

21. Albania

Legislative framework

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

Organisational structure

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

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

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

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

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

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

Pre-trial detention

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

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

The numbers held in penal institutions

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

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

Accommodation, overcrowding and living conditions

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

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

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

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

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

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

Food and medical services

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

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

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

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

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

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

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

Discipline and punishment

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

Contact with the outside world

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

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

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

Prison staff

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

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

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

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

Treatment and regime activities

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

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

Conditional release

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

Prison work

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

Education and vocational training

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

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

Inspection and monitoring

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

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

Non-governmental organisations

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

Other matters

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

Important recent developments

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

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

Current objectives

The main objectives of the prison administration include:

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

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

Main problems

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

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

Achievements

Notable achievements in the Albanian prison service include:

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

Conclusion

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

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

Annex 1

ALBANIA: Numbers in the penal institutions 1990-2001

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

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

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

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

Annex 2

Albanian penal institutions: functions and capacity, 2001

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

TOTAL (at December 2001)

1,383

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

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

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

Annex 3

Albania: principal sources of information

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

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

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

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

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

CPT, 2003/6. Report to the Albanian Government on the visit to Albania [by the CPT in December 1997]. Council of Europe, Strasbourg

CPT, 2003/7. Report to the Albanian Government on the visit to Albania [by the CPT in December 1998]. Council of Europe, Strasbourg

CPT, 2003/8. Responses of the Albanian Government to the CPT reports on their visits in 1997 and 1998. Council of Europe, Strasbourg

CPT, 2003/9. Report to the Albanian Government on the visit to Albania [by the CPT in December 2000]. Council of Europe, Strasbourg

CPT, 2003/10. Response of the Albanian Government to the CPT report on their visit in 2000. Council of Europe, Strasbourg

Leskoviku M., 2002. "The features of Albanian Prison System – the ongoing attempts on improving the prison system." Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

22. Armenia

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Criminal (or Penal) Code, the Code of Criminal Procedure and the Penal Executive Code. A new Code of Criminal Procedure was adopted in 1998 (coming into force at the beginning of 1999) but in respect of the other codes legislation dating back to the Soviet period was still in force at the end of 2001, though it had been many times amended. In February 2002 a law was adopted concerning pre-trial detention “which introduced a number of important amendments regarding the rights of pre-trial detainees, in particular the question of allowing them to meet with near relatives and their judicial status. In the preparation of the law the European Prison Rules were taken into account extensively” (Martirosyan, 2002). A second law ‘concerning the prison service’ will regulate the administration and conditions of service of prison staff. A new Penal Code is envisaged shortly and this will be followed by a new Penal Executive Code, which had been approved by Council of Europe experts and was already before Parliament in the Autumn of 2002. These legislative developments are part of the process of reforming the prison system, a timetable for which was fixed by a Presidential decree dated 3 March 2001. The Ministry of Justice is reported to be determined to make rapid progress and this is reflected in the draft legislation.

Organisational structure

Responsibility for the prison system was transferred from the Ministry of Internal Affairs to the Ministry of Justice in October 2001. The prison administration is known as the criminal executive department of the Ministry of Justice and its head Mr. Samvel Hovhannisyanyan is also known as head of penal administration. Three new divisions have been created in the department, concerning legal affairs and international relations, psycho-social rehabilitation, and medical services. There are 136 staff working in the administration headquarters.

There were 14 penal institutions operating in 2001. These are four pre-trial detention institutions for adult males; one combined pre-trial detention institution and closed prison for adult males, five correctional colonies for sentenced adults (with varying levels of regime), one combined correctional colony and pre-trial detention institution for women and for juveniles, two colony settlements (open institutions) and the national hospital for prisoners. Under the Ministry of Internal Affairs these institutions were known only by a number but all have now been given names, mostly based on the town or village in which they are situated. The pre-trial detention institutions were known, prior to the transfer of Ministerial responsibility, as investigation isolators (or SIZOs).

The total capacity of the system at the end of 2001 was 7,020, giving an

average capacity per institution of about 500. The largest, Nubarashen pre-trial institution, has a capacity of 1,250 and the colony at Kosh has a capacity of 1,130. Three other colonies have capacities between 750 and 950 but no other institution has a capacity above 430 (see Annex 2 for fuller details).

Pre-trial detention

The Code of Criminal Procedure provides that the police must report to the local prosecutor within 24 hours of a suspect being detained. The prosecutor must decide within 72 hours whether the person shall remain in custody or be released. If the decision is for the custodial option the prisoner will henceforth be held in a pre-trial institution. The prosecutor can authorise custody for two months (extendable to four months) for investigation purposes. The general prosecutor can authorise detention for up to one year. New legislation will mean that from 2002 a suspect can only be committed to custody in a pre-trial institution by a court, and no longer by a prosecutor.

There were 762 persons in pre-trial detention at the end of 2001 (20 per 100,000 of the population of the country). This is the lowest rate of all countries of the former Soviet Union and among the lowest in all central and eastern European prison systems. Pre-trial detainees spend one hour a day out of their cells in normal circumstances.

The numbers held in penal institutions

The prison population appears to have been rising throughout the period 1991-97 since the number of sentenced prisoners nearly doubled between 1991 and 1995 and the total prison population rose by more than 40% between 1994 and 1997. At the beginning of 2001 the prison population total was 7,428, similar to the level at the beginning of 1997 and equivalent to 195 per 100,000 of the national population. It was announced by Snark News Agency, Yerevan in February 2001 that 1,952 of these prisoners would serve their sentences at home, due to lack of funds to keep them in a penal institution. An amnesty was then declared which reduced the population by some 3,000 (over 40%), with the result that at the beginning of September 2001 it stood at 4,213 (111 per 100,000).

This prison population rate of 111 per 100,000 is only half the size of that in Armenia's south Caucasian neighbours, Azerbaijan and Georgia and the lowest in central and eastern Europe apart from in the Balkan countries of Albania and former Yugoslavia. Of the prison population at the beginning of September 2001 18.1% were pre-trial detainees, and (at 1 September 2002) 2.2% were female prisoners, 1.1% were juveniles and 0.2% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of September 2001 was 61.3% of the 6,870 capacity at that time. There is no overcrowding in any of the institutions in terms of the official capacity. However, in the dormitories there is

double-bunking with less than a metre between the rows of bunks. The most cramped conditions observed by Council of Europe experts in 1998 were in the women's colony.

The minimum space specification per prisoner in Armenia is 2m² for adult male convicted prisoners and 2.5m² for pre-trial detainees. It is believed that there is also an established norm of 3m² for female prisoners, 3.5m² for juveniles and 3m² in medical institutions. The CPT considers that 4m² per prisoner is the minimum amount of space appropriate or 3.5m² in large rooms.

It is reported that untried prisoners are always detained separately from convicted prisoners, women from men and juveniles under 18 from adults. Women and juveniles are held in the same institution but in separate sections.

As elsewhere in central and eastern Europe, prisoners are not usually located in single cells. In general, cells in the pre-trial institutions and the prison are for 4-20 persons, while accommodation in the colonies is in dormitories ranging from 56-124. The largest room, in Erebuni strict regime colony, was holding 124 prisoners in February 1998 (Barclay and Preusker, 1998).

Sanitary installations and arrangements for access are reported to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. There are new toilets in the main (Nubarashen) pre-trial institution in Yerevan but facilities in Yerevan's strict regime colony (Erebuni) are reported to be in very poor condition. It is understood that in 2001 all prisoners were able to have a bath or shower at least once a week; in 1998 this was only possible every 10 days (Barclay and Preusker, 1998). Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable.

The metal blinds that obscured light and impaired ventilation in the pre-trial institutions have been removed (Martirosyan, 2002).

Food and medical services

Regulations state that prisoners should receive between 2,800 and 3,200 calories per day; it is believed that this is generally achieved, and special diets are provided when needed for health reasons. However, prisoners do not receive a balanced diet that includes an adequate amount of meat, fruit and vegetables. It is understood that in each institution a medical officer regularly advises the director on the quality and quantity of food.

At the time of the Council of Europe assessment visit in 1998 there was no medical department operating in the prison administration headquarters. The central prison hospital had a capacity of 175 but held 200 prisoners and often more. One of the buildings was over 100 years old, having previously been a priest's house. The director, a medical officer, said that his main problems were the inadequate size of the department for tuberculosis patients, old and inadequate equipment and insufficient medicines (Barclay and Preusker, 1998).

Following the transfer of the prison system to the Ministry of Justice a medical services division was created at the prison headquarters and health care was established as one of the most important areas for reform. A draft Order con-

cerning the organisation of medical services for prisoners was being prepared at the end of 2001 and Council of Europe experts were being invited to comment on it. The prison administration expressed the hope that this would lead to prison health care reaching the level guaranteed to the population outside. There was still a shortage of medicines and also a shortage of medical staff.

Many prisoners are reported to have an alcohol problem but there is no treatment programme available. Although the number with a drugs problem is not large it is increasing; again there is no treatment programme available. HIV/AIDS is also not a problem in the Armenian prison system at present but the numbers are increasing. All prisoners are tested for HIV despite the guidelines of the World Health Organisation that this should not be done.

The greatest health care problem is tuberculosis. There were said to be about 400 prisoners with the disease in 1998, of whom 62 were in the TB unit of the central prison hospital and 113 non-active cases were in Sevan (then known as Colony No.4). There was also a dormitory in Artik (colony No.14) where 18 non-active cases were held. The Council of Europe experts described the TB unit in the central prison hospital as “depressing and dark” (Barclay and Preusker, 1998). In August 2000 Armenia’s Ministries of Health, Justice and Internal Affairs signed an agreement with the International Committee of the Red Cross, whereby the ICRC would provide approximately one million US dollars towards lowering the incidence of TB in Armenian penal institutions. The Snark News Agency reported in August 2000 that 350 prisoners were suffering from TB and stated that deaths (from all causes) in the penal institutions had reached an all-time high of 54 in the first six months of 2000; an ICRC official quoted a lower figure of 240 prisoners suffering from TB. The number of prisoners with the disease was still increasing in 2001, when there were reported to be 100 new cases. The construction of a new TB hospital with 250 places was completed in 2001 but was not in use at the end of the year; it was eventually opened in December 2002. There were 27 deaths, from all causes, in the prison system in 2001.

Discipline and punishment

In 1998 Council of Europe experts noted that there was inadequate lighting and ventilation in isolation cells that they visited, that prisoners there were allowed no mattresses and blankets, no letters or visits, no reading material and no food parcels from families. They also drew attention to the fact that sanitary facilities in such cells were either in every poor condition or prisoners had to use a bucket. Prisoners held in isolation punishment in pre-trial institutions received no exercise (in most colonies they were allowed 1-2 hours exercise) and the prison director had the authority to reduce the diet to one meal a day plus bread and tea at other meal times. The maximum period of isolation punishment for an unconvicted prisoner was 10 days and for a convicted prisoner 15 days. In the colonies a second punishment option was available to the director: segregation in groups of two to six for a period of one to six months. “While the punishment

was longer, the loss of privileges was less severe; for example prisoners were allowed mattress and blankets, heating, exercise, reading materials, and there were no dietary punishment. However the physical conditions, in terms of natural light, the 24 hour electric light, poor sanitation etc. were the same” (Barclay and Preusker, 1998).

After the end of 2001 it was reported that in the punishment unit of the main pre-trial institution prisoners were allowed outdoor exercise and were given blankets and mattresses but otherwise there was little change in the conditions reported in 1998, with letters, visits, food parcels and reading materials still denied. In the strict regime colony at Erebuni where there had been no natural light in the punishment cells in 1998 and no mattresses, blankets or reading materials, the author of the 1998 assessment report found that the situation was unchanged after the end of 2001. Prisoners against whom a disciplinary charge is brought are not enabled to attend a formal hearing at which they can defend themselves; the disciplinary process is a paper one as part of which the director may (but may not) question the accused person in his cell/room.

Contact with the outside

In 1998 the Council of Europe experts reported that pre-trial detainees could only be visited with the permission of the prosecutor and this seemed to be granted rarely. New legislation in February 2002 has changed the emphasis so that now the prosecutor has to give specific reasons as to why visits should be refused. In practice this means that most pre-trial detainees are being visited two or three times a month. They are physically separated from their visitors by a screen and cannot touch each other.

Sentenced prisoners may be visited every month for two hours. They may also have monthly visits from their families lasting three days. The facilities for these so-called ‘long visits’ are reported to be reasonably decorated and contain a communal kitchen and playroom for children. The atmosphere among visitors and prisoners is said to be relaxed. There are no special arrangements for short private (intimate) visits from spouses.

It is reported that prisoners’ letters may be read by the prison authorities. Following recent legislative changes pre-trial detainees and sentenced prisoners can speak to their families by telephone for 5-7 minutes each week. They have to purchase the telephone cards themselves.

There is no routine system of home leaves, but prisoners may be allowed to leave the institution if there is a family emergency.

Prison staff

The prison service of Armenia had a designated total of 1,679 staff in 1998, plus 74 doctors, 61 other medical staff and 17 teachers who were not part of the prison administration. In 2002 numbers were 1,692, plus 68 doctors and 9 teachers; it is assumed that some 60 other medical staff were also employed in the penal institutions, as in 1998. The total of 1,692 comprised 1,341 security staff,

125 treatment staff, 90 administrative staff and 136 working at prison administration headquarters.

There are reported to be difficulties in recruitment and retention of staff, with a high turnover and a significant number of vacancies, perhaps 10% overall. Thus the overall ratio of staff to prisoners will be approximately 1 : 3.1.

Basic grade security staff, known as inspectors, are recruited locally and given one month training in the institution. They then attend the Police Academy in Yerevan for two months, where they undergo similar training to newly-recruited policemen. It is not known whether practice will change following the development of the reform programme under the Ministry of Justice.

The prison administration intends to introduce a set of measures to improve the quality of staff and to enhance their reputation in the eyes of the public. It is recognised that in order to guarantee the process of reform it is essential to establish a system of permanent training and re-training of prison staff. With the collaboration of the SOROS Foundation and the Organisation for Security and Co-operation in Europe a re-training programme was initiated in January 2002 in conformity with international standards. A programme of 'training of trainers', led by international experts, is regarded as an important part of the process of developing staff training (Martirosyan, 2002).

There are reported to be few women staff in institutions for male prisoners; they work as psychologists, teachers, medical staff and in administration. There are a small number employed among security staff in order to supervise women visitors to the institutions. In the women's correctional colony more than three quarters of the staff are men.

Council of Europe experts reported in 1998 that in three institutions (two colonies and the central hospital) Ministry of Internal Affairs troops guarded the perimeter and staffed the entrance gate. The majority of these troops were conscripts and they had no contact with the prisoners. Nevertheless, the experts recommended that these troops be withdrawn as soon as possible and their tasks re-allocated to appropriately trained members of the prison system (Barclay and Preusker, 1998).

Treatment and regime activities

A small number of staff in each institution are described as social workers; it is believed that these are the officers, referred to in many prison systems as educators, who are allocated to take special responsibility for the activities of a group of prisoners. It is understood that each group consists of about 50 prisoners. A few psychologists are included among the staff.

Sentenced prisoners in the colony-type institutions have their rooms unlocked for the whole day and are allowed at least an hour of walking or exercise in the open air every day. Pre-trial detainees are also allowed one hour a day of walking or exercise in the open air but this is the only time that they may leave their cells/rooms.

It is understood that there were no treatment programmes available for sentenced prisoners in 2001. In the large colonies there was a club with a stage and

cinema screen where a film was shown at weekends. There were no other organised leisure activities. There was a gymnasium in the juvenile colony and outdoor sports areas in the other colonies.

The prison administration intends to focus attention on the psycho-social rehabilitation of prisoners. A programme of educative and preventive work is being devised and a special department has been established in the prison administration headquarters in order to carry out such work (Martirosyan, 2002). The Organisation for Security and Co-operation in Europe (OSCE) and the international non-governmental organisation Penal Reform International (PRI) are planning to introduce psycho-social activities in all the institutions. A pilot project was held in 2002 in Abovyan colony for juveniles and women.

At present it is understood that there are no pre-release programmes to assist prisoners in returning to society, family life and employment after release. However, prisoners may be located in a colony settlement which provides them with open conditions in which there is freedom to make arrangements for life outside.

Conditional release

It is not known if there is a system of conditional early release.

Prison work

Sentenced prisoners are required to work if they are fit to do so and work is available for them. However, whereas in 1986 4,630 prisoners were employed in between 35 and 40 production workshops, in 1999 only seven workshops were in operation employing 147 prisoners. Other workshops were lying idle (Chairman of Armenian Parliamentary standing committee on state and legal issues – reported by Snark News Agency, Yerevan in January 2000). Even including domestic and maintenance work as well as production work it is believed that no more than 10% of sentenced prisoners were employed in 2001. No money is given to prisoners who are unable to work or for whom no work is available.

The prison administration reports that it has created a business in the penal institutions which since February 2002 encourages the production of interesting materials for sale to the public. Sewing, turning (carpentry), agricultural production, livestock and poultry farming are all involved and a web site has been created in order to advertise the results of prisoners' work and the means of acquiring them (Martirosyan, 2002).

Education and vocational training

Council of Europe experts reported in 1998 that only two of the colonies had education departments, although all of them had libraries (which varied in quality). In the juvenile colony there were classes for three hours a day, four days a week. The teachers were part-time community schoolteachers who attended after their work in the schools. In the colony at Artik there was an education

programme for adults which consisted of education for four hours a day, four days a week with groups of 12-15 prisoners participating each day. There was some vocational training available.

Inspection and monitoring

The prison administration inspects the institutions in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the administration. Independent inspections are carried out by the prosecutor and the Presidential Human Rights Commission. In August 2000 the chairman of this commission stated that its activities in the field of human rights were being hampered by the Code of Criminal Procedure which banned human rights activists from visiting defendants at the preliminary investigation stage. He noted that the President had promised to resolve this issue by means of a decree (Noyan Tapan News Agency). It is reported that there is no regular inspection of institutions by a non-governmental organisation.

It is understood that the head of the prison administration has a copy of the European Prison Rules, which provide the benchmark for assessing the quality of the management of penal institutions and the treatment of prisoners, but that no copies are held by the directors of the institutions or other staff and there are no copies for prisoners to consult in the prison libraries.

Non-governmental organisations

The first non-governmental organisation to be involved in prison matters in Armenia is believed to be the Centre for Democracy in Human Rights (CDHR) which was established jointly by the Armenian Foreign Office and the United Nations in 1995; it became independent of the Foreign Office in 1997. In 1996 it organised the first of two visits from international experts which led to the penal institutions opening their doors to the media. It sponsored small workshops in some of the colonies and contributed to the training of prosecutors in respect of human rights in prisons. It also ran public awareness campaigns about prisons, including a television programme, and in 1998, in partnership with UNICEF, it was beginning a project for children in the Armenian prison system (Barclay and Preusker, 1998).

As mentioned above, a pilot project was held in 2002 in Abovyan colony with a view to the introduction by OSCE and the international NGO Penal Reform International of psycho-social activities in all the institutions. NGOs are becoming increasingly involved in the Armenian prison system and the Ministry of Justice regards their contributions as very positive.

International co-operation

The prison administration is involved in international co-operation that is intended to improve prison standards. Multi-lateral organisations concerned in this work are the Council of Europe and the OSCE. The Council of Europe appointed experts to produce an assessment report on the Armenian prison sys-

tem in 1998 (Barclay and Preusker, 1998) and have subsequently established a steering group for the reform of the prison system. An action plan has been developed and various Council of Europe experts have provided opinions on new draft legislation. The prison services of several countries, including Germany (Saxony), Italy and the Netherlands have been involved in co-operation activities.

Other matters

It is understood that neither pre-trial detainees nor sentenced prisoners have the right to vote in national elections.

Important recent developments

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

- the transfer of responsibility for the prison system from the Ministry of Internal Affairs to the Ministry of Justice (October 2001);
- the major amnesty in 2001, which reduced the prison population by over 40%;
- the development of new legislation following the Presidential decree of March 2001;
- the drive towards reform of the prison system on the part of the Ministry of Justice.

Current objectives

The main objectives of the prison administration include :

- to reach the standards set out in the European Prison Rules;
- to have in place good quality legislation concerning matters affecting the prison system;- to ensure that basic requirements concerning prisoners' living conditions (e.g. lighting, ventilation, hygiene, sanitation) are achieved;
- to improve the quality of staff and of staff training;
- to develop work opportunities for sentenced prisoners;
- to raise the level of prison health care to that in the community outside;
- to develop activities to assist in the psycho-social rehabilitation of prisoners;
- to protect the rights of prisoners and seek to humanise prison conditions and the prison regime.

Main problems

Some of the main problems facing the Armenian prison system are:

- the need for staff training;
- the lack of positive activities for prisoners;
- the shortage of work for prisoners;
- the continued prevalence of tuberculosis;
- the limited financial resources available for the prison system;
- the poor state of prison buildings and the need for reconstruction and renovation.

Achievements

Notable achievements in the Armenian prison system in recent years include:

- the rapid progress with new legislation bringing the Armenian system in line with international standards;
- the construction of a new TB hospital funded by the ICRC;
- the large reduction in the prison population brought about by the amnesty in 2001;
- the determination of the Ministry responsible for prisons (the Ministry of Justice) to develop a far-reaching reform programme;
- the low rate of pre-trial detention, lower than that of all other countries of the former Soviet Union;
- the emphasis on improving prison health care;
- the removal of the metal blinds that obscured light and impaired ventilation in the pre-trial institutions;
- the limitation of prosecutors' power to prevent visits etc. to pre-trial detainees by the requirement that they must give specific reasons for refusing such communications;
- the encouragement to prisoners to produce saleable products and the promotion of these items on a website;
- participating in international co-operation activities intended to improve prison standards.

Conclusion

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

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation and to reduce the official capacity of each institution to reflect this;
- to move towards the structural adaptation of large dormitories into smaller units that will be easier to supervise and accord more privacy;
- to ensure that sanitary installations and arrangements for access are ade-

quate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions;

- to enable all prisoners to have a balanced diet, including meat, fruit and vegetables, and to provide special diets when needed for religious reasons;
- to abandon the practice of compulsorily testing prisoners for HIV infection, thus falling into line with World Health Organisation guidelines;
- to allow all prisoners against whom a disciplinary charge has been brought to attend a formal hearing at which they can defend themselves, and to ensure that all prisoners who receive isolation punishment have a mattress and blankets, can send and receive letters, receive visits and have reading material;
- to increase the number of women staff in institutions for men, and to ensure that a majority of staff in the colony for women are female;
- to take steps so that neither legislation nor practice prevent the introduction of a programme of regime activities for pre-trial detainees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after the end of their sentence;
- to extend the opportunities for prisoners to take part in education classes and vocational training;
- to provide copies of the European Prison Rules, in a language that they understand, to the directors of all institutions, and to arrange that copies are available for consultation by all staff and by prisoners, perhaps by locating a copy in a prominent place in the prison library.

Annex 1

ARMENIA: Numbers in the penal institutions 1991-2002

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)	
1991	2,131*		3,574,500	
1993	2,114*		3,722,300	
1994	5,364	3,442*	143	3,740,200
1995	3,864*		3,753,500	
1997	7,648		202	3,780,700
1998	7,689		203	3,791,200
1998 (Feb)	7,608	6,909*	201	3,791,800
2001 (1/1)	7,428		195	3,802,400
2001 (1/9)	4,213	3,451*	111	3,801,000
2002 (1/9)	5,624	4,751*	148	3,799,000

* The number of sentenced prisoners within the overall total.

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees			
(1/9/2001)	762	18.1	20
(1/9/2002)	714	12.7	19
Female prisoners			
(1/9/2002)	123	2.2	3
Juveniles (under 18)			
(1/9/2002)	60	1.1	2
Foreign prisoners			
(1/9/2002)	10	0.2	

Note: There have been a number of amnesties between 1992 and 2001, including in 1992, 1995 and 1997. An amnesty approved in September 1998 led to the release in December of that year of 920 prisoners. An amnesty in 2001 led to the release of some 3,000 prisoners, over 40% of the prison population.

Annex 2

Armenian penal institutions: functions and capacity, 2001

Now known as criminal-executive institutions (CEI)

1	Goris CEI (formerly prison No.1)	prison, pre-trial institution and special regime colony	270
2	Erebuni CEI (formerly OA 18/2)	strict regime colony	750
3	Sevan CEI (formerly OA 18/4)	strict regime colony	950
4	Kosh CEI (formerly OA 18/6)	common and strengthened regime colony	1,130
5	Artik CEI (formerly OA 18/14)	strengthened regime colony	950
6	Yerevan CEI (formerly OA 18/15)	colony for former law enforcement officials	135
7	Abovyan CEI (formerly educational-correctional colony OA 20)	correctional colony and pre-trial institution for women and juveniles	385
8	Hospital for prisoners CEI (formerly Central hospital)	hospital for prisoners	210
9	Nubarashen CEI (formerly SIZO - investigation isolator - No.150/1)	pre-trial institution	1,250
10	Gyumri CEI (formerly SIZO - investigation isolator - No.150/2)	pre-trial institution	180
11	Vanadzor CEI (formerly SIZO - investigation isolator - No.150/4)	pre-trial institution	210
12	Vardashen CEI (formerly SIZO - investigation isolator - No.150/5)	pre-trial institution for former law enforcement officials	70
13	Meghri CEI (formerly colony settlement No.12)	colony settlement for those sentenced for first unintentional offence	100
14	Hrazdan CEI (formerly colony settlement No.13)	colony settlement for those sentenced for first intentional offence and for recidivists	430

TOTAL (at end of 2001)

7,020

Annex 3

Armenia: principal sources of information

Barclay A. and Preusker H., 1998. Report of an expert visit to Armenia, February 1998, to describe and assess the Armenian prison system. Council of Europe, Strasbourg

Council of Europe, 2000. First Steering Group meeting on the reform of the prison system in Armenia, Yerevan, 6 October 2000. Council of Europe, Strasbourg

Council of Europe, 2001. Third Steering Group meeting on the reform of the prison system in Armenia, Strasbourg, 15-16 November 2001. Council of Europe, Strasbourg

Martirosyan A., 2002. "The reform of the prison system in Armenia." Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

Meeting with Mr A. Barclay, chairman of the Council of Europe Steering Group on the reform of the prison system in Armenia.

23. Azerbaijan

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Criminal (or Penal) Code, the Code of Criminal Procedure and the Penitentiary Code (or Code for the Execution of Criminal Sanctions). New versions of all these Codes were enacted on 1 September 2000. A draft law on the penitentiary service and the status of prison staff was under consideration at the end of 2001. The new Codes are recognised as bringing Azeri legislation much closer to international standards. However, the courts still determine the type of regime in which the prisoner serves the sentence and have the power to permit or refuse a subsequent transfer between penal institutions.

Organisational structure

Responsibility for the enforcement of custodial sentences has been with the Ministry of Justice since January 1993 but pre-trial detention remained with the Ministry of Internal Affairs until October 1999. The prison system is managed by the Head of the Department of Penitentiary Institutions, who is Deputy Minister of Justice. The post has been held since at least 1997 by Mr. Aydin Gasimov.

There were 52 penal institutions operating at the end of 2001. These were three pre-trial institutions, one closed cellular institution (prison) for prisoners serving long sentences and others transferred from other institutions for control reasons or as a form of punishment, nineteen colonies (with general, strict, special (very strict) or mixed regimes), fifteen open (agricultural) settlements for those imprisoned for unintentional or reckless crimes and for those transferred from the colonies, and fourteen open (urban) so-called special facilities (commandant's offices) for prisoners sentenced to 'restraint of liberty'. The nineteen colonies include an institution for females and one for juveniles, an institution for former policemen, army personnel and other civil servants, the central prison hospital, an institution for tuberculosis in-patient treatment and one for the rehabilitation of tuberculosis patients. Three of the colonies were newly opened in 2001.

The total capacity of the system at the beginning of 2001 was 25,700, and despite the additional colonies it had fallen to 24,670 by the end of the year. Thirteen of the colonies had capacities between 1,000 and 1,200, as did two of the three pre-trial institutions. The fifteen open settlements and fourteen open 'special facilities' had capacities of 150 (except for one whose capacity was 100). The average capacity of the colonies, pre-trial institutions and the closed cellular institution (prison) was thus 886, and that of the open institutions was 148.

Pre-trial detention

The law provides that when a suspect is arrested by the police, the prosecutor must be notified within 24 hours and detention beyond 72 hours must be authorised by a court.

There were 2,357 persons in pre-trial detention at the beginning of 2001 (29 per 100,000 of the population of the country). This is much lower than in other countries of the former Soviet Union apart from Armenia. Pre-trial detainees spend one hour a day out of their cells in normal circumstances.

The numbers held in penal institutions

The prison population appears to have been rising in the period 1995-1997, judging by partial figures that are available in the Azerbaijani response to the 6th United Nations Survey of Crime Trends. It remained close to 25,000 (approximately 315 per 100,000 of the national population) from mid-1997 to the end of 1999 since when it has been falling. There were six amnesties in the period 1996-2001 and large amnesties were responsible for the total falling from 23,504 (291 per 100,000) at the beginning of 2001 to 18,191 (223 per 100,000) in mid-2002.

The prison population rate of 223 per 100,000 remains higher than those in Azerbaijan's neighbours to the west, Armenia and Georgia, but very much lower than that in the Russian Federation to the north. Of the prison population at the beginning of 2001 10% were pre-trial detainees. 1.3% of the sentenced population were female prisoners, 0.4% were juveniles and 1.4% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was 91.5% of the official capacity of the system, which at that time was 25,700. There is no overcrowding in any of the institutions.

The minimum space specification per prisoner in Azerbaijan was increased by the new Penitentiary Code to 4m² per person (CPD, 2002) but the capacities of the institutions have not been altered in accordance with this. The obligation to provide 4m² per prisoner is however said to have been accepted. The capacities are believed to be based on the specifications of 2m² for convicted men and 2.5m² for pre-trial detainees, as in Belarus and Ukraine. The CPT considers that 4m² per prisoner is the minimum amount of space appropriate but that 3.5m² may be acceptable in large rooms.

It is reported that different categories of prisoner are separated from each other in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, prisoners are not usually located in single cells. It is believed that the largest number of prisoners accommodated in one room is 120 in colony No. 1 in the Nizami district of Baku city.

Sanitary installations and arrangements for access are reported to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. All prisoners are able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable.

A programme of removing the metal shutters that obscure light and impair ventilation in pre-trial institutions was commenced in 1998 and was almost complete by the end of 2001.

Food and medical services

The quantity and quality of food are said to be close to, and perhaps better than, average standards in communal catering outside. The prison administration is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for those who need them for health or religious reasons. New daily food norms were approved by the Cabinet of Ministers in September 2001 under which prisoners are entitled to 3,305 calories per day, including 715 grams of bread, 125 grams of cereals, 80 grams of meat, 100 grams of fish, 550 grams of potatoes and 250 grams of other vegetables (Decision No. 194). Sick prisoners are entitled to 3,374 calories, prisoners with TB 3,680 calories, young offenders 3,649 calories and pregnant women with children under the age of three 3,873 calories (Decision No.154). The extra allowance consists mainly of meat, fish, butter and milk.

It is reported that there is no arrangement whereby a medical officer/doctor or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

Prison health care is generally provided separately from the national health service. In addition to clinics in all the closed institutions there is a central prison hospital in Baku and there are two institutions for prisoners with tuberculosis prison (see below). However, prisoners in the open institutions use the community medical services. Each of the closed institutions has at least one full-time doctor, who is assisted by other medical and nursing staff, including some prisoners. Within the institution for female prisoners there is a mother and baby unit; mothers who give birth during their sentence can have the child with them until it reaches the age of three. Council of Europe experts report considerable improvement in the state of the medical equipment and the availability of medicaments (Brooke, Tolstrup and Križnik, 2003). Dentistry is available in most institutions.

Few prisoners have an alcohol problem and the number is not increasing; there is no treatment programme available. There are 1,500-2,000 drug addicts in prison and the number is said to be increasing slowly; there is a treatment programme in place. It is reported that HIV/AIDS is not a problem in the prison system but over 30 prisoners are known to be infected; the numbers are not believed to be increasing and, in accordance with WHO guidelines, prisoners are not compulsorily tested for HIV/AIDS.

The greatest health care problem in the prisons is undoubtedly tuberculosis. In the six years 1995-2000 inclusive 1,837 prisoners died of the disease. The numbers dying from the disease have been falling steadily through that period, from 469 in 1995 to 199 in the year 2000. In the first half of 2001 there were 79 deaths from TB. But the incidence of the disease is reported to be increasing still. All prisoners with TB are transferred for treatment to a colony that is devoted to in-patient care for this disease. The WHO recommended that DOTS treatment (Direct Observed Treatment – short course) be used. Following successful treatment prisoners are transferred to another colony that is devoted to the rehabilitation of TB patients. Council of Europe experts regard Azerbaijan's treatment of prisoners with the disease as "an excellent example of what can be achieved with vision, commitment and management focus" (Brooke, Tolstrup and Križnik, 2003). Deaths in the prison system in the year 2000 totalled 260 in all, including the 199 who died from TB. In the first half of 2001 the total was 117.

Discipline and punishment

Reported breaches of discipline are dealt with formally by the director of the prison and if found guilty the prisoner is given a warning, or a serious warning, which is entered on his record. In more serious cases, such as acts of violence, a formal adjudication process takes place at which the prisoner is given the opportunity to speak and defend himself. A finding of guilt may result in isolation punishment for up to 14 days. It is reported that this is not used excessively. While in isolation, prisoners are reported to have proper bedding and adequate lighting, ventilation, sanitation arrangements and an hour's exercise. They may have books from the library and have short visits, but long visits (of up to 3 days) are not permitted.

Contact with outside

Pre-trial detainees may receive one hour visits every 14 days, subject to the permission of the prosecutor; it is understood that few are refused permission. They are physically separated from their visitors by a screen. Sentenced prisoners in a general regime colony may be visited every week or every fortnight; in a strict regime colony they may be visited once a month. They can also receive long visits (of 72 hours) from their families – three or four a year in the general regime, two a year in the strict regime, but none in the special regime. Juveniles can have four long visits a month. The lay-out of the accommodation for long visits is reported to be such as to enable privacy and intimacy between prisoners and their spouses. Visiting is difficult for many families because the prisons tend to be concentrated near Baku; the prison administration intends to develop prisons outside Baku, with a view, in the longer term, to all regions having their own prison (Humbatov, 2000).

Prisoners' letters are usually read by the staff. Sentenced prisoners may speak to their family and friends by telephone but this is not allowed to pre-trial detainees.

There is no routine system of home leaves, but prisoners in the open settlements and the special facilities (commandant's offices) have many opportunities to spend time at home. Indeed, after an initial period of three months they are allowed to go home at weekends, obtain work outside the institution and, in the latter stages of the sentence, to live at home reporting to the institution at specific pre-determined times. Some of the prison staff visit them at home and at their place of work (Brooke, Tolstrup and Križnik, 2003).

Prison staff

The prison service of Azerbaijan employed 5,547 staff in the penal institutions at the beginning of 2001, of whom 562 (10%) were women; forty-two staff (six women and 36 men) were employed in the colony for juveniles. In addition some 100-120 were employed at the national prison administration headquarters. Thus, the overall ratio of staff to prisoners at the beginning of 2001 was about 1 : 4.2. Some 25-27% of staff were officers (trained at university level), 46-47% were guards and the remainder were civilian workers mostly with a university degree and responsible for administrative and technical duties (Humbatov, 2000). Staff shortage is not a significant problem: there is no difficulty in recruiting and retaining staff in most parts of the country, although the situation in the capital Baku is less favourable because there are more competing employment opportunities available.

Initial training for a new member of the security staff lasts for three months; training for officers lasts four months. In February 2001 a new training centre was established in the former industrial territory of one of the colonies; the old buildings were almost completely demolished and classrooms, administrative, residential and gymnastic facilities were constructed. The training centre provides courses both for security staff, known as 'controllers', and management staff. There is both initial training and also development or refresher training. The director of the centre is a former prison director with training qualifications and his deputy is a former Ministry of Defence trainer (Brooke, Tolstrup and Križnik, 2003).

The prison administration has invested significantly in its staff and their conditions of service in recent years. Staff pay has been increased, all staff have a common uniform, staff wear identity badges when on duty and a polyclinic is to be opened in 2003 to provide free treatment for prison staff and their families. The provision of this facility is partly attributable to the prevalence of tuberculosis in the country. Staff morale is reported to have improved significantly since 1998 (*ibidem*, 2003).

In the institutions for male prisoners the only female staff (less than 10%) are nurses and those undertaking administrative tasks. In the institution for female prisoners the director is male as are a few security and administrative personnel, again less than 10% of the total staff.

The staff who provide perimeter security are all military conscripts but they belong to the Ministry of Justice rather than the Ministry of Internal Affairs. They are not under the authority of the prison director but the leader of the guards at each institution (a colonel) reports to the head of the national prison administration and now has regular meetings with the prison director.

Treatment and regime activities

The treatment staff at the beginning of 2001 did not include any psychologists or social workers (Humbatov, 2000). Prisoners are organised into groups led by a unit manager who will be an officer with a university degree. The number of prisoners in a group ranges from 50 to 100.

Sentenced prisoners in the colonies have their rooms unlocked for the whole day and are allowed at least an hour of walking or suitable exercise in the open air. Pre-trial detainees are also allowed one hour a day of walking or suitable exercise but this is the only time they may leave their cells/rooms.

The only treatment programmes available to prisoners are counselling for drug offenders. "The general impression within the penitentiary establishments, with the exception of the young offender and female units, is one of idleness" (Brooke, Tolstrup and Križnik, 2003). Nonetheless some prisoners have the opportunity of engaging in horticulture and metalwork and in some institutions there are regular concerts, quiz shows and other cultural activities. There is free access to the prison library.

Pre-release preparation consists mainly of assistance with finding employment and the possibility of transfer, during the last one third of the sentence, to an open institution where there is freedom to make arrangements, with the assistance of family and friends if these are available, during periods of leave.

Conditional release

The possibility of early release (after serving one third or one half of the sentence) was expected to be extended to all prisoners, including lifers, following the new legislation of 2000. In addition, the application for release would no longer be introduced at the initiative of the prison directors but would come from the prisoners themselves (Humbatov, 2000). The opportunity for release before the end of a sentence comes mainly from the possibility of benefiting from a Presidential pardon or an amnesty. Each of these has a different cause: some are initiated by Parliament and others are the result of a decision of the President.

Prison work

Sentenced prisoners are required to work if they are fit to do so and work is available for them. However there is very little work available and no more than 15% were employed in 2001, mainly in cleaning and domestic work, catering, carpet-making, furniture making, metalwork, building maintenance and construction, horticulture and agriculture. There is no work for pre-trial detainees. Most

prisoners receive basic unemployment pay; only the few who are involved in production are paid more.

Education and vocational training

For younger prisoners, education is available four hours a day and five days a week. There are no education programmes for adults. Remedial education is not available for prisoners with special problems such as illiteracy and innumeracy; there is said to be a low level of illiteracy. There is no vocational training.

Inspection and monitoring

There is an inspection department within the prison administration but its chief function is to carry out investigations into prisoners' complaints and not to monitor the extent to which the penal institutions are operating in accordance with the laws and regulations and the objectives of the prison administration. Inspection is the responsibility of the prosecutor's office. However it was planned that as from January 2001 inspection and the handling of prisoners' complaints would be transferred to a new Prison Inspectorate of the Ministry of Justice (Humbatov, 2000). It is understood however that the establishment of such an Inspectorate, accountable to the Ministry of Justice and independent of the prison service, has been delayed.

Some monitoring of the prison system is undertaken by the Ombudsman and also by non-governmental organisations. An NGO, 'Center of the Programs for Development E1', undertook a project 'Monitoring of Prisoners' Right for Health' in March-June 2001. The same NGO conducted some further monitoring work in 2002 (see CPD, 2002). The Council of Europe's CPT made a first visit to Azerbaijan in 2002.

The international standards (the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of penal institutions and the treatment of prisoners, are reported to be widely available in the prison system of Azerbaijan. The head of the prison administration and the directors of penal institutions have copies, as do other management staff at the national prison administration and in the penal institutions. Copies are also said to be available to be read by other staff and by prisoners.

Non-governmental organisations

Non-governmental organisations visit the penal institutions to take up the cases of political prisoners, to provide humanitarian assistance, to give seminars which contribute to social education, including information about prisoners' rights, and to undertake monitoring activities, such as those described above. Co-operation between the prison administration and the ICRC is reported to have been particularly effective in combating tuberculosis in the penal institutions. Good relations exist with the Human Rights Centre, an NGO for the defence of the rights of women, as well as with the Helsinki Committee and Amnesty International

(Council of Europe, 2000). The Human Rights Centre, together with Penal Reform International, published and distributed in the penal institutions in 2001 a booklet containing European human rights conventions and the European Prison Rules (Council of Europe, 2002). At least every six months there is a meeting between the head of the prison administration and the NGOs that are active in prison matters. The prison administration considers the work of NGOs to be positive and is very supportive of such activities.

Other matters

There was an organised group escape attempt on 7 January 1999 from the closed cellular institution (Qobustan), which led to the death of eight prisoners and one member of staff. As a result there was a major review of prison staffing and conditions of work, which led to the development of staff training, salary increases, improved security, and determined efforts to improve staff-prisoner relations and fully respect prisoners' human rights. These measures are reported to have impacted across the prison system to good effect (Brooke, Tolstrup and Križnik, 2003).

The prison administration is involved in international co-operation that is intended to improve prison standards. Multi-lateral organisations concerned in this work are the Council of Europe, the Office for Security and Co-operation in Europe and the European Union. The Council of Europe appointed experts to produce an assessment report on the Azeri prison system in 1998 (Brooke and Tolstrup, 1998) and have subsequently established a steering group for its reform. An action plan has been developed and the prison administration considers that the co-operation with the Council of Europe has played a significant role in the reform of the prison system and relevant legislation (Humbatov, 2000). A second assessment visit was conducted at the beginning of 2003 (Brooke, Tolstrup and Križnik, 2003). Prison services of several countries have been involved in co-operation activities, including Austria, England and Wales, Italy and Poland.

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections.

Important recent developments

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

- the transfer of the responsibility for pre-trial detention from the Ministry of Internal Affairs to the Ministry of Justice in October 1999;
- the serious escape attempt at Qobustan prison in 1999 leading to the death of eight prisoners and one member of staff;
- the new legislation (Criminal Code, Code of Criminal Procedure and Code for the Execution of Criminal Sanctions) of September 2000;
- the opening of the new staff training centre in February 2001.

Current objectives

The main objectives of the prison administration include:

- continued development of the staff training centre;
- the human rights education of prisoners, enabling them to be aware of their rights;
- improving efforts to achieve the resettlement of prisoners after release;
- closing old and inadequate institutions and creating new purpose-built ones;
- the rebuilding of the central hospital;
- creating better conditions for women prisoners and young prisoners;
- developing modern management systems, both in respect of information technology (an electronic record system) and management structures;
- enabling all prisoners to have 4 square meters of space in their living accommodation;
- the development of prisons outside Baku so that every region has its own prison and prisoners can serve their sentences close to their families, thus facilitating visits;
- the creation of semi-open prisons with a mixed regime, as was being piloted at the beginning of 2001 in the region of Nakhichevan.

Main problems

Some of the main problems facing the Azeri prison administration are:

- the need for staff training;
- the shortage of work for prisoners;
- the lack of positive activities for prisoners;
- the need to rebuild the central prison hospital;
- the continued prevalence of tuberculosis;
- the limited resources available for the prison system.

Achievements

Notable achievements in the Azeri prison system in recent years include:

- major progress in the treatment of tuberculosis;
- the acquisition of a new headquarters building;
- the introduction of information technology as a tool in prison management;
- the creation of a new staff training centre;
- obtaining a significant increase in the prison budget;
- improving the conditions of service, and thus the morale, of staff;
- establishing positive relationships with NGOs;
- participating in international co-operation activities intended to improve prison standards;

- improving the physical conditions, including the buildings, in the penal institutions;
- “remarkable changes in the field of prison reform in Azerbaijan” in the three years 1999, 2000 and 2001 (Council of Europe, 2002).

Conclusion

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

- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such arrangements are only necessary for exceptional cases;
- to ensure that sanitary installations and arrangements for access are adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions;
- to take steps so that neither legislation nor practice prevents the introduction of a programme of regime activities for pre-trial detainees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners’ time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to increase significantly the opportunities for prison work;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after the end of their sentence;
- to appoint psychologists and social workers as important members of the treatment staff of the penal institutions;
- to ensure that there are sufficient unit managers/educators to enable no prisoner group for which they are responsible to exceed 50 in number;
- to establish the new Inspectorate of Prisons, accountable to the Ministry of Justice but independent of the prison service, as soon as possible;
- to develop education classes and vocational training;
- to introduce, in accordance with Rule 31 of the European Prison Rules, the practice whereby a medical officer or one of his staff advises the director regularly on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and of prisoners, the sanitation, heating, lighting and ventilation, and the suitability and cleanliness of the prisoners’ clothing and bedding.

Annex 1

AZERBAIJAN: Numbers in the penal institutions 1997-2002

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1997	24,851	317	7,835,300
1998	24,826	312	7,950,000
1999	25,238	315	8,016,200
2000	23,504	291	8,081,000
2002 (1/7)	18,191	223	8,170,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(31/12/00 = 1/1/01)	2,357	10.0	29
	TOTAL among sentenced population	Percentage of sentenced population	
Female prisoners in 2001			
(31/12/00 = 1/1/01)	272	1.3	
Juveniles (under 18) in 2001			
(31/12/00 = 1/1/01)	82	0.4	
Foreign prisoners in 2001			
(31/12/00 = 1/1/01)	303	1.4	

Note: There were six amnesties in the period 1996-2001.

A Presidential decree (pardon) in July 1999 led to the release of 66 prisoners.

An amnesty in December 1999 led to the release of 1,562 prisoners by 26.1.2000.

A Presidential decree (pardon) in June 2000 led to the release of 87 prisoners.

An amnesty in February 2001 led to the release of a large number of prisoners.

Annex 2

Azeri penal institutions: functions and capacity, 2001

Closed penal institutions for sentenced prisoners (CÇM)

1	CÇM 1	Baku (Nizami district)	Strict regime colony	1,200
2	CÇM 2	Baku (Azizbayov district, Bina)	General regime colony	1,200
3	VMUIMM	Baku (Azizbayov district, Bina)	Mixed regime colony for TB treatment	850
4	CÇM 4	Baku (Khatai district)	Mixed regime colony for females	350
5	CÇM 5	Salyan district, Khalaj	General regime colony	1,050
6	CÇM 6	Baku (Nizami district)	General regime colony	1,200
7	CÇM 7	Baku (Khatai district, Ahmadli)	Strict regime colony	1,050
8	CÇM 8	Baku (Qaradag)	Special (very strict) regime colony	320
9	CÇM 9	Baku (Azizbayov district, Bina)	Mixed regime colony for former army, police, prison staff etc	350
10	CÇM 10	Baku (Narimanov district)	General regime colony	1,150
11	CÇM 11	Baku (Binagadi district)		1,050
12	CÇM 12	Baku (Qaradag district, Puta)	General regime colony	1,100
13	CÇM 13	Baku (Qaradag district, Puta)	General regime colony	1,050
14	CÇM 14	Baku (Qaradag district, Qizildas)	General regime colony	1,050
15	CÇM 15	Baku (Nizami district)	Strict regime colony	1,050
16	CÇM 16	Baku (Suraxani district, Ramana)	General regime colony	1,050
17	CÇM 17	Baku (Azizbayov district, Bina)	Mixed regime colony for rehabilitation after TB treatment	1,050
18	Juveniles	Baku (Khatai district)	Correctional facility for juveniles (mixed regime)	100
19	Hospital	Baku (Nizami district)	Central prison hospital	550
20	Qobustan	Baku (Qaradag district, Qobustan)	Cellular prison for long termers and control problem prisoners	650

Open penal institutions for sentenced prisoners

21-35	MTCÇM	Open colony-settlements in rural areas	14 x 150 1 x 100
36-49	XM	Special facilities (Commandant's offices) in urban areas	14 x 150

Closed pre-trial institutions (IT)

50	IT No.1	Baku (Sabail district, Bayil)	Pre-trial institution	1,200
51	IT No.2	Gandja	Pre-trial institution	700
52	IT No.3	Baku (Azizbayov district, Shuvalan)	Pre-trial institution	1,050

TOTAL (at end of 2001)

24,670

Annex 3

Azerbaijan: principal sources of information

Brooke N. and Tolstrup J., 1998. Report of an expert visit to Azerbaijan, October 1998, to describe and assess the Azeri prison system. Council of Europe, Strasbourg

Brooke N. and Tolstrup J. and Križnik, 2003. Report of a reassessment visit to Azerbaijan, January 2003. Council of Europe, Strasbourg

Center of the Programs for Development 'El' (CPD), 2002. Healthcare in prisons of Azerbaijan. CPD, Baku

Council of Europe, 2000. First Steering Group meeting on the reform of the prison system in Azerbaijan, Strasbourg, 18-20 December 2000. Council of Europe, Strasbourg

Council of Europe, 2002. Second Steering Group meeting on the reform of the prison system in Azerbaijan, Strasbourg, 7-8 February 2002. Council of Europe, Strasbourg

Humbatov M., 2000. Contribution of senior member of Azeri prison administration at first Steering Group meeting (as above). Council of Europe, Strasbourg

Responses of the Azeri Government to the United Nations 6th Survey of Crime Trends and Operations of Criminal Justice Systems (1995-97) and 7th Survey (1998-2000).

Meeting with Mr N. Brooke, member of the Council of Europe Steering Group on the reform of the prison system in Azerbaijan

24. Belarus

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Penal (Criminal) Code, the Criminal Procedural Code and the Penal Executive Code. New versions of these codes were adopted in the year 2000 and came into force on 1 January 2001.

Organisational structure

Responsibility for the prison system in the Republic of Belarus lies with the Ministry of Internal Affairs. The system is managed by the Head of the Committee for the Execution of Punishment, as the prison administration is named. This post is held by Mr V. A. Kovchur.

Some 40 penal institutions were operating in 2001, of which it is believed that there are 10 institutions for pre-trial detention (investigation isolators or SIZOs), two prisons (tyoormi) for those convicted of the most serious offences, 25 correctional colonies for adults with regimes varying according to the criminal record of the prisoners, and three educational colonies for juveniles (aged 14 to 18).

The total capacity of the system in 2001 was believed to be 43,400. (Excluding the SIZOs it was 34,030.) This would give an average capacity per prison of about 1,085. On the basis of detailed figures provided for the previous study, it is likely that the largest institution has a capacity of some 2,800 and the smallest 150.

Pre-trial detention

There were 10,601 persons in pre-trial detention at the beginning of 2001 (106 per 100,000 of the general population of the country) and 9,678 at the end of the year (97 per 100,000). The rate has thus risen by about a third since 1994 when it was 75 per 100,000.

The prison administration reports that pre-trial detainees spend one hour a day out of their cells/rooms in normal circumstances.

The numbers held in penal institutions

The prison population rose sharply between the end of 1990 (24,518) and the end of 1998 (63,157) but has since fallen back to 55,156 at the end of 2001. This figure gives a prison population rate of 554 per 100,000 of the general population, the second highest in Europe after the Russian Federation. Ukraine is the only other European country with a rate above 370.

Of the prison population at the end of 2001 17.5% were pre-trial detainees, 6.1% were female, 3.1% were juveniles under 18 and 2.6% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the end of 2001 was approximately 127% of the official capacity of the system. There is overcrowding both in institutions for pre-trial detention and in those for sentenced prisoners, but not in the educational colonies for juveniles.

The minimum space specification per prisoner in Belarus is 2m² in institutions for convicted men, 2.5m² in institutions for pre-trial detention, 3.5m² in educational colonies for juveniles and 3.5m² in medical units. This is specified by law. The CPT considers that 4m² is the minimum amount of space appropriate per prisoner or perhaps 3.5m² in large rooms.

The prison administration reports that different categories of prisoner are separated from each other in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, prisoners are not usually housed in single cells. It is reported by the prison administration that the largest number of prisoners accommodated in one room is 100 and that the space in the room is 200m².

Sanitary installations and arrangements for access are reported to be adequate to enable all prisoners to comply with the needs of nature when necessary, and in clean and decent conditions. The prisoner must provide the toilet paper. All prisoners are able to have a shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners are supplied with one change of underclothing per week.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is not able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for those who need them for health reasons.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

The prison administration reports that there are many prisoners with an alcohol problem and the numbers are increasing; there are also many prisoners with a drug problem and the numbers are increasing here too. There are treatment programmes for such prisoners and these are carried out in special clinics. There are also special clinics for prisoners with psychiatric problems. HIV/AIDS is a problem in the prison system of Belarus and again the numbers are increasing. It is reported that all prisoners are tested for this condition, despite the fact that WHO guidelines state that there should not be compulsory testing of this kind.

Tuberculosis is also a problem in the prison system but the numbers are not increasing. There is a treatment programme in place. In the year 2001 186 prisoners died, of whom 17 died from tuberculosis. Just two are reported to have died from suicide.

Contact with the outside world

The frequency with which pre-trial detainees may be visited is decided by the examining magistrate. Sentenced prisoners may be visited between 6 and 10 times a year if they are in a general regime colony, and between 3 and 5 times a year if they are in a special (i.e. very strict) regime colony. Prisoners may be allowed to receive private (intimate) visits from their wives. There is also a provision for prisoners to receive long visits from their families, involving overnight stays; these are for a period of 72 hours.

Pre-trial detainees are physically separated from their visitors by a screen and so are not able to touch them.

There is no restriction on the number of letters that may be sent or received but letters are usually read by the prison authorities. Sentenced prisoners may speak to their families by telephone but pre-trial detainees are not allowed to do so.

There is a system of home leaves, which is available for prisoners in general regime colonies, in colony-settlements (open prisons) and for juveniles.

Prison staff

The prison service of Belarus employed 6,882 staff at the beginning of 2001, over 50% more than in 1994. Of these, 6,187 were working in institutions for adults (4,234 men and 1,953 women) and 695 were working in institutions for juveniles (560 men and 135 women). It is believed that this total includes staff working in the institutions for pre-trial detention. If it does, then the overall ratio of staff to prisoners at the beginning of 2001 was 1 : 8.2. This is little more than half the rate of any of the other prison systems in central and eastern Europe. Despite this low rate, the number of security staff was only 2% below complement, and the number of treatment staff only 1.5% below complement.

Initial training for a new member of the security staff lasts for three months. In institutions for male prisoners just 2% of staff are women, working in prison health care and in making pre-release arrangements and, in the educational colonies for juveniles, as psychologists and educators. In institutions for female prisoners 15% of staff are male, working as 'inspectors for the maintenance of good order' (i.e. security staff).

Treatment and regime activities

The treatment staff include 57 psychologists - each colony has two or three - and 680 educators. Prisoners are organised into groups led by an educator. The number of prisoners in such a group ranges from 80 to 100 in the adult colonies and 20 to 25 in the educative colonies for juveniles.

The information received from the prison administration suggests that, for both adults and juveniles, the only treatment programmes are those for prisoners with alcohol or drug problems. There appear to be no organised regime activities.

Sentenced prisoners in the correctional colonies are reported to have their rooms unlocked for the whole day. In such institutions prisoners are not only allowed a period of at least an hour of walking or suitable exercise every day

(including weekends) in the open air; there are said to be no restrictions on the time they may spend in such an activity.

The prison administration reports that they make pre-release arrangements to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return; they may be transferred to so-called 'colony settlements', which are open institutions.

Conditional release

There is a system of conditional release, allowing early termination of the sentence for prisoners considered suitable for this. In the year 2001 58% of prisoners released from general regime colonies were released in this way.

Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. However, work is not currently available for all. At 1 November 2002 61% of sentenced prisoners had employment of some kind, but there was no work for pre-trial detainees. Monthly pay is 15,691 Belarussian roubles. Prisoners without work may receive money from relatives, and if they are unfit they may receive 'pension' (social insurance) money.

Education and vocational training

Education and vocational training are available both for adult and for juvenile prisoners. These include programmes of remedial education for prisoners with such problems as illiteracy and innumeracy.

Inspection and monitoring

A system of inspections has been established, in order to monitor the extent to which the penal institutions are operating in accordance with the laws and regulations and the objectives of the prison administration. These are conducted by the prison administration and the Ministry of Internal Affairs. Independent inspections are undertaken by the local Prosecutor's office, a senior assistant from which conducts a monthly check of all institutions. A Parliamentary body also undertakes inspections that are independent of the Ministry and the prison administration, but non-governmental organisations are not allowed to conduct inspections of the prisons.

The international standards (the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of penal institutions and the treatment of prisoners, are reported to be widely available in the prison system of Belarus. The head of the prison administration and the directors of penal institutions have copies, as do other management staff at the national prison administration and in the penal institutions. Copies are also said to be available to be read by other staff and by prisoners.

Non-governmental organisations

The prison administration reports that non-governmental organisations visit the penal institutions and participate in the reform of prisoners. They also provide humanitarian assistance. Their contribution is regarded by the prison administration as positive because they carry out individual correctional programmes.

Other matters

The prison administration is involved in international co-operation via the United Nations representation in Belarus.

Pre-trial detainees and sentenced prisoners do not have the right to vote in national elections.

The prison administration produces an annual report.

Important recent developments

The most important recent development affecting the prison system in Belarus, in the opinion of the prison administration, is the introduction of the new Penal Code on 1 January 2001.

Current objectives

The main objective reported by the prison administration is to raise the effectiveness of the correctional process.

Main problems

The main problem identified by the prison administration, which is an obstacle to the above objective and to the advancement of the prison system in Belarus, is the overpopulation of the penal institutions. Other significant problems include:

- the low staff-prisoner ratio in the penal institutions.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which other countries' prison administrations might be able to learn from. They drew particular attention to:

- the expansion of the use of a progressive system of serving the sentence, involving the introduction of criteria for levels of correction for sentenced prisoners;
- the raising of the quality of educational (sc. treatment) work.

Further achievements of the prison system in Belarus include:

- allowing prisoners of good behaviour to have long visits from their families of two or more days, in which they may live together using special visiting facilities;

- having one of the higher employment rates among sentenced prisoners in the prison systems of central and eastern Europe;
- having increased significantly in recent years the number of sentenced prisoners with employment;
- having programmes of remedial education for prisoners with such problems as illiteracy and innumeracy;
- the participation of non-governmental organisations in the treatment of prisoners.

Conclusion

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

- to take steps progressively to increase the amount of space that pre-trial detainees and sentenced prisoners have in their living accommodation until all have at least 4m²;
- to provide all prisoners with a balanced diet, including meat, fruit and vegetables;
- to give further consideration to bringing policy in respect of HIV testing into line with the relevant international standards, in particular those established by the World Health Organisation and the Council of Europe;
- to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to ensure regular visits for pre-trial detainees and sentenced prisoners, so that all are able to be visited at least once a month, and if possible weekly or more often;
- to ensure that there are enough staff to keep the staff-prisoner ratio satisfactory and, in particular, that there are sufficient educators to enable no group to exceed about 50 prisoners;
- to increase the proportion of women staff working in institutions for male prisoners, in order to reduce tension and help to diminish the gulf between circumstances inside the penal institutions and in the community outside;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial (remand) prisoners, and to enable them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to develop programmes of constructive activities, including education and vocational training, to occupy sentenced prisoners' time in a positive manner and enable them to develop skills and aptitudes that will improve their prospects of resettlement after release.

Annex 1

BELARUS: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	24,518	239	10,260,400
1991	25,988	253	10,280,800
1992	33,641	327	10,300,000
1993	43,583	422	10,319,400
1994	51,028	496	10,295,600
1995	54,869	535	10,264,400
1996	57,092	558	10,236,100
1997	58,879	577	10,203,800
1998	63,157	620	10,179,100
1999	59,267	592	10,019,500
2000	56,590	566	9,990,400
2001	55,156	554	9,950,900

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	10,601	18.7	106
(31/12)	9,678	17.5	97
Female prisoners in 2001			
(1/1)	3,368	6.0	34
(31/12)	3,378	6.1	34
Juveniles (under 18) in 2001			
(1/1)	1,559	2.8	16
(31/12)	1,725	3.1	17
Foreign prisoners in 2001			
(1/1)	1,512	2.7	
(31/12)	1,413	2.6	

Note: There were amnesties on 23.12.91, 14.4.95, 5.11.96, 18.2.99 and 20.7.2000.

Annex 2

Belarus penal institutions: functions and capacity, 2001

The list below shows the 35 penal institutions that were operating in 1994. It is understood that in 2001 there were a further two pre-trial institutions (SIZOs), making a total of ten, with a capacity of 9,370, and a further three institutions for sentenced adults (prisons, colonies and colony settlements), making a total of 27, with a capacity of 32,250. There were still three educational colonies for juveniles, with an increased capacity of 1,780. It is thus believed that in 2001 there were 40 penal institutions with a total capacity of 43,400.

Pre-trial institutions (SIZOs)	No.1	2040	
	No.2	1050	
	No.3	1180	
	No.4	900	
	No.5	310	
	No.6	510	
	No.7	160	
	No.8	800	
		6,950	
Prisons (TYOORMI) (for sentenced adults)	15/CT 1	450	Closed institution
	15/CT 4	150	"
		600	
Corrective labour colonies (for sentenced adults)	15/ 2	2430	General regime colony - men
	15/ 4	1350	General regime colony - women
	15/15	2380	General regime colony - men
	15/19	710	General regime colony - men
	15/ 1	2160	Reinforced regime colony
	15/ 8	2060	"
	15/10	1130	"
	15/17	1280	"
	15/25	1200	"
	15/ 5	2240	Strict regime colony
	15/ 9	1730	"
	15/11	2590	"
	15/12	1340	"
	15/14	2820	"
	15/20	1750	"
	15/22	550	"
15/24	1200	"	
15/13	1170	Special regime colony (very strict)	
		30,090	

Colony settlements (for sentenced adults)	15/16	590	Open institution
	15/18	250	"
	15/ 3	150	"
	15/21	150	"
		1,140	
Educative colonies (for sentenced juveniles)	BTK 1	640	
	BTK 2	550	
	BTK 3	510	
		1,700	
Total (in 1994)		40,480	

Annex 3

Belarus: principal sources of information

Response by the head of the prison administration, Mr V.A. Kovchur, to survey questionnaire for this project.

Response by Belarus to the 6th United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, covering the period 1995-97.

Response by Belarus to the 7th United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, covering the period 1998-2000.

25. Bosnia and Herzegovina: Federation

Legislative framework

New Penal, Penal Procedural and Penal Executive Codes came into force on 20 November 1998. They replaced legislation dating back to 1984, which had been amended many times. The Penal Executive Code, which is known in Bosnia and Herzegovina as the Law on the Execution of Criminal Sanctions (LECS), was reviewed in draft format by experts of the Council of Europe and was described as providing “a firm basis for a modern prison system” (Coyle, 1998). In large part, this law is in accordance with the European Prison Rules. Specific changes incorporated in the new law include a minimum space allowance per prisoner of 10m³ (taken to be equal to 4m²) instead of 8m³ (3m²), the introduction of eligibility for certain benefits after one-fifth of the sentence is served, the requirement that water shall be available to prisoners at all times and a reduction in the maximum period of isolation punishment from 30 days to 20 days.

The Federation Ministry of Justice was already drafting, early in 2002, a new Law on the Execution of Criminal Sanctions, the decision having been taken that so many Articles needed to be changed that amendments to the 1998 law would be insufficient. It is expected that the new law will include the establishment of the Administration for the Execution of Criminal Sanctions (see below), a restructuring of the penal institutions, adjustment of the status and organisation of the prison service to current facilities and requirements (including the creation of closed units in semi-open institutions in order that Zenica need not hold every prisoner with a sentence longer than one year), and improved regulation of the execution of the security measure of mandatory psychiatric treatment (see final paragraph under section on Food and Medical Services). Moreover the new law will include the execution of all criminal sanctions in the Federation of Bosnia and Herzegovina, so that there will no longer be separate cantonal regulations in force.

Organisational structure

The prison system of the Federation of Bosnia and Herzegovina is under the responsibility of the Ministry of Justice, and has been since 1968. As in the other entity of Bosnia and Herzegovina, Republika Srpska, there is no head of prison administration, but the Assistant Minister of Justice in charge of the Office for the Execution of Criminal Sanctions approximates most closely to such a role. However he is formally an assistant to the Minister who gives advice in respect of the prison system and co-ordinates its activities; he is not the titular head of that system. The directors of the prisons and their deputies are appointed and dismissed by the government on the proposal of the Minister of Justice. This structure was standard practice in the republics of former Yugoslavia, but consideration is being given in the Federation to adopting the practice followed in the rest of Europe and recommended by European prison experts of having a

Director General, reporting to the Minister, as head of the prison administration. Discussions were taking place in early 2002 with Slovenia, which has made such a change and can thus advise, on the basis of its own experience, on the advantages of doing so and the practical arrangements that would need to be made.

The Assistant Minister of Justice, Mr Rešad Fejzagić assumed his post in June 2001 on the retirement of Mr Dzemal Husić, who had held the position for some years. He is assisted by two prison inspectors, a legal adviser and an economic adviser.

There were nine penal institutions at the beginning of 2001, two of which held very few prisoners and were administered as outlying units of another institution. The total capacity was 1,061. The largest prison Zenica had a capacity of 349 and the next largest were Sarajevo (223), Tuzla (200) and Mostar West (142). No other institution had a capacity of more than 63. During the year the small Mostar East prison (for Bosniacs) was amalgamated with Mostar West (for Croats), reducing the number of institutions to eight. The capacity rose during the year to 1,183, largely as a result of the reconstruction of a unit for 75 juveniles at Zenica, and of the inclusion, within the total, of the unit at Zenica for persons detained for the security measure of compulsory psychiatric treatment in a health institution (40 places). Zenica's capacity has thus risen to 464.

Zenica serves as the central prison for the Federation of Bosnia and Herzegovina. It opened in 1888 and was the largest penal institution in former Yugoslavia. It is a sizeable complex with a considerable number of buildings which, including the industrial premises, cover 22,000 square metres. There has been some construction since the Second World War but almost all the buildings are old. As the central prison, Zenica not only holds pre-trial detainees and short sentence prisoners but is the only prison that has the authority to hold prisoners serving sentences of more than a year and, as mentioned, now has units for juveniles and for compulsory psychiatric treatment. The prisons at Mostar, Sarajevo and Tuzla also date back to the Austro-Hungarian Empire.

Pre-trial detention

The level of pre-trial detention in the Federation of Bosnia and Herzegovina has risen by 34% since the end of 1995, when the war in Bosnia came to its end. At the beginning and end of 2001 there were about 13 pre-trial detainees in the prison system per 100,000 of the population of the entity (estimated at 2.5 million) compared with less than 10 at the end of 1995. Pre-trial detainees constituted 30.7% of the prison population at the beginning of 2001 and 24.5% at the end of the year*. This rate of 13 per 100,000 is, together with that of the other entity of Bosnia and Herzegovina, Republic Srpska, the second lowest rate of pre-trial detention in any prison system in central and eastern Europe, after that in the former Yugoslav republic of Macedonia. The average length of pre-trial detention in 2001 was 6-8 months.

* Not including persons held for compulsory psychiatric treatment in the temporary unit in Zenica prison.

The current criminal procedure legislation prescribes that a suspect detained by the police may be held for up to 72 hours in police custody, after which a court must either release the suspect or order pre-trial detention in a prison. Under a new draft law 72 hours would be replaced by 24 hours.

The numbers held in penal institutions

During the war the prison population was greatly reduced since combatants sometimes freed prisoners who agreed to fight for their particular national group. The prison population at the end of 1995 reflected this and at 536 constituted only some 21 per 100,000 of the entity population, a rate among the lowest in the world. It rose steadily, reaching 836 at the end of August 1999, 1,065 at the end of August 2000 (43 per 100,000) and 1,359 at the end of 2001 (54 per 100,000). These figures do not include persons held for compulsory psychiatric detention (61 at the beginning of 2001 and 69 at the end of the year). At the end of 2001 there were just 33 female prisoners among the total (2.4%) and 13 juveniles under 18 among the sentenced population (1.3%). The rate of 54 per 100,000 at the end of 2001 is similar to that of neighbours Slovenia, Croatia and Serbia but lower than that in the other entity of Bosnia and Herzegovina and much lower than in Austria or Hungary. It is in keeping with the traditionally low level of imprisonment in former Yugoslavia.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 (excluding the unit for compulsory psychiatric treatment at Zenica) was 98% of the official capacity of the system, but by the end of the year it had risen to 119%. The worst overcrowding at the year-end was in Zenica where, despite only 40% occupancy in the pre-trial accommodation and less than 20% occupancy in the unit for juveniles, the accommodation for sentenced adults held 612 prisoners in 294 places (208% occupancy) and the 40 places in the unit for psychiatric treatment held 69 persons (172.5% occupancy). There was also serious overcrowding in the pre-trial accommodation at Sarajevo (147% occupancy), and Tuzla too was over capacity, but the problem there has been partly addressed by creating a waiting list for the admission of persons guilty of lesser (misdemeanour) offences.

The minimum space specification per prisoner, as mentioned above, was increased from 8m³ to 10m³ by the 1998 Law on the Execution of Criminal Sanctions. This is officially regarded as an increase from 3m² to 4m² and all the penal institutions have been given revised capacity figures based on the standard of 4m² (see Annex 2). Using these figures, the three largest prisons were overcrowded at the end of 2001 to the extent of 55% (Zenica), 32% (Sarajevo) and 11% (Tuzla). On this basis the average prisoner at Zenica was receiving only 2.6m² of space, and the average sentenced prisoner only 1.9m².

Accommodation, both for pre-trial detainees and sentenced prisoners, is in shared cells or rooms. In Sarajevo prison the accommodation is for two, three or four prisoners per room but in Zenica there are larger rooms, including the largest in the Federation's system, where 18 prisoners occupy a room measuring

55m². The Ministry of Justice advises that untried prisoners are always detained separately from convicted prisoners and women prisoners separately from men, as had been found to be the case in 1998 (Walmsley and Križnik, 1998 p.19). However, juvenile prisoners are not always detained separately from adults; this is reported to be a result of shortage of space, since ensuring the separate accommodation of the small number of juveniles in the system would sometimes necessitate having one room occupied only by a single juvenile. The 1998 legislation mirrors the European Prison Rules (Rule 14.1) in stating that convicted prisoners should normally be located in separate rooms for the night, but this is contrary to traditional practice in the system; almost all the rooms were constructed for multi-occupancy and are still so occupied.

Sanitary installations and arrangements for access are reported by the Ministry of Justice to be adequate to enable most prisoners to comply with the needs of nature when necessary, and in clean and decent conditions. The prison provides toilet paper for those prisoners who need it. In general, sanitary arrangements and hygiene were found to be satisfactory during a Council of Europe assessment visit in 1998, but in some prisons the level of hygiene in bathrooms was not quite adequate and the overall level of hygiene was assessed as susceptible of improvement (Walmsley and Križnik, 1998 pp.22-3). The prison administration responded to the recommendations made by arranging continuous monitoring of individual and collective hygiene by health staff who are now required to submit regular reports to the management of the prison (Husić, 1999). Every prisoner is able to have a bath or shower at least once a week.

Pre-trial detainees and short-sentence prisoners are given the opportunity of wearing their own clothing if it is clean and suitable. Long-term prisoners wear uniforms. Sentenced prisoners are provided with working clothes. A change of underclothing is provided every week and a change of bedding every two weeks. Every prisoner has a separate bed.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The Ministry of Justice reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for those who need them for health reasons or for religious reasons. The 1998 law requires that the energy value of the food supplied to adult prisoners must be at least 12,500 joules per day, while that provided to juveniles must be at least 14,000 joules.

The number of medical staff who are employees of the Federation's prison system is not large and constitutes less than 4% of all prison staff; other medical needs are met by staff on contract. Health care in the prisons is believed to be superior to that available in the community outside. This is attributed to the fact that each institution has developed its own arrangements to ensure the adequacy of necessary services. Medical equipment is however basic and needs modernisation and updating and there are some temporary difficulties in obtaining necessary drugs and medicines.

Although some prisoners do suffer from alcohol problems and the number of such prisoners is increasing, serious cases are said to be quite rare. Treatment is only provided for a small number in one institution (Zenica) although before the war the all-Bosnian prison system was served in Foča prison (now in Republika Srpska) by a special department for the treatment of alcoholism. Group work for prisoners with alcohol problems was being run by treatment staff at Sarajevo in 1998 and also (by a psychologist) at Tuzla. At Zenica a psychologist has been given the task of conducting similar work.

The Ministry of Justice reports that there is no drug problem within the Federation's prison system and only a small number of drug addicts. However, the number is increasing. There is no formal treatment programme in place to deal with such people but the psychologist at Zenica provides some treatment. There is no HIV/AIDS problem and no sign of any increase in numbers. Compulsory testing for HIV, which was being carried out on high-risk groups in 1998, has been discontinued in line with WHO guidelines. Tuberculosis is not a problem and the numbers are not increasing. There is no treatment programme in place.

Suicide and self-injury are not a serious problem in the Federation's prisons. It was clear, on the occasion of a suicide in January 1998, that the medical staff and the director of the prison concerned had shown a very diligent and caring interest in the prisoner and took the matter extremely seriously. By contrast the head of medical staff at another prison was dismissive of pre-trial detainees who injure themselves (Walmsley and Križnik, 1998 pp.27-8). The 1998 legislation contains the requirement that the costs of medical treatment, following self-injury, are to be met by the prisoner; as noted by a Council of Europe expert who was reviewing the draft legislation, this suggests an (inappropriate) punitive approach to self-harm (Coyle, 1998). There were three deaths in the prison system in 2001, none of them as a result of suicide and none from tuberculosis.

It is reported by the Ministry of Justice that the medical officer or one of his staff regularly advises the director on the quantity, quality, preparation and serving of the food, and on the hygiene and cleanliness of the institution and prisoners. However medical staff are not expected to advise on the sanitation, heating, lighting and ventilation of the institutions, despite the requirement in the European Prison Rules (Rule 31.1c). Nor in 2001 did they advise on the suitability and cleanliness of prisoners' clothing and bedding, despite Rule 31.1d and an earlier statement of the former Assistant Minister (Husić, 1999).

There were a number of invalids in the prison system in 1998, some as a result of war injuries. The suggestion was made by an invalid prisoner, and commended by the Council of Europe experts, that in a large prison like Zenica it would be desirable to locate invalid prisoners together, in order to enable them to provide emotional support and practical assistance to each other. It is understood that, following this suggestion, the general conditions whereby disabled prisoners serve their sentences have been improved (Husić, 1999).

Persons who have been ordered by the courts, following an offence, to be detained for the security measure of compulsory psychiatric treatment in a health institution, used to be held before the war in a Ministry of Health institution in Sokolac, which is now in the territory of the other entity of Bosnia and Herze-

govina, Republika Srpska, and is not available for use by the authorities in the Federation of Bosnia and Herzegovina. The Ministry of Health and the Ministry of Justice of the Federation agreed after the war that such people should be held within Zenica prison because there was spare capacity at Zenica and it was possible to accommodate them in tolerable conditions and keep them separate from the prison population. Unfortunately this arrangement, which was intended to be temporary, has now been in operation for more than 6 years and, as mentioned earlier, the unit at Zenica is severely crowded and contained 69 people at the end of 2001 despite its official capacity of 40. So permanent does the arrangement now appear to be that the prison administration has begun to include the number of those detained in the unit as part of the overall prison population, and to include the capacity of the unit as part of the prison system's overall capacity. Nevertheless "the general and expert supervision" in respect of this security measure "is conducted by the Ministry of Health" (Penal Executive Code, 1998).

Discipline and punishment

In February 1998 discipline and order were being maintained on a regular basis in all institutions, and with generally good relations between staff and prisoners. The last serious incident of disorder had been at Zenica in September 1996 as a result of a misleading radio/TV report about an amnesty. The damage, including that caused by a major fire, was severe, but the Ministry of Justice and the prison director decided, in view of the circumstances, that rather than imposing punishments, the prisoners should be required to repair the damage themselves. In 1998 punishments were being used as little as possible and lesser breaches of discipline were being resolved by discussion rather than punishment (Walmsley and Križnik, 1998 p.30). Recommendations were made however by the Council of Europe experts in respect of isolation punishment at the Mostar West prison, concerning space, lighting, toilet arrangements and the denial of the right to exercise. The prison administration reported that all recommendations were incorporated in the 1998 law and in secondary legislation (Prison Rules) and were subject to continuous monitoring.

However, as the prison population has risen (especially in the years 2000 and 2001) the Ministry of Justice reports that, with Zenica prison so seriously overcrowded, prisoners' protests and mutinies have been frequent. It became necessary to transfer less serious offenders to other prisons and to stop any further admissions. The use of disciplinary punishments in the Federation's prisons has increased. In the first eight months of 1997 just 98 disciplinary punishments were imposed, 51 of them involving isolation punishment; 58 of the punishments (54%) were in respect of Zenica prison. This is an annual rate of 147 punishments (76 of them isolation) and 87 punishments at Zenica. In the year 2000 there were 334 punishments (197 of them isolation) and 268 (80% of the total) were at Zenica. The number of punishments was thus 2.3 times than in 1997 and the number of isolations 2.6 times higher. This has to be understood in the context of a prison population which had risen by some 45% overall and

over 60% in Zenica. The further rise in the prison population that occurred in 2001 (30% overall and 40% in Zenica) was accompanied by more frequent and severer disciplinary punishments. However, punishments of isolation for 15 days are often reduced to 10 days because of the shortage of space in such accommodation.

The legislation of 1998 lists eighteen types of behaviour that are classified as disciplinary offences, the first eight of which are termed 'more severe' and may be punished with solitary confinement for up to 20 days with work. Other punishments are a reprimand and a fine of no more than 15% of the pay the offender received for work in the previous month. As noted above, the maximum penalty was reduced by the 1998 legislation from 30 days in solitary confinement to 20 days.

Contact with the outside world

Pre-trial detainees and sentenced prisoners are allowed to be visited once a week; the 1998 law on the Execution of Criminal Sanctions does not specify the frequency of visits and these regulations are included in the secondary legislation (prison rules). Prior to 1998 pre-trial detainees could generally be visited once a week but for sentenced prisoners the regulation was that at least one visit a month was permitted. Visits to pre-trial detainees are usually supervised or monitored, with the visitors separated from the pre-trial detainees by glass panels. A recommendation was made in the Council of Europe assessment report that such 'closed visits' be reserved for exceptional cases where they are essential for security reasons or because of other special features of the investigation process (Walmsley and Križnik, 1998). This recommendation has been incorporated in the secondary legislation (Husić, 1999) and the Ministry of Justice confirms that in 2001 'closed visits' to pre-trial detainees were exceptional. Visits to pre-trial detainees normally lasted fifteen minutes but this limitation has now been removed and at least 30 minutes is allowed. Visits to sentenced prisoners may be supervised or unsupervised and in some cases they are allowed to take place outside the institution (e.g. in the public restaurant at Zenica prison). More frequent visits, additional visits and longer visits may be granted by the director for good behaviour or some other positive purpose. Visits are often difficult for families to make because many do not have cars and because of the absence of a well-developed transport system. Prisoners serving longer sentences at Zenica prison are allowed to receive private (intimate) visits from their wives/partners. There is no provision for long visits (including overnight stay) from families.

Pre-trial detainees, whose contact with the outside world is subject to the approval of the investigating judge, are normally allowed not only regular visits but also correspondence by letter, including the receipt of parcels. Sentenced prisoners are allowed to send and receive an unlimited amount of letters; these are never read by the prison authorities. Prior to the 1998 legislation letters were monitored by the pedagogues (educators) on the basis that staff thereby learnt of social circumstances in which they could intervene positively.

Telephone calls may be made both by pre-trial detainees and by sentenced

prisoners. A new policy was introduced in September 1997 whereby at Zenica sentenced prisoners were divided into three groups for the purpose of internal and external benefits, with one group entitled to three phone calls a month, while the other two were entitled to one. The calls were paid for by the prison, except for calls outside Bosnia and Herzegovina. By 2001 the use of the telephone was no longer linked to such groups. There are more telephones, prisoners have phone cards and have the right to phone every day but must pay for the calls by purchasing the phone cards. Sentenced prisoners have the right to receive parcels from their immediate family members, containing underwear, objects for personal use (e.g. toiletries), newspapers, magazines and books, and money which may be used in accordance with the internal regulations of the institution.

Sentenced prisoners are given good opportunities for prison leave. The various types of leave include 5 or 10 hour leaves into the town, 48 hour weekend leaves, leaves up to 7 days in case of serious illness or death of a member of the immediate family, and annual leaves (holiday) of 18-30 days for those who have worked continuously for 11 months. Most prisoners who have served at least one sixth of their sentence, are behaving satisfactorily in prison and are not regarded as a security risk or as likely to commit offences while they are away, are granted leaves. Their frequency depends on behaviour and the internal regulations of the individual prison (Walmsley and Križnik, 1998 pp.34-5).

Sentenced prisoners are able to keep themselves informed of the news by reading newspapers, listening to the radio and watching television. Other contacts with the world outside include opportunities to go out in order to play on sports fields or watch football matches, and direct contact by the pedagogues (educators) with prisoners' families where relationships are disturbed, with meetings taking place either at the prison or in the families' homes.

Religious assistance

In 1995 the law was changed to allow freedom of religion and of religious practice. Rooms have been prepared for this purpose on the basis of advice from the main religious bodies and sometimes with their financial support. Religious representatives visit the institutions. The intention is to cater for prisoners practicing Islam, Roman Catholicism and the Orthodox religion. Some 80% of prisoners are Bosniacs (Muslims), 12-15% Croats (Roman Catholic) and 1-2% Serbs (Orthodox). The rooms available for religious practice reflect this distribution and the interest shown by members of the denominations concerned (ibidem, pp.35-6). The opportunities for religious practice by pre-trial detainees appeared in 1998 to be inferior to those available for sentenced prisoners, but it is understood that efforts have since been made to increase these opportunities.

Prison staff

The Ministry of Justice reports that it is able to recruit and retain staff of adequate calibre, except in respect of specialist staff. For other posts there is competition and the Ministry is able to insist on good standards. Nonetheless the

number of security staff was some 9% (42) below complement in 2001. Recruiting specialist staff is difficult: there is a shortage of pedagogues (educators) and psychologists and it is also hard to obtain full-time medical staff, though easier to obtain their services on contract. There were 32 pedagogues (educators) and psychologists in the system in 2001, divided approximately equally between the two specialisms. There were 42 other treatment and medical staff, but the total was some 21% (20) below complement.

The Ministry of Justice employed 669 staff in the prisons at the beginning of 2001 and 719 at the end of the year, having appointed 45 extra security staff and 5 extra treatment staff. This was in response to the rise in the prison population. At the end of the year there were 37 management staff in the prisons, 440 security staff, 74 treatment staff (including pedagogues, psychologists and medical staff) and 168 administrative and secretarial staff and others working in connection with prisoners' employment. The overall ratio of staff to prisoners is 1 : 2.0 or, if the ratio is calculated only on the basis of management, security and treatment staff in the prisons, 1 : 2.5.

New recruits have six months preliminary training (both practical and theoretical) including training in psychology, in the work of a pedagogue and in the provisions in the legislation on the execution of criminal sanctions. After a further period of six months they must pass an examination, as is required of all public servants, in order to be formally commissioned and appointed by the Minister. There are some benefits for prison staff in comparison with other public servants; twelve months work in the prison service count as sixteen months for pension purposes. Additionally pensions are calculated on the basis of the last ten years income. Staff with at least twenty years service, including ten years in penal institutions, receive salaries 30% higher than the same grade in other public service (government administration) work.

There is no training school for staff of the Federation prison system. Training is consequently conducted mainly 'on the job'. Some staff in Bosnian Croat cantons and having mainly Croat staff were receiving training in the Croatian capital Zagreb in 1998 (Walmsley and Križnik, 1998 p.37). By 2001 this practice had been discontinued. It is said that since staff are required to pass exams set by the Ministry of Justice in Bosnia and Herzegovina this has meant that training in Croatia has lost its value.

Staff morale was said to be very good (*ibidem*). The Ministry of Justice regularly informs the public about the work of prison staff and the role of prisons by means of meetings with the media, and requests by the media for interviews with prison directors are invariably granted. Regular staff meetings are held to promote the exchange of ideas, experience and good practice. Relations between senior staff and their more junior colleagues are said to be generally such as to encourage high standards, efficiency and commitment. Security staff work increasingly closely with treatment staff and thus contribute to the treatment process.

In the institutions for male prisoners approximately 15% of staff are women, working mainly as treatment staff (pedagogues) or in administrative positions. In the women's sections of the penal institutions about 40% of the staff are men, employed mainly as security staff or on administrative work.

Treatment and regime activities

The key person in the treatment of sentenced prisoners is the pedagogue (educator). According to the 1998 legislation pedagogues must have a university education and are responsible for a group of some 50 sentenced prisoners. After undertaking the initial social analysis, which determines where newly admitted prisoners will be located, where they will work (if fit to do so), and what their treatment programme will be, the pedagogue organises the treatment and other regime activities, acting also as social worker and adviser. The Assistant Minister of Justice reported that at the end of 2001 the usual number of prisoners in a pedagogue's group was indeed 50.

Sentenced prisoners spend most of their time out of their cells/rooms, which are normally unlocked 24 hours a day. This applies whether they are working or not. However the Council of Europe assessment team considered that there was a shortage of positive activities to occupy prisoners and enable them to develop skills and aptitudes that would improve their prospects of resettlement after release (Walmsley and Križnik, 1998 p.43). The Ministry of Justice reports that in 2001 the main treatment programmes and activities available for sentenced adult prisoners are cultural, sporting and entertainment; treatment programmes for juveniles are similar to those for adults but include educational activities.

Where other constructive activities are undertaken they are reported to be "more a product of the enthusiasm of the staff than of some systematic arrangements" (Husić, 1999). A number of these were noted. Programmes were underway which specifically addressed prisoners' attitudes where these were seen as likely to result in criminal actions. The psychologist in Tuzla prison was holding group meetings with murderers and violent offenders, with those who had disturbed family relationships and with alcoholics. Programmes dealing with anger control and handling personal relationships were aimed at helping prisoners to cope with their life in such a way that they can solve problems which arise without resorting to crime (Walmsley and Križnik, 1998 p.44).

Prisoners were also being encouraged to participate in the planning, and sometimes the monitoring and amending, of the treatment plans that are proposed by the pedagogue at the end of the admission period. They were also being given opportunities in some prisons to discuss on a regular basis aspects of prison life such as matters that give rise to complaints and other issues of interest and concern. Sometimes these were small meetings of a group of prisoners and a pedagogue and sometimes they were in the form of prisoners' councils. The consistent aim was to involve the prisoners in discussions about their own treatment and environment and to motivate them to participate as responsible adults in the life of the institution. These initiatives are very much in accordance with Rule 69 of the European Prison Rules.

Pre-trial detainees normally spend only one hour out of their cells/rooms per day, giving them the opportunity for exercise in the open air but for nothing else, unless they receive a visit. Indeed in 1998 it was found that pre-trial detainees in three prisons were receiving less than half the period of at least one hour's exercise that is recommended in Rule 86 of the European Prison Rules (Walmsley and

Križnik, 1998 p.53). It was reported by the Ministry of Justice in 2001 that every prisoner is allowed at least one hour of walking or suitable exercise in the open air each day. Sentenced prisoners are often allowed two hours of such exercise.

The Ministry of Justice reports that they are unable to make pre-release arrangements to assist prisoners in returning to society, family life and employment after release. Nonetheless some pedagogues devote much time to increasing contact with the family and preparing prisoners in a variety of ways for the situation they will face when they leave the prison. The intention in 1999 was to have at least one social worker per institution with the responsibility for working on preparation for release (Husić, 1999). The prison administration reports that there is a system of conditional release under which approximately 54% of sentenced prisoners are released before the end of their sentences.

Unfortunately, social service agencies in the community are not well resourced for assisting released prisoners to re-establish themselves in society. Despite approaches to the Centres for Social Work (CSW) from pedagogues in the prisons seeking assistance with employment, re-integration into family life etc. they do not always receive replies and even when they do the CSWs are often unable to help, since they are poorly staffed and have many other demands on their resources. Some prisons receive a better service from the CSWs than others and efforts have been made to improve contacts, but it was reported that the liaison is not consistently effective anywhere and is often unsatisfactory (Walmsley and Križnik, 1998 p.46).

Prison work

Sentenced prisoners are required to work if they are fit to do so and work is available for them. The legislation places the responsibility on the prisons to give all convicted persons who are capable of working the possibility to work in the economic units (plants, workshops, farms and other organisational units of the institution as well as outside the institution). It also provides that prisoners with sentences of no more than 6 months may continue to work for the company by whom they were employed prior to being sentenced, if this is consistent with security, if the prisoner and the company agree and if the company is located near enough to the prison.

Major efforts are made to find work for the prisoners and in the four largest prisons at least half of the sentenced prisoners who are fit to work have employment of some kind. In Tuzla almost all are employed. At the end of 2001 some 69% of sentenced prisoners in the Federation prison system were employed; about half are engaged in domestic work (including cooking and cleaning), and the other half in work in the economic units at Zenica, Tuzla and Mostar.

No pre-trial detainees have employment. The law on criminal procedure only allows the employment of those who have already been indicted or whose main trial has been completed and a conviction registered; even so they may only work if permission is received from the court where the proceedings are being conducted. But it is the difficulty of finding work that explains the fact that not a single pre-trial detainee is employed.

Notable successes in terms of the quality of work available are restaurants at

both Tuzla and Zenica that are open to the public, well-run, and thoroughly pleasant places in which to dine. The cooks and waiters are prisoners working under supervision. It is reported that prisoners working as waiters at the Tuzla restaurant are regularly offered jobs to be taken up when they are released, it being difficult to recruit good quality waiters anywhere else in the area. The agricultural unit at Zenica is also very successful. Zenica sells bread, eggs (and gas from the energy unit) to the public (Walmsley and Križnik, 1998 pp.47-8).

The economic unit at Zenica includes a foundry and a grinding area which was in very poor condition in 1998 (*ibidem*, p.48). It was full of dust and dirt, the light was poor and the temperature unregulated. There was danger to the prisoners from the open burners and they did not routinely wear protective clothing. It was generally recognised that conditions were such that if it could not be reconstructed it would need to be closed. About 100 civilian employees from the town worked in the unit alongside the prisoners and the prison authorities felt responsible for their future employment as well as that of the prisoners. New equipment has since been obtained and the roof has been reconstructed. Regulations in respect of the protection of prisoners at work were included in the 1998 legislation but it is recognised that staff training, improved protective equipment and better material conditions are necessary if these regulations are to be consistently implemented.

The economic unit at Tuzla prison, sited at Koslovac nearby, was taken over by the army during the war and only recovered by the prison in 2001, despite a government decision to return it having been announced in 1999. Prior to the war it contained fruit trees, premises for cattle-breeding, land for growing vegetables and a motel. A unit of about 100 prisoners was living and working on the farm by mid-2002 and the motel has been renovated for use not only by prisoners' visitors but for other (official) visitors also.

Prisoners are paid between a third and a half of the salary received for equivalent work in the community. The average monthly pay for prisoners employed at 31 March 2001 was 77 convertible marks (KM) or about 40 euros, with considerable variation between the institutions. At Sarajevo the average was 105 KM, at Bihać and Tuzla 93 KM, at Zenica 81 KM, at Mostar 72 KM, and at Orašje 40 KM. Those unable to work and from poor families may be given a small sum to help with the purchase of toiletries and other personal items, including the means of sending letters. In Tuzla this is arranged by means of a social assistance fund which was established in 1997 on the initiative of the officer in charge of employment. The money is raised by depositing a sum from regular resources received for the running of the prison. Prisoners in need of such help benefit periodically by receiving a sum of not more than 50 KM and prisoners participate in decisions as to who needs such assistance.

Vocational training and education

Vocational training is available in Zenica prison (in the bakery, the foundry and the restaurant) and in Tuzla (in the restaurant).

Organised education is only available at Zenica. Elsewhere individual pris-

oners are allowed to leave the prisons to receive education outside. Younger prisoners at Zenica who have not completed normal education but are capable of doing so will have this included in their treatment programme and they are strongly encouraged to accept it. There are no programmes of remedial education arranged for prisoners with special problems such as illiteracy and innumeracy but it is reported by the Ministry of Justice that it is rare for there to be illiterate prisoners.

The larger prisons in the Federation have libraries, and efforts are made in the smaller institutions to provide prisoners with books by a variety of means, including staff bringing books from their homes. At Zenica the library contains some 7,000 books and is said to be used by about 70% of sentenced prisoners.

Inspection and monitoring

A system of inspections monitors the extent to which the prisons are operating in accordance with the laws and regulations and the objectives of the Office for the Execution of Criminal Sanctions. Inspections are conducted by the Ministry of Justice. In 1998 the two inspectors, a lawyer who was formerly director of Banja Luka prison (now in Republika Srpska) and a psychologist and pedagogue who was formerly head of the treatment service at Sarajevo prison, worked together in each inspection, the former concentrating on security and legal aspects and the latter on treatment aspects. By 2001 the former inspector had been succeeded by another who had worked at management level in the treatment service; both inspectors cover security and treatment aspects. The procedure is that after inspecting the institution itself they meet with senior staff. A report is then written recording opinions, impressions, matters that could be improved and ways of improving them. This is sent to the director of the prison within two or three days of the inspection. The director may comment on it and draw attention to anything with which he disagrees. Comments on the material conditions of the prison will lead to an approach, which will often be unsuccessful, to the Ministry of Finance, seeking additional resources to make the necessary improvements (Walmsley and Križnik 1998, p.16).

The Assistant Minister explained that the purpose of each inspection is to improve the quality of work across the whole system. Lessons learned in one prison are passed on to others. As a result of inspections, organisational meetings are often held of particular categories of staff. The inspections not only check that the institutions are being run in accordance with current law and regulations: the inspectors also act as counsellors and meet with different categories of staff and also with all prisoners gathered together. They also meet separately with any who want to see them in private and distribute a questionnaire for prisoners to complete anonymously. The aim is to gather as much information as possible as to what happens in the prison. On the basis of all this, instructions or recommendations are given in the interests of increasing efficiency and improving practice (*ibidem*, p.17).

The form and content of inspections is entirely in accordance with the intentions of Rule 4 of the European Prison Rules. Inspection reports were studied

during the Council of Europe assessment visit and appeared to be careful, well-focused, critical where necessary and clearly aiming at continual progress. They ended with specific recommendations and deadlines by which these must be carried out. Most of the recommendations indicated that action must be immediate and become a permanent requirement. Inspections of each prison are carried out at regular intervals and additionally if there seems to be an urgent need.

Prisons are also monitored by the investigating judges and by international bodies such as the Office of the High Representative for Bosnia and Herzegovina, the Office of the United Nations Mission to Bosnia and Herzegovina, the Organisation for Security and Co-operation in Europe, the International Police Task Force, the European Monitoring Mission and the International Committee of the Red Cross. With the accession of Bosnia and Herzegovina to the Council of Europe in April 2002 it is to be expected that, following ratification of the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Committee which monitors that Convention, the CPT, will join the list of bodies that monitor the prison system.

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prison and the treatment of prisoners, are reported to be widely available in the Federation prison system and used in staff training. The Assistant Minister and the directors of the penal institutions have copies of these standards, as do other staff in the Office for the Execution of Criminal Sanctions and in each penal institution. Copies are also said to be available to be read by prisoners.

Non-governmental organisations

The Assistant Minister reports that non-governmental organisations visit the prisons in order to monitor practice and protect human rights. These are mainly the international organisations referred to above. The Ministry of Justice considers this work to make a positive contribution. There are also occasional visits from religious representatives.

International co-operation

The prison service of the Federation of Bosnia and Herzegovina has not been involved extensively in international co-operation but, following the Council of Europe's assessment visit in 1998 and the production of the report, meetings have been arranged under the auspices of the Council of Europe in order to discuss progress and a steering group has been established, bringing together the prison services of both entities of Bosnia and Herzegovina. An action plan has been developed, a study visit took place to Slovenia and Croatia and a meeting took place early in 2002 to discuss methods of coping with the sharp rise in the prison population.

Other matters

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections and there are no limitations on prisoners' right to vote after they are

released from prison.

The Ministry of Justice Office for the Execution of Criminal Sanctions produces an annual report. The Penological Association of the Federation of Bosnia and Herzegovina, consisting of senior members of the prison service, published in March 2002 the first (80 page) issue of a journal 'Penološka Teorija I Praksa' (Penological theory and practice) consisting of some 15 articles about important issues concerning the prison system.

Important recent developments

The following are regarded by the Ministry of Justice's Office for the Execution of Criminal Sanctions as some of the most important recent developments affecting the prison system of the Federation of Bosnia and Herzegovina:

- the introduction of the 1998 Law on the Execution of Criminal Sanctions, which largely incorporates the standards in the European Prison Rules;
- the abolition of ethnically-based prisons as a result of the closing of the Mostar East (Bosniac) prison in 2001 and its amalgamation with Mostar West, which after the war had been the Croat prison;
- improved conditions for the employment of prisoners, e.g. with the return in 2001 of Tuzla's economic unit at Koslovac;
- the increase in prison capacity and the renovation and adaptation of institutions that were devastated in the war of 1992-95.

Current objectives

The following are some of the main objectives reported by the Assistant Minister of Justice:

- to bring conditions in the prisons closer to European standards as set out in the European Prison Rules;
- to introduce a further new Law on the Execution of Criminal Sanctions in the Federation, embodying all criminal sanctions including those not involving imprisonment, and to eliminate variations in practice in the cantons by bringing them under this single legislative Act;
- to create a prison for women and a unit for carrying out the security measure of compulsory psychiatric treatment in a health institution;
- to create a correctional home for juveniles (under 18);
- to increase opportunities for the employment of prisoners.

Main problems

The following were identified as problems that are obstacles to the achievement of some of the above objectives and to the advancement of the prison system in the Federation of Bosnia and Herzegovina:

- the sharp rise in the prison population – 30% in 2001;
- overcrowding, especially in Zenica and Sarajevo prisons, but also in Tuzla;
- shortage of equipment and the absence of other conditions necessary for

- the normal working of the institutions;
- the fact that there are insufficient trained staff, both security staff and treatment staff;
- the inflexible system of financing activities, with a rigid annual budget which cannot be adjusted to the changing prison population;
- the absence of a prison for women and of a unit for carrying out the security measure of compulsory psychiatric treatment in a health institution.

Achievements

The Ministry of Justice was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by other prison systems. They drew particular attention to:

- the meetings that are held for prison staff to exchange ideas, experience and good practice;
- the opportunities provided to staff for socialising, including sporting activities. This is said to have led to good relations between staff working in different institutions.

Further achievements of the prison system in the Federation of Bosnia and Herzegovina include:

- the reconstruction and renovation that has been achieved since the end of the war of 1992-95;
- increasing the minimum space allowance per prisoner from 8m³ (3m²) to 10m³ (4m²);
- the arrangements that have been made to improve the conditions under which disabled prisoners serve their sentences, including the creation of a ground-floor unit for amputees;
- the adaptation of bathrooms for disabled prisoners and the provision of a person to care for their special needs;
- increasing the frequency with which pre-trial detainees may be visited to once a week, and allowing them also to make telephone calls;
- providing sentenced prisoners with good opportunities for home leave;
- pedagogues (educators) making contact with prisoners' families where necessary, in order to improve relationships between the families and the prisoners;
- the overall ratio of prison staff to prisoners being 1 : 2.0, or 1 : 2.5 if the ratio is calculated only on the basis of management, security and treatment staff in the prisons;
- the fact that security staff work increasingly closely with treatment staff, thus giving the former a more forward-looking role than the traditional one of simply ensuring good order and discipline;
- the efforts that are made to involve prisoners in decisions about their treatment and environment and to motivate them to participate as responsible

- adults in the life of the institution;
- having good quality work for prisoners available in public restaurants run by Tuzla and Zenica prisons;
- having established a social assistance fund (in Tuzla) to assist prisoners who are without any other source of money (as a result of unemployment or poverty);
- having a thorough internal (Ministry of Justice) inspection system, which not only checks that the institutions are being run in accordance with current law and regulations but also aims to improve the quality of practice across the whole prison system;
- accepting and implementing (in 1999) all recommendations in the Council of Europe assessment report of 1998 that did not require significant material investment and for which existing resources were sufficient and, where possible, going beyond the measures recommended.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. Relations between staff and prisoners are generally good and there are many examples of good practice.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to ensure that all juveniles, including pre-trial detainees, are held separately from adults;
- to ensure that sanitary installations, and arrangements for access, are adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions;
- to pay particular attention to the further development of staff training for all levels and types of staff;
- to require medical staff to advise the director, in accordance with Rules 31.1c and d of the European Prison Rules, on the sanitation, heating, lighting and ventilation of the institutions and the suitability and cleanliness of prisoners' clothing and bedding;
- to develop programmes of constructive activities, including education and vocational training, to occupy prisoners' time in a positive manner and enable them to develop skills and aptitudes that will improve their prospects of resettlement after release;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after release.

Annex 1

BOSNIA AND HERZEGOVINA - FEDERATION : Numbers in the penal institutions 1994-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate**)
1994	626	25	2.5 million
1995	536	21	2.5 million
1996	586	23	2.5 million
1997	754	30	2.5 million
1998 (31/1)	769 (810*)	31 (32*)	2.5 million
1999 (31/8)	836 (892*)	33 (36*)	2.5 million
2000	1,041 (1,102*)	42 (44*)	2.5 million
2001	1,359 (1,428*)	54 (57*)	2.5 million

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	320	30.7	13
(31/12)	333	24.5	13
Female prisoners in 2001			
(31/12)	33	2.4	1
	TOTAL among sentenced population	Percentage of sentenced population	
Juveniles (under 18) in 2001			
(31/12)	13	1.3	
Foreign prisoners in 2001			
(31/12)	39	4.0	

* The figures in brackets include persons who have been ordered by a court, following an offence, to be detained for the security measure of compulsory psychiatric treatment in a health institution. Such persons were held before the 1992-95 war in a Ministry of Health institution, which is no longer available to the authorities in the Federation of Bosnia and Herzegovina. They are consequently being held, on a temporary basis, in a separate unit in Zenica prison.

** Since the war of 1992-95 there is no authoritative figure for the population of the Federation of Bosnia and Herzegovina. The estimate of 2.5 million is generally accepted as a reasonable approximation.

Annex 2

Penal institutions in the Federation of Bosnia and Herzegovina: functions and capacity, 2001

1	Zenica	Closed prison for pre-trial detainees (55), sentenced prisoners - including those serving more than one year (294), juveniles (75) and those detained for compulsory psychiatric treatment (40)	464
2	Sarajevo	Closed prison for pre-trial detainees (128) and short sentence prisoners – including eight places for women (71)	199
3	Sarajevo-Ustikolini	Department of Sarajevo prison, separately located, for pre-trial detainees (12) and short sentence prisoners (12)	24
4	Tuzla	Semi-open prison for pre-trial detainees (52) and short sentence prisoners - including 27 places for women (148)	200
5	Orašje	Department of Tuzla prison, separately located, for pre-trial detainees (14) and short sentence prisoners (14)	28
6	Mostar	Semi-open prison for pre-trial detainees (80) and short sentence prisoners - including 12 places for women (62)	142
7	Bihać	Semi-open prison for pre-trial detainees (26) and short sentence prisoners (55)	81
8	Busovaća	Department of non-existent prison of Tomislavgrad for pre-trial detainees (20), and short sentence prisoners (25)	45

TOTAL (at end of 2001) **1,183**

Note: The capacities of the institutions are based on an allowance of 4m² per prisoner.

Annex 3

Federation of Bosnia and Herzegovina: principal sources of information

Response by the Assistant Minister of Justice, Mr Rešad Fejzagić, to survey questionnaires for this project.

Mr Dzemaal Husić, former Assistant Minister of Justice, and other senior officials and prison directors at the time of the Council of Europe assessment visit in February 1998.

Council of Europe, 2000. First Steering Group meeting on the reform of the prison system of Bosnia and Herzegovina, Strasbourg, 16-17 October 2000. Council of Europe, Strasbourg

Council of Europe, 2001. Second Steering Group meeting on the reform of the prison system of Bosnia and Herzegovina, Neum, 28-29 November 2001. Council of Europe, Strasbourg

Coyle A. and van der Linden B., 1998. Expert opinions on the draft law on the execution of punishments of the Federation of Bosnia and Herzegovina. Council of Europe, Strasbourg

Federation of Bosnia and Herzegovina, Ministry of Justice, 1997. Information on the state of the prison system and the execution of criminal sanctions in the Federation of Bosnia and Herzegovina. Sarajevo

Federation of Bosnia and Herzegovina, Ministry of Justice, 2001. Report on the state of the places for the execution of sanctions in the Federation of Bosnia and Herzegovina. Sarajevo

Fejzagić R., 2002. The topical issue of the anticipation of the growth of the prison population and adjustment of facilities to the projected number of prisoners in the Federation of Bosnia and Herzegovina. Unpublished paper for Council of Europe meeting in Sarajevo, April 2002.

Husić D., 1999. Information on measures undertaken upon proposals of the Council of Europe experts. Unpublished paper, September 1999.

Penological Association of the Federation of Bosnia and Herzegovina, 2002. 'Penološka Teorija I Praksa' (Penological theory and practice). Zenica.

Walmsley R. and Križnik I., 1998. Report of an expert visit to the Federation of Bosnia and Herzegovina, February 1998, to describe and assess the prison system. Council of Europe, Strasbourg

26. Bosnia and Herzegovina: Republika Srpska

Legislative framework

A new Penal Code was approved on 22 June 2000; a new Penal Procedural Code was in the course of the legislative process at the beginning of 2002. These Codes replace legislation dating back to 1984 and 1976. A new Penal Executive Code, known in Bosnia and Herzegovina as the Law on the Execution of Criminal Sanctions (LECS), was passed in 1993 in Republika Srpska (RS), in order to demonstrate the authority of RS in such matters and also “to introduce modern ideas into the very sensitive field of human rights and liberties by normative rules” (Bubić G. and Djukić B, 1996). The 1993 law indicated the intention of having open, semi-open and closed institutions and stated that recidivists and those sentenced to more than one year (or with more than one year left to serve) should serve their sentences in a penal-corrective institution (*kazneno-popravni dom*), while those with sentences of a year or less should serve their time in a district prison (*okružni zatvor*).

The provisions contained in the 1993 law were unable to be fully implemented and have now been superseded by a new Code ‘The Law on the Execution of Criminal and Misdemeanour Sanctions’ which was approved by Parliament and enacted in November and December 2001 and came into force on 1 January 2002. The intention of the 1993 law concerning the type of institutions in which prisoners should serve their sentences is repeated in the new law. The Ministry of Justice is preparing by-laws, regulations, statutes and instructions elaborating individual provisions of the law and “creating a normative framework to facilitate application of the law both by prison staff and convicted persons” (Čurković, 2002). The intention in both the law and the regulations is “to incorporate all positive experiences from neighbouring countries while consistently observing the European Prison Rules and international standards in this domain” (*ibidem*).

Organisational structure

The prison system in Republika Srpska is under the Ministry of Justice, as it has been in all of Bosnia and Herzegovina since 1968. As in the Federation of Bosnia and Herzegovina, there is no head of prison administration, but the Assistant Minister of Justice in charge of the Division for the Execution of Criminal Sanctions approximates most closely to such a role. However he is formally an assistant to the Minister who gives advice in respect of the prison system and coordinates its activities; he is not the titular head of that system. The directors of the prisons are appointed and dismissed by the government on the proposal of the Minister of Justice. This structure was standard practice in the republics of former Yugoslavia.

The Assistant Minister of Justice, Mr. Strahinja Čurković, a former investigating judge, assumed his post in 1997. At the end of 1998 he was assisted by

two other staff, a prison inspector and a lawyer both of whom were based not in the Ministry of Justice in Banja Luka but in Bijeljina. There were three vacancies in the department, all for inspectors. In 2001 the Assistant Minister was assisted by two inspectors, one with responsibility for security matters and the others for treatment (education) and the human rights of prisoners, and by mid-2002 two further inspectors had been appointed, and another adviser. Two of the inspectors were formerly prison directors and the other two former deputy directors. Two were based in Bijeljina, one in Banja Luka and one in Srbinje/Foča.

There were six penal institutions in 2001 with a total capacity of 1,095. Three are designated penal-corrective institutions, Banja Luka and Srbinje/Foča which are maximum security and Srpsko Sarajevo (Kula) which is medium security. These have capacities of 291, 298 and 155 respectively. The other three institutions are designated as district prisons with capacities ranging from 72 to 146. Trebinje prison, used by the government as a refugee centre after the war, was returned to the prison system in October 2000.

Srbinje/Foča is a large prison, which was built as a military barracks in 1892 under the Austro-Hungarian Empire. Its facilities before the war of 1992-95 included the prison hospital for Bosnia and Herzegovina, a very large furniture factory, a cinema hall with 500 seats, a school and workshops. Neither the prison hospital, nor the school or cinema is now functioning because of war damage or shortage of resources. The prison is situated near a bridge over the river Drina which was bombed in the war. The bombardment caused much damage to the prison; the plumbing and electrical system were put out of action and roofs, windows and the prison façade all suffered significantly. All roofs have since been reconstructed and also the windows and the façade. The plumbing has been partly repaired but the heating system was still inoperative at the end of 2001 and rooms are heated only by wood-fired stoves. In 1998 Srbinje/Foča still had a notional capacity of 900, but there were only facilities for about one third of that number and the prison capacity has since been adjusted accordingly. Bijeljina is the oldest of the other prisons, having been built in the 1930s as an industrial complex.

Pre-trial detention

The level of pre-trial detention in Republika Srpska has changed little in the last few years, and in November 2001 was at a rate of 14 per 100,000 of the estimated population of the entity. Pre-trial detainees constituted 21.4% of the prison population at that time. This rate of 14 per 100,000 (which fell to just over 13 early in 2002) and those in the other former republics of Yugoslavia (which, apart from Montenegro, range from 7 to 19), are lower than those in any other prison system in central and eastern Europe. The average length of pre-trial detention in 2001 was four months in Banja Luka, but longer elsewhere because there are fewer judges outside the capital.

The pre-trial detention process at the end of 1998 was that a suspect detained by the police could be held for up to 72 hours in a police lock-up. After that he

had either to be released or to be transferred to a prison under a court order. A new draft law, harmonising the situation in both entities of Bosnia and Herzegovina, would reduce the time a suspect may be held in police custody to 24 hours.

The numbers held in penal institutions

During and immediately after the war no statistics were kept of the number of prisoners held in Republika Srpska. The first figures available are for April 1998. There were then 787 prisoners in the penal institutions but a total of 872 (67 per 100,000 of the estimated entity population) were registered as inmates of the institutions. The latter figure includes escapees, prisoners away in hospital and those who are on temporary leave. At the beginning of November 2001 the number registered was slightly lower at 849 (65 per 100,000), but it had risen to 903 (69 per 100,000) by March 2002 (Annex 1). The number actually in the penal institutions was 15-20% lower than this (682 in November 2001 and 773 in March 2002). Of the 130 absent prisoners in March 2002, 97 were recorded as escapees, 15 in hospital and 18 on temporary leave. There were just 21 female prisoners among the total in March 2002 (2.3%) and eleven juveniles under 18 (1.25%). The prison population rate of 69 per 100,000 in March 2002 is higher than that in the Federation of Bosnia and Herzegovina and in Slovenia, Croatia and Serbia but lower than that in Montenegro and much lower than in Austria or Hungary. This is in keeping with the traditionally low levels of imprisonment in former Yugoslavia.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of November 2001 was 77.5% of the official capacity of the system. By March 2002 it had risen to 82.5%. The most crowded institution was Bijeljina, where there was an occupancy level in the accommodation for sentenced prisoners of 129% in March 2002.

The official minimum space allowance per prisoner has for many years been 8m³ which is regarded as 3m². No change has been made in the recent legislation. However, following the Council of Europe assessment report (Walmsley and Nestorović, 1998), which referred to the need for at least 4m² per prisoner, the Ministry of Justice has analysed the space available in its institutions and reduced the capacities of every prison by 15-30% (more in Srbinje/Foča). Official statistics now show the capacity of each institution, the average space that this would allow each prisoner in terms of m³ and m², the occupancy of each institution, and the average space that is consequently available to each prisoner in practice. Particular attention is paid to the extent to which the level of 4m² is reached. The overall capacity of the system now affords sentenced prisoners an average of 3.4m² of space and pre-trial detainees an average of 3.6m², but the capacity figures in the individual prisons allow differing amounts per prisoner ranging, for sentenced prisoners, from 4.1m² in Srpska Sarajevo (Kula) to 2.0m² in Bijeljina and, for pre-trial detainees, from 5.2m² in Trebinje to 2.4m² in Bi-

jeljina. Using the occupancy figures in November 2001 and March 2002 it is clear that in all institutions apart from Bijeljina the target of at least 4m² is achieved or almost achieved. In two prisons, Srpsko Sarajevo (Kula) and Trebinje, all prisoners were receiving at least 4m². But in Bijeljina which, as already seen, exceeds its official capacity level for sentenced prisoners, a level which allows only 2m² of space each, sentenced prisoners were receiving only 1.5m² each, on average, in March 2002.

Accommodation, both for pre-trial detainees and sentenced prisoners, is in shared cells or rooms. The numbers per room vary from prison to prison but the most prisoners accommodated in one room is said to be 14 in a room measuring 47.5m²; in 1998 dormitories in Srbinje/Foča prison were for 25. The Ministry of Justice has accepted the principle of converting large rooms/dormitories into smaller rooms or cells, but they have not yet been able to make this change. Untried prisoners are reported by the Ministry of Justice to be always detained separately from sentenced prisoners, women prisoners separately from men and juveniles separately from adults. Exceptions to the policy of keeping sentenced prisoners separately from pre-trial detainees were noted at the end of 1998 at three prisons involving four or five pre-trial detainees. In each case they had requested to be alongside sentenced prisoners (in order to work or, in the case of a lone women at Banja Luka, for company) and the approval of the courts had been obtained (Walmsley and Nestorović, 1998 para 7.4).

Lighting and ventilation were found to be generally satisfactory at the end of 1998 but heating was a major problem in several of the prisons. The normal heating systems in Srbinje/Foča and Kula prisons were inoperative and use was being made of small furnaces, which burned wood. The heating system at Banja Luka had been repaired with assistance from the International Committee of the Red Cross. The entity government made available at that time special assistance in the form of charcoal, oil for heating and firewood (*ibidem*, para 8.3). It has subsequently proved impossible to repair the boiler room and heating installation at Srbinje/Foča and the situation there at the end of 2001 was unchanged; the necessary repairs have been made at Kula.

Sanitary installations and arrangements for access are reported by the Ministry of Justice to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides the toilet paper. In general sanitary arrangements were found to be good at the time of the Council of Europe assessment visit (*ibidem*, para 8.6) but the cleanliness of some sanitary installations was unsatisfactory.

Every prisoner is able to have a bath or shower at least once a week, and changes of underclothing are provided twice a week. At the end of 1998 the personal hygiene of prisoners did not always satisfy them and some complained that they were provided with insufficient toilet articles; staff explained that they would like to provide more but financial resources were inadequate (*ibidem*, para 9.2). Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Because of the shortage of resources prisoners could not always be provided, at the end of 1998, with working clothes or boots/shoes (*ibidem*, para 9.6), and the situation was unchanged at the end of 2001. Every prisoner has a separate bed.

Food and medical services

The quality and quantity of food are said to be close to average standards in communal catering outside. However, the Ministry of Justice reports that it is unable to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for those who need them for health reasons or for religious reasons. They are also provided for pregnant women and those who have recently given birth and for juveniles. The new (2001) law requires that the energy value of the food supplied to adult prisoners must be at least 12,500 joules per day, while that provided to juveniles must be at least 14,500 joules.

The number of medical staff who are employees of the RS prison system is very small and constitutes just 2% of prison staff. Other medical needs are met by staff on contract and there are arrangements for outpatient clinics and local hospitals to deal with specialist examinations and other interventions. The Council of Europe assessment report, based on the situation at the end of November 1998 when there was no full-time doctor in the system and just six medical technicians (nurses) - 1% of all prison staff, considered such arrangements to be unsatisfactory and recommended that the Council of Europe supply an expert in health care to advise on improvements (Walmsley and Nestorović, 1998 paras 10.6-10.9); since then the numbers have increased – there were 11 medical staff, including dentists, at March 2002 – and there is now one full-time doctor at Bijeljina. Elsewhere contract staff are used instead. Until the recent appointment at Bijeljina there had been no full-time doctor in the system since 1992; efforts to recruit doctors have been unsuccessful because qualified people prefer the more lucrative work available in the community outside. A dental service has been provided in all prisons, with the dentist either as a full-time employee or on contract.

Many prisoners suffer from alcohol problems and the numbers are increasing; the Ministry of Justice reports that a treatment programme is in place. Not many prisoners within the RS prison system have a drug problem but numbers are nevertheless increasing. There is again reported to be a treatment programme in place. HIV/AIDS is not reported to be a problem and numbers are not increasing. Despite World Health Organisation guidelines to the contrary, all prisoners are tested for HIV/AIDS. Tuberculosis is not a problem and numbers are not increasing; again the Ministry of Justice reports that there is a treatment programme available. No prisoner died of tuberculosis or as a result of suicide in 2001; there were just two deaths in the prison system as a whole.

Suicide and self-injury are not a serious problem in the RS prisons; incidents are rare. Nevertheless the new law includes “jeopardising one’s own health by self-inflicting injuries” as a disciplinary offence. Disciplinary punishment is generally considered an inappropriate response to such behaviour (e.g. Walmsley, 2001 para 39).

Health care in the prisons is believed to be superior to that available in the community outside. This is attributed to the fact that people outside often have to wait a long time to get a medical examination and some are unable to buy the necessary medicines. During the war it became difficult to acquire medicines and these were obtained from humanitarian organisations. Medicines are now bought on the market. Medical equipment is basic and needs modernisation. There are shortages of some medicinal drugs.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

Discipline and punishment

The disciplinary punishments available in the RS prison system under the new legislation are reprimand, deprivation of benefits and solitary confinement for up to 30 days. The 1993 LECS for RS is said to have reduced the maximum period from 30 days to 20 days, so the new law has reversed this provision. Solitary confinement may only be imposed for the most severe disciplinary violations and may not be pronounced without the written opinion of a doctor on the prisoner's health (LECS, Article 172 in draft of April 2001). This legislation lists thirty-three types of behaviour that are classified as disciplinary offences, the first twelve of which are classified as 'more severe' (*ibidem*, Articles 164-5).

The conditions in which the punishment of solitary confinement is served are required by the new legislation to be such as is in accordance with that prescribed for normal accommodation by the European Prison Rules; in addition the prisoner must have 10m³ of space, and must be visited not only by a doctor once a day but also by the pedagogue (educator) at least twice a week and the director of the prison at least once a week.

Disciplinary punishments were being used as little as possible at the end of 1998, with lesser breaches of discipline resolved by discussion rather than punishment. Solitary confinement was normally imposed for 7 days only. Recommendations were made however in respect of the state of isolation cells at Srbinje/Foča, where one cell was cold and damp and others were badly lit (Walmsley and Nestorović, 1998 paras 11.6-11.7).

Contact with the outside world

Pre-trial detainees and sentenced prisoners are allowed by law to be visited at least once a month; in practice they are allowed visits from family members once a week. Those in a semi-open (medium security) prison or unit receive at least two visits a month and those in an open prison or unit at least three visits a month. All visits to sentenced prisoners must be at least one hour long. Visits to pre-trial detainees were very short at the end of 1998 (10 minutes in one prison, 15 in another and 30 in two others); the Council of Europe assessment report recommended that they should always last at least 30 minutes (*ibidem*, para 12.6). By the end of 2001 it was reported that such visits usually lasted at least 30

minutes, but the decision depended on the investigating judge. Visits to pre-trial detainees at all prisons except Banja Luka were 'open', in other words the detainee was not physically separated from the visitor (e.g. by a glass screen). Even at Banja Luka security staff did not prevent visitors and detainees from touching hands underneath the screen (*ibidem*). In 2001 the judge at Banja Luka expected no contact to be allowed, but exceptions were being made. Visits to detainees are supervised by a member of the security staff or sometimes by someone from the investigating authority.

In practice pre-trial detainees are normally allowed to correspond by letter with family members and to receive letters and parcels from them. Sentenced prisoners may send and receive an unlimited amount of letters and may receive one parcel a month (if in a closed institution or unit), two parcels a month (semi-open institution or unit), or three parcels a month (open institution or unit). Visits may be supervised or unsupervised. Facilities are available at Banja Luka and Srbinje/Foča for private (intimate) visits from wives or common-law wives; these are mainly used for longer-term prisoners, some of whom cannot have prison leave for security reasons. The Ministry of Justice reports that there are also facilities in at least one prison for sentenced prisoners to receive long visits (including overnight stay) from their families. Prisoners' letters are usually read by a pedagogue (always in the case of pre-trial detainees). Pre-trial detainees and sentenced prisoners are allowed to speak to family members and friends by telephone, at least in some institutions and in some circumstances. In addition, sentenced prisoners can sometime make calls from their workplace outside the prison.

Sentenced prisoners are given good opportunities for prison leaves (known as external benefits). The various types of leave include a day visit (5 or 10 hours) into town, 48 hour weekend leaves, extraordinary leaves up to 7 days (to attend a birth, baptism, marriage or funeral of a member of the immediate family or to visit a family member who is seriously ill) and an annual vacation (18 days for those who have worked a full year and proportionately less if less than a year has been worked) which can be spent all at home or partly at home and partly in the prison. Leaves are available to those who have served at least one third of their sentence (one half if it is a sentence of ten years or more), are behaving satisfactorily and are no longer regarded as a security risk or likely to commit offences while out of prison. The frequency of leaves depends on behaviour and the 'house rules' of the individual prison but leaves to town will often be twice a month and weekend leaves once a month.

On occasions theatre companies and other performers are able to entertain prisoners and a prison football team has been allowed to play a match outside the institution. Such events are important means of maintaining contact with the outside world. In all prisons sentenced prisoners are able to keep themselves informed of the news by reading newspapers, listening to radio and watching television; the same facilities were not always open to pre-trial detainees at the time of the Council of Europe assessment (Walmsley and Nestorović, 1998 para 12.14), but the law provides that they are only denied if the judge expressly forbids such access, something which very rarely occurs.

Religious assistance

There seemed to be little interest among the prisoners for religion and there were few provisions for religious practice at the end of 1998 (*ibidem*, para 12.15); the situation was unchanged at the end of 2001. With the generous allowance of prison leave most sentenced prisoners have the opportunity of taking part in religious activities during such periods but pre-trial detainees cannot do so, nor can sentenced prisoners at the beginning of their sentence or long-term prisoners. The new law specifies that prisons must provide appropriate premises for the performance of religious ceremonies, in agreement with the responsible representative of the relevant religious community. According to the Serbian Orthodox religion special respect is paid to a person's 'saint-day' and prisoners who are receiving external benefits may be allowed a day's leave in order to celebrate it with their families.

Prison staff

The Ministry of Justice employed 586 staff in the prisons of Republika Srpska in March 2002. A further six staff are employed in the Division of the Execution of Criminal Sanctions at the Ministry of Justice and eleven prison staff at Sokolac hospital, which is under the Ministry of Health and takes people who have been convicted of a criminal offence and sentenced to be detained in accordance with the security measure of compulsory psychiatric treatment in a health institution. The 586 staff employed in the prisons comprised the six prison directors, three deputies, 321 security staff, 36 treatment/education staff, 11 medical staff, 130 work instructors and 88 persons engaged in administrative and secretarial work and a variety of other tasks. (The eleven prison staff at Sokolac are one director and ten security staff.) The overall ratio of staff to prisoners is 1 : 1.5 (including all prisoners on the prison registers) or 1 : 1.3 (counting only prisoners actually present in the prisons). If the ratio is based only on management, security and treatment staff in the prisons it is 1 : 2.4 (1 : 2.1 counting only prisoners actually present). The number of staff in post increased between November 1998 and March 2002 by 16.5% overall and by 9% if staff at Trebinje, which was not operating as a prison in 1998, are excluded. There were over 18% (113) vacancies in the system in November 1998; the complement was being revised at the end of 2001, at which time the Assistant Minister of Justice reported that there was a sufficient number of qualified specialist staff taking part in treatment programmes, such as social workers, pedagogues and psychologists.

New recruits to the security department, who are always aged 18-25, have six months initial training after which they must pass a test of their competence to perform the duties required of them. Prison staff undergo a specialised version of a state examination which used to be taken by all public servants. New recruits receive about 60 hours training per year. Training undertaken by security staff prior to their vocational exam includes the study of criminal law and criminal procedure, the rules for security staff on duty, the principles of self-

defence and the use of force and arms, the law on the execution of penal sanctions, the treatment of pre-trial prisoners and the rules for inspections of penal institutions. Higher grade officers have more advanced training in these subjects and also study criminology, penology, psychology and psychopathology. If a new recruit is unable to pass his vocational examination after several attempts he must leave the service. Retirement is at 60 (65 for females) but it can be earlier, after 25 years public service, if at least 10 years has been spent working in prison. There are some benefits for prison staff in comparison with other public servants: twelve months work in the prison service counts as eighteen months for pension purposes. Additionally pensions are calculated on the basis of the salary in the last year of service, while for many other public servants they are calculated on the basis of the average of the last 10 years. There is no training school for staff of the prison system in Republika Srpska. Training is consequently conducted mainly 'on the job'.

Staff morale was said to have improved considerably in 1998 when pay began to be paid promptly and new uniforms arrived. Moreover the status of prison staff in the local community was reported to be reasonably high. However, there were a number of factors that were keeping morale lower than the Ministry of Justice would like it to be. Equipment for security staff was in short supply, and there were no specialised vehicles in which to escort prisoners to courts, hospitals and other prisons. The salary of security staff was very low, there was no radio or phone system for staff to communicate with each other and no prison had a computer (Walmsley and Nestorović, 1998 para 13.2).

At the beginning of 2002 the situation has scarcely improved. There is still a shortage of specialised vehicles, there has been insufficient funding to buy further uniforms for staff and there is an absence of communication equipment, detection devices and other technical security equipment. Although the Ministry of Justice has provided a computer for each institution in order that they might be linked to the central unit at the Ministry of Justice in an integrated system, funds have been inadequate for this to be achieved. None of the prisons has adequate equipment for checking packages and detecting forbidden items, including drugs. Thus checking of people and materials has to be done without technical devices. Furthermore a large number of staff do not have satisfactory housing arrangements. The Ministry of Justice believes that the working conditions of prison staff at the end of 2001 were more difficult than those of staff in similar services, including those working in the Ministry of Interior and the court police (Čurković, 2002).

In the institutions for male prisoners about one sixth (17%) of staff are women, working mainly as treatment staff (psychologists and social workers) or in administrative positions. In the units for women prisoners about two sevenths (29%) of staff are men, working mainly as security staff or in administrative tasks. Security and treatment staff and staff in the production units work closely together as a team and thus jointly contribute to the treatment process.

Treatment and regime activities

The key person in the treatment of sentenced prisoners is the pedagogue (educator). According to the 2001 legislation pedagogues must have a university level education and will be responsible for a group of some 40 sentenced prisoners (20 in the case of juveniles). After undertaking the initial social analysis the pedagogue continues to supervise the treatment process and provide social work help and advice. In the prisons where there is no special worker for organising leisure activities, that task also falls to the pedagogue. The Assistant Minister of Justice reported that at the beginning of 2002 the usual number of prisoners in a pedagogue's group was indeed 40, but 30 for recidivists and 20 for juveniles.

During a normal day the cells/rooms of sentenced prisoners without work were unlocked for between one and five hours at the beginning of 2002. Prisoners with work spent most of the day unlocked, as was noted at the end of 1998. However the Council of Europe assessment team considered that in most institutions prisoners' lives were somewhat boring and aimless and that there was a shortage of constructive opportunities to enable them to develop skills and aptitudes that would improve their prospects of resettlement after release (Walmsley and Nestorović, 1998 para 15.4). The Ministry of Justice reports that at the beginning of 2002 the main treatment programmes and activities available for sentenced adult prisoners are cultural (including craft-work), sporting and use of the libraries; treatment programmes for juveniles are similar to those for adults, but include more recreational activity, group activities, cultural visits and attendance at sporting events.

At the end of 1998 cultural opportunities for adults were greatest in Banja Luka and Srpsko Sarajevo (Kula). In Banja Luka painting, modelling, musical and literacy activities were undertaken and in Kula there were musical activities and theatre groups gave occasional performances in the prison, as also occurred at Banja Luka. The cinema halls at Srpsko Sarajevo (Kula) and Srbinje/Foča were both lost because of wartime damage but the opportunity to watch films on television is said to have made the cinemas unnecessary.

In most institutions prisoners are encouraged to participate in, and assume responsibilities in respect of, the activities of the prisons. At the end of 1998 Banja Luka ensured that each prisoner group had a three-person council which had monthly meetings with the pedagogue. The prisoners set the agenda and reports were prepared of the meetings and of conclusions reached. Three or four times a year all the councils met together. At Bijeljina there was no prisoners council but prisoners were consulted on a daily basis about many aspects of prison life. In Srpsko Sarajevo (Kula) two room representatives were in regular contact with pedagogues about a wide range of matters. In Srbinje/Foča prisoners and their representatives demonstrated their sense of responsibility and self-reliance by the way they handled a difficult situation concerning work strikes (Walmsley and Nestorović, 1998 para 15.9). Similar arrangements were said to be in operation at the end of 2001.

Pre-trial detainees normally spend at least one hour out of their cells/rooms per day, giving them the opportunity for exercise in the open air but for no other

activity, unless they receive a visit. In some prisons their legal status seemed to the Council of Europe assessment team to be inhibiting anything more being done than holding them securely and humanely and ensuring that they had food, exercise and health care. Pedagogues were only able to play a very limited role. Nonetheless three of the five prisons at the end of 1998 managed to employ a small number of detainees. Indeed in Banja Luka some 25% of detainees were working, on a voluntary basis and with the courts' permission (*ibidem*, para 15.5). At the end of 2001 some 10% of the pre-trial detainees in the prisons of Republika Srpska had some work.

The Ministry of Justice reports that they are able to make pre-release arrangements to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return. Some pedagogues devote much time to increasing contact with the family and preparing prisoners in a variety of ways, including making efforts to find employment.

Prisoners may be granted early conditional release provided that they have served at least four-fifths of their sentence. Applications for release may be made by the prisoner or by the director of the prison on the prisoner's behalf (Articles 190-192 of LECS). A commission for considering such applications was established at the beginning of 1998 and, since 2001, consists of a representative of the Ministry of Justice, a judge of the Supreme Court and the director of the prison in which the applicant is serving the sentence. At a meeting of the Commission towards the end of 2001 twenty-one applications were received in respect of prisoners at Banja Luka prison, of which seventeen were made by the prisoners and four by the prison director. Seven of the prisoners' applications were accepted, and all four of those by the prison director. The Ministry of Justice advises that the new procedures are too recent for it to be possible to estimate the overall percentage of sentenced prisoners who will be conditionally released.

Unfortunately, social service agencies in the community are not well-resourced for assisting released prisoners to re-establish themselves in society. Despite approaches to the Centres for Social Work (CSW) from pedagogues in the prisons seeking assistance with employment, re-integration into family life etc. they do not always receive replies and even when they do the CSWs are often unable to help, since they are poorly staffed and in the aftermath of war have many other demands on their personnel and resources. Some prisons receive a better service from the CSWs than others and some efforts have been made to improve contacts but it was reported that the liaison is currently not consistently effective anywhere and is often unsatisfactory.

Prison work

Sentenced prisoners are required to work if they are fit to do so and work is available for them. The legislation states that they shall be assigned work appropriate to their treatment needs, their abilities, inclinations, characteristics and skills, in accordance with the possibilities available in the prison. The wishes of the prisoner are to be taken into consideration as far as possible. Work is nor-

mally undertaken in the economic units, plants and work-sites of the prison (both in and outside the confines of the institution) but prisoners may be employed by companies or other organisations outside the prison under contracts made by the prison and closely defining the obligations of the contracting parties.

Prison staff responsible for employment are extremely successful in finding work for the sentenced prisoners. At the end of 1998 almost all sentenced prisoners who were fit to work had employment (Walmsley and Nestorović, 1998 para 16.2) and the same situation applied at the end of 2001, when the Ministry of Justice reported that 90% of all sentenced prisoners were employed.

There were five production units operating in the prisons at the beginning of 2002, as organisational units of those institutions. The production unit 'Drina' is at Srbinje/Foča, 'Privrednik' at Srpsko Sarajevo (Kula), 'Sprega' at Doboje, '3 May' at Bijeljina and 'Tunica' at Banja Luka. A production unit 'Pudarica' has recently been established at Trebinje but is not yet operational due to lack of funds. These production units mainly function on the principle that they are self-financing, because funds for their operation are not provided from any other source. In some units there is an insufficient labour force, especially at Srbinje/Foča where the large furniture factory operates at only 10% capacity. There used to be many more prisoners at Srbinje/Foča than the current number. The shortage of labour is reported to have an effect on the work than can be done and the financial state of the production unit (Čurković, 2002).

The law requires that prisoners who work must be paid at least 20% of the lowest wage received by workers in Republika Srpska. In fact they receive on average about 20 KM per week; Čurković (2002) mentions 60 KM per month.

Because of the "deplorable situation of the entire economy" (ibidem), there are reduced opportunities for prisoners to work outside the confines of the institutions. Some prisons (e.g. Srbinje/Foča and Srpsko Sarajevo (Kula)) have agricultural farms outside the institution, in addition to production facilities inside the prison, but conditions for the employment of prisoners are reported to be inadequate. Working facilities and equipment are outdated and considerable funds are needed to purchase modern equipment and tools in order to provide complete safety at work and better production. Work on the farms produces vegetables and fruit which are used to meet the needs of the prisons (Čurković, 2002). In November 1998 all five prisons then operating were producing food to feed prisoners and staff, and endeavouring to make the prisons self-sufficient, because the national prison budget was able to contribute so little to pay for food (Walmsley and Nestorović, 1998 para 16.4).

Other notable successes reported at the end of 1998 (ibidem, para 16.5) were the restaurants at Bijeljina, Srpsko Sarajevo (Kula) and Srbinje/Foča which were open to the public, efficiently run and pleasant places in which to dine. The cooks were members of the prison staff, but kitchen assistants and waiters were prisoners working under supervision. These restaurants were still functioning at the end of 2001.

Because of the recent war, the proportion of prisoners unfit for work at the end of 1998 was comparatively high. At Banja Luka it amounted to 20% of sentenced prisoners, at Bijeljina 10%, at Kula 15% and at Srbinje/Foča about

8%. A basic minimum amount is given to such prisoners to ensure that they can at least purchase some cigarettes and coffee (ibidem, para 16.10). In 2001 there was still a considerable number of prisoners unfit for work as a result of health, age or disablements.

Several of the prison directors or the heads of economic units reported plans to develop employment opportunities, including those offering the possibility of raising money to improve conditions in the institutions (ibidem, para 16.11).

Vocational training and education

Vocational training is available in Banja Luka and Srbinje/Foča and prisoners working in the public restaurants can likewise learn a trade and obtain certificated qualifications. At Banja Luka vocational training leading to certification is given in bakery, metalwork and for blacksmiths. At Srbinje/Foča workers in the furniture factory are trained and may obtain qualifications. Apart from these examples it is reported that present conditions do not make vocational training possible in Republika Srpska.

There are few opportunities for education. At Srbinje/Foča, where before the war there was a flourishing school with 150 pupils, there is now neither money nor staff for such activities. There are some theoretical classes, as there are in Banja Luka. Staff in all the prisons will assist individual prisoners who wish to further their education. Younger prisoners are required to complete primary school education, if they have not already done so, and can attend some courses and seminars as part of secondary education. For adult prisoners too there are opportunities to complete primary school education and undertake some secondary education, including continuing with college or university studies that have been started outside. Programmes of remedial education are reported to be arranged for prisoners with special problems such as illiteracy and innumeracy.

Inspection and monitoring

A system of inspections of the prisons monitors the extent to which they are operating in accordance with the laws and regulations and the objectives of the Division for the Execution of Criminal Sanctions. They are conducted by the Ministry of Justice. In December 1998 there was just one inspector involved in monitoring security, treatment, employment and administration in all the prisons. He inspected each prison once a year and the Council of Europe assessment report praised the quality and incisiveness of the comments made and conclusions drawn (Walmsley and Nestorović, 1998 para 6.9). Nevertheless, he was appointed as inspector for security matters and it was recommended that a second inspector be appointed, in order to enable inspections to be conducted jointly by a specialist in security and a specialist in treatment. In September 2001 a second inspector was appointed, the former deputy director of Srbinje/Foča prison and early in 2002 two further inspectors. At each inspection it is usual for two of the four inspectors to be present. Each is a specialist in a different aspect: security, treatment, economic matters or the human rights of prisoners; aspects not covered in one inspection visit will be covered during the next.

The inspector's reports for the year 1998 indicated that they were based on examination of all important aspects of the work of each prison, which were listed as the treatment of prisoners, working conditions, living conditions and the security of the prison. They reflected the view however that, as a result of the difficult economic situation, treatment and resocialisation were outweighed in importance, even for treatment staff, by the need to ensure that the prisons could at least function at a basic level despite the major problems faced. Working conditions were given little coverage in the reports but a number of comments and criticisms were made about living conditions and security matters and each report ended with a number of instructions to the prison director. These required improvements which were in accordance with the European Prison Rules.

Prisons are also monitored by the investigating judges and by international bodies such as the Office of the High Representative for Bosnia and Herzegovina, the Office of the United Nations Mission to Bosnia and Herzegovina, the Organisation for Security and Co-operation in Europe, the International Police Task Force, the European Monitoring Mission and the International Committee of the Red Cross. With the accession of Bosnia and Herzegovina to the Council of Europe in April 2002 it is to be expected that, following ratification of the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Committee which monitors that Convention, the CPT, will join the list of bodies that monitor the prison system.

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the prison system of Republika Srpska and used in staff training. The Assistant Minister and the directors of penal institutions have copies of these standards, as do other staff in the Division for the Execution of Criminal Sanctions and in each penal institution. Copies are also said to be available to be read by prisoners.

Non-governmental organisations

The Assistant Minister reports that non-governmental organisations visit the prisons in order to be well informed as to the extent to which the conditions faced by the prisoners pay proper respect for human rights and are in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules. The NGOs are mainly the international organisations referred to above. The Ministry of Justice considers this work to make a positive contribution, by pointing out any deficiencies in the way that these international standards are implemented.

International co-operation

The prison service of Republika Srpska has not been involved in much international co-operation but, following the Council of Europe assessment visit in 1998 and the production of the report, meetings have been arranged under the auspices of the Council of Europe in each subsequent year to discuss progress and a steering group has been established bringing together the prison services of both

entities of Bosnia and Herzegovina. An action plan has been developed, a visit took place to Slovenia and Croatia and meetings were held in April and June 2002 to discuss methods of coping with rises in the prison population and effective means of treating prisoners serving long-term sentences including life imprisonment.

Other matters

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections. There is sometimes a limitation on prisoners' right to vote after they are released from prison.

The Ministry of Justice Division for the Execution of Criminal Sanctions produces an annual report.

Important recent developments

The following are regarded by the Ministry of Justice Division for the Execution of Criminal Sanctions as some of the most important recent developments affecting the prison system in Republika Srpska:

- the introduction at the beginning of 2002 of the 2001 Law on the Execution of Criminal and Misdemeanour Sanctions, which seeks to harmonise legislation with the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules;
- the preparation of by-laws, regulations and instructions which deal in more detail with the matters covered by the new law;
- the return of the prison at Trebinje to the control of the Ministry of Justice's Division for the Execution of Criminal Sanctions in October 2000;
- the reduction of the capacity of the prison system, and of each institution, in order to create a situation in which, as far as possible, all pre-trial detainees and sentenced prisoners have at least 4m² of space.

Current objectives

The following are some of the main objectives reported by the Assistant Minister of Justice:

- to create the material and staff resources necessary for the proper implementation of the Law on the Execution of Criminal and Misdemeanour Sanctions;
- (as part of the above) to establish a juvenile penal institution (prison) for males and females, and a juvenile correctional home for males and females;
- to establish a prison for women;
- to establish a prison for men sentenced to life imprisonment;
- to improve the general standards and conditions in the prisons for convicted adults and juveniles.

Additional objectives of the Ministry of Justice in April 2002 were:

- to hold talks with the Ministry of Finance and the Government of Republika Srpska to seek to meet financial obligations for 2001 by obtaining agreed government funding, which had not yet been forthcoming. Less than 60% had been received at March 2002;
- to obtain funding from donors in order to modernise production units in the prisons, to purchase tools and machines, start new production, and thus create conditions for the better employment of sentenced prisoners. This is seen as facilitating the reformative process and enabling them to obtain employment more quickly and more easily after release;
- to improve correctional work with sentenced prisoners and to hold training sessions for prison managers to familiarise them with the European Prison Rules;
- to enhance co-operation with the Ministry of Justice of the Federation of Bosnia and Herzegovina in order to facilitate the transfer of persons from prisons in one entity to prisons in the other entity and thus enable them to be held closer to their families and be able to return more quickly to normal life after their release;
- to analyse the possibilities and advantages of changing from a dormitory to a cell system.

Main problems

The following were identified as problems, which are obstacles to the achievement of some of the above objectives and to the advancement of the prison system in Republika Srpska:

- the lack of the financial resources needed for the adaptation and reconstruction of the prisons;
- the poor working conditions of prison staff;
- the shortage of specialised vehicles for the transport of prisoners;
- the lack of resources to provide a balanced diet for prisoners;
- the inadequate heating, clothing and footwear for prisoners;
- the shortage of resources for health care (including medical staff) and for treatment and education programmes for prisoners.

Achievements

The Ministry of Justice expressed the view that they had no recent successes to report which might offer constructive ideas that could be taken up by other prisons systems. There are however a considerable number of achievements of the prison system of Republika Srpska, including:

- the reconstruction and renovation that has been achieved since the end of the war of 1992-95;
- increasing the minimum space per prisoner so that a target of 4m² is

- achieved or almost achieved in five of the six prisons;
- the introduction of systematic collection of prison statistics;
- the fact that visits to pre-trial detainees are generally 'open' with visitors and prisoners able to touch one another;
- sentenced prisoners are given good opportunities for prison leave;
- the overall ratio of prison staff to prisoners is 1 : 1.5, or 1 : 2.4 if the ratio is calculated only on the basis of management, security and treatment staff in the prisons;
- having sufficient pedagogues to enable them to be responsible for 40 adult prisoners each;
- by the use of prisoner councils prisoners are encouraged to assume responsibilities in respect of the activities of the prison and thus to develop their sense of self-responsibility and self-reliance;
- enabling at least some pre-trial detainees (10% in 2001) to have employment;
- enabling 90% of all sentenced prisoners – almost all who are fit for work – to have employment;
- good quality work for prisoners is available in public restaurants run by Bijeljina, Srpsko Sarajevo (Kula) and Srbinje/Foča prisons;
- having a good quality internal (Ministry of Justice) inspection system;
- implementing many of the recommendations in the Council of Europe Assessment Report of 1998 which did not require significant material investment and for which existing resources were sufficient;
- establishing in the new legislation that the conditions in which the punishment of solitary confinement is served shall be in accordance with that prescribed by the European Prison Rules for normal accommodation and that, in addition to being visited at least daily by a doctor, a prisoner in solitary confinement shall be visited at least twice a week by a pedagogue (educator) and at least once a week by the prison director;
- security staff and staff in the production units work closely together as a team with treatment staff and thus jointly contribute to the treatment process.

Conclusion

This account of the prison system in Republika Srpska, recent developments, objectives, problems and achievements, demonstrates that despite the very unfavourable economic situation, it has been possible to make progress in a number of important areas. Relations between staff and prisoners are generally good.

The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to ensure that heating, clothing and footwear for prisoners are adequate;
- to ensure that sanitary installations, and arrangements for access, are such as to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions;

- to ensure that sufficient resources are devoted to health care, including the appointment of an adequate number of medical staff;
- to ensure that all prisoners receive a balanced diet, including meat, fruit and vegetables;
- to pay particular attention to the further development of staff training for all levels and types of staff;
- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation, and especially to reduce the capacity of Bijeljina prison to reflect this requirement;
- to develop programmes of constructive activities, including education and vocational training, to occupy prisoners' time in a positive manner and enable them to develop skills and aptitudes that will improve their prospects of resettlement after release;
- to further develop pre-release activities in order to assist prisoners in returning to society, family life and employment after release.

Annex 1

BOSNIA AND HERZEGOVINA – REPUBLIKA SRPSKA: Numbers in the penal institutions 1998-2002

Year	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate**)
1998 (30 April)	872 (787*)	67 (61*)	1.3 million
1998 (November)	791 (756*)	61 (58*)	1.3 million
2001 (1 November)	849 (682*)	65 (52*)	1.3 million
2002 (March)	903 (773*)	69 (59*)	1.3 million

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees			
(1/11/01)	182	21.4	14
(March 2002)	171	18.9	13
Female prisoners			
(1/11/01)	23	2.7	2
(March 2002)	21	2.3	2
Juveniles (under 18)			
(1/11/01)	8	0.9	1
(March 2002)	11	1.2	1

* The prison population in Republika Srpska (RS) is sometimes given in two forms. The higher figure is the number of prisoners registered as being detained in the prisons; the lower figure excludes prisoners who are temporarily away from the institution (including escapees). The former is to be taken as the authoritative total. Additionally, some prisoner-patients are held in Sokolac hospital for the security measure of compulsory psychiatric treatment in a health institution; there were 86 in March 2002.

** Since the war of 1992-95 there is no authoritative figure for the population of Bosnia and Herzegovina: Republika Srpska. The estimate of 1.3 million is generally accepted as a reasonable approximation.

Annex 2

Penal institutions in Bosnia and Herzegovina – Republika Srpska: functions and capacity, 2001

1	Banja Luka	Penal-corrective institution for pre-trial detainees (87) and sentenced prisoners (204)	291
2	Bijeljina	District prison for pre-trial detainees (62) and sentenced prisoners (84)	146
3	Doboj	District prison for pre-trial detainees (43) and sentenced prisoners (90)	133
4	Srbinje/Foča	Penal-corrective institution – maximum security (closed) – for sentenced prisoners	298
5	Srpsko Sarajevo (Kula)	Penal-corrective institution – medium security (semi-open) – for pre-trial detainees (76) and sentenced prisoners (79)	155
6	Trbinje	District prison for pre-trial detainees (32) and sentenced prisoners (40)	72

TOTAL (at end of 2001)

1,095

Note: Under the new Law on the Execution of Criminal Sanctions juvenile imprisonment is to be served from the beginning of 2002 at Srbinje/Foča (males) or Srpsko Sarajevo (females). Imprisonment of adult women is to be served at Srpsko Sarajevo. The educational measure of committal to an educational-reformatory home for juveniles is to be served at Banja Luka (males) or Srpsko Sarajevo (females).

Annex 3

Bosnia and Herzegovina – Republika Srpska: principal sources of information

Response by the Assistant Minister of Justice, Mr Strahinja Čurković, to survey questionnaires for this project.

Mr Strahinja Čurković and other senior officials and prison directors at the time of the Council of Europe assessment visit in November-December 1998.

Bubić G. and Djukić B., 1996. Commentary on the Law on the Execution of Criminal Sanctions of 1993. Banja Luka.

Council of Europe, 2000. First Steering Group meeting on the reform of the prison system of Bosnia and Herzegovina, Strasbourg, 16-17 October 2000. Council of Europe, Strasbourg

Council of Europe, 2001. Second Steering Group meeting on the reform of the prison system of Bosnia and Herzegovina, Neum, 28-29 November 2001. Council of Europe, Strasbourg

Čurković S., 2002. Report on the execution of criminal sanctions in Bosnia and Herzegovina - Republika Srpska. Unpublished paper for Council of Europe meeting in Sarajevo, April 2002.

Law on the Execution of Criminal Sanctions, 2001. Banja Luka

Walmsley R., 2001. In Kinzig J. and Walmsley R.: Expert opinions on the draft law on the execution of criminal sanctions of Bosnia and Herzegovina - Republika Srpska. Council of Europe, Strasbourg

Walmsley R. and Nestorović D., 1998. Report of an expert visit to Bosnia and Herzegovina - Republika Srpska, November-December 1998, to describe and assess the prison system. Council of Europe, Strasbourg

27. Bulgaria

Legislative framework

The Criminal Code, Criminal Procedural Code and Penal Executive Code date back to the period 1968-74 but they have been frequently amended. Work on the drafting of new legislation was under way in 1998 (Vassilev, 1998) but has not yet materialised. The Criminal Code (2.4.1968) included the death penalty but following a moratorium on its implementation in 1990 it was abolished by the Bulgarian National Assembly in December 1998 and replaced by two types of life imprisonment, with and without parole. The most recent amendments to the Criminal Code came into effect on 24 April 2001.

The Criminal Procedural Code (15.11.1974) was amended as from 1 August 1997 in order to limit the length of pre-trial detention, which had risen by more than 50% in the previous two years. Detention for investigation purposes was limited to one year for normal cases and two years for grave crimes. In the four years to September 2001 the numbers fell by over 60%. The most recent amendments to the Criminal Procedural Code came into effect on 27 April 2001. The Penal Executive Code (15.4.1969) has likewise been amended on a regular basis, most recently in June 2000 and December 2001.

Organisational structure

Responsibility for the administration of the Bulgarian prison system returned to the Ministry of Justice in April 1990. The Director General (head of the Central Prison Administration) reports to the first deputy Minister of Justice.

Dr. Zdravko Traikov, who had been appointed Director General in 1990, was succeeded in 2001 by Mr. Peter Vassilev, who had been Deputy Director General for over 10 years and had worked in the prison service for many years before that. The structure of the Central Prison Administration (CPA) is similar to that described in the previous study (Walmsley, 1996 p. 201). A total of 107 staff are employed in CPA headquarters.

There were twelve prisons and two correctional institutions for juveniles in February 2001. Most of the prisons have reformatory or transitional hostels associated with them under the same management but generally located on a different site; there are six reformatory hostels, some closed, some semi-open and some open, and twelve transitional hostels. Transitional hostels, in which selected prisoners may serve the last part of their sentence (see 'Treatment and regime activities' below), were introduced at the end of 1997.

The twelve prisons comprise eight for recidivists and four for first offenders; these latter include a prison for women. Each has a separate wing for pre-trial (remand) prisoners.

The total capacity of the system in February 2001 was 10,633, with the directors of the four largest prisons responsible for over 1,000 prisoners, some of them in the separately located hostels. Lovech has a capacity of 1,800, Sliven

1,246, Stara Zagora 1,134 and Sofia 1,020. In the seven years since 1994 the capacity of the system fell by some 2,500, principally as a result of a reduction in the capacity of Sofia prison and its associated hostels, and with smaller reductions at Belene, Bourgas, Pleven, Stara Zagora and Vratsa. The capacity at Lovech has increased by more than 800. The average capacity per prison is 760.

Pre-trial detention

As indicated above, the level of pre-trial detention has fluctuated in recent years. Its scope was broadened in 1995 to include any person suspected of committing an offence carrying a prison sentence of more than five years; furthermore the time limit for investigations in respect of prisoners held in pre-trial detention was increased. These measures increased the number of prisoners held in pre-trial detention from 2,704 (32 per 100,000 citizens) in June 1995 to 4,092 (49 per 100,000) in July 1997 (Council of Europe, 1997). However, following a European Court of Human Rights decision which found against the country in the *Lukanov v. Bulgaria* case, the length of pre-trial detention for investigation purposes was limited to one year for normal cases and two years for grave crimes. The numbers fell by almost 65% to 1,457 (18 per 100,000) at the beginning of 2001, before starting to rise again. At the end of the year the total was 1,744 (22 per 100,000). This level of 22 per 100,000 of the general population of the country is one of the lowest in central and eastern Europe, only slightly higher than that in the former Yugoslav republics that are Bulgaria's neighbours.

The prison administration reports that pre-trial detainees spend one hour a day out of their cells/rooms in normal circumstances.

The numbers held in penal institutions

The prison population rose slowly but steadily from a total of 7,294 at the beginning of 1991 (following an amnesty in 1990) and reached 11,856 in May 1998. Since then it has fallen and stood at 8,971 at the beginning of 2001 and 8,994 at the end of the year, prison population rates (per 100,000 of the national population) of 110 and 114 respectively. Of the total at the beginning of the year 16.2% were unconvicted, 3.1% were females and 0.6% were juveniles under 18. Foreigners comprised only 1.5% of the prison population.

Bulgaria's prison population rate of 114 at the end of 2001 was considerably lower than that of most countries in central and eastern Europe and more akin to those in Bulgaria's Balkan neighbours in Albania and the former republics of Yugoslavia.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the end of 2001 was 84.6% of the official capacity of the system. There is overcrowding in the closed prisons, including the accommodation for pre-trial detainees, but not in the reformatory hostels. In 1998, when the prison population was at its highest point in recent years, there was serious overcrowding in the closed prisons and the CPT found in April 1999

that overcrowding averaged 230%, although only 65% of the capacity in the hostels was being used. The CPT welcomed the multi-faceted approach adopted by the Bulgarian authorities in taking measures to limit the use of pre-trial detention, and in the establishment of the transitional hostels (CPT, 2002/1 para 89).

The minimum space specification per prisoner in the Bulgarian prison system in 1994 was 6m³ or approximately 3m². In 2001, while it was reported that no minimum figure was specified in legislation or regulations, 6m² was considered by the prison administration to be the optimal amount of space. However, the capacities of individual prisons have not been adjusted to increase the space per prisoner.

The prison administration reports that different categories of prisoner are separated in the Bulgarian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults.

As elsewhere in central and eastern Europe, few prisoners are housed in single cells: most accommodation holds at least six prisoners and the largest number accommodated in one room is reported to be 22. The room is 59m² in size and so each prisoner has 2.7m² of space, less than half the 6m² that the prison administration considers desirable.

Sanitary installations and arrangements for access are reported to be adequate in enabling most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides some toilet paper but prisoners must supply extra. All prisoners are able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners receive a change of underclothing once a week. Every prisoner has a separate bed.

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for health reasons, but not for religious or other reasons. In its annual report for 1998 the Bulgarian Helsinki Committee had stated that the quality of food was inadequate, with a prisoner's daily food allowance amounting to 530 levs (then 30 US cents). Likewise, the CPT noted on the occasion of a visit in 1999 that prisoners alleged that food was inadequate in terms of quantity and quality in one prison and recommended that steps be taken to ensure that sufficient (both in quantity and quality) was provided (CPT, 2002/1 para 114). The Bulgarian authorities indicated that measures had been taken to make the necessary improvements (CPT, 2002/2 p. 46).

It is reported that the medical officer or one of staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

Health care in Bulgarian prisons is the responsibility of the Ministry of Justice, working through the Central Prison Administration. Nonetheless it is re-

ported that the Ministry of Health provides 'methodological aid' to the health care units and ensures that the health standards valid for the country are applied to prisoners as well. The overall structure of health care services was set out in the report on the previous study (Walmsley, 1996 pp.205-6).

The prison administration reports that there are not many prisoners with alcohol or drug problems; nor are the numbers increasing. There are at present no treatment programmes available for such matters but a pilot programme for alcohol treatment is being tested. HIV/AIDS too is not a problem in the prison system and the numbers are not increasing. In accordance with WHO guidelines there is no policy of testing all prisoners for this condition.

In the years up to 1999 there was an increase in the incidence of tuberculosis cases in the prison system. The Ministry of Health advised the CPT in the spring of that year that a national programme had been established to combat the disease, in which a special place was reserved for prisoners who were recognised as a high-risk group. At Lovech prison hospital the pulmonary ward had grown between 1995 and 1999 from 40 to 120 beds and 98 male prisoners were receiving treatment there when the CPT visited. The DOTS strategy, which is recommended for tuberculosis control by the World Health Organisation, was applied at the ward and there was a waiting list of 100 prisoners for admittance to the ward (CPT, 2002/1 paras 142-3). In their response (CPT, 2002/2 pp. 48-50) the Bulgarian authorities gave details of the extensive measures that were being taken to combat the disease. They reported that this had led to a 39% decrease in the tuberculosis rate in 1999 compared to 1998 (from 345 sick persons per 10,000 prisoners to 209). In 2001 the prison administration was able to report that although tuberculosis was still a significant problem the numbers were not increasing and the treatment programme remained in place. There were just two deaths from the disease in the previous year.

In their report of 1999 (CPT, 2002/1 para 212) the CPT welcomed the steps that had been taken by the Bulgarian authorities since 1995 to reinforce the prison health care services. However, on the basis of their visit to two prisons, they recommended that attention be paid to health care staffing levels (in particular as regards qualified nurses) and the importance of medical screening of new arrivals. In their response the Bulgarian authorities reported that a shortage of nurses was a problem throughout the system but was being addressed positively and new appointments had already been made. The CPT recommendations regarding medical screening had been brought to the notice of all prisons and would be a fundamental issue in inspections (CPT, 2002/2 p. 48).

Discipline and punishment

The procedure for the imposition of disciplinary sanctions was described in the report on the previous study (Walmsley, 1996 p. 208) and is regarded by the CPT as satisfactory. Prisoners charged with disciplinary offences are able to defend themselves in person and to lodge an appeal. Those in solitary confinement have an adequate sized room, receive one hour's exercise daily and are entitled to read newspapers.

Contact with the outside world

Pre-trial detainees and sentenced prisoners are allowed to be visited not less than once a month. Visits to sentenced prisoners last at least one hour. There are no arrangements for sentenced prisoners to receive private (intimate) visits from their wives or girlfriends, or to receive long visits including overnight stay from their families. The prison administration reports that pre-trial detainees are allowed to touch their children but are separated (e.g. by a screen) from all other visitors. There is no restriction on the number of letters that may be sent or received but letters, apart from those to official bodies and to others to whom prisoners may send confidential complaints or requests, they are always read by the prison authorities. Sentenced prisoners and pre-trial detainees are allowed to speak to their family and friends by telephone.

Prisoners in Bulgaria are given a large number of opportunities to take leaves. This is seen as an important aspect of preparation for release and preferable to introducing private (intimate) visits or long family visits in the prisons. Arrangements were described in detail in the report on the previous study (Walmsley, 1996 pp. 214-5).

Prison staff

The Bulgarian prison service employed 4,599 staff in 2001, of whom 107 worked in the prison administration headquarters. In the pre-trial units of the prisons there were 1,455 staff and in the units for sentenced prisoners there were 51 management staff, 1,930 security staff, 355 treatment staff (including psychologists, social workers and medical staff) and 700 other staff (including lawyers, other administrative staff – including secretarial staff – and those working in connection with prisoners' employment). Teachers employed by the Ministry of Education are also part of the treatment staff of a prison. The number of staff employed by the prison service in the units for sentenced prisoners has risen by 19.1% since 1994. The ratio of all prison staff to prisoners in 2001 was thus 1 : 2.0 or, if the ratio is based only on management, treatment and security staff in the units for sentenced prisoners, 1 : 3.8. The number of security staff was 3% (60) below complement, and the number of treatment staff 7% (26) below complement.

Initial training for a new member of the security staff lasted for 90 days until the year 2000. Half of this was spent in service in the penal institution in which he or she will work and the course finished with a theoretical and practical examination and the issuing of a certificate. The numbers trained in the years 1997-99 were 281, 183 and 129 respectively. Courses for obtaining a qualification as a social worker, psychologist, senior officer (including senior member of the medical staff) were of similar length and structure. The numbers who passed the training for these qualifications in the years 1997-99 were 28, 47 and 46 respectively.

The training is carried out in accordance with study plans elaborated by the 'Penitentiary Centre for Scientific Research and Study Activity' and carried out at the prison service training centre at Pleven. There are also courses for in-

creasing the qualifications of current members of staff; some of these are conducted in the prisons so that staff can undertake them alongside their normal duties, while others require study away from the prisons. Courses on international standards for the treatment of prisoners were funded by the Open Society Foundation. A study centre was established at the headquarters of the Central Prison Administration with funding from the government of the United Kingdom. The same funders sponsored an assessment of the organisation and management of social work in prisons and, based on the results of this evaluation, a training programme has been developed. Pilot projects have been introduced on risk assessment, and there are to be personal development plans for prisoners (sentence planning) and psychological and practical assistance to prisoners after their release (Newsletter 11 of Penal Reform Project in Eastern Europe and Central Asia, PRI and ICPS, 2000). There are a number of further plans for the development of staff training (see CPT, 2002/2 pp. 54-5).

In 2001 the length of initial training for a new member of the security staff was increased to 5 months.

Some 5% of security and treatment staff in institutions for male prisoners are women, working as social workers, psychologists, doctors and security staff. In the institutions for female prisoners 30% of staff are men, working as psychologists and security staff.

Treatment and regime activities

The Bulgarian prison service is guided by the principle that the first impression of a person entering prison in many cases determines his or her subsequent behaviour. Admission procedures were described in the report on the previous study (Walmsley, 1996 p. 60). The treatment staff include social workers (i.e. educators/pedagogues) and psychologists totalling 150. Prisoners are organised into groups led by a social worker who co-ordinates their activities. The usual number of prisoners in such a group is 60-80.

There have been considerable advances in recent years in psychological support for prisoners and prison staff. As part of a process of humanisation of life in Bulgarian prisons, psychologists run training programmes for prisoners and help individuals with specific problems. Their work with prison staff includes role-play which encourages staff to talk openly about their problems and increases their ability to deal with difficult situations in a humane and professional manner.

Treatment activities include a programme for adaptation to prison conditions and a social skills programme. Juveniles also have sporting programmes. As mentioned, pilot projects for risk assessment and personal development plans (sentence planning) have recently been introduced. A shortage of activities is described by the prison administration as a problem for the whole system, but a problem that is being addressed in response to recommendations of the CPT.

Sentenced prisoners are reported to have their cells/rooms unlocked for 10 hours during a normal day. Every prisoner is allowed at least one hour of walking or suitable exercise every day (including weekends) in the open air.

The prison administration reports that they make pre-release arrangements to assist prisoners in returning to society, family life and employment after release,

and that these arrangements include, for long-term prisoners, steps to ensure a gradual return by means of transfers to a semi-open or open reformatory hostel or to one of the new transitional hostels.

The transitional hostels, established at the end of 1997 after operating on an experimental basis since the beginning of 1993, are intended for sentenced prisoners who are of good behaviour and have served at least half of their sentence in a closed prison. The law allows prisoners in such hostels to work without supervision, to have additional home leaves, to use medical services in public health establishments, and to enrol in outside educational courses in order to improve their qualifications. By May 1999 800 prisoners were resident in five transitional hostels. The number of such hostels has since risen to twelve.

Social workers and psychologists are involved in pre-release work. Indeed, a key element of the work of psychologists in prison is reported to be the preparation of prisoners for re-integration into society. Arrangements are made for meetings with potential employers to discuss work possibilities after release. The frequent availability of home leaves for prisoners nearing the end of their sentence is another important aspect of pre-release preparation.

Conditional release

A prisoner is normally available for conditional release after serving half of the sentence, providing he or she has been of good behaviour. For those convicted of the most serious crimes at least two-thirds of the sentence must be served. About 25% of sentenced prisoners receive conditional release.

Prison work

Sentenced prisoners are required to work, if they are fit and work is available for them. Article 24 (1) of the Execution of Sentences Act (Penal Executive Code) states that prisoners have the right to receive a suitable job, and paragraph 2 of the same Article states that the prison administration is obliged to provide a job for them within seven days of their admission to a prison. However in the conditions of unemployment in the country it is currently impossible to provide a job for every prisoner. Every two days that a prisoner works count as three days of the sentence, and prisoners are invariably keen to have work. At the end of November 2001 33% of sentenced prisoners had some work, but only 1.6% of pre-trial detainees.

Pay for prison work is based on the minimum salary in the country and is dependent on the fulfilment of production quotas. With a 100% fulfilment of the quota it is from 50-80 levs per month. When 25-40% of the production quotas are fulfilled, the payment is from 15-60 levs per month. Prisoners who are unable to work, or for whom no work is available, are not given any money by the prison but are allowed to receive money from their relatives.

In order to increase the amount of work available for prisoners efforts are made to inform business people about the possibilities of employing prisoners. Open exhibitions of articles produced in prisons are sometimes given, which also serve the purposes of increasing public knowledge about the work of prisoners and improving public attitudes.

Educational and vocational training

For younger prisoners there is a school where they can improve their education and receive a nationally valid certificate of achievement. Five of the twelve prisons for adults have schools where prisoners can continue their education and also receive vocational education. They are also allowed to receive tuition by correspondence from higher academic institutes. Remedial education is reported to be provided for illiterate prisoners. Practical vocational training is available in a range of occupations; examinations are taken and certificates awarded which do not reveal that the qualification was obtained in prison.

Inspection and monitoring

A system of inspections has been established in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the prison administration. These are undertaken both by the Ministry of Justice and by the prison administration itself. Independent inspections are conducted by the Prosecutor's Office, by the Parliamentary Committee for Human Rights and by the Bulgarian Helsinki Committee. The prison system has also been visited by the CPT in March-April 1995 and April-May 1999.

"The forms of inspection used by the Ministry are thematic and comprehensive checks as well as checks on concrete complaints by prisoners and violations by staff" (CPT, 2002/2 p. 51). The thematic inspections focus on various aspects such as the regime, social activities with prisoners and prison work. A comprehensive inspection covers the entire activity of the prison and is undertaken by "a commission of experts from all lines of work". Besides visiting the dormitories, work places and rooms for group association, times are also announced in advance to prisoners as to when they can meet the inspectors. This approach is regarded as fundamental for collecting the information, data and evidence that the inspectors need. Conclusions that reflect general tendencies in the system as a whole are communicated throughout the prison system, together with corresponding instructions and recommendations.

In the CPT's report on its visit in April-May 1999 (CPT, 2002/1) attention was drawn in particular to the need to combat overcrowding, to provide work for prisoners and to develop the regulations applicable and the regime offered to life sentence prisoners. The CPT recommended that staff be encouraged to communicate and develop positive relations with prisoners. Other topics which gave rise to recommendations, apart from those mentioned earlier, include the carrying of batons, regulations concerning regimented behaviour during outdoor exercise, the repair of sanitary facilities, the development of activity programmes, the provision of a weekly hot bath/shower, the removal of metal plates covering some cell windows, the need for all prisoners to have a confidential medical file, the development in the individual prisons of international standards for the control of tuberculosis, and the improvement of visiting facilities and disciplinary cells. The CPT's recommendations were mainly based on their visits to Bourgas and Stara Zagora prisons.

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Bulgarian prison system. The Director General and the directors of penal institutions have personal copies of the standards, as do other management staff at the Central Prison Administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

Non-governmental organisations visit the penal institutions and provide support for the prisoners and charitable aid. They also participate in treatment programmes and other projects. Penal Reform International has been involved in staff training. The Bulgarian Helsinki Committee regularly draws attention to deficiencies in prison conditions. The prison administration considers the work of NGOs as positive because they contribute to the opening of the prison system to the public and thus help to change public attitudes; in addition they enable the prisoners to feel that they are still part of the community.

Other matters

The Bulgarian prison administration is involved in international co-operation that is intended to improve prison standards. They report co-operation in particular with the prison services in England, Ireland, France and Denmark, and also with the Council of Europe, Penal Reform International (PRI), PROON and UNICEF. In May 1999 Bulgaria hosted a study visit organised by PRI for a group of prison administrators, prison psychologists and NGO representatives from three regions of Russia. The visit enabled the Russian experts to learn about rehabilitation initiatives in Bulgaria and particularly the advances made in psychological support for prisoners and staff and to see how the system operates in practice.

Pre-trial detainees retain the right to vote in national elections, but sentenced prisoners are not allowed to do so.

The prison administration does not produce an annual report.

Important recent developments

The following are regarded by the prison administration as some of the most important recent developments affecting the Bulgarian prison system:

- the establishment (1997) of transitional hostels with semi-open conditions, where prisoners from closed prisons may serve the last part of their sentences;
- the transfer (1999) of the investigation detention facilities to the Central Prison Administration;
- the introduction (2001) of pilot projects for risk assessment and sentence planning;

- the increase in the incidence of tuberculosis in the prison system (up to 1999) and success in controlling and reducing the prevalence of this disease.

Current objectives

The following are some of the main objectives reported by the prison administration:

- to humanise the treatment of prisoners;
- to improve the material conditions in the penal institutions;
- to guarantee the human rights of pre-trial detainees and sentenced prisoners;
- to bring the conditions in the investigation detention facilities into line with the international standards;
- to increase the amount of work available for sentenced prisoners.

Main problems

The following were identified by the prison administration as some of the main problems which are obstacles to the achievement of the above objectives and to the advancement of the prison system in Bulgaria:

- overcrowding;
- the attitudes of a considerable proportion of the prison staff;
- finding ways of making the necessary improvements to the conditions in the investigation detention facilities;
- the absence of effective measures and punishments carried out in the community;
- the absence of a legal requirement to regulate the prison population by specifying the amount of space that each prisoner must have in the living accommodation;
- the shortage of financial resources for the improvement of the prison system.

Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. They drew particular attention to:

- the establishment of the transitional hostels;
- the projects that have been implemented with non-governmental organisations;
- programmes for preparation for release;
- programmes for education and vocational training.

Further achievements of the Bulgarian prison system include:

- using the DOTS strategy for the treatment of prisoners with tuberculosis;
- employing more psychologists in the system and thus increasing the level of psychological support for prisoners and staff;
- establishing a literacy programme as part of the education available;
- using the inspection system not only as a means of checking that institutions are being run in accordance with current law and regulations but also as a means of improving practice throughout the prison system;
- establishing close co-operation and joint projects with NGOs, thus providing support for prisoners during their sentence and help in preparing them for release, and developing contacts with the community outside;
- providing prisoners with a large number of opportunities for home leaves;
- extending the length of initial training for newly recruited security staff.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation, and to establish for each institution a capacity figure that is based on prisoners having at least this amount of space and, if possible, 6m² which is considered by the Central Prison Administration to be the appropriate minimum;
- to ensure that sanitary installations, and arrangements for access, are adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to take steps so that neither legislation nor practice prevent the introduction for pre-trial detainees of a programme involving purposeful activities of a varied nature;
- to ensure that there are enough staff to keep the staff-prisoner ratio satisfactory and, in particular, that there are sufficient social workers to enable groups of prisoners to be no larger than 50;
- to develop programmes of constructive activities, including education and vocational training, to occupy prisoners' time in a positive manner and enable them to develop skills and aptitudes that will improve their prospects of resettlement after release.

Annex 1

BULGARIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	11,030	123	8,992,300
1991	7,294	84	8,669,300
1992	8,022	93	8,595,500
1993	8,688	102	8,484,900
1994	8,364	99	8,459,800
1995	8,529	101	8,427,400
1996	9,479	113	8,384,700
1997	10,787	129	8,340,900
1998	11,541	139	8,283,200
1999	11,237	137	8,230,400
2000	10,147	124	8,190,900
2001 (1/1)	8,971	110	8,149,500
2001 (31/12)	8,994	114	7,891,100

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	1,457	16.2	18
(31/12)	1,744	19.4	22
Female prisoners in 2001			
(1/1)	277	3.1	3
(31/12)	287	3.2	4
Juveniles (under 18) in 2001			
(1/1)	57	0.6	1
Foreign prisoners in 2001			
(1/1)	136	1.5	

Note: The Amnesty Act of 15 January 1990 resulted in the release of over 8,000 prisoners. Different sources quote 8,247 and 9,523.

Annex 2

Bulgarian penal institutions: functions and capacity, 2001

1	Belene	Prison for sentenced non-recidivists (585) and pre-trial detainees (110)	695
2	Bobov Dol	Prison for sentenced non-recidivists (430) and pre-trial detainees (160)	590
3	Bourgas	Prison for sentenced recidivists (248) and pre-trial detainees (42)	290
4	Lovech	Prison for sentenced recidivists (1,500) and pre-trial detainees (300), including national prison hospital	1,800
5	Pazardjik	Prison for sentenced recidivists (735) and pre-trial detainees (54)	789
6	Pleven	Prison for sentenced recidivists (200) and pre-trial detainees (100)	300
7	Plovdiv	Prison for sentenced recidivists (446) and pre-trial detainees (236)	682
8	Sliven	Prison for sentenced female recidivists and non-recidivists (1,118) and pre-trial detainees (128)	1,246
9	Sofia	Prison for sentenced recidivists (700) and pre-trial detainees (320)	1,020
10	Stara Zagora	Prison for sentenced non-recidivists (955) and pre-trial detainees (179)	1,134
11	Varna	Prison for sentenced recidivists (690) and pre-trial detainees (230)	920
12	Vratsa	Prison for sentenced recidivists (600) and pre-trial detainees (240)	840
13	Boychinovtsi	Correctional institution for juvenile boys	} 327
14	Sliven	Correctional institution for juvenile girls	

TOTAL (at February 2001)

10,633

Note: Under the management of each prison, and included in the capacities as shown above, are prison hostels, usually separately located. There are six reformatory hostels, either closed, semi-open or open, and twelve transitional hostels.

Annex 3

Bulgaria: principal sources of information

Response by the Director General of the Bulgarian prison administration, Mr Peter Vassilev, to survey questionnaires for this project, and supplementary information.

Information and documentation supplied by the Bulgarian prison administration from 1994 onwards.

CPT, 1997/1. Report to Bulgarian Government on the visit to Bulgaria [by the CPT in March-April 1995] and Response of the Bulgarian Government. Council of Europe, Strasbourg

CPT, 2002/1. Report to the Bulgarian Government on the visit to Bulgaria [by the CPT in April-May 1999]. Council of Europe, Strasbourg

CPT, 2002/2. Response of the Bulgarian Government to the CPT report on their visit in 1999. Council of Europe, Strasbourg

Council of Europe, 1997 and 1998. Replies submitted by the Bulgarian prison administration to questionnaires on overcrowding and prison population size. Strasbourg

Vassilev P., 1998. Means of regulating the prison population in Bulgaria. Unpublished paper for seminar in Poland, June 1998.

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