

## 38. Romania

### Legislative framework

The Criminal Code and the Criminal Procedural Code both date back to 1968, but they have been amended and updated. The Penal Executive Code dates back to 1969, but has also been updated many times. A new Penal Executive Code, which was available in draft in 1991, was expected to be approved by Parliament soon after that, once a new Criminal Code had become law, but no such new codes have been approved and enacted. More information about the 1969 Penal Executive Code is to be found in the previous HEUNI study of prisons in central and eastern Europe (Walmsley, 1996 pp. 330-1).

### Organisational structure

Responsibility for the administration of the Romanian prison system returned from the Ministry of Internal Affairs to the Ministry of Justice in January 1991. The Director General (head of the General Directorate of Penitentiaries) reports directly to the Minister of Justice.

Mr. Emilian Stănişor, the current Director General, succeeded Mr Mihai Eftimescu. Since 1994, when Mr. Ioan Chiş was Director General, Mr. Mircea Criste was appointed the first civilian head of the prison administration in 1997 and Mr. Marinel Nemoianu and Mr Zinica Trandafirescu have also held the post. The Director General is assisted by a Deputy Director General, Mr Valentin Binişor, and the heads of five Directorates (responsible for Penitentiary Treatment and Detention Safety, Human Resources, Logistics, Finance, and Education, Studies and Penitentiary Psychology). The headquarters administration, where a total of 214 staff are employed, also contains four Departments, including the Medical Department and the Public Relations and Secretariat Department and two Offices.

There were 43 penal institutions in 2001 which comprised 24 closed regime prisons (with semi-open sections), a prison for women (Târgşor) and one for juveniles and young offenders (Craiova), eight maximum security prisons (also with closed and semi-open sections), one prison with a semi-open regime, three re-education centres for juveniles, and five penitentiary hospitals. All the closed regime prisons and all but one of the maximum security prisons take both male and female prisoners, pre-trial detainees and sentenced prisoners, adults and juveniles (minors). The maximum security prison at Bucharest – Jilava is only for pre-trial prisoners and others in transit.

The total capacity of the system in mid-2001 was 35,346 with the 12 largest institutions each having a capacity over 1,000. These are Bucharest-Rahova (2,174), Poarta Albă (1,961 plus 796 in two separate sections), Aiud (1,750), Bucharest-Jilava (1,401), Timișoara (1,370), Gherla (1,328 plus 350 in a separate section), Deva (1,226), Iași (1,190), Mărgineni (1,175), Craiova (1,158),

Tulcea (1,147 plus 588 in a separate section) and Colibași (1,029). At the end of the year the capacity of the system was 36,137.

In the seven years since mid-1994 the capacity of the system has risen by more than 5,300, principally as a result of the completion of the new prison at Bucharest-Rahova and the opening of new prisons also at Arad and Giurgiu, but also as a result of creating new accommodation in at least one third of the institutions, and bringing former institutions back into use. A number of other measures were taken in order to reduce the level of overcrowding.

## Pre-trial detention

The level of pre-trial detention is slightly lower than it was in 1994 but it continues to be regarded as too high. At the beginning of 2001, there were 48 pre-trial detainees in the prison system per 100,000 of the national population, and at the end of the year the rate was 51. This is an average level for central and Eastern Europe but much higher than in most countries in the rest of the continent. The rate does not include pre-trial detainees held in police detention. The law concerning the investigation process and how long a suspect may be held in police detention was described in the previous HEUNI study (Walmsley, 1996 pp. 332-3). More than half those held in pre-trial detention conditions have been convicted in the first instance but are awaiting confirmation of their sentence.

It is reported that pre-trial detainees normally spend about four hours a day out of their cell/room, which is more than is achieved in most prison systems of central and Eastern Europe. However the CPT recommends (e.g. CPT, 2001/4) that they should spend a minimum of eight hours outside the cell/room, engaged in purposeful activities of a varied nature.

## The numbers held in penal institutions

The prison population has risen since the revolution at the end of 1989. At that time it was just over 29,000, climbing rapidly to 44,000 at the end of 1992. It then remained at a similar level until the end of 1997, rising sharply in 1998 to 52,000 since when it has been stable at around the 50,000 mark. The Romanian prison administration explains the rise in the population as attributable to the following causes: -

- an increase in the level of crime, itself the result of the period of transition to a market economy, the uncertainty concerning the Romanian economy, and the absence of state agencies to aid the social re-integration of released prisoners;
- successive law changes increasing the maximum sentences for some crimes to 30 years or life imprisonment;
- restrictions on the availability of conditional release;
- new legislative requirements that suspects must be held in pre-trial detention;

- absence in the legislation of non-custodial alternatives to imprisonment (General Directorate of Penitentiaries, 1998).

At the beginning of 2001 there were 48,267 prisoners in the penal institutions in Romania; at the end of the year there were 49,841, a prison population rate of 223 per 100,000 of the national population. Of this total 10.1% were unconvicted, with another 12.9% also in pre-trial conditions because, although convicted, their sentence was still unconfirmed. 4.3% of the prison population were females and 2.8% were juveniles under 18. Only a very small proportion (0.6% at the beginning of 2001) were not Romanians.

Romania's prison population rate of 223 at the end of 2001 was considerably higher than that of three of its neighbours, Bulgaria, Hungary and Yugoslavia: Serbia, but considerably lower than that of the other two, Moldova and Ukraine.

### Accommodation, overcrowding and living conditions

The number in the penal institutions in mid-2001 was 41% higher than the official capacity, and 31 of the 35 prisons were over the limit. Eighteen were more than 50% over capacity, and five of these more than 100% over capacity; in other words each of these five institutions held more than twice the number which is recognised as the official legal capacity. Indeed the living conditions were so overcrowded that in mid-2001 there were only 47,500 beds for about 50,000 prisoners. In seven prisons (Bacău, Botoşani, Bucharest-Jilava, Codlea, Focşani, Galaţi, Ploieşti) around half the prisoners had to share beds. This situation was unequalled in central and eastern Europe outside Russia.

The CPT, following their visit to two prisons in September/October 1995, called for immediate action (CPT, 1998 paras 124, 161) to ensure that all prisoners had their own bed. In their response, the Romanian government said in April 1997 that it was clear that the problem of overcrowding could not be solved in the short term; nevertheless much had been done and every prisoner at Gherla prison had his own bed. Unfortunately by 2001 there were 1,750 prisoners in that institution but only 1,545 beds. In the other institution visited by the CPT, the prison hospital at Bucharest-Jilava, again the administration reported that much had been done since the CPT visit; in 2001 each prisoner/patient in that institution did have his/her own bed.

In order to tackle the problem of overcrowding the capacity of the system has been increased, as already described. A number of other measures have also been taken:-

- the Code of Criminal Procedure was amended (1996) to make it possible for more pre-trial detainees to remain at home instead of being held in custody;
- the Penal Code was amended (1996) to enable large fines to be used as one of the main penalties available to the courts;
- conditional release was introduced (1996). Its scope was subsequently broadened;

- a collective pardon was voted by Parliament in July 1997. This resulted in the release of 2,248 prisoners (Council of Europe, 2000).

The official minimum space specification per prisoner in Romania is now 6m<sup>2</sup>. At the time of the previous HEUNI study in 1994 it was 6m<sup>3</sup> or about 3m<sup>2</sup>. But unfortunately the figure of 6m<sup>2</sup> has to be regarded only as an aspiration. It does not appear that any institution has had its official capacity reduced as a result of the nominal change in the official minimum. The present level of overcrowding clearly precludes such reductions.

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

As elsewhere in central and eastern Europe, very few prisoners are accommodated alone in single cells. In many prisons the rooms are designed for 20-40 prisoners, but in the new Bucharest prison (Bucharest-Rahova) they are designed for 3-5 prisoners. The largest number of prisoners in one room, in any prison in Romania is 55. The room is only 28.6m<sup>2</sup> in size, thus affording each prisoner only 0.5m<sup>2</sup> of space.

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

## Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for health reasons, for religious reasons and for minors and pregnant women.

Prisoners who are not working are supposed to receive 2,855 calories daily, and those who are working should receive 3,645 calories. In one prison visited by the CPT in 1995 it was said that there were six different menus prepared but the CPT reported that the light menu for prisoners not working was very similar to that for those suffering from tuberculosis. In a prison hospital, also visited in 1995, the CPT considered the quality and quantity of the food inadequate considering the state of health of the patients.

It is reported that the medical officer or one of his staff regularly advises the director of a prison on the quality, quantity, preparation and serving of food, the

hygiene and cleanliness of the institution and the prisoners, the sanitation, heating, lighting and ventilation and the suitability of prisoners' clothing and bedding.

Many prisoners have an alcohol problem and the number is increasing; however there is no treatment programme for such prisoners. It is reported that not many prisoners have a drug problem, but the number who do is increasing; there is again no treatment programme available. HIV/AIDS is said not to be a problem in the Romanian prison system but the numbers are increasing. In accordance with WHO guidelines there is no policy of testing all prisoners for this condition. The response is in accordance with the Romanian national plan. Tuberculosis is a significant problem, the numbers are increasing and there is a treatment programme in place, again in accordance with the national plan. It is reported that nine prisoners died from tuberculosis in the most recent twelve month period for which figures were available; in the same period there were five suicides. In all there were 62 deaths in the prison system in the first six months of 2001 – the same figure as that reported for the first six months of the year 2000. There are many prisoners with psychiatric problems but no psychiatric hospital available for them.

A programme 'Education for the prevention of HIV in prisons' is financed, to the sum of 50,000 US dollars, by the Centre for Health Services and Strategy of the Open Society Institute. A programme 'Management of tuberculosis in prisons' is also financed, to the sum of 42,900 US dollars, by the same body. Prisoners' medical care is funded through the national system of health insurance, with their personal contributions to the scheme paid by the General Directorate of Penitentiaries.

## Discipline and punishment

Romanian practice in respect of disciplinary measures was described in the previous HEUNI study (Walmsley, 1996 pp. 338-9). The most notable feature is that, following a decision of the prison administration in 1991, prisoners punished with the disciplinary measure of 'isolation' are held in conditions identical in terms of ventilation, lighting, food, exercise, etc. to that of all other prisoners. Isolation rooms look like much smaller versions of normal rooms. The sanction involves simply isolation from other prisoners. As the CPT noted, such punishment is thus served in better material conditions than those experienced by a prisoner housed in an overcrowded dormitory (CPT, 1998 pp. 67-8, see also p. 213). It was noted in the previous HEUNI study that the number of disciplinary punishments fell by 13% in 1994 compared with the previous year. By 1997 they had fallen to less than half the 1994 level (General Directorate of Penitentiaries, 1998).

## Contact with the outside world

Pre-trial detainees and sentenced prisoners are allowed to be visited once a month. There are no arrangements for sentenced prisoners to receive private (intimate) visits from their wives or girlfriends, or to receive long visits, including overnight stay, from their families. The prison administration reports that pre-trial detainees are allowed to touch their visitors rather than being separated from them by a screen. There is no restriction on the number of letters that may be sent or received and prisoners' letters are never read by the prison authorities. Sentenced prisoners are allowed to speak to family and friends by telephone, as may pre-trial detainees if they have the approval of the prosecutor or judge.

Prison leave is granted, to those regarded as having shown good behaviour, for special events, such as Easter, Christmas and New Year and on the occasion of special events in the prisoners' family, such as a death or a marriage. But it is not used as a regular means of maintaining contact with friends and family outside the prison. In the first half of 2001 267 prisoners were granted leave to spend Easter with their families, and 34 were granted leave on other occasions. This compares with 318 at Easter 2000 and 49 granted leave on other occasions in the first half of the year 2000. The equivalent figures for the full year 1994 were 94 (religious holidays and the New Year) and 48 (solving grave family problems).

As described in the previous HEUNI study (Walmsley, 1996 pp. 340-1) the Romanian prison administration has introduced a policy of appointing Orthodox priests to each of the penal institutions. By the end of 1995 the number appointed was approaching 40. In a paper given at an international conference in Oradea, Romania in November 1995 the director of Deva prison, Mr. Andrei Traian reported on the purpose of this initiative and its implementation in his own institution, and drew some conclusions. He argued for an office (small department) within the prison administration 'to understand and run' the work of the priests, for regular meetings of the priests in order to share both their positive and negative experiences, and for the greater involvement of the Orthodox church superiors to whom, in their spiritual work, the priests report. He concluded by saying that "the priest tries to create a normal relationship between the prisoners and (the staff) ..... (and) to make sure that once they are set free the prisoners will behave as good citizens both in their families and in society".

## Prison staff

The Romanian prison service employed 11,049 staff at the beginning of 2001, of whom 214 worked in the prison administration headquarters. In the prisons there were 502 management staff, 6,663 security staff, 1,151 treatment staff (including sociologists, psychologists, social workers, teachers - referred to in some prison systems as educators or pedagogues - and medical staff) and 2,519 other staff (including lawyers, other administrative staff - including secretarial staff - and those working in connection with prisoners' employment). The numbers of staff have risen from 6,700 in 1992, 8,500 in 1995 and 9,400 in 1998. The overall ratio of prison staff to prisoners was thus 1 : 4.5 at 1.1.2001

or, if the ratio is based only on management, treatment and security staff in the prisons, 1 : 5.8. The number of security staff was 8% (561) below complement, and the number of treatment staff 9% (119) below complement.

Initial training for new members of the security staff lasts 45 days. This training is undertaken by means of courses organised both by the Military Penitentiary Training School at Târgu Ocna and in ten penal institutions which have training facilities. There is no specialised facility for advanced training for future senior staff within the prison service and consequently the Ministry of Justice has resumed co-operation with the Ministry of Internal Affairs for training, using a special prison curriculum, at the Police Academy and the National Intelligence Academy. A co-operation protocol has also been prepared, for graduate training for prison staff, with the Ministry of Defence. Intensive courses for management staff (directors and deputy directors) were carried out in 1999 and 2000 under a programme developed in co-operation with the Legal Resources Centre and financed by the Open Society Foundation. The courses, which addressed modern management needs, were specially adapted to the problems of the prison system and were carried out by a variety of management and human rights experts.

Some 19% of the staff in institutions for male prisoners are women working in health care, logistics, finance and other administrative matters. In the institutions for female prisoners 51.3% of staff are men, working on logistical matters and as security guards.

The Romanian prison administration has paid particular attention to carrying out the intentions of Rule 53 of the European Prison Rules. This states "the prison administration shall regard it as an important task continually to inform public opinion of the roles of the prison system and the work of the staff, so as to encourage public understanding of their contribution to society". Papers have been given on this subject by the Head of the Public Relations Department, Mr. Dan Sterian, at several international conferences, including at Oradea, Romania in November 1995 and at Helsinki, Finland in March 1997. In his paper at the latter event, he reported that the value of the work of the prison service had come to be known and appreciated. More recently there have been radio and television programmes about the prison system, including two films about the reality of life behind the prison walls, made by the prison administration in co-operation with television. In the first half of 2001 it is reported that 809 representatives of 274 newspapers and local or national TV stations visited the prisons.

A key component in the reform of the justice system is considered to be the demilitarisation of prison staff. The Romanian prison administration has made progress in preparing for such a development. A draft law is being prepared on the status of public officials in the prison system. This is seen as the beginning of a new organisational culture for Romania's prison system (Stănişor, 2002).



## Treatment and regime activities

All prisoners who enter a penal institution go through an admission stage, lasting 21 days and known as ‘quarantine’, during which they are interviewed by various members of the treatment staff (Walmsley, 1996 p. 336). Prisoners are organised into groups led by an educator who co-ordinates their activities. The usual number of prisoners in such a group is at present 200. In addition to medical personnel and educators, treatment staff in the Romanian prison system include 44 psychologists, 6 sociologists and 15 social workers.

In the year 2001 the main ‘socio-educative and psychotherapeutic activities’, as described by the Prison Administration (2001) included: -

- programmes of human development for [sc. adult] prisoners and minors;
- schooling (primary and lower secondary school);
- vocational training;
- artistic and sporting activities and the promotion of cultural diversity;
- therapeutic programmes for [sc. adult] prisoners and minors;

“The entire socio-educative and psycho-therapeutic activity has been carried out taking into consideration respect for human dignity, humanism, ensuring prisoners’ rights. Educators and psychologists contribute ..... to the prevention of crisis situations, maintaining a human environment in the places of detention by promoting and developing specific activities”. The publication goes on to explain that “collaboration with governmental and non-governmental organisations has been important, having as a goal the prisoners’ social rehabilitation by programmes of schooling, moral-civic education, education for family, health education, respect for human rights, encouraging and developing creativity and technical inventiveness, increasing and maintaining the [sc. adult] prisoners’ and the minors’ physical and mental [sc. capacity]”. Special activities conducted in accordance with the above objectives are then listed, including performances, exhibitions of prisoners’ work, seminars, a symposium and a programme to help teenagers to take correct decisions on release.

The programmes of human development, schooling and therapeutic programmes referred to above include activities which are described more specifically as follows:

- programmes to assist in prisoners’ adaptation to the prison regime;
- education on legal matters;
- programmes to decrease depression in prisoners who present a suicide risk;
- programmes to decrease aggression;
- psychological counselling and moral support;
- therapeutic assistance and support for vulnerable prisoners;
- programmes to prepare prisoners for release. These are reported



to include, for long-term prisoners, steps to ensure a gradual return to society, family life and employment.

It is also reported that there are some 2,350 TV sets in the system, of which 1,750 are the prisoners' private property, over 1,000 radio sets (more than 90% are the prisoners' property), 56 radio stations, 13 TV studios and 55 video recorders. There are also more than 3,000 subscriptions to newspapers and magazines and many prisons receive local newspapers free-of-charge for the prisoners. The prison libraries are said to contain over 110,000 books.

Every prisoner is allowed at least one hour of walking or suitable exercise every day (including week-ends) in the open air. There are also said to be 49 sports yards in the penal institutions, and 78 'clubs'. These enable prisoners to play table tennis and chess and to take part in some other leisure activities. However access to such activities and opportunities for sport is limited because of the overcrowded state of the institutions (CPT, 1998/5 p.208).

### Conditional release

Prisoners serving up to 10 years are eligible for conditional release after serving half their sentence; those with longer terms must serve at least two-thirds. Each case is considered by a commission on which the prosecutor is chairman and the other members are the director of the prison, the prisoner's educator and the work organiser. If the commission concludes that release is appropriate, the court must formally decide within five days. In 1994 some 73% of all eligible prisoners were released (84% of first time prisoners, 54% of recidivist prisoners). There has subsequently been an increase in the percentage being released. In the first half of 2001 81% of eligible prisoners were released. The commission recommended release for 85% of eligible prisoners (88% of first time prisoners and 80% of recidivist prisoners) and the court endorsed 95% of these recommendations. Of the 15% who were not recommended for release 51% were to be discussed again within three months, another 27% within six months and another 12% within a year. 10% were considered unsuitable for release before the completion of their sentences.

### Prison work

The existing legislation requires that all sentenced prisoners should work if they are fit to do so and work is available for them. In July 2001 41% of prisoners had work. The numbers in work vary seasonally so that in January 2001 little more than half as many had work. 43% of those working in January were engaged in 'remunerated work' (as opposed to work performed 'in the interests of the prison') compared to 57% in July. No money is given to prisoners who are unable to work or for whom no work is available. As stated earlier, vocational training is available for some sentenced prisoners. (For more information on prison work in Romania see Walmsley, 1996 pp. 347-8.)

## Education

Reference has already been made to the provision of primary and lower secondary school education and education on legal matters. The prison administration reports a total of eleven different types of education that are available in Romanian prisons. These are:

- remedial education for younger prisoners with special problems such as illiteracy and innumeracy (teaching prisoners to read and write);
- education in good citizenship (for younger prisoners);
- the encouragement and development of family and community ties;
- health education;
- education on legal matters;
- completion of basic education;
- education for work;
- professional training (and professional development training for adults);
- education for family life;
- religious and moral education;
- sport and physical education.

## Inspection and monitoring

The work undertaken in the prisons is inspected by the Ministry of Justice and by the prison administration itself, in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the prison administration. The CPT reported that in 1995 the prosecutor's office also was required by the law on the organisation of the judiciary to monitor the measures involving the deprivation of liberty and the conditions of detention in the penal institutions. They learned that in principle prosecutors visited the institutions weekly and submitted annual reports to the Ministry of Justice summarising this work. The CPT was concerned that some prosecutors did not visit the prisoners' living quarters and engage in spontaneous confidential conversations with them.

The government response to the CPT reported that the General Prosecutor, as a result of the recommendations of the CPT, issued an official Order (No. 52/1996) setting out in detail the duties of the prosecutors with regard to inspection. He established a special division in his department to co-ordinate inspection of facilities for pre-trial detention and penal sanctions, and to ensure that inspections were carried out in accordance with the laws and the international standards. The prison administration reports that the Ombudsman too carries out an independent inspection of the penal institutions and that non-governmental organisations also do monitoring work.

The CPT visit in September/October 1995 has been followed by a second one, which took place in January/February 1999. The report on the latter visit has not yet been published. The principal recommendation following the 1995

visit was that a high priority should be given to improving the conditions of detention in the penal institutions. In respect of the prisons visited attention was drawn in particular to ensuring that all prisoners had their own bed; that hygienic requirements were observed; that living accommodation was adequately heated; that more activities were made available and more time out of cell, including a full hour's exercise each day; that food was adequate; that staff numbers were increased, especially in the medical department; that prisoners had confidential access to the prosecutor; and that medicines were sufficient and medical equipment adequate. The Romanian authorities responded positively to the recommendations but pointed out that the shortage of budgetary resources made it impossible to implement all of these recommendations.

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

### Non-governmental organisations

In the first six months of 2001 some 2,500 people representing 239 non-governmental organisations are reported to have visited the penal institutions, including the re-education centres for minors. There is close co-operation between the prisons and some of these NGOs who are approved to pay weekly, monthly or two-monthly visits in connection with agreed activity programmes. Significant activities were current in mid-2001 with Prison Fellowship Romania, the Humanitarian Service for Prisons, Rock of Ages, the Romanian Group for the Defence of Human Rights, Terre des Hommes Foundation and the Organisation for the Defence of Human Rights.

Reference has been made above, under regime activities, to the importance that the administration places on collaboration with NGOs. They are recognised as assisting the treatment/education department in their work to ensure the rehabilitation of prisoners for their successful re-integration on release. NGOs are also welcomed for monitoring the degree to which human rights are respected in the prisons and informing the administration of breaches.

### Other matters

The Romanian prison service is much involved in international co-operation, which is intended to improve prison standards. It has established contacts with most of the European prison systems, and in particular with Spain, the Netherlands, England, Hungary and Moldova. International co-operation with Penal Reform International has assisted with the planning of the design and regime of the new Bucharest-Rahova prison. Bi-lateral co-operation agreements were signed

with the Hungarian prison administration in 1998 and the Moldovan administration in 2000. These agreements focus on information and documentation exchange, visits, joint seminars and symposia and twinning between prisons. Twelve of Romania's 35 prisons for adults are twinned with similar institutions in other countries: nine in the Netherlands, two in Hungary and one in England.

In addition, a collaborative project with the Swiss government is providing consultancy help in adjusting initial training requirements for staff in order to meet European standards.

Pre-trial detainees retain the right to vote in national elections, but sentenced prisoners do not. There may also be some limitation on prisoners' right to vote after they are released from prison if it was mentioned in court as part of the sentence imposed.

The prison administration produces an annual report, which has on occasion been issued in a version in the English language, and a quarterly journal 'Revista de Administratei Penitenciara din Romania' (Romanian Prison Administration Review), which seeks to inform those interested in prison affairs about a range of issues. The administration has also established a website ([www.anp.ro](http://www.anp.ro)) and produces, approximately on an annual basis, an English language document 'The Romanian Penitentiary System in Figures and Diagrams'. A trilingual publication 'Monografia' gives photographs and descriptions of all the penal institutions in a 168 page attractive format (General Directorate of Penitentiaries, 2002).

## Important recent developments

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

- managing to increase the capacity of the prison system (by more than 15% between mid-1994 and mid-2001);
- the increase in the number of prisoners (by more than 15% between mid-1994 and mid-2001), and consequent very severe overcrowding in the system;
- the modernisation of existing accommodation in the system;
- the production of new orders and instructions concerning the treatment of prisoners;
- the preparation of a new strategy for working with minors/juveniles (including the siting of a re-education centre alongside the staff training school).

## Current objectives

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

- to reduce the level of overcrowding in the system;

- to demilitarise the system – since 1997 the Director General has been a civilian (magistrate);
- to improve the conditions in which pre-trial detainees and sentenced prisoners are held;
- to align the legislation with the European Prison Rules;
- to take steps to combat the corruption of prison staff;
- to improve staff training and the pay and conditions of staff;
- to increase the number of specialists in the system – including sociologists, social workers, psychologists and lawyers.

## Main problems

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

- the level of overcrowding – most prisons are well over their capacity and there are insufficient beds;
- the shortage of financial resources; the prison administration considers that the funds received from the Ministry of Finance for 2001 are insufficient to guarantee the smooth functioning of the penal institutions;
- the fact that the system is based on old legislation (more than 30 years old);
- the shortage of specialists in the system, including doctors and psychiatrists;
- the absence from the legislation of non-custodial alternatives to imprisonment;
- the increasing presence of tuberculosis among the prison population.

## Achievements

The prison administration was asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. In addition to those listed above under ‘important recent developments’, they drew attention to :

- the opening of the new re-education centre for minors at Târgu Ocna on the same site as the Military School for the training of prison staff;
- the establishment of a new modern prison at Giurgiu.

Further achievements of the Romanian prison system include:

- commencing the process of demilitarising the prison system;
- prisoners punished with the disciplinary measure of isolation are

held in particularly humane conditions in which the sanction simply involves isolation from other prisoners. Conditions are identical in terms of ventilation, lighting, food, exercise etc. to those of other prisoners. The rooms are smaller versions of normal accommodation;

- the prominent place given to religious opportunities;
- the extensive contacts which have been developed with the media;
- the high proportion of prisoners eligible for conditional release who were receiving it (81% in the first half of 2001);
- the close co-operation that has been established with non-governmental organisations;
- the co-operation agreements signed with neighbouring prison administrations and the attention paid to twinning the prisons with penal institutions in other countries;
- the production, to enhance international understanding of the prison system, of several publications, including some in the English language, providing information and statistics, and the establishment of a prison service website ([www.anp.ro](http://www.anp.ro)).

## Conclusion

This account of the Romanian prison system, recent developments, objectives, problems and achievements, demonstrates that despite very unfavourable circumstances, especially in respect of the gross overcrowding of the prisons, it has been possible to make progress in a number of areas.

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

- to ensure that every prisoner has his/her own bed;
- to take steps to increase the space available to each prisoner to at least 4m<sup>2</sup>;
- to ensure that sanitary installations, and arrangements for access, are adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions;
- to increase staff numbers, in order that the staff-prisoner ratio can be reduced, and that the size of an educator's group can be brought down to no more than about 50 prisoners;
- to increase the number of prisoners who are regularly involved in employment or other purposeful activities, such as education or vocational training;
- to develop opportunities for constructive activities for pre-trial detainees, such as can be undertaken despite the level of overcrowding;
- to introduce a new Penal Executive Code, incorporating all aspects of the European Prison Rules and modern ideas of best practice.

## Annex 1

### ROMANIA: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1989	29,031	125	23,211,400
1990	26,010	112	23,192,300
1991	39,609	171	23,191,900
1992	44,011	193	22,778,500
1993	44,521	196	22,748,000
1994	43,990	194	22,712,400
1995	45,309	200	22,656,100
1996	42,445	188	22,581,900
1997	45,125	200	22,526,100
1998	52,149	232	22,488,600
1999	49,790	222	22,455,500
2000	48,267	215	22,430,500
2001	49,841	222	22,405,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
<b>Pre-trial detainees in 2001</b>			
(1/1)	10,789	22.4	48
(31/12)	11,482	23.0	51
<b>Female prisoners in 2001</b>			
(1/1)	1,931	4.0	9
(31/12)	2,122	4.3	9
<b>Juveniles (under 18) in 2001</b>			
(1/1)	1,521	3.2	7
(31/12)	1,412	2.8	6
<b>Foreign prisoners in 2001</b>			
(1/1)	288	0.6	

Note: An amnesty in July 1997 resulted in the release of 2,248 prisoners.



## Annex 2

### Romanian penal institutions: functions and capacity, 2001

#### Prisons (penitentiaries)

1	Aiud	Pre-trials, sentenced, males, females, adults, minors	1,750
2	Arad - old prison - R104	Pre-trials, sentenced, males, females, adults, minors	544 324
3	Bacău	Pre-trials, sentenced, males, females, adults, minors	770
4	Baia Mare	Pre-trials, sentenced, males, females, adults, minors	540
5	Bistrița	Pre-trials, sentenced, males, females, adults, minors	837
6	Botoșani	Pre-trials, sentenced, males, females, adults, minors	710
7	Brăila	Pre-trials, sentenced, males, females, adults, minors	668
8	Bucharest-Jilava	Pre-trials (both sexes and all ages) and sentenced prisoners in transit	1,401
9	Bucharest-Rahova	Pre-trials, sentenced, males, females, adults, minors	2,174
10	Colibași	Pre-trials, sentenced, males, females, adults, minors	1,029
11	Codlea	Pre-trials, sentenced, males, females, adults, minors	683
12	Craiova	Pre-trials, sentenced, males, females, adults, minors	1,158
13	Deva	Pre-trials, sentenced, males, females, adults, minors	1,226
14	Drobeta Turnu Severin	Pre-trials, sentenced, males, females, adults, minors	709
15	Focșani	Pre-trials, sentenced, males, females, adults, minors	810
16	Galați	Pre-trials, sentenced, males, females, adults, minors	590
17	Gherla - centre - Cluj	Pre-trials, sentenced, males, females, adults, minors	1,328 350
18	Giurgiu	Pre-trials, sentenced, males, females, adults, minors	620
19	Iași	Pre-trials, sentenced, males, females, adults, minors	1,190
20	Mărgineni	Pre-trials, sentenced, males, females, adults, minors	1,175

21	Miercurea-Ciuc	Pre-trials, sentenced, males, females, adults, minors	435
22	Oradea	Pre-trials, sentenced, males, females, adults, minors	680
23	Ploești	Pre-trials, sentenced, males, females, adults, minors	479
24	Poarta Albă - centre - Moșneni - Valul lui Trajan	Pre-trials, sentenced, males, females, adults, minors	1,961 365 431
25	Satu Mare	Pre-trials, sentenced, males, females, adults, minors	470
26	Slobozia	Pre-trials, sentenced, males, females, adults, minors	800
27	Timișoara	Pre-trials, sentenced, males, females, adults, minors	1,370
28	Târgșor	Sentenced females	754
29	Târgu Jiu	Pre-trials, sentenced, males, females, adults, minors	500
30	Târgu Mureș	Pre-trials, sentenced, males, females, adults, minors	480
31	Tulcea - centre - Chilia	Pre-trials, sentenced, males, females, adults, minors	1,147 588
32	Vaslui	Pre-trials, sentenced, males, females, adults, minors	538
33	Craiova	Prison for sentenced male minors, some male adults	588
34	Târgu Ocna	Military school for prison staff training	291
35	Pelendava	Half open prison for sentenced prisoners	140

#### Hospitals

36	Bucharest-Jilava	Prison hospital	773
37	Colibași	Prison hospital	279
38	Dej	Prison hospital	249
39	Târgu Ocna	Prison hospital	274
40	Poarta Albă	Prison hospital	313

#### Centres for reeducation (C.R.)

41	C.R. Gaești	Minors	336
42	C.R. Tichilești	Minors	419
43	C.R. Târgu Ocna	Minors	100

**TOTAL** (mid-2001)

**35,346**

## **Annex 3**

### **Romania: principal sources of information**

Response by the Director General of the Prison Administration, Mr Emilian Stănişor, to survey questionnaires for this project.

Other information and documentation supplied by the Romanian prison administration.

Material from the website of the Romanian prison administration [www.anp.ro](http://www.anp.ro)

CPT, 1998/5. Report to the Romanian Government on the visit to Romania [by the CPT in September-October 1995] and the response of the Romanian Government. Council of Europe, Strasbourg

Council of Europe, 1997. Reply submitted by the Romanian prison administration to questionnaire on overcrowding and prison population size. Strasbourg

Dianu T., 1995. Topical issues on reforming the Romanian criminal justice system. Paper presented at the annual meeting of the American Society of Criminology, Boston, November 1995.

General Directorate of Penitentiaries, 1995. Putting into practice the European Prison Rules in the Romanian Penitentiary System. Proceedings of an international symposium at Oradea, November 1995.

General Directorate of Penitentiaries, 1998. Document concerning the growth in the prison population, sanctions in the Penal Code, conditional release, probation and treatment programmes for prisoners. Ministry of Justice, Bucharest

General Directorate of Penitentiaries, 1998, 2000 and 2001. The Romanian Penitentiary System in Figures and Diagrams. Ministry of Justice, Bucharest

General Directorate of Penitentiaries, 2002. Monografia – 168 page trilingual publication, including information and photographs of every penal institution in the Romanian prison system. Ministry of Justice, Bucharest

General Directorate of Penitentiaries, 2002. Anuar Statistic (Annual Statistics) 2001. Ministry of Justice, Bucharest

Stănişor E., 2002. Demilitarisation – the beginning of a new organisational culture for Romania's prison system. Paper presented at the 13<sup>th</sup> conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

Sterian D., 1997. Public opinion, press and prison population. Paper presented at conference in Helsinki, Finland, March 1997.

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

## 39. Russian Federation

### Legislative framework

In July 1993 a new law was adopted, for the first time dealing in detail with the activities of the penal system. In the 18 months prior to that radical changes had been made to the Penal Code, the Code of Criminal Procedure and the Penal Executive Code, which was known as the Corrective Labour Code. These changes had done away with a number of restrictions and granted more rights to sentenced prisoners, including the right to home leave and other visits outside the penal institution. In 1995 legislation was adopted governing procedures and practice in respect of pre-trial detention and 1996 saw the adoption of a new Penal Code and a new Penal Executive Code (or Penal Enforcement Code as it was now called), both of which came into force in 1997. These three laws “constituted an important landmark on the path towards the democratisation of the regime and conditions under which punishments for crime are administered, with a view to rendering all of them, including custodial sentences, more humane. These advances were a major step forward in respect of safeguarding the rights and legitimate interests of prisoners suspected, accused or convicted of crimes. They have also brought the conditions for the custody of such persons into line with international standards and have ensured that the activity of those institutions and agencies enforcing punishment should be subject to control from state and public bodies” (Kalinin, 2002/2).

In March 2001 a Federal Law was adopted (No. 25-FZ), containing 59 amendments to the Penal Code, the Code of Criminal Procedure, the Penal Enforcement Code and other legislation. “The amendments are designed to bring about a further easing of penal policy, particularly as regards prisoners who have committed offences of a minor or medium importance” (Kalinin, 2002/1). In the 12 months following the adoption of the Federal Law the number of convicted prisoners serving their sentences in settlement colonies (open prisons) increased from 4,000 to 35,000 (Kalinin, 2002/2).

### Organisational structure

Responsibility for the administration of the prison system had resided with the Ministry of Internal Affairs for many years but on 31 August 1998, following a Presidential Decree in July 1997, it was transferred to the Ministry of Justice. (Previous short-lived attempts to make such a transfer had occurred in 1927 and 1953.) “This was one of the most significant steps aimed at ensuring more reliable guarantees for compliance with norms of legality and with human rights. The Ministry of Justice is more free to act in this respect, since it is not burdened with the legacy of the past and has not been associated with bringing psychological pressure to bear on those who have violated the law and are serving custodial sentences” (Kalinin, 2002/2).

The head of the Principal Department of Prison Administration from 1992 to 1996 was Mr. Yuri Kalinin, who was succeeded by Mr. Boris Sushkov, Mr. Vyacheslav Ovchinnikov and then in 1998, following the transfer of the prison system to the Ministry of Justice, by Mr. Vladimir Yalunin who remained in position at the end of 2001. The head of the prison administration reports to a Deputy Minister of Justice who, since 1998, has been Mr. Yuri Kalinin, the former head of the prison administration. Russia's 89 administrative divisions are now divided into seven large regions each of which has a department of prison administration.

There were 998 penal institutions operating at 1 September 2001. Of these 184 were pre-trial 'investigative isolators' (SIZOs), 13 were closed prison (tyoor-mi), 737 were corrective colonies and 64 were educative colonies (for juveniles and prisoners under the age of 22 who were under 18 when sentenced). There are distinct sections which function as pre-trial institutions within the closed prisons and also within most of the corrective colonies. The corrective colonies have regimes of different levels of strictness – very strict, strict or general; others (colony-settlements) have open conditions.

The total capacity of the system at the beginning of 2001 was 960,381, of which 122,790 places were in pre-trial SIZOs and closed prisons which therefore had an average capacity of about 620; 791,615 were for sentenced prisoners in corrective colonies (average capacity about 1,075), 20,205 were in pre-trial sections in corrective colonies (average capacity about 120), and 25,771 were in educative colonies (average capacity about 400). The overall capacity had thus risen by about 2.7% since the beginning of 1994. At the end of 2001 it was 953,240.

## Pre-trial detention

The level of pre-trial detention has been one of the most serious problems faced by the prison system; in 1994 when there was some 223,000 detained the average space per person in one pre-trial prison in Moscow was found to be less than 1.3m<sup>2</sup>. Numbers subsequently rose to almost 300,000 in April 1996, remaining above 270,000 until mid-1999. Extensive efforts by the prison administration and the Ministry of Justice (including the aforementioned Federal Law of March 2001) have since reduced the numbers so that they were at 206,879 at the end of 2001 and continuing to fall. Nevertheless this amounts to 144 per 100,000 of the national population, making it the second highest in central and eastern Europe and about six times the rate in most of western and southern Europe.

A new Code of Criminal Procedure came into force on 1 July 2002 and the prison administration was confident that it would further reduce the numbers in pre-trial detention. Decisions about holding suspects in pre-trial detention will be made only by courts. Likewise any extension to the period during which the detainee will remain in custody prior to the trial must be authorised by a court. The transfer of these decisions from the prosecutors to the courts should stop pre-trial detention being almost automatic. Furthermore, under the new Code only a court can give permission for an individual to be held under police arrest

for more than 48 hours, and the circumstances in which a person may be remanded in custody have also been changed. In particular, a custodial remand can only be used if it is impossible to use another less rigid measure of restraint and after a decision has been taken on this matter by a court. House arrest is introduced as an additional alternative to remand in custody. Again, the new code introduces judicial review of the legality and validity of decisions and actions of the Prosecutor's Office and investigative bodies.

### The numbers held in penal institutions

The prison population rose by 50% between the beginning of 1990 and the beginning of 1997 so that it then exceeded 1,050,000, with a prison population rate of 715 per 100,000 of the national population, the highest in the world. It rose further at the end of 1999 reaching a peak of over 1,090,000 at the end of May 2000 (more than 750 per 100,000). There was then a fall of 170,000 in 5 months and at the beginning of 2001 it was 923,765 (a prison population rate of 638) rising to 980,092 at the end of the year (a rate of 681). This is by far the highest rate in central and eastern Europe (Belarus with a rate of 554 is second highest) and is the second highest in the world, behind the USA.

There have been several amnesties during the 1990s, most recently in 1996, 1998, 1999, 2000 and 2001. The last of these was approved by Parliament at the end of November 2001 and was expected to lead to the release of 13,000 prisoners who committed offences when they were juveniles (under 18) and 10,000 women.

### Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was 96.2% of the official capacity of the system, and the number at the end of the year was 102.8%. But this obscures the variation between the different types of institution. At the end of 2001 the occupancy level in pre-trial institutions (SIZOs) was 180%, in closed prisons it was 64%, in the pre-trial sections in corrective colonies it was 30%, for sentenced prisoners in corrective colonies it was 95%, and in educative colonies it was 69%.

The official specification of the minimum space allowance per prisoner was 2.5m<sup>2</sup> for adult males and 3m<sup>2</sup> for women and juveniles until February 2000 when the space allowances in pre-trial institutions and in educative colonies for juveniles were increased to 4m<sup>2</sup>. The allowance of 2.5m<sup>2</sup> still applies in corrective colonies for sentenced males.

Overcrowding in the pre-trial institutions has been a very serious problem throughout the 1990s. Attention was drawn in the report on the previous study (Walmsley, 1996 p. 362) to institutions in which the occupancy level was twice the capacity, there were far more prisoners than beds and prisoners had to sleep in shifts. As the Deputy Minister of Justice reports "in some of these institutions prisoners had no more than one square metre of living space each ....." (Kalinin, 2002/2). In 1999 it was reported that in some SIZOs the number of prisoners was three to four times higher than capacity (Council of Europe, 1999).

Since the pre-trial population was expected to continue falling, the Ministry of Justice hoped that by the end of 2002 the occupancy level in the SIZOs would be close to the official capacity. It was planned to create an additional 46,000 places in these institutions in the five years 2002-2006 (Kalinin, 2002/2).

Conditions in the living accommodation in pre-trial institutions have been very poor, not only in terms of space per prisoner but also in terms of lighting, heating, ventilation, hygiene and sanitary conditions. Extensive efforts are being made to improve this situation but the task is enormous. Many of the buildings are very old and the necessary changes will take many years to complete, even if the resources can be found.

Few prisoners are held in single cells, which are generally regarded as the type of accommodation only used for disciplinary isolation. Over 100 prisoners are held in some dormitories and large cells and there are not enough beds for all.

### Food and medical services

It is reported that the quality and quantity of food prisoners receive is not as good as that in communal catering outside. It is not possible to provide a balanced diet, including meat, fruit and vegetables but in almost all institutions prisoners receive the number of calories prescribed by law and regulations.

The head of the medical department in the prison administration, Dr. Alexander Kononets, reports that although the Ministry of Justice is fully responsible for all aspects of the health care of prisoners very close contact takes place with the Ministry of Health on virtually all issues. Prison medical services are largely organised in accordance with Ministry of Health norms. He regarded the prison medical service as “an integral part of the state healthcare structure” (Kononets, 2002).

Prison medical services are said to be at least as good as health care services outside. Indeed “in certain places in the Russian Federation, penal medical services are the only ones available for many hundreds of kilometres” (ibidem). There are 119 prison hospitals of different types and medical departments or medical centres in every institution.

Health care in the Russian prison system is an extremely grave problem. The rates of illness and death are said to be many times higher than in the world outside. Tuberculosis and HIV/AIDS are the most serious diseases but there are also large numbers of prisoners who are dependent on alcohol and drugs.

Until 1994, when they were transferred to the responsibility of the Ministry of Health, there were a large number of special corrective labour establishments for alcoholics; in May of that year there were 94 such establishments containing over 20,000 prisoners/patients. But the number of chronic alcoholics remaining in the prison system is extremely large – some 8% of the total population.

The number of prisoners who are drug dependent is increasing. Some 11% of the prison population are registered drug addicts. It is reported that in 2001, for the first time, penal institutions were satisfactorily supplied with the necessary equipment and medicines for these prisoners. Special sections have been set up in every penal institution to treat them and psychologists specialising in



substance misuse, psychotherapists and psychologists have been employed to work with them (Kalinin, 2002/2). Nine of the corrective colonies are medical institutions for drug addicts.

At the end of 2001 the Ministry of Justice reported that 21,000 prisoners were HIV positive, an increase of nearly 30% in 6 months. 95% were said to be intravenous drug-users. Preventive work in respect of HIV infection was being carried out jointly by the prison administration and a large number of Russian NGOs (30 at November 2002). Prisoners and staff were being provided with reliable and effective information about this problem, including methods of reducing risks, and support was being given to those identified as HIV positive.

Approximately 1 in 10 of all prisoners in the Russian Federation have active tuberculosis. This is almost 100,000 people. It was stated in 1998 that 5,000 prisoners were expected to die from TB each year due to lack of food, heating and drugs caused by the economic crisis in the country. (There had been a total of 7,760 deaths from all causes in Russian penal institutions in 1997.) From that time there has been a concerted effort, involving the Ministry of Justice, non-governmental agencies and funders such as the Open Society Foundation, to combat the problem, which amounts to an epidemic within the penal institutions and which, as a result of prisoners being released at the end of their sentences while still sick with the disease, threatens the community outside. The World Bank too has joined in these efforts and in 2001 it started to provide a 48 million US dollar credit to finance TB programmes in Russian penal institutions. Although there was a serious deterioration in the situation between 1998 and 2000 and the prevalence of TB in the penal institutions was then 40 times higher than in the community the overall TB rate in the penal institutions was reported by ITAR-TASS in July 2002 to have fallen by 15%. TB clinics have acquired an additional 3,500 beds, and four specialised treatment facilities with room for 3,000 patients have been opened. In all, specialist treatment for tuberculosis is available in 34 of the prison hospitals and 55 medical centres in corrective colonies.

More than a quarter of the prison population is believed to be suffering from mental disorder.

## Discipline and punishment

Disciplinary measures include a warning, a fine, solitary confinement for 15 days (7 days for young prisoners in educative colonies) and “the transfer of prisoners who are categorised as ‘deliberate offenders against the Prison Regulations’ into either confinement cells, single cells or special departments with confinement cells.... Detention in these confinement cells lasts up to three months for women and six months for men ....” (Uss and Pergataia, 2001). The 1996 Penal Enforcement Code has abolished the provision whereby the total length of time spent in solitary confinement could not exceed 60 days per year. Prisoners whose behaviour cannot be contained within a corrective colony may be transferred to an institution with ‘prison’ (tyoorma) conditions. In some pre-trial institutions (SIZOs) prisoners in solitary confinement may only be allowed 30 minutes for daily exercise.

## Contact with the outside world

Sentenced prisoners may receive short visits of up to four hours and long visits of up to three days, the frequency of which is dependent on the type of regime of the penal institution. The allowance is generally between four and eight visits a year (half short visits and half long visits), but prisoners in a single cell regime in 'prison' (tyoorma) conditions are only entitled to two visits a year, some prisoners in a general regime colony may have one visit a month and young prisoners in educative colonies may have more than one visit a month. Indeed young prisoners with a so-called privileged regime may have unlimited visits, as may prisoners in settlement colonies (open prisons). Young prisoners may also have long visits lasting five days with their families outside the colonies. Full details of the different allowances are in Uss and Pergataia (op. cit.). Visits to pre-trial detainees depend on the prosecutor or judge, and sometimes the director of the institution. It is reported that about half of all pre-trial detainees are visited, but in some cases this will be because there is no-one who wishes to visit.

Prisoners may send and receive an unlimited number of letters but these are subject to monitoring by prison staff. Packages may also be received; the number is regulated by law and, as with visits, varies according to the type of regime of the penal institution. (Again, see Uss and Pergataia for details.) Prisoners may also subscribe to newspapers and magazines.

Prisoners may be allowed leave from the institution if there are exceptional personal circumstances and in order to make arrangements concerning their forthcoming release. Women may be granted leave in connection with arrangements for the transfer of their children, on reaching the age of three, from mother and child accommodation in the penal institution to relatives or a children's home outside.

The Penal Executive Code (Article 73) specifies that prisoners should serve their sentences near their place of residence. However the small number of educative colonies for sentenced juvenile girls (3) and of institutions with units for mothers and children (11) mean that these groups are likely to be located far from their home areas. The same is true to a lesser extent of juvenile boys and women, since there are just 61 institutions for sentenced juvenile boys and 31 corrective colonies for women.

## Prison staff

The Russian prison service employed some 347,400 staff at the end of 2001, including those at national and regional headquarters - a 50% rise on the number recorded in 1994. This represented an overall staff – prisoner ratio of 1 : 2.8. A significant part of this increase is attributable to the prison administration having taken over responsibility from the militia of the Ministry of Internal Affairs for the control and protection of the institutions, mainly the manning of the perimeter. "The staff – prisoner ratio in a particular institution, calculated according to the annual average, is presented by law: in pre-trial detention facilities the prison personnel is at most 25% of the number of prisoners [i.e. 1 : 4];

in corrective colonies of all regimes the ratio is up to 17% [i.e. 1 : 6]; and in educational colonies up to 48% [i.e. almost 1 : 2]" (Uss and Pergataia, 2001).

Staff training is organised by the Ministry of Justice in six higher educational establishments with six branches, one special secondary school, two law schools, 80 training centres and a scientific research institute with branches in Tver and Ivanovo. In 2001 an Academy of Law and Administration was established under the auspices of the Ministry of Justice. Curricula have been revised to reflect the experience of European penal systems and recommendations of the Council of Europe. Training provision for lawyers and psychologists has been expanded and in all educational institutions the syllabus has been amended to include courses on human rights in places of detention (Kalinin, 2002/1). The length of initial training of a new member of the security staff is eight weeks. There are many types of international co-operation, including with NGOs, in the field of staff training (see below).

The Ministry of Justice regards it as one of the most important challenges in reforming the penal system to produce "a new breed of prison staff, one that is professionally trained and capable of accepting international standards with regard to the treatment of prisoners. This is a crucial task, for not only will the new generation of prison staff be required to ensure the smooth running of the system, but they will also be expected to perform their duties with due regard for the relevant international standards" (Kalinin, 2002/1).

Steps are being taken to improve the welfare of prison staff. Salaries were increased by 100% or more in July 2002 and allowances for special duties are also to be increased. In terms of staff health care, a network of clinics is being set up especially for prison staff, and fifteen rehabilitation centres and three sanatoria are in operation. In many regions, with the help of the local administration, holiday centres have been set up for families of prison staff and steps are being taken to provide them with housing and other forms of social assistance (Kalinin, *ibidem*).

## Treatment and regime activities

There were only a few dozen psychologists employed in the prison system in 1991 but by 1994 a number were being trained with a view to their having a greatly enhanced role in the penal institutions. In 1998 there were 800 and this has since risen to over 2,000; they work both with prisoners and staff. "The development of a new prison culture within the Russian penal system reflects a shift in emphasis away from the use of force and authoritarian methods towards human relations" (Kalinin, 2002/1).

Heads of detachment, responsible for organising the constructive use of prisoners' time during their sentence and for their preparation for release, supervised groups of 70-100 in 1994 and in 1998 the sizes were said to vary between 100 and 150 (Utkin, 1998). The rise in the number of psychologists has been accompanied by rises in the number of teachers and social workers. It is not known how this has affected the work of heads of detachment and the size of prisoner groups. Nevertheless, there is reported to be an emphasis on helping

prisoners adjust to society after they are released, and this is regarded as a priority requirement from the first day of a prisoner's arrival at a corrective colony (National Prison Administration, 2002).

In accordance with Article 14 of the Penal Code, freedom of conscience and religious worship is guaranteed to prisoners. In penal institutions at the end of 2001 there were 286 chapels and other premises for religious services and 662 prayer rooms (*ibidem*). Classes have been established to provide religious instruction for prisoners in almost half of Russia's administrative regions.

The Penal Code has also altered the conditions of detention, in that prisoners in a corrective colony may live under a general, strict or relaxed type of regime. This applies whether the prisoner is held a general, strict or very strict regime colony. So not only do the colonies have different regimes but also within each there are different conditions, each carrying with it different privileges in terms of visits, packages and the amount of a prisoner's money that he or she may use in the institution. Such a policy has its advantages and disadvantages, as indicated by Uss and Pergataia (2001). "Measured by international standards, according to which living conditions ought to be as similar as possible to living conditions outside of prisons, such differentiation does not seem desirable. On the other hand, the practice of the prison system shows that regimes with different severity levels provide a useful incentive for orderly behaviour, because prisoners understand that their living conditions are determined solely by their own behaviour".

The principal regime activities available are employment and education (see below). The rooms/dormitories of sentenced prisoners in colonies are unlocked during daytime and locked only for eight to ten hours at night. However, opportunities are limited, when compared with the CPT recommendation that all prisoners should spend at least eight hours a day engaged in purposeful activities of a varied nature. The cells of pre-trial detainees are unlocked only for one hour a day. Every prisoner is allowed at least one hour of walking or suitable exercise every day, except that, as mentioned above, only 30 minutes is sometimes allowed to pre-trial detainees held in isolation punishment.

## Conditional release

Within one month of a prisoner having served the legally required fraction of the sentence a special commission of senior prison staff in the institution must decide whether conditional release is to be granted. The fraction may be a half, two-thirds or three-quarters but at least six months of any sentence must be served and at least 25 years of a sentence of life imprisonment. The final decision is made by a court. There has recently been an increase in the number of prisoners selected for conditional release and in those who have their custodial sentence replaced by a non-custodial penalty. In 2001 more than 101,000 prisoners were released in these ways.

Amnesties have recently become a more commonly used means of early release. It has been noted that they have not increased the levels of crime re-

corded in the country. Amnesties were announced in May 2000 and November 2001. Following the amnesty of May 2000 the prison population fell by over 170,000 in 5 months; the amnesty of November 2001 was intended to apply to approximately 25,000 sentenced women and juveniles.

## Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. But there are major problems in finding work. Much effort is being put into increasing the amount of employment available and in the year 2001 an additional 42,000 work places were created and the wages paid for prisoners' work were gradually increasing. In the second half of 2002 more than 88% of convicted prisoners (sc. in the corrective colonies) were reported to have employment (Kalinin, 2002/2). A great deal remains to be done in reforming the production sector but in 2001 750 different enterprises were operating, including 50 agricultural ones. The annual volume of production is more than 10.9 billion roubles (National Prison Administration, 2002).

The law prescribes that the main function of prison work is not profit but the reform of the prisoners. Most prisoners with work are employed within the prisons, but those located in colony settlements can work in the community; prisoners may also engage in private work and even establish a limited company, though such activities must be conducted from within the penal institution. Since prison work is governed by national labour laws, prisoners are entitled to all applicable rights and social security guaranteed by the state. Under the 1996 Penal Executive Code (Law for the Enforcement of Sentences) working hours have been shortened to eight hours a day for five days a week. Time spent on prison work is counted as a period of employment for pension purposes. Juveniles have the right to eighteen days paid leave per year and adults to twelve days; each can be increased by six days as a reward. The monthly pay must correspond to the minimum monthly wage in federal legislation; however after deductions for alimony, income tax, contributions to the national pension fund, maintenance costs and some other purposes the pay that prisoners actually receive is very small. The minimum amount that must be transferred to a prisoners' private account after all deductions must amount to at least 25% of the pay earned; pregnant women and juveniles must be assured at least 50%. Some domestic and maintenance work is unpaid; this is regarded as being carried out during leisure time and cannot be for more than two hours per week (Uss and Pergataia, 2001).

## Education and vocational training

In accordance with the requirements of the Penal Executive Code (Articles 108 and 112), the Ministry of Justice reports that "efforts are under way in correctional facilities to enable convicted prisoners to exercise their right to receive a basic general education. Convicted prisoners who do not have an occupation are

required to undergo some form of vocational training, and existing provision in terms of correspondence courses and distance learning for convicted prisoners in higher educational institutions has been further expanded” (Kalinin, 2002/1). Prisoners in almost one third of Russia’s administrative regions are able to study in institutions providing secondary and higher education aimed at equipping them with qualifications in demand in the labour market. At the end of 2001 there were 282 schools providing evening classes in general education and 205 study areas, which were being used by more than 60,000 prisoners (National Prison Administration, 2002).

## Inspection and monitoring

The Ministry of Justice conducts inspections of the penal institutions, in order to monitor the extent to which they are operating in accordance with the laws and regulations and the objectives of the prison administration. Independent monitoring is carried out by several bodies. The public prosecution services focus particularly on checking the legality of actions taken by the prison administration. The judiciary review the decisions of the prison authorities in connection with matters such as conditional release and the transfer of a prisoner to another institution. They are also empowered to undertake a judicial enquiry to deal with a prisoner’s complaints.

Matters relating to the observance of human rights in penal institutions are said to come under the permanent scrutiny of the Russian President who sets targets for improving penal policy, including practice in the institutions. Under his authority the Human Rights Commission has prepared a draft federal blueprint for safeguarding and protecting human rights and freedom, with a special section devoted to protecting the rights of prisoners deprived of their liberty (Kalinin, 2002/1).

In accordance with recommendations from the Civic Forum, which was held in Moscow in November 2001, a special service has been established in the central and regional agencies of the penal system to ensure the observance of human rights of citizens in prisons and colonies. The Ministry of Justice regards this service as an important step in the process of the reform of the penal system in Russia. “The staff of this service have been granted wide powers. They are independent as they go about their activities and accountable only to the head of the regional branch of their agency. Their powers extend to all institutions within the territory of any given region of the Russian Federation” (Kalinin, 2002/2).

Changes were introduced into the legislation in 2001 to enable the Ombudsman for Human Rights in Russia to visit penal institutions, when he is investigating complaints from prisoners, without having to seek permission. Non-governmental organisations may also acquire shortly the statutory right to ensure that human rights are being respected in the penal institutions. A Federal Law has been prepared which, if passed, would give members of the public, including NGOs, the opportunity to uphold the rights of persons in custody under investigation, awaiting trial and serving a sentence of imprisonment.

## Non-governmental organisations

Although the above-mentioned draft legislation would for the first time give statutory authority to NGOs to uphold the rights of people held in penal institutions, Russian NGOs have been working in this field for many years. As mentioned in the report on the previous study, the Moscow Center (sic) for Prison Reform takes a high public profile in its criticism of conditions, the treatment of prisoners and general matters affecting the prison system. Other NGOs concerned with monitoring human rights include the All-Russian Scientific Penitentiary Society and the Prisoners' Assistance Fund; the Ministry of Justice reports that the fact that they have common interests with the prison administration has enabled them to move from confrontation to co-operation (Kalinin, 2002/1).

International NGOs play an important role in assisting the prison administration in combating tuberculosis and other socially dangerous diseases in Russian penal institutions. These include Médecins sans Frontières, the Open Society Institute, Penal Reform International, AIDS Foundation East-West, Doctors of the World (France), and the New York Institute of Health. With funding from the UK government Penal Reform International has contributed to the training of prison staff; courses have been held to train Russian trainers. The International Centre for Prison Studies (King's College, London), with funding from the same source, has facilitated the creation of partnerships between the five pre-trial institutions (SIZOs) in Moscow and the staff training centre in Moscow and similar large prisons in the United Kingdom; the main component of the partnerships has been the exchange of professional skills among those involved.

## International co-operation

In addition to co-operation with international NGOs, the Russian prison administration has fruitful co-operation with other prison administrations in Europe. This has been especially important in respect of staff training. Co-operation between training centres in respect of basic, advanced and further vocational training is being pursued with many countries and co-operation also involves joint projects, international conferences and seminars and the co-production of textbooks and teaching materials. The Ministry of Justice says that these activities not only provide a better insight into the experience of other countries, but also enable Russia to take the most progressive elements from foreign systems and incorporate them into their own practice.

Under the auspices of the Council of Europe Russian representatives are taking an active part in a steering group on prison reform. A prison 'twinning' scheme has been developed under which direct contacts have been established between prison staff in a number of Russian regions and their counterparts in other European countries. Activities include reciprocal visits and exchanges of professional experience, examination of the practical aspects of implementing



European rules and standards for the treatment of prisoners, and the provision of humanitarian assistance. Joint projects are under way with the United Kingdom, as mentioned above, Norway and other countries (Kalinin, 2002/1).

## Other matters

The Ministry of Justice reports that there have been radical changes in relations with the media. “Every year thousands of articles are published on the activities of penal institutions, including problem prisons. All this helps to raise public awareness and attract the attention of the legislative and executive authorities, and to speed up the adoption of decisions which are important for penal reform” (Kalinin, 2002/1).

The prison administration publishes a journal ‘Crime and punishment’, a ‘Prison System Bulletin’, and a newspaper ‘State House’.

The budget for the prison system doubled in the year 2001 and has increased more than four-fold in recent years (National Prison Administration, 2002; Kalinin, 2002/2).

Convicted prisoners are not allowed to vote in Russian elections but pre-trial detainees retain the right to do so.

## Important recent developments

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

- the transfer of Ministerial responsibility from the Ministry of Internal Affairs to the Ministry of Justice (1998);
- the adoption (March 2001) of Federal Law No. 25 – FZ containing 59 amendments to the Penal Code, Code of Criminal Procedure, Penal Enforcement Code and other legislation;
- a broad Government campaign since May 2000 to humanise the penal system and reduce the number of people held in correctional and pre-trial penal institutions;
- considerable increases in the scale of financial allowances to the prison system from the federal budget;
- increased openness in the penal system including, with the direct support of the Russian President, measures to strengthen and protect the human rights of people held in penal institutions.

## Current objectives

The main objectives of the prison administration include :

- to improve the quality of prison staff and further develop staff training, so that the penal institutions are operated by professionally trained people who accept international standards with regard to the treatment of prisoners;

- to provide in the period 2002-2006 an additional 46,000 places in pre-trial institutions (SIZOs) and 215,000 square metres of living quarters for prison staff, and to create work opportunities for a further 40,000 sentenced prisoners;
- to move in the direction of developing penal institutions into centres of social rehabilitation and, with this purpose, to establish relations between staff and prisoners that are based on trust and to invest effort in teaching methods and the resolution of social questions that affect prisoners' rehabilitation;
- to improve social conditions for prison staff;
- to reduce further the number of prisoners with tuberculosis and to continued the fight against HIV infection.

## Main problems

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

- the size of the prison population, which at the end of 2001 was more than 50% higher, per head of the national population, than any other European country apart from Belarus;
- serious overcrowding, especially in the pre-trial institutions (SIZOs) which were 80% over the capacity figure at the end of 2001;
- high levels of tuberculosis and HIV infection in the prison population;
- poor living conditions in many penal institutions;
- poor hygiene and medical facilities;
- insufficient financial resources, despite large increases in recent years.

## Achievements

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

- reducing the official capacity of pre-trial institutions and educative colonies for juveniles in order to allow increased space per prisoner;
- introducing radical changes in relations with the media, so that many articles are published which raise public awareness, attract the attention of legislative and executive authorities, and speed up the adoption of decisions that are important for penal reform;
- the creation of a special service to ensure that the rights of prisoners in custody are observed;
- a greatly increased use of open prisons (colony settlements);
- obtaining a large amnesty, which reduced the prison population by more than 15% in five months of the year 2000;

- making great efforts to tackle tuberculosis and succeeding in stabilising the position and reducing the incidence and mortality rate;
- increasing the number of teachers, social workers and, especially, psychologists in the prison system;
- beginning to develop a new 'culture' that shifts the emphasis from the use of force and authoritarian methods towards good staff - prisoner relations;
- increasing the number of jobs available for prisoners (by 42,000 in 2001) and gradually increasing wages;
- focusing on the improvement of conditions and welfare for prison staff;
- developing staff training, partly through extensive co-operation with other European prison administrations;
- succeeding in taking responsibility from the Ministry of Internal Affairs militia for the manning of the perimeter of penal institutions;
- developing fruitful co-operative relationships with national and international non-governmental organisations.

## Conclusion

A very great deal of progress has been made in recent years, especially since the transfer of responsibility for the prison system to the Ministry of Justice. The following are some of the most important outstanding tasks, in addition to the objectives listed above:

- to take steps to enable all pre-trial detainees and all sentenced prisoners in the corrective colonies and the prisons to have at least 4m<sup>2</sup> in their living accommodation;
- to continue improving the living conditions in pre-trial institutions so that all are adequate not only in terms of space per prisoner but also heating, lighting, ventilation, hygiene and sanitary conditions;
- to ensure that every pre-trial detainee and sentenced prisoner has his/her own separate bed;
- to provide all prisoners with a balanced diet, including fruit, meat and vegetables;
- to ensure that all prisoners, including pre-trial detainees in solitary confinement, are allowed at least one hour of walking or suitable exercise every day in the open air;
- to amend the practice whereby pre-trial detainees are separated from their visitors by a screen. Such arrangements are only necessary for exceptional cases;
- to take steps so that neither legislation nor practice prevent the introduction of a programme of regime activities for pre-trial detain-

ees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;

- to develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of resettlement after release;
- to ensure that the number of medical staff is adequate in all institutions;
- to ensure that there are sufficient security and treatment staff, and in particular sufficient social workers/educators to enable no prisoner group for which they are responsible to exceed 50 in number;
- to increase the opportunities for prison visits so that, in whatever institution and regime prisoners are serving their sentences, they are entitled to receive visits at least once a month, and if possible more frequently.

## Annex 1

### RUSSIAN FEDERATION: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	698,900	473	147,762,500
1991	714,700	485	147,440,000
1992	722,636	487	148,330,200
1993	750,280	506	148,294,700
1994	844,870	571	147,997,100
1995	920,685	622	147,938,500
1996	1,017,372	689	147,608,800
1997	1,051,515	715	147,137,200
1998	1,009,863	688	146,739,400
1999	1,014,066	693	146,327,600
2000	1,060,401	729	145,559,200
2001 (1/1)	923,765	638	144,819,100
2001 (31/12)	980,092	681	143,954,400

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
<b>Pre-trial detainees in 2001</b>			
(31/12)	<b>206,879</b>	<b>21.1</b>	<b>144</b>
	<b>TOTAL among sentenced population</b>	<b>Percentage of sentenced population</b>	
<b>Female prisoners in 2001</b>			
(1/1)	<b>39,601</b>	<b>5.9</b>	
(1/9)	<b>45,300</b>	<b>6.2</b>	

Note: There have been several amnesties during the 1990s, most recently in 1996, 1998, 1999, 2000 and 2001. The amnesty of May 2000 eventually led to the release of 206,200 prisoners and reduced the total from 1,091,973 at the end of May 2000 to 912,117 six months later.

## Annex 2

### Russian Federation penal institutions: functions and capacity, 2001

Pre-trial institutions (Sledstvennie Izolatori (SIZOs) – investigation isolation institutions)

184 institutions, with a capacity (at the beginning of 2001) of 114,880 (average 624 each)

- including Butyrka (Moscow) with a capacity of 2,190 and Kresty (St. Petersburg) 2,097.

Prisons (Tyoormi – closed prisons)

13 institutions, with a capacity (at the beginning of 2001) of 7,910 (average 608 each)

(The prison (tyoorma) regime is for prisoners convicted of exceptionally serious crimes, those regarded as dangerous, and those who have caused serious control or disciplinary problems in other institutions.)

Corrective colonies (Ispravitelnie kolonii (IK)

737 institutions, with a capacity for sentenced prisoners (at the beginning of 2001) of 791,615 (average 1,074 each)

(Corrective colonies are of four types: special (very strict) regime, strict regime, general regime, or colony settlements with an open regime.)

Pre-trial sections in corrective colonies

166 sections, with a capacity (at the beginning of 2001) of 20,205 (average 122 each)

(Created on 1 July 1999 by Ministry of Justice Order 212 of 30 June 1999.)

Educative labour colonies (Vospitatelnie kolonii (VK)

64 institutions for juveniles (under 18), with a capacity (at the beginning of 2001) of 25,771 (average 403 each)

(61 of these are for boys and three for girls. Juveniles may remain in these institutions in order to complete their sentences up to, but not beyond, their 22<sup>nd</sup> birthday. After that they must be transferred to a corrective colony.)

**TOTAL** (at beginning of 2001) 998 institutions with a capacity of **960,381**

## **Annex 3**

### **Russian Federation: principal sources of information**

Council of Europe, 1995-2002. Reports of the meetings of the Steering Group on the reform of the prison system of the Russian Federation. Council of Europe, Strasbourg

Kalinin Y., 2002/1. Keynote address at the 13<sup>th</sup> conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

Kalinin Y., 2002/2. The Russian penal system: past, present and future. Lecture given at King's College, London, 26 November 2002. International Centre for Prison Studies (ICPS), King's College, London

Kononets A., 2002. Interview in Prison Healthcare News, Issue 1, Spring 2002. ICPS, King's College, London

National Prison Administration, 2002. Criminal-Executive System of the Russian Ministry of Justice. Unpublished document, March 2002. Prison Administration, Moscow.

Uss A. and Pergataia A., 2001. 'Russia' in 'Imprisonment today and tomorrow' (second edition), eds. van Zyl Smit D. and Dünkel F. Kluwer Law International, The Hague, London and Boston.

Utkin V., 1998. International Standards for the Treatment of Prisoners and their Implementation. Tomsk

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



## 40. Slovakia

### Legislative framework

The current law on the enforcement of imprisonment dates from June 1993. It is claimed that “the treatment of convicted prisoners in this law comes from the [UN] Standard Minimum Rules for the Treatment of Prisoners and from the European Prison Rules” (General Directorate of the Corps of Prison and Court Guard, 1998).

A new Criminal Code and Criminal Procedural Code are in preparation; drafting was expected to be completed by the end of 2001, with enactment in 2002 and the laws coming into force in January 2003. The existing laws, which have been amended many times, are reported to date back to 1961 and 1965 respectively. The new laws particularly address violent crime and the rise in organised crime and corruption and introduce harsher sentences for these while expanding the scope for the use of alternative sentences for less serious and unintentional (negligent) crimes, perhaps by introducing probation and/or community service. The maximum penalty is likely to be increased from 15 years to 25 years. The death penalty was last used in June 1989 and was replaced by life imprisonment in July 1990. At March 2001 there were 14 persons serving life sentences and 30 serving ‘exceptional sentences’ of between 15 and 25 years. A new law on the enforcement of imprisonment (Penal Executive Code) is being prepared and also a new law on pre-trial detention. These were due to be completed in 2002 and to be in force less than a year after the other new legislation. The harsher treatment for serious offenders is likely to increase the prison population and so the prison estate will be enlarged, at least partly by making more space available in existing institutions. The Minister of Justice believes that this policy will provide better protection for the public. However, it was also intended that the new legislation should improve pre-release arrangements for prisoners. Another provision planned would place dangerous prisoners in single cells. An important reason for recodifying the enforcement of imprisonment law is to rationalise the existing law of 1993 which has been amended some fourteen times already.

The prison administration is pleased with the new law on the duties and conditions of service of prison staff, which came into force in the year 2000. It reflects changes that have taken place in recent years and formulates new tasks for the prison service, including improved protection for prison establishments and new rights for staff.

### Organisational structure

Since 1969 the prison system has been the responsibility of the Ministry of Justice, as indeed it was from 1865-1952 (General Directorate of the Corps of Prison and Court Guard, 1998). In 2001 the head of the prison administration, the Corps of Prison and Court Guard, was Dr Anton Fábry, a former prosecutor

general who had held the post since 1991 – before Slovakia became a separate state in 1993. He was the longest serving Director General in any central and eastern European country. The Director General reports directly to the Minister of Justice. Until July 2000 there was a small department (three staff) in the Ministry of Justice that liaised between the Director General and the Minister.

The senior management team includes the first Deputy Director General, Dr Oto Lobodaš, who has responsibility for treatment and security, and the Deputy who is responsible for economic matters. Also reporting to the Director General are the head of the secretariat, Dr Vladislav Lišták, the head of the inspection department, Mr Josef Kovalovský, the head of the medical department, Dr Werner Scholz, and the heads of the administrative and legal department and the personnel department. A similar structure operates in the prisons, with the director having a first deputy responsible for treatment and security and another deputy responsible for economic matters. There are a total of 135 staff working in the prison administration headquarters.

There are 18 penal institutions with a total capacity at the beginning of September 2001 of 9,085 (including 156 spaces in the prison hospital). Five are exclusively for pre-trial detention, nine are for sentenced prisoners, and the other four – Košice, Leopoldov, Prešov and Trenčín (where the prison hospital is located) have sections for sentenced prisoners and also sections for pre-trial detainees. The largest institutions are Banská Bystrica-Kráľová with a capacity of 846, Hrnčiarovce nad Parnou with a capacity of 850 plus a separately located department for 120, and Leopoldov with a capacity of 815. The prisons at Bratislava, Košice, Košice-Šaca and Želiezovce have capacities of between 600 and 700. Male prisoners in the highest security category (known as correctional group 3) are held at Ilava (which has a department for life-sentence prisoners), Leopoldov or Ružomberok, female prisoners at Nitra-Chrenová and male juveniles at Martin. Four prisons have open or semi-open departments: in 1997 these housed 800 prisoners but fewer are now considered suitable for such conditions (only 2,640 were classified as dangerous in 1997 whereas in March 2001 the figure had risen to 3,564) and their capacity is now 420 of which only 278 places were occupied at the end of March 2001. The oldest institutions are Leopoldov, which was originally a 17<sup>th</sup> Century anti-Turkish fort that was reconstructed as a prison in 1855, and Ilava which was a former monastery purchased and enlarged as a prison under the Austro-Hungarian Empire. A new prison with a capacity of 300 is to be built at Rimavská Sobota (a reconstruction of an old tobacco factory) with a view to opening in 2003. (26 million Slovak koruna - 550,000 US dollars - were dedicated to it in the budget for 2001.)

## Pre-trial detention

Prior to pre-trial detention in a penal institution, the law provides that a suspect may be held in a police station for a maximum of 48 hours. “Anyone who is arrested must be promptly informed of the grounds thereof, and after interrogation within 24 hours, either released or brought before a court and heard by a judge who shall determine whether the individual shall be kept in pre-trial de-

tion or released” (Article 17.3 of the Constitution of Slovakia). If the suspect is brought before a court (on a charge) the judge has 24 hours to decide whether there are sufficient reasons to order that he/she be remanded in custody (section 69.5 of the Criminal Procedural Code).

The level of pre-trial detention in Slovakia is average for European countries. At the end of 2001 the number of pre-trial detainees in the prison system amounted to 36 per 100,000 of the national population. Nevertheless the prison administration considers the number to be too high; it is attributed to the increasing complexity of cases, especially those concerned with organised crime.

Of some 1,950 pre-trial detainees at the end of March 2001, about 60% had been in pre-trial detention for up to six months, a further 22% for up to a year, 16% for up to two years and 2% for longer than two years. One particularly serious and complicated case was, at the beginning of 2001, approaching the three year maximum allowed by law, with the result that, on the basis of this case alone, the national council extended the limit to five years for exceptional cases. Pre-trial detention both in Banská Bystrica and Leopoldov prisons was said to be of at least one year on average.

The pre-trial process is under the jurisdiction of the investigating authority, which decides whether or not a detainee shall be entitled to certain activities (1993 Act concerning pre-trial detention). Pre-trial prisoners spend most of the day locked in their cells without purposeful activities to occupy them. In the year 2000 just six were able to do any work. This extremely limited regime was criticised by the CPT following their visit in October 2000 (CPT, 2001/29 para 63). The Slovak government response points out that organising activities for pre-trial detainees in Slovakia is “exceptionally difficult” because of the requirement of the pre-trial detention Act that detainees must be prevented from any potential contact with accomplices. They have access to books, can receive additional visits for good behaviour, can attend religious activities and can listen to the radio. Television, however, is not at present available because of the costs that would be involved in supplying it, including the cost of modifying the institutions’ facilities (CPT, 2001/30 p.32).

### The numbers held in penal institutions

The prison population doubled between 1990, when President Vaclav Havel’s major amnesty reduced it to 3,500, and the beginning of 1994 when it was 7,275. But since then it has remained fairly stable, being 6,941 at the beginning of 2001 (129 per 100,000 of the national population) and 7,433 (138 per 100,000) at the end of the year; the prison population rate at year-ends fluctuated only between 123 and 147 between 1994 and 2001. At the end of 2001 26.2% of the prison population were pre-trial detainees, 3.6% of sentenced prisoners were females and 1.5% were juveniles (under 18). 2.6% of the prison population were not Slovaks.

As already mentioned, there are concerns that the prison population could rise as a result of the harsher sentences for serious offenders that are expected to be indicated in the new Criminal Code. Another potential source of growth is the

approximately 1,300 people who were sentenced to imprisonment, not after being held in pre-trial detention but after being remanded 'in freedom', and have not responded to the requirement to present themselves at the prison to serve their sentences. If these were rounded up by the police the prison population would be nearly 20% higher.

The level of crime rose sharply following the political changes of 1989 and continued to rise for several years. The Ministry of Justice advises that it has more or less stabilised, but violent crime, corruption and organised crime are of increasing concern.

Slovakia's prison population rate of 138 at the end of 2001 is lower than that in Hungary to the south (173), the Czech Republic to the west (188) and Poland to the north (206).

### Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of September 2001 was 82.7% of the total capacity of the system. In central and eastern Europe this is one of the lowest levels of occupancy. None of the institutions was over capacity.

As elsewhere in central and eastern Europe, few prisoners are accommodated alone in single cells. However, it is planned to put the most dangerous prisoners in single cells. The largest rooms in the system are reported to be at Ilava where some are intended for 20-22 prisoners.

The official minimum space specification per prisoner is 3.5m<sup>2</sup> and capacity figures for the institutions are calculated on this basis. This space specification was established by the Imprisonment Act of 1965.

The CPT report of 1995 included the recommendation that each prisoner should have at least 4m<sup>2</sup> of space, excluding the sanitary annexes that occupied about 1.5m<sup>2</sup> per cell. Both prisons visited by the CPT at that time (Bratislava and Leopoldov) suffered from overcrowding, even when judged by the allowance of 3.5m<sup>2</sup> per person including sanitary annexes. The Slovak prison administration has increased the number of spaces available in the system from 8,305 in 1994 to 9,085 in 2001. This has been achieved by the completion in 1995 of the rebuilding of Banská Bystrica prison (adding 300 places), the opening in 1997 of a new institution at Levoča (adding 148 places), and increases in the pre-trial institutions at Nitra and Žilina and in the institutions for sentenced prisoners at Košice-Šaca and Nitra-Chrenová.

But, although these developments have made it possible for all prisoners to have the 3.5m<sup>2</sup> specified in the legislation, there has been no reassessment of the official capacity of institutions in order to bring them into line with the CPT recommendation that each prisoner should have at least 4m<sup>2</sup>, excluding the sanitary annexes. If such an exercise was undertaken it seems likely that there would be some overcrowding in about half the institutions, namely the nine in which the current capacity figure (on the basis of 3.5m<sup>2</sup>) exceeds 90%. Accommodating eight prisoners and a sanitary annex in a 31m<sup>2</sup> room and four (and an annex) in a 17m<sup>2</sup> room, as at Bratislava in April 2001, is not providing adequate space.

There are no current plans to increase the 3.5m<sup>2</sup> space allowance that was considered appropriate in 1965. This is said to be for financial reasons and in order to avoid including unrealistic aspirations in the new legislation. It is reported that there were pressures on the prison administration to increase the space allowance for juveniles and women but these were resisted. While they agreed in principle, especially in the case of women, they were conscious of the fact that an increasing number of women were involved in drug offences and violent crime and there could be insufficient space in the women's prison if the legal specification was increased.

The heating, lighting and ventilation in Slovakian prisons in general are reported to be of similar satisfactory quality to that noted in the prisons at Banská Bystrica, Bratislava, Hrnčiarovce nad Parnou and Nitra-Chrenová. The Deputy Director General emphasised that this was considered a priority.

Pre-trial detainees are kept separate from sentenced prisoners and women from men. The policy in respect of juveniles is that while they are kept separate from adult recidivists they are sometimes allowed to mix with young adults who are serving their first sentence for a less serious crime. One informant said that if juveniles were kept together without the presence of an adult there was likely to be aggression and another said that in view of the small number of juveniles in district prisons and the danger of self-injury it was better that a juvenile should share with a suitable young adult than that he should be alone. It was reported that emphasis is placed on separating adult first time offenders from adult recidivists and young adults from older adults.

Hygienic conditions seemed to be generally good and the prison administration reported that whatever the budgetary constraints it did not economise on cleanliness. In most institutions it is reported that there are sanitary annexes to the cells which enable prisoners to have privacy when complying with the needs of nature. Following on from the recommendations of the 1995 CPT report (CPT, 1997/2) a programme was under way in 2001 to ensure complete separation of those annexes that are only separated by curtains. However, budget constraints mean that this work may not be completed before 2004.

Every prisoner has a separate bed and it is stated that restrictions are not imposed on how prisoners wear their hair. The showers at Bratislava prison were renovated following the 1995 CPT report recommendation and prisoners can now shower twice a week and women can shower at any time because there are showers in the cell. Pre-trial prisoners are allowed to wear their own clothes, but only if they can arrange for them to be changed and laundered every two weeks. Thus 90% in Banská Bystrica, for example, wear prison clothes.

## Food

The quality and quantity of food are reported to be similar to average standards in communal catering outside. This is an achievement of which the prison administration is proud in view of the limited financial resources available for food. It is reported that prisoners receive a balanced diet. Meat and vegetables are produced on prison farms; in the year 2000 68% of pork and 35% of beef

were provided from this source. Those who work outside in the community take an additional (packed) meal in a tin. The amount to be spent on food, at rates for 1 April 2001, was:

Pre-trial prisoners and those not working. 39 Slovak koruna (0.83 euros)  
Sentenced prisoners and pre-trial prisoners with work. 49.5 Slovak koruna (1.05 euros)  
Juveniles. 55.2 Slovak koruna (1.17 euros)  
Pregnant women. 52.5 Slovak koruna (1.12 euros)  
Health diets (13 types). 40-57 Slovak koruna (0.85-1.21 euros)  
Staff (breakfast, lunch and dinner). 73 Slovak koruna (1.55 euros)

These allocations are increased by 3-6% per year (in the year 2000 by 3 Slovak koruna or just over 6 euro cents) but the cost of food is also rising.

## Medical services

Medical services in the Slovak prison system are covered by the legislation that governs such services in the community; it is generally believed that health care is better in the prisons. For example, health care centres outside are overcrowded with long waiting times, but prisoners face no such delays. If a prisoner needs a specialist examination in a civil hospital, he has priority over other citizens. The public are said to be critical of such privileges.

The prison service works closely with outside hospitals, liaising with the Ministry of Health. There is also co-operation with the civilian doctors who work in prisons on contract. The prison service has 14 places set aside in Trenčín civil hospital for prisoners who need to be transferred from Trenčín prison hospital for surgery. There is however no expectation of the prison service's responsibility for the health care of prisoners being transferred to the Ministry of Health. The prison service sees value in continued independence, for example where a newly convicted person makes representations to the court that his medical condition makes him unsuitable for imprisonment. Such matters are referred to the prison service's medical department for advice, which is felt to be better informed than community health experts would be. Apparently such referrals occur about 100 times a year.

The prison service employs 243 health care personnel, including a doctor and at least two nurses for every 250 prisoners. Some 225 were in post in April 2001. There are 25 general practitioners (including psychiatrists), 13 dentists, 14 specialist doctors, six doctors concerned with management (four at prison administration headquarters in Bratislava and two in the prison hospital in Trenčín), five medical pedagogues, eight clinical psychologists and 169 nursing staff. There are two support staff at headquarters (secretarial) and one responsible for social care, rehabilitation and recreation. In 1998 the hospital at Trenčín, which became the national prison hospital in 1977, had nearly a third of these medical staff, comprising 13 doctors, two clinical psychologists, one medical pedagogue, 54 nurses and five radiographic and laboratory assistants, a total of 75.

The head of the health care department reports that there is no problem in the quality and quantity of medicines and medical equipment available.

The drugs problem is getting worse. In 1995 there were 310 prisoners who had volunteered on reception that they were dependent on drugs; in 2000 the figure was 563. These include 310 heroin addicts in Bratislava prison of whom 272 use intra-venous injection. In all, more than two-thirds of known drug abusers in the system are at Bratislava prison. The most serious cases are transferred to the prison hospital at Trenčín.

Drug treatment is given at Bratislava, Košice, Leopoldov and Trenčín (hospital); this is treatment ordered by the courts. The courts also order specific treatment for alcoholism, sexual deviation and mental illness; there are some 230 such orders per year and the system has been in operation for 27 years. Drug treatment is also given on a voluntary basis for younger prisoners at two prisons, one of which is Hrnčiarovce nad Parnou (Trnava); here there is a drug-free zone with a capacity of 24. It was established in 1998 and there were seven patients in April 2001; it is said that there is little interest because the main drug problem cases are already subject to court orders. The zone includes a therapeutic room with tapes and mattresses for relaxation. Prisoners can stay there for up to a year. It is paid for by nationally contributed health insurance. There is a relaxed atmosphere with much space and nicely decorated rooms with plants situated in strategic places conveying a sense of harmony and peace in Japanese style. The objective was that by the end of 2001 there would be drug-free zones in all prisons for juveniles and prisoners in the first Correctional Group.

The head of health care reports that they are unaware what percentage of the prison population has a drugs problem. The Czech Republic discovered that 25% of their prison population had such a problem and he says that it is probably a similar percentage in Slovakia.

There were no HIV cases in the prisons in 2001. There have only been three cases since 1990 despite tests of over 20,000 prisoners.

Many prisoners have an alcohol problem and there is a treatment programme available. The numbers are not increasing. Tuberculosis is not a problem in the Slovakian system and the numbers are not increasing; in the year 2000 there were 20 cases, all of them discovered on reception from the community. There is a treatment programme available.

Although many prisoners have psychiatric problems the prison administration has few full-time psychiatrists employed and relies mainly on part-time contracted staff. There is a problem in affording the salaries that psychiatrists are paid. At Bratislava prison psychiatric care is given by two part-time staff. This is also the position at Košice where the post of full-time psychiatrist is vacant. Part-time contracted staff are also used at Banská Bystrica and at the women's prison at Nitra-Chrenová. Hrnčiarovce nad Parnou and Ilava are among the prisons where the staff do include a psychiatrist.

It is reported that the dental treatment provided does not involve modern techniques. If a prisoner requires false teeth he will receive them but not using new ceramic materials unless he can afford to pay for them.



The Slovak prison system does not have facilities for mothers with babies. If a woman is pregnant or has a child under the age of one she will not be sent to prison. A woman whose pregnancy comes to light during her sentence will receive an interruption of sentence by decision of the court on the proposal of the prison director; she will have to return when the child reaches the age of one. 65 of the 161 prisoners in Nitra-Chrenová in April 2001 were mothers of a total of 120 children. The majority of these children were in state facilities for children and had already been in such facilities prior to the mother's prison sentence. The prison social worker is sometimes involved in tracing a prisoner's children and re-establishing contact between them.

At each prison a member of the medical staff, usually a nurse, has the responsibility of checking food, hygiene and the cleanliness of the institution and advising the director of any deficiencies. No prisoner can be placed in solitary confinement as a disciplinary punishment without being checked by a medical officer. The regulation requires that a prisoner in isolation must be checked by medical staff every three days, despite Rule 38.3 of the European Prison Rules which states that a medical officer shall make daily visits to such prisoners.

There were eleven deaths in prison in the year 2000, including three suicides. The frequency of suicide and self-injury is reported to have fallen in recent times; this is attributed to the greater emphasis being placed on staff-prisoner relations. Twenty nine suicide attempts were recorded in 2000.

## Discipline and punishment

The European Prison Rules state that "no prisoner shall be employed.... in any disciplinary capacity" (Rule 34) and in Slovakia it is reported that there is no practice of giving prisoners a supervisory role from which they can acquire power, including quasi-disciplinary power, over others. Prisons have a committee of prisoners, which consists of spokesmen for the different units. These are often the men who organise the cleaning of cells, for example, and the educator selects them as strong individuals, but it is reported that they are carefully supervised and cannot bully others. The protection of vulnerable prisoners at night-time is said to be secured by the night unit managers who are responsible for checking every unit. Each cell has to be observed at regular intervals.

It was emphasised that prisoners receive three times as many rewards for good behaviour as they receive punishments (12,400 in the year 2000 as against 4,100). The conditions of isolation are reported to be similar to ordinary conditions in a cell for one prisoner. However, at Nitra-Chrenová women's prison the punishment cell is rather dark and the light only just good enough for reading. The maximum length of isolation is 10 days for pre-trial detainees and 20 days for sentenced prisoners. For women and juveniles it is half that amount and they are only isolated at the end of each day's work.

In response to the recommendations of the CPT following their visit in 1995 mattresses are now provided at night and prisoners are allowed to have reading materials. They are not permitted to have visits while in isolation punishment but other conditions, including the right to one hour's exercise per day, are no different from those of other prisoners.



## Information and complaints

Prisoners are informed about regulations during the psycho-diagnostic period of about a fortnight, which they spend in the pre-trial prison following conviction, and on arrival at the prison in which they will serve their sentence. They do not receive anything in writing. They are also told about their rights, including the right to make complaints. Since the 1995 visit the address of the CPT has been prominently displayed in the prisons in order to facilitate any communication that prisoners may wish to have with them.

Prisoners can also complain to the prison director, to the Director General, to the general prosecutor, to the Ministry of Justice and to the President of the Slovak Republic. Confidentiality is assured by the use of special sealed boxes to which access is highly restricted. The Minister of Justice and the prosecutor consult the Inspection Department in the prison administration about complaints they have received. This department also deals with complaints to the Director General. However, the head of department reports that complaints are generally unsubstantiated. Complaints against prison staff result in a hearing in the institution concerned. The prison administration monitors the outcomes of complaints and presents the results in its annual report (see Inspection and monitoring below), which indicate that in each of the six years 1996-2001 inclusive about twenty complaints are substantiated each year out of a total of some 350 (nearly 6%).

## Contact with the outside world

Prisoners in the first correctional group (see Treatment and Regime Activities below) are entitled to visits twice a month, those in the second group once a month and those in the third group once every six weeks. This dates back to the Imprisonment Act of 1965 but is not expected to be changed by the new draft laws.

Pre-trial prisoners and sentenced prisoners in the third correctional group have closed visits, as do some prisoners in the second group. This is explained in terms of its effectiveness in limiting the in-flow of drugs. There is no arrangement for long family visits (including overnight stay) or private (conjugal) visits.

About 80% of prisoners are said to be in a prison comparatively near to their homes, but for the remainder there are often long distances for families to travel in order to visit and transport may be very difficult, especially for visitors without cars. It is reported that transport is not the only problem, since prisoners want their visitors to bring parcels, including cigarettes, and the cost of transportation and the parcels can be almost impossible to afford. In such cases, it was suggested, imprisonment is probably worse for the families than for the prisoners.

Letters, which may be sent without limitation, are not censored but may be checked for unauthorised contents. The new legislation is likely to place further restriction on parcels (at present prisoners in the first correctional group are allowed a parcel of 5kg twice a month) in order to combat the in-flow of drugs.

The use of telephones by prisoners is being developed. An experiment in the women's prison at Nitra-Chrenová was successful and prisoners in open and semi-open facilities may now use them. The prison administration intends to recommend the use of telephones in closed institutions, including pre-trial facilities. The calls would be monitored by staff.

Depending on their correctional group and their behaviour, prisoners may be granted five days home leave or leave for 24 hours (from semi-open institutions) or 48 hours (from open institutions). 1,430 five day leaves were granted in the year 2000 (one third less than three years earlier) and 345 leaves for 24 or 48 hours (only a quarter of the figure three years earlier). Some 6% of prisoners were granted leave at Christmas-time in an institution for prisoners in the first correctional group (Hrnčiarovce nad Parnou).

Sentenced prisoners have access to television in the group room that is available during leisure periods. They may read newspapers from the library and magazines may be sent in to them by relatives and friends.

## Religious assistance

Prisoners are allowed to satisfy the needs of their religious life. Chapels are often attractively decorated by prisoners, as for example in Bratislava prison. In Banská Bystrica it was explained that the chapel is for the use of approved religious groups, including Baptists, Catholics and Evangelicals. The occasional member of a different faith is able to get a diet in accordance with his/her beliefs. The chapel in Hrnčiarovce nad Parnou was donated by the Catholic church (and is dedicated to Maximilian Kolbe who died in the Nazi concentration camp at Buchenwald). In this prison with some 625 prisoners it was reported that about 24 attend the weekly service and about 60 at Christmas. If a notable church figure comes in to take a service there is said to be much interest.

## Prison staff

The new (1998) law on state service (see Legislative framework above) requires that all staff must have finished their secondary education (with some transitional exceptions). This has led to a large number of departures from the service and a shift in the age structure, length of experience and educational structure. In 1997 22% were under 30, but by 2000 this had risen to 27%. In 1997 27% were over 45 but by 2000 this had fallen to 23%. In the year 2000 30% of staff had less than five years experience. In Bratislava prison 70-80% of staff have no more than three years experience, which provides an opportunity for training in modern methods and attitudes but also necessitates careful supervision. 98% of posts were occupied in the year 2000, with it being easier to recruit in Banská Bystrica, for example, where the unemployment level is 25% than in Bratislava where it is 6%. Thus the security staff in Bratislava are 10% below complement. Salaries are low by Bratislava standards but less so in Banská Bystrica. Levels are above the average salary in Slovakia and similar to those in the police, who are covered by the same legislation.

Prison staff are said to be quite well respected in the community. Morale is reasonably high because of the salary level, the fact that staff are glad to have employment and that they appreciate the health benefits that come with the job. In Nitra-Chrenová, for example, there is a sauna, a massage room, a pool, a relaxation room and a shooting gallery. There is also a weight-training room and a gym. Banská Bystrica and Hrnčiarovce nad Parnou are other prisons with facilities of this kind. Staff may use them for one hour a week during working hours and also in their own time. There is much concern in the Slovak prison system to give staff good conditions and there is a belief that this contributes to better staff performance. There are also leisure centres (at Kovačova and Trenčín) where staff aged over 40 who have served at least 15 years can spend two weeks a year with their families at the prison service's expense. State service gives staff better than average pensions and holidays as well as better pay.

The Slovak prison service has a training centre at Nitra that was built at the end of the 1970s. Its main task is the training of new recruits. Basic grade security staff receive six months training, consisting of three weeks theoretical training at the centre followed by four and a half months in a prison – each prison has to prepare special training for this purpose – and finally another three weeks at the centre, after which they take an examination. There is also special training for directors and deputies and for other senior staff such as heads of security and treatment. The course for pedagogues, psychologists and doctors lasts for ten months of which ten weeks theoretical training is done at the training centre (Donnelly, 2000). The prison administration has the objective of introducing more extensive training (lasting for ten months) for newly recruited prison staff.

The CPT following their 1995 visit recommended the intensification of prison staff training, both initial and in-service, and said that considerable emphasis should be placed on the acquisition and development of interpersonal communication skills (CPT, 1997 para 124). They drew attention to the fact that building positive relations with prisoners should be recognised as a key feature of the prison officer's vocation. Proposals to implement these recommendations were prepared in 1997 but Donnelly (op. cit.) reports that shortages of funds, tutors and space have inhibited such developments.

There are regular staff exchanges with the Polish and Hungarian prison services and these will clearly contribute to improved practice. The women's prison at Nitra-Chrenová is twinned with women's prisons in the Czech Republic and Hungary.

The prison service employed 4,724 staff at the beginning of 2001 of whom 390 were civilians. 135 worked in the prison administration headquarters. The overall ratio of staff to prisoners is 1 : 1.7 but there are variations between institutions. A number of women are reported to work in male prisons including, for example, fifteen educators/pedagogues at Hrnčiarovce nad Parnou. In the women's prison 38 of the 140 staff are women, most of whom work directly with the prisoners. In the treatment department the split is 50/50.

There are strict regulations concerning the use of force by staff. Any incident must immediately be reported and the prisoner must be examined by a doctor.

The justification for the use of force is investigated. The annual report (table 22) sets out, by prison and by type of force, the number of cases that occurred. In the year 2000 there were 55 incidents in all, 23 of which came under the heading of “grips and holds, hits and kicks of self-defence”, twelve involved the use of handcuffs, ten the use of a baton, six the use of restraining belts, two the use of wrist-chains and two the use of firearms. It is said that the low level of the use of force is attributable to staff training in which it is emphasised that force rarely solves a problem.

Dogs are used to protect some prison buildings, on escorts, and when guarded prisoners are working outside the walls. They are also used to detect drugs.

Prison staff retire at 55 after which they receive as a pension some 40-50% of their salary. Pensions are paid from the prison service budget. It is reported that a number of staff die within two or three years of retirement.

The fact that the Slovak prison service is a military organisation is said to be traditional and to bring financial benefits. The prison administration does not believe that the uniform is an impediment to working constructively with prisoners.

## Treatment and regime activities

Sentenced prisoners are divided by law into three correctional groups. Group I is for those serving a first prison sentence of up to five years, group II for second and subsequent offenders and group III for those convicted of serious offences. As has been seen, these groups affect visiting entitlements, frequency of packages and home leave. The penal institutions themselves are classified according to the correctional group of the prisoners they contain. At the end of the year 2000 37% of sentenced prisoners were in correctional group I, 49% in correctional group II, 12% in correctional group III, and 2% were juveniles and thus not classified into correctional groups.

But although it is the sentence of the court that determines the correctional group of a prisoner, the institutions themselves make a classification into four sub-groups, group A being those regarded as having positive prospects – these will be from correctional group I or II and will be entitled to an open or semi-open regime; group B are those who will receive a standard regime and may be from any of the three correctional groups, and groups C and D are those with a bad prognosis, those who require close attention because of their physical or psychiatric state, their negative behaviour, their dangerousness or the length of their sentence, or because they are serving life sentences.

This internal classification is made on admission to the prison in which the sentence will be served but before that, in each pre-trial institution there is a psycho-diagnostic (assessment) department where a team of specialists, including psychologists, make a diagnosis of the newly convicted prisoner’s criminality and family situation and make proposals as to the regime he/she should undergo and the prison to which he/she should be allocated.

On arrival at the institution where the sentence will be served, psychologists, psychiatrist and social workers, under the leadership of a pedagogue (educator),

make a plan for treatment with short term objectives based on the personality of the prisoner and the educational and employment opportunities available at the institution. The treatment itself will be the responsibility of a pedagogue, with security staff contributing by providing information, for example about how the individual is responding to orders at work.

Pedagogues, with just a few exceptions, have a university education. Specially qualified 'curing pedagogues' are responsible for the most dangerous and damaged prisoners and those with the longest sentences. Such prisoners will all be in correctional group III and sub-group D.

Treatment staff in the Slovak prison service include 300 pedagogues, two 'curing pedagogues', 21 psychologists in psycho-diagnostic centres in pre-trial institutions, 15 other psychologists in institutions for sentenced prisoners and 14 social workers. The prison hospital has a special department of pedagogy and counselling staffed by a psychologist, a special pedagogue and a curing pedagogue.

Each pedagogue is responsible for a small group of prisoners, no more than 30 adults or ten juveniles. This group size is small compared with that in most other central and eastern European countries. Groups of difficult or dangerous prisoners in sub-group D are as small as twelve. Juveniles are classified into two sub-groups, with sub-group A having one pedagogue to ten juveniles and sub-group B, containing the more difficult or dangerous cases, having one to four. In the women's prison the ratio is one to twenty one.

There are no pedagogues in pre-trial institutions. So-called 'independent regime managers' deal with matters concerning families, work, accommodation, the law, legal representatives and foreign prisoners. They are trained to deal with such issues as may arise and to solve problems. But this is said to be only at a superficial managerial level; they do not get involved in social work. It would be for the prisoner's lawyer to deal with such matters. There is one regime manager for each 25 pre-trial detainees. The prison administration is not confident that the welfare needs of pre-trial detainees are adequately addressed. They intend to analyse this more carefully and make proposals. However, a detainee can see a psychologist if he requests to do so or if the regime manager recommends this.

Four treatment programmes are carried out in connection with orders of the court, in respect of drug dependency, alcoholism, sexual deviation and mental illness. All four are run by medical staff, who transfer the prisoners to treatment staff for continued voluntary assistance once medical treatment is complete.

Remedial education is provided for those who need it. A general education course for Roma prisoners was in preparation early in 2001, which was to be run with assistance from the Open Society Institute and other non-governmental organisations; staff were to be trained for the work before the course began. There was also a 'positive social behaviour' programme in preparation, which was to include training in social skills and budgeting. Such matters had been dealt with up to that point by individual meetings between pedagogues and prisoners.

In order to stimulate prisoners' sense of responsibility and self-reliance each unit in Nitra-Chrenová women's prison, for example, has representatives, and a central committee of these representatives prepares a journal which circulates around the prison. A journal is also produced in Hrnčiarovce nad Parnou. Other means of fostering self-reliance include giving the prisoners the opportunity to work outside the prison and giving them key work jobs with significant responsibility.

Treatment for juveniles includes an educational group concerning drug use. Training, of a social-psychological nature, is focused on improving social abilities, deepening self-knowledge and gaining the ability to solve constructively interpersonal and group conflicts. There are also therapeutic programmes concerning the use of alcohol and gambling (including playing on fruit machines).

Activities available for leisure time depend on the individual prison. At Hrnčiarovce nad Parnou there is a possibility of having English, Latin and Italian lessons, painting – there is an impressive gallery of prisoners' work, taking part in an inter-unit football competition, watching films and using the sports hall/gymnasium. At Nitra-Chrenová there are courses to assist in ordinary family life, and the pedagogue for leisure activities helps the women to produce a number of items of handicrafts, especially sewing. In open and semi-open departments the opportunities for leisure activities are of course greater. Prisoners may be able to visit an outside cinema, a theatre or a football match, for example.

The amount of time that sentenced prisoners are unlocked during a normal day depends on their correctional group. Those in the first group are only locked in their rooms at night. Those in the third group eat their food in their room and are only unlocked for exercise, work, organised cultural activities (including watching television in the group room) and sport.

Pre-release work with prisoners depends on their individual treatment programmes. If the prisoner has a family then work will focus on providing help in coping with potential problems and finding employment for after release. If there is no family the intention will be to find accommodation. The main pre-release emphasis takes place in the last six months of the sentence when there may be a transfer to semi-open or open conditions as a preparation for freedom. Security considerations may preclude this but there are regular assessments of security risks in order to maximise the chances of allowing such a transfer.

## Conditional release

There is a system of conditional release under which 90% of prisoners can ask for early release after having served half their sentence. If they do not apply the prison director can do so on their behalf. The decision about release is made by the court. The other 10% of prisoners can apply after serving two-thirds of their sentence because of the seriousness of their crimes. (Life sentence prisoners can apply after 25 years.) 90% of applicants in the first correctional group are released when first eligible. Anyone who is refused can reapply after a year.

There are real problems in finding housing for released prisoners. In 1996 110 prisoners were found accommodation but in 2000 it was only 17. By contrast, there has been more success in finding employment. Work was found for only 25 in 1996 but 121 in 2000. The fourteen social workers focus principally on this area. Social curators in the community are qualified people but there are few of them and they are unable to achieve much for prisoners. They are trained in university faculties and meet with the prison social workers who also have good qualifications. It is said that everyone is well-qualified but there are many problems, notably drugs and the family backgrounds of prisoners. There is much prejudice among the public concerning released prisoners, especially recidivists. The fact that some prisoners work alongside civilians outside the prison helps to educate the public. Articles are also written in newspapers and prison staff make contributions on television. Information is given to the media whenever they ask for it.

Relations between security and treatment staff are said to be good in Slovakian prisons. The fact that each institution has a first deputy director who is responsible for both aspects inevitably encourages close co-operation.

## Exercise

The law requires that all sentenced prisoners and pre-trial detainees should have at least one hour of exercise per day (Act No.156/1993 on pre-trial detention, as amended, and Act No.59/1965 on the sentence of imprisonment, as amended). In 17 of the 18 prisons it is reported that these laws are observed. However, as a consequence of understaffing at Bratislava prison prisoners held there do not always receive their exercise at weekends. Extra staff have been drafted in from other prisons but costs have precluded the transfer of sufficient to eliminate the problem. The CPT criticised this deficiency on the occasion of their visit in October 2000.

In response to a recommendation in the report of the CPT following their 1995 visit, the exercise areas in Slovakian prisons have been partly covered to enable exercise to take place even in poor climatic conditions.

Sentenced prisoners usually have additional opportunities for physical education or recreational activities, but pre-trial detainees do not. There are sports hall/gymnasium facilities at Hrnčiarovce nad Parnou, for example, and a gymnasium at Nitra-Chrenová. Prisoners have a football field at Leopoldov. At Bratislava pre-trial prison there is a gymnasium that is in need of some renovation but is nevertheless used by staff, though not by prisoners. The prison administration would like to increase the opportunities for recreational activities in such remand prisons and there is space for this at Banská Bystrica, for example.

## Prison work

In the year 2000 an average of 58% of sentenced prisoners had employment, as did just six pre-trial detainees. In the last six years the percentage of sentenced prisoners working has remained between 56 and 60%. In pre-trial prisons there are a small number of sentenced prisoners who undertake work necessary for the



running of the institution; they have a very high employment rate - usually 100%. But in the institutions for sentenced prisoners the annual average employment rate varied between, at one end, Ružomberok with under 20% with work and two other prisons with 30-40% and, at the other end of the scale, Leopoldov, Nitra-Chrenová and Trenčín where over 84% were reported to have work.

The low number of pre-trial detainees working is explained by the prison administration as attributable to the following circumstances: first, priority with regard to employment is given to sentenced prisoners; second, it is felt that a pre-trial detainee should not be given work that makes it difficult for investigator, prosecutor or judge to interview him/her during the day; and third, there is no obligation for pre-trial detainees to work. Although only an average of six detainees were working in the year 2000, the equivalent figures for the two preceding years were 12 (1999) and 28 (1998).

The working day lasts for eight or eight and a half hours and the working week is either 40 or 42½ hours. There is no work on Saturdays or Sundays. All sentenced prisoners are required to work if they are fit and work is available. Prisoners undertaking work, other than domestic and maintenance duties in the institution, are paid the same as free citizens doing similar work. Part of this goes to the prisoner's family, part as compensation to victims, part to the institution for costs, part into the prisoner's account, and part (no more than 500 Slovak koruna or 12 euros) may be spent in the prison as pocket money. Prisoners who have no work or are unable to work, and who have no money of their own, may be given a maximum of 180 Slovak koruna per month.

In three prisons for sentenced prisoners that were visited in April 2001 the employment situation was as follows. At Hrnčiarovce nad Parnou about 80% of prisoners had work, some inside the institution and some outside. There were six so-called 'managers for employment' whose task is to make contacts with employers. They obtained 65 short-term work places in the year 2000 and four permanent places. Employers outside will now approach the prison if they need workers and the prison staff attempt to provide them. In Leopoldov prisoners bake bread, which staff take to the local shops to be sold to the public. In Nitra-Chrenová socks are made for use in the penal institutions (see General Directorate, 1998 for further description of employment opportunities in the prisons). Safety and health regulations in the prison work places are the same as for work places in the community. An officer has responsibility for checking that conditions are satisfactory.

## Education and vocational training

Education programmes are available for younger prisoners but there is little for adults. The new draft penal executive code is said to place a greater emphasis on education. Prisoners without work will be obliged to participate in educational studies. No payment is given for education.

Vocational training courses are available for juveniles. Courses for adults are available in connection with furniture-making.



## Inspection and monitoring

A special prosecutor has responsibility for inspecting all the institutions. He conducts regular inspections and has authority over the prison director, to whom he can give warnings, recommendations and orders. It was reported that no orders had been given in any prison for over a year. He will often simply draw something to the attention of the prison director who will make the necessary change.

The prison administration's inspection department, which consists of eight staff including several economists, focuses only on economic matters and on dealing with complaints (see Information and complaints above). Each institution is visited every three years to check on the use of the budget and all materials needed for the functioning of the institution. The quality of security and treatment in the prisons is the responsibility of the deputy directors for security and treatment under the authority of the first Deputy Director General.

There is no system of independent inspections of the prisons apart from the work of the special prosecutor. The inspection department of the prison administration claims to be independent of the administration but it reports to the Director General. The Slovak Helsinki Committee has not been involved in monitoring the institutions but the Open Society Foundation is willing to assist the Helsinki Committee in monitoring work and is hopeful that this may develop.

The prison administration spoke positively of its experience with the Council of Europe's CPT which visited in 1995 and 2000. They regard the reports as helpful and consider that the problems that were drawn to their attention give them a new perspective on certain aspects and enable them to use the CPT's insights in planning and legislation. They state that they responded to the recommendations as positively as they could but matters requiring extra resources could not be dealt with at once. A programme was drawn up for the years 2001-04 to ensure, for example, that the sanitary facilities in each cell in Bratislava prison are closed off from the rest of the cell. They also have not been able to ensure that hot water, as well as cold water, is available in each cell. The recommendations to which they have already responded include the introduction into disciplinary cells of mattresses at night, the right of prisoners in such cells to have reading matter, the covering of part of the exercise areas, and an increase in the availability of showers. The report of the visit in October 2000 (published in December 2001) contained 25 recommendations concerning, for example, the amount of space allowed per prisoner, the separation of the sanitary facilities from the rest of the cell, the treatment of prisoners during searches, the use of force, the right of prisoners to have exercise every day, the organising of activities (including work) for pre-trial detainees, and the provision of health care.

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the prison system in the Slovak language and used in staff training. The Director General and the directors of penal institutions have copies of these standards, as do other management staff at the national prison

administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

### Non-governmental organisations

Religious groups started visiting the prisons in 1990, assisting not only with spiritual matters but also preparing prisoners for life outside. But co-operation between the prison administration and the NGOs started on a broader basis in 1999. A number of visits to prisons have been organised for NGOs. There is much co-operation with the Open Society Foundation which organises courses for prison staff in connection with the treatment of prisoners. They are providing alcohol and drugs education for senior staff in one prison and they funded a needs assessment of the Slovak prison system (Donnelly, 2000), which is leading to improved staff training concerning the needs of women prisoners and the treatment of ethnic minorities (especially Roma), juveniles and drug users. A project involving the European Union and the American Bar Association, as well as the Open Society Foundation, is geared to reducing the time spent in pre-trial detention by speeding up court processes.

### Other matters

There is much interest in international co-operation and the Slovak prison service has particularly good links with the prison services of Austria, the Czech Republic and Hungary. They are invited to attend western European conferences and seminars and try to participate as often as possible. However, the budget for such matters is reported to be somewhat limited.

The law entitles pre-trial detainees to vote in national elections but sentenced prisoners are not allowed to do so.

The prison administration produces an annual report, a copy of which is given to anyone who requests it. It is possible that it will be published formally in the future but no firm decision has been taken. The administration also publishes eight times a year a journal 'Zvesti' (News), which was in its 33<sup>rd</sup> year in 2001. This includes items on a variety of topics likely to be of interest to the staff of the prison service, including historical pieces and coverage of new legislation. A book on the Slovak prison system was published in 1998 (see Achievements below).

### Important recent developments

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

- the introduction of new legislation concerning prison staff (2000), which seeks to combat changes in security circumstances (the fear of security being endangered by organised crime groups) and the need to protect prison sites;

- although the prison population is fairly stable, the number of prisoners considered suitable for open conditions is diminishing and less use is being made of such conditions;
- the opening of the rebuilt Banská Bystrica pre-trial prison with a modern design and good facilities, the opening of a new pre-trial prison at Levoča, and security improvements in various prisons, including Ilava;
- the new Penal Code, the drafting of which was expected to be completed before the end of 2001, and which was expected to lead to an increase in the prison population but more use of alternative sentences.

## Current objectives

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

- to increase the length of training for new custodial staff, to improve staff training in respect of drugs and, as a number of staff retire, to focus on the recruitment of good quality replacements and to school them in the best modern practice;
- to improve treatment by increasing regime activities, paying more attention to juveniles and to long-term prisoners, developing the use of drug-free zones, improving pre-release arrangements and aiming to give equal attention to three aspects of treatment – work, treatment programmes and education, and regime activities;
- to tighten security so as to be able to withstand attempts by organised groups to break into maximum security prisons, to build a new prison at Rimavská Sobota, to build a new block for long-term prisoners, and to continue renovation work throughout the system;
- to re-examine the role of the independent regime manager in pre-trial institutions with a view to improving the quality of regime for pre-trial detainees;
- to make preparations to ensure that the prison service adapts well to the changes that will follow the passing of the new Penal Code, the new law on the enforcement of imprisonment, and the new law on pre-trial detention.

## Main problems

The following are some of the principal obstacles to the achievement of the above objectives and to the advancement of the prison system in Slovakia:

- the shortage of resources. The budget for the prison system has been too small to enable the planned maintenance and construction work to be undertaken;
- problems associated with the turnover in staff, and the general pressure of work for staff who are increasingly suffering from stress leading to fam-

ily difficulties and alcoholism, which they are often reluctant to admit before it has become serious;

- the rise in the number of prisoners whose crime was connected with drugs, and the increasing difficulty in preventing the importation of drugs into the institutions;
- the shortage of adequate social work resources in the community (i.e. social curators) to assist prisoners both before and after their release from the institution;
- security concerns, including the inability to modernise surveillance equipment quickly enough;
- the comparatively large number of pre-trial detainees (approaching 30% of the prison population) and the fact that pre-trial detention is becoming longer.

## Achievements

Staff of the prison administration and in the prisons visited were asked to identify recent successes of which they were proud, some of which might offer constructive ideas that could be taken up by the prison systems of other countries. Attention was drawn to the considerable efforts that have been made, through training, to improve staff-prisoner relationships. Although it is not intended that security staff should become directly involved in treatment, it is felt that much progress is being made in training them about good communications with prisoners, and the reduction in self-injury and suicides was quoted as evidence of this.

Reference was also made to the treatment of juveniles, including programmes in respect of drug abuse, alcoholism and gambling, and socio-psychological training focused on improving the social abilities of young people, deepening their self-knowledge and increasing their capacity to resolve constructively situations involving inter-personal and group conflict.

Further achievements of the Slovak system include:

- the comparatively high number of educators/pedagogues, which enables each to have a group no larger than 30, and much smaller for women, for juveniles and for difficult and dangerous prisoners;
- the emphasis that is placed on providing good conditions for staff, including the health facilities in several prisons and the leisure centres;
- the attractive new buildings, for example in Banská Bystrica prison, and the creation, at the system's main pre-trial prison in Bratislava, of a new entrance which is well-lit with natural light, and is designed to have a positive rather than an oppressive effect;
- the use of a large number of plants in some institutions, including on safety netting between floors, in order to create a good atmosphere;
- the widespread display in the prisons of the address of the Council of Europe's CPT committee in order to assist prisoners who may wish to complain to that body;

- the publication by the General Directorate (prison administration) of an excellent book, with a foreword by the Minister of Justice, giving a brief history of the prison system, an organogram of the prison administration's functions and two pages of description and colour photographs for each penal institution, including contact address, and numbers, functions and educational level of staff;
- the holding of regular (annual) meetings between the heads of departments in the prisons (i.e. head of security and treatment, head of economic matters) and their counterparts in the prison administration, and of regular (twice a year) meetings between the prison directors and the Director General;
- the increased availability of telephones to enable prisoners to maintain closer contact with their families;
- the establishment, in individual prisons, of displays of painting and other work by prisoners;
- the creation, in several prisons, of very good conditions for visitors while they are waiting for their visits;
- the practice, in at least one prison, of politely introducing to the prisoners the outside visitor who has just been shown into their cell/room.

## Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives, problems and achievements. There is a positive atmosphere in the Slovak prison system and there are many examples of good practice.

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

- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial detainees, and to enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to establish for each institution a new capacity figure, which need not be underpinned by legislation, based on the amount of space per prisoner recommended by the CPT, namely at least 4m<sup>2</sup>, not including the sanitary annex. If, in the short term, it is not possible to ensure that all prisons keep their numbers below the new capacity figures, target dates should be set for achieving this level;
- to ensure that prisoners in punishment isolation are visited each day by medical staff, in accordance with Rule 38.3 of the European Prison Rules;
- to allow open visits to sentenced prisoners and to most pre-trial detainees since separating them from their visitors by a screen is only necessary for exceptional cases;
- to take steps to ensure that all prisoners have the opportunity of exercise each day, whatever the constraints of staffing, in accordance with Rule 86 of the European Prison Rules.

## Annex 1

### SLOVAKIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	11,896	225	5,287,700
1991	4,591	87	5,271,700
1992	6,311	119	5,295,900
1993	6,610	124	5,314,200
1994	7,275	136	5,336,500
1995	7,412	138	5,356,200
1996	7,899	147	5,367,800
1997	7,734	144	5,378,900
1998	7,409	138	5,387,600
1999	6,628	123	5,393,400
2000	6,858	127	5,398,700
2001 (1/1)	6,941	129	5,378,800
2001 (31/12)	7,433	138	5,379,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
<b>Pre-trial detainees in 2001</b>			
(1/1)	1,902	27.4	35
(31/12)	1,946	26.2	36
<b>Foreign prisoners in 2001</b>			
(1/1)	194	2.8	
(31/12)	194	2.6	
	<b>TOTAL among sentenced population</b>	<b>Percentage of sentenced population</b>	
<b>Female prisoners in 2001</b>			
(1/1)	187	3.7	
(31/12)	200	3.6	
<b>Juveniles (under 18) in 2001</b>			
(1/1)	92	1.8	
(31/12)	84	1.5	

Note: An amnesty in 1990 led to the release of 7,868 sentenced prisoners and 427 pre-trial detainees. An amnesty in 1993 led to the release of less than 25 prisoners.

## Annex 2

### Slovakian penal institutions: functions and capacity, 2001

1	Banská Bystrica	Pre-trial institution	477
2	Banská Bystrica-Kráľová	Sentenced males – Correctional Group II	846
3	Bratislava	Pre-trial institution	606
4	Dubnica nad Váhom	Sentenced males – Correctional Group I	497
5	Hrnčiarovce nad Parnou - Bratislava (Zabí farm)	Sentenced males – Correctional Group I Sentenced males – Correctional Group I	850 120
6	Iľava	Sentenced males – Correctional Groups II + III, and unit for life-sentence prisoners	460
7	Košice	Pre-trial institution Sentenced males – Correctional Group I	419 275
8	Košice-Šaca	Sentenced males – Correctional Group II	664
9	Levoča	Pre-trial institution	148
10	Leopoldov	Pre-trial institution Sentenced males – Correctional Groups II + III	360 455
11	Martin	Sentenced juveniles and adult males in Correctional Group I	413
12	Nitra	Pre-trial institution	325
13	Nitra-Chrenová	Institution for women – juveniles and Correctional Groups I, II + III	241
14	Prešov	Pre-trial institution Semi-open department	195 200
15	Ružomberok	Sentenced males – Correctional Groups II + III	345
16	Trenčín	Sentenced males – Correctional Group II Open and semi-open department at Opatovce Hospital for prisoners	92 50 156
17	Želiezovce	Sentenced males – Correctional Group II Open and semi-open department at Sabová	563 48
18	Žilina	Pre-trial institution	280

**TOTAL**

(at 1 September 2001)

**9,085**

Note: Sentenced prisoners are divided by law into three correctional groups. Group I is for those serving a first prison sentence of up to five years, group II for second and subsequent offenders and group III for those convicted of serious offences.

## Annex 3

### Slovakia: principal sources of information

Dr Anton Fábry	Director General, General Directorate of the Corps of Prison and Court Guard
Dr Oto Lobodáš	Deputy Director General (GDCPCG)
Dr Vladislav Lišták	Director of the Secretariat of the Director General (GDCPCG)
Dr Werner Scholz	Director of Health Care Department (GDCPCG)
Dr Jozef Kovalovský	Director of Inspection Department (GDCPCG)
Mr Miroslav Petrik	Treatment Department (GDCPCG)
Mr Jakub Absolon	Secondary School of Corps of Prison and Court Guard, Nitra
Dr Štefan Berec	Director of Hrnčiarovce nad Parnou prison
Mr Jozef Modrovič	Director of Bratislava pre-trial prison
Mr Peter Novak	Deputy Director of Bratislava pre-trial prison
Mr Milan Gavornik	Director of Leopoldov prison
Dr Miroslav Bečka	Deputy Director of Banská Bystrica pre-trial prison
Mr Štefan Máček	Deputy Director of Nitra-Chrenová prison
Dr Daniel Lipšic	General Secretary, Ministry of Justice of the Slovak Republic
Ms Alena Pániková	Executive Director, Open Society Foundation, Bratislava
Dr Janka Hažírová	Programme Director, Open Society Foundation, Bratislava
Ms Katarína Staroňová	Programme Co-ordinator, Open Society Foundation, Bratislava

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

CPT, 1997/3. Response of the Government of the Slovak Republic to the CPT report on their visit in 1995. Council of Europe, Strasbourg

CPT, 2001/29. Report to the Government of the Slovak Republic on the visit to Slovakia [by the CPT in October 2000]. Council of Europe, Strasbourg

CPT, 2001/30. Response of the Government of the Slovak Republic to the CPT report on their visit in 2000. Council of Europe, Strasbourg

Council of Europe, 1997. Reply submitted by the Slovak prison administration to questionnaire on overcrowding and prison population size. Strasbourg

Donnelly M., 2000. Report of a needs assessment conducted for the Open Society Foundation, January-February 2000. Bratislava

General Directorate of the Corps of Prison and Court Guard, 1998. Vázenstvo na Slovensku [Imprisonment in Slovakia/Slovak Prison Institutions]. Bratislava

General Directorate of the Corps of Prison and Court Guard, 2001 and 2002. Annual reports, 2000 and 2001. Bratislava



# 41. Slovenia

## Legislative framework

A new Criminal Code and a new Criminal Procedural Code came into force in January 1995. A new Penal Sanctions Enforcement Act (Penal Executive Code) came into force in April 2000, replacing the previous Act which had been valid in Slovenia since 1978. The new Act both regulates the enforcement of penal sanctions and defines the responsibilities and tasks of bodies responsible for enforcement and for commercial activities that secure the possibility of work for prisoners. The most important implementing regulations in connection with the Act are the Rules on Prison Sentence Enforcement, the Rules on [Pre-trial] Detention Enforcement, the Rules on the Enforcement of the Correctional Measure of committing a juvenile to a Correctional Home and the prison rules. At the end of 2001 the prison rules were still being harmonised with the new legislation.

Prisoners are allocated to individual penal institutions in accordance with the Instructions on the Allocation and Imprisonment of Convicts prescribed by the Ministry of Justice. They are sent to the appropriate institution by court order, but under certain circumstances they can be relocated by the administration. If a prisoner is given a sentence of up to three years, the court can order that it be served in an open institution; if the sentence is up to five years, it can order that it be served in a semi-open institution. A prison sentence may be imposed for a term not shorter than fifteen days and not longer than fifteen years; the only exception to this requirement is that a sentence of thirty years imprisonment can be imposed for the intentional commission of the most serious crimes. Prisoners who are sentenced to no more than six months for an offence committed out of negligence may be allowed by the Director General, if they are orderly and have regular employment or attend school and are serving a prison sentence for the first time, to continue working while serving the sentence and to reside at home, except at the week-end and public holidays when they must be in the penal institution. The court may substitute, for a prison sentence of less than three months, an order to perform community work for humanitarian organisations or for the local community.

## Organisational structure

The National Prison Administration was formally established in 1995 as a body within the Ministry of Justice, which has been responsible for the prison system since 1968. The Administration is headed by a Director General who is appointed and discharged by the Government on the proposal of the Minister. The current Director General, Mr Dušan Valentinčič, was appointed in 1997, succeeding Ms Irena Križnik (1995-97). A total of 23 staff are employed in the prison administration headquarters

There are 13 penal institutions with a total capacity throughout 2001 of 1,072. Six of these are the main prisons (three of them central prisons – for those with sentences over 18 months – and three regional prisons), and another six are administered as separate (‘dislocated’) departments of the three regional prisons. The other institution is the correctional home for juveniles. The largest institutions are the central prison at Dob (capacity 289) and the regional prisons at Maribor (148) and Ljubljana (128). The other three prisons (Ig - for women, Celje – for juveniles, and Koper) have capacities between 75 and 100. The six separate departments have capacities between 22 and 40 and the capacity of the correctional home for juveniles (at Radeče) is 68.

The Administration is divided into nine sections, the first two of which are based at the Headquarters. These are the general and legal affairs section, comprising the general and legal department and the economic affairs department, and the treatment section, including the education department and the security and protection department. The other seven sections are the six prisons and the correctional home for juveniles. Three institutions are located in former monasteries, two in 19<sup>th</sup> century buildings and one in a castle. Only one of the thirteen institutions – the central prison for men at Dob – has been built since the Second World War (in 1963). However, part of the prison at Koper has been returned to the owners of the monastery in which it is located and construction of a new prison to replace it started in 2000. It has been designed to improve substantially the spatial and other conditions for prisoners and staff.

## Pre-trial detention

The level of pre-trial detention in Slovenia is low. At the beginning of 2001 the number of pre-trial detainees in the prison system corresponded to only 17 per 100,000 of the national population, and at the end of the year it had fallen to 15. This is one of the lowest figures for any central or east European country.

Pre-trial detainees (remand prisoners) normally spend four hours a day out of their cell and as many as 15% of them are able to undertake paid work. No other country in central and eastern Europe is known to equal these achievements. It should be noted however that the CPT recommends that they should spend a minimum of eight hours outside their cells, engaged in purposeful activities of a varied nature.

## The numbers held in penal institutions

The prison population fell between the beginning of 1990 when it was just over 1,100 and the beginning of 1994 when it was just over 900. After rising to 1,000 at the end of 1994 it fell sharply in 1995 and 1996 and was only just over 600 in September 1996, a prison population rate of just 31 per 100,000 of the national population. Since then it has risen steadily, passing 1,000 early in the year 2000 and reaching 1,148 at the beginning of 2001 (58 per 100,000). It has thus almost doubled in 5 years. It remained close to that figure throughout the year, reaching 1,173 in mid-September (59 per 100,000) and falling back to

1,092 (55 per 100,000) at the end of the year. Of this total 27.7% were pre-trial detainees, 3.9% were females and 2.5% were juveniles under 18. 17.8% of the prison population in September 2001 were not Slovenes.

Slovenia's prison population rate of 55 at the end of 2001 is similar to that of its neighbour Croatia to the east and south but much lower than the rates of its neighbours to the north and west, Italy, Austria and Hungary. Slovenia has a traditionally low rate of imprisonment. It has not exceeded 75 per 100,000 at any time since 1980 and during the 1990s it scarcely exceeded 50. "The small size of the Slovenian state and the high cultural homogeneity are said to enhance the effectiveness of informal control mechanisms; there are no real metropolitan settlements or 'metropolises of crime'; the public is not particularly in favour of repressive methods and the courts do not operate a repressive punishment policy" (Council of Europe, 2000).

### Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was higher than the total capacity; eight of the thirteen institutions were over capacity in terms of their average annual population; by the end of the year the number was only 2% above capacity but for the year as a whole the prison system was 12% overcrowded, the average number of prisoners being 1,203 compared with a capacity of 1,072. But this must be understood in terms of the comparatively high space allowance for prisoners in Slovenia, which is the basis for the calculation of the capacity.

The official minimum space specification per prisoner in Slovenia is currently 7m<sup>2</sup> for those in rooms with multiple occupancy and 9m<sup>2</sup> for those accommodated in single cells. This is more than the minimum recommended by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Slovenia introduced this minimum space specification in 1995, before which it had been 9m<sup>3</sup> or about 4.5m<sup>2</sup>. The overall capacity of the system was thus reduced from 1,756 in 1994 to 1,112 in September 1995. In September 2001 no penal institution in Slovenia was exceeding the pre 1995 capacity figures based on 4.5m<sup>2</sup> per prisoner.

As elsewhere in central and eastern Europe, few prisoners are accommodated in single cells. In Ljubljana prison, which houses the largest number of pre-trial detainees in the system, there are about 15 cells for single occupancy. In the largest prison (Dob) most prisoners are accommodated in rooms for six to eight men. The largest number of prisoners in one room, in any prison in Slovenia, is said to be fourteen, in a room measuring 60m<sup>2</sup>.

It is reported that different categories of prisoner are separated in the Slovenian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults. In addition, those imprisoned for a misdemeanour are kept separate from other convicted prisoners.

Sanitary installations and arrangements for access are reported to be adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions; the prison provides the toilet paper. All prisoners are able to have a bath or shower at least twice a week; in most prisons they may do so every day. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Prisoners receive changes of underclothing as often as necessary and at least once a week. Every prisoner has a separate bed.

## Food and medical services

The quantity and quality of food are said to be close to average standards in communal catering outside. The prison administration reports that it is able to provide a balanced diet, including meat, fruit and vegetables. Special diets are provided for these who need them for health reasons, for religious reasons or because they are vegetarians.

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

The prison service employed only six medical staff at the end of 2001 – five nurses and one doctor who was located at Dob prison. Other doctors including psychiatrists are on contract. Civilian hospitals are used if hospital treatment is needed. Many prisoners have an alcohol problem and the number is increasing; there is a treatment programme for such prisoners. There are also many prisoners with a drug problem. Here too the number is increasing and there is a treatment programme. Prisoners who have either of these problems can benefit from links which have been established with outside centres for the treatment of addiction; these are therapeutic communities to which prisoners may be admitted after their release. No difficulty is reported in respect of HIV/AIDS; numbers are not increasing. In accordance with WHO guidelines there is no policy of testing all prisoners for this condition. Tuberculosis is not a problem in the Slovenian prison system but the numbers are increasing and a treatment programme is in place. Seven prisoners died in the year 2000, four of them as a result of suicide; the level of suicide and self-injury in the Slovenian prison system is not considered to be a problem.

## Discipline and punishment

In the year 2000 a total of 228 disciplinary punishments were imposed on convicted prisoners (including juveniles), 32% fewer than in 1999. Since the number of prisoners increased during the year by 14% the fall in the use of disciplinary punishment was even greater. The number of disciplinary punishments fell in all prisons. The 195 punishments of adults comprised 6 warnings, 12 restrictions of privileges, 123 solitary confinement measures with the right to work

and 54 solitary confinement measures without the right to work. The maximum period of solitary confinement is 21 days. Of the 33 disciplinary punishments imposed on juveniles in the correctional home, 20 were bans on leaving the facility, 6 were allocation to a special room during free time and 7 were allocation to a special room without the right to work for a period of between two and five days. Twenty prisoners appealed against decisions of the disciplinary commissions to impose a disciplinary punishment; the Ministry of Justice which rules on the appeals refused 15 of them as unfounded, dismissed four for being lodged too late and upheld the other one.

### Prisoners' complaints

Any prisoner who feels that he or she has been subjected to torture or any other form of inhumane or humiliating treatment can demand judicial protection. Prisoners have the right to make complaints to the director of the prison, the Director General, the Minister of Justice, the Human Rights Ombudsman, and other national and international bodies and institutions, including the CPT. Complaints are made in the form of a confidential letter.

### Contact with the outside world

Visits to pre-trial detainees are subject to the approval of the prosecutors concerned; they are generally allowed to be visited once a week, but close relatives may be permitted to visit up to three times a week. Sentenced prisoners have the right to be visited by close family members at least twice a week, and may also receive other visitors with the permission of the director of the prison. Each visit can be at least one hour long. Prisoners can also be visited by other authorised persons such as consular representatives and representatives of official organisations. Sentenced prisoners are allowed to receive private (intimate) visits from their wives/girlfriends or husbands/boyfriends but the facilities for this are not available in all prisons. They may also receive long visits, including overnight stay, from their families; again, facilities for this are not available in all prisons. Pre-trial prisoners are generally separated from their visitors by a screen, but with the permission of the director of the prison they may be allowed to touch their visitors.

Prisoners have the right to receive letters from national bodies and other organisations, and to address to them applications for the protection of their rights and legal benefits through the penal institution and in closed envelopes. They have the right to free correspondence with close family members and with other persons subject to the prior approval of the director of the prison. Monitoring of letters is only permissible if there is reasonable suspicion that objects are enclosed that prisoners are prohibited from possessing. In such cases the prisoner must open the letter in the presence of a guard (who is, however, not allowed to read it).

Prisoners have the right to conduct telephone conversations with close family members, with another authorised person, with the Human Rights Ombudsman, a consular representative or a representative of an official organisation for

the protection of refugees. Telephone conversations with close family members can be prohibited on security grounds. Pre-trial detainees also have the right to speak to family members and friends by telephone.

Prisoners can receive parcels containing food, clothes, personal objects, newspapers and books. All prisoners, except those in solitary confinement, are able to have TV and radio in their cells.

The Slovenian prison system allows a prisoner to have prison leave “provided he/she actively co-operates in the treatment process, is making an effort, is successful in his/her work and respects the prison’s rules of conduct”. Prison leave can be granted up to four times in one month and may be up to 48 hours in duration. Other privileges which provide contact with the outside world include unsupervised visits outside the institution; visits outside the institution accompanied by an authorised prison officer; prison leave without permission to go to the environment in which the prisoner committed the offence; part or all of the annual vacation period outside the institution; and up to seven days vacation per year.

Church representatives may visit sentenced prisoners and carry out religious ceremonies and other activities in the penal institutions.

## Prison staff

The Slovene prison administration reports that it is able to recruit and retain staff of adequate calibre. Nonetheless the number of security staff was 10% (47) below complement, and the number of treatment and medical staff 23% (25) below complement. Such shortages have persisted at least since 1996 and the system is thus fully accustomed to work with these staffing levels.

The prison service employed 873 staff at the end of 2001, of whom 18 worked in the prison administration headquarters. There were 56 management staff, 428 security staff (prison officers), 80 treatment staff (comprising 46 pedagogues/ educators, 5 psychologists, 14 social workers, 6 medical staff and 9 organisers of education and leisure activities), 127 work instructors and the remainder were administrative staff. The overall ratio of staff to prisoners is 1 : 1.3 or, if the ratio is based only on management, security and treatment staff in the prisons, 1 : 2.0, but there are variations between the institutions.

The administration devotes considerable attention to the recruitment, selection and preparation of staff for work in the prison service and regards this process as “professionally demanding and sensitive”(Križnik, 1996). A new recruit to the security staff receives six months training which includes courses in legislation, penology, psychology, communication with prisoners and martial arts. The administration emphasises that it recognises its responsibility for the permanent professional education and training of employees in order to encourage staff development and promotion. It points out that such training includes education for employees at all levels and in all types of work and involves teaching management, security and treatment staff, and the staff in prisons’ commercial departments, various theoretical and practical skills.

There is no national staff training centre. Management training is obtained by using outside management courses. Considerable emphasis is placed on having female staff working in male prisons and male staff in female prisons, thus helping to make the atmosphere in the prisons as similar as possible to that outside. Over 25% of the staff in institutions for male prisoners are women, working in management posts and as treatment staff and also on financial and secretarial matters. In the institutions for female prisoners some 36% of staff are male, working in the economic unit, as instructors and as security guards at the prison entrance.

Staff salaries are similar to those in the police service and higher than the national average. Public understanding of the work of prison staff is thought to be quite good; the serious papers present a balanced account, although others are only interested in sensation. Nonetheless the prison administration has contact with all media and if, for example, a newspaper misrepresents the situation they submit corrections, which are printed. The Director General and prison directors give accounts to radio, television and the press about the prison service. There is close co-operation with Ljubljana university: prison staff, mainly pedagogues and psychologists but also security staff, give lectures to the faculties of social work, psychology and law, and people come from the university to conduct research in the prisons. It is reported that there are regular meetings between security and treatment staff and relations are quite close. It is regarded as part of the duty of security staff to take part in the implementation of treatment programmes.

There were seven occasions on which prisoners escaped from closed parts of institutions in the year 2000; a total of twenty one escaped. Coercive means were used in 81 cases; most involved the use of physical force and handcuffs, while truncheons were used in three cases. In examining these instances of the use of force, the prison administration considered it to have been appropriate in 77 cases and unnecessary in four cases. No dogs are used by security staff and none of the institutions have perimeter towers manned by armed guards.

## Treatment and regime activities

All prisoners who enter a penal institution go through an admission stage during which they are met by various experts. A medical examination is followed by talks with the pedagogue/educator about prison life and the prisoner's needs. There is then an examination by a psychologist who reports on the prisoner's personality, capabilities and interests. Finally talks are held with the social worker about family and social circumstances. On the basis of all these findings an individual treatment programme is prepared, with the co-operation of the prisoner, which includes: allocation to a group and the identification of the pedagogue who is the group leader; allocation to employment; a plan for education; an assessment of the prisoner's good and bad qualities, according to which treatment will be based on the good qualities and attempts will be made to correct the bad qualities; a post-release programme which includes consideration of accommodation and employment prospects, and the need for material help after re-



leave. The need for assistance to the family is also assessed, likewise the possibility of being allowed the privilege of leave from the institution, and a decision is made about the security regime and security measures that will be needed. During this admission period the full-time treatment staff (pedagogues, psychologists, social workers) assist prisoners in dealing with any urgent problems concerning their family, finances or employment and also with any medical or other practical matters that need attention. Despite a recommendation of the CPT in 1995 it is not routine practice in all penal institutions for newly admitted prisoners to be supplied with written information about their rights and duties. They are however shown the House Rules.

The work of professional staff in the penal institutions is oriented towards socio-therapeutic activities and individual forms of treatment, elements of a therapeutic community, and “an encouragement towards co-operation within the community in the broadest possible sense” (response to questionnaire for this project). The socio-therapeutic model was introduced in the 1970s. It facilitates: direct, open personal communication between staff and prisoners; ongoing and collective work on the resolution of difficulties in day-to-day life and the work of the institution; and an institutional regime which meets the needs of prisoners to the greatest possible extent. This model has been established in nearly all the penal institutions in Slovenia and is considered to have brought positive results in respect of both treatment and security.

Treatment and regime activities for adult prisoners consist of education and vocational training, work, leisure activities (sports and recreation programmes, cultural activities, use of the library), and also programmes of social learning. Such programmes involve the study of inter-personal communications, which is carried out by means of group and individual work methods and counselling. The programmes are intended to prepare prisoners for integration into work and life after release and are carried out by treatment staff working in collaboration with external services. Pre-release groups and counselling programmes concerning life after release are carried out by volunteers organised by local social services departments. Reference has already been made to special programmes for prisoners addicted to drugs or alcohol, or suffering from tuberculosis. Other programmes are devised to meet specific needs that prisoners have. For young prisoners, the same programmes are available, together with groups for parental self-help and several possibilities for recreation and leisure time activities. Programmes and activities for all prisoners are co-ordinated by pedagogues (educators), each of whom is responsible for a group of prisoners; the size of groups varies between 15 and 30.

In closed units, the cells/rooms of sentenced prisoners are unlocked for 17 hours during a normal day. Pre-trial detainees are normally out of their cells/rooms for four hours a day which, as has already been noted, is longer than in other countries of central and eastern Europe but only half of the time recommended by the CPT.

Every prisoner is allowed at least two hours of walking or suitable exercise every day (including week-ends) in the open air.



Preparations for release involve arrangements to assist prisoners in returning to society, family life and employment. For long term prisoners they include steps to ensure a gradual return to freedom. Each of the six prisons has an open section, a semi-open section and a closed section, which means that prisoners can progress from closed conditions to fully open conditions as long as they are not regarded as a danger to the public. Reference has already been made to the opportunities for prison leave, which is especially valuable in preparing prisoners for release. When deciding to grant a particular type of leave, the personality of the prisoner, the risk of escape, the type of crime and the manner in which it was committed, and any other circumstances which indicate that there is a possibility that the privilege may be abused, are taken into account. The response of the community in which the crime was committed, especially that of the victim or injured party, is also considered.

The process of preparing prisoners for release starts at the beginning of the sentence; it is regarded as a constituent part of the treatment process. About three months before the earliest date of release small pre-release groups are formed in which the social worker plays a vital role. Intensive co-operation is considered necessary between the prison and external agencies. With the prisoner's consent the social worker establishes contacts with external social security services, especially with the centres for social work in the area of the prisoner's residence. Representatives from these centres pay visits to the prisoner during the sentence. Under a legal provision the centre for social work may appoint a counsellor for a prisoner if it considers this is required for easier reintegration into the community, and it must do so if this is recommended by the prison. For prisoners with nowhere to go and no family or friends the counsellor may be the only link between the time in prison and the time after release. Counsellors are mostly volunteers, mainly social science students. This co-operation between the prison and the centre for social work takes place for the majority of prisoners, the exception being when prisoners do not want the institution to make such contacts with outside bodies.

The prison service also has contacts with employment offices in order to prepare for training and employment after release. Prisoners with problems of excessive drinking, who are included in rehabilitation programmes during their sentence, are enabled to join clubs for alcoholics after they are released, and similar arrangements are made for those with drug problems. The prison service also works together with various educational institutions, especially in cases where prisoners receiving educational training during the sentence continue with education after release. Co-operation is also established with various companies, with a view to employment after release as well as during the sentence. If necessary, arrangements are made with health institutions where prisoners will require post-release medical treatment. Regional co-ordination committees for post-release assistance have been established, and these collect together at a single location all the external agencies which offer aid to prisoners after release, and jointly discuss what needs to be done in order to facilitate the easiest and most appropriate reintegration of the prisoner following the prison sentence.

## Conditional release

Prisoners may be released conditionally after serving half their sentence. The decision in each individual case is made by the conditional release committee at the Ministry of Justice at the request of the prisoner or members of his/her family, or following a proposal by the director of the prison. In exceptional cases a prisoner may be conditionally released after serving one-third of the sentence. Prisoners sentenced to more than 15 years imprisonment may not be conditionally released until they have served at least three-quarters of the sentence. In the juvenile prison older young offenders may be conditionally released after serving one-third of their sentences, though not until they have served at least six months. The court may order the juvenile to be supervised by a social care agency during the conditional release period. The director of the prison is authorised to release prisoners up to one month before the completion of their sentence if they have served at least three-quarters of the period of imprisonment imposed. 81% of sentenced prisoners are conditionally released, based on the most recent figures available.

## Prison work

The new Penal Sanctions Enforcement Code for the first time defines work as a right of prisoners and no longer as an obligation. However the statutory provision making work compulsory had not been enforced for many years. Under the new law a prisoner who is capable of working and who wants to work must be provided with the opportunity of doing so. Employment may be within the prison's commercial units, or on tasks required in the prison (e.g. domestic or maintenance activities) or on contractual work outside the prison.

In the year 2001 66% of sentenced prisoners had work of some sort, as did 15% of pre-trial (remand) prisoners. This is the highest percentage of pre-trial prisoners with work in all central and eastern European countries. The proportion of sentenced prisoners with work has remained fairly steady over the last seven years (70% in 1994). Out of just over 2,000 sentenced prisoners who were in the prison system at some time in the year 2000, fewer than 4% declined to work and 17% were incapable of working. Of remand prisoners who were capable of working 51% elected to work and 49% declined to do so. A normal working day is 8 hours.

Of some 1,500 adult sentenced prisoners (excluding those in prison for misdemeanours – mainly non-payment of a fine) who had employment in the system at some time in the year 2000 some 60% were employed in commercial units within the institution, some 20% on work required in the prison, and some 15% on contractual work outside the prison (under the terms of Article 50 of the Penal Sanctions Enforcement Act 2000). The remainder were employed in therapy workshops apart from three individuals who were allowed to continue their previous employment (Article 51 of the Act of 2000). Pre-trial (remand) prisoners, prisoners sentenced for misdemeanours and juveniles who had employment were almost all involved in work in commercial units within the prison.

The new law also redefined the basis for calculating the payment for work. This resulted in the average payment for work in commercial units in the prisons increasing by 20%, and for work required in the prison by between 15 and 32%. There were also rises – as high as 50% for prisoners based at the Ig open unit – for contractual work done outside the prison. The range of monthly pay for these types of work in the year 2000 were as follows:

In commercial units in prison 9,046 to 25,344 Slovenian tolar (about 40 – 115 euros).

In work needed by the prison 9,443 to 28,248 Slovenian tolar (about 43 – 128 euros).

In contractual work outside the prison 9,839 to 112,230 Slovenian tolar (about 45 – 510 euros).

The commercial units of the prisons sell their projects to the market, having long-term contracts with various external partners for whom they manufacture products or parts. Some units develop their own products and sell them directly to the market. They provide work in metal, carpentry, timber, plastic and wood-turning factories, agricultural work, electrical engineering, sewing, bookbinding, and a variety of other occupations. Work needed by the prison includes employment in the laundry, ironing room, boiler room, library, kitchen, and also maintenance work and cleaning.

## Vocational training and educational programmes

Vocational training is available in the commercial units of the institutions.

Education is organised by the prison administration in the central prison at Dob, the juvenile prison and the correctional home. In the other institutions and for other than basic education, educational organisations outside the institution are used, either with teachers visiting the institution or with prisoners visiting schools outside the institution. It is also possible for a prisoner to undertake university studies. At Dob prison, apart from the regular programme at elementary school level, courses are available in computer technology, warehouse keeping and the use of heavy construction machinery; there is also a vocational baking course. Other courses are reported to be arranged if there is a sufficient number of applicants. For younger prisoners in the juvenile prison and the correctional home there is a programme for completing primary education, a lower level programme of vocational training and opportunities for vocational learning in the workplace. Programmes of remedial education are arranged for prisoners with special problems such as illiteracy or innumeracy.

Budget cuts have affected the financing of education programmes and some prisoners have to pay for their education or contribute towards it. Shortage of funds has also meant that it has not been possible to organise some programmes that would be of interest to prisoners, such as foreign language courses or computer courses, although, as mentioned, there are courses in computer technology at Dob prison.

## Inspection and monitoring

Inspection of the institutions to ensure that they are being properly managed, and that prisoners are being treated in accordance with the laws and regulations and the objectives of the prison administration, is carried out by the prison administration itself and by the Ministry of Justice. There is also provision for independent inspections conducted by bodies not belonging to the prison administration or the Ministry of Justice. Monitoring is undertaken by the President of the district court in which the institution is situated. It is his duty to visit at least once a month the places where sentenced prisoners are held within his jurisdiction. The CPT noted, during its visit to Slovenia in 1995, that Dob prison was regularly visited by the judge concerned but that such visits were rare at Ljubljana prison. In response to a suggestion of the CPT, the Ministry of Justice sent a note to the courts appointed to supervise penal institutions, with the order that they should be consistent in implementing the CPT's recommendations that judges should visit institutions on a regular basis, should make themselves 'visible' to the prison authorities and staff and the prisoners, and should not limit their activities to seeing persons who have requested to meet them but should visit the areas where prisoners are held and take the initiative in making contact with them.

Prisons are also visited by the Human Rights Ombudsman (a post created in 1994) and by other bodies that are responsible, in accordance with international statutes, for the protection of human rights, including the CPT. The Ombudsman provided to the CPT early in 1996 an account of his activities in 1994 and 1995 in the field of the protection of the rights of sentenced prisoners and pre-trial (remand) prisoners. The Ombudsman had visited four institutions in 1995, following the CPT visit earlier that year, viewing the institutions, talking with the directors and other senior staff, and having private visits with some prisoners. He also reported on his handling of prisoners' complaints.

The CPT visit in February 1995 has been followed by a second one, which took place in September 2001. Recommendations following the 1995 visit concerned the introduction of new regulations about the use of force, increasing the amount of space available per prisoner in the living accommodation, the care of mentally ill prisoners, the regime for young persons in custody including care concerning the detention of juvenile prisoners in cells/rooms with adults, the visiting entitlement for pre-trial prisoners, medical involvement in the placement of prisoners in a padded cell and the provision of written information for newly admitted prisoners about their rights and duties. In all cases the Slovenian authorities responded positively to the recommendations and suggestions. Recommendations following the visit in 2001 concerned combating overcrowding, the use of force, space per prisoner, the partitioning of sanitary facilities, the development of programmes of activities, and health care issues, including staffing levels, records of initial medical examinations and medical confidentiality (CPT, 2002/36).

The European Prison Rules, which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are report-

ed to be widely available in the Slovenian prison system and used in staff training. The Director General and the directors of penal institutions have copies of these standards, as do other management staff at the national prison administration and in each penal institution. Copies are also said to be available to be read by other prison staff and by prisoners.

## Non-governmental organisations

Non-governmental organisations and volunteers have, through various activities, been involved in work with prisoners in Slovenia since the early 1990s. Reference has already been made to religious representatives. The administration also co-operates with charitable organisations, such as the Red Cross and Caritas. The Red Cross occasionally provides help in the form of clothing for released prisoners. It also provides second-hand furniture and other house furnishings and often looks after the storage in prison of prisoners' personal footwear and clothing, which they will reclaim on release from the institution. Caritas is linked with prisons through its groups of volunteers who provide support to prisoners in various ways, including by corresponding with them, by small gift packages at holiday periods and by material help after the sentence has been served.

The penal institutions receive numerous visits for choirs and theatre groups who stage concerts and performances. On major public holidays public exhibitions are organised displaying the products manufactured by the prisoners. Some institutions also have open days during which they invite the public to see what happens in the prisons. Volunteers from the community supervise recreational activities and sporting competitions take place between prisoners and groups from the community. Other volunteers give courses for prisoners or participate in cultural activities. There is also much co-operation with university faculties, with students doing the practical part of their education and training in the prisons. The prison for women at Ig has the status of a training centre for students in psychology, education, social work and law. Seminars are held with students and their lecturers/tutors.

The prison administration considers the work of non-governmental organisations and volunteers as extremely positive in providing support to prisoners during the sentence, in preparing them for release and in achieving co-operation between the community and the prisons.

This contact with non-government organisations and volunteers is in addition to the contact that the prisons have with public bodies, such as the centres for social work, which have already been mentioned in connection with preparation for release, and representatives of the health authorities who have organised courses for prisoners in health education (including preventive measures that can be taken to avoid potential infection both inside and outside the institution). Reference has also been made to the links with treatment centres for drug and alcohol addicts. Some institutions are visited by a public mobile library from which prisoners may borrow books and other literature.

## Other matters

The Slovenian prison service is much involved in international co-operation that is intended to improve prison standards. In particular it has established contacts with Croatia, Bosnia and Herzegovina, Hungary, Romania, Austria, Italy, the Netherlands, the Council of Europe, Canada, the NGO Penal Reform International and the United Nations.

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

The prison administration produces an annual report and prepares summaries in English of the main points of the report. It also produces an English-language document 'Information on Slovenia's Prison System'.

## Important recent developments

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

- the drafting of the Penal Sanctions Enforcement Act 2000, and its introduction;
- the increase in the number of prisoners (it almost doubled between September 1996 and September 2001), and consequent overcrowding in the system;
- changes in the structure of criminal offences (the emergence of major crimes associated with organised criminality) and the introduction of a stricter sentencing policy including longer prison sentences;
- the start in the year 2000 of constructing a new prison in Koper;
- problems related to smuggling drugs into prison, and drug dependence;
- increased public interest in prisons and the consequent need for the prison administration to pay more attention to the public aspect of imprisonment.

## Current objectives

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

- to ensure consistent implementation of the new law in practice, and uniform treatment of prisoners in accordance with the law;
- to complete the drafting of implementation regulations following from this law;
- to provide suitable material conditions for the operation of the prison system, and to modernise conditions by the construction of

- the new prison and the renovation of existing facilities;
- to take measures to combat overcrowding;
- to improve the education of prison staff and create a more suitable staff structure;
- to prepare norms (standards) for the work of specialist staff and to improve the supervision of such work;
- to modernise provision for the education of prisoners, including by increasing contacts with external institutions that can assist this process;
- to introduce “a public health care network” for prisoners;
- to reorganise economic units and restructure them as public commercial institutions;
- to prepare specific treatment programmes for groups of prisoners such as sex offenders and those serving longer prison sentences.

## Main problems

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

- overcrowding, with numbers almost 10% over the official capacity and the capacity exceeded in seven of the thirteen institutions;
- shortage of staff, with security staff being 10% below complement and treatment and medical staff more than 20% below complement;
- the fact that the staff are overburdened with work;
- shortage of financial resources.

## Achievements

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

- the quality of the treatment staff employed in the penal institutions;
- the socio-therapeutic forms of work, including group-work and the creation of a therapeutic community, which are considered to be very successful in creating a positive atmosphere in the institutions and bringing about constructive change in the lives of the prisoners;

- the practice of establishing a range of contacts with the outside world, which will prepare the way for easier integration of the prisoner into life outside the prison after release;
- the practice of enabling prisoners to maintain their own contacts with the outside world as fully as possible during their sentence;
- the practice of holding regular monthly meetings of the individual groups of specialists who are employed in the prisons – pedagogues, therapists (psychologists), social workers, medical staff, lawyers, accountants etc;
- the provision of pension insurance to sentenced prisoners who work regularly in the prisons' economic units.

Further achievements of the Slovenian system include:

- reducing the official capacity of institutions in order to allow every pre-trial detainee and sentenced prisoner to have at least 7m<sup>2</sup> of space – more than the minimum amount considered necessary by the CPT;
- enabling sentenced prisoners to have frequent visits from family and friends and opportunities for home leave;
- paying particular attention to the quality of staff who are recruited to work in the prison service;
- having a significant proportion of female staff in prisons for males (25%);
- considering it as part of the duty of security staff to take part in the implementation of treatment programmes;
- making much use of non-governmental organisations and volunteers in preparation for release, support for prisoners during their sentence, and developing co-operation between the prisons and the community outside;
- having sufficient pedagogues (educators) to enable each to be responsible for between 15 and 30 prisoners;
- enabling 15% of pre-trial detainees to have work of some sort, the highest percentage in all central and eastern European countries;
- the wide availability of the European Prison Rules to senior managers, other prison staff and prisoners;
- producing useful material, in the English language, giving information on Slovenia's prison system, and a summary of points from the Annual Report.



## Conclusion

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

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

- to develop still further the programme of activities for pre-trial detainees, with the aim, in accordance with the advice given by the CPT to many countries, “to ensure that such prisoners spend a reasonable part of the day (eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association)”;
- to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases.

## Annex 1

### SLOVENIA: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1989	1,113	56	1,996,400
1990	838	42	1,999,900
1991	836	42	1,998,900
1992	900	45	1,994,100
1993	889	45	1,989,400
1994	1,019	51	1,989,500
1995	635	32	1,990,300
1996	649	33	1,987,000
1997	752	38	1,984,900
1998	848	43	1,978,300
1999	980	49	1,987,800
2000	1,148	58	1,990,100
2001	1,092	55	1,994,000

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
<b>Pre-trial detainees in 2001</b>			
(1/1)	335	29.2	17
(31/12)	302	27.7	15
<b>Female prisoners in 2001</b>			
(1/1)	41	3.6	2
(31/12)	43	3.9	2
<b>Juveniles (under 18) in 2001</b>			
(1/1)	30	2.6	2
(31/12)	27	2.5	1
<b>Foreign prisoners in 2001</b>			
(1/9)	209	17.8	

Note: An amnesty in July 1997 resulted in the release of 2,248 prisoners.

## Annex 2

### Slovenian penal institutions: functions and capacity, 2001

#### Central prisons

1	Dob (near Mirna)	Adult males sentenced to more than 18 months, including semi-open department (Slovenska Vas) and open department (Hotemež) on adjacent site	289
2	Ig (near Ljubljana)	Female prisoners, including pre-trial prisoners, juveniles and women sentenced for a misdemeanour	77
3	Celje	Male and female prisoners, including pre-trial prisoners and those sentenced for a misdemeanour, and male juveniles sentenced to juvenile imprisonment	94

#### Regional prisons (sentences of less than 18 months)

4	Koper	Male and female prisoners, including pre-trial prisoners and those sentenced for a misdemeanour	76
5	Nova Gorica	Male prisoners, including pre-trial prisoners and those sentenced for a misdemeanour (department of Koper prison)	32
6	Ljubljana	Male prisoners, including pre-trial prisoners and those sentenced for a misdemeanour	128
7	Radovljica	Male prisoners, including pre-trial prisoners and those sentenced for a misdemeanour (department of Ljubljana prison)	22
8	Novo Mesto	Male and female prisoners, including pre-trial prisoners and those sentenced for a misdemeanour (department of Ljubljana prison)	35
9	Ig	Open department for male prisoners (department of Ljubljana prison)	27
10	Maribor	Male and female prisoners, including pre-trial prisoners and those sentenced for a misdemeanour	148
11	Murska Sobota	Male prisoners, including pre-trial prisoners and those sentenced for a misdemeanour (department of Maribor prison)	40
12	Rogoza	Open department for male prisoners (department of Maribor prison)	36

#### Correctional home for juveniles

13	Radeče	Male and female juveniles sentenced to residence in a correctional home	68
----	--------	---	----

**TOTAL** (throughout 2001)

**1,072**

## **Annex 3**

### **Slovenia: principal sources of information**

Response by the Director General of the National Prison Administration, Mr Dušan Valentinčič, to survey questionnaires for this project.

Information and documentation supplied by the former Director General of the National Prison Administration, Ms Irena Križnik.

Other information and documentation supplied by the Slovenian prison administration.

CPT, 1996/18. Report to the Slovenian Government on the visit to Slovenia [by the CPT in February 1995]. Council of Europe, Strasbourg

CPT, 1996/19. Interim report of the Slovenian Government in response to the CPT report on their visit in 1995. Council of Europe, Strasbourg

CPT, 2002/36. Report to the Slovenian Government on the visit to Slovenia [by the CPT in September 2001]. Council of Europe, Strasbourg

CPT, 2002/37. Response of the Slovenian Government to the CPT report on their visit in 2001. Council of Europe, Strasbourg

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

Council of Europe, 2000. Prison overcrowding and prison population inflation. Recommendation No. R(99)22. Strasbourg

Križnik I., 1996. Staff development and promotion and the staff policy of the Slovenian prison administration. Unpublished paper for a seminar at Popowo, Poland, October 1996.

Križnik I., 1996. Co-operation between social organisations and prisons in the rehabilitation of prisoners in the Republic of Slovenia. Unpublished paper for a seminar at Pecs, Hungary, September 1996.

Križnik I., 1996. The Slovene Socio-Therapeutic Model of Imprisonment. Unpublished paper for a conference at Budapest, Hungary, May 1996.

National Prison Administration, 2001 and 2002. Information on Slovenia's prison system, February 2001 and April 2002. Ljubljana

National Prison Administration, 2001. i) Basic facts in figures 1996-2001; ii) Some basic data from the annual report 2000. Ljubljana

National Prison Administration, 2002. Letno Poročilo (Annual Report) 2001. Ministry of Justice, Ljubljana