

# 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**

	<b>Penal Code</b>	<b>Penal Procedural Code</b>	<b>Penal Executive Code</b>
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 <sup>1</sup>
Estonia	Ministry of Justice since August 1993
Georgia	Ministry of Justice since January 2000
Hungary	Ministry of Justice since 1963 <sup>2</sup>
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 <sup>3</sup>
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

<sup>1</sup> (after break of 14 years)

<sup>2</sup> (1952-63 Ministry of the Interior and Security Police)

<sup>3</sup> (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.

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\* 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 <sup>1</sup> (1/12/01)	7	198	+12.3% <sup>1</sup>
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 <sup>2</sup> (156)	322 <sup>2</sup> (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	
<b>All prison systems</b>	<b>1,480,827</b>	<b>1,803*</b>	<b>821</b>	

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

<sup>2</sup> 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**

	<b>Occupancy level, 1994 (%)</b>	<b>Occupancy level, early 2001 (%)</b>	<b>Occupancy level, late 2001 (%)</b>
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 <sup>2</sup> or 9m <sup>3</sup>
Armenia	2m <sup>2</sup> (convicted men), 2.5m <sup>2</sup> (pre-trial detainees)
Azerbaijan	4m <sup>2</sup> (increased to this level in 2002 but capacities of the institutions unchanged from 2m <sup>2</sup> (convicted men), 2.5m <sup>2</sup> (pre-trial detainees)).
Belarus	2m <sup>2</sup> (convicted men), 2.5m <sup>2</sup> (pre-trial detainees), 3.5m <sup>2</sup> (juveniles), 3m <sup>2</sup> in medical units.
Bosnia and Herzegovina - Federation	10m <sup>3</sup> (regarded locally as approx. 4m <sup>2</sup> ), increased in 1998 from 8m <sup>3</sup> (regarded locally as approx. 3m <sup>2</sup> ) and capacities changed.
Bosnia and Herzegovina - Republika Srpska	8m <sup>3</sup> (regarded locally as approx. 3m <sup>2</sup> ) in legislation, but Ministry of Justice now aims to provide 4m <sup>2</sup> and has adjusted capacities in such a way as would allow the average space per prisoner to be about 3.5m <sup>2</sup> .
Bulgaria	6m <sup>2</sup> (increased to this level from 6m <sup>3</sup> or approx. 3m <sup>2</sup> , but capacities of the institutions unchanged).
Croatia	10m <sup>3</sup> (regarded locally as approx. 4m <sup>2</sup> ), increased from 8m <sup>3</sup> (regarded locally as approx. 3m <sup>2</sup> ) in 1997 but the capacities of the institutions are unchanged. New legislation says 8m <sup>2</sup> but this is only an aspiration.
Czech Republic	3.5m <sup>2</sup> in 2001 (but no longer in legislation), 4m <sup>2</sup> from February 2002.
Estonia	2.5m <sup>2</sup>
Georgia	2m <sup>2</sup> (convicted men), 2.5m <sup>2</sup> (pre-trial detainees), 3m <sup>2</sup> (women), 3.5m <sup>2</sup> (juveniles), 3m <sup>2</sup> in medical units.
Hungary	3.5m <sup>2</sup> (increased from 3m <sup>2</sup> in 1995 and capacities changed)
Latvia	2.5m <sup>2</sup> (3m <sup>2</sup> for women and juveniles), increased from 2m <sup>2</sup> and capacities changed.
Lithuania	3m <sup>2</sup> , increased from 2m <sup>2</sup> in 1999 and capacities changed in 2000. Officially raised to 5m <sup>2</sup> (closed), 3m <sup>2</sup> (half-closed), 6m <sup>2</sup> (open), 7m <sup>2</sup> (hospital), 4m <sup>2</sup> (TB colony), but new capacities generally allow 3m <sup>2</sup> .
Macedonia (the former Yugoslav republic of)	9m <sup>3</sup> (approx. 4.5m <sup>2</sup> )
Moldova	2m <sup>2</sup> (new legislation envisages 4m <sup>2</sup> , and 5.5m <sup>2</sup> in medical facilities).
Poland	3m <sup>2</sup> , but 4m <sup>2</sup> for women
Romania	6m <sup>3</sup> or approx. 3m <sup>2</sup> (6m <sup>2</sup> in new regulations but capacities unchanged).
Russian Federation	2.5m <sup>2</sup> (convicted adult males), 3m <sup>2</sup> (convicted adult females), 4m <sup>2</sup> since February 2000 (pre-trial detainees and juveniles) and capacities changed.
Slovakia	3.5m <sup>2</sup>
Slovenia	9m <sup>2</sup> (single occupancy), 7m <sup>2</sup> (multiple occupancy). Capacities changed in 1995 from 9m <sup>3</sup> (approx. 4.5m <sup>2</sup> ).
Ukraine	2m <sup>2</sup> (convicted men), 2.5m <sup>2</sup> (pre-trial detainees), 3.5m <sup>2</sup> (women), 4.5m <sup>2</sup> (juveniles).
Yugoslavia: Montenegro	4m <sup>2</sup>
Yugoslavia: Serbia	4m <sup>2</sup>

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 3m<sup>2</sup>. In eight countries prisoners were receiving less space than in 1994 (table 8).

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

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



### *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**

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

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**

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

### *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 11<sup>th</sup> Annual Report, 2001, para 28). It makes a distinction, in prescribing the amount of space that should be allowed, between single cells, where 6m<sup>2</sup> is regarded as the minimum acceptable, two-person cells where 9m<sup>2</sup> (4.5m<sup>2</sup> per prisoner) is regarded as tolerable, and larger cells where 4m<sup>2</sup> per prisoner is considered the minimum acceptable, and even 3-3.5m<sup>2</sup> in accommodation for six or more prisoners (see CPT, 1997/2, and Morgan, 2001, p.730-1). In general the CPT regards 4m<sup>2</sup> 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 4m<sup>2</sup> 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 4m<sup>2</sup> 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 4m<sup>2</sup> per prisoner in 2001 and four of the eleven institutions provided less than 2m<sup>2</sup>.

## *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 4m<sup>2</sup> 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 4m<sup>2</sup> 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**

	<b>Pre-trial population rate</b>	<b>Based on estimated national population of</b>	<b>Date</b>
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 1.3m<sup>2</sup>. 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**

	<b>Length of time out of cells</b>
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**

	<b>Adequate for ALL, MOST or SOME prisoners</b>	<b>Toilet paper provided by:</b>
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**

	<b>Is it a problem?</b>	<b>Numbers increasing?</b>	<b>All prisoners tested for HIV?</b>
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**

	<b>Is it a problem?</b>	<b>Numbers increasing?</b>	<b>Treatment programme available?</b>
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.

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\*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

- 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 10m<sup>3</sup> 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 3.5m<sup>2</sup> 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 10m<sup>3</sup> 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**

	<b>Frequency of visits</b>	<b>Additional information</b>
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**

	<b>Availability of telephones</b>
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**

	<b>In institutions for men</b>	<b>In institutions for women</b>
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**

	<b>Sentenced prisoners: time that cells/rooms are unlocked</b>
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**

	<b>Percentage of sentenced prisoners with employment, 2001</b>	<b>Comparison with 1994 (where available)</b>
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**

	<b>Pre-trial detainees</b>	<b>Sentenced prisoners</b>	<b>Post-release restrictions</b>
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**

	<b>The purpose of NGOs' visits to the institutions</b>	<b>The value of NGOs' contributions</b>
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 4m<sup>2</sup> 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 4m<sup>2</sup>;
- 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 4m<sup>2</sup> 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.

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