psychological training focused on improving the social abilities of young people, deepening their self-knowledge and increasing their capacity to resolve constructively situations involving inter-personal and group conflict.

Further achievements of the Slovak system include:

- the comparatively high number of educators/pedagogues, which enables each to have a group no larger than 30, and much smaller for women, for juveniles and for difficult and dangerous prisoners;
- the emphasis that is placed on providing good conditions for staff, including the health facilities in several prisons and the leisure centres;
- the attractive new buildings, for example in Banská Bystrica prison, and the creation, at the system's main pre-trial prison in Bratislava, of a new entrance which is well-lit with natural light, and is designed to have a positive rather than an oppressive effect;
- the use of a large number of plants in some institutions, including on safety netting between floors, in order to create a good atmosphere;
- the widespread display in the prisons of the address of the Council of Europe's CPT committee in order to assist prisoners who may wish to complain to that body;

- the publication by the General Directorate (prison administration) of an excellent book, with a foreword by the Minister of Justice, giving a brief history of the prison system, an organogram of the prison administration's functions and two pages of description and colour photographs for each penal institution, including contact address, and numbers, functions and educational level of staff;
- the holding of regular (annual) meetings between the heads of departments in the prisons (i.e. head of security and treatment, head of economic matters) and their counterparts in the prison administration, and of regular (twice a year) meetings between the prison directors and the Director General;
- the increased availability of telephones to enable prisoners to maintain closer contact with their families;
- the establishment, in individual prisons, of displays of painting and other work by prisoners;
- the creation, in several prisons, of very good conditions for visitors while they are waiting for their visits;
- the practice, in at least one prison, of politely introducing to the prisoners the outside visitor who has just been shown into their cell/room.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives, problems and achievements. There is a positive atmosphere in the Slovak prison system and there are many examples of good practice.

The following are suggestions as to some of the important outstanding tasks, in addition to the objectives listed above:

- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial detainees, and to enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to establish for each institution a new capacity figure, which need not be underpinned by legislation, based on the amount of space per prisoner recommended by the CPT, namely at least 4m², not including the sanitary annex. If, in the short term, it is not possible to ensure that all prisons keep their numbers below the new capacity figures, target dates should be set for achieving this level;
- to ensure that prisoners in punishment isolation are visited each day by medical staff, in accordance with Rule 38.3 of the European Prison Rules;
- to allow open visits to sentenced prisoners and to most pre-trial detainees since separating them from their visitors by a screen is only necessary for exceptional cases;
- to take steps to ensure that all prisoners have the opportunity of exercise each day, whatever the constraints of staffing, in accordance with Rule 86 of the European Prison Rules.

Annex 1

SLOVAKIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	11,896	225	5,287,700
1991	4,591	87	5,271,700
1992	6,311	119	5,295,900
1993	6,610	124	5,314,200
1994	7,275	136	5,336,500
1995	7,412	138	5,356,200
1996	7,899	147	5,367,800
1997	7,734	144	5,378,900
1998	7,409	138	5,387,600
1999	6,628	123	5,393,400
2000	6,858	127	5,398,700
2001 (1/1)	6,941	129	5,378,800
2001 (31/12)	7,433	138	5,379,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	1,902	27.4	35
(31/12)	1,946	26.2	36
Foreign prisoners in 2001			
(1/1)	194	2.8	
(31/12)	194	2.6	
	TOTAL among sentenced population	Percentage of sentenced population	
Female prisoners in 2001			
(1/1)	187	3.7	
(31/12)	200	3.6	
Juveniles (under 18) in 2001			
(1/1)	92	1.8	
(31/12)	84	1.5	

Note: An amnesty in 1990 led to the release of 7,868 sentenced prisoners and 427 pre-trial detainees. An amnesty in 1993 led to the release of less than 25 prisoners.

Annex 2

Slovakian penal institutions: functions and capacity, 2001

1	Banská Bystrica	Pre-trial institution	477
2	Banská Bystrica-Kráľová	Sentenced males – Correctional Group II	846
3	Bratislava	Pre-trial institution	606
4	Dubnica nad Váhom	Sentenced males – Correctional Group I	497
5	Hrnčiarovce nad Parnou - Bratislava (Zabí farm)	Sentenced males – Correctional Group I Sentenced males – Correctional Group I	850 120
6	Iľava	Sentenced males – Correctional Groups II + III, and unit for life-sentence prisoners	460
7	Košice	Pre-trial institution Sentenced males – Correctional Group I	419 275
8	Košice-Šaca	Sentenced males – Correctional Group II	664
9	Levoča	Pre-trial institution	148
10	Leopoldov	Pre-trial institution Sentenced males – Correctional Groups II + III	360 455
11	Martin	Sentenced juveniles and adult males in Correctional Group I	413
12	Nitra	Pre-trial institution	325
13	Nitra-Chrenová	Institution for women – juveniles and Correctional Groups I, II + III	241
14	Prešov	Pre-trial institution Semi-open department	195 200
15	Ružomberok	Sentenced males – Correctional Groups II + III	345
16	Trenčín	Sentenced males – Correctional Group II Open and semi-open department at Opatovce Hospital for prisoners	92 50 156
17	Želiezovce	Sentenced males – Correctional Group II Open and semi-open department at Sabová	563 48
18	Žilina	Pre-trial institution	280

TOTAL

(at 1 September 2001)

9,085

Note: Sentenced prisoners are divided by law into three correctional groups. Group I is for those serving a first prison sentence of up to five years, group II for second and subsequent offenders and group III for those convicted of serious offences.

Annex 3

Slovakia: principal sources of information

Dr Anton Fábry	Director General, General Directorate of the Corps of Prison and Court Guard
Dr Oto Lobodáš	Deputy Director General (GDCPCG)
Dr Vladislav Lišták	Director of the Secretariat of the Director General (GDCPCG)
Dr Werner Scholz	Director of Health Care Department (GDCPCG)
Dr Jozef Kovalovský	Director of Inspection Department (GDCPCG)
Mr Miroslav Petrik	Treatment Department (GDCPCG)
Mr Jakub Absolon	Secondary School of Corps of Prison and Court Guard, Nitra
Dr Štefan Berec	Director of Hrnčiarovce nad Parnou prison
Mr Jozef Modrovič	Director of Bratislava pre-trial prison
Mr Peter Novak	Deputy Director of Bratislava pre-trial prison
Mr Milan Gavornik	Director of Leopoldov prison
Dr Miroslav Bečka	Deputy Director of Banská Bystrica pre-trial prison
Mr Štefan Máček	Deputy Director of Nitra-Chrenová prison
Dr Daniel Lipšic	General Secretary, Ministry of Justice of the Slovak Republic
Ms Alena Pániková	Executive Director, Open Society Foundation, Bratislava
Dr Janka Hažírová	Programme Director, Open Society Foundation, Bratislava
Ms Katarína Staroňová	Programme Co-ordinator, Open Society Foundation, Bratislava

CPT, 1997/2. Report to the Government of the Slovak Republic on the visit to Slovakia [by the CPT in June-July 1995]. Council of Europe, Strasbourg

CPT, 1997/3. Response of the Government of the Slovak Republic to the CPT report on their visit in 1995. Council of Europe, Strasbourg

CPT, 2001/29. Report to the Government of the Slovak Republic on the visit to Slovakia [by the CPT in October 2000]. Council of Europe, Strasbourg

CPT, 2001/30. Response of the Government of the Slovak Republic to the CPT report on their visit in 2000. Council of Europe, Strasbourg

Council of Europe, 1997. Reply submitted by the Slovak prison administration to questionnaire on overcrowding and prison population size. Strasbourg

Donnelly M., 2000. Report of a needs assessment conducted for the Open Society Foundation, January-February 2000. Bratislava

General Directorate of the Corps of Prison and Court Guard, 1998. Vázenstvo na Slovensku [Imprisonment in Slovakia/Slovak Prison Institutions]. Bratislava

General Directorate of the Corps of Prison and Court Guard, 2001 and 2002. Annual reports, 2000 and 2001. Bratislava

41. Slovenia

Legislative framework

A new Criminal Code and a new Criminal Procedural Code came into force in January 1995. A new Penal Sanctions Enforcement Act (Penal Executive Code) came into force in April 2000, replacing the previous Act which had been valid in Slovenia since 1978. The new Act both regulates the enforcement of penal sanctions and defines the responsibilities and tasks of bodies responsible for enforcement and for commercial activities that secure the possibility of work for prisoners. The most important implementing regulations in connection with the Act are the Rules on Prison Sentence Enforcement, the Rules on [Pre-trial] Detention Enforcement, the Rules on the Enforcement of the Correctional Measure of committing a juvenile to a Correctional Home and the prison rules. At the end of 2001 the prison rules were still being harmonised with the new legislation.

Prisoners are allocated to individual penal institutions in accordance with the Instructions on the Allocation and Imprisonment of Convicts prescribed by the Ministry of Justice. They are sent to the appropriate institution by court order, but under certain circumstances they can be relocated by the administration. If a prisoner is given a sentence of up to three years, the court can order that it be served in an open institution; if the sentence is up to five years, it can order that it be served in a semi-open institution. A prison sentence may be imposed for a term not shorter than fifteen days and not longer than fifteen years; the only exception to this requirement is that a sentence of thirty years imprisonment can be imposed for the intentional commission of the most serious crimes. Prisoners who are sentenced to no more than six months for an offence committed out of negligence may be allowed by the Director General, if they are orderly and have regular employment or attend school and are serving a prison sentence for the first time, to continue working while serving the sentence and to reside at home, except at the week-end and public holidays when they must be in the penal institution. The court may substitute, for a prison sentence of less than three months, an order to perform community work for humanitarian organisations or for the local community.

Organisational structure

The National Prison Administration was formally established in 1995 as a body within the Ministry of Justice, which has been responsible for the prison system since 1968. The Administration is headed by a Director General who is appointed and discharged by the Government on the proposal of the Minister. The current Director General, Mr Dušan Valentinčič, was appointed in 1997, succeeding Ms Irena Križnik (1995-97). A total of 23 staff are employed in the prison administration headquarters

There are 13 penal institutions with a total capacity throughout 2001 of 1,072. Six of these are the main prisons (three of them central prisons – for those with sentences over 18 months – and three regional prisons), and another six are administered as separate (‘dislocated’) departments of the three regional prisons. The other institution is the correctional home for juveniles. The largest institutions are the central prison at Dob (capacity 289) and the regional prisons at Maribor (148) and Ljubljana (128). The other three prisons (Ig - for women, Celje – for juveniles, and Koper) have capacities between 75 and 100. The six separate departments have capacities between 22 and 40 and the capacity of the correctional home for juveniles (at Radeče) is 68.

The Administration is divided into nine sections, the first two of which are based at the Headquarters. These are the general and legal affairs section, comprising the general and legal department and the economic affairs department, and the treatment section, including the education department and the security and protection department. The other seven sections are the six prisons and the correctional home for juveniles. Three institutions are located in former monasteries, two in 19th century buildings and one in a castle. Only one of the thirteen institutions – the central prison for men at Dob – has been built since the Second World War (in 1963). However, part of the prison at Koper has been returned to the owners of the monastery in which it is located and construction of a new prison to replace it started in 2000. It has been designed to improve substantially the spatial and other conditions for prisoners and staff.

Pre-trial detention

The level of pre-trial detention in Slovenia is low. At the beginning of 2001 the number of pre-trial detainees in the prison system corresponded to only 17 per 100,000 of the national population, and at the end of the year it had fallen to 15. This is one of the lowest figures for any central or east European country.

Pre-trial detainees (remand prisoners) normally spend four hours a day out of their cell and as many as 15% of them are able to undertake paid work. No other country in central and eastern Europe is known to equal these achievements. It should be noted however that the CPT recommends that they should spend a minimum of eight hours outside their cells, engaged in purposeful activities of a varied nature.

The numbers held in penal institutions

The prison population fell between the beginning of 1990 when it was just over 1,100 and the beginning of 1994 when it was just over 900. After rising to 1,000 at the end of 1994 it fell sharply in 1995 and 1996 and was only just over 600 in September 1996, a prison population rate of just 31 per 100,000 of the national population. Since then it has risen steadily, passing 1,000 early in the year 2000 and reaching 1,148 at the beginning of 2001 (58 per 100,000). It has thus almost doubled in 5 years. It remained close to that figure throughout the year, reaching 1,173 in mid-September (59 per 100,000) and falling back to

1,092 (55 per 100,000) at the end of the year. Of this total 27.7% were pre-trial detainees, 3.9% were females and 2.5% were juveniles under 18. 17.8% of the prison population in September 2001 were not Slovenes.

Slovenia's prison population rate of 55 at the end of 2001 is similar to that of its neighbour Croatia to the east and south but much lower than the rates of its neighbours to the north and west, Italy, Austria and Hungary. Slovenia has a traditionally low rate of imprisonment. It has not exceeded 75 per 100,000 at any time since 1980 and during the 1990s it scarcely exceeded 50. "The small size of the Slovenian state and the high cultural homogeneity are said to enhance the effectiveness of informal control mechanisms; there are no real metropolitan settlements or 'metropolises of crime'; the public is not particularly in favour of repressive methods and the courts do not operate a repressive punishment policy" (Council of Europe, 2000).

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was higher than the total capacity; eight of the thirteen institutions were over capacity in terms of their average annual population; by the end of the year the number was only 2% above capacity but for the year as a whole the prison system was 12% overcrowded, the average number of prisoners being 1,203 compared with a capacity of 1,072. But this must be understood in terms of the comparatively high space allowance for prisoners in Slovenia, which is the basis for the calculation of the capacity.

The official minimum space specification per prisoner in Slovenia is currently 7m² for those in rooms with multiple occupancy and 9m² for those accommodated in single cells. This is more than the minimum recommended by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Slovenia introduced this minimum space specification in 1995, before which it had been 9m³ or about 4.5m². The overall capacity of the system was thus reduced from 1,756 in 1994 to 1,112 in September 1995. In September 2001 no penal institution in Slovenia was exceeding the pre 1995 capacity figures based on 4.5m² per prisoner.

As elsewhere in central and eastern Europe, few prisoners are accommodated in single cells. In Ljubljana prison, which houses the largest number of pre-trial detainees in the system, there are about 15 cells for single occupancy. In the largest prison (Dob) most prisoners are accommodated in rooms for six to eight men. The largest number of prisoners in one room, in any prison in Slovenia, is said to be fourteen, in a room measuring 60m².

It is reported that different categories of prisoner are separated in the Slovenian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults. In addition, those imprisoned for a misdemeanour are kept separate from other convicted prisoners.

Sanitary installations and arrangements for access are reported to be adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions; the prison provides the toilet paper. All prisoners are able to have a bath or shower at least twice a week; in most prisons they may do so every day. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners receive changes of underclothing as often as necessary and at least once a week. Every prisoner has a separate bed.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for these who need them for health reasons, for religious reasons or because they are vegetarians.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability and cleanliness of prisoners' clothing and bedding.

The prison service employed only six medical staff at the end of 2001 – five nurses and one doctor who was located at Dob prison. Other doctors including psychiatrists are on contract. Civilian hospitals are used if hospital treatment is needed. Many prisoners have an alcohol problem and the number is increasing; there is a treatment programme for such prisoners. There are also many prisoners with a drug problem. Here too the number is increasing and there is a treatment programme. Prisoners who have either of these problems can benefit from links which have been established with outside centres for the treatment of addiction; these are therapeutic communities to which prisoners may be admitted after their release. No difficulty is reported in respect of HIV/AIDS; numbers are not increasing. In accordance with WHO guidelines there is no policy of testing all prisoners for this condition. Tuberculosis is not a problem in the Slovenian prison system but the numbers are increasing and a treatment programme is in place. Seven prisoners died in the year 2000, four of them as a result of suicide; the level of suicide and self-injury in the Slovenian prison system is not considered to be a problem.

Discipline and punishment

In the year 2000 a total of 228 disciplinary punishments were imposed on convicted prisoners (including juveniles), 32% fewer than in 1999. Since the number of prisoners increased during the year by 14% the fall in the use of disciplinary punishment was even greater. The number of disciplinary punishments fell in all prisons. The 195 punishments of adults comprised 6 warnings, 12 restrictions of privileges, 123 solitary confinement measures with the right to work

and 54 solitary confinement measures without the right to work. The maximum period of solitary confinement is 21 days. Of the 33 disciplinary punishments imposed on juveniles in the correctional home, 20 were bans on leaving the facility, 6 were allocation to a special room during free time and 7 were allocation to a special room without the right to work for a period of between two and five days. Twenty prisoners appealed against decisions of the disciplinary commissions to impose a disciplinary punishment; the Ministry of Justice which rules on the appeals refused 15 of them as unfounded, dismissed four for being lodged too late and upheld the other one.

Prisoners' complaints

Any prisoner who feels that he or she has been subjected to torture or any other form of inhumane or humiliating treatment can demand judicial protection. Prisoners have the right to make complaints to the director of the prison, the Director General, the Minister of Justice, the Human Rights Ombudsman, and other national and international bodies and institutions, including the CPT. Complaints are made in the form of a confidential letter.

Contact with the outside world

Visits to pre-trial detainees are subject to the approval of the prosecutors concerned; they are generally allowed to be visited once a week, but close relatives may be permitted to visit up to three times a week. Sentenced prisoners have the right to be visited by close family members at least twice a week, and may also receive other visitors with the permission of the director of the prison. Each visit can be at least one hour long. Prisoners can also be visited by other authorised persons such as consular representatives and representatives of official organisations. Sentenced prisoners are allowed to receive private (intimate) visits from their wives/girlfriends or husbands/boyfriends but the facilities for this are not available in all prisons. They may also receive long visits, including overnight stay, from their families; again, facilities for this are not available in all prisons. Pre-trial prisoners are generally separated from their visitors by a screen, but with the permission of the director of the prison they may be allowed to touch their visitors.

Prisoners have the right to receive letters from national bodies and other organisations, and to address to them applications for the protection of their rights and legal benefits through the penal institution and in closed envelopes. They have the right to free correspondence with close family members and with other persons subject to the prior approval of the director of the prison. Monitoring of letters is only permissible if there is reasonable suspicion that objects are enclosed that prisoners are prohibited from possessing. In such cases the prisoner must open the letter in the presence of a guard (who is, however, not allowed to read it).

Prisoners have the right to conduct telephone conversations with close family members, with another authorised person, with the Human Rights Ombudsman, a consular representative or a representative of an official organisation for

the protection of refugees. Telephone conversations with close family members can be prohibited on security grounds. Pre-trial detainees also have the right to speak to family members and friends by telephone.

Prisoners can receive parcels containing food, clothes, personal objects, newspapers and books. All prisoners, except those in solitary confinement, are able to have TV and radio in their cells.

The Slovenian prison system allows a prisoner to have prison leave “provided he/she actively co-operates in the treatment process, is making an effort, is successful in his/her work and respects the prison’s rules of conduct”. Prison leave can be granted up to four times in one month and may be up to 48 hours in duration. Other privileges which provide contact with the outside world include unsupervised visits outside the institution; visits outside the institution accompanied by an authorised prison officer; prison leave without permission to go to the environment in which the prisoner committed the offence; part or all of the annual vacation period outside the institution; and up to seven days vacation per year.

Church representatives may visit sentenced prisoners and carry out religious ceremonies and other activities in the penal institutions.

Prison staff

The Slovene prison administration reports that it is able to recruit and retain staff of adequate calibre. Nonetheless the number of security staff was 10% (47) below complement, and the number of treatment and medical staff 23% (25) below complement. Such shortages have persisted at least since 1996 and the system is thus fully accustomed to work with these staffing levels.

The prison service employed 873 staff at the end of 2001, of whom 18 worked in the prison administration headquarters. There were 56 management staff, 428 security staff (prison officers), 80 treatment staff (comprising 46 pedagogues/ educators, 5 psychologists, 14 social workers, 6 medical staff and 9 organisers of education and leisure activities), 127 work instructors and the remainder were administrative staff. The overall ratio of staff to prisoners is 1 : 1.3 or, if the ratio is based only on management, security and treatment staff in the prisons, 1 : 2.0, but there are variations between the institutions.

The administration devotes considerable attention to the recruitment, selection and preparation of staff for work in the prison service and regards this process as “professionally demanding and sensitive”(Križnik, 1996). A new recruit to the security staff receives six months training which includes courses in legislation, penology, psychology, communication with prisoners and martial arts. The administration emphasises that it recognises its responsibility for the permanent professional education and training of employees in order to encourage staff development and promotion. It points out that such training includes education for employees at all levels and in all types of work and involves teaching management, security and treatment staff, and the staff in prisons’ commercial departments, various theoretical and practical skills.

There is no national staff training centre. Management training is obtained by using outside management courses. Considerable emphasis is placed on having female staff working in male prisons and male staff in female prisons, thus helping to make the atmosphere in the prisons as similar as possible to that outside. Over 25% of the staff in institutions for male prisoners are women, working in management posts and as treatment staff and also on financial and secretarial matters. In the institutions for female prisoners some 36% of staff are male, working in the economic unit, as instructors and as security guards at the prison entrance.

Staff salaries are similar to those in the police service and higher than the national average. Public understanding of the work of prison staff is thought to be quite good; the serious papers present a balanced account, although others are only interested in sensation. Nonetheless the prison administration has contact with all media and if, for example, a newspaper misrepresents the situation they submit corrections, which are printed. The Director General and prison directors give accounts to radio, television and the press about the prison service. There is close co-operation with Ljubljana university: prison staff, mainly pedagogues and psychologists but also security staff, give lectures to the faculties of social work, psychology and law, and people come from the university to conduct research in the prisons. It is reported that there are regular meetings between security and treatment staff and relations are quite close. It is regarded as part of the duty of security staff to take part in the implementation of treatment programmes.

There were seven occasions on which prisoners escaped from closed parts of institutions in the year 2000; a total of twenty one escaped. Coercive means were used in 81 cases; most involved the use of physical force and handcuffs, while truncheons were used in three cases. In examining these instances of the use of force, the prison administration considered it to have been appropriate in 77 cases and unnecessary in four cases. No dogs are used by security staff and none of the institutions have perimeter towers manned by armed guards.

Treatment and regime activities

All prisoners who enter a penal institution go through an admission stage during which they are met by various experts. A medical examination is followed by talks with the pedagogue/educator about prison life and the prisoner's needs. There is then an examination by a psychologist who reports on the prisoner's personality, capabilities and interests. Finally talks are held with the social worker about family and social circumstances. On the basis of all these findings an individual treatment programme is prepared, with the co-operation of the prisoner, which includes: allocation to a group and the identification of the pedagogue who is the group leader; allocation to employment; a plan for education; an assessment of the prisoner's good and bad qualities, according to which treatment will be based on the good qualities and attempts will be made to correct the bad qualities; a post-release programme which includes consideration of accommodation and employment prospects, and the need for material help after re-

leave. The need for assistance to the family is also assessed, likewise the possibility of being allowed the privilege of leave from the institution, and a decision is made about the security regime and security measures that will be needed. During this admission period the full-time treatment staff (pedagogues, psychologists, social workers) assist prisoners in dealing with any urgent problems concerning their family, finances or employment and also with any medical or other practical matters that need attention. Despite a recommendation of the CPT in 1995 it is not routine practice in all penal institutions for newly admitted prisoners to be supplied with written information about their rights and duties. They are however shown the House Rules.

The work of professional staff in the penal institutions is oriented towards socio-therapeutic activities and individual forms of treatment, elements of a therapeutic community, and "an encouragement towards co-operation within the community in the broadest possible sense" (response to questionnaire for this project). The socio-therapeutic model was introduced in the 1970s. It facilitates: direct, open personal communication between staff and prisoners; ongoing and collective work on the resolution of difficulties in day-to-day life and the work of the institution; and an institutional regime which meets the needs of prisoners to the greatest possible extent. This model has been established in nearly all the penal institutions in Slovenia and is considered to have brought positive results in respect of both treatment and security.

Treatment and regime activities for adult prisoners consist of education and vocational training, work, leisure activities (sports and recreation programmes, cultural activities, use of the library), and also programmes of social learning. Such programmes involve the study of inter-personal communications, which is carried out by means of group and individual work methods and counselling. The programmes are intended to prepare prisoners for integration into work and life after release and are carried out by treatment staff working in collaboration with external services. Pre-release groups and counselling programmes concerning life after release are carried out by volunteers organised by local social services departments. Reference has already been made to special programmes for prisoners addicted to drugs or alcohol, or suffering from tuberculosis. Other programmes are devised to meet specific needs that prisoners have. For young prisoners, the same programmes are available, together with groups for parental self-help and several possibilities for recreation and leisure time activities. Programmes and activities for all prisoners are co-ordinated by pedagogues (educators), each of whom is responsible for a group of prisoners; the size of groups varies between 15 and 30.

In closed units, the cells/rooms of sentenced prisoners are unlocked for 17 hours during a normal day. Pre-trial detainees are normally out of their cells/rooms for four hours a day which, as has already been noted, is longer than in other countries of central and eastern Europe but only half of the time recommended by the CPT.

Every prisoner is allowed at least two hours of walking or suitable exercise every day (including week-ends) in the open air.

Preparations for release involve arrangements to assist prisoners in returning to society, family life and employment. For long term prisoners they include steps to ensure a gradual return to freedom. Each of the six prisons has an open section, a semi-open section and a closed section, which means that prisoners can progress from closed conditions to fully open conditions as long as they are not regarded as a danger to the public. Reference has already been made to the opportunities for prison leave, which is especially valuable in preparing prisoners for release. When deciding to grant a particular type of leave, the personality of the prisoner, the risk of escape, the type of crime and the manner in which it was committed, and any other circumstances which indicate that there is a possibility that the privilege may be abused, are taken into account. The response of the community in which the crime was committed, especially that of the victim or injured party, is also considered.

The process of preparing prisoners for release starts at the beginning of the sentence; it is regarded as a constituent part of the treatment process. About three months before the earliest date of release small pre-release groups are formed in which the social worker plays a vital role. Intensive co-operation is considered necessary between the prison and external agencies. With the prisoner's consent the social worker establishes contacts with external social security services, especially with the centres for social work in the area of the prisoner's residence. Representatives from these centres pay visits to the prisoner during the sentence. Under a legal provision the centre for social work may appoint a counsellor for a prisoner if it considers this is required for easier reintegration into the community, and it must do so if this is recommended by the prison. For prisoners with nowhere to go and no family or friends the counsellor may be the only link between the time in prison and the time after release. Counsellors are mostly volunteers, mainly social science students. This co-operation between the prison and the centre for social work takes place for the majority of prisoners, the exception being when prisoners do not want the institution to make such contacts with outside bodies.

The prison service also has contacts with employment offices in order to prepare for training and employment after release. Prisoners with problems of excessive drinking, who are included in rehabilitation programmes during their sentence, are enabled to join clubs for alcoholics after they are released, and similar arrangements are made for those with drug problems. The prison service also works together with various educational institutions, especially in cases where prisoners receiving educational training during the sentence continue with education after release. Co-operation is also established with various companies, with a view to employment after release as well as during the sentence. If necessary, arrangements are made with health institutions where prisoners will require post-release medical treatment. Regional co-ordination committees for post-release assistance have been established, and these collect together at a single location all the external agencies which offer aid to prisoners after release, and jointly discuss what needs to be done in order to facilitate the easiest and most appropriate reintegration of the prisoner following the prison sentence.

Conditional release

Prisoners may be released conditionally after serving half their sentence. The decision in each individual case is made by the conditional release committee at the Ministry of Justice at the request of the prisoner or members of his/her family, or following a proposal by the director of the prison. In exceptional cases a prisoner may be conditionally released after serving one-third of the sentence. Prisoners sentenced to more than 15 years imprisonment may not be conditionally released until they have served at least three-quarters of the sentence. In the juvenile prison older young offenders may be conditionally released after serving one-third of their sentences, though not until they have served at least six months. The court may order the juvenile to be supervised by a social care agency during the conditional release period. The director of the prison is authorised to release prisoners up to one month before the completion of their sentence if they have served at least three-quarters of the period of imprisonment imposed. 81% of sentenced prisoners are conditionally released, based on the most recent figures available.

Prison work

The new Penal Sanctions Enforcement Code for the first time defines work as a right of prisoners and no longer as an obligation. However the statutory provision making work compulsory had not been enforced for many years. Under the new law a prisoner who is capable of working and who wants to work must be provided with the opportunity of doing so. Employment may be within the prison's commercial units, or on tasks required in the prison (e.g. domestic or maintenance activities) or on contractual work outside the prison.

In the year 2001 66% of sentenced prisoners had work of some sort, as did 15% of pre-trial (remand) prisoners. This is the highest percentage of pre-trial prisoners with work in all central and eastern European countries. The proportion of sentenced prisoners with work has remained fairly steady over the last seven years (70% in 1994). Out of just over 2,000 sentenced prisoners who were in the prison system at some time in the year 2000, fewer than 4% declined to work and 17% were incapable of working. Of remand prisoners who were capable of working 51% elected to work and 49% declined to do so. A normal working day is 8 hours.

Of some 1,500 adult sentenced prisoners (excluding those in prison for misdemeanours – mainly non-payment of a fine) who had employment in the system at some time in the year 2000 some 60% were employed in commercial units within the institution, some 20% on work required in the prison, and some 15% on contractual work outside the prison (under the terms of Article 50 of the Penal Sanctions Enforcement Act 2000). The remainder were employed in therapy workshops apart from three individuals who were allowed to continue their previous employment (Article 51 of the Act of 2000). Pre-trial (remand) prisoners, prisoners sentenced for misdemeanours and juveniles who had employment were almost all involved in work in commercial units within the prison.

The new law also redefined the basis for calculating the payment for work. This resulted in the average payment for work in commercial units in the prisons increasing by 20%, and for work required in the prison by between 15 and 32%. There were also rises – as high as 50% for prisoners based at the Ig open unit – for contractual work done outside the prison. The range of monthly pay for these types of work in the year 2000 were as follows:

In commercial units in prison 9,046 to 25,344 Slovenian tolar (about 40 – 115 euros).

In work needed by the prison 9,443 to 28,248 Slovenian tolar (about 43 – 128 euros).

In contractual work outside the prison 9,839 to 112,230 Slovenian tolar (about 45 – 510 euros).

The commercial units of the prisons sell their projects to the market, having long-term contracts with various external partners for whom they manufacture products or parts. Some units develop their own products and sell them directly to the market. They provide work in metal, carpentry, timber, plastic and wood-turning factories, agricultural work, electrical engineering, sewing, bookbinding, and a variety of other occupations. Work needed by the prison includes employment in the laundry, ironing room, boiler room, library, kitchen, and also maintenance work and cleaning.

Vocational training and educational programmes

Vocational training is available in the commercial units of the institutions.

Education is organised by the prison administration in the central prison at Dob, the juvenile prison and the correctional home. In the other institutions and for other than basic education, educational organisations outside the institution are used, either with teachers visiting the institution or with prisoners visiting schools outside the institution. It is also possible for a prisoner to undertake university studies. At Dob prison, apart from the regular programme at elementary school level, courses are available in computer technology, warehouse keeping and the use of heavy construction machinery; there is also a vocational baking course. Other courses are reported to be arranged if there is a sufficient number of applicants. For younger prisoners in the juvenile prison and the correctional home there is a programme for completing primary education, a lower level programme of vocational training and opportunities for vocational learning in the workplace. Programmes of remedial education are arranged for prisoners with special problems such as illiteracy or innumeracy.

Budget cuts have affected the financing of education programmes and some prisoners have to pay for their education or contribute towards it. Shortage of funds has also meant that it has not been possible to organise some programmes that would be of interest to prisoners, such as foreign language courses or computer courses, although, as mentioned, there are courses in computer technology at Dob prison.

Inspection and monitoring

Inspection of the institutions to ensure that they are being properly managed, and that prisoners are being treated in accordance with the laws and regulations and the objectives of the prison administration, is carried out by the prison administration itself and by the Ministry of Justice. There is also provision for independent inspections conducted by bodies not belonging to the prison administration or the Ministry of Justice. Monitoring is undertaken by the President of the district court in which the institution is situated. It is his duty to visit at least once a month the places where sentenced prisoners are held within his jurisdiction. The CPT noted, during its visit to Slovenia in 1995, that Dob prison was regularly visited by the judge concerned but that such visits were rare at Ljubljana prison. In response to a suggestion of the CPT, the Ministry of Justice sent a note to the courts appointed to supervise penal institutions, with the order that they should be consistent in implementing the CPT's recommendations that judges should visit institutions on a regular basis, should make themselves 'visible' to the prison authorities and staff and the prisoners, and should not limit their activities to seeing persons who have requested to meet them but should visit the areas where prisoners are held and take the initiative in making contact with them.

Prisons are also visited by the Human Rights Ombudsman (a post created in 1994) and by other bodies that are responsible, in accordance with international statutes, for the protection of human rights, including the CPT. The Ombudsman provided to the CPT early in 1996 an account of his activities in 1994 and 1995 in the field of the protection of the rights of sentenced prisoners and pre-trial (remand) prisoners. The Ombudsman had visited four institutions in 1995, following the CPT visit earlier that year, viewing the institutions, talking with the directors and other senior staff, and having private visits with some prisoners. He also reported on his handling of prisoners' complaints.

The CPT visit in February 1995 has been followed by a second one, which took place in September 2001. Recommendations following the 1995 visit concerned the introduction of new regulations about the use of force, increasing the amount of space available per prisoner in the living accommodation, the care of mentally ill prisoners, the regime for young persons in custody including care concerning the detention of juvenile prisoners in cells/rooms with adults, the visiting entitlement for pre-trial prisoners, medical involvement in the placement of prisoners in a padded cell and the provision of written information for newly admitted prisoners about their rights and duties. In all cases the Slovenian authorities responded positively to the recommendations and suggestions. Recommendations following the visit in 2001 concerned combating overcrowding, the use of force, space per prisoner, the partitioning of sanitary facilities, the development of programmes of activities, and health care issues, including staffing levels, records of initial medical examinations and medical confidentiality (CPT, 2002/36).

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are report-

ed to be widely available in the Slovenian prison system and used in staff training. The Director General and the directors of penal institutions have copies of these standards, as do other management staff at the national prison administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

Non-governmental organisations and volunteers have, through various activities, been involved in work with prisoners in Slovenia since the early 1990s. Reference has already been made to religious representatives. The administration also co-operates with charitable organisations, such as the Red Cross and Caritas. The Red Cross occasionally provides help in the form of clothing for released prisoners. It also provides second-hand furniture and other house furnishings and often looks after the storage in prison of prisoners' personal footwear and clothing, which they will reclaim on release from the institution. Caritas is linked with prisons through its groups of volunteers who provide support to prisoners in various ways, including by corresponding with them, by small gift packages at holiday periods and by material help after the sentence has been served.

The penal institutions receive numerous visits for choirs and theatre groups who stage concerts and performances. On major public holidays public exhibitions are organised displaying the products manufactured by the prisoners. Some institutions also have open days during which they invite the public to see what happens in the prisons. Volunteers from the community supervise recreational activities and sporting competitions take place between prisoners and groups from the community. Other volunteers give courses for prisoners or participate in cultural activities. There is also much co-operation with university faculties, with students doing the practical part of their education and training in the prisons. The prison for women at Ig has the status of a training centre for students in psychology, education, social work and law. Seminars are held with students and their lecturers/tutors.

The prison administration considers the work of non-governmental organisations and volunteers as extremely positive in providing support to prisoners during the sentence, in preparing them for release and in achieving co-operation between the community and the prisons.

This contact with non-government organisations and volunteers is in addition to the contact that the prisons have with public bodies, such as the centres for social work, which have already been mentioned in connection with preparation for release, and representatives of the health authorities who have organised courses for prisoners in health education (including preventive measures that can be taken to avoid potential infection both inside and outside the institution). Reference has also been made to the links with treatment centres for drug and alcohol addicts. Some institutions are visited by a public mobile library from which prisoners may borrow books and other literature.

Other matters

The Slovenian prison service is much involved in international co-operation that is intended to improve prison standards. In particular it has established contacts with Croatia, Bosnia and Herzegovina, Hungary, Romania, Austria, Italy, the Netherlands, the Council of Europe, Canada, the NGO Penal Reform International and the United Nations.

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections and there are no limitations on prisoners' right to vote after they are released from prison.

The prison administration produces an annual report and prepares summaries in English of the main points of the report. It also produces an English-language document 'Information on Slovenia's Prison System'.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Slovenian prison system:

- the drafting of the Penal Sanctions Enforcement Act 2000, and its introduction;
- the increase in the number of prisoners (it almost doubled between September 1996 and September 2001), and consequent overcrowding in the system;
- changes in the structure of criminal offences (the emergence of major crimes associated with organised criminality) and the introduction of a stricter sentencing policy including longer prison sentences;
- the start in the year 2000 of constructing a new prison in Koper;
- problems related to smuggling drugs into prison, and drug dependence;
- increased public interest in prisons and the consequent need for the prison administration to pay more attention to the public aspect of imprisonment.

Current objectives

The following are some of the main objectives reported by the Slovenian prison administration:

- to ensure consistent implementation of the new law in practice, and uniform treatment of prisoners in accordance with the law;
- to complete the drafting of implementation regulations following from this law;
- to provide suitable material conditions for the operation of the prison system, and to modernise conditions by the construction of

- the new prison and the renovation of existing facilities;
- to take measures to combat overcrowding;
- to improve the education of prison staff and create a more suitable staff structure;
- to prepare norms (standards) for the work of specialist staff and to improve the supervision of such work;
- to modernise provision for the education of prisoners, including by increasing contacts with external institutions that can assist this process;
- to introduce “a public health care network” for prisoners;
- to reorganise economic units and restructure them as public commercial institutions;
- to prepare specific treatment programmes for groups of prisoners such as sex offenders and those serving longer prison sentences.

Main problems

The following were identified by the prison administration as some of the main problems, which are obstacles to the achievement of the above objectives and to the advancement of the prison system in Slovenia:

- overcrowding, with numbers almost 10% over the official capacity and the capacity exceeded in seven of the thirteen institutions;
- shortage of staff, with security staff being 10% below complement and treatment and medical staff more than 20% below complement;
- the fact that the staff are overburdened with work;
- shortage of financial resources.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas which could be taken up by the prison systems of other countries. They drew attention in particular to:

- the quality of the treatment staff employed in the penal institutions;
- the socio-therapeutic forms of work, including group-work and the creation of a therapeutic community, which are considered to be very successful in creating a positive atmosphere in the institutions and bringing about constructive change in the lives of the prisoners;

- the practice of establishing a range of contacts with the outside world, which will prepare the way for easier integration of the prisoner into life outside the prison after release;
- the practice of enabling prisoners to maintain their own contacts with the outside world as fully as possible during their sentence;
- the practice of holding regular monthly meetings of the individual groups of specialists who are employed in the prisons – pedagogues, therapists (psychologists), social workers, medical staff, lawyers, accountants etc;
- the provision of pension insurance to sentenced prisoners who work regularly in the prisons' economic units.

Further achievements of the Slovenian system include:

- reducing the official capacity of institutions in order to allow every pre-trial detainee and sentenced prisoner to have at least 7m² of space – more than the minimum amount considered necessary by the CPT;
- enabling sentenced prisoners to have frequent visits from family and friends and opportunities for home leave;
- paying particular attention to the quality of staff who are recruited to work in the prison service;
- having a significant proportion of female staff in prisons for males (25%);
- considering it as part of the duty of security staff to take part in the implementation of treatment programmes;
- making much use of non-governmental organisations and volunteers in preparation for release, support for prisoners during their sentence, and developing co-operation between the prisons and the community outside;
- having sufficient pedagogues (educators) to enable each to be responsible for between 15 and 30 prisoners;
- enabling 15% of pre-trial detainees to have work of some sort, the highest percentage in all central and eastern European countries;
- the wide availability of the European Prison Rules to senior managers, other prison staff and prisoners;
- producing useful material, in the English language, giving information on Slovenia's prison system, and a summary of points from the Annual Report.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives, and achievements. There is a generally relaxed atmosphere between staff and prisoners in the Slovenian prison system and there are many examples of good practice.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to develop still further the programme of activities for pre-trial detainees, with the aim, in accordance with the advice given by the CPT to many countries, “to ensure that such prisoners spend a reasonable part of the day (eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association)”;
- to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases.

Annex 1

SLOVENIA: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1989	1,113	56	1,996,400
1990	838	42	1,999,900
1991	836	42	1,998,900
1992	900	45	1,994,100
1993	889	45	1,989,400
1994	1,019	51	1,989,500
1995	635	32	1,990,300
1996	649	33	1,987,000
1997	752	38	1,984,900
1998	848	43	1,978,300
1999	980	49	1,987,800
2000	1,148	58	1,990,100
2001	1,092	55	1,994,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	335	29.2	17
(31/12)	302	27.7	15
Female prisoners in 2001			
(1/1)	41	3.6	2
(31/12)	43	3.9	2
Juveniles (under 18) in 2001			
(1/1)	30	2.6	2
(31/12)	27	2.5	1
Foreign prisoners in 2001			
(1/9)	209	17.8	

Note: An amnesty in July 1997 resulted in the release of 2,248 prisoners.

Annex 2

Slovenian penal institutions: functions and capacity, 2001

Central prisons

1	Dob (near Mirna)	Adult males sentenced to more than 18 months, including semi-open department (Slovenska Vas) and open department (Hotemež) on adjacent site	289
2	Ig (near Ljubljana)	Female prisoners, including pre-trial prisoners, juveniles and women sentenced for a misdemeanour	77
3	Celje	Male and female prisoners, including pre-trial prisoners and those sentenced for a misdemeanour, and male juveniles sentenced to juvenile imprisonment	94

Regional prisons (sentences of less than 18 months)

4	Koper	Male and female prisoners, including pre-trial prisoners and those sentenced for a misdemeanour	76
5	Nova Gorica	Male prisoners, including pre-trial prisoners and those sentenced for a misdemeanour (department of Koper prison)	32
6	Ljubljana	Male prisoners, including pre-trial prisoners and those sentenced for a misdemeanour	128
7	Radovljica	Male prisoners, including pre-trial prisoners and those sentenced for a misdemeanour (department of Ljubljana prison)	22
8	Novo Mesto	Male and female prisoners, including pre-trial prisoners and those sentenced for a misdemeanour (department of Ljubljana prison)	35
9	Ig	Open department for male prisoners (department of Ljubljana prison)	27
10	Maribor	Male and female prisoners, including pre-trial prisoners and those sentenced for a misdemeanour	148
11	Murska Sobota	Male prisoners, including pre-trial prisoners and those sentenced for a misdemeanour (department of Maribor prison)	40
12	Rogoza	Open department for male prisoners (department of Maribor prison)	36

Correctional home for juveniles

13	Radeče	Male and female juveniles sentenced to residence in a correctional home	68
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TOTAL (throughout 2001)

1,072

Annex 3

Slovenia: principal sources of information

Response by the Director General of the National Prison Administration, Mr Dušan Valentinčič, to survey questionnaires for this project.

Information and documentation supplied by the former Director General of the National Prison Administration, Ms Irena Križnik.

Other information and documentation supplied by the Slovenian prison administration.

CPT, 1996/18. Report to the Slovenian Government on the visit to Slovenia [by the CPT in February 1995]. Council of Europe, Strasbourg

CPT, 1996/19. Interim report of the Slovenian Government in response to the CPT report on their visit in 1995. Council of Europe, Strasbourg

CPT, 2002/36. Report to the Slovenian Government on the visit to Slovenia [by the CPT in September 2001]. Council of Europe, Strasbourg

CPT, 2002/37. Response of the Slovenian Government to the CPT report on their visit in 2001. Council of Europe, Strasbourg

Council of Europe, 1997 and 1998. Replies submitted by the Slovenian prison administration to questionnaires on overcrowding and prison population size. Strasbourg

Council of Europe, 2000. Prison overcrowding and prison population inflation. Recommendation No. R(99)22. Strasbourg

Križnik I., 1996. Staff development and promotion and the staff policy of the Slovenian prison administration. Unpublished paper for a seminar at Popowo, Poland, October 1996.

Križnik I., 1996. Co-operation between social organisations and prisons in the rehabilitation of prisoners in the Republic of Slovenia. Unpublished paper for a seminar at Pecs, Hungary, September 1996.

Križnik I., 1996. The Slovene Socio-Therapeutic Model of Imprisonment. Unpublished paper for a conference at Budapest, Hungary, May 1996.

National Prison Administration, 2001 and 2002. Information on Slovenia's prison system, February 2001 and April 2002. Ljubljana

National Prison Administration, 2001. i) Basic facts in figures 1996-2001; ii) Some basic data from the annual report 2000. Ljubljana

National Prison Administration, 2002. Letno Poročilo (Annual Report) 2001. Ministry of Justice, Ljubljana

42. Ukraine

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Criminal (Penal) Code, the Criminal Procedural Code and the Penal Executive Code. A new Penal Code was approved by Parliament in April 2001 and came into force on 1 September; capital punishment was replaced by life imprisonment and cannot be imposed on anyone under 18 or over 65. In Article 51 new kinds of punishment were introduced, including 'arrest' (one to six months custody), 'limitation of personal freedom' (placement in an open prison) and community sanctions. The new law also made parole available to all categories of prisoner and required courts to review sentences imposed under the previous code (1960). The Criminal Procedural Code also dates from 1960 and has been amended many times; in 2001 the draft of a new code was before Parliament. The Penal Executive Code (or Corrective Labour Code or Reformatory Code) dates from 1970 and has since been amended, inter alia to relax regulations concerning correspondence, visits and parcels; a new draft 'Law on the Enforcement of Sentences' was also in preparation in 2001.

Organisational structure

Until 1998 the prison system was under the responsibility of the Ministry of Internal Affairs. In July of that year a Presidential decree established the State Department for the Execution of Sentences and in December the decree was confirmed by Parliament and the State Department came into being. The prison system is thus independent of the Ministry of Internal Affairs without being under the authority of the Ministry of Justice, although such a transfer is the long-term aim.

The Director General of the prison system (subsequently Director of the State Department) from 1996-2001 was Mr. Ivan Shtanko, a long serving member of the prison service. He was succeeded by Mr. Volodymyr Lyovochkin, a deputy Director since at least 1993. Regional prison administrations report to the central prison administration - the State Department - in the capital, Kyiv.

There were 180 penal institutions operating in the year 2001. Of these 33 were pre-trial 'investigation isolators' (SIZOs), 128 were corrective labour colonies, 11 were educational colonies (for juveniles) and 8 were institutions for the treatment of alcoholics. Of the SIZOs two (at Vinnytsia and Zhytomir) are known as prisons (tyoormi) and hold sentenced prisoners, including those under sentence of life imprisonment. The corrective labour colonies vary between those with a special (very strict) regime, those with a strict regime, those with a general regime and others (colony-settlements), which have open conditions.

The differentiation by regime is due to be abolished and classification will then be on the basis of the perceived security threat posed by each prisoner. The previous system of identifying the institutions only by a number has been replaced and by the end of 1999 all were identified by name. The pre-trial institutions (SIZOs) have been equipped with special units for 1,707 persons sentenced to the new measure of 'arrest', and two special establishments have been created for those sentenced to 'limitation of personal freedom' (Council of Europe, 2001).

The total capacity of the system in September 2001 was 216,669, of which there were about 37,000 places in SIZOs, 174,500 in colonies (including about 4,500 in educational colonies) and about 5,150 in institutions for the treatment of alcoholics. The average capacity of the SIZOs is thus about 1,120, of the colonies about 1,330, of the educational colonies about 400 and of the institutions for alcoholics (or 'health labour dispensaries') about 640. The capacity has thus risen by about 20% since 1994 when it was about 180,000.

Pre-trial detention

According to the Criminal Procedural Code pre-trial detention should not exceed two months. In certain circumstances this can be prolonged, and in extreme cases (with the approval of the Prosecutor General or his Deputy) it can be prolonged to 18 months.

There were 35,334 persons in pre-trial detention in September 2001 (72 per 100,000 of the national population). This rate is the sixth highest in Europe behind Belarus, Estonia, Latvia, Moldova and the Russian Federation. Pre-trial detainees constituted 18% of the prison population.

Pre-trial detainees have one hour a day for exercise in the open air. For the rest of time they are locked in their cells.

The number held in penal institutions

The prison population rose in the five years 1991-96 from 120,000 to over 200,000. Since then it has generally fluctuated between 205,000 and 240,000, regularly rising to a figure over 225,000 but then being reduced by some 20,000 by amnesties, of which there has been at least one a year since 1995. In the year 2001 the total dipped below 200,000 for what is believed to be the first time since 1996. In September 2001 it was 198,885 or 406 per 100,000 of the national population. This is still the third highest rate in central and eastern Europe (after Russia and Belarus).

Accommodation, overcrowding and living conditions

The number in the penal institutions in September 2001 was 91.8% of the official capacity of the system but the overall occupancy level in the pre-trial institutions was 10% over capacity. In the colonies the overall occupancy level was 11% under capacity.

Overcrowding has been a problem in the Ukrainian prison system at least since 1994. The pre-trial institutions (SIZOs), despite a capacity of only 32-33,000, held over 38,000 in that year, 42,000 in 1996, and 45,000 in 1997. The capacity reached 34,000 in 1998 but there were 44,000 in the SIZOs. In September 2000 there were 36,443 places in the SIZOs but 46,655 prisoners.

The CPT in its inspection of February 1998 found that some prisoners in the SIZO at Kharkiv had little more than 1m² of space each (CPT, 2002/19 para 123), and in July 1999 they found that, as a result of an increase in population, this had fallen to about 1m² (CPT, 2002/21, para 28). In September 2000 they reported that women in the SIZO at Simferopol had less than 2m² each, and men had only 0.8m² in some cells (CPT, 2002/23 para 88). Indeed, in all three visits they reported that not all prisoners had their own beds. The Government response indicated that they had ensured that all prisoners in the institutions concerned had their own beds and, with respect to Simferopol, that the intake had since been limited and sentenced prisoners who had been held there had been transferred to colonies (CPT, 2002/24 p. 31).

The official specification of the minimum space allowance per prisoner in the Ukrainian prison system is 2m² for adult male sentenced prisoners, 2.5m² for pre-trial detainees, 3.5m² for women and 4.5m² for juveniles and women who are pregnant or accompanied by a child. The prison administration stated at the end of 2001 that it intends to increase the space allowance in colonies (i.e. for sentenced adult males) to 2.5m².

The CPT called in their 1998 report for the implementation of a whole range of overcrowding measures and in their report of 2000 they asked the Ukrainian authorities “to take action now in order to mount a coherent policy aimed at combating the problem of overcrowding in the Ukrainian penitentiary system” (CPT, 2002/23 para 59). In their response to the 1998 report the Ukrainian government explained that in the five years 1994-98 inclusive they had opened twelve new minimum security colonies (for 9,000 prisoners), 2,260 new places for prisoners with tuberculosis and 5,600 new places in SIZOs. Existing prison buildings were reconstructed and new ones built, and new colonies built on former agricultural farms. In addition 66 temporary SIZOs were opened in the territories of minimum security colonies with a total of 4,800 places for prisoners who were convicted but their sentences were unconfirmed. In addition prisoners were released before the end of their sentence and others had their sentences shortened (CPT, 2002/20 p. 33). For example some 34,000 were released in six amnesties in 1994-96, 31,200 were released in 1997 and 38,500 in 1998. In their response to the report of 2000 the Ukrainian government explained that a complex of measures had been taken to reduce the prison population. Restrictions were placed on pre-trial detention with the result that the rate of intake had been substantially reduced and 28,800 were released from all types of penal institution under an amnesty in July 2001 (CPT, 2002/24 p. 22). These were the measures that reduced the overcrowding levels in the SIZOs from 28% in September 2000 to 10% in September 2001.

The Ukrainian authorities also reported that the review of sentences that would be undertaken in response to the introduction of the new Penal Code in

2001 should make a further impact on the overall prison population (*ibidem*, p. 23 and Council of Europe, 2001). Further, another 12,000 places were to be created before the end of 2004.

Few prisoners are held in single cells. For example in Simferopol SIZO as many as 32 prisoners were held in one dormitory in September 2000 (CPT, 2002/23 para 88) and between 35 and 45 shared cells in Kharkiv SIZO in February 1998.

A number of cells in Ukrainian pre-trial institutions (SIZOs) have for many years had their windows covered by metal shutters which restrict the light and ventilation. The Director of the State Department reported that all would be removed by the end of 2001 (Council of Europe, 2001).

Sanitary arrangements in the pre-trial institutions were criticised by the CPT both in 1998 (Kharkiv) and 2000 (Simferopol). The in-cell sanitary annexes in some parts of the institution at Kharkiv were only rarely partitioned off completely; "usually there were only walls at the sides, approximately 1.1m high. These facilities were generally dirty and unhygienic, occasionally overflowed and emitted an almost unbearable smell" (CPT, 2002/19 para 123). At Simferopol "in-cell toilets (as a rule only partially partitioned) were in an extremely poor state" (CPT, 2002/23 para 88). In response, the Ukrainian government announced that improvements had been made to sewerage, ventilation, tiling and partitioning. The penal institutions are reported to provide toilet paper for women and juveniles but adult males must obtain their own from their families. In short, it cannot be said that sanitary arrangements and arrangements for access are adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions.

Food and medical services

The dietary norms, established in 1992, are reported to be 2,726 calories per day for pre-trial detainees and 3,062 for sentenced prisoners. Tuberculosis patients are allowed 3,144 calories and pregnant women and nursing mothers 3,284 calories. However the CPT reported in February 1998 that those held in Kharkiv SIZO were not receiving the norms because the prison's financial situation made this impossible. Prisoners were supposed to receive 80g of meat per day but were receiving less than half of this (CPT, 2002/19 para 57). The CPT also criticised the hygiene conditions in the kitchen and the food storage. In 1999 the CPT noted some improvements at this institution. The Ukrainian government has since reported that, in order to make the prison system self-sufficient in food, eleven agricultural colonies, a semi-open zone in another colony and an agricultural farm have all been established. Further details of food production have also been published (CPT, 2002/24 pp.24-5). Providing prisoners with adequate food was said to be an absolute priority; it was planned to create an agricultural farm in every colony. At the end of 2001 there were 134 production units and the output had increased by 104 million gryvnyas in the year.

Health care in penal institutions is said to be provided on the basis of equivalence with that in the community outside. Any health care that is not available

in prison hospitals is provided in Ministry of Health facilities. Prison health care services apply health guidelines issued by the Ministry of Health. Contacts between the State Department for the Execution of Sentences and the Ministry of Health have increased in the last few years since co-operation began on the prevention of HIV. They are working together on issues of prevention, treatment and the gradual integration of the prison medical service into the structure of state health care. However, the head of the health care department in the prison administration believes that the prison health care system should retain its autonomy (Gunchenko, 2002). Medical staff in the penal institutions still retain military ranks and uniforms, and this augments their status and remuneration.

At the end of 2001 there were medical centres in 163 institutions and 21 prison hospitals. There were 1,137 doctors and 1,605 junior medical staff, including nurses (Council of Europe, 2001). Considerable efforts were being made, together with the Ministry of Health, to fill medical staff vacancies. In 1996 there were reported to be 1,054 doctors (20% less than the authorised complement) and 2,221 nurses (Lakes, Flügge et al., 1996), which suggests that there has since been a drop of 28% in junior staff.

The CPT considered the number of medical staff at Kharkiv SIZO in 1998 to be insufficient but the Ukrainian government stated that they did not have financial resources to increase the numbers. Similar recommendations were made in respect of the institutions they visited in 2000, but the response indicated again that “the number of doctors and feldshers was calculated according to the norms of the Ministry of Health and depends on the amount of inmates” (CPT, 2002/24 p. 34). Nonetheless medical staff numbers at the strict regime colony at Boutcha were increased from 32 to 38 following a CPT recommendation in 1999 (CPT, 2002/21 and 22). The prison administration emphasises that it regards the provision of adequate medical care as a priority.

There are said to be many with alcohol or drug problems and treatment programmes are in place. The number with drug problems is increasing. Compulsory testing for HIV infection was started at the beginning of 1993 but was discontinued in 1999 in accordance with WHO guidelines. HIV positive prisoners are not segregated from other prisoners. Although there were only five known cases in 1992, the number rose to 455 by 1995 and 1,292 by 1996. More than 6,500 further cases were diagnosed in the years 1997-2001. Detection of new cases of HIV was 26% higher in 2000 than in 1999. 90% of HIV-infected prisoners have injected drugs. The first cases of HIV-related deaths in the prison system were registered in 1996 when three people died. In 1998 there were 42 deaths and in 2001 36. In total 130 people have died in the six years 1996-2001. On 1 April 2002 1,679 prisoners were registered as HIV-infected (Gunchenko, 2002). The problem continues to be of epidemic proportions but preventive information programmes are in place and there is a programme carried out in co-operation with the WHO and funded by the World Bank for prisoners suffering from AIDS.

There is compulsory testing for tuberculosis of all new entrants to penal institutions. In 1994 884 cases were diagnosed among new entrants, 2,818 in 1997, 3,000 in 1998 and 3,251 in 1999; at the end of 1999 13,500 were known

to be infected. Ten prison hospitals then specialised in treatment for tuberculosis. A programme of DOTS treatment is being run in co-operation with WHO. Increasingly more money has been available to tackle tuberculosis, and patients' diet has been improved. There are national and prison service programmes in place. Consequently, the number dying from the disease has dropped and the numbers suffering from it are stabilising, although the disease was still reported at the end of 2001 to be a major problem, since more and more new entrants to the penal institutions were being found to have it.

The overall number of deaths in the prison system was just over 1,000 in 2001, having been 1,478 in 2000, more than 2,500 in 1999, 1,901 in 1998 and 2,119 in 1997. Among the total of 1,478 in 2000 were 31 suicides.

Compared to TB and HIV infection, mental illness is not a large problem in the prison system. However, the head of health care believes that about 80% of prisoners are on the borderline between being mentally healthy and having some form of psychiatric illness. There is a psychiatric hospital at the strengthened regime colony in Zaporozhje region.

Discipline and punishment

Prisoners accused of a disciplinary offence are given the opportunity to state their view in writing, but the CPT recommended in 1998 that they should be heard in person. They may appeal to higher authorities. Isolation cells were found to be small and had no access to daylight, with adult males receiving no mattresses and blankets, and with no reading matter. Artificial lighting and ventilation were adequate. The Ukrainian authorities stated that mattresses, pillows and blankets would be provided, and that one hour's exercise would be allowed – two hours for minors. In 2000 the CPT found that prisoners in solitary confinement were receiving mattresses and blankets but not reading material; neither were they getting one hour's exercise.

Contact with the outside world

“According to the Law on Detention on Remand (Article 12) and the Rules of Conduct for Remand and Sentenced Prisoners in Remand Prisons, visits to remand prisoners from relatives and friends are subject to express authorisation by the competent authority (investigator, investigating authority or court with jurisdiction in the case). Where authorised, visits amount to one or two hours per month”.... “The same rules concerning authorisation apply to correspondence” (CPT, 2002/19 para 167). The CPT pointed out that many prisoners in the Kharkiv remand prison (SIZO) had spent long periods of time without being allowed to receive visits from their relatives and friends or to correspond with them. In response the government confirmed the legislative position, stating that one visit lasting two hours was the normal practice when authorisation was granted. Visitors are separated from pre-trial detainees by a screen and they are not permitted to touch each other.

Article 39 of the Reformatory (Corrective Labour) Code states that sentenced prisoners in colonies have the right to have short visits lasting four hours

per month and one long visit (of up to 3 days) every three months. There are no restrictions on correspondence with relatives but correspondence with others is forbidden (CPT, 2002/24 p. 46). For prisoners in the prison (tyoorma) regime only one visit every six months was allowed. In 2001 the different types of regime were abolished, as had been recommended by Council of Europe experts (Lakes, Flügge et al., 1996), and it is not known whether this has led to an increase in the number of visits available to those held in the two prison (tyoorma) institutions.

Letters are normally checked by prison staff, but not if they are addressed to the prosecutor, an authorised Parliamentary figure or the human rights Ombudsman. Sentenced prisoners are allowed to make a telephone call once every three months, or once every six months for those held in one of the two prisons. Pre-trial detainees may not use a telephone.

Compassionate leave is available to prisoners in general regime colonies but not to anyone held in stricter conditions. But there is no policy of allowing prisoners home leave in order to assist in the maintenance of family ties or to prepare them for release.

Prison staff

The Ukrainian State Department for the Execution of Sentences had 48,000 members of staff in 2001. Just over 1,000 inspection staff, who deal with offenders who are on probation, are included within this total. The total number of staff in August 1996 was 37,000 (21,000 uniformed and 16,000 civilian), so there has been an increase in prison staff of about 27% in 5½ years. However in 1996 there were an additional 14,000 soldiers from a military branch of the Ministry of Internal Affairs who were responsible for guarding the perimeters of the penal institutions. By the year 2000 all perimeter guards were employees of the State Department; the current number of these staff is not known but this change of practice, which had been recommended by Council of Europe experts in their assessment report, limits the validity of the comparison between the number of prison staff in 1996 and the number in 2001. In 1996 there were about 250 staff working in the prison administration headquarters (Lakes, Flügge et al., 1996). The overall ratio of prison staff to prisoners, based on 47,000 staff and a prison population of 198,885, was 1 : 4.2.

Following the transfer of the prison service in 1998 from the Ministry of Internal Affairs to the State Department for the Execution of Sentences, there were changes in the training institutions used for prison staff. The Chernigiv Law School was created, and also the Dneprodzerzinsk junior staff training school and the Bila Tserkva school. In 2001 these were augmented by the opening of a centre to provide specialised training to prison staff at Khmelnytskyj.

Initial training for a new member of the security staff consists of at least one month in a penal institution followed by 45 days at a training school. It was planned to increase this to 3 months during 2002. In-service training for professional development is also provided for different categories of staff. Assistance is being provided with the development of staff training by the Council of Eu-

rope steering group for the reform of the Ukrainian prison system, in particular by experts from Germany.

Treatment and regime activities

The State Department for the Execution of Sentences has created a social and psychological service in order to promote prisoners' adaptation to prison life and subsequent social reintegration. More than 2,000 staff are employed in this work and all institutions for sentenced prisoners are reported to have "special psychological treatment and emotional relaxation centres" (CPT, 2002/20 p. 29).

Pre-trial detainees and sentenced prisoners in the SIZOs are said to occupy their time participating in "general conversations on law, moral and ethic [sic] aspects of life, natural sciences, religion and other subjects" (ibidem, p. 32). They are given board games such as chess, checkers and dominoes, and can read newspapers and books from the libraries. Televisions may be brought in by relatives. Radio units are located in the cells of SIZOs and staff organise broadcasts on a variety of topics. Juveniles may watch, at least once a week, educational and other films in their rooms and sports activities are available for all ages. The sentenced prisoners who are involved in domestic and maintenance work in the SIZOs are reported to be able to spend their leisure time having lectures, taking part in discussions and artistic performances as well as the other activities mentioned. Prisoners who are serving a sentence in 'prison (tyoorma)' conditions because their crime was very serious or their behaviour in a colony was considered unacceptable do so in a SIZO and, like pre-trial detainees, they are unlocked for only one hour a day.

The CPT has reported a shortage of leisure and sporting activities for sentenced prisoners in the colonies. For example, at Boutcha colony in 1999 prisoners' rooms were unlocked from 6 am to 10 pm but, apart from prison work – in which less than a third of them were engaged - there was an absence of positive activities to occupy them. There was a hall for cultural pursuits and an area for sports, but activities were not regularly organised. Most passed their time reading or watching television (CPT, 2002/21 para 42). In response, the Ukrainian government stated that the social-psychological service had been instructed to increase cultural and sporting activities. Pre-release preparations were in place with the aim of achieving effective re-integration of released prisoners into the community (CPT, 2002/22 p.10).

The CPT said that in the colonies visited in 2000 there was a marked lack of constructive activities and for pre-trial detainees "an almost total absence of out-of-cell activities remained the norm" (CPT, 2002/23 para 61). However, they commented on "particularly laudable" developments at Boutcha colony since the visit in 1999. An open section with 75 places has been established for inmates preparing for release, offering them facilities for outings and prison leave, as well as living conditions similar to those in the community outside (CPT, 2002/24 p. 40).

Conditional release and probation

The principal means of early release from penal institutions in Ukraine appears to be the regular large amnesties that were referred to above in connection with the relief of overcrowding. There is however a system of conditional release (parole) and the Director of the State Department reported that in 2001 62% of those eligible (21,832 prisoners) had been released. He considered that much effort had to be invested in improving the functioning of the conditional release (parole) system, to which the new Criminal Code had granted special importance (Council of Europe, 2001).

There were 140,300 offenders on probation at the end of 2001. The militia, a regional force under the Ministry of Internal Affairs whose members were stationed in district police stations, was responsible for reporting on them to the inspectors of the State Department. There were 709 inspection posts manned by 1,087 staff. These were responsible to the regional administration departments.

Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. Convicted prisoners whose sentences have not yet been confirmed may participate in work if they consent.

As mentioned, less than one third of prisoners in Boutcha colony (600 out of 1,900) had work in July 1999. In September 2000 this had risen to 700 out of 1,850. A new brick-manufacturing workshop was being established and it was hoped that this would increase the opportunities. In the colony at Yenakyevo three-quarters of those who were fit for work had a job but the production workshops did not always have orders and so sometimes these were only notional jobs.

Efforts have been made, at Cabinet level in the Ukrainian government, concerning “engaging the industrial potential of penitentiary establishments in the economy of regions” (CPT, 2002/24 p. 25). The Cabinet has also given priority to production enterprises in the prison system for certain State orders. The penal institutions supply clothes for prisoners and staff and also bedclothes. As a result 12,000 new jobs have been created. Most prison work is conducted on State and regional contracts. At the end of 2001 the Director of the State Department reported that there were 134 production units in the colonies and their output increased by 104 million hryvnias in 2001. 70% of sentenced prisoners who were fit to work were employed (Council of Europe, 2001).

Education and vocational training

The CPT has criticised the limited nature of education and vocational training in Ukrainian penal institutions. Secondary schooling used to be available widely and a Cabinet of Ministers Order, dated August 2000, provides for restoration of the network of secondary schools in penal establishments and for their functioning. In the academic year 2000-01 secondary schools were created in 78 colonies, including all those for juveniles, and 4,644 prisoners are said to have stud-

ied at these, under a total of 405 teachers. External studies were taken by 595 prisoners during the same academic year and 201 of these received certificates of attainment. The Ukrainian authorities state their opinion that raising the general educational level of prisoners “appreciably contributes to the provision of prisoners with purposeful activities, the acceleration of the process of their social adaptation after release and the prevention of recidivism” (CPT, 2002/24 p. 26).

Inspection and monitoring

The inspection of pre-trial institutions is the responsibility of the public prosecutor, who is required to monitor the compliance with the law in these establishments and the use of disciplinary measures. Inspections are said to be conducted monthly and be followed by a written report. The CPT concluded from its visit of September 2000 that the prosecutor’s monthly inspections were largely confined to monitoring compliance with the law and to administrative matters. “In particular, they only spoke with prisoners who had explicitly asked to meet them” (CPT, 2002/23 para 125). The CPT recommended that prosecutors make full use of their powers and that, in particular, they take the initiative of visiting the areas where prisoners are accommodated and entering into contact with them.

The national Ombudsman has powers to visit, at any time, any place of detention in Ukraine. The CPT noted her intention to fulfil this role to the full (*ibidem*, para 126).

At the end of 2001 the Director of the State Department said that there were plans to create an inspection body for the prison system as soon as the necessary resources became available. “It would be independent, its work would be centrally co-ordinated and it would have regional groups composed of experienced penitentiary staff and representatives of ‘civil society’ organisations [sc. NGOs]” (Council of Europe, 2001). In his opinion the Prosecutor General and the Ombudsman “ensured that there was transparency” in the prison system. But he had become convinced of the usefulness of a prison-specific inspection system after a visit, under the auspices of the Council of Europe steering group, to examine the independent inspectorate in the prison system of England and Wales.

The CPT’s inspections in 1998, 1999 and 2000 gave rise to a number of recommendations, many of which have already been mentioned. In the latest report recommendations in respect of the responsibilities of the State Department covered the subjects of overcrowding and living space, the provision of employment, education and vocational training, the use of force, the practice of placing an adult in each cell occupied by juveniles, a strategy against inter-prisoner violence, the material conditions and regime of life-sentence prisoners, the use of the ‘prison’ (tyoorma) regime, the provision of hygienic products and facilities for cleaning dormitories and clothes, the development of programmes of constructive activities, enlarging exercise yards, heating and insulation of accommodation, developing preparations for release, establishing a comprehensive health care policy, numbers of health care staff and supplies of medications, medical examinations on admission, effective screening for tuberculosis

and the opportunity for tuberculosis patients to have at least one hour in the open air per day, the conditions of prisoners in solitary confinement (including the need for appropriate exercise, natural light, at least one shower a week, and reading matter), the improvement of arrangements for pre-trial visits and correspondence, confidential access to appropriate bodies in respect of complaints, the improvement of prosecutors' inspections, and the conditions of the transport of prisoners.

Non-governmental organisations

NGOs in Ukraine who are working in the prison field include Donetsk Memorial, which arranged an international seminar in November 1998 in co-operation with the international NGO Penal Reform International, the Soros Foundation and the UK Government. The main focus of the seminar, 'Penitentiary reform in post-totalitarian countries' was the transfer of prison administrations from the Ministry of Internal Affairs to the Ministry of Justice, but discussions also took place on relations between prison administrations and the media, the openness of institutions to the community, the role of NGOs in the humanisation of prisons, and an analysis of successful reforms and good practice in the region (see Donetsk Memorial, 1999). The same NGO organised a seminar on the reform of the juvenile justice system in the countries of Eastern Europe in March 2000; this was attended by senior staff from all the educational colonies for juveniles in Ukraine. The Kyiv-based NGO International Renaissance Foundation is also involved in work of value to the prison system. In May 2001, following a seminar focussing on co-operation between NGOs and the prison administration, NGO representatives with training experience led 20 training seminars for some 600 prison staff. It is reported that these seminars increased awareness among prison staff about human rights in prisons, strengthened the trust between prison staff and NGOs, and established a good basis for future NGO initiatives in prisons. These activities were supported by Penal Reform International, with funding from the UK government (PRI, 2002).

The prison administration considers that such work by NGOs, in holding seminars on important topics and assisting with staff training, makes a valuable contribution to the reform of the penal institutions in Ukraine.

International co-operation

The Ukrainian prison administration is involved in international co-operation that is intended to improve standards, notably through the joint programme of the Council of Europe and the European Commission for the reform of the prison system. The steering group for this programme includes experts from Austria, Denmark, Germany, Sweden and the United Kingdom and there have been professional visits to these countries under the so-called 'Partnership Programme'. Specific regions of Ukraine have established links with particular prisons or regions in these countries. The Director of the State Department considers that the Partnership Programme has produced tangible results and it is

planned for the partners to sign ‘protocols of agreement’ in order to formalise the modalities of their co-operation.

Important recent developments

The following are some of the most important recent developments affecting the Ukrainian prison system:

- the establishment in 1998 of the State Department for the Execution of Sentences as an independent body to have responsibility for the prison system, instead of the Ministry of Internal Affairs;
- the introduction of a new Criminal Code in 2001, replacing capital punishment with life imprisonment, introducing new penalties and requiring a review of sentences imposed under the former legislation;
- ongoing co-operation with the Council of Europe in the reform of the prison system.

Current objectives

The main objectives of the prison administration include:

- to improve the infrastructure of the penal institutions;
- to increase the capacity of the system by the creation of 12,000 additional places between 2001 and 2004;
- to remove all the metal shutters that obscure light and impede ventilation in the pre-trial institutions;
- to abolish the system of classifying prisoners by the regime they were deemed to deserve and replace it with a system based on the perceived security threat that they pose;
- to create more work opportunities for prisoners;
- to improve the functioning of the parole (conditional release) system;
- to create an agricultural farm in every prison;
- to provide prisoners with adequate medical care and food.

Main problems

Some of the main problems facing the Ukrainian prison system are:

- serious overcrowding, especially in the pre-trial institutions, which are 10% over the capacity figure which is based on only 2.5m² of space per prisoner;
- high levels of tuberculosis and HIV infection in the prison population;
- inadequate financial resources for the needs of the system;
- the shortage of work opportunities for prisoners;

- the inadequate quality and quantity of the food for prisoners;
- the poor condition of many of the prison buildings.

Achievements

Notable achievements of the Ukrainian prison system in recent years include:

- the adoption of a range of measures to reduce overcrowding;
- extensive improvements in accordance with recommendations of Council of Europe experts and the CPT;
- the adoption of a range of measures, including the establishment of agricultural colonies, to increase the quality and quantity of food available for prisoners;
- improvements in prison health care resulting in a significant fall in the number of deaths (especially deaths from tuberculosis);
- the establishment and development of new training schools for prison staff;
- the creation of 12,000 new jobs, with the result that 70% of sentenced prisoners who are fit to work have employment;
- the development of a new special regime for life-sentence prisoners;
- the establishment of secondary schools in 78 colonies (including all educational colonies) and the improvement of provision for education;
- the abolition of the system of identifying penal institutions only by a number;
- extensive co-operation with international experts from other European countries under the auspices of the Council of Europe steering group for prison reform.

Conclusion

Much progress has been made in recent years. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation;
- to provide all prisoners with a balanced diet, including meat, fruit and vegetables;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such arrangements are only necessary for exceptional cases;
- to take steps so that neither legislation nor practice prevent the introduction of a programme of regime activities for pre-trial detainees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;

- to develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to ensure that the number of medical staff is adequate in all institutions;
- to increase overall staff numbers so that the total number of staff is at least the equivalent of one to every 2.5 prisoners, and 1 to 3 in respect of management, security and treatment staff in the institutions;
- to ensure that there are enough social workers/educators to avoid any prisoner group for which they are responsible exceeding 50 in number;
- to increase the visiting allowance for prisoners held in the 'prison' (tyoorma) regime so that they, like other prisoners, have the right to visits lasting four hours a month or one hour a week;
- to increase the frequency with which prisoners may telephone family members;
- to establish an independent inspection body for the prison system.

Annex 1

UKRAINE: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	92,797*		51,838,500
1991	120,001 95,430*	231	51,944,400
1992			52,056,600
1993	129,500	248	52,244,100
1994	160,592	308	52,114,400
1995	194,000	375	51,728,400
1996	202,590 160,100*	395	51,333,900
1997	216,248	425	50,830,000
1998	211,568	420	50,340,000
1999 (1/1)	206,000 158,867*	413	49,850,000
1999 (/12)	217,400	440	49,456,100
2000 (1/9)	220,306	448	49,176,000
2001 (1/9)	198,885 155,400*	406	49,000,000

* Within the total in all penal institutions, the number of sentenced prisoners in colonies.

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees			
(1/9/2001)	35,334	17.8	72
Female prisoners			
(1/6/1999)	10,300	4.6	21
Juveniles (under 18)			
(1/6/1999)	3,500	1.6	7

Note: Some 34,000 prisoners were released as a result of six amnesties in 1994-96. There has been at least one amnesty in each of the years 1997-2001. In 1997 31,200 were released and in 1998 38,500. Subsequent amnesties are believed to have released at least 20,000 prisoners per year; the amnesty of July 2001 released 28,800.

Annex 2

Ukrainian penal institutions: functions and capacity, 2001

Type of institution	Number of institutions	Capacity
Pre-trial institutions (SIZOs)	33 , including two with 'tyoorma (prison)' type regime	c.37,000
Corrective labour colonies	128 , including 21 with hospital facilities, some of them TB hospitals	c.170,000
Educational colonies (juveniles)	11	c.4,500
Institutions for the treatment of alcoholics	8	c.5,150

TOTAL (at 1 September 2001) **180** **216,669**

Leaving aside the institutions for alcoholics, 167 of the 172 institutions are distributed among Ukraine's administrative regions as follows:

	SIZOs (pre-trial)	Corr. lab. colonies	Educ. colonies	TOTAL
Cherkassy	1	2	-	3
Chernigov	2	3	1	6
Chernovtsy	1	1	-	2
Dnepropetrovsk	2	10	1	13
Donetsk	3	14	1	18
Ivano-Frankovsk	1	2	-	3
Kharkiv (Kharkov)	1	10	1	12
Kherson	1	5	-	6
Khmelnitskiy	1	4	-	5
Kirovograd	1	4	-	5
Kyiv (Kiev)	1	5	-	6
Lugansk	2	12	1	15
Lviv (Lvov)	1	6	1	8
Nikolayev	1	5	-	6
Odessa	2	4	-	6
Poltava	1	5	1	7
Rovno	1	3	1	5
Sumy	1	4	-	5
Ternopol	1	2	1	4
Vinnitsa	1*	6	-	7
Zaporozhye	2	8	1	11
Zhitomir	1*	4	-	5
Krim (Crimea)	1	1	-	2
Transcarpathia	1	1	-	2
Volyn	1	3	1	5
Total	32	124	11	167

* Including 'tyoorma (prison)' type regime

Annex 3

Ukraine: principal sources of information

CPT, 2002/19. Report to the Government of Ukraine on the visit to Ukraine [by the CPT in February 1998]. Council of Europe, Strasbourg

CPT, 2002/20. Interim report of the Government of Ukraine in response to the CPT report on their visit in 1998. Council of Europe, Strasbourg

CPT, 2002/21. Report to the Government of Ukraine on the visit to Ukraine [by the CPT in July 1999]. Council of Europe, Strasbourg

CPT, 2002/22. Response of the Government of Ukraine to the CPT report on their visit in 1999. Council of Europe, Strasbourg

CPT, 2002/23. Report to the Government of Ukraine on the visit to Ukraine [by the CPT in September 2000]. Council of Europe, Strasbourg

CPT, 2002/24. Response of the Government of Ukraine to the CPT report on their visit in 2000. Council of Europe, Strasbourg

Council of Europe, 1997-2001. Reports of the meetings of the Steering Group on the reform of the prison system of Ukraine. Council of Europe, Strasbourg

Donetsk Memorial, 1999. The penitentiary reform in post-totalitarian countries – information about the international seminar held in Donetsk, Ukraine in November 1998.

Gunchenko O., 2002. Interview by the head of the health care department of the penitentiary system. In *Prison Healthcare News*, Issue 2, Summer 2002. ICPS, King's College, London

Lakes G., Flügge C., Philip B. and Nestorović D. 1996. Report of an expert visit to Ukraine, June and August 1996, to describe and assess the Ukrainian prison system. Council of Europe, Strasbourg

Penal Reform International, 2002. PRI Annual Report 2001

43. Yugoslavia – Montenegro

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Penal Code of October 1993, the Criminal Procedural Code and the Penal Executive Code, known as the Law on the Execution of Criminal Sanctions, which dates from 1994. The Law on the Execution of Criminal Sanctions states that the purpose of imprisonment is the resocialisation of the convicted person and does not mention security and control as simultaneous objectives. Its detailed provisions are reported by Council of Europe experts as forming “an excellent basis for development and reform” (Aram, Colliander and van den Brand, 2002), but it is recognised as requiring some amendment to reflect more fully the European Prison Rules and their practical implementation. The Ministry of Justice adopted an action plan for the years 1999-2003 in order to examine all legislation related to the justice system (including penal legislation) and align it with European standards. Following a review of the Law on the Execution of Criminal Sanctions by other Council of Europe experts (Albrecht and van der Linden, January 2002) the Montenegrin authorities will draft a new law which, among other things, will seek to regulate the rights of pre-trial detainees.

Organisational structure

Responsibility for the prison system lies with the Ministry of Justice. When the Law on the Execution of Criminal Sanctions was adopted in 1994 the Institute for the Execution of Criminal Sanctions was established to provide a prison administration, independent of prosecutorial and court authorities. There is direct accountability of the Institute to the Prime Minister, with the Ministry of Justice, through an Assistant Minister and an inspector, monitoring its performance and providing support. The Director of the Institute is Mr Željko Jocić.

The Institute is divided into five organisational units, each with a senior manager and dedicated staff. The units are General Services (including administration and finance), three penal institutions and a health unit, which is under construction but will be located at the prison hospital when that is completed. There are a total of about seven persons working on General Services matters.

The three penal institutions are a pre-trial institution at Spuz, near Podgorica, which holds both male and female pre-trial detainees and convicted prisoners serving sentences of less than three months; an institution for sentenced prisoners, on the same site but in separate buildings and with its own director, and consisting of a closed section and a semi-open section; and a pre-trial prison at Bijelo Polje which serves the courts in the north of the country, holding male and female pre-trial detainees and convicted prisoners serving sentences of less than three months.

The total capacity of the system in 2001 was reported to be about 750, consisting of 200 places in Spuz pre-trial institution, 350 in Spuz institution for sentenced prisoners, and 200 places in the pre-trial prison at Bijelo Polje.

Pre-trial detention

There were 224 persons in pre-trial detention in April 2002 (33 per 100,000 of the national population). This is close to the average in Europe as a whole, but higher than in the other republics of former Yugoslavia. Pre-trial detainees spend one hour out of their cells/rooms in a normal day.

The numbers held in penal institutions

The prison population in the three penal institutions was 710 in April 2002, which gives a prison population rate of 104 per 100,000 of the general population. This too is close to the average in Europe as a whole, but a little higher than in the other republics of former Yugoslavia. Of the total 31.5% were pre-trial detainees, 2.5% were females, 1.4% were juveniles under 18 and 6.1% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions in April 2002 was 98.6% of the official capacity of the system at that time (720). There is no serious overcrowding but a dormitory for female pre-trial detainees provided only extremely restricted space.

The minimum amount of space that is considered necessary for each prisoner is believed to be 4m², as in the Serbian system, with most prisoners receiving approximately this amount.

Different categories of prisoner are separated in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults.

Few, if any, prisoners are housed in single cells. The largest number of prisoners accommodated in one room in April 2002 was about 12, although there are dormitories in Bijelo Polje capable of holding 30 beds.

Sanitary installations and arrangements for access are reported to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides the toilet paper. All prisoners are able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. The institutions are generally clean but in need of refurbishment.

Food and medical services

The quantity and quality of food are said to be generally close to average standards in communal catering outside. The prison administration is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided

when needed for health reasons.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation, and the suitability of prisoners' clothing and bedding.

The Council of Europe experts were told that most health care was provided from the prison service's own medical organisation and that more serious cases could be transferred to hospital in the community (Aram, Colliander and van den Brand, 2002). They were concerned, in the light of what they saw and heard, about the question of medical confidentiality and the privacy and dignity of the prisoners, not least because of the presence of closed circuit television in a medical examination room.

It is said that many prisoners have an alcohol problem and many have a drug problem; in both cases the numbers are increasing, in the prisons as in the community outside, and the authorities see this as an area of major concern requiring international expertise and assistance. The Council of Europe experts saw no local intervention programmes and were told that prisoners subject to formal drug treatment orders, imposed by the courts, were directed to an outpatient clinic in Kotor or to the prison hospital in Belgrade. No specific treatment programmes were in place within the prison system. HIV/AIDS and tuberculosis are said not to be a problem (Werdenich and Kastelic, 2002).

It is understood that there were a total of three or four suicides in the prison system in the period 1999-2001.

Discipline and punishment

Council of Europe experts found that isolation cells fell far short of the requirements of the European Prison Rules, with inadequate space, light, heating and ventilation. In the closed section of Spuz penal institution for sentenced prisoners there were no integral sanitary facilities – only a bucket, and bathing arrangements were unsatisfactory. Prisoners were not getting more than half an hour's exercise and there was a 'silent rule' in force (Aram, Colliander and van den Brand, 2002). Five months later the director of the prison reported that one hour's exercise was being allowed and the 'silent rule' was not practised any longer. An educator/pedagogue or the head of security shift visited prisoners in solitary confinement every day (Council of Europe/OSCE, September 2002).

Contact with the outside world

The investigating judge decides whether a pre-trial detainee may be visited; the director of the prison has no discretion in the matter. If permitted visits may take place weekly. The judge may also authorise that such visits can be open (i.e. without prisoners and visitors being physically separated by a screen) but this does not normally occur. Sentenced prisoners may be visited every two weeks, with visits lasting for one hour. They may also be allowed to receive private (intimate) visits from a spouse/partner; there are facilities for such visits in the

closed section of Spuz prison. There are card-operated pay-phones in the closed section and in the semi-open section there is good access to telephones and even mobile phones may be used. There are good opportunities for home leave. Prisoners' letters are read by staff.

Prison staff

The Montenegrin prison service had a complement of 301 staff in April 2002, of whom 285 were in post. There is no separate site for the prison administration headquarters (General Services), which operates from Spuz prison, and some senior staff apparently have interchangeable headquarters/operational roles, but it seems that the Director of the Institute for the Execution of Criminal Sanctions and his immediate staff, including those responsible for task forces and other working parties, number about seven. The usual turnover of staff is about 15-20 a year. The overall ratio of prison staff to prisoners was thus 1 : 2.5. Security staff constitute about 72% of those working in the prisons and treatment staff (excluding health care personnel) 4%. Some 7% work in connection with prisoners' employment.

Initial training for a new member of the security staff in the recently-developed course lasts for 16 weeks. The Director of the prison administration has identified the educational level and motivation of staff as the major problem of the prison service (Council of Europe/OSCE, September 2002) and the implementation of a comprehensive programme of staff training as his highest priority (Aram, Colliander and van den Brand, 2002). The establishment of a staff training centre, which subsequently opened in November 2002, was regarded as an essential part of this strategy and he was keen to enlist European expertise and assistance. Under a joint Council of Europe/OSCE initiative two OSCE/ODIHR experts, Mr Bo Johansson from the Swedish Prison and Probation Administration and Ms Vesna Babić from the Croatian prison service conducted a training review visit in November 2001 and drafted an action plan for training development. In September 2002 a follow-up visit took place in which Mr Johansson provided assistance to the Montenegrin prison service and the Ministry of Justice in finalising the training of prison staff trainers and the beginning of the work of the training centre.

It is believed that there is little use of opposite gender staffing in supervising male and female prisoners.

Treatment and regime activities

All sentenced prisoners go through an induction process, which lasts up to 30 days. This begins with identification, search and property check procedures and a medical examination, followed by a period of sociological and psychological testing and the preparation of a treatment plan. During this process prisoners are said to be familiarised with prison rules. Prisoners are allocated either to closed or to semi-open conditions: the Council of Europe experts found that this was done through "a combined security/control process, which designated prisoners

to one of four risk assessment categories, which ranged from a very small group requiring strict and close supervision through two intermediate stages to the semi-open group, made up of those exhibiting the best behaviour, first time offenders, minor offences etc. Assessment was carried out three times per year and reallocation of prisoners to different groupings was possible” (Aram, Colliander and van den Brand, 2002).

The treatment staff includes psychologists and educators (pedagogues). Prisoners are organised into groups led by a pedagogue who co-ordinates their activities. The number of prisoners in such a group is believed to be no more than 50. Treatment activities are reported to be geared to the re-education of prisoners but the Council of Europe experts conducting the assessment of the system did not see evidence of individual programmes. There are leisure activities of a cultural and sporting nature.

Sentenced prisoners have their cells/rooms unlocked for most of the day. Each prisoner is allowed at least an hour of walking or suitable exercise every day (including week-ends) in the open air.

Pre-release arrangements to assist prisoners in returning to society, family life and employment after release consist of frequent movement of prisoners to the semi-open unit at Spuz prison but it is said that there is little communication with the community outside to plan accommodation or employment after release.

Conditional release

It is reported that the granting of early conditional release is part of the role of the Director of the prison administration (Council of Europe/OSCE, September 2002).

Prison work

The Law on the Execution of Criminal Sanctions does not require prisoners to work but specifies rewards for those who choose to work (Articles 37-41). There are problems in finding sufficient work for those who wish to do so. The Council of Europe experts suggested a debate on whether the absence of an obligation to work was a disincentive to provide good quality employment and training; they commented that they did not see a high degree of motivation in this area (Aram, Colliander and van den Brand, 2002). No money is given to prisoners who are unable to work or who wish to work but for whom no work is available. It is believed that no pre-trial detainees have employment.

Work available in the closed section of Spuz prison, apart from domestic (e.g. cleaning, kitchen, laundry) and maintenance tasks, is in workshops that are dark and old. Monthly pay is 30 euros for 22 days work. In the semi-closed section there is a concrete moulding factory. In Bijelo Polje prison sentenced prisoners work in the kitchen, as cleaners, on maintenance work, and in the vegetable gardens in spring and summer. Occasionally some are allowed to work outside the institution.

Education and vocational training

It appears that there are no education or vocational training programmes available, either for younger prisoners or for adults. There is some remedial education for prisoners with problems such as illiteracy and innumeracy.

Inspection and monitoring

Ms Vesna Ratković, Assistant Minister of Justice responsible for legislation, and Mr Željko Jocić, Director of the prison administration, emphasised to the Council of Europe experts that one of the principal aims of prison reform was to develop a prison system independent of prosecution and court authorities. In this connection a direct accountability link has been established between the Director of the prison administration and the Prime Minister.

“The formal position of the Minister of Justice appears to be one primarily based in monitoring and support. This Ministry provides an inspection function, particularly in respect of staff behaviour towards prisoners, but more generally ensuring that management and practice are carried out in compliance with current law”.... “We were told that only one prison inspector post existed within the Ministry of Justice and there was no provision in statute or in practice for independent inspection. On a similar theme we saw little evidence of non-governmental organisations (NGOs) in a supportive or ‘watchdog’ role” (Aram, Colliander and van den Brand, 2002). The Council of Europe experts invited the Montenegrin authorities to consider the introduction of an independent inspection/monitoring system.

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be available to staff at the national prison administration and to management staff in each penal institution. The Council of Europe experts did not notice copies in the prison libraries for other staff or prisoners to read.

Non-governmental organisations

It is reported that non-governmental organisations (NGOs) did not visit the prisons in the period up to April 2002 but that the Director of the prison administration wanted to develop such activities.

Other matters

The Montenegrin prison administration is involved in international co-operation that is intended to improve prison standards. In particular there is co-operation with the Office for Security and Co-operation in Europe and the Council of Europe. An action plan has been developed focusing on staff training, the treatment of long-term prisoners, facilitating study visits to other prison services, assisting in ensuring greater transparency of the pris-

ons, including the promotion of prison monitoring by independent experts/NGOs, and supporting the creation of a proper infrastructure for the execution of penal sanctions, including the improvement of the security service and rehabilitation and treatment programmes (OSCE, 2002).

Important recent developments

The following are some of the most important recent developments affecting the Montenegrin prison system:

- the 1998 national action plan for reform of the criminal justice system, including criminal sanctions;
- the decision to align prisons management and operations with European and other international standards and conventions, and to access international help and expertise;
- reform of prison staff recruitment, preparation and training issues.

Current objectives

The following were the main objectives of the prison administration in the first half of 2002:

- to review prison legislation, including secondary legislation, such as 'house rules';
- to reform staff training (especially basic training) and the professional development of staff at all levels;
- to establish a training centre;
- to review the roles of security and treatment (educational) staff;
- to review the management of long-term prisoners;
- to implement international prison standards;
- to review treatment for substance misuse;
- to complete work on the prison hospital;
- to carry out a full programme of refurbishment of prison buildings.

Main problems

The following are some of the main problems, which are obstacles to the above objectives and to the advancement of the prison system in Montenegro:

- inadequate funding and the inheritance of a neglected prison estate;
- the responsibility of investigating judges and courts for pre-trial prisoners, which has the effect of absolving prison staff of providing equality of treatment for all prisoners in their custody;
- threats to the concept of the development of the prison service as an independent agency;
- political uncertainty, especially in terms of the future of the Federal Republic of Yugoslavia and formal relationships with the Republic of Serbia;

- the education level and motivation of staff and the absence of adequate training;
- the lack of treatment programmes for drug users.

Achievements

Notable achievements of the Montenegrin prison system in recent years include:

- the adoption of a major and comprehensive programme of justice services reform;
- co-operating with international bodies as part of a process of openness to alignment with international standards of human rights;
- providing good opportunities for sentenced prisoners to have home leave;
- having a relaxed and open atmosphere and good staff-prisoner relationships;
- developing a new staff training centre;
- maintaining the size of prisoner groups supervised by one pedagogue at no more than about 50.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to increase the amount of time that pre-trial detainees spend out of their cells/rooms per day and to develop a programme of purposeful activities of a varied nature;
- to amend the practice whereby pre-trial detainees are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to ensure that sanitary installations and arrangements for access are adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions;
- to guarantee medical confidentiality and the dignity and privacy of prisoners during medical examinations and body searches;
- to appoint some male staff to work with women prisoners and female staff in institutions for men, in order to help diminish the gulf between circumstances outside and inside;
- to develop programmes of constructive activities, including education and vocational training, so as to occupy all sentenced prisoners' time in a positive manner and to enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;

- to provide employment for all sentenced prisoners who wish to work;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after release and to develop co-ordination with agencies in the community, where such exist, in order to plan accommodation or employment after release;
- to establish good relations with non-governmental organisations with a view to their assisting in the process of reform by monitoring human rights, providing humanitarian aid and perhaps contributing to staff training and treatment programmes for prisoners;
- to ensure that all prison staff have access to and make full use of copies of the Council of Europe's European Prison Rules. Copies should also be kept prominently in each prison library for the use of prisoners;
- to institute a regular programme of inspections of the prisons and to establish an independent prison inspectorate.

Annex 1

YUGOSLAVIA – MONTENEGRO: Numbers in the penal institutions, 2002

Year	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
2002 (25/4)	710	104	680,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2002			
(25/4)	224	31.5	33
Female prisoners in 2002			
(25/4)	180	2.5	3
Juveniles (under 18) in 2002			
(25/4)	100	1.4	1
Foreign prisoners in 2002			
(25/4)	43	6.1	

Annex 2

Penal institutions in Yugoslavia – Montenegro: functions and capacity, 2001

1	Spuz (Podgorica)	Institution for pre-trial detainees (male and female) and persons sentenced to less than three months imprisonment	200
2	Spuz (Podgorica)	Closed section for male and female sentenced prisoners, and semi-open section for male sentenced prisoners	350
3	Bijelo Polje	Institution for pre-trial detainees (male and female) and persons sentenced to less than three months imprisonment	200

TOTAL (2001)

750

Annex 3

Yugoslavia - Montenegro: principal sources of information

Aram D., Colliander P. and van den Brand J., 2002. Report of an expert visit to Montenegro, April 2002, to describe and assess the Montenegrin prison system. Council of Europe and OSCE, Strasbourg

Council of Europe/OSCE, September 2002. Expert meeting to present needs assessment report of the Montenegrin prison system, Spuz, 26 September 2002.

Council of Europe/OSCE, December 2002. Round Table: Treatment of Long-Term Prisoners, 12-13 December 2002, Budva, Montenegro.

European Union, 2002. Notes on assessment missions in Balkan countries.

Information from Mr D. Aram, Council of Europe expert on the reform of the prison system in Montenegro

Information from Mr S. Dimitru, Penal Reform International, Bucharest

Johansson B., 2002. Training assistance to the Republic of Montenegro Prison Service Training Centre, 10-12 September 2002.

OSCE, 2001. Training review visit to Montenegro by Mr B. Johansson and Ms V. Babić, 28-30 November 2001.

OSCE, 2002. Prison reform progress report, September-November 2002. Podgorica

Ratković V., 2002. The Penitentiary System in Montenegro. Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

Walker A., 2000. Report on a prison reform assessment mission to Montenegro, 30-31 March 2000. OSCE.

Werdenich W. and Kastelic A., 2002. Report on a fact-finding mission 'Prevention and treatment of alcohol and drug addiction in prison', Montenegro, 5-6 December 2001. Council of Europe and Pompidou Group.

44. Yugoslavia - Serbia

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Penal Code of 1976, the Criminal Procedural Code (of which the 1977 version has just been replaced by a new 2002 version) and the Penal Executive Code, known as the Law on the Execution of Penal Sanctions (LEPS), which was enacted on 16 April 1997 and came into force on 1 January 1998. The LEPS is based on international standards, such as the European Prison Rules, but Council of Europe experts noted that the provisions in respect of prisoners' complaints do not guarantee the prisoner free and confidential access to the prison director in person and do not provide for the recording of complaints, set time limits for replies and establish an effective and accessible appeals process (Aram and Colliander, 2001). The same experts noted that the inspection mechanism is vague and weak and that no provision is made for giving NGOs access to prisons in order to monitor the situation. At Articles 165-8 the LEPS sets out the authority for the use of capital punishment, which has since been abolished and replaced by a sentence of 40 years imprisonment. A new law dealing inter alia with the above points is expected once a new Penal Code has been adopted. In the meantime amendments to the Penal Code have removed all references to the death penalty and similar amendments are thus necessary in the LEPS.

Organisational structure

Responsibility for the prison system lies with the Ministry of Justice and has done so since 1968. The system is managed by the Assistant Minister of Justice who is Director of the Administration of the Execution of Prison Sanctions (the prison administration). He is recommended by the Minister of Justice and appointed by the Government for a four year period. The Director is Mr. Dragan Vulić. A total of fifteen persons are employed in the prison administration headquarters.

The directors of the prisons are formally regarded as deputies of the Director of the Administration. Each prison has five separate staff sections ('services'), which are responsible for security, 'correction' (treatment), employment and training, health care and administrative/legal/general matters.

There were 28 prisons in operation in 2001, namely 17 District Court prisons, mainly for pre-trial detainees, two maximum security prisons of which one is for male adults (Požarevac) and the other for male juveniles (Valjevo), two other closed prisons for male adults (Niš and Sremska Mitrovica) and one for females (Požarevac), four open prisons for males, one educational-corrective institution for male and female juveniles (Krusevac) and one closed hospital for males and females (in Belgrade). Kosovo, a part of Serbia that is currently under United Nations administration, contains a further seven prisons, details of

which are to be found in section 45.

The total capacity of the system at the beginning of June 2001 was 13,500 of which four prisons have capacities of at least 1,000, namely Požarevac maximum security prison (2,000), Sremska Mitrovica closed prison for males (1,500), Niš closed prison for males (1,000) and Belgrade District Court prison (1,000). Krusevac educational-corrective institution for juveniles and the Belgrade Central Prison Hospital each have a capacity of 500. The average capacity per prison is 482.

Pre-trial detention

There were 1,212 persons in pre-trial detention on 1 June 2001 (15 per 100,000 of the national population). The prison administration reports that pre-trial detainees spend one hour a day out of their cells/rooms in a normal day. The CPT recommends that pre-trial detainees should spend at least eight hours a day outside the living accommodation, engaged in purposeful activities. The Council of Europe experts found that in the Belgrade District Court Prison at the end of May 2001 prisoners were receiving only 20-25 minutes daily exercise in the open air despite the provision in the prison rules stipulating that one hour should be allowed (Aram and Colliander, 2001).

The numbers held in penal institutions

The prison population rose from 3,600 in the early 1990s to over 6,000 at the end of 2000. However it had fallen back to 5,566 in June 2001, which represents a prison population rate of 69 per 100,000 of the general population. This is considerably lower than that in most countries of central and eastern Europe but similar to the rate in most of the republics of former Yugoslavia, including Bosnia and Herzegovina, Croatia, Macedonia and Slovenia.

Of the prison population in June 2001, 21.8% were pre-trial detainees, 1.7% were females, 3.4% were juveniles under 18 and 1.7% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions in June 2001 was 41.2% of the official capacity of the system. There is no overcrowding.

The minimum amount of space that is considered necessary for each prisoner in the Serbian prison system is 4m²; this is specified by law. Because of the low occupancy level detainees and prisoners were actually receiving an average of 9.7m².

The prison administration reports that different categories of prisoner are separated in the Serbian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, few prisoners are housed in single cells. It is reported by the prison administration that the largest number of prisoners accommodated in one room is 60-70, and that this large number

occurs only in one penal institution, which cannot be renovated. Even here the space in the room is 280m², thus providing each prisoner with at least 4m² of space.

Sanitary installations and arrangements for access are reported to be adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides some toilet paper but prisoners must supply extra. All prisoners are able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners are supplied with one change of underclothing per week.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided when needed for health reasons. The LEPS requires that the total content of the nutrition of a convicted person must be no less than 12,500 joules.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation, and the suitability of prisoners' clothing and bedding.

At the Belgrade Central Prison Hospital, which held 400 prisoners in May 2001, there were 300 staff, including 30 doctors, 80 nurses and 30 other specialist staff, including psychologists and social workers. The Council of Europe experts criticised the poor hygienic conditions, outdated technical equipment (some of which was inoperative), shortage of equipment and medicaments, and the state of the buildings, which had poor access to daylight and fresh air and minimal heating. They considered the most serious deficiency to be "the indiscriminate and overcrowded mixing of all types of illness and medical conditions", for example the insane, the disturbed, the mentally deficient, drug addicts, the physically ill and the aged and infirm. But despite the poor physical conditions they were convinced that "all health care staff were doing their very best to treat patients in as humane a manner as possible" and they noted "an immensely sensitive management of a very difficult population" (Aram and Colliander, 2001).

In the three largest institutions in May 2001 there were two doctors and three nurses at Požarevac maximum security prison for the 726 prisoners present, five doctors and eight nurses (plus some doctors on contract) at Niš closed prison for the 742 prisoners present, and one doctor and three nurses (plus three part-time doctors providing 24 hour cover) at Sremska Mitrovica closed prison for the 806 prisoners present. Each prison also had a dentist. A convicted woman who has a child may keep the child with her until it has completed its first year. There is a mother and baby unit at the women's prison at Požarevac; in May 2001 it had high standards of hygiene, material provision and nursing care and

there was one occupant.

The prison administration reports that there are not many prisoners with an alcohol or drug problem but the numbers are increasing and they have treatment programmes in place. HIV/AIDS is a problem in the system and the numbers are increasing; in accordance with WHO guidelines there is no policy of testing all prisoners for this condition. Tuberculosis is not a problem and the numbers are not increasing; there is nevertheless a treatment programme in place for prisoners suffering from this disease.

In the year 2000 27 prisoners died, four of them as a result of suicide. None died from tuberculosis. Post-traumatic stress, following the wars with Croatia and Bosnia, is a problem among prisoners but not a major one. A treatment programme is reported to be in place.

Discipline and punishment

Disciplinary punishments permitted by law (Article 117 of LEPS) are reprimand, deprivation of privileges and solitary confinement. Solitary confinement may only be used “for the most difficult disciplinary offences (injury or threat to life or body, self-inflicted injury, threatening [sc. behaviour], damage or destruction of property, preparation or incitement to escape or riot, and similar offences)” (LEPS, Article 119). Solitary confinement cannot be for more than 15 days, or 30 days in the case of concurrent disciplinary offences.

A room used for solitary confinement must have at least 10m³ of space, a sanitary device, daily light, drinking water, a bed with sheets, a table, a chair and heating. During the period of isolation a prisoner is permitted at least an hour a day outside the cell (for exercise) and access to books, and is visited daily by a physician and weekly by a manager and an educator/pedagogue (Articles 130-132). Family visits are not allowed.

Council of Europe experts found in May 2001 that punishment cells in the correctional facility for juveniles were dark and the windows covered by a metal grille, which could only be opened from the outside; thus fresh air could not be regulated by the prisoner (Aram and Colliander, 2001).

Contact with the outside world

The frequency with which pre-trial detainees may be visited depends on the investigating authority. A sentenced prisoner may be visited once a week if the sentence is being served in an open institution or the open section of an institution, twice a month in a semi-open institution or section and once a month in a closed or maximum security institution or a closed section (Article 68). Visits must last for at least one hour (Article 71).

The director of a prison may authorise additional visits “to a convicted person who is hard working and of good behaviour” (Article 104). Other privileges that may be allowed include the opportunity to receive private (intimate) visits from a spouse/partner. The prison administration reports that there are no provisions for receiving long visits (including overnight stay) from their families, but Article 72 of the LEPS does indicate that “a convicted person has the

right to a visit from a spouse or children once in three months in the special rooms of the penal institution”.

Pre-trial detainees are physically separated from their visitors by a screen and so are not able to touch them.

There is no restriction on the number of letters that may be sent or received but prisoners' letters are usually read by the prison authorities. It is reported that sentenced prisoners and pre-trial detainees may speak to their families by telephone. Parcels may be received by convicted prisoners at intervals identical to those allowed for visits, namely once a week in open conditions, twice a month in semi-open conditions, and once a month in closed conditions.

Permission for home leaves and other authorised visits outside the institution may be granted as privileges by the prison director. The types of leave include visiting family or relatives during weekends and holidays, a visit to the town and an annual seven days leave from the prison (Article 104). In practice these are given as a reward for good behaviour and work; prisoners in open and semi-open conditions are reported to be granted leave regularly.

Prison staff

The Serbian prison service employed 3,184 staff at the beginning of 2001, of whom fifteen worked in the prison administration headquarters. In the prisons there were 136 management staff, 1,681 security staff, 159 treatment staff (including psychologists, educators and medical staff) and 1,208 other staff (including secretarial staff and those working in connection with prisoners' employment). The overall ratio of prison staff to prisoners was 1 : 1.9 in 2001 or, if the ratio is based only on management, treatment and security staff in the penal institutions, 1 : 3.1. The number of security staff was 8% (150) below complement, and the number of treatment and medical staff 27% (60) below complement.

Initial training for a new member of the security staff lasts for 6 months and an examination must be passed after one year. Until the beginning of the 1990s it is reported that “a well-functioning system for prison staff was in place via the Police Academy”. Since then there has been no training organised on a national level. In a number of prisons some in-service training is provided, but this is geared mainly to improving the physical condition of staff and their ability to handle arms. There is no training in inter-personal skills, human rights or other subjects. There is also no professional development training for health care staff, who are reported to be unable to attend seminars or training due to financial constraints (Aram and Colliander, 2001).

The Council of Europe experts recommended that the training of prison staff should become a priority. “Such training should focus in the first instance on human rights, inter-personal skills and the humane treatment of prisoners. It should target not only newly recruited staff but also currently employed staff. A training curriculum, appropriate to the Serbian context, should be designed through trained trainers, engaging selected Governors [directors] and other sen-

ior staff in the process” (ibidem, p.19). It was also recommended that there should be management training.

The OSCE Mission to the Federal Republic of Yugoslavia was about to commence a ‘training the trainers’ project at the beginning of 2002. This would involve a three-week course given by two international experts to twelve Serbian prison-staff trainers. The twelve trainers, together with the international experts, would then provide one week of training to all prison security staff in the Belgrade area; the training would cover communication skills, human rights, ethics and the use of force. The OSCE Mission also wished to assist the Serbian authorities with the establishment of a staff training centre.

In institutions for male prisoners about 10% of staff are women, working in treatment and administration. In the institution for female prisoners it is reported that some 5-8% of staff are men, working only as perimeter guards.

Treatment and regime activities

The treatment staff includes psychologists, social workers and educators (pedagogues). Prisoners are organised into groups led by a pedagogue who co-ordinates their activities. The number of prisoners in such a group ranges from 50 to 80.

Treatment activities are reported to consist of individual programmes geared to the re-education of prisoners. There are also leisure activities of a cultural and sporting nature.

Sentenced prisoners have their cells/rooms unlocked for 14 hours a day. Each prisoner is allowed at least an hour of walking or suitable exercise every day (including week-ends) in the open air.

The prison administration reports that they make pre-release arrangements to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return. The use of semi-open and open institutions and sections of institutions clearly contributes to this.

Conditional release

According to Articles 146-8 of the LEPS a convicted person who has fulfilled the prescribed conditions (for example regarding the proportion of sentence that has been served) may be conditionally released. Either the prisoner or the prison director may submit a request or recommendation for conditional release to the Commission for Stipulated Release, which is established by the Ministry of Justice and consists of five members of which at least two are justices of the Supreme Court of Serbia. The Commission must obtain the written opinion of experts from the prison in which the sentence is being served. A prison director may grant early conditional release to a prisoner, without reference to the Commission, if four-fifths of the prison sentence has been served and the prisoner “has worked hard and demonstrated good behaviour” (Article 149). In the year 2000 32% of sentenced prisoners were conditionally released.

Prison work

Convicted prisoners are required to work, if they are fit to do so and work is available for them. The purpose of work is stated as being “for a convicted person to gain, maintain and develop his working capabilities, working skills and expert knowledge” (Article 76). “Realising economic profit from the work of convicted persons must not interfere with realising the purposes of the work” (Article 77). A first time offender serving a sentence of less than six months may be permitted to work “at the working place where he was employed at the time he received the sentence order, if there are good reasons for this and the criminal offence was not connected to the job” (Article 80).

At the end of 2001 between 60% and 80% of sentenced prisoners had some work, but only 1-2% of pre-trial detainees. Some money is given to prisoners who are unable to work or for whom no work is available. The law specifies that the monthly pay of a convicted person shall be 20% of the minimum pay in the Republic of Serbia and that overtime shall be paid at 50% of the minimum rate (Article 83). The prisoner may keep 70% of pay to be spent as he/she wishes and the remainder is placed in a savings account. A paid annual vacation and paid holidays are included in the legislation.

The Council of Europe experts reported that in Niš prison production work of a high standard was available in 2001. In Požarevac prison for women “there was considerable reliance on agricultural work”. In Sremska Mitrovica the provision for industrial work seemed good but the experts reported little evidence of activity. In Padinska Skela prison there were “excellent workshops with a wide variety of activity” (Aram and Colliander, 2001).

Education and vocational training

Education programmes consisting of primary and secondary schooling are available, both for younger prisoners and for adults. Remedial education for prisoners with problems such as illiteracy and innumeracy is also provided. Vocational training is available for sentenced prisoners.

Inspection and monitoring

The Ministry of Justice is reported to conduct inspections of the penal institutions, in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the prison administration.

The Council of Europe experts drew attention to the fact that, although the LEPS at Article 346-8 refers to the prison administration monitoring the functioning of penal institutions, including programmes and plans of work, record keeping, the work of the five sections (‘services’), training, the use of force, education and vocational training, disciplinary measures and privileges, nevertheless they found little evidence of formal inspection and concluded that the whole area of inspection and monitoring should be reviewed as a matter of some urgency (Aram and Colliander, 2001).

The Steering Group for Prison Reform in Serbia, which was established in 2001 by the Council of Europe and the Office for Security and Co-operation in

Europe in collaboration with the Ministry of Justice and the prison administration, has established a task force on inspection and monitoring which will be chaired by Ms Olivera Jelkić, counsellor at the Ministry of Justice and former director of Sremska Mitrovica prison.

Independent inspection of the prison system can be carried out by non-governmental organisations, including the Helsinki Committee for Human Rights in Serbia, as from the beginning of 2001. Until the fall of the Milošević regime in October 2000 non-governmental organisations were not allowed to monitor the penal institutions. The OSCE Mission to Yugoslavia is planning to train NGOs to conduct monitoring.

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be available to management staff at the national prison administration and in each penal institution. Copies are also said to be available for other staff to read and for prisoners in the prison library.

The OSCE Mission has published in Serbian and distributed to prison staff 4,000 copies of an OSCE Prison Handbook entitled 'Prison practice under international standards – handbook on basic conditions for successful work in prisons'. The handbook is based on the Penal Reform International publication 'Making Standards Work'. The OSCE has also translated and printed 1,000 copies of the United Nations publication 'Human Rights and Prisons' – a manual on human rights training for prison officials, which was to be distributed before the end of 2002 by the Serbian Ministry of Justice.

Non-governmental organisations

There are several human rights NGOs that have been working for some years on issues relating to prisons. However, before 2001 the authorities did not allow them access to prisons other than to make contact with clients that they were representing in court as lawyers. As mentioned above, non-governmental organisations are now able to visit the penal institutions for monitoring purposes. The prison administration considers that their work will bring positive advantages in that they may notice some deficiency that has not been detected by the Ministry of Justice's formal inspection process.

The riots of November 2000

Serious riots occurred in Serbian penal institutions in November 2000. Initially these were in Sremska Mitrovica prison and the 1,300 inmates are said to have been demanding better prison conditions and better health care, treatment and financial status. They also demanded equitable treatment of all prisoners in Serbian institutions, and made a total of 29 demands, including an Amnesty Act in respect of a large number of prisoners. The uprising quickly spread to the other two large prisons (Niš and Požarevac) - where one of the demands was for a pay rise for prison staff - and to several smaller prisons. According to official estimates 3,000 prisoners took part, and the smashing and setting fire to furni-

ture and other items resulted in considerable financial cost. The Ministry of Justice publicly agreed that prison conditions and security, including staff-prisoner relations and the treatment of prisoners, had suffered during the Milošević regime and that the prisoners' demands were justified. However, it was declared that the violent protest must cease, after which an Amnesty Act could be debated by the Serbian parliament. The rioting subsided.

The Council of Europe experts were extremely concerned, during their visit on 31 May 2001, at the conditions they found in Sremska Mitrovica prison. They noted the poor quality of staff-prisoner relations and found much hostility amongst prisoners and serious communication difficulties with the prison director and senior staff. Prisoners complained that promises made to them following the riots had not been kept and warned that further troubles could be imminent. Staff changes were made by the Director of the prison administration, including the replacement of the director of the prison, and a number of other measures were taken to remove the causes of the tension and hostility.

Other matters

The Serbian prison administration is involved in international co-operation that is intended to improve prison standards. In particular they report co-operation with the Office for Security and Co-operation in Europe and the Council of Europe. The Steering Group for Prison Reform, to which reference has already been made, has established task forces in respect of the review of the law, staff training and personnel issues, health care provision, prisoners' rights and complaints, and prison refurbishment, in addition to the one on inspection and monitoring.

Pre-trial detainees and sentenced prisoners retain the right to vote in national elections.

The prison administration produces an annual report.

Important recent developments

The following are regarded by the prison administration as the most important recent developments affecting the Serbian prison system:

- the serious prison riots in several penal institutions in November 2000;
- the establishment of co-operation with the OSCE and the Council of Europe (2001);
- the introduction of the new Criminal Procedural Code in 2002.

Current objectives

The following are the main objectives reported by the prison administration:

- to improve the Law on the Execution of Penal Sanctions;
- to provide humane conditions of detention for all prisoners;

- to improve safety in penal institutions;
- to restore the housing capacity following the damage caused during the serious riots;
- to establish a staff training centre at Novi Sad.

Main problems

The following were identified by the prison administration as the main problems, which are obstacles to the above objectives and to the advancement of the prison system in Serbia:

- the shortage of financial resources;
- the difficulty in recruiting staff of a sufficiently good quality;
- the poor material conditions of the penal institutions;
- the fact that current prison staff are inadequately trained to perform their duties in a way properly reflecting the European Prison Rules;
- the need to find ways to occupy sentenced prisoners and pre-trial detainees in positive activities;
- the absence of a Ministry-wide computer network.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which other countries' prison administrations might be able to learn from. They drew particular attention to:

- the headway that has been made in redressing the situation that led to the riots in November 2000. The leaders of the riots had been transferred to other prisons, the security staff had been reinforced, 70% of the prison directors had been replaced and important reconstruction work was in progress;
- the construction of new buildings in the prisons of Pančevo and Padinska Skela and the repair of the Valjevo juvenile closed prison and the prison in Sabac, both of which were affected by flooding in Spring 2001;
- improvements in food and clothing for prisoners.

Further achievements of the Serbian prison system include:

- providing a good amount of space per prisoner, an average of some 9.7m² across the system as a whole in 2001;
- having good opportunities for sentenced prisoners to have home leave;
- having one of the higher employment rates among sentenced prisoners in the prison systems of central and eastern Europe;
- despite difficult conditions in the central prison hospital, having an "immensely sensitive" management with all staff committed to treating patients in "as humane a manner as possible".

- introducing the practice of allowing non-governmental organisations to visit the prisons for monitoring purposes;
- responding effectively to relieve the tensions and improve staff-prisoner relations at a prison where unrest was apparently imminent;
- co-operating with international bodies as part of a process of prison reform.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to increase the amount of time that pre-trial detainees spend out of their cells/rooms per day and to develop a programme of purposeful activities of a varied nature;
- to improve the hygienic conditions at the central prison hospital, the quality of the equipment, the state of the buildings and the classification of prisoners with different medical problems;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to give priority attention to staff training, in particular in respect of human rights, inter-personal skills and the humane treatment of prisoners, and including the training of senior managers in policy and regime development;
- to appoint some male staff to work with women prisoners and to appoint more female staff in institutions for men, in order to help diminish the gulf between circumstances outside and inside;
- to appoint more treatment staff and in particular to ensure that there are sufficient pedagogues to enable no group to exceed 50 prisoners;
- to further develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and to enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to develop the formal inspection process of the Ministry of Justice, so that it is not only an effective means of checking that laws and regulations are properly observed but also an on-going stimulus to the improvement, throughout the prison system, of the management of the penal institutions and the treatment of prisoners.

Annex 1

YUGOSLAVIA: SERBIA Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	3,622	37	9.85 million
1993	3,623	37	9.85 million
1996	5,150	52	9.9 million
2000	6,160 (excluding Kosovo)	76	8.1 million (excluding Kosovo)
2001 (1/6)	5,566 (excluding Kosovo)	69	8.1 million (excluding Kosovo)

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	1,256	20.9	16
(1/6)	1,212	21.8	15
Female prisoners in 2001			
(1/1)	116	1.9	1
(1/6)	92	1.7	1
Juveniles (under 18) in 2001			
(1/1)	145	2.4	2
(1/6)	190	3.4	2
Foreign prisoners in 2001			
(1/1)	108	1.8	
(1/6)	95	1.7	

Annex 2

Penal institutions in Yugoslavia – Montenegro: functions and capacity, 2001

National prisons

1	Požarevac	maximum security prison for male adults	2,000
2	Valjevo	maximum security prison for male juveniles	
3	Niš	closed prison for sentenced males	1,000
4	Sremska Mitrovica	closed prison for sentenced males	1,500
5	Požarevac	closed prison for sentenced females	200
6	Belgrade (Beograd)	open prison	200
7	Sombor	open prison	
8	Cuprija	open prison	
9	Sabac	open prison	
10	Krusevac	educational correctional home for juveniles (aged 14-23)	500
11	Belgrade Central Prison Hospital	closed institution for males and females	500

District Court prisons

12	Belgrade	Pre-trial detention centre	1,000
13	Cacak	Pre-trial detention centre	
14	Kragujevac	Pre-trial detention centre	
15	Leskovac	Pre-trial detention centre	
16	Niš	Pre-trial detention centre	
17	Novi Sad	Pre-trial detention centre	
18	Padinska Skela	Pre-trial detention centre	
19	Pančevo	Pre-trial detention centre	
20	Sabac	Pre-trial detention centre	
21	Smederovo	Pre-trial detention centre	
22	Sombor	Pre-trial detention centre	
23	Subotica	Pre-trial detention centre	
24	Urosevac	Pre-trial detention centre	
25	Veliki Beckerek/Zrenjanin	Pre-trial detention centre	
26		Pre-trial detention centre	
27		Pre-trial detention centre	
28		Pre-trial detention centre	

TOTAL (beginning of June 2001)

13,500

Note: Information concerning Serbian penal institutions is incomplete.

Annex 3

Yugoslavia - Serbia: principal sources of information

Response by the Director of the Serbian Prison Administration, Mr Dragan Vulić, to survey questionnaires for this project (prepared by Mr Zlatko Nikolić).

Aram D. and Colliander P., 2001. Report of an expert visit to Serbia, May-June 2001, to describe and assess the Serbian prison system. Council of Europe/OSCE, Strasbourg

Council of Europe, 2001. First Steering Group meeting on the reform of the prison system in Serbia, Strasbourg, December 2001. Council of Europe/OSCE, Strasbourg

Council of Europe, 2001/2. Minutes and conclusions of the seminar 'Prison reform and human rights in Serbia', Belgrade, October 2001. Council of Europe/OSCE, Strasbourg

Council of Europe, 2002. Second Steering Group meeting on the reform of the prison system in Serbia, Soko Banja, September 2002. Council of Europe/OSCE, Strasbourg

Helsinki Committee for Human Rights in Serbia, 2001. Human Rights in Serbia, 2000

Ministry of Justice, 1998. Law on the Execution of Penal Sanctions [1997]. Belgrade

45. Abkhazia, Kosovo, Nagorno-Karabakh, South Ossetia and Transnistria

Introduction

There are five regions of central and eastern Europe that are not under the control of the country in which they are situated and of which they are legally a constituent part. Penal institutions in these regions are consequently not under the control of the prison systems of the countries concerned, and have not been included in preceding sections of this report. Brief details about these institutions are given below in order that the report shall contain at least some information on all prison systems and penal institutions in central and eastern Europe.

Abkhazia

In 1992, following the break-up of the Soviet Union, the local Abkhazian parliament unilaterally declared itself an independent state, launching the region into armed conflict with the government of Georgia. In 1993 the Abkhazian forces expelled the Georgian national army from the self-declared republic of Abkhazia and took the city of Sukhumi, the region's capital. A ceasefire was brokered by the Russian Federation in May 1994 but further fighting broke out in May 1998.

There are two penal institutions in Abkhazia. The main one, Dranda prison, has a capacity of 550 and held 450 prisoners at the end of 2001. There were 54 staff, including the prison administration, security staff (guards) and medical personnel. A new colony settlement has also opened recently with 16 prisoners located there. There are six women prisoners in the region. In addition to these penal institutions there are six temporary detention isolators (IVS), each able to hold 60-80 people; these are operated by the police. The population of Abkhazia was 537,000 in 1990 and, if this figure was still correct at the end of 2001, the total of 466 prisoners gives a prison population rate of 87 per 100,000 citizens.

The NGO Penal Reform International (PRI) organised two projects in Dranda prison in 2001. One involved the removing of shutters from prison cells, replacing them with bars to provide better light and ventilation. The second project entailed the training of 70 prisoners in computer skills. Eight prisoners were trained as trainers and continued to provide training to their fellow prisoners (PRI, 2002. Annual Report 2001).

Kosovo/Kosova

Kosovo is generally known within the area as Kosova. United Nations resolution 1244, passed in 1999, charged the international administration (UNMIK – the United Nations Mission in Kosovo) with establishing substantial autonomy

for Kosovo within the Federal Republic of Yugoslavia (FRY). This included the creation of a prison system separate from the two systems operating in FRY, those of Serbia and of Montenegro.

Under the auspices of UNMIK Department of Justice, the Penal Management Division/Kosovo Correctional Service was to be created and, at the end of a transitional period to be defined by the international community, this would continue to exist only as the Kosovo Correctional Service. It is envisaged that it will ultimately be under the authority of a Ministry of Public Services.

Following two international recognisance missions in August and September 1999 and the preparation of a strategy for the recruitment, staffing, training and re-establishment of the Istok Penitentiary (Dubrava) as a functioning institution operating in accordance with the European Prison Rules and the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Kosovo Correctional Service (KCS) was established in November 1999.

There had been six penal institutions in Kosovo prior to the war and destruction in early 1999. At the end of November the KCS assumed responsibility for the first penal institution to exist following the conflict, namely the detention centre at Prizren. In October 1999 58 Kosovar prison staff with experience under the previous regime had been identified and recruited and underwent a three-day training course; 28 of them were deployed to work in the institution at Prizren under the supervision of three international prison staff from the United Kingdom.

In February 2000 the KCS took responsibility for a second institution, Dubrava prison, the only maximum-security institution in Kosovo. The first prisoners were received in June 2000. A third institution (Lipjan) was officially opened in May 2000. KCS assumed responsibility for two further institutions (detention centres at Mitrovica and Peja/Peć) in October 2000. By November 2000 599 prison staff had been trained and were working in the five institutions and the KCS headquarters in Priština. At the end of 2000 the prison population was 227.

In February 2001 the KCS assumed responsibility for two further institutions, detention centres at Priština and Gjilani. All seven institutions were being managed by United Nations prison directors, most staffed entirely by Kosovar KCS staff. However the Priština institution was partly staffed by Kosovar KCS staff and partly by international police officers and the institution at Mitrovica, where all Serb prisoners were detained, was staffed solely by international police. In May 2001 the prison population was 521 (374 pre-trial detainees and 147 sentenced prisoners). The capacity of the seven institutions was 942. At the end of 2001 819 Kosovar Correctional Service staff had been recruited and were working in the seven institutions and the KCS headquarters in Priština. The capacity of the seven institutions was 937.

Achievements of the KCS in 2001 included:

- refurbishment and repair of the prison hospital, visitors centre and security lighting at Dubrava prison;
- training for KCS supervisor and senior supervisor staff;
- the introduction of an early release programme for sentenced prisoners;

- the preparation of legislation, including a law on the execution of penal sanctions;
- the development of education programmes for pre-trial detainees, sentenced adults and sentenced juveniles;
- the refurbishment of the mother and baby unit at the Lipjan institution, and the purchase of computers and sewing machines for vocational training and books for the library;
- the categorisation of all prisoners into security levels, depending on the seriousness of their crime and the risk to the community if they should escape;
- the training of 60 prison staff in the use of firearms;
- the expansion of the initial training programme for prison staff from four weeks to six, with extra time devoted to increasing practical skills;
- the development of a plan of the process by which Kosovar staff will begin to assume responsibility for the management of prisons.

Objectives for the year 2002 included:

- the recruitment and training of 400 additional prison staff;
- the repatriation and transfer of Kosovar Albanian prisoners from Serbia;
- ongoing training of KCS staff in all institutions;
- the construction of a 200 bed pre-fabricated prison in Lipjan and the creation of a further 320 places in two repaired and refurbished blocks in Dubrava prison;
- training Kosovar staff in finance management and procurement;
- recruiting additional social worker staff for the seven institutions and providing for them intensive training by international social workers;
- completing management training for middle and senior management Kosovar staff;
- the development of health care services including all the essential requirements for the operation of Dubrava prison hospital;
- the development of policies for the implementation of the new Criminal Code, Criminal Procedural Code and Juvenile Justice Code, which were due to become law in 2002;
- undertaking a review to develop programmes of education, vocational training, life skills, literacy, recreation and work for all offender groups;
- expanding social work responsibilities in all institutions and creating an integrated system of sentence planning and risk assessment;
- planning a parole/conditional release system and beginning a review for the introduction of a probation system.

Funding for the work of the KCS, and the free provision of international prison and police staff, were provided by the governments of Austria, Canada, Denmark, Finland, Germany, Italy, Netherlands, Switzerland and the United Kingdom. By mid-2002 the prison population had risen to 965 and the capacity of the system to 1,069. Due to increased and more efficient policing it was envisaged that the prison population could rise to 1,800. Planned construction, including extensions to existing institutions, would bring the capacity close to 1,600.

The prison population from 2000-2002, the penal institutions and their capacity, and the principal sources of information on the development of the prison system in Kosovo, may be summarised as follows:

Prison population of Kosovo, 2000-2002

	TOTAL	Prison pop'n rate per 100,000 of national pop'n	National population (estimate)	Source
31.12.2000	227	13	1.8 million	KCS Strategic Plan 2002
May 2001	521	29	1.8 million	KCS Strategic Plan 2001-02
Mid-2002	965	54	1.8 million	European Union CARDS programme assessment

Kosovo penal institutions and their capacity, 2001 (31 December)

Dubrava prison	520
Lipjan prison	70
Gjilani detention centre	90
Mitrovica detention centre	52
Peja/Peć detention centre	72
Priština detention centre	49
Prizren detention centre	84
TOTAL	937

Kosovo: Principal sources of information

KCS, 2001	Strategic Plan of the Kosovo Correctional Service for 2001-02. Priština.
KCS, 2002	Strategic Plan of the Kosovo Correctional Service for 2002. Priština.
European Union, 2003	Main findings of EU CARDS programme assessment. Brussels

Nagorno-Karabakh

Nagorno-Karabakh is a disputed territory within Azerbaijan, which used to contain some 20% of the population of that country. With a mixed, but largely Armenian, population it is now administered by a quasi-autonomous body which considers itself answerable to Armenia. The population of the region in 1990 was 192,400.

There are three penal institutions : a pre-trial institution (SIZO or investigation isolation institution) in the capital Stepanakert, a closed prison (tyoorma) at Susha and a mixed regime colony at Fisuali. Two of the institutions are under the Ministry of Internal Affairs and the other is under the Ministry of Security. Women and minors are held in prisons in Armenia.

South Ossetia

South Ossetia has been the scene of ethnic conflict with the Georgian government and, following a ceasefire brokered by the Russian Federation in 1992, it has been a quasi-autonomous region with peace-keeping forces providing a buffer zone between South Ossetia and the rest of Georgia.

There is one penal institution in South Ossetia, in the capital Tskhinvali, which holds both pre-trial detainees and sentenced prisoners. At the end of 2001 it held 87 prisoners, of whom 17 were pre-trial detainees. There are 18 staff, despite an authorised complement of 94. The population of South Ossetia was 99,000 in 1990 and, if this figure was still correct at the end of 2001, the prison population rate was 88 per 100,000 citizens.

The non-governmental organisation Penal Reform International (PRI) initiated an experimental project in 2001, aiming to promote prison reform. A round-table was organised together with the authorities of Abkhazia and Georgia (PRI, 2002. Annual Report, 2001).

Transnistria/Transdniestria

Transnistria (or Transdniestria) is a region of the Republic of Moldova, situated on the eastern side of the river Nistru/Dniester, which broke away from the rest of Moldova in 1992. Although it is internationally unrecognised, Russia gave de facto recognition and Russian troops remained on the territory. Despite an accord signed in 1994 that guarantees autonomy to Transnistria – as an autonomous region without national sovereignty – the government of Transnistria continues to assert its national independence.

The prisons in Transnistria are under the control of the local authorities in the region; the prison administration in the Moldovan capital Chişinău has no influence over them. However, in 2001 a number of pre-trial detainees from Transnistria were being held in the pre-trial prison in Bender/Benderi which is a Chişinău-run enclave within the Transnistrian region.

The legislation in force in Transnistria at the end of 2000 (and also during 2001) was the Penal Code and Code of Criminal Procedure of the former Moldavian Soviet Socialist Republic, although some modifications had been introduced. The Penal Executive Code was also believed to date from Soviet times. The penal institutions were under the responsibility of the official in charge of justice matters (referred to by the Transnistrian authorities as the Minister of Justice). At the end of 2000 this was Mr. Viktor Balala, and the official with direct responsibility for prison matters was Mr. Nikolai Goncharenko (CPT, 2002/35, para 3).

There were five penal institutions in operation in 2001. They were reported by the Transnistrian authorities to contain about 3,500 prisoners in November 2000, which, since the overall population of Transnistria is believed to be about 780,000, gives a prison population rate per 100,000 citizens of just under 450. The Director General of the Moldovan prison system understood that the prison population in Transnistria at the end of 2001 was about 3,000, which would mean a prison population rate of 385; at that time the prison population rate in the rest of Moldova was 293.

The penal institutions are as follows:

- 1) Glinoe (institution No.1) contains three sections, namely
 - a pre-trial institution (SIZO)
 - a colony for 800 sentenced prisoners
 - a social rehabilitation unit for 250 alcoholics.
- 2) Tiraspol (institution No.2) is a prison colony for 1,200 prisoners which held 700 in July 1997, with 25-30% employed. There were 133 staff (Krumme and Ruppert-Mann, 1997). At November 2000 it held 871, of whom 155 (17.8%) had employment (CPT, 2002/35).
- 3) Tiraspol (institution No.3) has two sections, namely
 - a pre-trial institution (SIZO)
 - a colony for 85 sentenced female prisoners, of whom the youngest in July 1997 was 16.
- 4) An open prison (colony) was built near Tiraspol in 1994. The prisoners work outside the institution and return only at night.
- 5) An educational labour colony for male juveniles at Alexandrovka, in the Camenca (Kamenskiy) district near Tiraspol, which was said in 1997 to be regarded as a model prison (Krumme and Ruppert-Mann, 1997).

The two delegations that have reported on the situation in Transnistria are Dr. Barbara Krumme and Dr Gesine Ruppert-Mann of the Medical Mission Institute, Würzburg, Germany who conducted an assessment mission in July 1997 on the situation of tuberculosis and nutrition in Moldovan prisons, including those in Transnistria, and the CPT which visited Transnistria from 27-30 November 2000. Both delegations reported on the situation in institutions Nos.1-3 but did not visit the open prison or the educational labour colony.

The CPT reported that “the situation in the establishments visited by the delegation leaves a great deal to be desired, in particular in Prison No.1 [Glinoe]”. They highlighted “what is perhaps the principal obstacle to progress, namely the high number of persons who are imprisoned and the resultant overcrowding” (CPT, 2002/35 para 41). They noted that the situation was at its most serious in Prison No.1, where “the cells for pre-trial prisoners offered rarely more – and sometimes less – than 1m² of living space per prisoner, and the

number of prisoners often exceeded the number of beds. These deplorable conditions were frequently made worse by poor ventilation, insufficient access to natural light and inadequate sanitary facilities” (ibidem, para 42).

The CPT heard allegations of ill-treatment at Glinoe prison and observed that “the atmosphere in Prison No.1 was considerably more tense than in the other penitentiary establishments visited. The general demeanour of the prison’s staff at all levels clearly suggested that at least certain of them could well be inclined to abuse their authority” (ibidem, para 45).

The CPT was extremely concerned at the level of care provided to prisoners suffering from tuberculosis, in particular at Glinoe prison. “Ninety-three prisoners held in Prison No.1 had the disease, including 27 with active tuberculosis”. (In 1997 there were 69 known cases.) “However, the delegation found that the establishment had a totally inadequate supply of the necessary medicines; at the time of the visit only one anti-tuberculosis drug (rifampicine) was available. In fact, a sick prisoner’s access to the medicines required to treat his illness (whether tuberculosis or any other) was entirely dependent upon him or her having a family with the necessary resources. The same situation prevailed as regards diet; prisoners suffering from tuberculosis were prescribed a special diet, but it was up to his or her family to provide it. Not surprisingly, in the light of the above, the delegation met tuberculosis sufferers who were receiving practically no treatment for the disease. In addition, the material conditions of detention of prisoners with tuberculosis were not compatible with their state of health; the cells were poorly lit, inadequately ventilated and unhygienic, and living space was very limited” (CPT 2002/35, para 47).

Overall, the CPT concluded that material conditions of detention were particularly bad at Prison No. 1 in Glinoe. They recognised that under the present economic circumstances the authorities had no choice but to keep the institution in service. “However, the premises of Prison No. 1 belong to a previous age; they should cease to be used for penitentiary purposes at the earliest opportunity” (ibidem, para 52).

The CPT reported that the material conditions in certain parts of institution No. 2 and in the pre-trial section of No. 3 were similar, although slightly better, than those described in respect of Glinoe prison. They also received allegations of beatings in both of these institutions.

The exercise yards in all three institutions were regarded as too small (CPT, 2002/35 para 53).

Prisoners are accommodated in dormitories, but despite the overcrowding, the Würzburg delegation noted that the beds in institution No. 2 were individually made up, so that each was different from the next. Some had put up curtains around their beds to gain some privacy.

The women’s colony in institution No. 3 was reported to contain buildings that were “old but relatively freshly painted”. The crowded dormitories contained about 30 people but were bright and every bed had been made up with fresh linen”. The prisoners were also allowed to have a few personal items, such as an extra pillow or a home-made soft toy” (Krumme and Ruppert-Mann, 1997).

Contact with the outside world was said in 1997 to consist of short visits

every three months and long family visits of 4-5 days three times a year.

The CPT reported that out-of-cell activities were very limited: there were none for pre-trial detainees “and many sentenced prisoners were basically in the same position” (CPT, 2002/35 para 54). Employment available in 1997 included, in Glinoe prison, growing vegetables such as beans, tomatoes, pumpkin, onions and cucumbers; in Tiraspol No.2 there was some production of craft items from wood but the former industrial section, where until 1991 large amounts of metal products were produced and sold to other parts of the Soviet Union, was mostly dilapidated and empty and production had been reduced to a minimum. In the women’s section of Tiraspol No.3 work included filling cushions, filling and sewing mattresses and spinning wool from the prison’s own sheep (Krumme and Ruppert-Mann, 1997).

The CPT made a number of recommendations in respect of the penal institutions in Transnistria, including:

- an overall strategy should be developed for combating prison overcrowding and reducing the size of the prison population;
- a high priority should be given both to initial and in-service training for prison staff at all levels, with considerable emphasis placed on the acquisition and development of interpersonal communication skills;
- for prisoners with tuberculosis a suitable range of medicines and an adequate diet should be provided, there should be appropriate monitoring of the distribution and taking of the necessary drugs, and material conditions in their accommodation, in particular sunlight, ventilation and hygiene, should be conducive to an improvement in their health;
- the authorities should strive to fill vacant posts in health care services and ensure that health care equipment is restored to and maintained in working order;
- special measures should be introduced to ensure that both sentenced and remand prisoners are provided with work;
- all prisoner accommodation should have access to natural light and ventilation and every prisoner, whether sentenced or on remand, should have his/her own bed;
- the ban on outdoor exercise for prisoners in disciplinary cells should be set aside;
- solitary confinement should be as short as possible;
- in the medium-term prisoners should have 4m² of floor space and should be able to spend a reasonable part of the day outside their cells/dormitories engaged in purposeful activities of a varied nature (CPT, 2002/35 pp. 35-37).

Appendix: Reference material and recent events

The following is a guide to reference material on the prison systems of central and eastern Europe that is to be found in this report and elsewhere. Mention is also made of certain events that have occurred since the end of 2001.

Prison populations

Prison population totals in 2001 in central and eastern Europe and prison population rates per 100,000 of the national population are in table 4 of this report and the trend in these figures (mainly 1990-2001) can be traced by consulting annex 1 of sections 21-44. A summary of growth during the 1990s is in table 5.

Later information will be found in the World Prison Brief on the website of the International Centre for Prison Studies, King's College, London at www.prisonstudies.org. The World Prison Population List is published by the Home Office (London); the fourth edition appeared early in 2003 and a fifth edition is expected in 2004.

Penal institutions

The number and capacity of penal institutions in central and eastern Europe are in table 3 of this report, with occupancy levels in table 6. Lists of the penal institutions, including their functions and capacity, are at annex 2 of sections 21-44.

Prison administrations

Contact details of prison administrations in central and eastern Europe and elsewhere are to be found in the World Prison Brief (see above).

Prison staff

The number of staff in the prison systems of central and eastern Europe are in tables 21 and 22 of this report. Later information on all European countries (mainly at September 2002) will be in the Council of Europe Annual Penal Statistics (SPACE).

References

References to publications mentioned in sections 1-20 of this report will be found after section 20. References to data sources for sections 21-44 are at annex 3 of each of those sections.

Recent events

The following new appointments of heads of prison administration have been announced:

In Croatia Mr Josip Begović has been succeeded by Mr Josip Hehet.

In Latvia Dr Vitolds Zahars has been succeeded by Mr Dailis Luks.

In Lithuania Mr Jonas Blaževičius has been succeeded by Mr Skirmantas Agurkis.

In Slovakia Mr Anton Fábry has been succeeded by Dr Oto Lobodáš.

Two more of the countries of central and eastern Europe have become member states of the Council of Europe. In April 2002 Bosnia and Herzegovina were admitted. In April 2003, the transformation of the Federal Republic of Yugoslavia into the State Union of Serbia and Montenegro in February 2003 was followed by the accession of Serbia and Montenegro to the Council of Europe in April 2003. Belarus is now the only country in central and eastern Europe that is not yet a Council of Europe member state.