

42. Ukraine

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Criminal (Penal) Code, the Criminal Procedural Code and the Penal Executive Code. A new Penal Code was approved by Parliament in April 2001 and came into force on 1 September; capital punishment was replaced by life imprisonment and cannot be imposed on anyone under 18 or over 65. In Article 51 new kinds of punishment were introduced, including 'arrest' (one to six months custody), 'limitation of personal freedom' (placement in an open prison) and community sanctions. The new law also made parole available to all categories of prisoner and required courts to review sentences imposed under the previous code (1960). The Criminal Procedural Code also dates from 1960 and has been amended many times; in 2001 the draft of a new code was before Parliament. The Penal Executive Code (or Corrective Labour Code or Reformatory Code) dates from 1970 and has since been amended, inter alia to relax regulations concerning correspondence, visits and parcels; a new draft 'Law on the Enforcement of Sentences' was also in preparation in 2001.

Organisational structure

Until 1998 the prison system was under the responsibility of the Ministry of Internal Affairs. In July of that year a Presidential decree established the State Department for the Execution of Sentences and in December the decree was confirmed by Parliament and the State Department came into being. The prison system is thus independent of the Ministry of Internal Affairs without being under the authority of the Ministry of Justice, although such a transfer is the long-term aim.

The Director General of the prison system (subsequently Director of the State Department) from 1996-2001 was Mr. Ivan Shtanko, a long serving member of the prison service. He was succeeded by Mr. Volodymyr Lyovochkin, a deputy Director since at least 1993. Regional prison administrations report to the central prison administration - the State Department - in the capital, Kyiv.

There were 180 penal institutions operating in the year 2001. Of these 33 were pre-trial 'investigation isolators' (SIZOs), 128 were corrective labour colonies, 11 were educational colonies (for juveniles) and 8 were institutions for the treatment of alcoholics. Of the SIZOs two (at Vinnytsia and Zhytomir) are known as prisons (tyoormi) and hold sentenced prisoners, including those under sentence of life imprisonment. The corrective labour colonies vary between those with a special (very strict) regime, those with a strict regime, those with a general regime and others (colony-settlements), which have open conditions.

The differentiation by regime is due to be abolished and classification will then be on the basis of the perceived security threat posed by each prisoner. The previous system of identifying the institutions only by a number has been replaced and by the end of 1999 all were identified by name. The pre-trial institutions (SIZOs) have been equipped with special units for 1,707 persons sentenced to the new measure of 'arrest', and two special establishments have been created for those sentenced to 'limitation of personal freedom' (Council of Europe, 2001).

The total capacity of the system in September 2001 was 216,669, of which there were about 37,000 places in SIZOs, 174,500 in colonies (including about 4,500 in educational colonies) and about 5,150 in institutions for the treatment of alcoholics. The average capacity of the SIZOs is thus about 1,120, of the colonies about 1,330, of the educational colonies about 400 and of the institutions for alcoholics (or 'health labour dispensaries') about 640. The capacity has thus risen by about 20% since 1994 when it was about 180,000.

Pre-trial detention

According to the Criminal Procedural Code pre-trial detention should not exceed two months. In certain circumstances this can be prolonged, and in extreme cases (with the approval of the Prosecutor General or his Deputy) it can be prolonged to 18 months.

There were 35,334 persons in pre-trial detention in September 2001 (72 per 100,000 of the national population). This rate is the sixth highest in Europe behind Belarus, Estonia, Latvia, Moldova and the Russian Federation. Pre-trial detainees constituted 18% of the prison population.

Pre-trial detainees have one hour a day for exercise in the open air. For the rest of time they are locked in their cells.

The number held in penal institutions

The prison population rose in the five years 1991-96 from 120,000 to over 200,000. Since then it has generally fluctuated between 205,000 and 240,000, regularly rising to a figure over 225,000 but then being reduced by some 20,000 by amnesties, of which there has been at least one a year since 1995. In the year 2001 the total dipped below 200,000 for what is believed to be the first time since 1996. In September 2001 it was 198,885 or 406 per 100,000 of the national population. This is still the third highest rate in central and eastern Europe (after Russia and Belarus).

Accommodation, overcrowding and living conditions

The number in the penal institutions in September 2001 was 91.8% of the official capacity of the system but the overall occupancy level in the pre-trial institutions was 10% over capacity. In the colonies the overall occupancy level was 11% under capacity.

Overcrowding has been a problem in the Ukrainian prison system at least since 1994. The pre-trial institutions (SIZOs), despite a capacity of only 32-33,000, held over 38,000 in that year, 42,000 in 1996, and 45,000 in 1997. The capacity reached 34,000 in 1998 but there were 44,000 in the SIZOs. In September 2000 there were 36,443 places in the SIZOs but 46,655 prisoners.

The CPT in its inspection of February 1998 found that some prisoners in the SIZO at Kharkiv had little more than 1m² of space each (CPT, 2002/19 para 123), and in July 1999 they found that, as a result of an increase in population, this had fallen to about 1m² (CPT, 2002/21, para 28). In September 2000 they reported that women in the SIZO at Simferopol had less than 2m² each, and men had only 0.8m² in some cells (CPT, 2002/23 para 88). Indeed, in all three visits they reported that not all prisoners had their own beds. The Government response indicated that they had ensured that all prisoners in the institutions concerned had their own beds and, with respect to Simferopol, that the intake had since been limited and sentenced prisoners who had been held there had been transferred to colonies (CPT, 2002/24 p. 31).

The official specification of the minimum space allowance per prisoner in the Ukrainian prison system is 2m² for adult male sentenced prisoners, 2.5m² for pre-trial detainees, 3.5m² for women and 4.5m² for juveniles and women who are pregnant or accompanied by a child. The prison administration stated at the end of 2001 that it intends to increase the space allowance in colonies (i.e. for sentenced adult males) to 2.5m².

The CPT called in their 1998 report for the implementation of a whole range of overcrowding measures and in their report of 2000 they asked the Ukrainian authorities “to take action now in order to mount a coherent policy aimed at combating the problem of overcrowding in the Ukrainian penitentiary system” (CPT, 2002/23 para 59). In their response to the 1998 report the Ukrainian government explained that in the five years 1994-98 inclusive they had opened twelve new minimum security colonies (for 9,000 prisoners), 2,260 new places for prisoners with tuberculosis and 5,600 new places in SIZOs. Existing prison buildings were reconstructed and new ones built, and new colonies built on former agricultural farms. In addition 66 temporary SIZOs were opened in the territories of minimum security colonies with a total of 4,800 places for prisoners who were convicted but their sentences were unconfirmed. In addition prisoners were released before the end of their sentence and others had their sentences shortened (CPT, 2002/20 p. 33). For example some 34,000 were released in six amnesties in 1994-96, 31,200 were released in 1997 and 38,500 in 1998. In their response to the report of 2000 the Ukrainian government explained that a complex of measures had been taken to reduce the prison population. Restrictions were placed on pre-trial detention with the result that the rate of intake had been substantially reduced and 28,800 were released from all types of penal institution under an amnesty in July 2001 (CPT, 2002/24 p. 22). These were the measures that reduced the overcrowding levels in the SIZOs from 28% in September 2000 to 10% in September 2001.

The Ukrainian authorities also reported that the review of sentences that would be undertaken in response to the introduction of the new Penal Code in

2001 should make a further impact on the overall prison population (*ibidem*, p. 23 and Council of Europe, 2001). Further, another 12,000 places were to be created before the end of 2004.

Few prisoners are held in single cells. For example in Simferopol SIZO as many as 32 prisoners were held in one dormitory in September 2000 (CPT, 2002/23 para 88) and between 35 and 45 shared cells in Kharkiv SIZO in February 1998.

A number of cells in Ukrainian pre-trial institutions (SIZOs) have for many years had their windows covered by metal shutters which restrict the light and ventilation. The Director of the State Department reported that all would be removed by the end of 2001 (Council of Europe, 2001).

Sanitary arrangements in the pre-trial institutions were criticised by the CPT both in 1998 (Kharkiv) and 2000 (Simferopol). The in-cell sanitary annexes in some parts of the institution at Kharkiv were only rarely partitioned off completely; "usually there were only walls at the sides, approximately 1.1m high. These facilities were generally dirty and unhygienic, occasionally overflowed and emitted an almost unbearable smell" (CPT, 2002/19 para 123). At Simferopol "in-cell toilets (as a rule only partially partitioned) were in an extremely poor state" (CPT, 2002/23 para 88). In response, the Ukrainian government announced that improvements had been made to sewerage, ventilation, tiling and partitioning. The penal institutions are reported to provide toilet paper for women and juveniles but adult males must obtain their own from their families. In short, it cannot be said that sanitary arrangements and arrangements for access are adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions.

Food and medical services

The dietary norms, established in 1992, are reported to be 2,726 calories per day for pre-trial detainees and 3,062 for sentenced prisoners. Tuberculosis patients are allowed 3,144 calories and pregnant women and nursing mothers 3,284 calories. However the CPT reported in February 1998 that those held in Kharkiv SIZO were not receiving the norms because the prison's financial situation made this impossible. Prisoners were supposed to receive 80g of meat per day but were receiving less than half of this (CPT, 2002/19 para 57). The CPT also criticised the hygiene conditions in the kitchen and the food storage. In 1999 the CPT noted some improvements at this institution. The Ukrainian government has since reported that, in order to make the prison system self-sufficient in food, eleven agricultural colonies, a semi-open zone in another colony and an agricultural farm have all been established. Further details of food production have also been published (CPT, 2002/24 pp.24-5). Providing prisoners with adequate food was said to be an absolute priority; it was planned to create an agricultural farm in every colony. At the end of 2001 there were 134 production units and the output had increased by 104 million gryvnyas in the year.

Health care in penal institutions is said to be provided on the basis of equivalence with that in the community outside. Any health care that is not available

in prison hospitals is provided in Ministry of Health facilities. Prison health care services apply health guidelines issued by the Ministry of Health. Contacts between the State Department for the Execution of Sentences and the Ministry of Health have increased in the last few years since co-operation began on the prevention of HIV. They are working together on issues of prevention, treatment and the gradual integration of the prison medical service into the structure of state health care. However, the head of the health care department in the prison administration believes that the prison health care system should retain its autonomy (Gunchenko, 2002). Medical staff in the penal institutions still retain military ranks and uniforms, and this augments their status and remuneration.

At the end of 2001 there were medical centres in 163 institutions and 21 prison hospitals. There were 1,137 doctors and 1,605 junior medical staff, including nurses (Council of Europe, 2001). Considerable efforts were being made, together with the Ministry of Health, to fill medical staff vacancies. In 1996 there were reported to be 1,054 doctors (20% less than the authorised complement) and 2,221 nurses (Lakes, Flügge et al., 1996), which suggests that there has since been a drop of 28% in junior staff.

The CPT considered the number of medical staff at Kharkiv SIZO in 1998 to be insufficient but the Ukrainian government stated that they did not have financial resources to increase the numbers. Similar recommendations were made in respect of the institutions they visited in 2000, but the response indicated again that “the number of doctors and feldshers was calculated according to the norms of the Ministry of Health and depends on the amount of inmates” (CPT, 2002/24 p. 34). Nonetheless medical staff numbers at the strict regime colony at Boutcha were increased from 32 to 38 following a CPT recommendation in 1999 (CPT, 2002/21 and 22). The prison administration emphasises that it regards the provision of adequate medical care as a priority.

There are said to be many with alcohol or drug problems and treatment programmes are in place. The number with drug problems is increasing. Compulsory testing for HIV infection was started at the beginning of 1993 but was discontinued in 1999 in accordance with WHO guidelines. HIV positive prisoners are not segregated from other prisoners. Although there were only five known cases in 1992, the number rose to 455 by 1995 and 1,292 by 1996. More than 6,500 further cases were diagnosed in the years 1997-2001. Detection of new cases of HIV was 26% higher in 2000 than in 1999. 90% of HIV-infected prisoners have injected drugs. The first cases of HIV-related deaths in the prison system were registered in 1996 when three people died. In 1998 there were 42 deaths and in 2001 36. In total 130 people have died in the six years 1996-2001. On 1 April 2002 1,679 prisoners were registered as HIV-infected (Gunchenko, 2002). The problem continues to be of epidemic proportions but preventive information programmes are in place and there is a programme carried out in co-operation with the WHO and funded by the World Bank for prisoners suffering from AIDS.

There is compulsory testing for tuberculosis of all new entrants to penal institutions. In 1994 884 cases were diagnosed among new entrants, 2,818 in 1997, 3,000 in 1998 and 3,251 in 1999; at the end of 1999 13,500 were known

to be infected. Ten prison hospitals then specialised in treatment for tuberculosis. A programme of DOTS treatment is being run in co-operation with WHO. Increasingly more money has been available to tackle tuberculosis, and patients' diet has been improved. There are national and prison service programmes in place. Consequently, the number dying from the disease has dropped and the numbers suffering from it are stabilising, although the disease was still reported at the end of 2001 to be a major problem, since more and more new entrants to the penal institutions were being found to have it.

The overall number of deaths in the prison system was just over 1,000 in 2001, having been 1,478 in 2000, more than 2,500 in 1999, 1,901 in 1998 and 2,119 in 1997. Among the total of 1,478 in 2000 were 31 suicides.

Compared to TB and HIV infection, mental illness is not a large problem in the prison system. However, the head of health care believes that about 80% of prisoners are on the borderline between being mentally healthy and having some form of psychiatric illness. There is a psychiatric hospital at the strengthened regime colony in Zaporozhje region.

Discipline and punishment

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

Contact with the outside world

“According to the Law on Detention on Remand (Article 12) and the Rules of Conduct for Remand and Sentenced Prisoners in Remand Prisons, visits to remand prisoners from relatives and friends are subject to express authorisation by the competent authority (investigator, investigating authority or court with jurisdiction in the case). Where authorised, visits amount to one or two hours per month”.... “The same rules concerning authorisation apply to correspondence” (CPT, 2002/19 para 167). The CPT pointed out that many prisoners in the Kharkiv remand prison (SIZO) had spent long periods of time without being allowed to receive visits from their relatives and friends or to correspond with them. In response the government confirmed the legislative position, stating that one visit lasting two hours was the normal practice when authorisation was granted. Visitors are separated from pre-trial detainees by a screen and they are not permitted to touch each other.

Article 39 of the Reformatory (Corrective Labour) Code states that sentenced prisoners in colonies have the right to have short visits lasting four hours

per month and one long visit (of up to 3 days) every three months. There are no restrictions on correspondence with relatives but correspondence with others is forbidden (CPT, 2002/24 p. 46). For prisoners in the prison (tyoorma) regime only one visit every six months was allowed. In 2001 the different types of regime were abolished, as had been recommended by Council of Europe experts (Lakes, Flügge et al., 1996), and it is not known whether this has led to an increase in the number of visits available to those held in the two prison (tyoorma) institutions.

Letters are normally checked by prison staff, but not if they are addressed to the prosecutor, an authorised Parliamentary figure or the human rights Ombudsman. Sentenced prisoners are allowed to make a telephone call once every three months, or once every six months for those held in one of the two prisons. Pre-trial detainees may not use a telephone.

Compassionate leave is available to prisoners in general regime colonies but not to anyone held in stricter conditions. But there is no policy of allowing prisoners home leave in order to assist in the maintenance of family ties or to prepare them for release.

Prison staff

The Ukrainian State Department for the Execution of Sentences had 48,000 members of staff in 2001. Just over 1,000 inspection staff, who deal with offenders who are on probation, are included within this total. The total number of staff in August 1996 was 37,000 (21,000 uniformed and 16,000 civilian), so there has been an increase in prison staff of about 27% in 5½ years. However in 1996 there were an additional 14,000 soldiers from a military branch of the Ministry of Internal Affairs who were responsible for guarding the perimeters of the penal institutions. By the year 2000 all perimeter guards were employees of the State Department; the current number of these staff is not known but this change of practice, which had been recommended by Council of Europe experts in their assessment report, limits the validity of the comparison between the number of prison staff in 1996 and the number in 2001. In 1996 there were about 250 staff working in the prison administration headquarters (Lakes, Flügge et al., 1996). The overall ratio of prison staff to prisoners, based on 47,000 staff and a prison population of 198,885, was 1 : 4.2.

Following the transfer of the prison service in 1998 from the Ministry of Internal Affairs to the State Department for the Execution of Sentences, there were changes in the training institutions used for prison staff. The Chernigiv Law School was created, and also the Dneprodzerzinsk junior staff training school and the Bila Tserkva school. In 2001 these were augmented by the opening of a centre to provide specialised training to prison staff at Khmelnytskyj.

Initial training for a new member of the security staff consists of at least one month in a penal institution followed by 45 days at a training school. It was planned to increase this to 3 months during 2002. In-service training for professional development is also provided for different categories of staff. Assistance is being provided with the development of staff training by the Council of Eu-

rope steering group for the reform of the Ukrainian prison system, in particular by experts from Germany.

Treatment and regime activities

The State Department for the Execution of Sentences has created a social and psychological service in order to promote prisoners' adaptation to prison life and subsequent social reintegration. More than 2,000 staff are employed in this work and all institutions for sentenced prisoners are reported to have "special psychological treatment and emotional relaxation centres" (CPT, 2002/20 p. 29).

Pre-trial detainees and sentenced prisoners in the SIZOs are said to occupy their time participating in "general conversations on law, moral and ethic [sic] aspects of life, natural sciences, religion and other subjects" (ibidem, p. 32). They are given board games such as chess, checkers and dominoes, and can read newspapers and books from the libraries. Televisions may be brought in by relatives. Radio units are located in the cells of SIZOs and staff organise broadcasts on a variety of topics. Juveniles may watch, at least once a week, educational and other films in their rooms and sports activities are available for all ages. The sentenced prisoners who are involved in domestic and maintenance work in the SIZOs are reported to be able to spend their leisure time having lectures, taking part in discussions and artistic performances as well as the other activities mentioned. Prisoners who are serving a sentence in 'prison (tyoorma)' conditions because their crime was very serious or their behaviour in a colony was considered unacceptable do so in a SIZO and, like pre-trial detainees, they are unlocked for only one hour a day.

The CPT has reported a shortage of leisure and sporting activities for sentenced prisoners in the colonies. For example, at Boutcha colony in 1999 prisoners' rooms were unlocked from 6 am to 10 pm but, apart from prison work – in which less than a third of them were engaged - there was an absence of positive activities to occupy them. There was a hall for cultural pursuits and an area for sports, but activities were not regularly organised. Most passed their time reading or watching television (CPT, 2002/21 para 42). In response, the Ukrainian government stated that the social-psychological service had been instructed to increase cultural and sporting activities. Pre-release preparations were in place with the aim of achieving effective re-integration of released prisoners into the community (CPT, 2002/22 p.10).

The CPT said that in the colonies visited in 2000 there was a marked lack of constructive activities and for pre-trial detainees "an almost total absence of out-of-cell activities remained the norm" (CPT, 2002/23 para 61). However, they commented on "particularly laudable" developments at Boutcha colony since the visit in 1999. An open section with 75 places has been established for inmates preparing for release, offering them facilities for outings and prison leave, as well as living conditions similar to those in the community outside (CPT, 2002/24 p. 40).

Conditional release and probation

The principal means of early release from penal institutions in Ukraine appears to be the regular large amnesties that were referred to above in connection with the relief of overcrowding. There is however a system of conditional release (parole) and the Director of the State Department reported that in 2001 62% of those eligible (21,832 prisoners) had been released. He considered that much effort had to be invested in improving the functioning of the conditional release (parole) system, to which the new Criminal Code had granted special importance (Council of Europe, 2001).

There were 140,300 offenders on probation at the end of 2001. The militia, a regional force under the Ministry of Internal Affairs whose members were stationed in district police stations, was responsible for reporting on them to the inspectors of the State Department. There were 709 inspection posts manned by 1,087 staff. These were responsible to the regional administration departments.

Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. Convicted prisoners whose sentences have not yet been confirmed may participate in work if they consent.

As mentioned, less than one third of prisoners in Boutcha colony (600 out of 1,900) had work in July 1999. In September 2000 this had risen to 700 out of 1,850. A new brick-manufacturing workshop was being established and it was hoped that this would increase the opportunities. In the colony at Yenakyevo three-quarters of those who were fit for work had a job but the production workshops did not always have orders and so sometimes these were only notional jobs.

Efforts have been made, at Cabinet level in the Ukrainian government, concerning “engaging the industrial potential of penitentiary establishments in the economy of regions” (CPT, 2002/24 p. 25). The Cabinet has also given priority to production enterprises in the prison system for certain State orders. The penal institutions supply clothes for prisoners and staff and also bedclothes. As a result 12,000 new jobs have been created. Most prison work is conducted on State and regional contracts. At the end of 2001 the Director of the State Department reported that there were 134 production units in the colonies and their output increased by 104 million hryvnias in 2001. 70% of sentenced prisoners who were fit to work were employed (Council of Europe, 2001).

Education and vocational training

The CPT has criticised the limited nature of education and vocational training in Ukrainian penal institutions. Secondary schooling used to be available widely and a Cabinet of Ministers Order, dated August 2000, provides for restoration of the network of secondary schools in penal establishments and for their functioning. In the academic year 2000-01 secondary schools were created in 78 colonies, including all those for juveniles, and 4,644 prisoners are said to have stud-

ied at these, under a total of 405 teachers. External studies were taken by 595 prisoners during the same academic year and 201 of these received certificates of attainment. The Ukrainian authorities state their opinion that raising the general educational level of prisoners “appreciably contributes to the provision of prisoners with purposeful activities, the acceleration of the process of their social adaptation after release and the prevention of recidivism” (CPT, 2002/24 p. 26).

Inspection and monitoring

The inspection of pre-trial institutions is the responsibility of the public prosecutor, who is required to monitor the compliance with the law in these establishments and the use of disciplinary measures. Inspections are said to be conducted monthly and be followed by a written report. The CPT concluded from its visit of September 2000 that the prosecutor’s monthly inspections were largely confined to monitoring compliance with the law and to administrative matters. “In particular, they only spoke with prisoners who had explicitly asked to meet them” (CPT, 2002/23 para 125). The CPT recommended that prosecutors make full use of their powers and that, in particular, they take the initiative of visiting the areas where prisoners are accommodated and entering into contact with them.

The national Ombudsman has powers to visit, at any time, any place of detention in Ukraine. The CPT noted her intention to fulfil this role to the full (*ibidem*, para 126).

At the end of 2001 the Director of the State Department said that there were plans to create an inspection body for the prison system as soon as the necessary resources became available. “It would be independent, its work would be centrally co-ordinated and it would have regional groups composed of experienced penitentiary staff and representatives of ‘civil society’ organisations [sc. NGOs]” (Council of Europe, 2001). In his opinion the Prosecutor General and the Ombudsman “ensured that there was transparency” in the prison system. But he had become convinced of the usefulness of a prison-specific inspection system after a visit, under the auspices of the Council of Europe steering group, to examine the independent inspectorate in the prison system of England and Wales.

The CPT’s inspections in 1998, 1999 and 2000 gave rise to a number of recommendations, many of which have already been mentioned. In the latest report recommendations in respect of the responsibilities of the State Department covered the subjects of overcrowding and living space, the provision of employment, education and vocational training, the use of force, the practice of placing an adult in each cell occupied by juveniles, a strategy against inter-prisoner violence, the material conditions and regime of life-sentence prisoners, the use of the ‘prison’ (tyoorma) regime, the provision of hygienic products and facilities for cleaning dormitories and clothes, the development of programmes of constructive activities, enlarging exercise yards, heating and insulation of accommodation, developing preparations for release, establishing a comprehensive health care policy, numbers of health care staff and supplies of medications, medical examinations on admission, effective screening for tuberculosis

and the opportunity for tuberculosis patients to have at least one hour in the open air per day, the conditions of prisoners in solitary confinement (including the need for appropriate exercise, natural light, at least one shower a week, and reading matter), the improvement of arrangements for pre-trial visits and correspondence, confidential access to appropriate bodies in respect of complaints, the improvement of prosecutors' inspections, and the conditions of the transport of prisoners.

Non-governmental organisations

NGOs in Ukraine who are working in the prison field include Donetsk Memorial, which arranged an international seminar in November 1998 in co-operation with the international NGO Penal Reform International, the Soros Foundation and the UK Government. The main focus of the seminar, 'Penitentiary reform in post-totalitarian countries' was the transfer of prison administrations from the Ministry of Internal Affairs to the Ministry of Justice, but discussions also took place on relations between prison administrations and the media, the openness of institutions to the community, the role of NGOs in the humanisation of prisons, and an analysis of successful reforms and good practice in the region (see Donetsk Memorial, 1999). The same NGO organised a seminar on the reform of the juvenile justice system in the countries of Eastern Europe in March 2000; this was attended by senior staff from all the educational colonies for juveniles in Ukraine. The Kyiv-based NGO International Renaissance Foundation is also involved in work of value to the prison system. In May 2001, following a seminar focussing on co-operation between NGOs and the prison administration, NGO representatives with training experience led 20 training seminars for some 600 prison staff. It is reported that these seminars increased awareness among prison staff about human rights in prisons, strengthened the trust between prison staff and NGOs, and established a good basis for future NGO initiatives in prisons. These activities were supported by Penal Reform International, with funding from the UK government (PRI, 2002).

The prison administration considers that such work by NGOs, in holding seminars on important topics and assisting with staff training, makes a valuable contribution to the reform of the penal institutions in Ukraine.

International co-operation

The Ukrainian prison administration is involved in international co-operation that is intended to improve standards, notably through the joint programme of the Council of Europe and the European Commission for the reform of the prison system. The steering group for this programme includes experts from Austria, Denmark, Germany, Sweden and the United Kingdom and there have been professional visits to these countries under the so-called 'Partnership Programme'. Specific regions of Ukraine have established links with particular prisons or regions in these countries. The Director of the State Department considers that the Partnership Programme has produced tangible results and it is

planned for the partners to sign ‘protocols of agreement’ in order to formalise the modalities of their co-operation.

Important recent developments

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

- the establishment in 1998 of the State Department for the Execution of Sentences as an independent body to have responsibility for the prison system, instead of the Ministry of Internal Affairs;
- the introduction of a new Criminal Code in 2001, replacing capital punishment with life imprisonment, introducing new penalties and requiring a review of sentences imposed under the former legislation;
- ongoing co-operation with the Council of Europe in the reform of the prison system.

Current objectives

The main objectives of the prison administration include:

- to improve the infrastructure of the penal institutions;
- to increase the capacity of the system by the creation of 12,000 additional places between 2001 and 2004;
- to remove all the metal shutters that obscure light and impede ventilation in the pre-trial institutions;
- to abolish the system of classifying prisoners by the regime they were deemed to deserve and replace it with a system based on the perceived security threat that they pose;
- to create more work opportunities for prisoners;
- to improve the functioning of the parole (conditional release) system;
- to create an agricultural farm in every prison;
- to provide prisoners with adequate medical care and food.

Main problems

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

- serious overcrowding, especially in the pre-trial institutions, which are 10% over the capacity figure which is based on only 2.5m² of space per prisoner;
- high levels of tuberculosis and HIV infection in the prison population;
- inadequate financial resources for the needs of the system;
- the shortage of work opportunities for prisoners;

- the inadequate quality and quantity of the food for prisoners;
- the poor condition of many of the prison buildings.

Achievements

Notable achievements of the Ukrainian prison system in recent years include:

- the adoption of a range of measures to reduce overcrowding;
- extensive improvements in accordance with recommendations of Council of Europe experts and the CPT;
- the adoption of a range of measures, including the establishment of agricultural colonies, to increase the quality and quantity of food available for prisoners;
- improvements in prison health care resulting in a significant fall in the number of deaths (especially deaths from tuberculosis);
- the establishment and development of new training schools for prison staff;
- the creation of 12,000 new jobs, with the result that 70% of sentenced prisoners who are fit to work have employment;
- the development of a new special regime for life-sentence prisoners;
- the establishment of secondary schools in 78 colonies (including all educational colonies) and the improvement of provision for education;
- the abolition of the system of identifying penal institutions only by a number;
- extensive co-operation with international experts from other European countries under the auspices of the Council of Europe steering group for prison reform.

Conclusion

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

- to take steps to enable all pre-trial detainees and sentenced prisoners to have at least 4m² of space in their living accommodation;
- to provide all prisoners with a balanced diet, including meat, fruit and vegetables;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such arrangements are only necessary for exceptional cases;
- to take steps so that neither legislation nor practice prevent the introduction of a programme of regime activities for pre-trial detainees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;

- to develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to ensure that the number of medical staff is adequate in all institutions;
- to increase overall staff numbers so that the total number of staff is at least the equivalent of one to every 2.5 prisoners, and 1 to 3 in respect of management, security and treatment staff in the institutions;
- to ensure that there are enough social workers/educators to avoid any prisoner group for which they are responsible exceeding 50 in number;
- to increase the visiting allowance for prisoners held in the 'prison' (tyoorma) regime so that they, like other prisoners, have the right to visits lasting four hours a month or one hour a week;
- to increase the frequency with which prisoners may telephone family members;
- to establish an independent inspection body for the prison system.

Annex 1

UKRAINE: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	92,797*		51,838,500
1991	120,001	95,430*	51,944,400
1992			52,056,600
1993	129,500	248	52,244,100
1994	160,592	308	52,114,400
1995	194,000	375	51,728,400
1996	202,590	160,100*	51,333,900
1997	216,248	425	50,830,000
1998	211,568	420	50,340,000
1999 (1/1)	206,000	158,867*	49,850,000
1999 (/12)	217,400	440	49,456,100
2000 (1/9)	220,306	448	49,176,000
2001 (1/9)	198,885	155,400*	49,000,000

* Within the total in all penal institutions, the number of sentenced prisoners in colonies.

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees			
(1/9/2001)	35,334	17.8	72
Female prisoners			
(1/6/1999)	10,300	4.6	21
Juveniles (under 18)			
(1/6/1999)	3,500	1.6	7

Note: Some 34,000 prisoners were released as a result of six amnesties in 1994-96. There has been at least one amnesty in each of the years 1997-2001. In 1997 31,200 were released and in 1998 38,500. Subsequent amnesties are believed to have released at least 20,000 prisoners per year; the amnesty of July 2001 released 28,800.

Annex 2

Ukrainian penal institutions: functions and capacity, 2001

Type of institution	Number of institutions	Capacity
Pre-trial institutions (SIZOs)	33 , including two with 'tyoorma (prison)' type regime	c.37,000
Corrective labour colonies	128 , including 21 with hospital facilities, some of them TB hospitals	c.170,000
Educational colonies (juveniles)	11	c.4,500
Institutions for the treatment of alcoholics	8	c.5,150

TOTAL (at 1 September 2001) **180** **216,669**

Leaving aside the institutions for alcoholics, 167 of the 172 institutions are distributed among Ukraine's administrative regions as follows:

	SIZOs (pre-trial)	Corr. lab. colonies	Educ. colonies	TOTAL
Cherkassy	1	2	-	3
Chernigov	2	3	1	6
Chernovtsy	1	1	-	2
Dnepropetrovsk	2	10	1	13
Donetsk	3	14	1	18
Ivano-Frankovsk	1	2	-	3
Kharkiv (Kharkov)	1	10	1	12
Kherson	1	5	-	6
Khmelnitskiy	1	4	-	5
Kirovograd	1	4	-	5
Kyiv (Kiev)	1	5	-	6
Lugansk	2	12	1	15
Lviv (Lvov)	1	6	1	8
Nikolayev	1	5	-	6
Odessa	2	4	-	6
Poltava	1	5	1	7
Rovno	1	3	1	5
Sumy	1	4	-	5
Ternopol	1	2	1	4
Vinnitsa	1*	6	-	7
Zaporozhye	2	8	1	11
Zhitomir	1*	4	-	5
Krim (Crimea)	1	1	-	2
Transcarpathia	1	1	-	2
Volyn	1	3	1	5
Total	32	124	11	167

* Including 'tyoorma (prison)' type regime

Annex 3

Ukraine: principal sources of information

CPT, 2002/19. Report to the Government of Ukraine on the visit to Ukraine [by the CPT in February 1998]. Council of Europe, Strasbourg

CPT, 2002/20. Interim report of the Government of Ukraine in response to the CPT report on their visit in 1998. Council of Europe, Strasbourg

CPT, 2002/21. Report to the Government of Ukraine on the visit to Ukraine [by the CPT in July 1999]. Council of Europe, Strasbourg

CPT, 2002/22. Response of the Government of Ukraine to the CPT report on their visit in 1999. Council of Europe, Strasbourg

CPT, 2002/23. Report to the Government of Ukraine on the visit to Ukraine [by the CPT in September 2000]. Council of Europe, Strasbourg

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Gunchenko O., 2002. Interview by the head of the health care department of the penitentiary system. In *Prison Healthcare News*, Issue 2, Summer 2002. ICPS, King's College, London

Lakes G., Flügge C., Philip B. and Nestorović D. 1996. Report of an expert visit to Ukraine, June and August 1996, to describe and assess the Ukrainian prison system. Council of Europe, Strasbourg

Penal Reform International, 2002. PRI Annual Report 2001

43. Yugoslavia – Montenegro

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Penal Code of October 1993, the Criminal Procedural Code and the Penal Executive Code, known as the Law on the Execution of Criminal Sanctions, which dates from 1994. The Law on the Execution of Criminal Sanctions states that the purpose of imprisonment is the resocialisation of the convicted person and does not mention security and control as simultaneous objectives. Its detailed provisions are reported by Council of Europe experts as forming “an excellent basis for development and reform” (Aram, Colliander and van den Brand, 2002), but it is recognised as requiring some amendment to reflect more fully the European Prison Rules and their practical implementation. The Ministry of Justice adopted an action plan for the years 1999-2003 in order to examine all legislation related to the justice system (including penal legislation) and align it with European standards. Following a review of the Law on the Execution of Criminal Sanctions by other Council of Europe experts (Albrecht and van der Linden, January 2002) the Montenegrin authorities will draft a new law which, among other things, will seek to regulate the rights of pre-trial detainees.

Organisational structure

Responsibility for the prison system lies with the Ministry of Justice. When the Law on the Execution of Criminal Sanctions was adopted in 1994 the Institute for the Execution of Criminal Sanctions was established to provide a prison administration, independent of prosecutorial and court authorities. There is direct accountability of the Institute to the Prime Minister, with the Ministry of Justice, through an Assistant Minister and an inspector, monitoring its performance and providing support. The Director of the Institute is Mr Željko Jocić.

The Institute is divided into five organisational units, each with a senior manager and dedicated staff. The units are General Services (including administration and finance), three penal institutions and a health unit, which is under construction but will be located at the prison hospital when that is completed. There are a total of about seven persons working on General Services matters.

The three penal institutions are a pre-trial institution at Spuz, near Podgorica, which holds both male and female pre-trial detainees and convicted prisoners serving sentences of less than three months; an institution for sentenced prisoners, on the same site but in separate buildings and with its own director, and consisting of a closed section and a semi-open section; and a pre-trial prison at Bijelo Polje which serves the courts in the north of the country, holding male and female pre-trial detainees and convicted prisoners serving sentences of less than three months.

The total capacity of the system in 2001 was reported to be about 750, consisting of 200 places in Spuz pre-trial institution, 350 in Spuz institution for sentenced prisoners, and 200 places in the pre-trial prison at Bijelo Polje.

Pre-trial detention

There were 224 persons in pre-trial detention in April 2002 (33 per 100,000 of the national population). This is close to the average in Europe as a whole, but higher than in the other republics of former Yugoslavia. Pre-trial detainees spend one hour out of their cells/rooms in a normal day.

The numbers held in penal institutions

The prison population in the three penal institutions was 710 in April 2002, which gives a prison population rate of 104 per 100,000 of the general population. This too is close to the average in Europe as a whole, but a little higher than in the other republics of former Yugoslavia. Of the total 31.5% were pre-trial detainees, 2.5% were females, 1.4% were juveniles under 18 and 6.1% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions in April 2002 was 98.6% of the official capacity of the system at that time (720). There is no serious overcrowding but a dormitory for female pre-trial detainees provided only extremely restricted space.

The minimum amount of space that is considered necessary for each prisoner is believed to be 4m², as in the Serbian system, with most prisoners receiving approximately this amount.

Different categories of prisoner are separated in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults.

Few, if any, prisoners are housed in single cells. The largest number of prisoners accommodated in one room in April 2002 was about 12, although there are dormitories in Bijelo Polje capable of holding 30 beds.

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

Food and medical services

The quantity and quality of food are said to be generally close to average standards in communal catering outside. The prison administration is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided

when needed for health reasons.

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

The Council of Europe experts were told that most health care was provided from the prison service's own medical organisation and that more serious cases could be transferred to hospital in the community (Aram, Colliander and van den Brand, 2002). They were concerned, in the light of what they saw and heard, about the question of medical confidentiality and the privacy and dignity of the prisoners, not least because of the presence of closed circuit television in a medical examination room.

It is said that many prisoners have an alcohol problem and many have a drug problem; in both cases the numbers are increasing, in the prisons as in the community outside, and the authorities see this as an area of major concern requiring international expertise and assistance. The Council of Europe experts saw no local intervention programmes and were told that prisoners subject to formal drug treatment orders, imposed by the courts, were directed to an outpatient clinic in Kotor or to the prison hospital in Belgrade. No specific treatment programmes were in place within the prison system. HIV/AIDS and tuberculosis are said not to be a problem (Werdenich and Kastelic, 2002).

It is understood that there were a total of three or four suicides in the prison system in the period 1999-2001.

Discipline and punishment

Council of Europe experts found that isolation cells fell far short of the requirements of the European Prison Rules, with inadequate space, light, heating and ventilation. In the closed section of Spuz penal institution for sentenced prisoners there were no integral sanitary facilities – only a bucket, and bathing arrangements were unsatisfactory. Prisoners were not getting more than half an hour's exercise and there was a 'silent rule' in force (Aram, Colliander and van den Brand, 2002). Five months later the director of the prison reported that one hour's exercise was being allowed and the 'silent rule' was not practised any longer. An educator/pedagogue or the head of security shift visited prisoners in solitary confinement every day (Council of Europe/OSCE, September 2002).

Contact with the outside world

The investigating judge decides whether a pre-trial detainee may be visited; the director of the prison has no discretion in the matter. If permitted visits may take place weekly. The judge may also authorise that such visits can be open (i.e. without prisoners and visitors being physically separated by a screen) but this does not normally occur. Sentenced prisoners may be visited every two weeks, with visits lasting for one hour. They may also be allowed to receive private (intimate) visits from a spouse/partner; there are facilities for such visits in the

closed section of Spuz prison. There are card-operated pay-phones in the closed section and in the semi-open section there is good access to telephones and even mobile phones may be used. There are good opportunities for home leave. Prisoners' letters are read by staff.

Prison staff

The Montenegrin prison service had a complement of 301 staff in April 2002, of whom 285 were in post. There is no separate site for the prison administration headquarters (General Services), which operates from Spuz prison, and some senior staff apparently have interchangeable headquarters/operational roles, but it seems that the Director of the Institute for the Execution of Criminal Sanctions and his immediate staff, including those responsible for task forces and other working parties, number about seven. The usual turnover of staff is about 15-20 a year. The overall ratio of prison staff to prisoners was thus 1 : 2.5. Security staff constitute about 72% of those working in the prisons and treatment staff (excluding health care personnel) 4%. Some 7% work in connection with prisoners' employment.

Initial training for a new member of the security staff in the recently-developed course lasts for 16 weeks. The Director of the prison administration has identified the educational level and motivation of staff as the major problem of the prison service (Council of Europe/OSCE, September 2002) and the implementation of a comprehensive programme of staff training as his highest priority (Aram, Colliander and van den Brand, 2002). The establishment of a staff training centre, which subsequently opened in November 2002, was regarded as an essential part of this strategy and he was keen to enlist European expertise and assistance. Under a joint Council of Europe/OSCE initiative two OSCE/ODIHR experts, Mr Bo Johansson from the Swedish Prison and Probation Administration and Ms Vesna Babić from the Croatian prison service conducted a training review visit in November 2001 and drafted an action plan for training development. In September 2002 a follow-up visit took place in which Mr Johansson provided assistance to the Montenegrin prison service and the Ministry of Justice in finalising the training of prison staff trainers and the beginning of the work of the training centre.

It is believed that there is little use of opposite gender staffing in supervising male and female prisoners.

Treatment and regime activities

All sentenced prisoners go through an induction process, which lasts up to 30 days. This begins with identification, search and property check procedures and a medical examination, followed by a period of sociological and psychological testing and the preparation of a treatment plan. During this process prisoners are said to be familiarised with prison rules. Prisoners are allocated either to closed or to semi-open conditions: the Council of Europe experts found that this was done through "a combined security/control process, which designated prisoners

to one of four risk assessment categories, which ranged from a very small group requiring strict and close supervision through two intermediate stages to the semi-open group, made up of those exhibiting the best behaviour, first time offenders, minor offences etc. Assessment was carried out three times per year and reallocation of prisoners to different groupings was possible” (Aram, Colliander and van den Brand, 2002).

The treatment staff includes psychologists and educators (pedagogues). Prisoners are organised into groups led by a pedagogue who co-ordinates their activities. The number of prisoners in such a group is believed to be no more than 50. Treatment activities are reported to be geared to the re-education of prisoners but the Council of Europe experts conducting the assessment of the system did not see evidence of individual programmes. There are leisure activities of a cultural and sporting nature.

Sentenced prisoners have their cells/rooms unlocked for most of the day. Each prisoner is allowed at least an hour of walking or suitable exercise every day (including week-ends) in the open air.

Pre-release arrangements to assist prisoners in returning to society, family life and employment after release consist of frequent movement of prisoners to the semi-open unit at Spuz prison but it is said that there is little communication with the community outside to plan accommodation or employment after release.

Conditional release

It is reported that the granting of early conditional release is part of the role of the Director of the prison administration (Council of Europe/OSCE, September 2002).

Prison work

The Law on the Execution of Criminal Sanctions does not require prisoners to work but specifies rewards for those who choose to work (Articles 37-41). There are problems in finding sufficient work for those who wish to do so. The Council of Europe experts suggested a debate on whether the absence of an obligation to work was a disincentive to provide good quality employment and training; they commented that they did not see a high degree of motivation in this area (Aram, Colliander and van den Brand, 2002). No money is given to prisoners who are unable to work or who wish to work but for whom no work is available. It is believed that no pre-trial detainees have employment.

Work available in the closed section of Spuz prison, apart from domestic (e.g. cleaning, kitchen, laundry) and maintenance tasks, is in workshops that are dark and old. Monthly pay is 30 euros for 22 days work. In the semi-closed section there is a concrete moulding factory. In Bijelo Polje prison sentenced prisoners work in the kitchen, as cleaners, on maintenance work, and in the vegetable gardens in spring and summer. Occasionally some are allowed to work outside the institution.

Education and vocational training

It appears that there are no education or vocational training programmes available, either for younger prisoners or for adults. There is some remedial education for prisoners with problems such as illiteracy and innumeracy.

Inspection and monitoring

Ms Vesna Ratković, Assistant Minister of Justice responsible for legislation, and Mr Željko Jocić, Director of the prison administration, emphasised to the Council of Europe experts that one of the principal aims of prison reform was to develop a prison system independent of prosecution and court authorities. In this connection a direct accountability link has been established between the Director of the prison administration and the Prime Minister.

“The formal position of the Minister of Justice appears to be one primarily based in monitoring and support. This Ministry provides an inspection function, particularly in respect of staff behaviour towards prisoners, but more generally ensuring that management and practice are carried out in compliance with current law”.... “We were told that only one prison inspector post existed within the Ministry of Justice and there was no provision in statute or in practice for independent inspection. On a similar theme we saw little evidence of non-governmental organisations (NGOs) in a supportive or ‘watchdog’ role” (Aram, Colliander and van den Brand, 2002). The Council of Europe experts invited the Montenegrin authorities to consider the introduction of an independent inspection/monitoring system.

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be available to staff at the national prison administration and to management staff in each penal institution. The Council of Europe experts did not notice copies in the prison libraries for other staff or prisoners to read.

Non-governmental organisations

It is reported that non-governmental organisations (NGOs) did not visit the prisons in the period up to April 2002 but that the Director of the prison administration wanted to develop such activities.

Other matters

The Montenegrin prison administration is involved in international co-operation that is intended to improve prison standards. In particular there is co-operation with the Office for Security and Co-operation in Europe and the Council of Europe. An action plan has been developed focusing on staff training, the treatment of long-term prisoners, facilitating study visits to other prison services, assisting in ensuring greater transparency of the pris-

ons, including the promotion of prison monitoring by independent experts/NGOs, and supporting the creation of a proper infrastructure for the execution of penal sanctions, including the improvement of the security service and rehabilitation and treatment programmes (OSCE, 2002).

Important recent developments

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

- the 1998 national action plan for reform of the criminal justice system, including criminal sanctions;
- the decision to align prisons management and operations with European and other international standards and conventions, and to access international help and expertise;
- reform of prison staff recruitment, preparation and training issues.

Current objectives

The following were the main objectives of the prison administration in the first half of 2002:

- to review prison legislation, including secondary legislation, such as 'house rules';
- to reform staff training (especially basic training) and the professional development of staff at all levels;
- to establish a training centre;
- to review the roles of security and treatment (educational) staff;
- to review the management of long-term prisoners;
- to implement international prison standards;
- to review treatment for substance misuse;
- to complete work on the prison hospital;
- to carry out a full programme of refurbishment of prison buildings.

Main problems

The following are some of the main problems, which are obstacles to the above objectives and to the advancement of the prison system in Montenegro:

- inadequate funding and the inheritance of a neglected prison estate;
- the responsibility of investigating judges and courts for pre-trial prisoners, which has the effect of absolving prison staff of providing equality of treatment for all prisoners in their custody;
- threats to the concept of the development of the prison service as an independent agency;
- political uncertainty, especially in terms of the future of the Federal Republic of Yugoslavia and formal relationships with the Republic of Serbia;

- the education level and motivation of staff and the absence of adequate training;
- the lack of treatment programmes for drug users.

Achievements

Notable achievements of the Montenegrin prison system in recent years include:

- the adoption of a major and comprehensive programme of justice services reform;
- co-operating with international bodies as part of a process of openness to alignment with international standards of human rights;
- providing good opportunities for sentenced prisoners to have home leave;
- having a relaxed and open atmosphere and good staff-prisoner relationships;
- developing a new staff training centre;
- maintaining the size of prisoner groups supervised by one pedagogue at no more than about 50.

Conclusion

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

- to increase the amount of time that pre-trial detainees spend out of their cells/rooms per day and to develop a programme of purposeful activities of a varied nature;
- to amend the practice whereby pre-trial detainees are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to ensure that sanitary installations and arrangements for access are adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions;
- to guarantee medical confidentiality and the dignity and privacy of prisoners during medical examinations and body searches;
- to appoint some male staff to work with women prisoners and female staff in institutions for men, in order to help diminish the gulf between circumstances outside and inside;
- to develop programmes of constructive activities, including education and vocational training, so as to occupy all sentenced prisoners' time in a positive manner and to enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;

- to provide employment for all sentenced prisoners who wish to work;
- to develop pre-release programmes to assist prisoners in returning to society, family life and employment after release and to develop co-ordination with agencies in the community, where such exist, in order to plan accommodation or employment after release;
- to establish good relations with non-governmental organisations with a view to their assisting in the process of reform by monitoring human rights, providing humanitarian aid and perhaps contributing to staff training and treatment programmes for prisoners;
- to ensure that all prison staff have access to and make full use of copies of the Council of Europe's European Prison Rules. Copies should also be kept prominently in each prison library for the use of prisoners;
- to institute a regular programme of inspections of the prisons and to establish an independent prison inspectorate.

Annex 1

YUGOSLAVIA – MONTENEGRO: Numbers in the penal institutions, 2002

Year	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
2002 (25/4)	710	104	680,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2002			
(25/4)	224	31.5	33
Female prisoners in 2002			
(25/4)	180	2.5	3
Juveniles (under 18) in 2002			
(25/4)	100	1.4	1
Foreign prisoners in 2002			
(25/4)	43	6.1	

Annex 2

Penal institutions in Yugoslavia – Montenegro: functions and capacity, 2001

1	Spuz (Podgorica)	Institution for pre-trial detainees (male and female) and persons sentenced to less than three months imprisonment	200
2	Spuz (Podgorica)	Closed section for male and female sentenced prisoners, and semi-open section for male sentenced prisoners	350
3	Bijelo Polje	Institution for pre-trial detainees (male and female) and persons sentenced to less than three months imprisonment	200

TOTAL (2001)

750

Annex 3

Yugoslavia - Montenegro: principal sources of information

Aram D., Colliander P. and van den Brand J., 2002. Report of an expert visit to Montenegro, April 2002, to describe and assess the Montenegrin prison system. Council of Europe and OSCE, Strasbourg

Council of Europe/OSCE, September 2002. Expert meeting to present needs assessment report of the Montenegrin prison system, Spuz, 26 September 2002.

Council of Europe/OSCE, December 2002. Round Table: Treatment of Long-Term Prisoners, 12-13 December 2002, Budva, Montenegro.

European Union, 2002. Notes on assessment missions in Balkan countries.

Information from Mr D. Aram, Council of Europe expert on the reform of the prison system in Montenegro

Information from Mr S. Dimitru, Penal Reform International, Bucharest

Johansson B., 2002. Training assistance to the Republic of Montenegro Prison Service Training Centre, 10-12 September 2002.

OSCE, 2001. Training review visit to Montenegro by Mr B. Johansson and Ms V. Babić, 28-30 November 2001.

OSCE, 2002. Prison reform progress report, September-November 2002. Podgorica

Ratković V., 2002. The Penitentiary System in Montenegro. Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

Walker A., 2000. Report on a prison reform assessment mission to Montenegro, 30-31 March 2000. OSCE.

Werdenich W. and Kastelic A., 2002. Report on a fact-finding mission 'Prevention and treatment of alcohol and drug addiction in prison', Montenegro, 5-6 December 2001. Council of Europe and Pampidou Group.

44. Yugoslavia - Serbia

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Penal Code of 1976, the Criminal Procedural Code (of which the 1977 version has just been replaced by a new 2002 version) and the Penal Executive Code, known as the Law on the Execution of Penal Sanctions (LEPS), which was enacted on 16 April 1997 and came into force on 1 January 1998. The LEPS is based on international standards, such as the European Prison Rules, but Council of Europe experts noted that the provisions in respect of prisoners' complaints do not guarantee the prisoner free and confidential access to the prison director in person and do not provide for the recording of complaints, set time limits for replies and establish an effective and accessible appeals process (Aram and Colliander, 2001). The same experts noted that the inspection mechanism is vague and weak and that no provision is made for giving NGOs access to prisons in order to monitor the situation. At Articles 165-8 the LEPS sets out the authority for the use of capital punishment, which has since been abolished and replaced by a sentence of 40 years imprisonment. A new law dealing inter alia with the above points is expected once a new Penal Code has been adopted. In the meantime amendments to the Penal Code have removed all references to the death penalty and similar amendments are thus necessary in the LEPS.

Organisational structure

Responsibility for the prison system lies with the Ministry of Justice and has done so since 1968. The system is managed by the Assistant Minister of Justice who is Director of the Administration of the Execution of Prison Sanctions (the prison administration). He is recommended by the Minister of Justice and appointed by the Government for a four year period. The Director is Mr. Dragan Vulić. A total of fifteen persons are employed in the prison administration headquarters.

The directors of the prisons are formally regarded as deputies of the Director of the Administration. Each prison has five separate staff sections ('services'), which are responsible for security, 'correction' (treatment), employment and training, health care and administrative/legal/general matters.

There were 28 prisons in operation in 2001, namely 17 District Court prisons, mainly for pre-trial detainees, two maximum security prisons of which one is for male adults (Požarevac) and the other for male juveniles (Valjevo), two other closed prisons for male adults (Niš and Sremska Mitrovica) and one for females (Požarevac), four open prisons for males, one educational-corrective institution for male and female juveniles (Krusevac) and one closed hospital for males and females (in Belgrade). Kosovo, a part of Serbia that is currently under United Nations administration, contains a further seven prisons, details of

which are to be found in section 45.

The total capacity of the system at the beginning of June 2001 was 13,500 of which four prisons have capacities of at least 1,000, namely Požarevac maximum security prison (2,000), Sremska Mitrovica closed prison for males (1,500), Niš closed prison for males (1,000) and Belgrade District Court prison (1,000). Krusevac educational-corrective institution for juveniles and the Belgrade Central Prison Hospital each have a capacity of 500. The average capacity per prison is 482.

Pre-trial detention

There were 1,212 persons in pre-trial detention on 1 June 2001 (15 per 100,000 of the national population). The prison administration reports that pre-trial detainees spend one hour a day out of their cells/rooms in a normal day. The CPT recommends that pre-trial detainees should spend at least eight hours a day outside the living accommodation, engaged in purposeful activities. The Council of Europe experts found that in the Belgrade District Court Prison at the end of May 2001 prisoners were receiving only 20-25 minutes daily exercise in the open air despite the provision in the prison rules stipulating that one hour should be allowed (Aram and Colliander, 2001).

The numbers held in penal institutions

The prison population rose from 3,600 in the early 1990s to over 6,000 at the end of 2000. However it had fallen back to 5,566 in June 2001, which represents a prison population rate of 69 per 100,000 of the general population. This is considerably lower than that in most countries of central and eastern Europe but similar to the rate in most of the republics of former Yugoslavia, including Bosnia and Herzegovina, Croatia, Macedonia and Slovenia.

Of the prison population in June 2001, 21.8% were pre-trial detainees, 1.7% were females, 3.4% were juveniles under 18 and 1.7% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the penal institutions in June 2001 was 41.2% of the official capacity of the system. There is no overcrowding.

The minimum amount of space that is considered necessary for each prisoner in the Serbian prison system is 4m²; this is specified by law. Because of the low occupancy level detainees and prisoners were actually receiving an average of 9.7m².

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

As elsewhere in central and eastern Europe, few prisoners are housed in single cells. It is reported by the prison administration that the largest number of prisoners accommodated in one room is 60-70, and that this large number

occurs only in one penal institution, which cannot be renovated. Even here the space in the room is 280m², thus providing each prisoner with at least 4m² of space.

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

Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided when needed for health reasons. The LEPS requires that the total content of the nutrition of a convicted person must be no less than 12,500 joules.

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

At the Belgrade Central Prison Hospital, which held 400 prisoners in May 2001, there were 300 staff, including 30 doctors, 80 nurses and 30 other specialist staff, including psychologists and social workers. The Council of Europe experts criticised the poor hygienic conditions, outdated technical equipment (some of which was inoperative), shortage of equipment and medicaments, and the state of the buildings, which had poor access to daylight and fresh air and minimal heating. They considered the most serious deficiency to be "the indiscriminate and overcrowded mixing of all types of illness and medical conditions", for example the insane, the disturbed, the mentally deficient, drug addicts, the physically ill and the aged and infirm. But despite the poor physical conditions they were convinced that "all health care staff were doing their very best to treat patients in as humane a manner as possible" and they noted "an immensely sensitive management of a very difficult population" (Aram and Colliander, 2001).

In the three largest institutions in May 2001 there were two doctors and three nurses at Požarevac maximum security prison for the 726 prisoners present, five doctors and eight nurses (plus some doctors on contract) at Niš closed prison for the 742 prisoners present, and one doctor and three nurses (plus three part-time doctors providing 24 hour cover) at Sremska Mitrovica closed prison for the 806 prisoners present. Each prison also had a dentist. A convicted woman who has a child may keep the child with her until it has completed its first year. There is a mother and baby unit at the women's prison at Požarevac; in May 2001 it had high standards of hygiene, material provision and nursing care and

there was one occupant.

The prison administration reports that there are not many prisoners with an alcohol or drug problem but the numbers are increasing and they have treatment programmes in place. HIV/AIDS is a problem in the system and the numbers are increasing; in accordance with WHO guidelines there is no policy of testing all prisoners for this condition. Tuberculosis is not a problem and the numbers are not increasing; there is nevertheless a treatment programme in place for prisoners suffering from this disease.

In the year 2000 27 prisoners died, four of them as a result of suicide. None died from tuberculosis. Post-traumatic stress, following the wars with Croatia and Bosnia, is a problem among prisoners but not a major one. A treatment programme is reported to be in place.

Discipline and punishment

Disciplinary punishments permitted by law (Article 117 of LEPS) are reprimand, deprivation of privileges and solitary confinement. Solitary confinement may only be used “for the most difficult disciplinary offences (injury or threat to life or body, self-inflicted injury, threatening [sc. behaviour], damage or destruction of property, preparation or incitement to escape or riot, and similar offences)” (LEPS, Article 119). Solitary confinement cannot be for more than 15 days, or 30 days in the case of concurrent disciplinary offences.

A room used for solitary confinement must have at least 10m³ of space, a sanitary device, daily light, drinking water, a bed with sheets, a table, a chair and heating. During the period of isolation a prisoner is permitted at least an hour a day outside the cell (for exercise) and access to books, and is visited daily by a physician and weekly by a manager and an educator/pedagogue (Articles 130-132). Family visits are not allowed.

Council of Europe experts found in May 2001 that punishment cells in the correctional facility for juveniles were dark and the windows covered by a metal grille, which could only be opened from the outside; thus fresh air could not be regulated by the prisoner (Aram and Colliander, 2001).

Contact with the outside world

The frequency with which pre-trial detainees may be visited depends on the investigating authority. A sentenced prisoner may be visited once a week if the sentence is being served in an open institution or the open section of an institution, twice a month in a semi-open institution or section and once a month in a closed or maximum security institution or a closed section (Article 68). Visits must last for at least one hour (Article 71).

The director of a prison may authorise additional visits “to a convicted person who is hard working and of good behaviour” (Article 104). Other privileges that may be allowed include the opportunity to receive private (intimate) visits from a spouse/partner. The prison administration reports that there are no provisions for receiving long visits (including overnight stay) from their families, but Article 72 of the LEPS does indicate that “a convicted person has the

right to a visit from a spouse or children once in three months in the special rooms of the penal institution”.

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

There is no restriction on the number of letters that may be sent or received but prisoners' letters are usually read by the prison authorities. It is reported that sentenced prisoners and pre-trial detainees may speak to their families by telephone. Parcels may be received by convicted prisoners at intervals identical to those allowed for visits, namely once a week in open conditions, twice a month in semi-open conditions, and once a month in closed conditions.

Permission for home leaves and other authorised visits outside the institution may be granted as privileges by the prison director. The types of leave include visiting family or relatives during weekends and holidays, a visit to the town and an annual seven days leave from the prison (Article 104). In practice these are given as a reward for good behaviour and work; prisoners in open and semi-open conditions are reported to be granted leave regularly.

Prison staff

The Serbian prison service employed 3,184 staff at the beginning of 2001, of whom fifteen worked in the prison administration headquarters. In the prisons there were 136 management staff, 1,681 security staff, 159 treatment staff (including psychologists, educators and medical staff) and 1,208 other staff (including secretarial staff and those working in connection with prisoners' employment). The overall ratio of prison staff to prisoners was 1 : 1.9 in 2001 or, if the ratio is based only on management, treatment and security staff in the penal institutions, 1 : 3.1. The number of security staff was 8% (150) below complement, and the number of treatment and medical staff 27% (60) below complement.

Initial training for a new member of the security staff lasts for 6 months and an examination must be passed after one year. Until the beginning of the 1990s it is reported that “a well-functioning system for prison staff was in place via the Police Academy”. Since then there has been no training organised on a national level. In a number of prisons some in-service training is provided, but this is geared mainly to improving the physical condition of staff and their ability to handle arms. There is no training in inter-personal skills, human rights or other subjects. There is also no professional development training for health care staff, who are reported to be unable to attend seminars or training due to financial constraints (Aram and Colliander, 2001).

The Council of Europe experts recommended that the training of prison staff should become a priority. “Such training should focus in the first instance on human rights, inter-personal skills and the humane treatment of prisoners. It should target not only newly recruited staff but also currently employed staff. A training curriculum, appropriate to the Serbian context, should be designed through trained trainers, engaging selected Governors [directors] and other sen-

ior staff in the process” (ibidem, p.19). It was also recommended that there should be management training.

The OSCE Mission to the Federal Republic of Yugoslavia was about to commence a ‘training the trainers’ project at the beginning of 2002. This would involve a three-week course given by two international experts to twelve Serbian prison-staff trainers. The twelve trainers, together with the international experts, would then provide one week of training to all prison security staff in the Belgrade area; the training would cover communication skills, human rights, ethics and the use of force. The OSCE Mission also wished to assist the Serbian authorities with the establishment of a staff training centre.

In institutions for male prisoners about 10% of staff are women, working in treatment and administration. In the institution for female prisoners it is reported that some 5-8% of staff are men, working only as perimeter guards.

Treatment and regime activities

The treatment staff includes psychologists, social workers and educators (pedagogues). Prisoners are organised into groups led by a pedagogue who co-ordinates their activities. The number of prisoners in such a group ranges from 50 to 80.

Treatment activities are reported to consist of individual programmes geared to the re-education of prisoners. There are also leisure activities of a cultural and sporting nature.

Sentenced prisoners have their cells/rooms unlocked for 14 hours a day. Each prisoner is allowed at least an hour of walking or suitable exercise every day (including week-ends) in the open air.

The prison administration reports that they make pre-release arrangements to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return. The use of semi-open and open institutions and sections of institutions clearly contributes to this.

Conditional release

According to Articles 146-8 of the LEPS a convicted person who has fulfilled the prescribed conditions (for example regarding the proportion of sentence that has been served) may be conditionally released. Either the prisoner or the prison director may submit a request or recommendation for conditional release to the Commission for Stipulated Release, which is established by the Ministry of Justice and consists of five members of which at least two are justices of the Supreme Court of Serbia. The Commission must obtain the written opinion of experts from the prison in which the sentence is being served. A prison director may grant early conditional release to a prisoner, without reference to the Commission, if four-fifths of the prison sentence has been served and the prisoner “has worked hard and demonstrated good behaviour” (Article 149). In the year 2000 32% of sentenced prisoners were conditionally released.

Prison work

Convicted prisoners are required to work, if they are fit to do so and work is available for them. The purpose of work is stated as being “for a convicted person to gain, maintain and develop his working capabilities, working skills and expert knowledge” (Article 76). “Realising economic profit from the work of convicted persons must not interfere with realising the purposes of the work” (Article 77). A first time offender serving a sentence of less than six months may be permitted to work “at the working place where he was employed at the time he received the sentence order, if there are good reasons for this and the criminal offence was not connected to the job” (Article 80).

At the end of 2001 between 60% and 80% of sentenced prisoners had some work, but only 1-2% of pre-trial detainees. Some money is given to prisoners who are unable to work or for whom no work is available. The law specifies that the monthly pay of a convicted person shall be 20% of the minimum pay in the Republic of Serbia and that overtime shall be paid at 50% of the minimum rate (Article 83). The prisoner may keep 70% of pay to be spent as he/she wishes and the remainder is placed in a savings account. A paid annual vacation and paid holidays are included in the legislation.

The Council of Europe experts reported that in Niš prison production work of a high standard was available in 2001. In Požarevac prison for women “there was considerable reliance on agricultural work”. In Sremska Mitrovica the provision for industrial work seemed good but the experts reported little evidence of activity. In Padinska Skela prison there were “excellent workshops with a wide variety of activity” (Aram and Colliander, 2001).

Education and vocational training

Education programmes consisting of primary and secondary schooling are available, both for younger prisoners and for adults. Remedial education for prisoners with problems such as illiteracy and innumeracy is also provided. Vocational training is available for sentenced prisoners.

Inspection and monitoring

The Ministry of Justice is reported to conduct inspections of the penal institutions, in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the prison administration.

The Council of Europe experts drew attention to the fact that, although the LEPS at Article 346-8 refers to the prison administration monitoring the functioning of penal institutions, including programmes and plans of work, record keeping, the work of the five sections (‘services’), training, the use of force, education and vocational training, disciplinary measures and privileges, nevertheless they found little evidence of formal inspection and concluded that the whole area of inspection and monitoring should be reviewed as a matter of some urgency (Aram and Colliander, 2001).

The Steering Group for Prison Reform in Serbia, which was established in 2001 by the Council of Europe and the Office for Security and Co-operation in

Europe in collaboration with the Ministry of Justice and the prison administration, has established a task force on inspection and monitoring which will be chaired by Ms Olivera Jelkić, counsellor at the Ministry of Justice and former director of Sremska Mitrovica prison.

Independent inspection of the prison system can be carried out by non-governmental organisations, including the Helsinki Committee for Human Rights in Serbia, as from the beginning of 2001. Until the fall of the Milošević regime in October 2000 non-governmental organisations were not allowed to monitor the penal institutions. The OSCE Mission to Yugoslavia is planning to train NGOs to conduct monitoring.

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be available to management staff at the national prison administration and in each penal institution. Copies are also said to be available for other staff to read and for prisoners in the prison library.

The OSCE Mission has published in Serbian and distributed to prison staff 4,000 copies of an OSCE Prison Handbook entitled 'Prison practice under international standards – handbook on basic conditions for successful work in prisons'. The handbook is based on the Penal Reform International publication 'Making Standards Work'. The OSCE has also translated and printed 1,000 copies of the United Nations publication 'Human Rights and Prisons' – a manual on human rights training for prison officials, which was to be distributed before the end of 2002 by the Serbian Ministry of Justice.

Non-governmental organisations

There are several human rights NGOs that have been working for some years on issues relating to prisons. However, before 2001 the authorities did not allow them access to prisons other than to make contact with clients that they were representing in court as lawyers. As mentioned above, non-governmental organisations are now able to visit the penal institutions for monitoring purposes. The prison administration considers that their work will bring positive advantages in that they may notice some deficiency that has not been detected by the Ministry of Justice's formal inspection process.

The riots of November 2000

Serious riots occurred in Serbian penal institutions in November 2000. Initially these were in Sremska Mitrovica prison and the 1,300 inmates are said to have been demanding better prison conditions and better health care, treatment and financial status. They also demanded equitable treatment of all prisoners in Serbian institutions, and made a total of 29 demands, including an Amnesty Act in respect of a large number of prisoners. The uprising quickly spread to the other two large prisons (Niš and Požarevac) - where one of the demands was for a pay rise for prison staff - and to several smaller prisons. According to official estimates 3,000 prisoners took part, and the smashing and setting fire to furni-

ture and other items resulted in considerable financial cost. The Ministry of Justice publicly agreed that prison conditions and security, including staff-prisoner relations and the treatment of prisoners, had suffered during the Milošević regime and that the prisoners' demands were justified. However, it was declared that the violent protest must cease, after which an Amnesty Act could be debated by the Serbian parliament. The rioting subsided.

The Council of Europe experts were extremely concerned, during their visit on 31 May 2001, at the conditions they found in Sremska Mitrovica prison. They noted the poor quality of staff-prisoner relations and found much hostility amongst prisoners and serious communication difficulties with the prison director and senior staff. Prisoners complained that promises made to them following the riots had not been kept and warned that further troubles could be imminent. Staff changes were made by the Director of the prison administration, including the replacement of the director of the prison, and a number of other measures were taken to remove the causes of the tension and hostility.

Other matters

The Serbian prison administration is involved in international co-operation that is intended to improve prison standards. In particular they report co-operation with the Office for Security and Co-operation in Europe and the Council of Europe. The Steering Group for Prison Reform, to which reference has already been made, has established task forces in respect of the review of the law, staff training and personnel issues, health care provision, prisoners' rights and complaints, and prison refurbishment, in addition to the one on inspection and monitoring.

Pre-trial detainees and sentenced prisoners retain the right to vote in national elections.

The prison administration produces an annual report.

Important recent developments

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

- the serious prison riots in several penal institutions in November 2000;
- the establishment of co-operation with the OSCE and the Council of Europe (2001);
- the introduction of the new Criminal Procedural Code in 2002.

Current objectives

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

- to improve the Law on the Execution of Penal Sanctions;
- to provide humane conditions of detention for all prisoners;

- to improve safety in penal institutions;
- to restore the housing capacity following the damage caused during the serious riots;
- to establish a staff training centre at Novi Sad.

Main problems

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

- the shortage of financial resources;
- the difficulty in recruiting staff of a sufficiently good quality;
- the poor material conditions of the penal institutions;
- the fact that current prison staff are inadequately trained to perform their duties in a way properly reflecting the European Prison Rules;
- the need to find ways to occupy sentenced prisoners and pre-trial detainees in positive activities;
- the absence of a Ministry-wide computer network.

Achievements

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

- the headway that has been made in redressing the situation that led to the riots in November 2000. The leaders of the riots had been transferred to other prisons, the security staff had been reinforced, 70% of the prison directors had been replaced and important reconstruction work was in progress;
- the construction of new buildings in the prisons of Pančevo and Padinska Skela and the repair of the Valjevo juvenile closed prison and the prison in Sabac, both of which were affected by flooding in Spring 2001;
- improvements in food and clothing for prisoners.

Further achievements of the Serbian prison system include:

- providing a good amount of space per prisoner, an average of some 9.7m² across the system as a whole in 2001;
- having good opportunities for sentenced prisoners to have home leave;
- having one of the higher employment rates among sentenced prisoners in the prison systems of central and eastern Europe;
- despite difficult conditions in the central prison hospital, having an "immensely sensitive" management with all staff committed to treating patients in "as humane a manner as possible".

- introducing the practice of allowing non-governmental organisations to visit the prisons for monitoring purposes;
- responding effectively to relieve the tensions and improve staff-prisoner relations at a prison where unrest was apparently imminent;
- co-operating with international bodies as part of a process of prison reform.

Conclusion

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

- to increase the amount of time that pre-trial detainees spend out of their cells/rooms per day and to develop a programme of purposeful activities of a varied nature;
- to improve the hygienic conditions at the central prison hospital, the quality of the equipment, the state of the buildings and the classification of prisoners with different medical problems;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to give priority attention to staff training, in particular in respect of human rights, inter-personal skills and the humane treatment of prisoners, and including the training of senior managers in policy and regime development;
- to appoint some male staff to work with women prisoners and to appoint more female staff in institutions for men, in order to help diminish the gulf between circumstances outside and inside;
- to appoint more treatment staff and in particular to ensure that there are sufficient pedagogues to enable no group to exceed 50 prisoners;
- to further develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and to enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to develop the formal inspection process of the Ministry of Justice, so that it is not only an effective means of checking that laws and regulations are properly observed but also an on-going stimulus to the improvement, throughout the prison system, of the management of the penal institutions and the treatment of prisoners.

Annex 1

YUGOSLAVIA: SERBIA Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	3,622	37	9.85 million
1993	3,623	37	9.85 million
1996	5,150	52	9.9 million
2000	6,160 (excluding Kosovo)	76	8.1 million (excluding Kosovo)
2001 (1/6)	5,566 (excluding Kosovo)	69	8.1 million (excluding Kosovo)

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	1,256	20.9	16
(1/6)	1,212	21.8	15
Female prisoners in 2001			
(1/1)	116	1.9	1
(1/6)	92	1.7	1
Juveniles (under 18) in 2001			
(1/1)	145	2.4	2
(1/6)	190	3.4	2
Foreign prisoners in 2001			
(1/1)	108	1.8	
(1/6)	95	1.7	

Annex 2

Penal institutions in Yugoslavia – Montenegro: functions and capacity, 2001

National prisons

1	Požarevac	maximum security prison for male adults	2,000
2	Valjevo	maximum security prison for male juveniles	
3	Niš	closed prison for sentenced males	1,000
4	Sremska Mitrovica	closed prison for sentenced males	1,500
5	Požarevac	closed prison for sentenced females	200
6	Belgrade (Beograd)	open prison	200
7	Sombor	open prison	
8	Cuprija	open prison	
9	Sabac	open prison	
10	Krusevac	educational correctional home for juveniles (aged 14-23)	500
11	Belgrade Central Prison Hospital	closed institution for males and females	500

District Court prisons

12	Belgrade	Pre-trial detention centre	1,000
13	Cacak	Pre-trial detention centre	
14	Kragujevac	Pre-trial detention centre	
15	Leskovac	Pre-trial detention centre	
16	Niš	Pre-trial detention centre	
17	Novi Sad	Pre-trial detention centre	
18	Padinska Skela	Pre-trial detention centre	
19	Pančevo	Pre-trial detention centre	
20	Sabac	Pre-trial detention centre	
21	Smederovo	Pre-trial detention centre	
22	Sombor	Pre-trial detention centre	
23	Subotica	Pre-trial detention centre	
24	Urosevac	Pre-trial detention centre	
25	Veliki Beckerek/Zrenjanin	Pre-trial detention centre	
26		Pre-trial detention centre	
27		Pre-trial detention centre	
28		Pre-trial detention centre	

TOTAL (beginning of June 2001)

13,500

Note: Information concerning Serbian penal institutions is incomplete.

Annex 3

Yugoslavia - Serbia: principal sources of information

Response by the Director of the Serbian Prison Administration, Mr Dragan Vulić, to survey questionnaires for this project (prepared by Mr Zlatko Nikolić).

Aram D. and Colliander P., 2001. Report of an expert visit to Serbia, May-June 2001, to describe and assess the Serbian prison system. Council of Europe/OSCE, Strasbourg

Council of Europe, 2001. First Steering Group meeting on the reform of the prison system in Serbia, Strasbourg, December 2001. Council of Europe/OSCE, Strasbourg

Council of Europe, 2001/2. Minutes and conclusions of the seminar 'Prison reform and human rights in Serbia', Belgrade, October 2001. Council of Europe/OSCE, Strasbourg

Council of Europe, 2002. Second Steering Group meeting on the reform of the prison system in Serbia, Soko Banja, September 2002. Council of Europe/OSCE, Strasbourg

Helsinki Committee for Human Rights in Serbia, 2001. Human Rights in Serbia, 2000

Ministry of Justice, 1998. Law on the Execution of Penal Sanctions [1997]. Belgrade

45. Abkhazia, Kosovo, Nagorno-Karabakh, South Ossetia and Transnistria

Introduction

There are five regions of central and eastern Europe that are not under the control of the country in which they are situated and of which they are legally a constituent part. Penal institutions in these regions are consequently not under the control of the prison systems of the countries concerned, and have not been included in preceding sections of this report. Brief details about these institutions are given below in order that the report shall contain at least some information on all prison systems and penal institutions in central and eastern Europe.

Abkhazia

In 1992, following the break-up of the Soviet Union, the local Abkhazian parliament unilaterally declared itself an independent state, launching the region into armed conflict with the government of Georgia. In 1993 the Abkhazian forces expelled the Georgian national army from the self-declared republic of Abkhazia and took the city of Sukhumi, the region's capital. A ceasefire was brokered by the Russian Federation in May 1994 but further fighting broke out in May 1998.

There are two penal institutions in Abkhazia. The main one, Dranda prison, has a capacity of 550 and held 450 prisoners at the end of 2001. There were 54 staff, including the prison administration, security staff (guards) and medical personnel. A new colony settlement has also opened recently with 16 prisoners located there. There are six women prisoners in the region. In addition to these penal institutions there are six temporary detention isolators (IVS), each able to hold 60-80 people; these are operated by the police. The population of Abkhazia was 537,000 in 1990 and, if this figure was still correct at the end of 2001, the total of 466 prisoners gives a prison population rate of 87 per 100,000 citizens.

The NGO Penal Reform International (PRI) organised two projects in Dranda prison in 2001. One involved the removing of shutters from prison cells, replacing them with bars to provide better light and ventilation. The second project entailed the training of 70 prisoners in computer skills. Eight prisoners were trained as trainers and continued to provide training to their fellow prisoners (PRI, 2002. Annual Report 2001).

Kosovo/Kosova

Kosovo is generally known within the area as Kosova. United Nations resolution 1244, passed in 1999, charged the international administration (UNMIK – the United Nations Mission in Kosovo) with establishing substantial autonomy

for Kosovo within the Federal Republic of Yugoslavia (FRY). This included the creation of a prison system separate from the two systems operating in FRY, those of Serbia and of Montenegro.

Under the auspices of UNMIK Department of Justice, the Penal Management Division/Kosovo Correctional Service was to be created and, at the end of a transitional period to be defined by the international community, this would continue to exist only as the Kosovo Correctional Service. It is envisaged that it will ultimately be under the authority of a Ministry of Public Services.

Following two international recognisance missions in August and September 1999 and the preparation of a strategy for the recruitment, staffing, training and re-establishment of the Istok Penitentiary (Dubrava) as a functioning institution operating in accordance with the European Prison Rules and the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Kosovo Correctional Service (KCS) was established in November 1999.

There had been six penal institutions in Kosovo prior to the war and destruction in early 1999. At the end of November the KCS assumed responsibility for the first penal institution to exist following the conflict, namely the detention centre at Prizren. In October 1999 58 Kosovar prison staff with experience under the previous regime had been identified and recruited and underwent a three-day training course; 28 of them were deployed to work in the institution at Prizren under the supervision of three international prison staff from the United Kingdom.

In February 2000 the KCS took responsibility for a second institution, Dubrava prison, the only maximum-security institution in Kosovo. The first prisoners were received in June 2000. A third institution (Lipjan) was officially opened in May 2000. KCS assumed responsibility for two further institutions (detention centres at Mitrovica and Peja/Peć) in October 2000. By November 2000 599 prison staff had been trained and were working in the five institutions and the KCS headquarters in Priština. At the end of 2000 the prison population was 227.

In February 2001 the KCS assumed responsibility for two further institutions, detention centres at Priština and Gjilani. All seven institutions were being managed by United Nations prison directors, most staffed entirely by Kosovar KCS staff. However the Priština institution was partly staffed by Kosovar KCS staff and partly by international police officers and the institution at Mitrovica, where all Serb prisoners were detained, was staffed solely by international police. In May 2001 the prison population was 521 (374 pre-trial detainees and 147 sentenced prisoners). The capacity of the seven institutions was 942. At the end of 2001 819 Kosovar Correctional Service staff had been recruited and were working in the seven institutions and the KCS headquarters in Priština. The capacity of the seven institutions was 937.

Achievements of the KCS in 2001 included:

- refurbishment and repair of the prison hospital, visitors centre and security lighting at Dubrava prison;
- training for KCS supervisor and senior supervisor staff;
- the introduction of an early release programme for sentenced prisoners;

- the preparation of legislation, including a law on the execution of penal sanctions;
- the development of education programmes for pre-trial detainees, sentenced adults and sentenced juveniles;
- the refurbishment of the mother and baby unit at the Lipjan institution, and the purchase of computers and sewing machines for vocational training and books for the library;
- the categorisation of all prisoners into security levels, depending on the seriousness of their crime and the risk to the community if they should escape;
- the training of 60 prison staff in the use of firearms;
- the expansion of the initial training programme for prison staff from four weeks to six, with extra time devoted to increasing practical skills;
- the development of a plan of the process by which Kosovar staff will begin to assume responsibility for the management of prisons.

Objectives for the year 2002 included:

- the recruitment and training of 400 additional prison staff;
- the repatriation and transfer of Kosovar Albanian prisoners from Serbia;
- ongoing training of KCS staff in all institutions;
- the construction of a 200 bed pre-fabricated prison in Lipjan and the creation of a further 320 places in two repaired and refurbished blocks in Dubrava prison;
- training Kosovar staff in finance management and procurement;
- recruiting additional social worker staff for the seven institutions and providing for them intensive training by international social workers;
- completing management training for middle and senior management Kosovar staff;
- the development of health care services including all the essential requirements for the operation of Dubrava prison hospital;
- the development of policies for the implementation of the new Criminal Code, Criminal Procedural Code and Juvenile Justice Code, which were due to become law in 2002;
- undertaking a review to develop programmes of education, vocational training, life skills, literacy, recreation and work for all offender groups;
- expanding social work responsibilities in all institutions and creating an integrated system of sentence planning and risk assessment;
- planning a parole/conditional release system and beginning a review for the introduction of a probation system.

Funding for the work of the KCS, and the free provision of international prison and police staff, were provided by the governments of Austria, Canada, Denmark, Finland, Germany, Italy, Netherlands, Switzerland and the United Kingdom. By mid-2002 the prison population had risen to 965 and the capacity of the system to 1,069. Due to increased and more efficient policing it was envisaged that the prison population could rise to 1,800. Planned construction, including extensions to existing institutions, would bring the capacity close to 1,600.

The prison population from 2000-2002, the penal institutions and their capacity, and the principal sources of information on the development of the prison system in Kosovo, may be summarised as follows:

Prison population of Kosovo, 2000-2002

	TOTAL	Prison pop'n rate per 100,000 of national pop'n	National population (estimate)	Source
31.12.2000	227	13	1.8 million	KCS Strategic Plan 2002
May 2001	521	29	1.8 million	KCS Strategic Plan 2001-02
Mid-2002	965	54	1.8 million	European Union CARDS programme assessment

Kosovo penal institutions and their capacity, 2001 (31 December)

Dubrava prison	520
Lipjan prison	70
Gjilani detention centre	90
Mitrovica detention centre	52
Peja/Peć detention centre	72
Priština detention centre	49
Prizren detention centre	84
TOTAL	937

Kosovo: Principal sources of information

KCS, 2001	Strategic Plan of the Kosovo Correctional Service for 2001-02. Priština.
KCS, 2002	Strategic Plan of the Kosovo Correctional Service for 2002. Priština.
European Union, 2003	Main findings of EU CARDS programme assessment. Brussels

Nagorno-Karabakh

Nagorno-Karabakh is a disputed territory within Azerbaijan, which used to contain some 20% of the population of that country. With a mixed, but largely Armenian, population it is now administered by a quasi-autonomous body which considers itself answerable to Armenia. The population of the region in 1990 was 192,400.

There are three penal institutions : a pre-trial institution (SIZO or investigation isolation institution) in the capital Stepanakert, a closed prison (tyoorma) at Susha and a mixed regime colony at Fisuali. Two of the institutions are under the Ministry of Internal Affairs and the other is under the Ministry of Security. Women and minors are held in prisons in Armenia.

South Ossetia

South Ossetia has been the scene of ethnic conflict with the Georgian government and, following a ceasefire brokered by the Russian Federation in 1992, it has been a quasi-autonomous region with peace-keeping forces providing a buffer zone between South Ossetia and the rest of Georgia.

There is one penal institution in South Ossetia, in the capital Tskhinvali, which holds both pre-trial detainees and sentenced prisoners. At the end of 2001 it held 87 prisoners, of whom 17 were pre-trial detainees. There are 18 staff, despite an authorised complement of 94. The population of South Ossetia was 99,000 in 1990 and, if this figure was still correct at the end of 2001, the prison population rate was 88 per 100,000 citizens.

The non-governmental organisation Penal Reform International (PRI) initiated an experimental project in 2001, aiming to promote prison reform. A round-table was organised together with the authorities of Abkhazia and Georgia (PRI, 2002. Annual Report, 2001).

Transnistria/Transdniestria

Transnistria (or Transdniestria) is a region of the Republic of Moldova, situated on the eastern side of the river Nistru/Dniester, which broke away from the rest of Moldova in 1992. Although it is internationally unrecognised, Russia gave de facto recognition and Russian troops remained on the territory. Despite an accord signed in 1994 that guarantees autonomy to Transnistria – as an autonomous region without national sovereignty – the government of Transnistria continues to assert its national independence.

The prisons in Transnistria are under the control of the local authorities in the region; the prison administration in the Moldovan capital Chişinău has no influence over them. However, in 2001 a number of pre-trial detainees from Transnistria were being held in the pre-trial prison in Bender/Benderi which is a Chişinău-run enclave within the Transnistrian region.

The legislation in force in Transnistria at the end of 2000 (and also during 2001) was the Penal Code and Code of Criminal Procedure of the former Moldavian Soviet Socialist Republic, although some modifications had been introduced. The Penal Executive Code was also believed to date from Soviet times. The penal institutions were under the responsibility of the official in charge of justice matters (referred to by the Transnistrian authorities as the Minister of Justice). At the end of 2000 this was Mr. Viktor Balala, and the official with direct responsibility for prison matters was Mr. Nikolai Goncharenko (CPT, 2002/35, para 3).

There were five penal institutions in operation in 2001. They were reported by the Transnistrian authorities to contain about 3,500 prisoners in November 2000, which, since the overall population of Transnistria is believed to be about 780,000, gives a prison population rate per 100,000 citizens of just under 450. The Director General of the Moldovan prison system understood that the prison population in Transnistria at the end of 2001 was about 3,000, which would mean a prison population rate of 385; at that time the prison population rate in the rest of Moldova was 293.

The penal institutions are as follows:

- 1) Glinoe (institution No.1) contains three sections, namely
 - a pre-trial institution (SIZO)
 - a colony for 800 sentenced prisoners
 - a social rehabilitation unit for 250 alcoholics.

- 2) Tiraspol (institution No.2) is a prison colony for 1,200 prisoners which held 700 in July 1997, with 25-30% employed. There were 133 staff (Krumme and Ruppert-Mann, 1997). At November 2000 it held 871, of whom 155 (17.8%) had employment (CPT, 2002/35).

- 3) Tiraspol (institution No.3) has two sections, namely
 - a pre-trial institution (SIZO)
 - a colony for 85 sentenced female prisoners, of whom the youngest in July 1997 was 16.

- 4) An open prison (colony) was built near Tiraspol in 1994. The prisoners work outside the institution and return only at night.

- 5) An educational labour colony for male juveniles at Alexandrovka, in the Camenca (Kamenskiy) district near Tiraspol, which was said in 1997 to be regarded as a model prison (Krumme and Ruppert-Mann, 1997).

The two delegations that have reported on the situation in Transnistria are Dr. Barbara Krumme and Dr Gesine Ruppert-Mann of the Medical Mission Institute, Würzburg, Germany who conducted an assessment mission in July 1997 on the situation of tuberculosis and nutrition in Moldovan prisons, including those in Transnistria, and the CPT which visited Transnistria from 27-30 November 2000. Both delegations reported on the situation in institutions Nos.1-3 but did not visit the open prison or the educational labour colony.

The CPT reported that “the situation in the establishments visited by the delegation leaves a great deal to be desired, in particular in Prison No.1 [Glinoe]”. They highlighted “what is perhaps the principal obstacle to progress, namely the high number of persons who are imprisoned and the resultant overcrowding” (CPT, 2002/35 para 41). They noted that the situation was at its most serious in Prison No.1, where “the cells for pre-trial prisoners offered rarely more – and sometimes less – than 1m² of living space per prisoner, and the

number of prisoners often exceeded the number of beds. These deplorable conditions were frequently made worse by poor ventilation, insufficient access to natural light and inadequate sanitary facilities” (ibidem, para 42).

The CPT heard allegations of ill-treatment at Glinoe prison and observed that “the atmosphere in Prison No.1 was considerably more tense than in the other penitentiary establishments visited. The general demeanour of the prison’s staff at all levels clearly suggested that at least certain of them could well be inclined to abuse their authority” (ibidem, para 45).

The CPT was extremely concerned at the level of care provided to prisoners suffering from tuberculosis, in particular at Glinoe prison. “Ninety-three prisoners held in Prison No.1 had the disease, including 27 with active tuberculosis”. (In 1997 there were 69 known cases.) “However, the delegation found that the establishment had a totally inadequate supply of the necessary medicines; at the time of the visit only one anti-tuberculosis drug (rifampicine) was available. In fact, a sick prisoner’s access to the medicines required to treat his illness (whether tuberculosis or any other) was entirely dependent upon him or her having a family with the necessary resources. The same situation prevailed as regards diet; prisoners suffering from tuberculosis were prescribed a special diet, but it was up to his or her family to provide it. Not surprisingly, in the light of the above, the delegation met tuberculosis sufferers who were receiving practically no treatment for the disease. In addition, the material conditions of detention of prisoners with tuberculosis were not compatible with their state of health; the cells were poorly lit, inadequately ventilated and unhygienic, and living space was very limited” (CPT 2002/35, para 47).

Overall, the CPT concluded that material conditions of detention were particularly bad at Prison No. 1 in Glinoe. They recognised that under the present economic circumstances the authorities had no choice but to keep the institution in service. “However, the premises of Prison No. 1 belong to a previous age; they should cease to be used for penitentiary purposes at the earliest opportunity” (ibidem, para 52).

The CPT reported that the material conditions in certain parts of institution No. 2 and in the pre-trial section of No. 3 were similar, although slightly better, than those described in respect of Glinoe prison. They also received allegations of beatings in both of these institutions.

The exercise yards in all three institutions were regarded as too small (CPT, 2002/35 para 53).

Prisoners are accommodated in dormitories, but despite the overcrowding, the Würzburg delegation noted that the beds in institution No. 2 were individually made up, so that each was different from the next. Some had put up curtains around their beds to gain some privacy.

The women’s colony in institution No. 3 was reported to contain buildings that were “old but relatively freshly painted”. The crowded dormitories contained about 30 people but were bright and every bed had been made up with fresh linen”. The prisoners were also allowed to have a few personal items, such as an extra pillow or a home-made soft toy” (Krumme and Ruppert-Mann, 1997).

Contact with the outside world was said in 1997 to consist of short visits

every three months and long family visits of 4-5 days three times a year.

The CPT reported that out-of-cell activities were very limited: there were none for pre-trial detainees “and many sentenced prisoners were basically in the same position” (CPT, 2002/35 para 54). Employment available in 1997 included, in Glinoe prison, growing vegetables such as beans, tomatoes, pumpkin, onions and cucumbers; in Tiraspol No.2 there was some production of craft items from wood but the former industrial section, where until 1991 large amounts of metal products were produced and sold to other parts of the Soviet Union, was mostly dilapidated and empty and production had been reduced to a minimum. In the women’s section of Tiraspol No.3 work included filling cushions, filling and sewing mattresses and spinning wool from the prison’s own sheep (Krumme and Ruppert-Mann, 1997).

The CPT made a number of recommendations in respect of the penal institutions in Transnistria, including:

- an overall strategy should be developed for combating prison overcrowding and reducing the size of the prison population;
- a high priority should be given both to initial and in-service training for prison staff at all levels, with considerable emphasis placed on the acquisition and development of interpersonal communication skills;
- for prisoners with tuberculosis a suitable range of medicines and an adequate diet should be provided, there should be appropriate monitoring of the distribution and taking of the necessary drugs, and material conditions in their accommodation, in particular sunlight, ventilation and hygiene, should be conducive to an improvement in their health;
- the authorities should strive to fill vacant posts in health care services and ensure that health care equipment is restored to and maintained in working order;
- special measures should be introduced to ensure that both sentenced and remand prisoners are provided with work;
- all prisoner accommodation should have access to natural light and ventilation and every prisoner, whether sentenced or on remand, should have his/her own bed;
- the ban on outdoor exercise for prisoners in disciplinary cells should be set aside;
- solitary confinement should be as short as possible;
- in the medium-term prisoners should have 4m² of floor space and should be able to spend a reasonable part of the day outside their cells/dormitories engaged in purposeful activities of a varied nature (CPT, 2002/35 pp. 35-37).

Appendix: Reference material and recent events

The following is a guide to reference material on the prison systems of central and eastern Europe that is to be found in this report and elsewhere. Mention is also made of certain events that have occurred since the end of 2001.

Prison populations

Prison population totals in 2001 in central and eastern Europe and prison population rates per 100,000 of the national population are in table 4 of this report and the trend in these figures (mainly 1990-2001) can be traced by consulting annex 1 of sections 21-44. A summary of growth during the 1990s is in table 5.

Later information will be found in the World Prison Brief on the website of the International Centre for Prison Studies, King's College, London at www.prisonstudies.org. The World Prison Population List is published by the Home Office (London); the fourth edition appeared early in 2003 and a fifth edition is expected in 2004.

Penal institutions

The number and capacity of penal institutions in central and eastern Europe are in table 3 of this report, with occupancy levels in table 6. Lists of the penal institutions, including their functions and capacity, are at annex 2 of sections 21-44.

Prison administrations

Contact details of prison administrations in central and eastern Europe and elsewhere are to be found in the World Prison Brief (see above).

Prison staff

The number of staff in the prison systems of central and eastern Europe are in tables 21 and 22 of this report. Later information on all European countries (mainly at September 2002) will be in the Council of Europe Annual Penal Statistics (SPACE).

References

References to publications mentioned in sections 1-20 of this report will be found after section 20. References to data sources for sections 21-44 are at annex 3 of each of those sections.

Recent events

The following new appointments of heads of prison administration have been announced:

In Croatia Mr Josip Begović has been succeeded by Mr Josip Hehet.

In Latvia Dr Vitolds Zahars has been succeeded by Mr Dailis Luks.

In Lithuania Mr Jonas Blaževičius has been succeeded by Mr Skirmantas Agurkis.

In Slovakia Mr Anton Fábry has been succeeded by Dr Oto Lobodáš.

Two more of the countries of central and eastern Europe have become member states of the Council of Europe. In April 2002 Bosnia and Herzegovina were admitted. In April 2003, the transformation of the Federal Republic of Yugoslavia into the State Union of Serbia and Montenegro in February 2003 was followed by the accession of Serbia and Montenegro to the Council of Europe in April 2003. Belarus is now the only country in central and eastern Europe that is not yet a Council of Europe member state.