

33. Latvia

Legislative framework

The Execution of Punishment Code which came into force in August 1994 was amended before the end of that year to introduce a progressive system for the execution of imprisonment in closed, semi-closed and open prisons, and to authorise the prison administration to approve transfers of prisoners from one type of prison to another. In 1997 the Criminal Code was amended to impose additional conditions, including therapeutic interventions, that have to be satisfied before prisoners who had been sentenced for alcoholism, drug addiction or solvent abuse could qualify for early release (Lakes and Engesbak, 1998). Since then a complete set of new legislation has been introduced. A new Criminal (Penal) Code and Criminal (Penal) Procedural Code came into force in 1999 and a new Execution of Punishment Code in 1998, all of them said to modernise the legislation and bring it closer in line with good European standards.

Organisational structure

Responsibility for the Latvian prison system transferred from the Ministry of Internal Affairs to the Ministry of Justice in January 2000 after being in process since April 1997. The possibility of prison staff losing certain benefits as a result of the transfer was overcome. Initial uneasiness concerning co-operation between the prison administration and the Ministry of Justice diminished during 2001.

The Director General of the Latvian Prison Administration Dr. Vitolds Zahars succeeded Mr. Stanislavs Poksans in 1997. He is assisted by three Deputy Heads of the Prison Administration, one of whom is responsible for security staff and related security and investigation matters, another for prisoners' employment and provisioning, and the third for legal matters, staff matters and the secretariat. All three have line responsibilities for the so-called 'Organisational and Analytical Board', which deals with social rehabilitation and health care. The planning and finance section, an inspection section and the international relations section all report directly to the Director General. A head chaplain has been appointed to the social rehabilitation section in order to develop a prison chaplaincy service. A total of 80 staff were employed at the prison administration headquarters in 2001.

In August 1998 Lakes and Engesbak reported that the military ranks, which defined the prison service hierarchy, were falling into disuse, being retained only for the purpose of pay and pensions.

There were 15 prisons in mid-2001, which comprised six closed prisons (three with departments for pre-trial detainees), three semi-closed prisons (one of them being the women's prison with a department for pre-trial detainees), two open prisons, three pre-trial prisons (one containing the prison hospital), and a correctional institution for juveniles (including a department for pre-trial detainees). Three of the closed prisons/pre-trial prisons also have semi-closed sections for sentenced prisoners.

The total capacity of the system at the beginning of 2001 was 9,922, with the largest institution (the Central prison, including the prison hospital) having a capacity of 2,101 and most other institutions having capacities between 470 and 970; only the women's prison (347), the juvenile prison (210) and the two open prisons (200, 80) are smaller.

In the seven years since 1994 the capacity has fallen by 3,000, despite the addition of two new prisons (Liepajas pre-trial prison and Olaines open prison). This is because the capacity of eleven institutions has been reduced so as to ensure that the space allowed for each prisoner is in accordance with new norms (see Accommodation below).

Pre-trial detention

The level of pre-trial detention is extremely high, having increased significantly since 1994*. In 1994 less than 33% of the prison population were pre-trial detainees, while the proportion at the end of 2001 was over 43%. At the end of 2001 there were 157 pre-trial detainees in the prison system per 100,000 of the national population (compared with about 120 in mid-1994). This is the highest rate of any country in Europe, and more than six times the average rate in European countries outside central and eastern Europe. The rise since 1994 is said to be attributable to delays in the courts, especially in connection with the appeal process (Lakes and Engesbak, 1998; Latvian prison administration, 2001).

It is understood that there have been no changes to the pre-trial process that was described in the previous report (Walmsley, 1996 p. 429). Pre-trial detainees normally spend only one hour a day out of their cells/rooms, despite the CPT recommendation that such prisoners should spend a minimum of eight hours outside the cell/room, engaged in purposeful activities of a varied nature.

The numbers held in penal institutions

The prison population rose from around 8,500 in the early 1990s to a peak of around 10,300 at the end of 1996. It then decreased to 8,800 in 1999. At the beginning of 2001 there were 8,831 prisoners in the system, of which 43.8% were pre-trial detainees/remand prisoners, 5.1% of the adult prisoners were women, 4.2% were juveniles under 18 and only 32 (0.4%) were foreign prisoners. At the end of the year the prison population had fallen to 8,531.

Latvia's prison population rate of 373 (per 100,000 of the national population) at the beginning of 2001 and 364 at the end of the year was similar to that of its neighbour to the north Estonia (351) but considerably higher than the rate in Lithuania to the south (257 at the beginning of 2001, and 304 in November that year). It is some six times higher than the rate in the Nordic countries.

* Figures supplied for the previous study suggested that there were just 2,163 pre-trial detainees in mid-1994, 22.7% of the prison population and 81 per 100,000 of the national population. It has now emerged that this did not include all pre-trial detainees. The correct figures were about 3,100 32.7% and 120 per 100,000.

Accommodation, overcrowding and living conditions

The number in the prisons at the beginning of 2001 was 89% of the official capacity of the system. Overcrowding is reported in the pre-trial institutions.

The minimum space specification per prisoner in Latvia in mid-1994 at the time of the previous study was 2m². Under the Execution of Punishment Code of August 1994 2m² remained the minimum specification for male sentenced prisoners, 2.5m² became the minimum for pre-trial detainees and juveniles, and 3m² became the minimum for female sentenced prisoners. Under more recent regulations the minima have become 2.5m² for males and 3m² for juveniles and women.

As a result of these increases in space allowances the capacities of individual institutions have been reduced. However the CPT recommends “that the standard living space be increased as soon as possible to at least 4m² per prisoner” (CPT, 2001/27 para 93). Assuming that the current capacities are based on the norms required by the latest regulations, a rise in the minimum space specification to 4m² for all prisoners would result in more than 30% overcrowding in the system.

The prison administration reports that different categories of prisoner are separated in the Latvian system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults. In 1999 the CPT had found that juveniles were sometimes accommodated with adults in the women’s prison.

As elsewhere in central and eastern Europe, very few prisoners are accommodated alone in single cells. However, an extensive renovation and refurbishment programme has been undertaken and the CPT reported (CPT, 2001/27 para 91) that some 40% of the prison population, about 4,000 people, were already living (early in 1999) in smaller renovated cells with proper sanitary annexes. In October 2001 the prison administration reports that 4,400 prisoners were in such accommodation (which was in accordance with the European Prison Rules). In 1995 it began rebuilding the old Soviet-type prisons, where prisoners were housed between 50 and 100 to a room (Zahars, 1998). By 1998 five closed prisons had been adapted so that no more than eighteen prisoners shared one room. In the Central prison extensive reconstruction will create, by 2005 according to current plans, conditions in which rooms are for two, six or ten prisoners and conform to modern standards (CPT, 2001/28 p.52). The largest number of prisoners in one room, in any prison in Latvia, is 50 in a room measuring 100m². The largest number in a cell is 18, in a cell measuring 45m².

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

underclothing once a week, but many have their own underclothing. It is reported that every prisoner now has a separate bed.

These conditions are much better than those noted only a few years earlier. At the beginning of 1999 the CPT described material conditions in the Central prison, for the vast majority of prisoners in four of the five blocks which are used for pre-trial detention, as intolerable. They referred in particular to the overcrowding, poor lighting, ventilation, the state of repair, the level of cleanliness and, in many cells, the infestation (CPT, 2001/27, p.45). In their response, the government of Latvia reported that some progress had been made, including the reconstruction of the sewerage system and the ventilation system.

Food and medical services

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

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

The Council of Europe Nord-Balt Prison Project, under which Nordic and Baltic countries co-operate in the development of the prison systems of the Baltic countries, organised an expert mission in October 1997 to assess the factors influencing the health of prisoners in Latvia (Wool and Christensen, 1997). The experts, Dr. Rosemary Wool, former director of health care of the prison service of England and Wales and Dr. Knud Christensen, consultant in prison medical care to the Council of Europe, concluded that prisoners entering Latvian prisons had a high prevalence of tuberculosis and sexually transmitted diseases. They commented that the conditions of imprisonment, particularly overcrowding, were increasing the risk of the spread of infectious diseases and injuries. They advocated that the prison administration form a close relationship with the Ministry of Welfare and with community health services, and introduce health education and health promotion programmes. Following this report, and similar health care reports in respect of Estonia and Lithuania, proposals to follow up the recommendations of these reports were prepared by Dr. Rosemary Wool, Secretary General of the International Council of Prison Medical Services and agreed by the steering group of the Nord-Balt project (Wool, 1998).

Health care in Latvian prisons in 2001 is the responsibility of the prison service and separate from the Ministry of Welfare, which is responsible for general health care in the country. Not only Wool and Christensen, as mentioned above, but also the CPT (2001/27, on the basis of a visit in 1999) recommend a greater involvement of the Ministry of Welfare and argue that it will

help to ensure optimum health care for prisoners, as well as implementation of the general principle of the equivalence of health care in prison with that in the outside community. The CPT requested the observations of the Latvian authorities on such matters but no observations were included in the published formal response of the Latvian government.

At present in-patient treatment is performed in the prison hospital in the Central prison. Until recently this hospital's official capacity was 314 beds, but it was recognised as severely overcrowded (e.g. Lakes and Engesbak, 1998 and CPT 2001/27) and the capacity in 2001 is reported to have been reduced to 200.

The prison administration reports that many prisoners have an alcohol problem (15% of the prison population suffered from alcohol dependency in 1996 – Wool and Christensen, 1997) but the numbers are not increasing. A treatment programme is in place. The number of prisoners with a drug problem is also large (estimated at 800 to 1,000 in October 2001) and is still increasing. There is no treatment programme in place. HIV/AIDS is also a problem; the number of HIV positive prisoners increased from 290 in 2000 to 457 in October 2001 (a rise of 58%). The World Health Organisation considers that the compulsory screening of prisoners for HIV infection should be proscribed as unethical. The CPT drew this to the attention of the Latvian authorities in the report on its visit in 1999 but the prison administration reports that all prisoners were still being tested in 2001. The amount of information about HIV and AIDS that is made available to prisoners was increased well before the CPT visit and arrangements were made for them to receive counselling before and after the tests (Lakes and Engesbak, 1998).

The severest health problem among prisoners is tuberculosis. Between 1993 and 1997 the number of prisoners found to be suffering from TB increased twelve-fold. In March 1998 it was reported that 324 prisoners (3% of the prison population) had the disease. A treatment programme was developed with the assistance of the Norwegian government and the Soros Foundation. By the end of 1999 5% of the prisoners had the disease. The significant rise in the number of tuberculosis cases was attributed primarily to prison overcrowding and the shortage of appropriate sanitary means to control the disease (CPT, 2001/27). Following the visit of the CPT (January-February 1999) a new system of treating tuberculosis patients was started, said to have been developed and approved by the World Health Organisation. Close co-operation was established with the State Tuberculosis and Lung Diseases Centre, where training was provided for medical staff from the prison hospital. Olaines prison is being reconstructed as an institution for TB inmates and the first patients were expected to be admitted during 2001. The number of prisoners with the disease has begun to fall. From 562 (6% of the prison population) in 2000 it decreased to 308 (about 3.5%) in mid-2001. There were two deaths from tuberculosis in 2000, a year in which a total of 37 prisoners died (nine of them as a result of suicide).

Modern medical equipment is in short supply but some prisons have benefited from gifts of medical and dental equipment from Norway and Sweden, under the Nord-Balt project and its twinning arrangements. Members of the

medical service have had increased opportunities to participate in international conferences and visits and the international conference on 'Professional Standards in Prison Health Care' which was organised by the International Council of Prison Medical Services and hosted by the Latvian prison service in 1996, "made a significant contribution to the establishments of a network of communications with medical personnel working in other prison systems" (Lakes and Engesbak, 1998).

Discipline and punishment

The disciplinary measures in the Latvian prison system remain substantially the same as those described in the previous report (Walmsley, 1996 pp. 433-4). Recommendations in the first Council of Europe assessment report (Lakes and Rostad, 1994) were said to have been implemented (Lakes and Engesbak, 1998). Specifically Lakes and Engesbak were informed in July-August 1998 that:

- the prisoner is now entitled to attend the disciplinary proceedings and allowed to offer an explanation, a defence or any other response in person;
- the prisoner is informed of the outcome of the adjudication by the Governor (director) or the person authorised to conduct the adjudication on his behalf;
- restrictions on visits are imposed only for violations of the visiting regulations;
- prisoners in isolation are provided with bedding and are allowed outdoor exercise for at least one hour every day; and
- a member of the prison medical staff pays a daily visit to prisoners in isolation.

In addition Lakes and Engesbak noted a significant improvement in the system of recording and reporting disciplinary proceedings whereby, in accordance with Prison Administration Orders of May 1996 and May 1997, each prison is required to record all disciplinary proceedings and to compile a statistical analysis of the proceedings every month. Twice a year a report has to be submitted to the prison administration giving details of the offences committed, the punishments imposed and the rewards recorded in the preceding six months. The Director General points out that emphasis is placed on understanding the cause of any disciplinary infraction in order to avoid its recurrence. Such work is carried out before any disciplinary action is taken.

However, it is clear that not all the above changes have been fully implemented in every prison. Lakes and Engesbak themselves reported that the provisions in respect of bedding and exercise had not been fully implemented in more than one establishment that they visited. The CPT, visiting Latvian prisons early in 1999, were informed that only in the event of a very serious disciplinary offence did the directors of the prisons they visited decide to interview the

prisoners concerned before making the adjudication. They also found that prisoners in disciplinary cells received neither mattresses nor blankets at night in the Central prison and the women's prison, and that such prisoners in the Central prison were not allowed outdoor exercise.

Contact with the outside world

Pre-trial detainees are allowed to be visited at least once a month, provided that they are granted permission by the investigating authority or the court with jurisdiction in the case. Where authorised, visits amount to one or two hours per month. The correspondence of pre-trial detainees is also subject to the permission of the investigating authority or the court. The CPT was told by detainees in 1999 that they had spent long periods of time without being allowed to receive visits from their relatives and friends, and without being entitled to correspond (CPT, 2001/27 para 179). Pre-trial detainees are separated from their visitors by a screen and may not touch them. They may not use the telephone system to communicate with friends or family.

The number and duration of visits a sentenced prisoner may receive per month depends on the regime (closed or not) and category (lower, medium or higher level) in which he or she has been placed (see p.435 of previous report – Walmsley, 1996). The regime and category also determine the number and duration of the long visits under which prisoners may receive visits from their families, for periods of up to 36 hours, in one of a suite of rooms consisting of bedrooms and shared cooking, recreation, toilet and bathing facilities. Sentenced prisoners may also receive private (intimate) visits from their wives, but not from girlfriends. There are no limitations on the frequency of correspondence, but letters are always read by the prison authorities. Sentenced prisoners are allowed to speak to their family and friends by telephone. The number of parcels they may receive was also determined by the regime and category until early 2001 when the prison administration put a ban on incoming parcels in order to reduce the amount of drugs that were circulating in the institutions. This provoked threats of hunger strikes by prisoners but it was explained to them that relatives would be able to transfer money to their accounts, which could then be used to buy food from the prison shop. Prisoners in open or semi-closed prisons are able to obtain home leaves.

The Latvian prison administration has supported a programme to provide spiritual assistance to prisoners (Zahars, 1998). In all but one of the prisons a particular emphasis has been placed on such matters, on the grounds that “in the overwhelming majority of cases, convicts who accept religion and other spiritual values in prison become law-abiding while serving their sentences and after their release”. In 1998 eleven spiritual assistance leaders (chaplains) and 60 volunteer assistants were involved, from a wide spectrum of churches, including Evangelical Lutheran, Roman Catholic, Russian Orthodox, Baptist and Adventist.

Prison staff

The Latvian prison service employed 2,237.5 staff at the beginning of 2001, of whom 80 worked in the prison administration headquarters. In the prisons there were 62 management staff, 1,303.5 security staff, 305.5 treatment staff (including psychologists, educators, social workers and medical staff) and 476.5 other staff (including administrative and secretarial staff and others working in connection with prisoners' employment). There were vacancies for 44 security staff at 1 October 2001, but no vacancies for treatment staff. The overall ratio of prison staff to prisoners at the beginning of 2001 was thus 1 : 3.9 or, if the ratio is based only on management, security and treatment staff in the prisons, 1 : 5.3. Staff numbers have increased by a third since 1994 but the staff-prisoner ratio is still one of the lowest in central and eastern Europe. The CPT recommended an increase in the number of nursing staff at the Central prison hospital and a review in order to increase the number of doctor posts (CPT, 2001/27 para 156). However the Latvian authorities replied that "because of insufficient funding, it is not possible to increase the number of staff in prisons" (CPT, 2001/28 p.53).

In 1994 the perimeter of each closed prison was guarded by staff who were part of a special regime and guarding section. In only four prisons were these guards members of the prison service. Elsewhere they were unqualified military conscripts. By August 1998 the prison service had assumed responsibility for perimeter security at a further three prisons (Lakes and Engesbak, 1998) and it was noted that specially trained guards were to take responsibility for a further prison (Grīvas) in October 1998 and that all military guards were due to be replaced by prison staff by the beginning of 2002. At the end of 1999 it was reported that two further prisons would be guarded by prison staff in the year 2000. However the target for all prisons to be professionally guarded had been put back to 2004. The CPT emphasised that "it is axiomatic that the cornerstone of a humane prison system will always be properly recruited and trained prison officers" and, while recognising that the prison administration themselves considered this "a very unfavourable state of affairs", recommended that appropriate steps be taken to fill all posts currently occupied by military conscripts with professional prison staff (CPT, 2001/27, para 95).

Staff training is an area in which much work has been done in recent years as part of the Nord-Balt project and considerable progress is reported (Lakes and Engesbak, 1998). The prison administration, like its counterparts in Baltic neighbours, is concerned to improve the professional skills of prison staff and, following a seminar in Vilnius in 1999, a 'Basic Training Framework' was established, setting out the aims, curriculum and methods of such training. The document was translated into Latvian and it now provides the basis for training. Sweden has given much help in staff training matters over the years, in particular to the training centre at Dzintari, Jurmala, and such co-operation continues in respect, for example, of training materials and lecturers on topics of special concern to the Latvian prison administration.

Newly recruited security staff, known in Latvia as 'supervisors' attend an initial three-month training course, having completed a period of familiarisation

training in the prison setting. In 1998 the course comprised 315 hours of tutorial work, followed by 200 hours devoted to a practical project in a prison. The results of the final examination are notified to the director of the recruit's prison and provide a basis for further developmental work and eventual promotion. There are also courses for directors of prisons, deputy directors, inspectors and specialists. Special courses have been arranged for the staff who are taking over responsibility of perimeter security from the military conscripts.

Some 32% of staff in institutions for male prisoners are women, working mainly on administrative matters. In the institutions for female prisoners approximately 16% of staff are men, working mainly as security staff.

Treatment and regime activities

On entering a penal institution prisoners go through an acclimatisation programme in what is known as the quarantine section. This lasts 10-12 days and includes interviews to establish the individual characteristics of prisoners, their attitudes, abilities and preferences. This information is used to make an assessment as to the room in which they should be accommodated and subsequently to draw up a plan for their 'resocialisation'. Within a month of a prisoner leaving the quarantine section a sentence plan is prepared and a record of how the proposed measures are to be carried out. The plan is based on the prisoner's behaviour, interviews and psychological tests. In describing the above process Zahars (1998) points out that it is important to recognise, praise and stimulate any positive change in the prisoner's behaviour "because this is the basis for his resocialisation". A large number of social workers are involved in the process – some 200 in all in the year 2001 – and some psychologists (three in post in 1997).

Various treatment programmes are carried out, which are described as 'social rehabilitational'. They are co-ordinated by 'educators', each of whom is responsible for a group of some 50 prisoners. In order to develop positive initiative in young offenders, talent groups were established at the correctional institution for juveniles, organised by the prisoners but under the supervision of staff. It is claimed that such programmes contributed firstly to a sharp reduction in the number of disciplinary punishments that it was necessary to impose at that institution over a three-year period, and secondly to a significant increase in successful applications for conditional release by prisoners who had participated in the talent groups. Adult prisoners as well as juveniles have been involved in a programme to teach them social skills and to provide vocational training in creative trades. Areas of activity include food preparation, decorative metalwork, wood and leatherwork, bookbinding, furniture construction, drawing and painting. Every year the prison administration organises fine arts competitions and exhibitions of work done by prisoners. It is agreed that such activities help to prepare prisoners for life in open society by participating in socially useful events. Reference has already been made to the programme to provide spiritual assistance to prisoners.

Preparation for release is said to be in progress throughout a prisoner's sentence, but it intensifies in the six months before release. Zahars says (1998) that

a prisoner shows he has been rehabilitated by admitting his guilt, respecting the prison's internal rules, displaying good behaviour, being diligent in his work, studies and vocational training, taking part in the social life of the prison and being motivated to obey the law on release. Prison staff contact the prisoner's relatives, local government officials and the police when release is imminent and try to make suitable arrangements for accommodation and employment. However not all the prisoners take advantage of the arrangements that are made for them.

The length of time that the cells/rooms of sentenced prisoners are unlocked depends on the regime and level of the prisoners. Every prisoner is reported to be allowed at least one hour of walking or suitable exercise every day (including weekends) in the open air.

Conditional release and probation

There is a system of conditional release under which prisoners may be released after either a half, two-thirds, or three-quarters of the prison sentence, depending on the gravity of the crime and the length of the sentence. Those sentenced to life imprisonment are not eligible for conditional release. In 1998 it was reported that only 9% of prisoners were released after serving one half of the sentence and 36% at a later stage, with the remaining 55% serving their full sentence, either because of the seriousness of their crimes or because of poor behaviour in prison. In the year 2000 10% of sentenced prisoners were granted conditional release.

There is no probation system in Latvia, apart from conditional release, which is sometime referred to as parole (or probation). However prisoners are not supervised in any way during their period on conditional release. A probation service is to be established in 2002, which will be under the Ministry of Justice but separate from the prison service. The Nord-Balt project Steering Group is concerned to assist Latvia in developing a probation system and in its meeting in October 2001 it was agreed that a needs analysis of the situation would be carried out in close contact with the Ministry of Justice.

Prison work

Sentenced prisoners are not required to work; they may choose whether to do so or not. About 30% were employed in mid-2001, compared with 42% in 1994 when there was a requirement to work if a prisoners was fit to do so and there was work available. In the winter far fewer have jobs and in the winter of 1997/98 it was reported that only 17 or 18% of sentenced prisoners were employed (Zahars, 1998); a figure of 26% for July/August 1998 is quoted in Lakes and Engesbak (1998). No work is available for pre-trial detainees. Prisoners in work are paid no less than the minimum salary in the community outside; no money is given to prisoners who are unable to work or for whom no work is available.

Lakes and Engesbak report on the work situation in some of the prisons in July/August 1998, commenting particularly on the contribution made by Nordic

countries. In Grīvas prison one of the large workshops had been converted into a vocational training and industrial woodwork centre using machinery supplied by the twin prison in Trondheim, Norway. In Jelgavas prison woodworking machinery had been provided by Sweden. In Valmieras prison paid employment was available for only 13% of the sentenced prisoners but Norway had provided equipment and machines for wood production, which had enabled more prisoners to be employed.

The CPT visited the Central prison and Ilguciema women's prison in January/February 1999. All 131 sentenced prisoners who had been assigned to work in the Central prison, which is mainly for pre-trial detainees, did indeed have work. They mostly carried out maintenance and renovation work in the prison, worked in the kitchens, or were employed in various workshops (e.g. ironwork, joinery, car repairs). Some vocational training was also available to them, for example in plumbing and in operating industrial lifts. In the women's prison approximately 60% of the sentenced prisoners were employed in the large workshops (industrial laundry, designing and sewing clothes, towels, bedding and blankets, packaging, assembling carton boxes). The CPT were informed that there had previously been many more work opportunities, and that "the impressive industrial estate of the establishment was now to a large extent unused, due to the lack of orders from outside contractors". The CPT stressed (CPT, 2001/27 p.43) that the provision of appropriate work to sentenced prisoners was a fundamental part of the rehabilitation process and that, in the interest of their psychological well-being, remand prisoners should as far as possible also be offered work. Commenting that the employment situation within the prison system should thus not be dictated exclusively by market forces, the CPT recommended that special measures be introduced with a view to providing more work places for prisoners.

The Director General, Dr. Zahars, reported at the end of the year 2000 (Council of Europe, 8th Nord-Balt steering meeting) that the existing tax regulations in Latvia made it very difficult to continue manufacturing work in the prisons; he said that special rules were needed to stimulate the creation of work for prisoners.

Education

Education programmes available in at least some of the prisons, both for adults and younger prisoners, consist of general education, vocational training and education in life skills. Reference has already been made to these in connection with treatment and regime activities. Programmes of remedial education are arranged for prisoners with special problems such as illiteracy or innumeracy. However in July/August 1998 only 4% of sentenced prisoners attended education classes and about 80% of these were juveniles (Lakes and Engesbak, 1998). These authors concluded that, despite the good quality of the educational and vocational facilities that they found in the correctional institution for juveniles, the low level of educational provision in the prison system as a whole meant that it would be advantageous if responsibility for the education of prisoners were to be transferred to the Ministry of Education and Science.

Inspection and monitoring

A system of inspection is in place to monitor the extent to which the prisons are operating in accordance with the laws and regulations, and with the objectives of the prison administration. The inspection section of the prison administration became responsible for conducting a full inspection of every prison on a two-year basis in accordance with the Regulations of the Penal Institutions, which were approved by the Ministry of the Interior in June 1995. The inspection team included experienced prison officials and prison administrators (Lakes and Engesbak, 1998).

The CPT learned in 1999 that there were also independent inspections conducted by the prosecutors, who were entitled to visit detention areas in order to inspect conditions and to control compliance with legislation and regulations, including disciplinary measures. However staff in the prisons visited by the CPT reported that the relevant prosecutors normally limited their inspections to examining the legal and administrative documents of prisoners. The CPT recommended that steps should be taken to ensure that the prosecutors regularly visited detention areas and entered into direct contact with prisoners (CPT, 2001/27 p.73).

Following the transfer of responsibility for the prisons to the Ministry of Justice in January 2000, the Ministry has established a bureau of inspection with eight staff but there was some doubt as to whether the inspectors would have the knowledge or experience to carry out inspections on an effective basis, such as would command the confidence of prison staff.

The CPT inspection of January-February 1999 resulted in more than 50 recommendations, some of which have already been mentioned. Particular attention was paid to health care services in the Central prison and its prison hospital, to which about half of the recommendations referred (CPT, 2001/27 pp.102-5). Many more referred, as indicated above, to conditions in some of the cellblocks in the Central prison. Others urged developments in staff training with emphasis placed on developing inter-personal communication skills so that relations between security staff and prisoners could be more positive and constructive. On this last point it is to be noted that Lakes and Engesbak (1998) referred to a complete shift in the attitude of Latvian prison staff in a positive direction in the period since 1994, and the CPT – whose comments were based particularly on their observations in the Central prison – confirmed this by reporting that their interviews with prisoners revealed that, in the few years immediately before their visit in January-February 1999, the general behaviour of staff towards prisoners had evolved in a positive direction (CPT, 2001/27 para 171).

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

Non-governmental organisations

Reference has already been made to co-operation between the prison administration and religious representatives. Closer links have also been established with non-governmental human rights organisations, which now visit the prisons to offer help to prisoners, to check on complaints that have been made and to observe daily life there. The prison administration regards such activities as positive and helpful. A number of initiatives of direct benefit to prisoners are reported to have resulted from contacts with such organisations. For example, funds were provided to enable publication of a newspaper by prisoners, and the Soros Foundation financed 32 weekly radio programmes through which relatives and friends broadcast messages to prisoners (Lakes and Engesbak, 1998).

International co-operation

The Latvian prison service is involved in much international co-operation, especially with the other Baltic republics and with the Nordic countries, but also with Germany, Canada and the USA. Much of this is arranged under the aegis of the Council of Europe's Nord-Balt project, as has already been noted. Eleven of the fifteen prisons are twinned with institutions in Norway (5), Sweden (3), Finland (2) and Germany (1) and discussions are taking place in respect of two more with institutions in Denmark and Norway. In addition the staff training centre at Jurmala is twinned with the Swedish prison service's training centre.

The twinning arrangements are reported to have made a substantial contribution to the improvement of prison conditions in Latvia. Norway and Sweden have been particularly generous in the provision of materials, expertise and support (Lakes and Engesbak, 1998). At the 2001 meeting of the Nord-Balt steering group, the Director General referred to the extensive assistance and financial support that Latvia had received from the countries and organisations in the region, especially Norway and Sweden.

Other matters

Neither pre-trial detainees nor sentenced prisoners have the right to vote in national elections. There is never any limitation on prisoners' right to vote after they are released from prison.

The prison administration produces an annual report. Lakes and Engesbak (1998) and the Latvian prison administration report that closer links have been established with the media and also with politicians in order to draw the attention of the community to the problems faced in the prisons and to influence penal policy.

Important recent developments

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

- the improvement of living conditions for prisoners, with 4,400 prisoners accommodated in circumstances that were in accordance with the European Prison Rules;
- the implementation of new social rehabilitation programmes;
- the transfer of responsibility for the prison system from the Ministry of Internal Affairs to the Ministry of Justice in January 2000;
- the introduction of the new Execution of Punishment Code in 1998 and the new Criminal Code and Criminal Procedural Code in 1999.

Current objectives

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

- to continue improving the living conditions of prisoners, for example by the replacement of large dormitories with smaller cells and by improving lighting, ventilation and sanitary facilities;
- to continue the process of transferring from the guarding of prison perimeters by military conscripts to guarding by professional prison staff;
- to finish the reconstruction of Olaines prison as a hospital for prisoners with tuberculosis;
- to develop employment opportunities for prisoners;
- to complete the refurbishment plan for the prisons.

Main problems

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

- the lack of finances; for example the funding from the state budget was the equivalent of less than 6 euros per day.
- the large number of pre-trial detainees (almost 44% of the prison population at the beginning of 2001) as a result of delays in court processes;
- the presence of tuberculosis among a significant minority of the prisoners;
- increasing difficulty in preventing the importation of drugs into the prisons;
- the high percentage of prison sentences passed by the courts, and the length of sentences (averaging 4 years 6 months for men and 3 years for women in 1998);
- the low usage of conditional release, with 55% of prisoners in 1998 not being released before the full term of their sentences.

Achievements

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

- “the scientifically-grounded conception of the development of the prison system which is directed to the improvement of the physical and moral conditions of prison treatment”;
- the introduction of community service as an alternative to imprisonment. (In the year 2000 4.7% of those convicted in the courts received this sentence.)

Further achievements of the Latvian prison system include:

- the inspection section of the prison administration being responsible for conducting a full inspection of every prison on a two-year basis;
- the introduction of a good system of recording and reporting disciplinary proceedings, whereby each prison is required to make a record of all disciplinary proceedings, compile a statistical analysis of the proceedings every month, and submit a detailed report to the prison administration twice a year;
- the reduction in the capacities of institutions to reflect increases in minimum space specifications for prisoners;
- the extensive renovation and refurbishment programme, including the replacement of large dormitories with smaller cells/rooms and improvements to lighting, ventilation and sanitary facilities;
- the implementation of a new social rehabilitation programme, including assisting prisoners to prepare for life in the community by participating in socially useful activities;
- the programme to provide spiritual assistance to prisoners, involving the participation of representatives of a wide spectrum of churches;
- the transfer from having military personnel guarding the perimeter to having the task performed by properly recruited and trained prison staff;
- the high level of international co-operation, and in particular the arrangements by which most prisons are twinned with penal institutions in Norway, Sweden, Finland and Germany.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements.

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

- to take steps to increase the minimum space allowance for all prisoners to 4m²;
- to amend the practice whereby pre-trial detainees (remand prisoners) are separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial detainees, and to enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to abolish compulsory testing for HIV infection, in accordance with World Health Organisation guidelines;
- to ensure that prisoners are heard in person in all disciplinary hearings, and that prisoners in disciplinary isolation are provided with bedding, allowed visits, and offered one hour's outdoor exercise daily;
- to take full responsibility for the adequacy of sanitary arrangements, including the provision of an amount of toilet paper;
- to take steps to obtain financial resources that enable the employment of additional staff, so that the staff-prisoner ratio can be reduced.

Annex 1

LATVIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	8,726*	326	2,673,500
1991	8,585*	322	2,667,900
1992	8,252*	311	2,657,000
1993	8,473*	325	2,606,200
1994	9,319*	363	2,565,900
1995	9,633*	381	2,529,500
1996	9,878	395	2,501,700
1997	10,316	416	2,479,900
1998	10,070	410	2,458,400
1999	9,409	386	2,439,400
2000	8,815	364	2,424,200
2001 (1/1)	8,831	373	2,366,100
2001 (31/12)	8,531	364	2,345,800

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	3,864	43.8	163
(31/12)	3,676	43.1	157
Juveniles (under 18) in 2001			
(1/1)	368	4.2	16
Foreign prisoners in 2001			
(1/1)	32	0.4	
	TOTAL among adult prison population	Percentage of adult prison population	
Female prisoners in 2001			
(1/1)	431	5.1	

Note: There were amnesties in 1990 (136 prisoners released), 1992 (460 released), 1997 (155 affected but only some of these released).

* These totals supplied by the Latvian prison administration are slightly amended from totals supplied for the previous study.

Annex 2

Latvian penal institutions: functions and capacity, 2001

1	Grīva(s)	Closed prison for sentenced adult males	960
2	Daugavpils	Closed prison for adult male pre-trial detainees (200), juvenile male pre-trial detainees (43), and sentenced adult males (300)	543
3	Valmiera(s)	Closed prison for adult male pre-trial detainees (150) and sentenced adult males (750)	900
4	Jelgava(s)	Closed prison for sentenced adult males	700
5	Matīsa	Closed prison for adult male pre-trial detainees (400) and closed prison (with semi-closed department) for sentenced adult males (380)	780
6	Pārlieupe(s)	Closed prison for sentenced adult males	520
7	Ilguciema (Ilguciems)	Semi-closed prison for adult female pre-trial detainees (130), juvenile female pre-trial detainees (10), sentenced adult females (200) and sentenced juvenile females (7)	347
8	Jēkabpils	Semi-closed prison (with open department) for sentenced adult males	966
9	Škirotava(s)	Semi-closed prison for sentenced adult males	565
10	Olaine(s)	Open prison for sentenced adult males and females [being reconstructed as hospital for prisoners with TB]	200
11	Vekumnieku	Open prison for sentenced adult males and females	80
12	Central prison	Closed prison for adult male pre-trial detainees (1,770), semi-closed department for sentenced adult males (131), and national prison hospital for adults and juveniles, male and female	2,101
13	Liepāja(s)	Closed prison for adult male pre-trial detainees (410) and juvenile male pre-trial detainees (60)	470
14	Brasa(s)	Closed prison for adult male pre-trial detainees (300), juvenile male pre-trial detainees (200), and semi-closed department for sentenced adult males (80)	580
15	Cēsu	Closed correctional institution for male juveniles (188), with pre-trial department for male juveniles (22)	210

TOTAL

(at beginning of 2001)

9,922

Annex 3

Latvia: principal sources of information

Response by the Director General of the Latvian prison administration, Dr Vitolds Zahars, to survey questionnaires for this project.

Other information and documentation supplied by the Latvian prison administration.

CPT, 2001/27. Report to the Latvian Government on the visit to Latvia [by the CPT in January-February 1999]. Council of Europe, Strasbourg

CPT, 2001/28. Response of the Latvian Government to the CPT report on their visit in 1999. Council of Europe, Strasbourg

Council of Europe, 1996-2001. Reports of the steering meetings of the Nord-Balt Prison Project. Council of Europe, Strasbourg

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

International Council of Prison Medical Services (ICPMS) and Latvian prison administration, 1996. Proceedings of conference on Professional Standards in Prison Health Care, September 1996, Jurmala, Latvia.

Lakes G. and Engesbak P., 1998. Report of an expert visit to reassess the prison system in Latvia, July-August 1998, Council of Europe, Strasbourg

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

Wool R. and Christensen K., 1997. The Health of Prisoners in Latvia. Council of Europe, Strasbourg

Wool R., 1998. 'Where do we go from here?' Proposals for following up the recommendations of reports on the health of prisoners in Estonia, Latvia and Lithuania. In report of fifth steering meeting of the Nord-Balt project. Council of Europe, Strasbourg

Zahars V., 1998. Problems associated with introducing convict resocialisation programmes. Paper presented at symposium, Kingston, Ontario, Canada, March 1998

Zahars V., 2002. Active reform and development of Latvia's prison system: priorities, progress and problems. Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

34. Lithuania

Legislative framework

After more than ten years of intensive legislative work, Lithuania's new Criminal Code, which was approved by Parliament in September 2000 (CPT, 2001/22) and finally adopted in the autumn of 2002, was to come into force in May 2003. It was expected to increase the use of non-custodial penalties. A new Criminal Procedural Code was also adopted in 2002 with a view to coming into force in May 2003. Thus, in 2001 it remained true that "for the time being the old Soviet Codes of 1961 are still operative. Since then, however, so many amendments have been made to these Codes that it is really difficult to define the current criminal law as old or new, socialist or capitalist, Soviet or Lithuanian" (Justickis and Pečkaitis, 2001).

Imprisonment was regulated in 2001 mainly by the Correctional Labour Code (Penal Executive Code) of July 1971, which had also been amended many times. A new Penal Enforcement Code to replace this old legislation was, like the Criminal Code and Criminal Procedural Code, adopted in 2002 with a view to coming into force in May 2003. A Pre-trial Detention Act of 1996 removed the restrictions on correspondence and allowed visits of up to two hours with the permission of the investigators or courts responsible for individual cases. New internal regulations for pre-trial detention and for the treatment of sentenced prisoners were issued by the Ministry of Justice in 2001. These regulations are said to be complementary to the new Penal Enforcement Code, and to bring practice closer to that envisaged by the European Prison Rules and the recommendations of the CPT following their visit to Lithuania in February 2000.

Organisational structure

Responsibility for the prison system transferred from the Ministry of Internal Affairs to the Ministry of Justice in September 2000, in accordance with the 'Law on the Statute of Service in the Prison Department' which had been adopted by Parliament in the preceding April. The law also set out the legal status of staff, recruitment, training, social and economic rights etc.

The Director General of the Lithuanian prison administration, known as the Prison Department of the Ministry of Justice, in 2001 was Mr. Jonas Blaževičius who was appointed to the post in 1991. He has served for many years in the prison service and was formerly a prison director. The responsibilities of his management team were set out in the previous study (Walmsley, 1996 p.445).

A total of 86 staff were employed at the prison administration headquarters at the beginning of 2001. The prison staff in Lithuania, as in many central and east European countries, is militarised.

There were 15 prisons in mid-2001, comprising two pre-trial prisons, nine semi-closed correctional labour colonies (two with normal regime, three with strengthened regime and four with strong regime), an open type settlement colo-

ny, a colony for juveniles, a medical (TB) colony and a prison hospital.

The total capacity of the system in 2001 was 9,941, excluding the 315 places in one of the strong regime colonies which was temporarily empty while under reconstruction. Four institutions have capacities of between 1,050 and 1,320 and three more have capacities of over 750. In 2002 it was intended to commence work on a new pre-trial prison in Kaunas (for 232 prisoners) and a closed establishment for sentenced prisoners in Pravieniškės (for 320 prisoners).

In the seven years since 1994 the capacity has fallen by just over 3,000 places. This is because the capacity of about two-thirds of the institutions was reduced in the year 2000 so as to reflect increased minimum space allowances per prisoner (see Accommodation below).

Pre-trial detention

The level of pre-trial detention has fallen substantially since 1994, by 39% in fact. At the beginning of 2001 there were 52 pre-trial detainees in the prison system per 100,000 of the national population, compared with 85 in July 1994 (20.1% of the prison population compared with 27.2% in 1994). This is less than half the rate in Estonia, less than a third the rate in Latvia, and also less than the rate in Poland, Lithuania's southern neighbour. It has been achieved at least partly by a legislative amendment in July 1996 which removed the right to impose pre-trial detention from the General Prosecutor and public prosecutors of towns and districts and provided that it could be imposed only by a judge or court. However, a large amnesty in mid-2000 may also have been partly responsible, and pre-trial detention figures rose again in 2001, reaching 61 per 100,000 in September of that year.

The pre-trial process was described in the previous report (Walmsley, 1996 p.446). As already mentioned, the Pre-trial Detention Act of 1996 removed the restrictions on correspondence and improved the possibilities of detainees receiving visits. It is reported that new regulations have been introduced, as a result of which detainees can be granted compassionate leave and may have television, radios and watches. Furthermore, the regulations governing pre-trial detention are now displayed in every room occupied by pre-trial detainees (Lakes and Johansson, 1999). Such detainees normally are allowed out of their cells/rooms only for one hour per day for exercise, despite the CPT recommendation that they should spend a minimum of eight hours outside the cell/room, engaged in purposeful activities of a varied nature.

The numbers held in penal institutions

The prison population rose from 8,500 at the beginning of the 1990s to reach a peak of more than 14,400 at the beginning of 2000. The large amnesty in mid-2000 reduced it to below 8,750 by the autumn of that year, but it has since risen steadily and by the beginning of November 2001 there were 11,216 prisoners in the system. At the beginning of 2001 20.1% of the prison population were pre-trial detainees/remand prisoners, 3.3% were female, 2.1% were juveniles and 1.5% were foreigners.

The reasons for this rise in the prison population are given as the growth in crime (2.2 times as much crime in 1999 as in 1991 – Justickis and Pečkaitis, 2001), an increased risk of serious crime (resulting in long prison sentences), and an increase in the punitiveness of the criminal justice system, with a greater role for incarceration. In 1995 38.6% of convicted persons were sentenced to imprisonment; in 1998 it was about 45%. (A similar percentage each year received suspended sentences of imprisonment.) A further reason is the limited use of conditional release. On four occasions between 1993 and 2000 it was found necessary to declare amnesties in order to reduce the pressure on the prison system.

Lithuania's prison population rate of 304 (per 100,000 of the national population) at 1 November 2001 was lower than that of its northern neighbours Estonia and Latvia (351 and 364 respectively at the end of 2001) but much higher than that of Poland to the south (203 at the end of 2001). However, Lithuania's rate had climbed by almost 50 points since the beginning of 2001 and was still rising.

Accommodation, overcrowding and living conditions

The number in the prisons at the beginning of 2001 was 96% of the official capacity of the system, though by November 2001 the total exceeded the capacity by nearly 13%. Overcrowding was to be found both in pre-trial prisons and in institutions for sentenced prisoners.

The minimum space specification per prisoner in Lithuania in 1994 at the time of the previous study was 2m², although Justickis and Pečkaitis imply that it may have become 2.5m² for juveniles and 4m² in the central prison hospital. However, following an Order of the Ministry of Health Care of Lithuania, which was issued in October 1999, the specifications were changed (in the year 2000) to 5m² in closed institutions, 3m² in semi-closed (i.e. colony-type) institutions, 6m² in open (i.e. colony settlement) institutions, 7m² in the central prison hospital and 4m² in the medical colony for TB patients. As a result of these increases in space allowances the capacities of most institutions were reduced in the year 2000, but generally to allow 3m².

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

As elsewhere in central and eastern Europe, very few prisoners are accommodated alone in single cells. However an ongoing refurbishment plan is creating smaller rooms with fewer inmates sharing and more space per inmate. The largest number of prisoners in one room in any prison in Lithuania is 40, in a room measuring 80m².

Sanitary installations and arrangements for access are reported by the prison administration to be adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions. A lack of privacy

in Vilnius prison was noted by the CPT (CPT, 2001/22) but it is reported (CPT, 2001/23) that in-cell sanitary facilities which were not screened have now been partitioned. The prison provides the necessary toilet paper for prisoners. Every prisoner is able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing, if it is clean and suitable. Prisoners receive a change of underclothing once a week. Every prisoner has a separate bed. The standards of cleanliness and hygiene are said to have improved greatly (Lakes & Johansson 1999).

Food and medical services

The quality and quantity of food received by prisoners are said to be not quite as good as average standards in communal catering outside. The prison administration reports that the proportion of fruit and vegetables is not quite enough, though every prisoner is allowed to receive an additional parcel (or goods handed over) per month, in addition to the number specified in the regulations. Special diets are provided for health reasons.

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

The Council of Europe Nord-Balt Prison Project, under which Nordic and Baltic countries co-operate in the development of the prison systems of the Baltic countries, organised an expert mission in October 1997 to assess the factors influencing the health of prisoners in Lithuania (Wool and Rex, 1997). The experts, Dr. Rosemary Wool, former director of prison health care of the prison service of England and Wales, and Dr Rainer Rex, head of health care of the prison service in Berlin, concluded that the prison population contained high numbers of prisoners with tuberculosis and sexually transmitted infectious diseases, and also many prisoners misusing drugs and alcohol. They commented that the conditions of imprisonment, particularly overcrowding, were increasing the risk of the spread of infectious diseases and of injuries. They advocated that the prison administration establish a close relationship with the Ministry of Health and with community health services, and introduce health education and health promotion programmes. Following this report, and similar health care reports in respect of Estonia and Latvia, proposals to follow up the recommendations of these reports were prepared by Dr. Rosemary Wool, Secretary General of the International Council of Prison Medical Services and agreed by the steering group of the Nord-Balt project.

At the time of the CPT's visit to Lithuania in February 2000 health care services were under the authority of the prison administration (then part of the Ministry of Internal Affairs) but the Ministry of Health was responsible for public health issues arising in prisons (hygiene control, epidemiological surveillance) and had the authority to issue directives to and inspect the facilities of prison health care services. The CPT considered that a greater involvement of the Min-

istry of Health would be beneficial, in particular as regards the organisation and assessment of prison health and services. The Lithuanian authorities moved swiftly to implement this suggestion. In January 2001 the prison hospital was registered with the Ministry of Health as a state closed institution of personal hygiene, pre-trial detention and enforcement of a custodial sentence. Thus the hospital must perform its activities in accordance with the Law on Health Care Institutions, which includes the principle of the priority of patients' health interests over other official responsibilities. The Ministry of Health is entitled to supervise the activities of the hospital. The Prison Department has also established a health care service, which will supervise health care in all penal institutions in direct co-operation with the Ministry of Health. During 2001 a commission was to be established jointly by the Ministries of Health and Justice under which representatives of the two Ministries would regularly assess the quality of diagnosis and treatment of pre-trial detainees and sentenced prisoners, the prevention of contagious diseases, mental disturbances and drug addiction and refer the findings of the commission to the two Ministries.

The central prison hospital is situated alongside Vilnius prison (Lukiškes) within the same compound but is administered as a separate penal institution. Its capacity until 2000 was 310 but this allowed many patients only 2m² of space (CPT, 2001/22). The new regulations, whereby patients in the hospital are supposed to have at least 7m² of space each, reduce the official capacity to 126, but early in 2001 it was accommodating 160. There are 24 doctors (the complement is 28.25), 50 nurses (60.75), and three other medical staff (pharmacist, laboratory assistant, hospital porter).

The prison administration reports that in the first six months of 2001 593 prisoners were recorded as having an alcohol problem. The number is now increasing and a treatment programme is in place. Drug dependency in the first six months of 2001 was recorded in respect of 1,051 prisoners, or some 10% of the prison population. Here again the numbers are increasing and there is a treatment programme in place. Justickis and Pečkaitis report that when an offender is diagnosed as a drug addict, treatment is compulsory. If at the end of the sentence treatment is not successful, compulsory treatment is prolonged. "In this way", they comment, "Lithuania can be said to have an indefinite sentence for drug addicts" (ibidem, p.465). HIV/AIDS is also reported to be a problem, with the numbers increasing. No case of a prisoner being infected with HIV while in prison has been recorded. All prisoners are tested for HIV/AIDS despite the fact that the World Health Organisation considers that the compulsory screening of prisoners for HIV infection should be proscribed as unethical. A unit in Pravieniškes strengthened regime colony No.1 is used for the segregation of prisoners who are HIV positive or ill with AIDS, but they are so segregated only on their written request. Other such prisoners serve their sentences in normal conditions.

Tuberculosis is a serious problem. A treatment programme is in place and the numbers are no longer increasing. In 1996 the incidence of tuberculosis was said to be 8.1 for every 1,000 prisoners (approximately 1,040 prisoners); at the

beginning of the year 2000 there was 530 prisoners with the disease but the number fell to 280 in November 2000 following the large amnesty. There was one death as a result of tuberculosis in the year 2000 and none in the first nine months of 2001. In 2000 a total of 33 prisoners died (nine as a result of suicide); in the first nine months of 2001 there were 18 deaths (eight as a result of suicide). The number of suicides in the system seems to have been more or less unchanged at a similar level to this throughout the 1990s, averaging 8.6 in the period 1991-97 (Baltushene, Chesiułene and Petrauskas, 1998).

The CPT recommended that written information on the prisoners' health care service and on related issues such as preventive measures and health promotion should be provided systematically to inmates (CPT, 2001/22). In the light of this recommendation the prison administration instructed the directors of all penal institutions to make written information on the organisation of the work of the health care service (the reception procedure, working hours, etc.) available to all prisoners. It is reported that early in 2001 such written information was available in all living accommodation and that some institutions had handed out leaflets to all prisoners explaining not only medical services but also other aspects of prisoners' rights and duties (CPT, 2001/23).

Discipline and punishment

The disciplinary measures available in the Lithuanian prison system remain substantially the same as those described in the previous report (Walmsley, 1996 p.451). However the conditions in the segregation units are said to have improved since 1995; Lakes and Johansson (1999) reported that all had been made much cleaner and better ventilated, in some cases following extensive renovations. Furthermore, the restriction of visits and the practice of shaving the heads of prisoners undergoing disciplinary punishment have been prohibited, in accordance with Internal Order Rules of July 1996. Prisoners have the right to be heard on the subject of the offences they are alleged to have committed and to appeal to the Prison Department against any sanctions imposed.

In addition to isolation on disciplinary grounds (up to 15 days for adult male sentenced prisoners, 10 days for women and for adult male pre-trial detainees, 5 days for juveniles) there is a system of administrative segregation (or cellular confinement) for up to six months. Prisoners so segregated occupy ordinary cells and are allowed largely normal conditions apart from their segregation from almost all other prisoners (although they may be located several to a cell). The CPT found that prisoners held in the segregation unit, whether for disciplinary punishment or for administrative segregation, were only allowed half an hour's exercise and those undergoing disciplinary punishment were not allowed access to reading matter (CPT, 2001/22). Following their recommendations on these matters the Lithuanian authorities reported (CPT, 2001/23) that new Internal Rules of June 2000 authorise all prisoners to have an hour's exercise. They have also proposed to the Ministry of Justice that Internal Rules be amended to allow prisoners undergoing disciplinary isolation to have access to reading matter, and to substitute fold-up bunk beds for the existing beds, which

are padlocked in an upright position during the day. Prisoners would be allowed to rest on the beds during the day. It was reported early in 2001 (CPT, 2001/23) that there was no doubt that these amendments would shortly be approved. Forthcoming amendments to the legislation will also enable prisoners undergoing disciplinary punishments in segregation units to participate in cultural activities.

Contact with the outside world

Pre-trial detainees may be visited without restriction, according to the law, but only with the authorisation of the relevant investigator or court. In general it is said that visits are allowed, but for 3,571 prisoners who were in pre-trial detention during the first six months of 2000 there were only 3,450 visits. Although some detainees will not have family or friends to visit them and others will be in pre-trial detention for a short time, it seems unlikely that many pre-trial detainees will have more than one visit every three months. In January 2001 a law supplementing Article 105 of the Code of Criminal Procedure came into force whereby visits may be granted, but they can be refused if there are grounds to assume that they may restrict investigation on a case or negatively influence a detainee's behaviour. This does not seem to advance matters greatly, but it does mean that for the first time reasons have to be given for a refusal of visits. Pre-trial detainees are separated from their visitors but may greet them by squeezing hands through a gap in the partition.

Sentenced prisoners are allowed six short visits (2-4 hours) a year and four long visits (1-2 days) if they are in a normal regime colony, four short visits and four long visits in a strengthened regime colony and three short visits and three long visits if they are in a strong (strict) regime colony. Those held in closed (prison) conditions are allowed six short visits a year and no long visits. Long visits could previously be up to three days. Directors of prisons may grant additional visits in the interests of maintaining family ties but the overcrowding of facilities restricts their freedom in doing this. A prisoner is also allowed private (intimate) visits from his or her spouse (or partner provided they have children together). Lakes and Johansson (1999) report that there has been a general improvement in the standard of visiting facilities in the institutions since 1995.

There are no limits on the number of letters that may be sent and received. Correspondence is censored if so ordered by the prosecutor, director of the institution, court or judge. At Vilnius prison the CPT found that all incoming and outgoing mail of both pre-trial detainees and sentenced prisoners was censored and that there were delays in forwarding/distributing the mail of detainees. This was because information thought to be relevant to a particular case was referred to the relevant investigator or public prosecutor. The Ministry of Justice prepared amendments to the relevant legislation to abolish censorship except on the decision of the relevant investigator, prosecutor, or court and these were approved in 2001. Sentenced prisoners, but not pre-trial detainees, are allowed to speak to family and friends by telephone.

The prison administration reports that female prisoners and male juveniles are able to benefit from a system of home leaves. There is also co-operation

with the local employment exchange in providing training for jobs that women prisoners may do when released (e.g. hairdressing, needlework, and computer operating).

Prison staff

The Lithuanian prison service employed 3,315 staff at the beginning of 2001, of whom 86 worked in the prison administration headquarters. In addition there are 789 persons involved within the prison system who are not employees of the prison administration: 650 are officials of the Ministry of Internal Affairs who are responsible for guarding the perimeter of six of the institutions, 110 are teachers of general education and vocational training, 20 are health care employees and 9 are workers in shops/canteens. Of the prison service personnel there were 54 management staff in the prisons, 1,427 security staff, 465 treatment staff (including psychologists, educators, social workers and medical staff) and 1,161 other staff (including administrative and secretarial staff and others working in connection with prisoners' employment). There were vacancies for 97 security staff and 64 treatment staff. The overall ratio of prison staff to prisoners in 2001 was thus 1 : 2.9 or, if the ratio is based only on management, security and treatment staff in the prisons, 1 : 4.9. Staff numbers have increased by nearly 8% since 1994. The CPT recommended an increase in the number of staff in health care services. However, the Lithuanian authorities replied that financial constraints prevent an increase at present; they argued that the significant decrease in the number of prisoners removed any difficulties about the quality of health care and access to a medical doctor (CPT, 2001/23 p.23).

In 1995 the perimeter guards in seven of the eight colonies for adult males (including the open colony settlement) were young soldiers undergoing a period of conscripted service and attached to the Ministry of Internal Affairs for this purpose. Lakes and Colliander (1995) recommended that the use of military personnel to guard the perimeters of establishments be discontinued and that the task be undertaken by appropriately trained members of the prison staff. The CPT report surprisingly failed to mention that, on the occasion of their visit in 2000, this practice was still continuing. The CPT view is clear from their comments on the situation in Latvia, which was almost identical (CPT report 2001/27 on visit to Latvia in 1999). "It is axiomatic that the cornerstone of a humane prison system will always be properly recruited and trained prison officers". They recommended that appropriate steps be taken to fill all posts currently occupied by military conscripts with professional prison staff (op.cit. p.43). In 2001 such military conscripts were still guarding six institutions (one less than in 1995). The transfer of responsibility to professional prison security staff is scheduled for October 2003 (Agurkis, 2002).

Staff training is an area in which much work has been done in recent years as part of the Nord-Balt project and considerable progress is reported (Lakes and Johansson, 1999). The prison administration, like those in its Baltic neighbours, is concerned to improve the professional skills of prison staff and, following a seminar in Vilnius in 1999, a 'Basic Training Framework' was established, set-

ting out the aims, curriculum and methods of such training. A new staff training centre was established in Vilnius in 1999; the facilities are of a high standard which provide a good environment for training. Sweden has given much help in devising the strategy for recruitment and training and in the development of training programmes and the provision of computers, furniture and other training aids. Each penal institution now has a staff training officer and study visits have been made to prisons in Sweden, Finland, Canada, Germany and Poland.

Newly recruited security staff, known in Lithuania as 'controllers' attend an initial three month training course. Prior to the establishment of the training centre most controllers received little or no formal training. The Internal Rules for Correctional Institutions (2000) and draft Internal Rules for Pre-trial Institutions set out what is required of staff and how they should relate to prisoners, and provide a detailed guide for the directors of the institutions regarding staff selection, training and behaviour, including relations with prisoners. Training programmes are reported to be designed in such a way that at least one fifth of the whole term of training is dedicated to ensuring positive treatment of prisoners by staff, including detailed explanation of their responsibility not to ill-treat prisoners. Lectures from the Law University of Lithuania lecture at the training centre and there is bi-lateral co-operation with the Swedish and Polish training centres. Senior and middle ranking staff are trained at the Law University. Newly recruited staff, including senior staff (officers), have to serve a probationary term of six months. They are then evaluated, by a certification commission, on their suitability for service. Henceforth they must be re-certificated every four years.

Some 29% of staff in institutions for male prisoners are women, working as health care staff, accountants, psychologists, social workers, checkers of parcels, librarians, kitchen staff and administrators responsible for prisoners' records and staffing matters. In the institutions for female prisoners approximately 27% of staff are men, working mainly on security matters, maintenance of equipment and as drivers.

Treatment and regime activities

Prisoners entering a penal institution go through an admission stage, known as 'quarantine', during which they are medically examined, interviewed by various specialists and informed as to their rights and duties. There are basic programmes to assist newly-admitted prisoners to adapt to prison life. The treatment staff includes over 200 social workers and a small number of psychologists – together the two groups number 224. Prisoners are organised into groups led by an educator who is responsible for co-ordinating their activities. The usual number of prisoners in such a group is 70.

Regime activities are limited in most of the institutions and Lakes and Johansson report that there have been few changes in daily routines. With insufficient opportunities for work and education (see the following sections), prisoners are left to their own devices for most of the time. In the colonies prisoners may move about under supervision and in the colony settlement they may move about unsupervised. In closed prisons the cells are locked throughout the day

apart from a period of not less than one hour when prisoners are allowed out for exercise (two hours in the case of women and juveniles). About a third of all sentenced prisoners are involved in work or education, but there are no organised activities during the day for the others. There are some cultural and sporting opportunities. The prison administration reports that all institutions for sentenced prisoners have a sports hall, an open-air sports area and a library. Sports competitions are organised with professional teams from outside and cultural groups (artists, musicians) are invited to visit the institutions. Prisoners may participate in artistic activities and needlework. Concerts are organised and films are shown.

Most juvenile prisoners are involved in study and nearly a fifth have paid work. About a third take part in vocational training. They may occupy themselves in sporting activities, including physical training and use the library service. Sporting competitions are arranged with teams from educational establishments in the community, and they are given the opportunity of participating in cultural activities with people from outside. There is also training in cognitive skills and prisoners with particular problems are allocated a social worker to help them.

The CPT drew attention (CPT, 2001/22 p.36) to the importance of developing the programme of activities offered to prisoners, with the aim of ensuring that all prisoners are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (recreation/association, work - preferably with vocational value, education, sport). The Lithuanian authorities responded by announcing early in 2001 that a Government programme had been established to develop programmes of activities and vocational training, including measures to increase employment opportunities. This programme was to be completed by the end of June 2001. Social rehabilitation programmes for prisoners, designed to help them adapt to prison life and change their behaviour and to prepare them for reintegration into society on release were in the final stages of drafting and would start before the end of 2001. These programmes would occupy a substantial part of the day (CPT, 2001/23 p.16). In October 2001 the Director General reported to the Nord-Balt project steering meeting that a new treatment programme for prisoners, aiming at social rehabilitation and preparations for release, had been started in every institution. Pre-release arrangements aim to assist prisoners in returning to society, family life and employment after release. For long-term prisoners these include steps to ensure a gradual return to normal life, for example a pre-release regime and semi-open or open conditions.

Conditional release and probation

There is a system of conditional release under which some 54% of prisoners are released before the end of their sentence. Amendments to the Criminal Code were under consideration in Parliament in 2001 which would expand the sphere of applicability of conditional release. Previous draft laws with this objective were approved by the government but not by Parliament (May 1995), and joint-

ly proposed by the Ministry of Internal Affairs and the Ministry of Justice but not approved by the Prime Minister (May 1997). Conditional release is open to juvenile offenders, pregnant women and women with children under the age of seven, after one third of their sentence, provided that the sentence is not more than five years. Other prisoners are eligible after serving half their sentence except that persons convicted of murder and sentenced to ten or more years are not eligible until three-quarters of the sentence. Those classified as particularly dangerous individuals or convicted of aggravated murder are not eligible for conditional release at all. Fuller details of selection for conditional release are at Walmsley, 1996 pp.455-6 and Justickis and Pečkaitis, 2001 pp.462-3.

Prisoners granted conditional release and subject to supervision were required to report to so-called 'inspections' by the police (Lakes and Johansson, 1999). On 1 July 1999 2,873 ex-prisoners were reporting in this way. So were 13,433 who had been given a suspended sentence as an alternative to prison and more than 1,100 others. But it is envisaged that supervision will be transferred to the Ministry of Justice under a system of probation which is being developed with the support of the Canadian Correctional Service and the Swedish Prison and Probation Administration. Training of probation staff commenced in the year 2000. The probation system, including parole, grew in 2001 and before the end of the year it was organised in 52 administrative regions (co-terminous with the 52 police districts), employing a staff of 100 who had to supervise a total of 16,000 people on probation. It was envisaged that staff numbers might rise to 200 during 2002.

Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. In 2001 only about 25% of sentenced prisoners were employed, compared with just over 30% in 1994. No work was available for pre-trial detainees. The former prison industry has largely become unprofitable. Average pay for those in work in 2001 was 37 litas per week or about 9.25 euros. Those without work may receive a small sum on a monthly basis to enable them to buy the most necessary articles.

The CPT visited Vilnius (Lukiškes) prison and Pravieniškes strengthened regime colony No.2 in February 2000. They made no reference to the availability of any work for the sentenced prisoners included in the population of Vilnius prison. In the colony only 10% of the prisoners were given work of any kind. The CPT considered that there was potential in that institution for providing work for a significant part of the population. "A furniture factory and sizeable industrial production facilities were attached to the prison. However, the industrial facilities had apparently become somewhat obsolete and production was not profitable. Further a decision to renovate the facilities had not yet been implemented. Consequently industrial production employed only a small number of Pravieniškes inmates. In addition a comparatively small number of prisoners worked in the prison's general services (maintenance, laundry)." Twenty eight prisoners were receiving vocational training in carpentry (CPT, 2001/22 p.35).

In response the Lithuanian authorities reported that the Ministry of Justice had submitted a draft Resolution to the government proposing that “ministries, departments, public services, enterprises, institutions and organisations shall ensure that institutions under their control, engaging in public procurement from the state budget funds, allocate not less than 10% of the total allocation, in the estimate of expenditure allotted, for the purchasing of different goods and services produced and services rendered at imprisonment institutions” (CPT, 2001/23 p.48). The objective is to increase the level of employment for prisoners. They also reported that the Ministry of Justice had proposed draft laws concerning value added tax, which would set tax privileges for employers who employ sentenced prisoners serving their sentences in penal institutions. The laws were to be submitted to the government before the end of 2001. However they pointed out that in the near future “increasing the number of jobs for prisoners will be problematic due to the physically and mostly outdated industrial basis and shortage of circulating capital” (CPT, 2001/23 p.16).

Education

In mid-1999 there were educational programmes in seven institutions and vocational training in ten. At the beginning of the 1998-99 academic year 737 persons were said to be attending secondary education (Lakes and Johansson, 1999). In 2001 the prison administration reports that 7% of the prison population were receiving vocational training. At Pravieniškės colony in February 2000 the CPT were told that a large number of the 2,000 inmates had educational needs but there had been no budget for educational activities in the last two years and although the colony had three classrooms they were seldom used. As mentioned, only 28 prisoners there were receiving vocational training.

All juveniles in Lithuanian institutions (including those awaiting trial) have the opportunity of studying at secondary school level and about 91% do so. Some 32% of juveniles are involved in vocational training (and 18% in paid work). Remedial education for prisoners with special problems such as illiteracy or innumeracy is not available; the prison administration reports that there are very few prisoners with such problems.

In its response to the CPT report, the Lithuanian government reports that secondary schools for the four institutions at Pravieniškės and the one at Alytus were to be established by September 2001. It was also planned to increase the number of students to 1,600 (organised in 65 training groups) in vocational schools operating in the colonies. This would provide an opportunity for all prisoners (except adults awaiting trial) to participate in educational activities (CPT, 2001/23 p.16).

Inspection and monitoring

A system of inspections is in place to monitor the extent to which the prisons are operating in accordance with the laws and regulations, and with the objectives of the prison administration. These are now conducted by the Ministry of Jus-

tice. Pre-trial and juvenile institutions are inspected annually and colonies every two years (Lakes and Johansson, 1999). Independent inspections are undertaken by prosecutors and judges and also by the Parliamentary Ombudsman, but the CPT gained the impression that their visits were rare and, in the case of the prosecutors and judges, limited in scope. The government response pointed out that Lithuanian officials, and also those of foreign states and international organisations who have the mandate to inspect, supervise or control penal institutions, may do so and associate with prisoners without any restrictions (CPT, 2001/23 p.21).

Prisoners' letters to an investigator, a court, a prosecutor, the Parliamentary Ombudsman, state and municipal institutions, the Minister of Justice, and also to international institutions such as the CPT or the European Court of Human Rights, are not censored and, following a recent amendment to the law, are to be forwarded within a working day of being received. In the year 2000 prisoners wrote to the Ombudsman on 319 occasions and to the European Court of Human Rights 259 times.

The CPT inspection of February 2000 resulted in 24 recommendations, some of which have already been mentioned. They drew attention, for example, to the need to pursue vigorously policies to reduce overcrowding, to train prison staff to acquire and develop interpersonal communication skills, to develop and implement a strategy to counter inter-prisoner violence, to reduce occupancy levels in dormitories, to make improvements in several aspects of health care (including staffing levels, the recording of medical examinations and confidentiality), to increase visits and to improve regime activities. The government response set out in detail the measures that were being taken, or had already been taken, to address the issues about which recommendations had been made.

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

Non-governmental organisations

Non-governmental organisations are reported to visit Lithuanian penal institutions in order to provide social support, to help prisoners overcome their dependency on alcohol and drugs and to assist them in gaining employment skills (vocational training). The prison administration regards such activities as positive and helpful. Church representatives visit to carry out religious services. Every penal institution has a chapel and there are regular contacts with parish priests. The institution for juveniles at Kaunas co-operates with the local seminary for priests.

International co-operation

The Lithuanian prison service is involved in international co-operation with other Baltic republics and the Nordic countries, and also with Germany, Poland and Canada. Much of this is arranged under the auspices of the Council of Europe's Nord-Balt project, as has already been noted. Eight of the penal institutions are twinned with prisons in other countries (six in Sweden and the others in Finland and Germany) and discussions are taking place in respect of a ninth twinning with an institution in Finland. In addition the Mokymo staff training centre in Vilnius is twinned with the Swedish and Polish training centres. The twinning arrangements are reported to have made a substantial contribution to the improvement of prison conditions in Lithuania.

Other matters

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections. There is never any limitation on prisoners' right to vote after they are released from prison.

The prison administration produces an annual report.

Important recent developments

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

- the transfer of the prison system from the Ministry of Internal Affairs to the Ministry of Justice (September 2000);
- the Law on Amnesty (April 2000) which reduced the prison population from 14,400 in January 2000 to 8,750 by Autumn 2000;
- new legislative amendments, new Internal Rules and the Pre-trial Detention Act bringing conditions in the penal institutions closer to the standards set out in the European Prison Rules;
- preparation of a new Criminal Code and new Criminal Procedural and Penal Enforcement Codes (all due to come into force in May 2003).

Current objectives

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

- the implementation of the new Penal Enforcement Code;
- preparation and implementation of plans for the development of the Probation Service, with the assistance of the Correctional Service of Canada;
- the transfer of those perimeter guarding functions which are still under the Ministry of Internal Affairs to the prison administration;
- the development of programmes of activities and vocational training, including measures to increase employment opportunities for prisoners;
- the implementation of social rehabilitation programmes for prisoners;

- the establishment of new secondary schools in the colonies and steps to enable all prisoners, except adult pre-trial detainees, to participate in educational activities.

Main problems

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

- the overcrowding of the penal institutions;
- the shortage of useful activities to occupy pre-trial and sentenced prisoners;
- the forthcoming spread of drugs within penal institutions;
- insufficient financial resources, for example to proceed with the refurbishment of the prison in Kaunas and the construction of a new prison hospital in Vilnius;
- the comparatively low usage of conditional release;
- the growth in crime, including serious crime resulting in long prison sentences.

Achievements

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

- the fact that the health care service is well organised, with a central prison hospital and a separate institution for those suffering from tuberculosis;
- the fact that there are good arrangements for social relations between prisoners and their families, including long-term visits every three months up to two days in length, and every two months for inmates of good behaviour who have served at least a half of their sentences. During such meetings they can live together free of charge using visiting facilities.

Further achievements of the Lithuanian prison system include :

- the reduction in the capacities of institutions to reflect increases in minimum space specifications for prisoners;
- the measures taken to improve conditions for pre-trial detainees by allowing them the use of radios, televisions and watches;
- the arrangement whereby every institution has a training officer;
- the changes to the structure of health care organisation, whereby the Ministry of Health has acquired a major role in supervising the quality of health care in prisons;
- the placing of written information on the organisation of health care in all living accommodation;

- the arrangements whereby institutions co-operate with local labour exchanges in providing training for prisoners in work that they may do on release;
- the transfer from having military personnel guarding the perimeter to having the task performed by properly recruited and trained prison staff;
- the high level of international co-operation, and in particular the arrangements by which a majority of institutions are twinned with prisons in Sweden, Germany and Finland.

Conclusion

The progress that has been made is evidenced by this account of the prison system, recent developments, objectives and achievements.

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

- to take steps to increase the minimum space allowance for all prisoners to at least 4m²;
- to amend the practice whereby pre-trial detainees (remand prisoners) are separated from their visitors by a partition. Such separation is only necessary in exceptional circumstances;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial detainees, and to enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to abolish compulsory testing for HIV infection, in accordance with World Health Organisation guidelines;
- to facilitate more regular visits for pre-trial detainees so that all can be visited at least once a month, and, if possible, as often as once a week;
- to improve the quality of food so that it reaches at least average standards in communal catering outside;
- to take steps to obtain financial resources that enable the employment of additional staff and thus a reduction in the staff-prisoner ratio.

Annex 1

LITHUANIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	8,586	232	3,708,200
1991	8,894	238	3,736,500
1992	9,175	245	3,746,900
1993	9,900	265	3,736,500
1994	10,357	278	3,724,000
1995	12,782	344	3,717,700
1996	13,289	358	3,711,900
1997	12,200	329	3,707,200
1998	13,628	368	3,704,000
1999	14,404	389	3,700,800
2000	14,412	390	3,698,500
2001 (1/1)	9,516	257	3,692,600
2001 (1/9)	10,750	291	3,688,600
2001 (1/11)	11,216	304	3,687,600

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	1,915	20.1	52
(1/9)	2,264	21.1	61
Female prisoners in 2001			
(1/1)	318	3.3	9
Juveniles (under 18) in 2001			
(1/1)	201	2.1	5
Foreign prisoners in 2001			
(1/1)	142	1.5	

Note: There were amnesties in 1990, 1993, 1995, 1998, and 2000.

The amnesty of 15.6.1993 led to the release of 295 prisoners.

The amnesty of 21.12.1995 led to the release of 557 prisoners.

The amnesty of December 1998 led to the release of 30 prisoners.

The amnesty of 11.4.2000 led to the release of 2,271 prisoners.

Annex 2

Lithuanian penal institutions: functions and capacity, 2001

1	Šiauliai	Closed prison for pre-trial detainees	454
2	Lukiškes (Vilnius)	Closed prison for pre-trial detainees (656), and sentenced adult males (250)	906
3	Panevežys	Semi-closed correctional labour colony for females – normal (common regime)	540
4	Pravieniškes	Semi-closed correctional labour colony for males – normal (common regime). For first time offenders sentenced for minor premeditated crimes.	1,058
5	Pravieniškes	Semi-closed correctional labour colony for males – 1 st strengthened regime colony. For first time offenders sentenced for serious premeditated crimes.	763
6	Pravieniškes	Semi-closed correctional labour colony for males – 2 nd strengthened regime colony. For first time offenders sentenced for serious premeditated crimes.	1,248
7	Vilnius	Semi-closed correctional labour colony for males – strengthened regime colony. For former employees of state government and law enforcement institutions.	124
8	Alytus	Semi-closed correctional labour colony for males – strengthened regime colony. For recidivists.	1,316
9	Marijampolė	Semi-closed correctional labour colony for males – strong regime colony. For recidivists.	1,316
10	Vilnius	Semi-closed correctional labour colony for males – 1 st strong regime colony. For recidivists.	759
11	Vilnius	Semi-closed correctional labour colony for males – 2 nd strong regime colony. For recidivists.	0*
12	Kybartai	Open correctional labour colony for males and females. For offenders sentenced for crimes of carelessness.	423
13	Kaunas	Closed pre-trial institution and correctional labour colony. For male juveniles.	398
14	Pravieniškes	Medical correctional labour colony for sentenced males suffering from tuberculosis	510
15	Vilnius (hospital)	Prison hospital for pre-trial detainees and sentenced prisoners.	126

TOTAL (2001)

9,941

* Capacity should be 315 but institution is under reconstruction.

Annex 3

Lithuania: principal sources of information

Response by the Director General of the Prison Department of the Ministry of Justice, Mr Jonas Blaževičius, to survey questionnaires for this project.

Other information and documentation supplied by the Lithuanian prison administration.

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35. Macedonia (the former Yugoslav republic of)

Legislative framework

The prison system operates within a legislative framework in which the most important instruments are the Criminal Code (29 July 1996), the Criminal Procedural Code (3 April 1997) and the Penal Executive Code, known as the Law on the Execution of Sanctions (24 January 1997).

Organisational structure

Responsibility for the prison system in the Republic of Macedonia lies with the Ministry of Justice, and the system is managed by the Director of the Directorate for the Execution of Sanctions (Directorate of Prison Administration). The Director is Mr. Mitasin Bekiri. A total of four persons are employed in the prison administration headquarters.

The duties of the Directorate include the preparation of draft laws, rules and regulations on the execution of sanctions; the preparation of information and reports on issues relating to the execution of sanctions; conducting expert and instructional supervision of the penal institutions; examination of the operation of penal institutions with regard to improvement of their organisation and work; personnel issues and the provision of suitable conditions for their work; administration of the enforcement of sanctions, including solitary confinement and the exercise of prisoners' rights; professional training of prison staff; co-operation with international bodies, the State Commission for the Execution of Sanctions, courts and other state bodies, academics, educational institutions and non-governmental organisations; the establishment and maintenance of an information system and data on convicted persons; the planning and development of correctional work with prisoners; improvement of the standard of living in prisons; research and planning of treatment methods with prisoners (Directorate of Prison Administration, 2002).

Eight prisons were operating in 2001, four of which have separately located open sections. One is a closed institution (Idrizovo), one is an open institution (Struga) and the other six, including the juvenile prison (Ohrid), are semi-open. Women and girls are held in a closed section of Idrizovo prison. A ninth institution, the House of Correction (or Educational-Correctional Institution) at Tetovo, is at present out of action following recent internal strife in that part of Macedonia.

The total capacity of the system in 2001 was 2,363 of which more than half the places are in Idrizovo prison (1,204) and its open section at Veles (106 places). Skopje prison has a capacity of 270 and its open section at Kriva Palanka 58 places, and Stip prison has a capacity of 200. The other five institutions all have capacities of less than 100. The average capacity per prison is 295. When functioning, the educational-correctional institution at Tetovo had a capacity of 96.

Pre-trial detention

There were 217 persons in pre-trial detention at the beginning of 2001 (11 per 100,000 of the national population), and 145 at the end of the year (7 per 100,000). This is the lowest level in all countries of central and eastern Europe. Pre-trial detainees constituted 14% of the prison population at the beginning of 2001 and 11% at the end of the year.

According to the Code of Criminal Procedure a person may be held in police custody for no more than 24 hours before being brought before the investigating judge.

The prison administration reports that pre-trial detainees spend a minimum of 30-60 minutes a day out of their cells/rooms in normal circumstances. This is the shortest period of any country in central and eastern Europe. The CPT recommends that pre-trial detainees should spend at least eight hours a day outside the living accommodation, engaged in purposeful activities.

The numbers held in penal institutions

The prison population fluctuated during the 1990s between about 940 and 1,250, but it was above this level in 2001, being 1,518 at the beginning of the year and 1,336 at the end. These figures for the year 2001 mean that the prison population rate per 100,000 of the national population fell from 75 to 66. This level is considerably lower than that in most countries of central and eastern Europe but similar to the rate in most of the other republics of former Yugoslavia, including Bosnia and Herzegovina, Croatia, Serbia and Slovenia.

Of the prison population at the end of 2001 10.9% were pre-trial detainees, 1.9% were females, 5.1% were juveniles under 18 and 6.5% were foreign prisoners.

Accommodation, overcrowding and living conditions

The number in the prisons at the end of 2001 was 56.5% of the official capacity of the system. There is no overcrowding.

The minimum space specification per prisoner in the Macedonian prison system is 9m³ or about 4.5m². The CPT, in its inspection of May 1998, found that space per prisoner in the main prison at Idrizovo was entirely satisfactory (7-9m² per prisoner) in the women's section, and on the whole acceptable (6m² per prisoner) in the closed section of the prison. However, in the reception section prisoners had little more than 2m² of space (CPT, 2001/20 para 53). The government notified the CPT in 2001 that a new ward had been created for accepting newly arrived prisoners (CPT, 2001/21 p. 25).

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

Few prisons are housed in single cells. Accommodation generally holds at least five prisoners. It is reported that the largest number accommodated in one room is fifteen.

Sanitary installations and arrangements for access are reported to be adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides some toilet paper but prisoners have to supplement this. In 1998 the CPT had found that sanitary facilities had been allowed to deteriorate to such a point as to impinge seriously upon the prisoners' quality of life (CPT, 2001/20 para 60), but the government reported in 2001 (CPT, 2001/21 p. 12) that much work had been done to deal with such deficiencies.

Food and medical services

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

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

Health care staff in the largest prison, at the time of the CPT visit in 1998, consisted of a doctor, a dentist, a nurse and two medical technicians, who worked only on Mondays to Fridays. The doctor was also available for telephone consultation at other times. In the event of an emergency outside working hours, prisoners were taken to the closed unit of the State Hospital in Skopje, which operates under the authority of the prison. This closed unit also received referrals from Idrizovo who required diagnosis or treatment from a specialist, as well as pre-trial prisoners from other institutions. It was staffed on weekdays by a medical technician (reporting to the Idrizovo prison doctor) and there was always one member of the Idrizovo security staff on duty. There was no in-house psychiatric care at Idrizovo and prisoners requiring such care had to be transferred to the forensic section of the Bardovci Psychiatric Hospital near Skopje. The CPT considered the medical staff resources at Idrizovo insufficient. Nor were they impressed by the 30-bed clinic at the prison which they described as "distinctly dilapidated, the state of repair and hygiene of the dormitories and sanitary facilities being particularly poor" (CPT, 2001/20 paras 65-8). By contrast they considered that the health care service at Tetovo Educational-Correctional Institution was of a reasonable standard and patients were receiving adequate psychological/psychiatric support. The government accepted the CPT's recommendation to increase the number of medical staff at Idrizovo and engaged a psychologist and a part-time neuro-psychiatrist, and by July 2001 refurbishment of the clinic was in its final stages.

The prison administration reports that there are not many prisoners with an alcohol problem, the numbers are not increasing and there is no special treatment programme available. However around 12% of the prison population have a drugs problem and this percentage is growing; ordinary medical treatment is used with no special drugs programme. HIV/AIDS is not a problem in the Mac-

edonian prison system and is not increasing. In accordance with WHO guidelines there is no policy of testing all prisoners for this condition, but prisoners may be tested if they consent. Again, the situation with tuberculosis is that it is not a problem in the prison system, numbers are not growing, and it has not been found necessary to have a special treatment programme for the disease; ordinary medical treatment is given if necessary.

In the year 2001 five prisoners died, two of them as a result of suicide. None died from tuberculosis.

Discipline and punishment

Prisoners charged with a disciplinary offence were found by the CPT in May 1998 to be given the opportunity to make a statement in their defence. Apart from warnings, restrictions of privileges and the confiscation of a percentage of a prisoner's wages, up to 15 days solitary confinement can be imposed for offences against prison discipline. Rooms used for solitary confinement (isolation punishment) in Idrizovo prison were of adequate size (7-8m² for single occupancy), reasonably clean and had good access to natural light and ventilation. One hour's exercise was allowed to prisoners serving this punishment and they had access to books. In the women's section of the prison the conditions were of a similarly high standard to those in other dormitories.

Contact with the outside world

Pre-trial detainees are allowed to be visited twice a month. Sentenced prisoners held in a closed institution may be visited once a month, those in a semi-open institution twice a month, and those in an open institution once a week. However, the director of an institution may grant additional visits so that a prisoner in a closed prison could even be allowed weekly visits. It is also within the director's discretion to grant an unsupervised visit for married prisoners in special premises, in other words a private (intimate) visit. These may take place once a month for up to two hours. There are no arrangements for long visits, including overnight stay, from a prisoner's family. The prison administration reports that pre-trial detainees are separated from their visitors by a screen but in specific cases they may be allowed to touch.

The CPT noted, during their visit in May 1998, that "the material conditions in which visits took place were of a good standard; the visiting room [in Idrizovo prison] was large, well ventilated, bright and smoke-free. Further, coffee and snacks were available for purchase during visiting times and visitors could bring parcels of food" (CPT, 2001/20 para 76).

There is no restriction on the number of letters that prisoners may send or receive but they are always read by the prison authorities, apart from those to official bodies and others to whom confidential complaints or requests may be sent. Sentenced prisoners may speak to their families by telephone but this is not allowed to pre-trial detainees. Telephone calls from closed institutions are monitored by prison management. Families may send in parcels, so long as these are in accordance with regulations as to weight, frequency and contents.

Prisoners are allowed home leaves after they have served one half of their sentence; in an open institution these may take place as often as monthly. Those who have been working continuously for 11 months have the right to a vacation during which they are paid as though they were working.

Prison staff

The Macedonian prison service employed 452 staff in 2001, of whom just four worked in the prison administration headquarters. In the prisons there were 16 management staff, 253 security staff, 109 treatment staff (including psychologists, educators/pedagogues and medical staff) and 70 other staff (including secretarial staff and those working in connection with prisoners' employment). The overall ratio of prison staff to prisoners was 1 : 3.4 at February 2001 or, if the ratio is based only on management, treatment and security staff in the penal institutions, 1 : 4.0. The number of security staff was 35% (135) below complement, and the number of treatment and medical staff 46% (94) below complement.

Initial training for a new member of the security staff lasts for one year. The prison administration considers it a priority to establish a training centre for prison staff but this has not yet been done.

In institutions for male prisoners about 15% of staff are women - about half the treatment (re-socialisation) staff and some 3.4% of the security staff. In institutions for female prisoners there are no male staff employed.

Treatment and regime activities

The prison administration states that "the fundamental principle in the execution of criminal sanctions in the Republic of Macedonia is the principle of re-socialisation and social rehabilitation". They point out that, according to Article 11 of the Law on the Execution of Sanctions, the aim of imprisonment is to qualify prisoners to be involved in society with the best prospects for leading an independent life in accordance with the law. In order to achieve this goal work, education, leisure activities, corrective work etc. are organised as an integral part of the treatment of prisoners (Directorate of Prison Administration, 2002).

The treatment staff includes psychologists and social workers totalling 46. Prisoners are organised into groups led by a pedagogue who co-ordinates their activities. The number of prisoners in such a group ranges from 30 to 90.

Treatment activities include correctional work aimed at resolving both the individual and common problems of prisoners through individual and group conversations and discussions. Leisure activities, sport and recreation - like work, education and vocational training - are considered as part of the treatment.

In Idrizovo prison the CPT found in May 1998 that 30% of the prisoners participated in sports and games (football, table tennis, basketball and chess), which took place daily during two to three hour exercise periods. Just over 5% participated in music, theatre and literature clubs. Women prisoners were offered no purposeful regime activities, as far as the CPT delegation could ascer-

tain, other than work of a limited nature, which amounted to little more than carrying out domestic chores.

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

The prison administration reports that they make pre-release arrangements to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return. The use of open sections of the prisons clearly contributes to this. There is contact with Centres for Social Work in the community outside, which may be able to assist prisoners who have recently been released.

Conditional release

According to Article 36 of the Criminal Code, a convicted person may have early release from prison on condition that, until the expiry of the period of the sentence imposed, no further offence is committed. Conditional release may be granted to someone who is expected to do well on release and who has served at least one half of the sentence. Exceptionally a prisoner who has served at least a third of the sentence may be conditionally released “if special circumstances relating to his personality evidently show that the aim of the punishment has been achieved” (Directorate of Prison Administration, 2002). Persons sentenced to life imprisonment may not be conditionally released until they have served at least 15 years in prison. Decisions to release prisoners conditionally are made by the court. The prison administration reports that about 61% of sentenced prisoners are conditionally released.

Prison work

Sentenced prisoners are required to work, if they are fit to do so and work is available for them. Work is considered to have the most important role in the process of the re-education of prisoners. The Law on the Execution of Sanctions defines work as both a right and an obligation of a prisoner. Work in the prisons must not involve coercion or additional punishment; it is based on the following principles: it should be organised and performed as an integral part of the national economy; the work must be useful and be undertaken in a way similar to that in which it would be performed in freedom; it must not be selected merely with reference to its economic value; and, the prisoner must be paid for work done. The work is generally organised and performed within the economic units of the penal institution. However, prisoners may also work outside the institution in certain circumstances.

At the end of 2001 60% of sentenced prisoners had some work, but no pre-trial detainees. Pay ranges from 5 to 50 euros a month. Some money is given to prisoners who are unable to work or for whom no work is available.

Work available at Idrizovo prison at the time of the CPT visit enabled 205 male prisoners from the closed and semi-open sections of the prison to work an

eight-hour day in a variety of semi-industrial settings and in general services (woodworking, metal work, building work, car repairs, the production of cement blocks, kitchen, bakery, laundry, barber's shop, canteen, warehouse, central heating maintenance and gardening). Further, all of the 124 men in the open section were employed in farming and service tasks (dining hall, canteen and motor maintenance). The CPT were impressed that prisoners were being offered such a wide range of activities but noted that more than half the prisoners in the closed and semi-open sections were not employed (CPT, 2001/20).

Education and vocational training

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

The prison administration reports that education has an important role in the treatment of prisoners. Education classes are organised "in the institution itself or in the urban area where the institution is located. Prisoners who finish education are issued [with] a certificate, which must not include any indication.....that the education has been achieved in prison. A prisoner may be allowed to attend part-time education at his expense in all education institutions [in the community outside] if this does not violate the rules of the institution" (Directorate of Prison Administration, 2002).

Inspection and monitoring

As has already been stated, the prison administration has the task of "instructional supervision" of the penal institutions. In fact, inspections are done both by the prison administration and the Ministry of Justice. In addition, independent inspections are carried out by the judge of the court of first instance, and also by the Ombudsman. A parliamentary commission on the rights and liberties of citizens is also authorised to monitor the operation of penal institutions but this was not functioning in 2001.

The Law for the Execution of Sanctions provides also for the establishment of a State Commission for the Supervision of Prisons, to be composed of five members selected from among the judges, penological, social and educational workers, the Ministry of Justice, the Ministry of Health, the Minister of Labour and Social Politics, and the Ministry of the Economy, as well as from among scholars and experts from other bodies. The Commission is authorised to make occasional visits to examine the situation in prisons regarding the implementation of the law and other existing rules and regulations on the execution of sanctions, the treatment of prisoners and the living and working conditions of prisoners. The CPT recommended that a very high priority be given to establishing this State Commission and the members were elected in August 1999.

In the CPT's report on its visit in May 1998 (CPT, 2001/20) topics that gave rise to recommendations, and which have not already been mentioned, include the shaving of heads of some juvenile prisoners, the carrying of batons, the ma-

terial conditions of the prisons, the shortage of regime activities, medical confidentiality, and the need for interpersonal communication to be a major factor in staff recruitment and training. The CPT's recommendations were mainly based on their visits to Idrizovo prison and Tetovo Educational-Correctional Institution.

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

Non-governmental organisations

Non-governmental organisations, including the Helsinki Committee, visit the penal institutions and are said to monitor the behaviour of the prison authorities towards the prisoners and the state of the accommodation in which prisoners live. The prison administration report that they consider the work of the NGOs to be positive because it helps to convey the real picture of the situation in Macedonian prisons. The International Red Cross is also among NGOs that visit the institutions as are the Penology Association, the Association for Criminal Law, the Open Society Institute and the American Bar Association.

Other matters

The Macedonian prison administration is involved in international co-operation that is intended to improve prison standards. They report co-operation with the OSCE – ODIHR, the Council of Europe and the United Nations.

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

The prison administration produces an annual report.

Important recent developments

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

- investments for improving conditions for prisoners;
- the loss of Tetovo educational-correctional institution as a result of internal strife in that part of Macedonia (2001);
- the introduction of a new modern law on the execution of criminal sanctions (1997).

Current objectives

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

- the establishment of a training centre;
- improving continually the management of prisons and the treatment of prisoners in accordance with the international standards;
- improving continually the physical conditions in the penal institutions by reconstruction and renovations;
- improving health care provision in the penal institutions;
- reducing the level of staff vacancies.

Main problems

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

- the large number of staff vacancies;
- staff attitudes;
- inadequate financial resources;
- the need to improve prison health care, including by the provision of more medicaments;
- the loss of Tetovo educational-correctional institution;
- the need to improve the material condition of prison establishments.

Achievements

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

- the work that has been done in preparing for the establishment of a training centre;
- the investments that have been obtained to improve prison conditions.

Further achievements of the Macedonian prison system include:

- providing a good amount of space per prisoner, an average of 8m² across the system as a whole in 2001;
- having good conditions for the serving of the disciplinary punishment of solitary confinement, including in respect of accommodation and access to reading materials;
- increasing the number of opportunities for prisoners to maintain contact with their families by telephone;

- having good opportunities for sentenced prisoners to have home leave;
- creating good material conditions for prison visits, including a bright, well-ventilated and smoke-free room and the availability of coffee and snacks;
- having initial training for a new member of the security staff that lasts for a full year;
- having one of the higher employment rates among sentenced prisoners in the prison systems of central and eastern Europe;
- establishing positive contacts with a number of non-governmental organisations.

Conclusion

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

- to end the practice whereby some pre-trial detainees spend less than one hour a day out of their cells/rooms;
- to take steps so that neither legislation nor practice prevent the introduction of a programme of regime activities for pre-trial detainees, progressively enabling them to spend a reasonable part of the day out of their cells, engaged in purposeful activities of a varied nature;
- to further develop programmes of constructive activities, including education and vocational training, so as to occupy all prisoners' time in a positive manner and enable them, if it is within their capabilities, to acquire skills and develop aptitudes that will improve their prospects of re-settlement after release;
- to ensure that there are sufficient security and treatment staff to run the penal institutions effectively and, in particular, that there are sufficient pedagogues to enable no group to exceed 50 prisoners;
- to amend the practice whereby pre-trial detainees are generally separated from their visitors by a screen. Such arrangements are only necessary for exceptional cases;
- in accordance with Rule 62 of the European Prison Rules, to appoint some male staff to work with women prisoners and to appoint more female staff in institutions for men, in order to help diminish the gulf between circumstances outside and inside.

Annex 1

MACEDONIA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	1,570	74	2,121,400
1991	943	44	2,129,800
1992	796	37	2,162,500
1993	947	47	2,000,000
1994	1,249	64	1,936,700
1995	1,156	59	1,957,300
1996	1,133	57	1,974,800
1997	1,007	51	1,991,400
1998	859	43	2,002,300
1999	1,053	52	2,012,700
2000	1,178	58	2,021,600
2001 (1/1)	1,518	75	2,031,100
2001 (31/12)	1,336	66	2,038,700

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	217	14.3	11
(31/12)	145	10.9	7
Female prisoners in 2001			
(1/1)	31	2.0	2
(31/12)	25	1.9	1
Juveniles (under 18) in 2001			
(1/1)	76	5.0	4
(31/12)	68	5.1	3
Foreign prisoners in 2001			
(1/1)	100	6.6	
(31/12)	87	6.5	

Note: Amnesties in 1990, 1991 and 1999 led to the release of 160, 8 and 4 prisoners respectively.

Annex 2

Macedonian penal institutions: functions and capacity, 2001

1	Idrizovo	Closed prison for sentenced prisoners with maximum security accommodation and a section for female prisoners	1,204
	-----	Open section at Veles	106
2	Struga	Open prison for sentenced prisoners	80
3	Skopje	Semi-open prison for pre-trial detainees (105) and sentenced prisoners (165)	270
	-----	Open section at Kriva Palanka, including eight places for pre-trial detainees	58
4	Bitola	Semi-open prison for pre-trial detainees (32) and sentenced prisoners (55)	87
	-----	Open section at Prilop, including sixteen places for pre-trial detainees	96
5	Stip	Semi-open prison for pre-trial detainees (40) and sentenced prisoners (160)	200
	-----	Open section at Strumica, including ten places for pre-trial detainees	70
6	Tetovo	Semi-open prison for pre-trial detainees (40) and sentenced prisoners (50)	90
7	Gevgelija	Semi-open prison for pre-trial detainees (12) and sentenced prisoners (40)	52
8	Ohrid	Semi-open prison for juvenile pre-trial detainees (25) and juvenile sentenced prisoners (25)	50
9	Tetovo	Educational-correctional institution ('House of Correction'), not currently functioning following internal strife in Macedonia	0

TOTAL

(at end of 2001)

2,363

Annex 3

Macedonia: principal sources of information

Response by the Director of the Macedonian Prison Administration, Mr Mitasin Bekiri, to survey questionnaires for this project.

Bekiri M., 2002. The situation in 'the former Yugoslav Republic of Macedonia'. Paper presented at the 13th conference of directors of prison administration, Strasbourg, 6-8 November 2002. Council of Europe, Strasbourg

CPT, 2001/20. Report to the Government of 'the former Yugoslav Republic of Macedonia' on the visit to Macedonia [by the CPT in May 1998]. Council of Europe, Strasbourg

CPT, 2001/21. Response of the Government of 'the former Yugoslav Republic of Macedonia' on the visit to Macedonia to the CPT report on their visit in 1998. Council of Europe, Strasbourg

Directorate of Prison Administration, 2002. Brief Outline of the Prison Administration in the Republic of Macedonia. Ministry of Justice, Skopje

36. Moldova

Legislative framework

The Penal Code and Penal Procedural Code current at the beginning of 2002 are legislation which dates from March 1961 but has been amended many times since. The Penal Executive Code dates from June 1993 and came into force in March 1994. A law regulating the activities and structure of the prison administration ('Law on the Penitentiary System') came into force in March 1997. New amendments to the Penal Executive Code, including a provision enabling one day's work by offenders sentenced for minor crimes to count as two days of their sentence, came into force in September 2000. The prison administration wants these amendments to apply to all sentenced prisoners and optimism was expressed in December 2000 that this would happen. Further amendments to the Penal Executive Code were also thought to be imminent. These would include an increase in the minimum space allowance per prisoner to at least 4m² in all prisons and colonies and a reduction in the maximum capacity of prisons to 500 and of colonies to 1,000. It was also expected that Parliament would legislate that courts should no longer decide the type of regimes under which sentences are served.

Organisational structure

Responsibility for the prison system transferred from the Ministry of Internal Affairs to the Ministry of Justice in January 1996 following legislation passed in the autumn of 1995.

Mr. Valentin Sereda, Vice-Minister of Justice and Director General of the prison administration, assumed his post in August 2001, succeeding Mr. Valeriu Troenco (1999-2001). He in turn had succeeded Mr. Evgheni Sokolov who had been in post at least since 1993. The Director General is supported by a first deputy who is responsible for the direction of security staff and for security, for the prison regime and for the supervision, education and treatment of prisoners. Another deputy is responsible for manufacturing (including an engineering division) and for the inspection of metallurgical-technical equipment and for technical security. The third senior manager, also reporting to the Director General, is the director of the division for the supply of technical materials and provisions, the division for capital construction, and the inspection of fire safety. The Director General also has direct oversight of the general staff (secretariat), the personnel department, and divisions concerning health care, protocol, economy, finance and accounting, and legal matters. A total of 86 staff were employed in the prison administration headquarters at the beginning of 2001; another 27 posts were vacant.

There were 20 penal institutions at the beginning of January 2001, with a total capacity of 11,890. By the end of the year, reorganisation and an increase of capacity had altered the structure to 19 separately administered institutions

with a capacity of 12,860. There are five pre-trial prisons, twelve colonies for adults (including one for women and one which also contains a hospital for tuberculosis patients), one educational colony for juveniles and one prison hospital serving the whole country. The twentieth institution, for the social rehabilitation of alcoholics, is now administered as part of one of the colonies.

The largest institution is the pre-trial prison at Chişinău with a capacity of 1,480. Other institutions with capacities exceeding 1,000 are the colonies at Cricova – intensive regime (1,250), Soroca (1,300), Pruncul (1,100), and Braneşti (1,050). Most of the colonies now include a settlement sector, which is a semi-open or open unit. Of the twelve colonies for adults, three have strict regimes, three have reinforced (or intensified) regimes, one has a common (or general) regime and one has a regime for prisoners classified as particularly dangerous recidivists. Of the other four, one is for women, and the other three are colony settlements, which are run entirely as open institutions.

Pre-trial detention

The level of pre-trial detention has risen by 32% since 1994. At the beginning of 2001 there were 96 pre-trial detainees in the prison system per 100,000 of the general population of the country, compared with 72 in October 1994 (34.7% of the prison population compared with 26.2% in 1994). At the end of 2001 the rate was 95. This is one of the highest levels in central and eastern Europe, but lower than in Latvia, Russia, Estonia and Belarus.

The pre-trial procedure is that the police may hold a suspect for 36 hours, after which he/she must be brought before a judge who can authorise detention for a month while the case is investigated. A judge can then be asked to authorise a further month but this total of two months is the maximum and the suspect must be transferred to a pre-trial prison. Such a transfer frequently occurs before the investigation is complete because of the shortage of space in police stations. Pre-trial detention is often very long, and it is not unusual for detainees to wait one or two years for the result of the appeal against their sentence. The Director General at the end of 2000 stated that many detainees did not need to be held in custody.

The regimes experienced by pre-trial detainees are extremely impoverished. They are normally allowed out of their cells/rooms for just one hour a day for exercise in small cage-like compounds in the open air despite the CPT recommendation (CPT, 2000/20 para 90) that they should be able to spend a minimum of eight hours a day outside the cell/room, engaged in purposeful activities of a varied nature. The CPT recognised that this would need to be achieved in stages. Pre-trial detainees seem to have no access to books or television.

The numbers held in penal institutions

The prison population has remained stable since 1992 at between about 9,450 and 10,600 (about 255-290 per 100,000 of the national population). Amnesties in 1994 and 1999 helped to keep the numbers within this range. At the beginning of 2001 the total was 10,037 (276 per 100,000) while at the end of the year

it had risen to 10,633 (293). Of the total at the beginning of the year 34.7% were pre-trial detainees, 4.4% were female, 2.1% were juveniles and 1.9% were foreigners.

Moldova's prison population rate of 293 at the end of 2001 was lower than the rate of Ukraine to the east but higher than that of Romania to the west. The rate is lower than that of the three Baltic States which, like Moldova, were small European republics in the former Soviet Union.

Accommodation, overcrowding and living conditions

The number in the prisons at the beginning of 2001 was 84% of the official capacity of the system, and was still at that level at the end of the year, the 7.6% rise in the prison population having been more or less matched by a rise in the official capacity. Overcrowding (exceeding the official capacity) is present in three of the five pre-trial prisons but not in the colonies.

The minimum space specification per prisoner in Moldova in 1994 at the time of the previous study was 2m² in the pre-trial institutions and the general regime colonies and 4m² elsewhere. In 2001 it was 2m² in pre-trial institutions and colonies for adult men, 3.5m² for juveniles, 3m² for women and in medical units and 4m² in medical-prophylactic institutions (Article 86 of the Penal Executive Code). It is said that efforts are made to achieve at least 5m² in hospitals, which is already regarded as the norm there, and the aspiration is to have at least 4m² for every prisoner throughout the system.

The prison administration reports that different categories of prisoner are separated in the Moldovan system in accordance with Rule 11 of the European Prison Rules. Untried prisoners are always detained separately from convicted prisoners, women prisoners from men, and young people under 18 from adults. However, in December 2000 juveniles were being held with adults in the pre-trial prison in Chişinău.

As elsewhere in central and eastern Europe, very few prisoners are accommodated alone in single cells. The largest number of prisoners in one room, in any penal institution in Moldova, was reported by the prison administration in March 2002 to be 30, in a room measuring 46m². (This would allow each prisoner scarcely more than 1.5m² of space, compared with the 4m² which the CPT regards as the lowest acceptable amount.) However in December 2000 pre-trial institutions ranged from 4-40 prisoners to a room and colonies ranged from 30-100.

Reference has been made to the fact that only three institutions were overcrowded at the end of 2001 when considered in terms of the official capacity. One of these is the pre-trial prison in Chişinău where conditions are very poor indeed. At the end of 2001 there were 1,796 prisoners – 21% overcrowding in terms of the official capacity, but giving each prisoner only about 1.65m². Twelve months earlier, when there was 14% overcrowding (1.75m² per prisoner), ten women were living in one cell where there were only eight beds, one of which had no bedding and was clearly out of use. The room was cold and they said they shared beds to keep warm. Some of the bedding was brought in from pris-

oners' homes. Since the prison's electricity was said to be under repair at the time, the prisoners were in semi-darkness because the lighting from the window was inadequate. In one of the cells for men, containing 24 beds but intended for 20, there were 33 prisoners (and sometimes as many as 40 or 45, prison staff said). The oldest prisoner was 50 and the youngest 16. With 40 prisoners in the room each would have a space of about 1m². The lighting and ventilation were seriously inadequate. It is reported that the supply of electricity to Moldovan penal institutions is irregular because there is insufficient money to pay the bills on time and this frequently results in disconnection (van den Brand et al., 2000).

Conditions in Benderi prison (said to be one of the best three in the country) were much better in December 2000 than those in Chişinău but, although there were only 600 prisoners in an institution with an official capacity of 690, they were overcrowded. Rooms were kept moderately warm at the expense of ventilation and some windows were completely blocked, reportedly because the cells overlooked the street outside. If the 18 institutions in Moldova which are for adult males were to allow 4m² per prisoner, the minimum acceptable to CPT, instead of the present 2m², they would all be overcrowded. The average space per prisoner in the ten adult colonies for males that do not include a hospital (which has different space specifications) was 2.8m² at the beginning of 2001 and 2.5m² at the end of the year. The average space per prisoner in the four pre-trial prisons that do not include a hospital, was 1.8m² at the beginning of the 2001 and 1.9m² at the end of the year.

Sanitary installations and arrangements for access are now reported by the prison administration to be adequate to enable most prisoners to comply with the needs of nature when necessary and in clean and decent conditions. However, the prisoner must provide toilet paper and often soap too. Every prisoner is able to have a bath or shower at least once a week. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. It is reported that it is often necessary also for sentenced prisoners to bring in clothes because the prison is unable to provide them (van den Brand et al., 2000). Prisoners receive a change of underclothing once in 7-10 days. As noted above, not everyone has a separate bed; the production of beds is organised in the prison system's own factories and new beds are supposed to be distributed to the institutions when required. However in 2001 this was not being successfully achieved.

At the end of the year 2000 the then vice-minister and head of the prison administration reported that sanitary facilities were deplorable and hygienic conditions very poor. At that time of year the overcrowded rooms were either cold or else they were steamy through lack of ventilation. The worst rooms were so overcrowded that cleaning them properly would be almost impossible. Cell toilets were not always clean and privacy was not always assured. In Chişinău prison the cell toilets were said to be used for washing purposes, at least by some prisoners, and at Rusca women's prison the showers were situated so far from the living area that they could scarcely be used in inclement weather conditions by older prisoners or, in the icy conditions of winter - because of the long flight of steps that has to be used to reach them - by anyone.

Food and medical services

The quality and quantity of food received by prisoners is inferior to average standards in communal catering outside and is not even close to such standards. The prison administration reports that this is because of the lack of financial resources. Prisoners do not receive a balanced diet, and no special diets are provided for health reasons, religious reasons or any other reason. The CPT called upon the Moldovan authorities to respect the food norms of 2,326 calories for sentenced prisoners and 3,105 for those engaged in heavy work (CPT, 2000/20). However it noted in a subsequent visit that the budget available for food was less than 40% of what was needed to enable the prisons to adhere to the food norms (CPT, 2002/11).

The head of the medical department of the prison administration explained in December 2000 that chronic malnutrition was one of the most difficult problems faced by the prison authorities. Prisoners do not have the meat, fish and eggs that they need and the lack of protein results in prisoners having a poor immune system. The CPT report (CPT, 2000/20) states that there has been no butter, meat or fish since 1992 and no potatoes since 1998. In June 1999 the prison administration received 1,200 hectares of land from the government to increase the amount of food available. The food provided by the prison has to be supplemented by that brought in by prisoners' families. In October 1994 prisoners were allowed to receive a 8 kg parcel six times as year; at the end of 2000 parcels up to 10 kg in weight were allowed at least once a month. Juveniles may receive an unlimited number of parcels. Some food is brought in by non-governmental organisation such as Pharmaciens sans Frontières. In most of the six institutions visited in December 2000 prisoners were pale-faced and clearly in need of proper nourishment.

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

Medical services in the Moldovan prison system are thought to be better in the penal institutions than in the community outside. For example dental treatment is free in prison but must be paid for by people outside. Various medical expertise, medical equipment and surgery are also available free of charge in prison but not outside. There are however considerable shortages of medical equipment, although

25,000 US dollars worth has been received recently from Switzerland. There are problems when medical treatment that has commenced in prison needs to be continued outside, because of the difficulty of financing it. There is said to be improving collaboration between the Ministry of Health and the Ministry of Justice; until November 2000 the Ministry of Health was taking no interest in the handling of the 300 TB patients released from prison each year but this has changed and the medical department in the prison administration is now partic-

icipating in a national Ministry of Health programme to combat tuberculosis. The two Ministries also collaborate concerning the treatment of the mentally ill (CPT, 2000/20).

However the Ministry of Health reported (December 2000) that the health situation in Moldova is very bad. Due to the collapse of the economy there is a lack of money to support health programmes, or indeed other programmes. The national TB programme has been approved by the government but cannot be implemented for lack of financial means.

The prison system now includes three hospitals. The multi-profiled hospital at Pruncul is the prison hospital for the whole country. Its facilities were described in the previous HEUNI report (Walmsley, 1996 pp.286-7). There are 160 patient beds of which 32 were occupied by TB patients in December 2000. The TB hospital at Benderi has been a prison hospital since 1989. It is formally part of a correctional colony, with a capacity of 650; there are 200 in-patient beds in the hospital part (168 of which were occupied in December 2000) and 450 places in the colony-type facility, which is considered as an out-patients department used for rehabilitation. The hospital is divided into two sections (100 patients each), each of which is staffed by a head of section, three physiologists and ten nurses. There is also a psychiatrist on the staff. The third hospital in the system has been created recently at Rezina prison (opened in 2001) and has a capacity of 250. It is for chronic TB patients.

There are about 120 doctors in the whole prison system and about 260 medical assistants and nurses. Every institution has its own medical centre and a sick-bay with ten beds for every 1,000 prisoners. The prison at Chişinău had nine doctors and sixteen medical assistants/nurses at December 2000. This situation compares unfavourably with that in October 1994 when there were twelve doctors and twenty medical assistants/nurses for an occupancy level 25% lower.

Many prisoners are said to have alcohol or drugs problems and the numbers are increasing; however there are no treatment programmes in place. HIV/AIDS is also a problem in the prisons and the numbers are growing here too. In accordance with World Health Organisation guidelines prisoners are not tested for HIV/AIDS.

Tuberculosis, however, is the most serious problem facing the prison system, and the rate is believed to be 30-40 times higher than in the general population. Conditions in the TB hospital in Benderi in December 2000 were seriously inadequate, although prisoners receive better food than that provided in other institutions. The intention is that living conditions should be superior to those in other colonies but it was reported that the prison administration only receives 30% of the finance needed and so can only provide 30% of requisite conditions. Cold, dark (most of the lighting was off) and with insufficient space – the director said that, despite the intention to have 5m² of space per patient in such an institution, an average patient received only 1.7m² – this was unacceptable for fit prisoners, let alone those suffering from TB. Benderi being a Moldovan enclave within Transnistria (the part of Moldova that declared internationally unrecognised independence and is much more impoverished than the rest of Moldova

– see section 45), the electricity and water supplies were adversely affected by being dependent on their availability in Transnistria. The numbers with TB are increasing – more than 20% of the prison population was believed to have the disease in December 2000 and more than half of these had the active form of the disease. 50 prisoners died of it in 1999. In the most recent 12 months for which figures were available at March 2002 47 prisoners died of the disease. The reasons for the high incidence of TB in the prisons are said to be overcrowding, damp dormitories, lack of basic hygiene and inadequate food.

With the assistance of the NGO Caritas Luxembourg, the Moldovan prison system has introduced the DOTS strategy for the treatment of tuberculosis, which involves the direct observation of prisoners' adherence to the treatment programme. The pilot programme began in 1999 and this was expanded in 2001.

A total of 87 prisoners are reported by the prison administration to have died in the last year for which figures are available. This includes the 47 deaths from tuberculosis and six suicides.

Discipline and punishment

The disciplinary punishments available in the Moldovan prison system were described in the previous HEUNI report, commenting on the situation in October 1994 (Walmsley, 1996 p.287). Attention was drawn there (p.295) to the need to ensure that prisoners undergoing punishment have books, mattresses, blankets and exercise. A Council of Europe assessment report prepared in March 1995 (Herenguel and Theis, 1995) made several recommendations concerning the conditions under which disciplinary punishment is carried out. They described the practice of placing prisoners in a half-lit dungeon as inhumane and recommended its immediate abolition. They also called for the windows of isolation cells to be altered to ensure sufficient light and ventilation; prisoners suffering isolation punishment to be guaranteed daily exercise; isolation cells to be suitably furnished; and medical supervision of prisoners before and during isolation punishment. These recommendations are in accordance with the European Prison Rules (Rules 37-38).

The CPT, visiting in October 1998, recommended that all prisoners held in punishment cells should have mattresses and blankets at night-time and access to reading materials. They also commented that a cell measuring 3.5m² was too small for prolonged placement of a prisoner. In their response the Moldovan authorities announced that mattresses were being provided. They also mentioned that such prisoners had the right to a half-hour walk every day, and the duration of the walk was likely to be extended to an hour.

In December 2000 the living conditions in the isolation cells, both in Chişinău prison and in the reinforced regime colony at Cricova, were extremely poor. In Chişinău the metal shutters on the windows kept out light and ventilation and when the prison lights were turned off during the day as an economy measure the cell was completely dark. Conditions at the Cricova colony were similar. The window was covered – the prisoner had apparently broken it because of the lack of ventilation – and staff seemed uncertain as to whether prisoners in isola-

tion were allowed any exercise. The sanitary facilities in isolation cells were bad. In Chişinău prison they were very dirty; staff said that it was up to the prisoner to clean them but could not explain how this was to be done since no suitable equipment was provided. There was no toilet paper in the cell and staff said that prisoners were supposed to use pages from old books from the library; however, they could not explain convincingly the arrangements for making such materials available. At Chişinău prison, at least, it was not clear that recommendations that had been made, on several occasions, for improving conditions in isolation punishment, had resulted in significant changes. In 2001, the CPT, noting the conditions in isolation cells in Chişinău prison, and that economic circumstances made it impossible to increase their size, recommended that they should no longer be used and that other cells should be employed for isolation punishment. The Moldovan authorities announced that walks had been extended to one hour and that some of the metal shutters had been removed from the windows of the cells (CPT, 2002/11 and 12).

Contact with the outside world

Pre-trial detainees may receive visits if permission is granted by the investigating or judicial body. Sentenced prisoners in colonies may be visited eight times a year (every 45 days) for up to two hours and may have four long visits a year (1-5 days) from their families. Sentenced prisoners may also receive private (intimate) visits from their wives/girlfriends in rooms referred to as the 'hotel', which are also used for the long family visits. One prison director explained that the economic and social situation in Moldova precluded more frequent visiting. Pre-trial detainees are not allowed to touch their visitors and are physically separately from them by a screen. There is no limit on the number of letters that may be sent or received by sentenced prisoners. The letters are sometimes read by the prison staff.

Sentenced prisoners are allowed to speak to their family and friends by telephone but this is not allowed to pre-trial detainees. Home leaves are permitted only in exceptional circumstances, for example on the occasion of a death of a relative. Leaves are not used as a regular means of maintaining good family ties with a view to the prisoners' successful reintegration on release. One opportunity for contact with the outside world was created in November 2000 when the prison administration organised a charity tour for a famous Moldovan pop singer (Lenuta Burghila) to visit some of the institutions.

The Moldovan prison system includes some good quality visiting facilities. For example the colony at Cricova has an attractively decorated room where prisoners and their visitors can converse in a relaxed atmosphere over open tables with coffee to drink. The 'hotel' contained a variety of rooms, one or two of which were outstandingly painted and equipped by a particular group of prisoners for their own use; one was equipped with a TV and a video machine.

Prison staff

The Moldovan prison service employed some 2,500 staff at the end of December 2000 of whom 86 worked in the prison administration headquarters. The intended complement is 3,390, including 113 at headquarters. There were 469 vacancies for security staff and 15 vacancies for treatment and medical staff. Of the 3,044 staff on the complements of the penal institutions 75 were management staff, 2,056 security staff, 380 treatment staff (including psychologists, educators, social workers and medical staff), and 533 were administrative and secretarial staff and others working in connection with prisoners' employment. The overall ratio of prison staff to prisoners, based on the figure of 2,500 staff in post in December 2000, was 1 : 4.0 or, if the ratio is based only on management, security and treatment staff in the penal institutions, 1 : 5.0. The full complement would produce ratios at the beginning of 2002 of 1 : 3.1 and 1 : 4.2 respectively. The numbers in post have increased by nearly 3% since 1994.

The salaries of prison staff were reported (in December 2000) to have been doubled since 1 August 2000. All staff were receiving their monthly pay on a regular basis, despite this not having been the case in the recent past.

New security staff joining the Moldovan prison service receive 3 months training at the training centre at Goieni which was opened in February 1996. Other staff receive one month's training. Additionally there are links with the training school at Tirgu Ocna in Romania, as a result of a protocol of co-operation between the Ministries of Justice of Moldova and Romania. Ten staff go there each year for more advanced training. All prison staff have four hours a week set aside for training and each institution has an officer responsible for training, including training in military, legal, medical and other matters. Once in three months there is shooting practice. The directors of institutions spend a week every Spring during which they have three days theoretical training and two days practical. This covers international standards, recent legislation and training in psychology. It was reported that efforts are being made to change the attitudes of staff and there is an intention to familiarise security staff with how their tasks are performed in other European countries. A plan has been developed and submitted to the Government to have a faculty of penitentiary studies at the Police Academy, which would make further more specialised and more advanced training possible. However resources are not currently available.

The Moldovan Centre for Human Rights (Ombudsman's Office) commissioned the NGO SIEDO (The Independent Society for Education and Human Rights), using money from the United Nations Development Programme, to hold human rights workshops for prison staff at the training centre. Thirteen such workshops had been held by the beginning of 2001, covering about 10% of all staff. It was thought that further money might be available for the expansion of such courses.

The CPT recommended that training for staff at all levels should be developed and that this should be accorded a high priority. They emphasised that the training should include the acquisition and development of inter-personal communication skills, and that the establishment of positive relationships with the

prisoners should be recognised as a key element of the work of security staff (CPT, 2000/20 para 72). The Moldovan response drew attention to the training programme being devised in the context of the reform programme of the European Commission and the Council of Europe in collaboration with the Moldovan prison administration.

Staff in the Moldovan penal institutions are not all under the control of the directors of those establishments. Perimeter security in the colonies is the responsibility of Ministry of Internal Affairs troops, and custodial staff within the institutions, though under the Ministry of Justice, are not officially under the command of the directors of those institutions. This was said (December 2000) to be a transitional arrangement. In practice it seemed that the directors of the colonies do have de facto control of custodial staff and are thus able, for example, to recruit new staff. The pre-trial prisons do not have Ministry of Internal Affairs troops guarding the perimeter.

Some 16% of staff in institutions for male prisoners are women, working in the medical section, the personnel department and the accounts department. In the institutions for female prisoners approximately 55% of the staff are men, working as security staff.

Treatment and regime activities

On admittance into a penal institution prisoners used to have an induction period, known as quarantine, in which in addition to the preliminary medical examinations, they received information about their rights and duties and were interviewed about personal circumstances and capacities. This induction period was discontinued for several years until autumn 2000 when it was revived.

Sentenced prisoners in colonies are normally unlocked for 16 hours a day. They have freedom of movement within their detachment (in Cricova intensified regime colony, for example, they could move between the three rooms in which the members of the detachment sleep at nights) but there are few activities to occupy them. Those who do not have work may watch television or read books. The detachment, a group of prisoners who are under the supervision and guidance of a single 'educator' or 'detachment head' contained on average 120 prisoners at the end of 2001. A year earlier it was said that the average was 100 but numbers vary according to the type of regime and current staff levels. There was a detachment of 62 at Cricova colony in December 2000. Mr. Valeriu Troenco, Director General at that time said that he considered 50 to be the appropriate number for a prisoner group. Each institution's head of education, who is responsible for the heads of detachment, now has psychological training. There are four or five qualified psychologists in the system but there are vacancies for a further six. (In October 1994 there were 12 in post.) There are also some 15 social workers.

The work undertaken by heads of detachment seems to be extremely variable. Unsurprisingly, considering the very large groups of prisoners for which they are responsible, some prisoners interviewed in December 2000 said that they had little contact with them. Activities are supposed to be dependent on the

character of individual prisoners. Young prisoners receive individual and group training in general education. Vocational training is available. Mr. Troenco expressed an intention of using some of the vacancies for security staff to boost the number of heads of detachment and thus strengthen the level of regime activities.

Every prisoner, whether a pre-trial detainee or sentenced, is reported by the prison administration to be allowed one hour of walking or suitable exercise every day (including weekends) in the open air. The CPT recommended a review of exercise areas so as to stimulate real physical exercise, and called for exploration of the possibility of providing a minimum of sporting equipment for use during the exercise period (CPT, 2000/20 p.47).

The CPT was concerned at the absence of any regime activities at Chişinău pre-trial prison, apart from those available to the 50 sentenced prisoners who were responsible for the maintenance and support of the institution. These prisoners had access to a leisure room with a television. But pre-trial detainees did not even have “l’ombre d’une esquisse” (the shadow of a sketch) of a programme of activities. They are entitled to a radio and even a television but it was extremely rarely that anyone had the means to acquire these. Nor was there any opportunity for sporting activities. Few prisoners had access to newspapers and the library was too small to meet requirements. There was very little for juveniles to do except await their daily exercise, although occasionally they had a discussion with a head of detachment/educator. The CPT recommended that this situation be progressively improved with the objective of ensuring that all prisoners, including pre-trial detainees, had the opportunity of spending a reasonable part of the day (8 hours or more) outside their cell, engaged in stimulating activities of a varied nature (group activities, work preferably containing training value, educational studies, sport). Juveniles, the CPT specified, should have the benefit of a full programme of educational activities and leisure activities in order to stimulate their potential for social reintegration on release; physical education, it was stressed, should constitute an important part of this programme (CPT, 2000/20 paras 86-90).

In response, the Moldovan authorities reported that more literature, of an artistic nature, had been made available to juveniles and a television room had been opened in the juveniles section. They were striving to introduce education programmes that would facilitate their social reintegration. They were in contact with various non-governmental and religious organisations, one of which (the Soros Foundation) had provided assistance in the purchase of books and journals for the prisoners.

The prison administration reports that pre-release arrangements are made to assist prisoners in returning to society, family life and employment after release, and that these arrangements include, for long-term prisoners, steps to ensure a gradual return via the settlement units which have been made part of most of the institutions. Formal pre-release programmes however do not seem to be in place.

Conditional release

There is a system of conditional release but only 3.6% of prisoners were so released in 2001.

Prison work

In accordance with Article 78 of the Penal Executive Code sentenced prisoners are not required to work. In the year 2001 the prison administration reported that 21% were working, compared to 30% in 1994. In the year 2000 a senior official estimated that 15% were working in summer and 10% in winter. Average weekly pay for workers is 43 lei (3.5 euros) and no money is given to prisoners who are unable to work or for whom no work is available. No pre-trial detainee has employment. The CPT stated that appropriate work constitutes a fundamental part of the readaptation process; they also advised that, in the interests of their psychological well-being, pre-trial detainees should have the possibility of working, in so far as this could be arranged (CPT, 2000/21 para 90).

The prison administration reports that many prisoners would like to work but there is insufficient employment available. The goods they can produce are not competitive in the market. Land provided by the government for the production of additional food has created new agricultural work. In the colony at Cricova about 10% of sentenced prisoners were working in December 2000, 40 in wood-work (making doors and window-frames) and 80 on domestic work. At the prison at Benderi none of the 122 sentenced prisoners had work.

Education

Programmes of general education and technical studies are reported to be available for younger prisoners. For adults there are six vocational schools which offer studies in fourteen professions. Programmes of remedial education are arranged for prisoners with special problems, such as illiteracy or innumeracy. Nonetheless education and vocational training seem to be at a very low level, probably below that recorded in 1994.

Inspection and monitoring

A system of inspections is in place to monitor the extent to which prisons are operating in accordance with the laws and regulations and with the objectives of the prison administration. Inspections are conducted by the prison administration and by the Ministry of Justice. There are also independent inspections conducted by the Prosecutor's Office and by the Parliamentary Ombudsman for prisons. Non-governmental organisations, in particular the Helsinki Committee for Human Rights in Moldova, have monitored prison conditions since 1995. In 1997 they made a series of visits to the prisons with video cameras and microphones and met 120 prisoners as part of a project designed to help make prison life correspond precisely to the law. 50 of the prisoners participated, setting out matters which in their opinion conflicted with human

rights. The Helsinki Committee's report on the project was presented to the Supreme Court.

Prisoners have the right to make complaints to the director of the institution, to other inspecting authorities who are entitled to visit the prison, to the Director General, and even to Parliament and the President. Such provisions are in accordance with Rule 42 of the European Prison Rules, but it seems that they are little publicised and little used by the prisoners, despite the fact that the Helsinki Committee and another non-governmental organisation CREDO have prepared a document for prisoners entitled 'How to react when your rights are infringed'. Neither the Helsinki Committee nor the Parliamentary Ombudsman receive many complaints; the Ombudsman receives five to ten a year. One non-governmental organisation, the League for the Protection of Human Rights in Moldova (LA-DOM) does receive a number of complaints, mostly against the length of pre-trial detention.

The CPT inspection of October 1998 resulted in 37 recommendations, some of which have already been mentioned. They drew attention, for example, to the need to reduce overcrowding and increase the space allowed to prisoners, to develop a strategy to combat violence between prisoners, to improve material conditions and provide sufficient hygienic/toilet products, to develop staff training, to improve conditions for prisoners who have been imprisoned for life, to ensure that medical decisions are taken only on medical criteria, to ensure that there is a full complement of staff to provide psychiatric care, to develop the medical examinations of newly arrived prisoners, to respect the food norms and improve the hygienic conditions of kitchens (and improve the working conditions of kitchen staff), and to improve the conditions in isolation cells. The government response set out the measures that were being taken, or had already been taken, to address the issues about which recommendations had been made.

The CPT inspection of 2001 emphasised the need for the Moldovan authorities to take steps to ensure that all prisoners have the basic requirements of life, to establish a comprehensive policy to combat overcrowding, and to increase the space per prisoner to 4m². They also called for greater efforts to develop staff training, the removal of shutters from cell windows and the provision of a programme of activities for juveniles. Recommendations were also made concerning the conditions of imprisonment for those with life sentences, measures to improve health care and improvements to the three penal institutions that focus on medical matters (CPT, 2002/11). The government response drew attention to the financial restraints faced but listed a number of measures that have been taken as a result of the CPT's recommendations, including the removal or partial removal of most shutters from cell windows and the development of staff training. They regretted that they could not guarantee the safety of all prisoners because of the size of dormitories and the shortage of staff (CPT, 2002/12).

The international standards (the UN Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules), which provide the benchmark for assessing the quality of the management of prisons and the treatment of prisoners, are reported to be widely available in the Moldovan prison system.

The Director General and the directors of the penal institutions have copies, as do management staff at the prison administration headquarters and in each prison. Copies are also said to be available to be read by other prison staff and by prisoners.

Non-governmental organisations

In October 1994 at the time of the previous HEUNI study there appeared to be no NGOs working on prison matters except for the representatives of Orthodox and Evangelical Churches. Evangelical bodies are still involved but there is said to be little interest from the Orthodox Church. The intensive regime colony at Cricova contains an attractively decorated chapel which was established through the auspices of the Seventh Day Adventists.

However, there are now a number of NGOs who are interested in improving prison conditions. Reference has already been made to the work of Caritas Luxembourg, CREDO, SIEDO, the Helsinki Committee and LADOM. The relationship between the Helsinki Committee and the prison administration is reported to be proper but could not be said to be friendly since the Committee's interventions are often inconvenient for the administration; nevertheless, the administration is frequently grateful to the Committee for issues it raises. The NGO Caritas Moldova has been involved in renovation work at Pruncul prison hospital, improving conditions in one of the three blocks there. Pharmaciens sans Frontières regularly provide food for the sick, for women and for children at Chişinău pre-trial prison. At December 2000 they were seeking donors for a large programme to provide laboratory equipment and drugs and improve the nutrition of tuberculosis patients in prisons.

The International Society of Human Rights in Moldova started working with the prison administration in 1998. In the year 2000 they carried out two workshops, at the colony for juveniles (Lipcani) and the colony for women (Rusca). They are currently undertaking a project for the international NGO Penal Reform International whereby they meet women prisoners in private interviews to hear of any problems concerning their children who are being looked after by relatives, and bring some children to visit their mothers. They work jointly with SIEDO and the Centre for Human Rights/Ombudsman's Office. Another NGO, CREDO, in November 2000 began producing monthly pages about prisons in a widely circulated newspaper 'Moldovan Youth'; this project was said to have been funded by the Westminster Foundation for Democracy. The prison administration regards the work of NGOs in monitoring and assistance as making a positive contribution to penal reform and introducing an advanced level of experience.

NGOs undertook two assessment meetings in the year 2000 with a view to further progress in the development of the prison system. Following a request from the Moldovan Government, the Dutch Embassy in Kiev and the Soros Foundation Moldova arranged for the Centre for International Legal Co-operation (Leiden, Netherlands), the Dutch Helsinki Committee and the Constitutional and Legal Policy Institute (Soros Foundation) to conduct a needs assessment in Oc-

tober 2000. They made a number of recommendations (van den Brand et al., 2000). In December 2000, ICCO, a large Dutch protestant organisation, asked the Royal Netherlands Tuberculosis Association (KNCV) to formulate a project proposal for tuberculosis control in prisons in Moldova. Since such reform depends also on the improvement of prison conditions, KNCV asked Penal Reform International to be involved. Reports by KNCV (Veen, 2001) and PRI (Walmsley, 2001) followed a needs assessment conducted in December 2000. It will be of value if the two initiatives described above can result in joint projects, in order to maximise the value of the expertise at the disposal of the organisations concerned and to avoid duplication of effort.

International co-operation

The Moldovan prison service is involved in international co-operation, in particular with the prison services of France, Switzerland, Russia, Romania and the Netherlands, with Penal Reform International and with the Council of Europe. The Council of Europe works with the Moldovan prison administration both in its joint penitentiary reform committee with the European Commission and through the CPT and other multilateral meetings. Other international NGOs working in Moldova include the Soros Foundation, Caritas Luxembourg and Pharmaciens sans Frontières, as already mentioned; these three are reported by the Director General to give significant assistance in respect of prison health care (Council of Europe, 2002).

Other matters

Both pre-trial detainees and sentenced prisoners have the right to vote in national elections. There is never any limitation on prisoners' right to vote after they are released from prison.

The prison administration does not produce an annual report.

Important recent developments

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

- the opening of a special unit for lifers at Rezina prison (2001);
- the opening of a unit for former workers in state administration bodies at Lipcani colony (2001);
- the opening of a new strict regime correctional colony at Leovo (2001);
- the receipt from government reserves of 1,200 hectares of agricultural-land to improve quantities of food available (Resolution 525, June 1999);
- the amendment to the Penal Executive Code whereby for minor offenders one day's work counts as two days of the prison sentence (2000).

Slightly less recent but of particular importance was the transfer of the prison system from the Ministry of Internal Affairs to the Ministry of Justice (January 1996) and what was referred to by the vice-Minister of Justice in December

2000 as “the subsequent humanisation of the system”. At the end of 2001 the prison system was visited by the President of the Republic of Moldova, the President of Parliament and the Prime Minister; this led to certain measures being taken to improve the situation in the prison system, including the provision of additional food products and medicaments (CPT, 2002/12 p. 16).

Current objectives

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

- to open a new hospital for tuberculosis patients and to increase the size of the present tuberculosis hospital;
- to open a new intensive regime colony;
- to improve the conditions of imprisonment for juveniles and women.

Additional objectives reported in December 2000 by the former vice-Minister and head of the prison administration were:

- to get rid of the operative services and have psychologists working to change staff attitudes;
- to have the new ‘one day’s work counts as two days of the sentence’ rule extended to all sentenced prisoners;
- to introduce a new minimum space allowance for pre-trial detainees and sentenced prisoners of 4m², and 5m² in the hospitals and thus reduce overcrowding;
- to increase the number of heads of detachment so that each is responsible for only 50 prisoners;
- to reduce the length of pre-trial detention and in particular the time newly convicted prisoners have to wait for the results of their appeals (currently often 1-2 years);
- to reduce the capacity of the penal institutions so that no colony has a capacity exceeding 1,000 and no pre-trial prison a capacity over 500;
- to carry out the plan to have a penitentiary treatment faculty in the Police Academy;
- to improve the quality of the food provided to TB patients.

Main problems

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

- lack of financial resources for the prison system and consequently an absence of adequate conditions for the treatment of tuberculosis patients (the medical department gets only 30% of the money needed);

- overcrowding of pre-trial prisons, sometimes allowing prisoners no more than 1.6m² – 1.8m²;
- providing prisoners with a normal level of existence, in terms of living conditions and food;
- the tuberculosis epidemic (276 new cases came to light between January and November 2000);
- the fact that lighting, heating and air quality are sub-standard in the old buildings;
- the absence of suitable windows in the pre-trial institutions and the need to replace the metal shutters with more modern devices.

Achievements

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

- the introduction of the DOTS strategy in the treatment of TB patients;
- drawing the process of the correction and re-education of prisoners to the attention of an NGO, with the result that women prisoners now receive free legal advice on everyday personal problems;
- drawing religious bodies into the work of the correction and re-education of prisoners. The prison system of Moldova has become a member of Prison Fellowship International.

Further achievements of the Moldovan prison system include:

- the legislative provision whereby one day's work counts as two days of a prison sentence;
- the increase in the number of heads of detachment (at Cricova intensive regime colony) in order to reduce the number of prisoners per detachment and improve the treatment and regime activities;
- the large increase in staff salaries (from August 2000) in order to improve the quality of staff and also staff morale;
- the introduction of settlement units (semi-open or open units) at most institutions for sentenced prisoners;
- the positive relations that have been established with several non-governmental organisations, who are thus able to contribute in various ways to the improvement of the prison system;
- the NGO project to improve contacts and relationships between women prisoners and their children;
- the increase in the number of parcels allowed to prisoners because of the food shortages, and the fact that juvenile prisoners are now allowed an unlimited amount of parcels.

Conclusion

This account of the Moldovan prison system, recent developments, objectives, problems and achievements demonstrates that despite extremely unfavourable circumstances, especially in respect of the economic situation of the country, the conditions in some of the institutions and the major difficulty of coping with a serious epidemic of tuberculosis, it has been possible to make progress in a number of areas.

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

- to amend the practice whereby pre-trial detainees (remand prisoners) are separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to take steps so that neither legislation nor practice continue to block the introduction of a proper programme of regime activities for pre-trial detainees, including access to books, and to enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature;
- to improve the quality of food so that it reaches at least average standards in communal catering outside, and prisoners receive a balanced diet including meat, fruit and vegetables;
- to obtain additional financial resources for the prison system in order to improve the conditions of imprisonment for all pre-trial detainees and sentenced prisoners;
- to improve lighting, heating and air quality in the old buildings, and remove all metal shutters from the windows of pre-trial prisons;
- to ensure that sanitary arrangements are satisfactory for all prisoners and to provide sufficient toilet paper and soap;
- to improve staff training for all levels and types of staff;
- to bring all prison staff, including those responsible for perimeter security in the colonies, not only under the control of the Ministry of Justice but also under the command of the directors of the institutions;
- to ensure that all juveniles, including pre-trial detainees, are held separately from adults;
- to ensure that conditions in all places of isolation punishment are fully in line with those envisaged by the European Prison Rules and recommended by successive reports of representatives of international bodies;
- to facilitate more regular visits for pre-trial detainees and sentenced prisoners so that all can be visited at least once a month, and pre-trial detainees more often if possible.

Annex 1

MOLDOVA: Numbers in the penal institutions 1990-2001

Year (1 January)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1990	12,075	277	4,361,600
1991	11,066	253	4,366,300
1992	10,258	276	3,719,100*
1993	9,943	268	3,707,800*
1994	10,497	283	3,712,700*
1995	9,781	263	3,717,900*
1996	10,363	281	3,694,400*
1997	9,826	267	3,680,000*
1998	10,521	287	3,664,700*
1999	10,044	275	3,653,000*
2000	9,449	259	3,643,500*
2001 (1/1)	10,037	276	3,634,500*
2001 (31/12)	10,633	293	3,627,200*

* The totals in penal institutions in the years 1992-2001 do not include those held in the internationally unrecognised Transnistria which, with a resident population estimated at 640,000, broke away from the rest of Moldova (see section 45). The national population figures shown for 1992-99 are thus 640,000 less than the estimates for the whole country that were produced by the Council of Europe; those for 2000-01 are in accordance with new Council of Europe estimates for Moldova, which exclude Transnistria. The prison population rates are calculated on the basis of the figures shown in the table.

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	3,479	34.7	96
(31/12)	3,446	32.4	95
Female prisoners in 2001			
(1/1)	441	4.4	12
Juveniles (under 18) in 2001			
(1/1)	214	2.1	6
Foreign prisoners in 2001			
(1/1)	187	1.9	

Note: An amnesty in 1994 led to the release of 763 prisoners by the end of the year.
An amnesty in 1999 freed 1,169 prisoners and reduced the sentences of 671.
A total of 3,010 prisoners were amnestied between 1993 and the end of 2000.
An amnesty in 2001 freed 800 prisoners and reduced the sentences of 700.

Annex 2

Moldovan penal institutions: functions and capacity, 2001

1	Taraclia	Colony settlement (No.1) with open regime	100
2	Leovo	Colony (No.3) with strict regime section (450), settlement unit (100) and social rehabilitation unit for alcoholics (60)	610
3	Cricova	Colony (No.4) with reinforced (intensified) regime section (1,200) and settlement unit (50)	1,250
4	Soroca	Colony (No.6) with strict regime section (1,250) and settlement unit (50)	1,300
5	Rusca	Colony (No.7) for women, including settlement unit (20)	310
6	Benderi	Colony (No.8) with strict regime section (450) and hospital for tuberculosis patients (200)	650
7	Pruncul	Colony (No.9) with reinforced (intensified) regime section (1,000) and settlement unit (100)	1,100
8	Goieni	Colony settlement (No.10) with semi-open regime	500
9	Basarabeasca	Colony settlement (No.14) with semi-open regime	150
10	Cricova	Colony (No.15) for most dangerous recidivists, including settlement unit (50)	560
11	Branești	Colony (No.18) with common regime section (950) and settlement unit (100)	1,050
12	Goieni	Colony (No.19) with reinforced (intensified) regime section (250) and settlement unit (150)	400
13	Lipcani	Educational colony for minors (200) and settlement for former employees of administrative bodies (100)	300
14	Pruncul	Multi-profiled hospital for the Republic, including settlement unit (20)	220
15	Beltsi (Balți)	(Prison No.1) pre-trial institution (640) and settlement unit for sentenced prisoners (60)	700
16	Benderi	(Prison No.2) pre-trial institution (c.540) and unit for sentenced prisoners (c.150)	690
17	Chișinău	(Prison No.3) pre-trial institution (c,1,420) and unit for sentenced prisoners (c.60)	1,480
18	Cahul	(Prison No.5) pre-trial institution (410) and settlement unit for sentenced prisoners (100)	510
19	Rezina	(Prison No.17) pre-trial institution (350), social rehabilitation unit for alcoholics (100), hospital for tuberculosis patients (250) and unit for those serving life imprisonment (100)	800

TOTAL (end of 2001)

12,680

Note: See section 45 for information on the five penal institutions in Transnistria, part of Moldova that is not under the control of the Moldovan government.

Annex 3

Moldova: principal sources of information

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

Other information and documentation supplied by the Moldovan prison administration.

Mr Valeriu Troenco	Director General of the Prison Administration until 2001
Mr Alexei Leorda	Chief of the medical department of the Prison Administration
Mr Ion Sheremet	Director of Chişinău pre-trial institution (Prison No.3)
Mr Andrei Roşca	Director of Cricova reinforced (intensified) regime colony (No.4)
Mr Valentin Poştu	Director of Rusca colony for women (No.7)
Mr Anatol Ciuharenco	Director of Benderi pre-trial institution (Prison No.2)
Mr Nicolae Sainsus	Director of Benderi hospital for tuberculosis patients
Mr Georghe Kupitaru	Director of Pruncul multi-profiled hospital for the Republic
Mr Ozya Russu	Vice-minister of Health, Republic of Moldova
Mr Paul Strudzescu	Director, League for Protection of Human Rights in Moldova (LADOM)
Mr Stefan Uritu	Director, Helsinki Committee for Human Rights in Moldova
Mr Anatol Beleac	Independent Society for Education and Human Rights (SIEDO)
Mrs Liubovi Nemchinova	International Society for Human Rights (Moldovan section)

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37. Poland

Legislative framework

The Penal Code, Penal Procedural Code and Penal Executive Code, all of which dated back to 1969, were replaced by new Codes, which were adopted by Parliament in June 1997 and came into force in September 1998. This was the culmination of a process that had begun in 1989 when the totalitarian state collapsed, and had been accompanied by a number of major amendments to the legislation of 1969. The new Codes “completed the process of reforms of the penal law, which aimed to introduce the standards of a democratic state that observes the rule of law. The 1997 Penal Code has a thoroughly updated system of penal sanctions and rules for imposing them. The changed catalogue of penal sanctions is based on the assumption that a national penal policy requires the limitation of the application of imprisonment and the development of a system of non-custodial penalties and penal measures” (Stando-Kawecka, 2001). “Limiting the application of prison sentences and moving towards non-custodial penal sanctions is assumed to be a significant factor contributing to the reduction of the financial and social costs of the criminal justice system” (ibidem).

The basic legislation regulating the prison system are the Penal Executive Code, sometimes referred to as the Code of Execution of Penalties, the Rules for the Execution of Detention on Remand and the Rules for the Execution of Imprisonment Sentences. Both these sets of rules were issued by the Ministry of Justice in 1998 to provide more specific instructions about implementing aspects mentioned in the Penal Executive Code. There is also a fourth piece of regulatory legislation, the Prison Service Act of 1996 which defines the tasks and organisation of the prison service and specifies the rights and obligations of prison staff. In general terms all this legislation confirms the transformation of the Polish prison system, and gives it a modern legal basis in accordance with the international standards that are embodied in the European Prison Rules.

Organisational structure

Responsibility for the administration of the prison system has resided with the Ministry of Justice since 1956. According to section 1(2) of the Prison Service Act, the prison service is a non-political, uniformed and armed corps. This continuation of the military connection provides certain guarantees in respect of salary and pension which are of value to prison staff. But staff working as psychologists, case-managers (educators), and in the health service are now civilian employees. Nearly 5% of staff are civilian.

The Director General, head of the prison administration (Central Board of the Prison Service) is appointed by the Prime Minister on the recommendation of the Minister of Justice. The current Director General is Mr. Jan Pycak, the former deputy director general with responsibility for finance. He took up his post in February 2002. Dr. Pawel Moczydłowski was Director General from

1990-94 and he was succeeded by Mr. Włodzimierz Markiewicz (1995-2000), and later by Mr. Aleksander Nawrocki (2000-2002).

The senior management team includes two deputy director generals, one with responsibility for security, treatment, health care and information and the other for financial matters, prisoners' employment and information technology. Sections concerned with prison staff, legal affairs, inspection and publications report directly to the Director General. The prison service is divided into 15 regions, each of which has a Regional Director who is also the director of one of the major prisons of the region. There were 198 staff employed at the prison administration headquarters at the beginning of 2001.

There were a total of 156 prisons in 2001 (70 for pre-trial detainees and 86 for sentenced prisoners), which had attached to them a further 40 separate prison units - lower security institutions coming under the authority of the director of one of the 156 prisons. There are also two 'houses for mothers and children' which are sited on the premises of women's prisons, and 14 prison hospitals. These 212 institutions had a total capacity of 67,646 at the beginning of 2001; by 31 August the capacity had risen to 68,198. Although there are no pre-trial detainees in the institutions designated for sentenced prisoners, all of the pre-trial prisons have sections for sentenced prisoners; indeed some of them have more sentenced prisoners than pre-trial detainees.

Twelve pre-trial prisons have capacities in excess of 500, the largest being at Warsaw-Białoleka (1,272), Łódź (1,008), Gdańsk (952) and Radom (907); the other eight have capacities between 500 and 750. Of the institutions for sentenced prisoners, thirteen have capacities in excess of 750, the largest being at Wronki (1,405), Potulice (1,262), Kamińsk (1,255), and six more have capacities of over 1,000.

Two thirds of the prisons were built before the First World War and only one fifth were built after the Second World War. "Over 40 prisons are located in buildings that were built for other purposes : convents, military barracks or castles. The prison at Koronowo, for example, is located in a convent from the fourteenth century and the prison in Łęczycza in buildings from the fifteenth century" (Stando-Kawecka, 2001). In 2001 around 100 institutions required repairs, despite extensive efforts since 1989. Only one new prison, built to good European standards, has been completed in the last few years (at Radom).

Pre-trial detention

The level of pre-trial detention in Poland has risen by over 40% since 1994. At the beginning of 2001 there were 57 pre-trial detainees in the prison system per 100,000 of the national population, compared with 40 at the end of September 1994 (31.2% of the prison population compared with 25.0% in 1994). By the end of August 2001 the rate had risen to 64. This is the highest rate in central Europe but not as high as that in the countries of the former Soviet Union. The average length of pre-trial detention has risen from 6 months to 12 months in recent years. Pre-trial detainees spend an average of 3-4 hours a day outside their cells.

The pre-trial process, in accordance with section 244(1) of the 1997 Code of Penal Procedure, is that people suspected of criminal offences may be held in police custody for up to 48 hours, after which they may only be detained if a warrant of temporary arrest (pre-trial detention) has been obtained. "Since August 1996 only a competent court has the authority to issue such a warrant, acting on an application from the public prosecutor". Once the warrant is issued persons are transferred to a pre-trial prison. "Pre-trial detention may initially be set for a period not exceeding three months, although it can subsequently be extended. However, the total period of pre-trial detention until the verdict by the court of first instance may not, as a general rule, exceed two years" (Stando-Kawecka, 2001).

The numbers held in penal institutions

The prison population, which had been reduced dramatically by a major amnesty in 1989 to around 40,000, rose rapidly in 1990 and 1991 and then stabilised at around 61,500 until 1996. Legislative changes in 1995 led to significant reductions in 1996 both in the number of pre-trial detainees and the number of sentenced prisoners. An amendment to the Code of Penal Procedure removed the requirement that serious crime must lead to the pre-trial detention of the suspected offender. In addition, prosecutors were deprived of the right to decide whether persons should be held in custody at the pre-trial stage. The adoption of these amendments, the former on 1.1.96 and the latter on 4.8.96 resulted in a drop in the pre-trial population between the end of 1995 and the end of 1996 of over 2,000 (15%). At about the same time amendments to the Penal Code and the Penal Executive Code (12.7.95) "lightened the rules determining the length of sentences imposed on recidivists who were (being) given unreasonably long sentences in comparison to the gravity of their crimes", and "repealed the principle which deprived multi-recidivists of the right to conditional release" and granted them a right to release after at least three-quarters of their sentence had been served (Markiewicz, 1997). The same law, amending the penal code, introduced the possibility of a suspended sentence for a failure to pay a fine and the possibility of imposing community service instead of imprisonment if it was clear that the offender could not pay the fine. This law came into force on 20 November 1995. As a result there was an increase in the number of prisoners conditionally released and the number of sentenced prisoners fell by 2,450 between the end of October 1995 and the end of the year and by a further 3,650 between the end of 1995 and the end of 1996 (*ibidem*).

The prison population then remained around 54,000-57,000 (140-150 per 100,000 of the national population) until 2000, when the Minister of Justice called for more restrictive use of bail and the deputy head of the lower house of Parliament called for heavier sentences for manslaughter, aggravated assault, armed robbery, rape and trafficking in women. These and other developments, notably a tightening up of the circumstances in which conditional release is granted, have led to a very sharp increase in the prison population. It passed 70,000 before the end of 2000 and reached 80,000 at the end of August 2001, remaining

at about that figure for the rest of the year. Of the total of 70,544 at the beginning of 2001 (183 per 100,000) 31.2% were pre-trial detainees, 2.5% were female and 2.2% were foreign prisoners. Poland does not publish figures for the number of juvenile prisoners under 18, but most offenders under 17 are dealt with in correctional establishments under the control not of the prison administration but of a separate section of the Ministry of Justice and are not included in prison population totals. It was estimated in January 2001 that the prison population included one or perhaps two 15 year olds, about 100 16 year olds and over 1,000 17 year olds. The prison population at the end of December 2001 represented a rate of 206 per 100,000 of the general population, more than twice the rate in Germany to the west, higher than the rate in neighbouring Czech Republic and Slovakia, but only about half the rate in Ukraine to the east.

Accommodation, overcrowding and living conditions

The number in the penal institutions at the beginning of 2001 was 104.3% of the total capacity. Two-thirds of the institutions (53 of the 70 pre-trial prisons and 51 of the 86 institutions for sentenced prisoners) were overcrowded, with the two largest pre-trial prisons more than 20% overcrowded. By the end of August the occupancy level had risen to more than 117%. The Deputy Minister of Justice announced in November 2000 that he intended to acquire 2,500 new prison places in 2002/03 through the rebuilding of existing prisons; another 8,000 places were to be created by building new prison blocks on the territory of existing penal institutions.

The official minimum space specification per prisoner is 3m² (Penal Executive Code 1997, Article 110). The report of the CPT visit to Poland in 1996 (CPT, 1998/13 includes the following comment: "...the CPT wishes to stress that the existing standard of 3m² per male prisoner does not offer a satisfactory amount of living space, in particular in cells of relatively small size. The CPT recommends that the standard for male prisoners be changed to that which the Prison Rules (the secondary legislation) prescribe for female prisoners, namely at least 4m² per prisoner. The Committee also recommends that any cells measuring less than 6m² be taken out of service as prisoner accommodation". In their response to the report, the Polish authorities stated that "In the situation of a significant occupancy rate and lack of financial means for building or renovation of new blocks for prisoners to use, it is impossible to implement standards recommended by the CPT. The increase to 4m² of a surface provided for one inmate could happen if the total number of detained persons in prison establishments were reduced" (CPT, 1998/14 p.31). The Polish authorities also stated in their response to the CPT, that the recommendation to withdraw from use cells measuring less than 6m² cannot be carried out. In response to similar CPT recommendations in the year 2000 the Polish authorities set out the details of numbers of cells in which at least 4m² is available per prisoner (CPT, 2002/10 pp.19-20).

If the penal institutions in Poland were to allow 4m² per prisoner, the minimum acceptable to the CPT, there would be room for just over 50,000 prisoners;

with occupancy of over 70,000 (as at the beginning of 2001) the system would have been overcrowded by 40%, and with 80,000 (as at the end of the year) by 60%. The average space per prisoner at the beginning of 2001 in the two largest pre-trial prisons, Warsaw-Białoleka and Łódź, was 2.3m² and 2.5m² respectively. The largest number of prisoners accommodated in one room is believed to be 20, in a room of 70m².

The prison administration reports that untried prisoners are always detained separately from convicted prisoners and women prisoners separately from men. However prisoners under the age of 18 are not detained separately from those aged 18-24. Prisoners under 21 were always treated as a single group of young prisoners and, in order to provide better opportunities for prisoners aged 18-24 the age group for young prisoners has now been extended to the 24th birthday.

Sanitary installations and arrangements for access are now reported by the prison administration to be adequate to enable all prisoners to comply with the needs of nature when necessary and in clean and decent conditions. The prison provides toilet paper and other items necessary for personal hygiene. Every prisoner is able to have a bath or shower at least once a week; female prisoners are allowed a hot bath twice a week (section 21.5 of the 1998 Rules) and the chief doctor said that they can shower every day if they wish. Pre-trial detainees are given the opportunity of wearing their own clothing if it is clean and suitable. Every prisoner has a separate bed.

Food and medical services

The quantity and quality of food that prisoners receive is said to be better than average standards in communal catering outside. More is spent on food for prisoners than for patients in an outside hospital. The chief prison doctor said she would like to reduce the amount of fat in the diet that is provided. Prisoners are getting around 4,000 calories a day, whereas the legislation specifies “at least 2,600”, and “at least 3,200” for young offenders. Those who are working are given yet more. Although the legislation prescribes that staff and prisoners must be fed separately, staff and prisoners receive the same food, for example in Kraków prison. There is also said to be a good variety of food and a balanced diet. The menu is checked by the dietician and the doctor approves it. Nine different diets are prepared.

Medical services are intended to be at an equivalent level to that offered to the general population. Article 115 of the Penal Executive Code states that sentenced prisoners shall receive free medical care, free provision of medications and dressings and, in particularly justified cases, free dentures. There are said to be good co-operative relations between the prison health care service and the Ministry of Health. Urgent consultations, surgical interventions and specialised medical procedures are provided by the public health service and paid for from the prison health care budget.

The head of prison health care (chief prison doctor) is assisted by prison doctors working in the health care service in each of the fifteen regions into

which the Polish prison service is divided. At least once a year there is a meeting, lasting 3-4 days, for doctors and nurses of the health care service to provide information about policies and practice and share opinions and ideas. This has a training as well as a policy function. About five times a year there are meetings focussed on specific issues. Nurses working in the prisons are better paid than those outside. This used to be the case for doctors too but a reform in January 1999 resulted in a higher level for doctors in the community; the chief doctor is concerned that this may discourage recruitment in the future. There are some 644 doctors and 900 nurses in the prison system. Medical staff undergo regular training organised within the prison health care system.

Alcohol is seen as a more serious problem in Polish prisons than drugs. There are eleven units ('wings') for its treatment with a capacity of 400 places and this is regarded as insufficient; units for alcohol addicts like those for drug addicts tend to be for 30-35 people. The treatment is based on the Atlantis project, which was mentioned in the previous HEUNI report (Walmsley, 1996 p.308). It involves individual and group therapy. The prisoners are out of their cells (three or four to a cell) for 12 hours a day wearing their own clothes, and being required to eat together (MacDonald, 2001). At Mokotów prison in Warsaw, one of the eleven units, 49 prisoners were participating in the three-month programme.

The problem of drugs in prison is getting worse. "A wide selection of drugs are being smuggled into the prisons, including cocaine, cannabis and heroin. Independent research is being done (by the National Institute of Neurology and Psychiatry) with a grant from the Ministry of Health about the extent of drug use in prisons....All admissions to prison are asked if they are using drugs" and there will be anonymous urine checks to discover about illegal drug use (MacDonald, 2001). Security staff started being checked for drugs in the year 2000. There are about 1,000 drug addicts in the prisons. A special treatment programme for drug addiction lasts for 6 months. There are ten units ('wings') in the Polish prisons for the treatment of drug addicts, offering places for 300 patients.

The treatment programmes are said to reflect the national strategy in respect of alcohol and drug addiction, and some are similar to programmes that are available outside in public institutions for such addicts. Prison staff are trained by staff from public institutions. An obligatory part of the therapeutic programme is for staff to help prisoners obtain continued treatment after release.

In accordance with WHO guidelines there is no mandatory testing for HIV on entry to the prisons; the prisons are part of the national programme for HIV, which involves voluntary testing. Prisoners who are HIV positive are not separated from the rest of the prison population and their status is confidential, so that even the director of the prison does not know who is HIV positive; they are given anti-viral drugs in co-operation with the National Centre for Communicable Diseases in the community. The Ministry of Health supplies and pays for the drugs. In January 2001 there were 981 HIV positive prisoners. Numbers are said to be stable.

Tuberculosis is not spreading within the prisons. On admission prisoners are x-rayed and they are then x-rayed again on an annual basis. There are four TB wards in the prison system. The incidence of TB in the prisons is about seven

times the rate in the community and in January 2001 there were 274 cases. The number of cases is going down and there is no current problem with the strain of the disease that is resistant to drugs (MacDonald, 2001).

There are 22 units ('wings') in the Polish prison system for mentally disturbed prisoners, with spaces for 1,400 people; the capacity of the units varies from 50-200. The treatment strategy for such prisoners, as for alcohol and drug addicts, is part of the overall national strategy. The Penal Executive Code stipulates that a patient's consent must be sought before psychological or psychiatric examinations are undertaken (Article 83.1). If the patient refuses consent, an application for compulsory treatment may be made to the penitentiary judge. If a psychiatric illness persists a medical commission can propose termination of imprisonment and transfer to a psychiatric hospital outside.

The specialist units ('wings') for alcohol and drug addicts and for the mentally disturbed are usually led by psychiatrists or psychologists. The staff are organised into therapeutic teams consisting of a psychologist, a psychiatrist, a general doctor, an activity therapist and case managers. Prisoners are admitted to these units in accordance with provisions in the Penal Executive Code and the Prison Rules. The decision is taken either by the sentencing court, on the advice of forensic experts, or by referral to the penitentiary court. Treatment methods include individual therapy, group therapy, cultural activities, and co-operation with the prisoner's family. Each prisoner is assigned an individual treatment programme designed by the therapeutic team. Pharmacology is only used as an adjunct to these methods. Treatment for groups of prisoners with special medical needs is reported to have a 50-year history in the Polish prison system and to be well done.

Facilities for mothers and babies continue to be available at Grudziądz and Krzywianiec prisons, where mothers may be with children up to the age of three. At the beginning of 2001 24 of the 47 places in these 'houses for mothers and children' were occupied, seven of the 24 being pre-trial detainees.

There were 96 deaths in prison in the year 2000. None were from tuberculosis but 44 were as a result of suicide (35 in 1999). The circumstances of every death are examined by the prosecutor. Swallowing sharp items is a common form of self-injury in Poland; some prisoners are said to believe that it will get them out of prison, at least by being transferred to an outside hospital. Until 1998 the law stipulated that any period of medical treatment following self-injury did not count as part of the sentence. The new Penal Executive Code has removed this sanction.

As mentioned, medical staff check the food before it is served to prisoners. It is also their responsibility to advise the director of the prison on the hygiene and cleanliness of the institution and prisoners, the sanitation, heating, lighting and ventilation and the suitability and cleanliness of the prisoners' clothing and bedding.

The Polish prison health care service is focusing attention on health promotion. Prisoners receive much information from the medical centres in each prison (MacDonald, 2001). Health promotion information for staff is also being developed. A hepatitis vaccination programme for staff began in 2001 and also

an anti-smoking campaign, which is to be extended to prisoners later. Attention is also being paid to the stress levels amongst staff, and a psychologist has been designated to work with staff in each prison. It is also planned to introduce an alcohol reduction project.

Discipline and punishment

The new Penal Executive Code of 1997 includes eight articles (Art. 142-149) that regulate the nature of disciplinary punishment and the ways in which it will be carried out. There are also six rules, in the Rules for the Execution of Sentences of Imprisonment 1998, which specify further details. The prison administration states that the key elements of disciplinary proceedings include hearing what the person accused of a disciplinary offence has to say about it, hearing the opinion of the person's case manager, and hearing from any witnesses (Central Board of Prison Service, 2000). The new Code, unlike the old one, sets out a complete list of penalties available, from admonition through a ban on taking part in recreational activities and receiving packages with food and a reduction in remuneration for up to three months, to solitary confinement for up to 28 days. Prisoners in solitary confinement may not participate in common activities or take part in work outside their cell; however, they are allowed to read books and newspapers. But, despite the care taken in the legislation to deal with disciplinary matters in a careful and proper manner, Rule 54.2 contains the provision that during the disciplinary punishment of solitary confinement prisoners shall not be allowed visits. This restriction is not desirable since maintaining contact with families should not be regarded as a privilege or benefit but as an essential part of the process of ensuring that prisoners are released with the best possible chance of successful reintegration into society.

Solitary confinement (isolation punishment) is being used less and less in Poland and consequently the number of isolation cells in the prisons is being reduced. It is said by the prison administration that it is only used in circumstances where the behaviour concerned almost amounts to a crime and that this policy is able to be followed as a result of the low level of tension in the institutions; one member of the security staff is sufficient to control 50 prisoners. Conditions in the room where solitary confinement takes place are no worse than elsewhere; it is the isolation, the separation from other prisoners that is the principal punishment. Nevertheless Rule 54 does prohibit visits, the use of telephones, the purchase of food, the receipt of food parcels, and the use of the prisoner's own clothing and footwear, to anyone who is confined to an isolation cell. Before solitary confinement is carried out a doctor or psychologist must give a written opinion as to whether the prisoner is in a suitable condition for it, and during the period of isolation the Penal Executive Code requires that a doctor or psychologist must monitor the prisoner's ability to serve the punishment. The European Prison Rules specify that prisoners in disciplinary confinement must be visited daily by a medical officer (Rule 38.3) but in Białoleka prison the practice was to visit such prisoners only every few days.

Contact with the outside world

The number of visits that sentenced prisoners may receive depends on the type of prison in which the sentence is being served. In a closed prison two visits of one hour each are allowed per month, in a semi-open prison three such visits per month, and in an open prison an unlimited number of visits. Visits received by prisoners in closed or semi-open prisons are subject to visual and aural supervision; in open prisons supervision of visits is limited and there is no time limit. Prisoners may, as a reward for good behaviour, receive unsupervised visits in a common room or in a private room. This includes intimate visits from wives/girlfriends and long visits, including overnight stay, from families. Such visits may also be granted by a psychologist for therapeutic reasons.

Sentenced prisoners may make telephone calls at their own expense (or, in exceptional cases, at the prison's expense). Telephone calls are monitored in closed and semi-open institutions. Regardless of the prison regime, one package of food weighing no more than 5 kg may be received every month; additionally, packages containing clothing, shoes and toilet articles may be received, subject to the permission of the director of the prison. There is no limit on the number of letters that sentenced prisoners may send and receive.

Pre-trial prisoners are allowed more limited contacts with the outside. "Visits received by remand prisoners are subject to the prior consent of the authority at whose disposal they remain, that is the public prosecutor or the court. In accordance with the Pre-trial Detention Rules of 1998 these visits are supervised and, as a rule, take place in a room in which physical contact between the remand prisoner and visitor is impossible. The correspondence of remand prisoners is subject to censorship of the authority at whose disposal they remain" (Stando-Kawecka, 2001). Pre-trial prisoners are not allowed to make telephone calls (Pre-trial Rules, section 44). Despite these restrictions, the director of the largest pre-trial prison in Poland, Warsaw-Białoleka, said that there had been no recent case when visits had not been allowed; visits lasted at least an hour.

The Penal Executive Code requires the prison administration to place prisoners as near to their homes as possible. However it was pointed out that this could only be followed precisely if there were an unchanging number of prisoners and no overcrowding. The problem is greater in the case of women prisoners because there are comparatively few institutions for them; nevertheless these are distributed quite regularly across the country. The recent rise in the prison population has made it more difficult to locate prisoners near to their homes.

A liberal policy of granting prison leaves was introduced in 1990, partly to reduce tension in the prisons, partly to keep prisoners in touch with the world outside, and partly to contribute to a reduction in food costs. This policy was widely criticised by the mass media and politicians and from May 1993 greater caution was exercised and more consideration taken of the nature of a prisoner's offence. There was a steady decrease in the granting of leave in the following four years and regular 24 hour leave at weekends was abolished in 1996 (Sienaszko, Szumski and Wojcik, 1997). The new Penal Executive Code sets out in detail (Articles 91, 92, 138) new provisions for home leave. Home leave as a

reward has been extended from up to 5 days to up to 14 days but may not exceed 28 days per year. Short prison leave (formerly up to 24 hours) is now extended to up to 30 hours. "When granting prison leave as a reward, various factors are taken into consideration, such as behaviour in prison, whether the prisoner will return to prison, and a positive prognosis concerning his behaviour outside the prison. The formal premise of granting a prisoner such a reward is the completion of at least half the term that is needed to elapse before the prisoner could apply for conditional release. Inmates sentenced to life imprisonment may be rewarded with prison leave after serving 15 years" (Stando-Kawecka, 2001).

Leaves may also be granted in urgent situations, and in the last six months before release in order to seek employment or accommodation. A wide range of prison leave is available to prisoners in semi-open and open prisons in order to participate in education, therapeutic and recreational activities outside the institutions. The number of prisoners not returning on time, or not at all, in the period 1 January to 30 June 1999 amounted to 1.3% and was the lowest rate recorded (Central Board of Prison Service, 2000). Stando-Kawecka attributes this change to better prognosis of the likely behaviour of prisoners on leave and the fact that 25% of prisoners receive prison leave on relatively numerous occasions while the remaining 75%, particularly in closed institutions, were not granted any leave at all (Stando-Kawecka, 2001). The failure rate in 2001, when a total of 82,468 permits for leave were granted, was also 1.3% (Central Board of Prison Service, 2002).

The prison administration reports that 80-90% of prisoners are able to watch television and listen to the radio as much as they wish. In addition to keeping them in contact with the outside world, this is seen as an important educational and social activity.

As may be deduced from the policy in respect of prison leaves and access to radio and television, the Polish prison system lays stress on the principle of openness between the prison and the world outside. A number of associations, organisations and institutions are enabled to participate in prison life with the purpose of limiting the destructive effects of isolation and preparing the prisoners for adapting to social life on release. There have been national exhibitions of prison art and prison artists have participated in art competitions and charitable activities, such as providing assistance to local schools and health centres. Prisoners in semi-open and open institutions are allowed to take part in cultural, educational and sporting activities outside the prison.

Religious assistance

There are (Roman Catholic) priests in the prisons who are supported by lay people; in addition to their religious activities they co-operate with prison staff in "shaping [the] desired attitudes and [the] development of positive traits of character of inmates" (Central Board of Prison Service, 2000). The right to take part in religious practice and to receive assistance from religious representatives is guaranteed in the Penal Executive Code. Prisoners are also allowed to participate in religious teaching and charitable activities with a religious purpose. The

prison administration reports that representatives of many denominations conduct or support various treatment activities, including knowledge competitions, musical concerts and theatrical performances. The co-operation between the prisons and the religious representatives is at such a level that the prison administration considers that "religious care and participation of priests in the penitentiary work have made themselves a permanent element in the everyday functioning of penitentiary institutions and remand centres" (Central Board of Prison Service, 2000).

Prison staff

The Polish prison service employed about 23,750 staff throughout 2001, of whom some 1,000 were civilian staff. This is about 9% more than in 1994. Included in this total are 198 staff employed at prison headquarters. Non-military (civilian) staff include some of the case managers (educators), psychologists and medical staff but others in these professions do hold a military rank. Recruitment of staff is easier in the outlying districts than in the cities. With 15% unemployment nationally the prison service is an attractive proposition for people in small towns and villages, but less so in the cities where unemployment levels are lower. The general quality of staff is reported to be good. The Prison Service Act 1996 requires that every candidate must be a high school graduate (i.e. have at least a medium level of education), must be in a good physical and mental state (there is a medical examination) and must have no criminal record. Good references are needed. 90% of the case managers have university degrees. Every prison does its own recruiting through advertisements in the local newspaper; there is a 10% turnover of staff each year. Nevertheless posts are filled as quickly as people leave. There were no persisting vacancies for security staff in 2001 and only four for treatment or medical staff. The overall ratio of prison staff to prisoners, based on a figure of 23,750 staff in post in 2001 was 1 : 3.0.

Staff salaries are similar to those in the police. They were near the average national salary in 2001. Public respect for prison staff has risen significantly since the prison system was reformed at the beginning of the 1990s. They now have some prestige in the community. The increased openness contributes to this but also leads to complaints from some that the regime is too liberal.

The Polish training centre is at Kalisz in central Poland. New recruits attend an intensive initial training course lasting three weeks, which gives them basic knowledge about the prison service, the profession of being a member of the prison staff and prison practice. This is followed by training according to the educational level of the staff concerned. The first two years of the career of a member of the prison staff is a probationary period during which their physical and mental suitability for the job is monitored and assessed. Every promotion to a higher post must be preceded by specialised training, which seeks to provide an opportunity to keep in touch with the latest developments in knowledge about prison matters and about the social rehabilitation of those who have served a prison sentence; in this connection there are numerous contacts between penal institutions, schools of higher education and other research and scientific cen-

tres (Central Board of Prison Service, 1997). The ethical and professional standard of the prison service has risen significantly during the 1990s, and the atmosphere in the prisons has become more relaxed with little tension between staff and prisoners despite low staffing levels, as was noticed by the CPT during their visit in 1996 (CPT, 1998/13 p.33).

Some 50% of treatment staff (e.g. case managers and medical staff) in institutions for male prisoners are women. Other female staff work in administration. There are very few women among the security staff in prisons for men although there is one in Mokotów prison in Warsaw. Overall 16% of the total prison staff are women. In the institutions and units for women about 55% of staff are men, working as security staff, case managers, in the supplies and provisions (quartermaster's) department and in the management of the prison.

With regard to security matters the Prison Service Act of 1996 specified that firearms were only appropriate for perimeter security in closed prisons and remand prisons, and even then there should only be non-penetrative rubber bullets. Dogs too should only be used in closed and remand prisons, mainly where there are long distances between the towers. Towers themselves are not legally necessary in closed or remand prisons but the regulation is that the walls must be at least 7m high. The tendency now is to reduce the number of guards with firearms and replace them with electronic equipment. Even in a closed women's prison, as Lubliniec, there are no towers and no perimeter guards. Where there are towers in semi-open or open prisons these are being replaced. There is no legal barrier to replacing towers with electronic systems but the costs are huge, especially in closed and remand prisons.

Misbehaviour by staff is not a significant problem in the Polish prison service, the prison administration reports. When it does occur it is usually on the occasion of fights between prisoners, escapes or in the incorrect use of instruments of restraint. There are only a small number of serious cases. There is an increasing problem with prisoners who are involved in organised crime provoking staff corruption.

Treatment and regime activities

Chapter 4 of the Rules for the Execution of Imprisonment Sentences is entitled 'Treatment measures applied to the sentenced prisoners' and Rule 36 specifies that by treatment measures it means work, education, cultural, educational and social activities, physical education and sports activities, and rewards and disciplinary punishments. In other words 'treatment' is defined as anything that the prisoner will do while in prison which may have a positive effect on rehabilitation after release. Individualised treatment is covered in Chapter 5, which deals with the various types of prisons (e.g. for young offenders, for women, for first time prisoners, for recidivists) and types of security level (closed, semi-open, open) but also sets out the three types of treatment that are to be used, according to the circumstances of individual prisoners. The therapeutic system is to be used for those needing medical or psychological treatment, for example alcohol and drug addicts and those who are psychiatrically ill or mentally retarded. The

programmed treatment system is based on a differentiated treatment plan aimed at resocialisation, which is drawn up by a 'penitentiary commission' appointed by the prison director, in co-operation with the prisoner. The prisoner's consent is needed to the programmed treatment system, except for young prisoners under the age of 24. Anyone who does not need to be in the therapeutic system or wish to be in the programmed treatment system is placed in the standard system, "under which the sentenced prisoner may have access to the employment, education and cultural, educational and sports activities available in the penitentiary institution" (Penal Executive Code, Article 98) but will have no individual resocialisation programme. At the end of 2000 about 8% of sentenced prisoners were in the therapeutic system, 62% in the programmed treatment system and about 30% in the standard system.

The main organisers of the prisoners' treatment under the programmed treatment system are the case-managers. Although the high proportion in the Polish system with university education means that case managers are probably better academically qualified than prison staff in the equivalent posts in other central and eastern European prison systems, the role is the same as that fulfilled in most other central European systems by the educators or pedagogue and in the prison systems further east, including Moldova, Russia and Ukraine, by the 'heads of detachment'. In short, they are responsible for organising the activities that the prisoner will undertake. More specifically, in Poland their task is to prepare individualised programmes for those on the programmed treatment system, to arrange educational and cultural activities and to organise assistance for after release. Each case-manager is responsible for a group of prisoners and can be described as the host, who creates the atmosphere among the group: the size of the group averages about 50 and none are now larger than 80. This compares with an average caseload of 100 in 1994. Important figures in the planning and implementation of treatment for prisoners in the therapeutic system are the psychologists of whom there were some 250 in the Polish prison system in 2001 (127 in 1994). But it should not be thought that case-managers only work with prisoners in the programmed treatment system and psychologists only with those in the therapeutic system. Every sentenced prisoner is in a case-manager's group and case-managers and psychologists co-operate in work for prisoners in all treatment systems.

It is not only every sentenced prisoner who is in a case-manager's group; the same is true of pre-trial detainees, for whom the case-manager will mainly be occupied in dealing with difficulties that arise in connection with the uncertainties associated with the pre-trial situation and, where necessary, arranging legal assistance.

In a normal day sentenced prisoners without work (which is the vast majority) and in a closed regime will be out of their cells for about 3-4 hours a day, to enable them to have their exercise and to take part in cultural activities. But the director can authorise a longer walk and extra activities. Pre-trial detainees will similarly spend 3-4 hours a day out of their cells involved in similar activities. The cells in a semi-open prison remain unlocked in the daytime and are only

locked at night. In an open prison the cells remain unlocked for 24 hours a day (Penal Executive Code, Articles 90-92).

As mentioned, the age group for young prisoners (previously 16-21) has been extended to include prisoners up to 24. This is because it is considered that young prisoners up to this age are more responsive to rehabilitation measures than older prisoners and should be given every opportunity to benefit from them. They receive more intensive attention from staff in terms of measures likely to assist them and are provided with a wider range of cultural and educational activities, sports and physical education activities. There is also a greater emphasis on contacts with parents and other close family and friends.

There has been no special focus in the Polish prison system on the treatment of sex offenders but a programme in the Netherlands, which was studied by Polish experts and which is based on individual and group therapy, is the model for one that was introduced in one Polish prison early in the year 2000.

The various forms of prison leave that are possible for Polish prisoners are an important part of preparation for release. So is the provision in the Penal Executive Code enabling certain prisoners to leave the prison in the last months before release in order to find employment and accommodation. Case-managers work with prisoners in a variety of ways, and also involve prisoners' families in making preparations for them to be as well prepared as possible for the circumstances that they are most likely to face on their return to normal life outside.

Conditional release and probation

Conditional release, under the new Penal Code of 1997, may be granted on completion of a half, two-thirds or three-quarters of the sentence, depending on the prisoners' criminal record. In general, conditional release may be granted after half the sentence, as long as at least six months has been served. Recidivists, however, are not eligible until two-thirds has been served, and multiple recidivists, professional criminals and members of an organised crime group not until after three-quarters has been served. Prisoners sentenced to life imprisonment must serve at least 25 years before they are eligible for conditional release.

The decision on conditional release is taken by the penitentiary court, sitting in the prison. The proposal for release may be made by the prisoner, his legal representative, the director of the prison, the probation officer or the prosecutor. The court hears both the prisoner and a representative of the prison staff. If it is the probation officer who has proposed the release then he/she will also be heard. The prisoner can appeal to a higher court against a negative decision.

Conditional release may be granted either in simple form or with the supervision of a probation officer. According to Article 167 of the Penal Executive Code a sentenced prisoner, before release, may apply to the penitentiary court for the supervision of the professional court probation officer, particularly if the expected living conditions after release "may hinder his social readaptation". Supervision may not be for longer than two years. In granting conditional release with probation supervision the court may impose certain obligations on the prisoner concerning the nature of the supervision. The full period of condi-

tional release is the remainder of the sentence but it cannot be shorter than two years, nor longer than five, except that conditional release after life imprisonment involves a ten year period of probation supervision. The probation system in Poland is as yet undeveloped and there is a need for more social work support in the community both during the period of conditional release and after it.

A majority of prisoners are granted conditional release, but the proportion has fallen during the 1990s. In the period from 1992-1998 it fell from 75% to 60%. One of the main factors contributing to the decrease is the fact that in the early 1990s conditional release was applied to some extent as a means of correcting the repressive penal policy that had preceded this period (Stando-Kawecka, 2001). Since early 1999 the courts have been increasingly reluctant to respond favourably to requests for conditional release (Central Board of Prison Service, 2002).

Prison work

Prisoners have a duty to work under the new Penal Executive Code, as under the old one. But at the beginning of 2001 only 27.2% of sentenced prisoners were employed, and less than 21% were in paid work. In the early and mid-1990s approximately 27 to 29% of sentenced prisoners were in paid work and a law was passed in 1997 with the intention of improving the situation. The Act on Employment of Persons Deprived of their Liberty came into force on 1 January 1998 and regulates factories inside prisons as well as the employment of prisoners in factories outside. It provides tax allowances and exemptions for factories inside prisons and enables external employers of prisoners to claim certain allowances. The 1997 Penal Executive Code also introduced provisions aimed at reducing the unemployment of prisoners. It is thus particularly disappointing that the level of paid work, instead of rising as a result of these measures, is still falling; at the beginning of 1998 it was 26.1% whereas the figure three years later was 20.8%. In response to a CPT recommendation the Polish authorities described a number of steps that were being taken to improve the situation (CPT, 2002 pp. 21-2).

Pre-trial detainees may not be required to work, except to undertake cleaning of the prison. Nonetheless 4% of pre-trial prisoners were undertaking paid employment at the beginning of 2001. Of all the paid employment undertaken, by sentenced prisoners and pre-trial detainees, in 1999 74% was paid domestic work, 20% was in prison factories, 5% was for outside employers and 1% was craft work (e.g. sewing footballs, light assembly). Prisoners are not entitled to be paid for cleaning work that does not exceed 60 hours per month.

The law requires that a prisoner's pay shall be no lower than the minimum pay of employees outside, as established by employment law. He/she generally receives 50% of what remains after 10% of the total sum has been deducted for the post-release assistance fund. Self-employed prisoners receive not 50% of what remains but 75%. Prisoners undertaking paid work have 14 to 18 days paid holiday annually.

Education and vocational training

As mentioned above in connection with treatment and regime activities, education is regarded as one of the basic treatment measures. The Penal Executive Code requires the prison administration to provide schooling covering the primary school curriculum, but higher level education and vocational courses are also conducted. Young offenders are given priority in access to education, especially if they did not complete primary school education or have no professional skills. There were 70 prison schools in the academic year 2000/01, comprising primary, primary vocational, secondary, secondary vocational and vocational technical schools. 3,833 prisoners took part in some kind of education, in addition to which 1,365 acquired vocational skills. There were 66 vocational training courses on offer, which are several months long. The prison administration considers that there are sufficient courses; some have had to close through lack of demand. The Ministry of Education monitors the quality of the education, so that it can be regarded as of equal standard to education in the community.

The prison administration points out (Central Board of Prison Service, 2002) that education and vocational training are free of charge in the Polish prison system and sentenced prisoners with no financial means receive the necessary books and educational equipment at the expense of the prison service. Certificates and diplomas make no mention of the fact that they were gained during a prison sentence. Secondary school certificates are a qualification for entrance to university studies. In the academic year 1999/2000 ten sentenced prisoners were undertaking university courses.

Inspection and monitoring

The Polish prison system is much inspected and by many bodies. The 1996 Prison Service Act states that the Central Board of the Prison Service and the Regional Directors are responsible for checking that the prisons are operating in accordance with the laws and regulations. The Inspection Bureau at prison service headquarters has a distinguished record of intensive inspection, ensuring also that the prisons are operated in accordance with the objectives of the prison administration. In addition to the ordinary systematic inspections they conduct thematic inspections or special inspections in response to an emergency situation. Between successive systematic inspections short unannounced inspections will sometimes be carried out.

The programme followed during a systematic inspection has not changed since Mr. Henryk Oleksy, the head of the Inspection Bureau, introduced it in 1990. The team making the inspection is known as the Commission. First, all parts of the prison where activities occur are visited, in order to check the conditions of the prisoners and of the establishment. Second, separate meetings are held with prisoners where they can make complaints or requests; any complaint will be written down and signed by the prisoner and by a member of the Commission. Third, a record is kept of other matters noticed, and finally after talking to the prisoners a note is made of the general atmosphere in the prison. The Commission will then meet together, exchange information and identify any

matters that need further investigation. They will then meet staff, who may also make confidential complaints and requests. Finally a check is made that all documentation is in accordance with legal requirements. In the last full year 4,396 prisoners were seen individually, 26 complaints were made and just one was upheld; explanations were given to the prisoners who made the other complaints, in accordance with a legal obligation. Taking regional and national inspections together 28,944 prisoners were seen, complaints were made by 136 (0.5%) and just two were upheld.

The fact that only two complaints were upheld might be thought to call into question the credibility of the inspection system, in so far as complaints are concerned. However, prisoners can complain at any time and if all complaints are included there were 7,861 in the year of which 202 were upheld (2.6%). The low level of upholding complaints is explained as being attributable to several factors. First, prisoners sometime have poor knowledge of the law and consequently they wrongly believe that their rights have been violated. Second, in the present circumstances of overcrowding prisoners complain that they are not located near to their home or relatives in breach of Article 100 of the Penal Executive Code. But in circumstances of overcrowding this is sometimes inevitable. Again, prisoners with mental problems may complain irrationally; in one prison five men made 100 complaints.

Prisoners may also complain to a number of other independent bodies, which have inspectorial functions. The Ombudsman ('Spokesman for civil rights') has the duty of checking that the rights and freedoms of citizens are observed, including those of persons who have been deprived of their liberty. The Ombudsman makes frequent visits to prisons and calls on the prison administration to advise. The Inspection Bureau states that they rarely disagree with a conclusion of the Ombudsman and, even if they do, they attempt to take action in accordance with the recommendation. The Ombudsman is reported to have stated that the Inspection Bureau is protecting human rights in prison. The 1997 Penal Executive Code removed the prosecutor from the list of people with responsibility for supervision of the prisons, but penitentiary judges may visit prisons at any time to talk to the prisoners and move within the institutions without restrictions. After a visit they prepare a report, including suggestions and recommendations, which is submitted to the prison director and sometimes the regional director or the Central Board. The report also goes to the Minister of Justice. The penitentiary judge has the power to annul any decision of a prison official if it is contrary to the law. The prison administration may lodge an appeal against such a decision to the penitentiary court, The prisons are also inspected by the Polish Helsinki Committee who also prepare reports on their visits and may make suggestions about how prisoners are treated.

The Council of Europe's CPT visited Poland in July 1996 and in May 2000. Following the 1996 visit they made 34 recommendations, some of which have already been mentioned. They covered such matters as improving the infrastructure of the prison system, the space allowed to each prisoner (see above under Accommodation, overcrowding and living conditions), the separation of juveniles and adults, the partitioning of sanitary facilities, regime activities for

pre-trial prisoners, the shortage of paid work for sentenced prisoners and of regime activities and the segregation of HIV-positive prisoners. The Polish authorities responded constructively to the recommendations but, as already noted, stated that a shortage of financial resources prevented them implementing the recommendations concerning the space allowed to prisoners.

Following the visit in 2000 they made 38 recommendations, some of which have also been mentioned. They covered overcrowding, space per prisoner, prison work, the treatment of prisoners classified as 'dangerous', developing programmes of activities, staffing levels, psychological support for prison staff and complaints procedures (CPT, 2002/9). The Polish authorities again responded positively to the recommendations but drew attention, in respect of overcrowding and the shortage of space per prisoner, to the increase in the prison population and the impossibility of overcoming these difficulties immediately (CPT, 2002/10).

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

Non-governmental organisations

The prison administration reports that it has good co-operative relations with a wide range of non-governmental organisations, which participate in social rehabilitation, religious, educational, cultural, leisure and sporting activities. Contact with outside bodies is often initiated by the case-managers and is seen as limiting the harmful effects of separation from the community as well as being helpful in terms of the future re-integration of prisoners. As the prison service puts it: "The gates of penitentiary institutions remain open for organisations which operate with the aim of assisting persons who are [behind] the bars" (Central Board of Prison Service, 2000). These include the 'Patronat' penitentiary association, the Wrocław Society for the Support of Prisoners, and the Opole Society for Prisoners and Victims of Crime. The members of these groups visit the prisons, give legal advice and material assistance, and offer emotional support through conversations with prisoners.

Reference has already been made to contact with religious organisations, organisations involved in monitoring the prisons and those involved in financial support for health care programmes. In addition Alcoholics Anonymous organises meetings in prisons both for prisoners and for people from the community. Other non-governmental contacts are with places of learning from which people come to engage in scientific studies. Such contact with bodies from outside the walls, which has increased considerably in recent years, is seen as the embodiment of the principle of openness of the prison system, and also as a means of social control over the way that imprisonment is carried out (Central Board of Prison Service, 2000).

International co-operation

The Polish prison service is involved in much international co-operation, notably with Georgia and Moldova, through the Organisation for Security and Co-operation in Europe (OSCE). It also has contacts with many other European countries, notably Denmark, England and Wales, Estonia, Germany, Hungary, Slovakia and Switzerland, with the Council of Europe, and with Penal Reform International. Several countries from the former Soviet Union and elsewhere have visited the prison system to learn about the Polish experience in transforming it from its condition prior to the social and political changes of 1989. During the 1990s the Polish prison service has organised a number of international conferences, in co-operation with the Council of Europe, focusing for example on dangerous prisoners (1995), staff training (1996) and prison work (1997).

Other matters

Both pre-trial detainees and sentenced prisoners are generally entitled to vote in Polish elections. On very rare occasions a court forbids participation in elections for a specified period.

An annual report is prepared, with a main emphasis on the prisoners.

Important recent developments

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

- the computerisation of the prison system, especially the registration system;
- the sharp rise in the prison population (over 40% in the 20 months between beginning of the year 2000 and the end of August 2001);
- the new legislation (Penal Code, Penal Procedural Code and Penal Executive Code), which came into force in September 1998, and the new Rules concerning pre-trial detention and sentences of imprisonment;
- the opening of a new modern prison at Radom in September 1998.

Current objectives

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

- to provide sufficient living spaces to cope with the sharp rise in the prison population (by a programme of rebuilding and of building new blocks within existing institutions);
- to obtain more work for sentenced prisoners;
- to maintain the relaxed atmosphere in Polish prisons despite the overcrowding brought about by the rise in numbers;

- to increase the number of units ('wings') for the treatment of alcohol addicts;
- to obtain more money for the prisons budget. In 2001 the budget fell by over 9% despite inflation of 7% and a 25% rise in the prison population.

Main problems

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

- the overcrowding in the prisons;
- the inadequacy of the prison budget. In addition to the figures in the previous paragraph, the prisons budget in 1990 was 42% of the total Ministry of Justice budget but in 2000 it was just 28% of that budget;
- pre-trial detention has become longer, averaging 12 months instead of 6 months which was the average in the recent past;
- there are insufficient staff, especially in the special treatment units but also throughout the system. The budget does not allow an increase in the number of posts;
- there are insufficient regime activities, including sporting activities, for pre-trial detainees and sentenced prisoners in closed prisons;
- the drug problem is getting worse;
- the fact that society wants a restrictive prison system.

Achievements

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

- succeeding in keeping the prison system in a 'normal state' despite the overcrowding and prison population growth;
- having very good treatment programmes for prisoners addicted to alcohol;
- ensuring that the human rights of prisoners are well protected in the Polish system;
- paying special attention to providing constructive opportunities for younger prisoners up to the age of 24.

Further achievements of the Polish prison system include:

- putting a special emphasis on keeping the prisons calm, through good relations between staff and prisoners;
- having developed programmes of diversified treatment for prisoners, especially the programmed treatment system and the therapeutic system,

which were being used in respect of 70% of prisoners at the beginning of 2001;

- having enough case-managers to keep the groups with which each works down to an average of 50, having case-managers 90% of whom have a university degree, having case-managers working with pre-trial detainees, and having 250 psychologists working in the prison system;
- having women filling some 50% of the treatment staff posts in institutions for male prisoners;
- paying particular attention to identifying vulnerable prisoners at the time of admission to prison;
- having an intensive and rigorous inspection system;
- placing particular emphasis on education and vocational training;
- having over 40 special units, staffed by therapeutic teams, for the treatment of those addicted to drugs and alcohol and those who are mentally disturbed;
- having meetings, at least annually, for health care staff to share information with the chief prison doctor about policies and practice and to share opinions and ideas;
- conducting preventive work on health promotion for prisoners, and developing it also for staff;
- steadily reducing the number of cells for solitary confinement (isolation cells);
- making the penal institutions as open as possible to the outside world, with many prisoners being allowed out frequently and a large number of outside organisations enabled to make a positive contribution to the life and work of the prison, including the rehabilitation of prisoners.

Conclusion

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

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

- to amend the practice whereby pre-trial detainees (remand prisoners) are generally separated from their visitors by a screen. Such a practice is only necessary for exceptional cases;
- to pay further attention to the protection of juveniles under 18, and to consider, in particular, whether a means can be found of separating them, in living accommodation and at all other times when they could be vulnerable, from young men in their early 20s;
- to devise a strategy for gradually increasing the minimum space allowance for all prisoners to at least 4m², the minimum which the CPT considers acceptable;

- to seek the amendment of Rule 54.2 of the rules for the Execution of Sentences of Imprisonment so that prisoners in solitary confinement are no longer denied visits, and to ensure that in all institutions prisoners who are so confined are visited daily by a medical officer, as prescribed by Rule 38.3 of the European Prison Rules;
- to take steps to introduce programmes of regime activities for pre-trial detainees and sentenced prisoners in closed prisons, which enable them to spend a reasonable part of the day out of their cells/rooms, engaged in purposeful activities of a varied nature.

Annex 1

POLAND: Numbers in the penal institutions 1990-2001

Year (31 December)	TOTAL in penal institutions	Prison population rate (per 100,000 of national population)	National population (estimate)
1989	40,321	106	38,038,400
1990	50,165	131	38,183,200
1991	58,619	153	38,309,200
1992	61,409	160	38,418,100
1993	61,562	160	38,504,700
1994	62,719	163	38,580,600
1995	61,136	158	38,609,400
1996	55,487	144	38,639,300
1997	57,382	148	38,660,000
1998	54,373	141	38,667,000
1999	56,765	147	38,653,600
2000	70,544	183	38,644,200
2001 (31/8)	80,004	207	38,636,000
2001 (31/12)	79,634	206	38,632,500

	TOTAL	Percentage of prison population	Rate (per 100,000 of national population)
Pre-trial detainees in 2001			
(1/1)	22,032	31.2	57
(31/8)	24,813	31.0	64
Female prisoners in 2001			
(1/1)	1,729	2.5	4
Juveniles (under 18) in 2001			
(1/1)	c.1,120	c.1.6	3
Foreign prisoners in 2001			
(1/1)	1,565	2.2	
(31/12)	1,550	1.9	

Annex 2

Polish penal institutions: functions and capacity, 2001

Białystok region (1,899)

Remand prisons (areszty śledcze)

Białystok (657), Gizycko (115), Hajnówka (213), Ostrołęka (124), Suwałki (316)

Closed prisons (zakłady karne)

Białystok (303), Grądy-Woniecko (171)

Bydgoszcz region (5,820)

Remand prisons

Bydgoszcz (453) + hospital (82) + three separate units (151), Chełmo (63), Chojnice (132), Inowrocław (236) + separate unit (152), Toruń (156)

Closed prisons (zakłady karne)

Bydgoszcz Fordon (274), Czersk (68), Grudziądz I (626) + house for mothers and children (15) + hospital (20), Grudziądz II (328), Koronowo (348), Potulice (1,262) + hospital (77) + two separate units (373), Włocławek (1,004)

Gdańsk region (4,156)

Remand prisons

Elbląg (234) + separate unit (0), Gdańsk (952) + hospital (95), Starogard Gdański (255), Wejherowo (267) + separate unit (25)

Closed prisons

Braniewo (138), Gdańsk Przeróbka (465), Kwidzyń (509), Malbork (199), Sztum (1,017)

Katowice region (6,939)

Remand prisons

Bielsko Biała (167), Bytom (284) + hospital (100), Częstochowa (237) + two separate units (123), Gliwice (332), Katowice (397), Mysłowice (350), Sosnowiec (380), Tarnowskie Góry (442), Zabrze (306)

Closed prisons

Cieszyn (165) + hospital (155) + separate unit (10), Herby (438), Jastrzębie Zdrój (902), Lubliniec (182), Racibórz (748), Wojkowice (552), Zabrze (669)

Koszalin region (3,334)

Remand prisons

Koszalin (312), Słupsk (238) + separate unit (252), Złotów (65)

Closed prisons

Czarne (1,024) + hospital (59), Koszalin (342), Stare Borne (168) + separate unit (134), Szczecinek (213), Wierzchowo Pom. (527)

Kraków region (4,505)

Remand prisons

Kielce (736), Kraków (599) + hospital (103), Kraków Podgórze (210)

Closed prisons

Kraków Nowa Huta (287), Nowy Sącz (388) + separate unit (18), Nowy Wiśnicz (391), Pińczów (184), Tarnów (673), Tarnów Mościce (369), Trzebinia (238), Wadowice (309)

Lublin region (3,073)

Remand prison

Krasnystaw (277), Lublin (679)

Closed prisons

Biała Podlaska (253), Chełm (704), Hrubieszów (350), Włodawa (503), Zamość (307)

Łódź region (5,054)

Remand prisons

Łódź (1,108), Piotrków Trybunalski (287) + two separate units (100),

Closed prisons

Garbalin (322), Łęczycza (334), Łowicz (732), Łódź I (397), Łódź II (165) + hospital (171), Płock (629), Sieradz (680) + separate unit (129)

Olsztyn region (4,163)

Remand prisons

Bartoszyce (139) + separate unit (360), Działdowo (102), Olsztyn (188) + separate unit (313), Ostróda (75), Szczytno (143)

Closed prisons

Barczewo (590) + hospital (46) + separate unit (54), Iława (898), Kamińsk (1,255)

Opole region (3,604)

Remand prisons

Kędzierzyn-Kozle (104), Opole (350), Prudnik (111)

Closed prisons

Brzeg (262), Głubczyce (291), Grodków (68), Kluczbork (155), Nysa (521), Opole (105) + separate unit (27), Strzelce Opolskie I (1,006), Strzelce Opolskie II (604)

Poznań region (5,759)

Remand prisons

Leszno (61), Lubsko (93), Nowa Sól (94), Ostrów Wielkopolski (241), Poznań (594) + hospital (98) + three separate units (302), Szamotuly (115), Śrem (157), Środa Wielkopolska (40), Zielona Góra (269)

Closed prisons

Gębarzewo (419), Kalisz (195), Koziegłowy (472), Krzywaniec (385) + house for mothers and children (32), Rawicz (787), Wronki (1,405)

Rzeszów region (3,690)

Remand prisons

Nisko (92) + separate unit (210), Sanok (151)

Closed prisons

Dębica (575), Jasło (174), Łupków (257) + separate unit (164), Medyka (245), Przemyśl (234), Rzeszów (954), Uherce (427) + three separate units (207)

Szczecin region (3,537)

Remand prisons

Choszczno (137) + separate unit (103), Kamień Pomorski (61) + separate unit (132), Międzyrzecz (143), Szczecin (401) + hospital (85), Świnoujście (55)

Closed prisons

Goleniów (561), Gorzów Wielkopolski (521) + separate unit (256), Nowogard (474), Płoty (137), Stargard Szczeciński (471) + separate unit (0)

Warsaw region (5,772)

Remand prisons

Grójec (82), Płońsk (125), Radom (907) + separate unit (60), Warsaw-Białołęka (1,272), Warsaw-Grochów (446), Warsaw-Mokotów (710) + hospital (154), Warsaw-Służewiec (677) + separate unit (61)

Closed prisons

Siedlce (363), Warsaw-Białołęka (469) + separate unit (138), Zytkowice (250) + separate unit (58)

Wrocław region (6,341)

Remand prisons

Dzierżoniów (162) + separate unit (132), Jelenia Góra (156) + separate unit (12), Lubań (130), Świdnica (299), Wałbrzych (113), Wrocław (697) + hospital (46)

Closed prisons

Głogów (313), Kłodzko (646), Oleśnica (166), Strzelin (543), Wołów (1,041) + separate unit (20), Wrocław I (1,001) + hospital (59), Wrocław II (393), Żaręba Górna (412)

SUMMARY	Number of prisons	Capacity
Remand prisons	70	21,271
Closed prisons	86	40,902
	<hr/>	<hr/>
	156	62,173
	<hr/>	<hr/>
Separate units	40	4,076
Hospitals	14	1,505
Houses for mothers and children	2	44
	<hr/>	<hr/>
	56	5,473
	<hr/>	<hr/>
	212	
TOTAL	(at beginning of 2001)	67,646

Annex 3

Poland: principal sources of information

Mr Jan Pyrcak	Director General, Central Board of Prison Service (CBPS)
Dr Marzena Ksel	Deputy director of Penitentiary Bureau and Head of Health Department (Chief Prison Doctor), CBPS
Mr Henryk Oleksy	Director of Inspection Board, CBPS
Mr Jan Dziewoński	Penitentiary Bureau, CBPS
Mr Mirosław Nowak	Deputy director, Inspection Board, CBPS
Ms Teresa Wojtaszyk	Senior specialist, Social- Penitentiary Bureau, CBPS
Mr Krzysztof Gadomski	Senior specialist, Social- Penitentiary Bureau, CBPS
Mr Roman Kobyliński	Senior specialist, Security Bureau, CBPS
Mr Tomasz Wierchowski	International relations, CBPS
Mr Arkadiusz Zmowski	Director of Warsaw-Białoleka prison

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