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The European Institute for Crime Prevention and Control, affiliated with the United Nations

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### *Developments in the Prison Systems of Central and Eastern Europe*

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**DEVELOPMENTS IN THE PRISON SYSTEMS  
OF CENTRAL AND EASTERN EUROPE**

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SEP 19 1995

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**The European Institute for Crime Prevention and Control,  
affiliated with the United Nations  
Helsinki 1995**

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## 1. Introduction

The background to the developments described in this report is a period of extraordinary political change in central and eastern Europe. The years 1989-1991 were of historic importance for all sixteen countries that have participated in the study.

After more than 40 years of totalitarian rule, Hungary and Poland had taken irrevocable steps towards democracy by the autumn of 1989, including the holding of partly-free elections in Poland and the announcement of free elections to be held in Hungary early in 1990. In November 1989 the Berlin Wall was opened, and Bulgaria and Czechoslovakia overthrew their totalitarian leaders and governments; in December the revolution in Romania brought about the end of the totalitarian regime there.

In 1990 Belarus, Estonia, Latvia, Lithuania, Moldova and Ukraine all declared independence from the Soviet Union, independence that was internationally recognised before the end of 1991.

In 1991 Albania legalised opposition parties and held democratic elections; Slovenia and Croatia declared independence from former Yugoslavia; before the end of the year the Soviet Union had collapsed and Russia had become an independent state.

These momentous events brought about major transformations in each country, including the removal of totalitarian structures, and the sudden creation of opportunities for democratic change.

The problems facing the new governments of these countries have been, and still are, enormous. Economic problems are predominant in all and a source of serious instability in some. Croatia, Moldova, Russia and Slovenia have had wars on their territory. The federated republics of Czechoslovakia decided to split and in January 1993 became the separate countries of the Czech Republic and Slovakia.

The eleven new countries have joined the United Nations and all sixteen have expressed their determination to move as swiftly as possible towards fully democratic government and democratic institutions. Accordingly all have applied for

membership of the Council of Europe, for which such progress is a necessary condition. At the end of 1994 nine had already become members and others are expected to attain membership in 1995.

The criminal justice system in any country is a key indicator of its level of democracy and of the degree to which human rights are respected. Consequently, in throwing off totalitarian structures the countries of central and eastern Europe have made reform of the criminal justice system a priority requirement of their progress towards democratic institutions. This entails reform of the police, reform of the courts and reform of the prison system and it includes the revision of many laws, procedures, policies and practices that have operated in respect of all these component parts of the criminal justice system.

## 2. The present study

The present study focuses on developments in the prison systems of central and eastern Europe. The term 'prison system' is used here to refer to penal institutions for convicted persons who have been sentenced to the loss of liberty and for unconvicted persons who are being held in pre-trial detention. For the reasons already described, recent changes to the prison systems of this part of Europe, especially during and since the period 1989-91, have been greater and more widespread than at any time in the last 45 years. In these circumstances it is not surprising that an account of developments in prison systems is a story of progress and problems, and that these reflect, to a greater or lesser extent, the progress made and problems faced in the political and economic life of the countries concerned during this transitional period.

Progress in respect of prison systems means progress towards implementing the international standards for the management of prisons and the treatment of prisoners, in particular the United Nations Standard Minimum Rules and the European Prison Rules. No country in Europe fully implements every one of these rules but they are accepted throughout the continent, in the words of the preamble to the European Prison Rules, as "a range of minimum standards for all those aspects of prison administration

that are essential to human conditions and positive treatment in modern and progressive systems".

This study describes the progress made towards implementing these standards and the problems that obstruct such progress. The intention is that it shall contribute to a better understanding of the successes achieved, the obstacles faced, possible ways forward, and the scope for further developments to bring about closer conformity to the international standards. Finally some general proposals are made and attention is also drawn to ways in which international technical assistance and co-operation can play a part in this journey towards making all European prison systems more in accordance with the best possible standards.

The material for this study was collected mainly through visits to the countries concerned or by means of questionnaires. Additional sources of information are publications and other documents supplied by the participating countries, reports prepared by international experts who have recently studied individual prison systems, and contributions to international conferences held between mid 1992 and mid 1994.

Seven countries - Bulgaria, Czech Republic, Hungary, Moldova, Poland, Romania and Russia - were visited in order to obtain detailed information about the current state of their prison systems, with special reference to the implementation of international standards. The other nine countries - Albania, Belarus, Croatia, Estonia, Latvia, Lithuania, Slovakia, Slovenia and Ukraine - were invited to participate by providing information in response to a questionnaire which was designed to include some of the more important issues. Statistics were requested from all participating countries concerning the numbers of prisoners, prisons and staff. The intention has been to focus on progress and problems across the region as a whole.

The plan that was followed in respect of the visits entailed a programme consisting of four parts. First, meetings were held in the Ministry responsible for prisons, in order to learn about the current state of crime in the country; about the attitudes of public, Parliament, government and media; about the Ministry's view of the role of the prisons within the criminal justice system; and about the Ministry's attitude to the progress the national prison

administration is making and the obstacles it faces. Second, a number of meetings were held at the headquarters of the prison administration in detailed discussions with the Director General and his staff about many aspects of their work, including coverage of most of the topics to which the international standards refer. Third, meetings were held with academics, non-governmental organisations and other experts in order to obtain an additional perspective, fresh comments and further ideas on the topics that were discussed with the Ministry and the prison administration. Fourth, visits were made in each country to several penal institutions which were selected as examples of some of the best and worst conditions in the country's system. This provided an opportunity to see at first hand the scale of the problems faced and also some of the institutions which demonstrated the progress that has been made.

This is perhaps an appropriate place to record with much gratitude the excellent co-operation of participating countries. On the occasion of each visit, the author was received warmly and treated most generously both in terms of the programme, which had been prepared in accordance with the pre-arranged plan, and the professional knowledge and expertise that was made available. Other participating countries, several of which were also kind enough to extend invitations to visit, played a full part by responding to the questionnaire and providing the statistics about their prison systems.

It is hoped that the material collected from the above-mentioned sources has enabled the developments described in this report <sup>1</sup>, and the conclusions drawn, to reflect reasonably accurately the situation in 1994 in the prison systems of central and eastern Europe and the scope for further progress.

### **3. The negative background to reform**

The political changes of 1989-91 created opportunities for major progress in developing penal institutions in accordance with the international standards but it has

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<sup>1</sup>

A further report, including short descriptions of developments in each of the prison systems covered by this study, is in preparation.

often been difficult to take full advantage of these opportunities. This is because in seeking to introduce reform, prison systems faced a number of immediate problems, most particularly the legacy of totalitarianism itself and the disruptive events that occurred in the penal institutions of some countries following the political changes. Additional problems have also arisen. These include, in particular, changes in patterns and levels of crime - and the consequent reaction of public opinion - and steadily rising numbers in the penal institutions, which in most central and eastern European countries are now at a high level.

### *Legacy of totalitarianism*

The ideological belief that crime would disappear in a socialist society has had serious and lasting implications for the prison systems. If crime will disappear then penal institutions will not be needed. Consequently little money was allocated for building new institutions or refurbishing old ones. In some countries (eg Hungary and Poland) some construction was undertaken within the walls of existing institutions in order to increase the number of places available without falling foul of government restrictions. Elsewhere (Romania and Russia) new pre-trial institutions in the capital cities (now desperately needed) were completely demolished.

The totalitarian legacy thus includes prison buildings throughout central and eastern Europe that are old and in much need of refurbishment. This is especially true of pre-trial institutions. Unfortunately the economic situation bequeathed by the totalitarian years means that there is little money for refurbishment and, in most countries, none at all for building new prisons. As a result many institutions, especially those for pre-trial detention, are not only old and decrepit but they are also overcrowded, creating conditions in which prisoners must live and personnel must work that are incompatible with the basic requirement that 'the deprivation of liberty shall be effected in material and moral conditions which ensure respect for human dignity' (European Prison Rules, rule 1). In many countries the institutions (and again this is especially true of those for pre-trial detention) are also very large; in five or six prison systems the average capacity for all the penal institutions exceeds 900 prisoners (table 2, Appendix).

It is much more difficult to manage a positive regime in a large prison.

The legislation of the totalitarian period is another important obstacle to progress. Penal institutions were closed institutions and secrecy prevailed; all problems had to be hidden and no prisoner had the right to complain. There were few privileges and contact with the outside, recognised by penologists as a strong positive force for good in terms of rehabilitation and social re-integration, was kept to a minimum. As will be seen later great efforts are being made to introduce legislation which discards such attitudes and fully reflects the international standards but until that has been achieved the legacy of the old legislation will continue to have a negative effect.

The attitudes of staff who worked in penal institutions during the totalitarian years are an important part of the legacy of that period. Until the new laws have been passed the old ones are still in force, and despite the introduction of new policies by director generals, the heads of prison administration, including instructions no longer to enforce some of the harsher features of the penal executive code and encouragement to anticipate new legislation by adopting more enlightened measures, it is reported that there continue to be instances of confusion, of some staff preferring to abide by the old laws, and even of staff being so used to the old ways that, despite their intentions, they find it impossible to rid themselves of deeply ingrained habits. All these aspects and others - including the heavy, sometimes repressive powers of the prosecutor in respect of pre-trial prisoners, and economic shortages in most aspects of prison management - constitute the legacy of totalitarian times and are part of the negative background faced by those who wish to introduce reform.

### *Immediate aftermath of the political changes*

A further factor which aggravated the difficulties in introducing reform to the prison systems was the dramatic events which occurred in many penal institutions soon after the political changes took place. In most of the countries where the changes amounted to a revolution (Albania, Bulgaria, the Czech and Slovak Republics, Hungary, Poland and Romania),



this was followed by amnesties for prisoners and moves to replace staff who were discredited by their behaviour under the old regime. By contrast the prison systems of the other countries of the region generally experienced less dramatic events in the immediate aftermath of their newly gained independence.

The amnesties were mainly declared in order to celebrate the successful revolutions, to free the unjustly imprisoned or simply to reduce excessive numbers. The largest such amnesty was in the (then federation of) Czech and Slovak republics where a Presidential decree on 1 January 1990 resulted in the release of three-quarters of the sentenced prisoners and over 40% of those held in pre-trial detention. Large-scale amnesties also occurred in Albania, Bulgaria, Hungary and Poland. (In Romania an amnesty of similar proportions to that in the Czech and Slovak republics had occurred two years before the revolution of December 1989 on the occasion of Ceausescu's 70th birthday).

Unfortunately these events did not proceed quietly and without controversy in all countries. Major riots took place in Polish penal institutions after the hopes of many prisoners, including recidivists and long-termers, that they would be included in the amnesty, were first raised and then dashed. The wave of riots in November 1989 affected almost every institution in the country; eight lives were lost, hundreds were injured, and there was enormous damage, including three institutions destroyed. Staff and prisoners were protesting at the same time, the former demanding better conditions of employment and more support from the authorities. Riots occurred in other countries, including Albania, Croatia, Latvia, Romania and Russia, and were narrowly avoided elsewhere, including Hungary. The amnesties also caused considerable public disquiet, notably in Bulgaria and the Czech Republic.

The aftermath of revolution led to staff changes in most countries. Arrangements surrounding the amnesties in the Czech and Slovak republics and in Poland had given rise to accusations of sabotage by staff who wished to show that nothing could be changed without riots. These were the countries in which the subsequent staff changes were greatest. Every governor in the Czech and Slovak Republics was sacked and a commission to evaluate all staff

resulted in the departure of about one-quarter of those who worked directly with prisoners. In Poland about a third of staff working with prisoners had left by the end of 1991. Bulgaria, Hungary and Romania experienced significant but smaller changes in personnel. New director-generals (all of whom were still in post in the autumn of 1994) were appointed in 1990 in all countries which experienced revolutions in 1989 (Bulgaria, the Czech and Slovak republics, Hungary, Poland and Romania).

These staff changes were part of the effort in the post-revolutionary countries to eliminate repressive elements from the prison system. The same objective is also agreed to have been present in other countries of central and eastern Europe in the period immediately following their independence. There were fewer amnesties, and staff changes were generally on a smaller scale but prompt moves to revise the relevant legislation are a testimony to the sincerity of this objective. The appointment in 1992 of a new director general in Russia (who was also still in post in the autumn of 1994) is widely seen as a further reflection of this trend.

### *Crime patterns and public reaction*

The patterns of crime and criminality in central and eastern Europe have changed substantially since the political upheavals of 1989-91, and crime levels in most countries are now much higher. No-one is in any doubt about this, despite the fact that crime statistics were often previously regarded as secret information so that the exact nature and levels of crime prior to the transition were unknown.

The political changes introduced a range of factors conducive to a growth in crime, including the removal of the main repressive features of a totalitarian regime, the opening of borders, social changes including a reduction in social controls, and the introduction of a market economy. The opening of borders facilitated the movement of criminal groups and contact between groups in different countries. There has been a large increase in trans-national crime. The introduction of a market economy led to the desire to 'get rich quick', to the emergence of private entrepreneurs (some of whom were prepared to break the law) and to increased unemployment with all the temptations that the associated poverty brings

at a time when others can be seen to be making large sums of money.

The result has been an increase in thefts and in violent crime, including robberies and murder, and the emergence of a number of offences that were relatively unknown in central and eastern Europe before the changes. Economic crimes, money laundering, drug trafficking, protection rackets, trafficking in guns are just a few of the activities that are engaged in by organised groups who have sprung up to take advantage of new opportunities. A particular problem is that laws are not in place to deal with these new crimes and the police have limited experience in combatting them.

The decreased status and morale of the police, the effects of 'lustration' (many police officers on all levels were summarily purged in several countries) and the departure of many competent policemen for alternative employment (eg in private security) are all factors which have caused severe problems. The level of police pay is in some countries an inadequate defence against corruption, and there is a poor base for fighting crime effectively; for example police may not have cars that can compete with vehicles owned by criminal gangs and they may also lack the necessary technology.

In many countries the new patterns of crime, together with the growth in crime levels, have created a serious overload of work for criminal justice officials. There are insufficient police officers and prosecutors to investigate the crimes that are reported, and insufficient court officials to deal with the cases where investigations are completed and formal accusations have been made. This leads to reductions in the clear-up rate of offences and to very long delays in pre-trial detention for those suspects who have been apprehended.

The levels of crime, while generally much higher than before the changes, have not continued to rise in every country and they usually remain low by the standards of the rest of Europe. However these factors do not impress the general public and there is anyway a widespread view, shared by experts, that the proportion of unrecorded crime is high. Furthermore, the fact that levels are higher than before, that they include new and disturbing offences and much violent crime, and that the authorities do not always appear to have the situation under control, combine to diminish public confidence in the criminal justice

system. Press coverage ensures that most people are more aware of crime than they used to be and fear of crime is consequently increased.

In this climate it is not surprising that there are often calls for harsh penalties to be imposed on those offenders who are caught and convicted. In general, the public want prison sentences to be longer and the conditions of imprisonment tougher. Capital punishment, which was abolished in several countries following the political changes and which is no longer being carried out in several others as a result of official or informal moratoria on its use, is favoured by many people. It is difficult at such a time to obtain Parliamentary approval for reforming legislation aimed at improving the conditions under which prisoners are held.

### *Numbers held in penal institutions*

Steady increases in the numbers being held in penal institutions are another feature of the negative background to reform faced by those who administer the prison systems. Attempts to improve the management of these institutions and the treatment of prisoners, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules are made much more difficult when numbers are high and prisons overcrowded. In almost every country in central and eastern Europe the numbers held in penal institutions rose between the beginning of 1991 and the beginning of 1994 (table 1). The sharpest increases were in Belarus, Croatia and the Czech Republic where the proportion more than doubled in this three year period. Increases of over 50% were recorded in Romania and Slovakia. Several of these countries had particularly large-scale amnesties in the period before 1991 which may account for at least part of the increases between 1991 and 1994.

**TABLE 1**  
**NUMBERS HELD IN PENAL INSTITUTIONS:**  
**INCREASE BETWEEN 1991 AND 1994**  
**(approximate rate per 100,000 of population)**

	<u>At 1.1.91</u> (or 31.12.90)	<u>At 1.1.94</u> (or 31.12.93)
BELARUS	140	290
BULGARIA	80	95
CROATIA	20	50
CZECH REPUBLIC	80	160
ESTONIA	280	290
HUNGARY	120	130
LATVIA	320	350
LITHUANIA	235	275
MOLDOVA	255	280
POLAND	130	160
ROMANIA	110	195
RUSSIA	480	565
SLOVAKIA	85	135
SLOVENIA	25*	30*

\* Figures based on sentenced population only.

Only in Albania did the number in custody fall between 1.1.91 when it was approximately 90 per 100,000 (before the overthrow of the totalitarian government and the subsequent amnesty) and 1.1.94 (25 per 100,000).

It is not just the rise in the number of prisoners that causes difficulties for the national prison administrations; the resulting total of those held in penal institutions is at least as important. In mid 1994 the planned capacity of the penal institutions (table 2, Appendix) was being exceeded in three countries by the number of prisoners (table 3, Appendix). Table 3 shows that in seven of the sixteen countries covered by this project (Belarus, Estonia, Latvia, Lithuania, Moldova, Russia and Ukraine) the number held in penal institutions exceeds 250 for every 100,000 of the population and in a further five (Czech Republic, Hungary, Poland, Romania and Slovakia) it is between 125 and 200. This compares with rates of 100 or less in Albania,

Bulgaria, Croatia, Slovenia and the rest of Europe.

It is important not to put too much weight on the precise numbers that are held in penal institutions. The totals are affected by many factors, including crime levels, police activity, length of criminal process and sentencing practice. Thus, it would be quite wrong to assume that a higher rate necessarily means a more punitive country and a lower rate one that is less punitive. For example, it was generally agreed among Bulgarian experts that the rate of 95 per 100,000 of the national population is artificially low mainly because of the unfortunately low detection rate there. The significance of the numbers held in penal institutions, and their relationship to the capacity of those institutions, lies principally in the effect on the scope for implementing a positive regime in accordance with the international standards. It is self-evident that if other factors (notably resources) are proportionately equivalent, a prison administration which has fewer prisoners to deal with in relatively small institutions that are not overcrowded will find it easier to carry out enlightened policies than one which has more prisoners in relatively large overcrowded institutions.

Another factor which is related to the numbers held in penal institutions and also to the scope for progress in the management of the institutions and the treatment of prisoners is the level of staffing that is available. As table 4 (Appendix) shows, only six countries (Albania, Croatia, Estonia, Hungary, Slovakia and Slovenia) have staff-prisoner ratios higher than 1:2.5. This is one more example of the negative background to reform.

#### 4. Positive developments

Despite the negative background to reform, the progress made in the last few years has been extensive. In the countries visited, reports to this effect from senior officials in the responsible Ministry and in the national prison administration were confirmed by senior parliamentary figures, by academic experts, by non-governmental organisations and by direct observation. Even in the countries which face the worst problems significant improvements have been made. It is doubtful if there are other prison systems in Europe where such rapid advances have been made within so short a time.

The most important developments may be divided into three groups. The first concerns the organisational structure within which the prison system is administered, for example changes in legislation, in the Ministry responsible for the prison system, and in the role of the prosecutor. The second concerns the policies and attitudes of the national prison administrations themselves, and the third (which is conveniently considered separately from the second but is not really distinct) concerns the work of the personnel in the penal institutions - the governors, the specialists and the custodial staff (guards).

### *Organisational structure*

As noted earlier, in throwing off totalitarian structures, the countries of central and eastern Europe have made reform of the criminal justice system a priority requirement. The legislation that is being prepared and which in several countries is already in force seeks to sweep away the most objectionable features of the prison systems that existed under the totalitarian regimes.

The main legislation affecting the work of the prison system is the penal (or criminal) code, the criminal procedural code, and the penal executive (or punishment enforcement) code. Although it is the last of these that most directly concerns the administration of the penal institutions, changes to this legislation frequently have to wait for the revision of the penal code, since measures concerning the execution of penalties are naturally dependent on decisions as to what those penalties shall be. In view of delays in finalising the exact form of this important new legislation, some countries have passed amendments to the existing laws, and director generals of prison administration have often anticipated the new legislation, as mentioned before, by issuing instructions which bring practice more closely into line with the standards set out in the UN Standard Minimum Rules and the European Prison Rules.

For example, reforming instructions have been introduced in Albania, Belarus, Croatia, Latvia, Lithuania, Slovakia, Slovenia and Ukraine; the new draft penal executive code for Bulgaria was being sent for Council of Europe comments in the Autumn of 1994; a new Act concerning the execution of pre-trial detention came into force in the Czech Republic in January 1994; new penal executive codes were

adopted in Estonia in June 1993 and in Moldova in March 1994; a new Act amending punishment enforcement provisions was introduced in Hungary in April 1993; new Prison Rules were issued in Poland in 1989 and 1991; in Romania reforms have been introduced by means of 18 orders from the Ministry of Justice and some 30 from the director general; the corrective labour code in Russia was substantially amended in June 1992 and 22 laws on penitentiary institutions have been changed and 69 new norms introduced.

The drafting and enactment of legislation is only of value if the measures are subsequently implemented. While there is a problem with the immediate implementation of certain of the new provisions in some countries, it is generally accepted, by officials and by other experts alike, that their presence on the statute book significantly increases the chances of their early implementation.

In several countries there have been changes in the Ministry responsible for the prison system. In Albania (November 1993), Bulgaria (April 1990), Estonia (August 1993) and Romania (January 1991) responsibility transferred from the Ministry of Internal Affairs (the Ministry of Public Order in Albania) to the Ministry of Justice. Similar transfers are under consideration in Latvia and approved in principle in Moldova. The countries concerned feel, in accordance with the prevailing view elsewhere in Europe, that it is better for the administration of penal institutions not to be under the Ministry that is responsible for the police, and that human rights of prisoners are better protected in the Ministry of Justice. In Russia too this principle is recognised and the possibility of such a transfer has been discussed but there is unlikely to be any change in the near future. The prison systems of Belarus, Lithuania and Ukraine also remain under the Ministry of Internal Affairs; those of the other central and eastern European countries covered by this study have been under the Ministry of Justice since before the political changes of 1989-91.

The powers of the prosecutor under the totalitarian systems were very wide. He was responsible for investigating crimes, prosecuting suspects and ensuring that any period of pre-trial detention and sentence of imprisonment was carried out in accordance with the law. In practice he frequently denied or severely restricted contact with families and

legal representatives prior to the trial. These powers are being reduced in some countries and questioned in others. For example, from January 1994 the prosecutor's office was abolished and replaced in the Czech Republic by a state representative who acts only as accuser, bringing suspects to court. In Hungary too, some decisions about pre-trial detention have recently been transferred from the prosecutor to a judge. The role of the prosecutor is also diminishing in Poland. In Bulgaria although the prosecutor is still responsible for investigations, he no longer exercises that role as a part of the Ministry of Internal Affairs; the investigation process is now independent and thought to be in a transitional phase en route to the Ministry of Justice (where it is located in eg Poland). Similar changes are occurring in some other countries; elsewhere the prosecutor is now generally somewhat less restrictive in terms of pre-trial visits from lawyers and family.

### *The national prison administrations*

However vigorously a country pursues a policy of reforming its legislation and amending other aspects of the organisational structure, the quality of a prison system depends greatly on the efforts and skills of the national prison administration. Even where resources are very limited, progressive policies enthusiastically pursued can produce a good quality prison system. In the seven countries visited it was clear that the senior officials in the prison administrations are determined to do everything possible to improve the management of prisons and the treatment of prisoners in accordance with international standards. This conclusion was confirmed by academics and other non-governmental experts. The contributions at international conferences of the director generals of other countries covered by this project, and reports of other experts who have first-hand experience of developments there, suggest strongly that this pattern is prevalent throughout central and eastern Europe. In many countries the prison service is recognised as being far ahead of other criminal justice agencies (comparison was usually made with the police) in its respect for human rights and the implementation of international standards.

Openness is a key feature of the new approach that is being followed. This is evident both in the frank discussions at international conferences and with visiting experts, and in the use of publications and

media contact to inform the opinion-formers, experts and the public generally of their work, including progress, problems and objectives. Some prison administrations produce their own periodicals and journals (eg Bulgaria, Czech Republic and Romania) and one (Hungary) also publishes a newspaper which is available to prisoners and public alike. Senior officials increasingly give interviews to the press, radio and television; some hold regular press conferences and many have allowed television into their institutions. Such openness increases public knowledge of the important service to the community that is played by prison staff, despite the inevitable tendency of the press to focus on 'sensations'. It is also promoting valuable international exchanges of information, ideas and even personnel.

Many prison administrations have now developed links with non-governmental organisations, including university law departments, religious bodies, pressure groups and parliamentary experts in penology and human rights. In Bulgaria, for example, good relations have been established with the distinguished chairman of the Parliamentary Committee for Human Rights who is the recipient of complaints and requests from prisoners and their families. In Poland, there is similar positive contact with the distinguished former chair of the Senate Intervention Office, which has written major reports on prison issues. In the Czech Republic, there are good relations with the Office of the President (where prisoners' complaints are often directed). In Romania SIRD (the Romanian Independent Society of Human Rights) is involved in a project to improve conditions in a prison school for minors. In several countries, including the Czech Republic, Hungary and Poland there is good liaison with university law departments (in Poland prison specialists are trained at Warsaw University) and in most countries in the region there are now frequent contacts with religious groups. In Russia there are good relations with a public organisation (Faith, Hope, Love) whose main purpose is to give assistance to poor defendants who cannot afford lawyers. Relations with Helsinki Committees and other pressure groups for penal reform vary from country to country. It is widely recognised that prison administrations share with such groups the aim of making prison systems closer to the best international standards and that much is to be gained from collaborating as far as possible in working towards this objective.

### *The personnel in penal institutions*

Prison systems cannot work effectively without high quality prison administrations, and in turn even the best prison administration is dependent for good results on the personnel working in the penal institutions - the governors, the specialists and the guards.

The best governors in central and eastern Europe must be at least the equal of those anywhere else in the continent. As with senior officials in the prison administrations, it was clear that their intention to achieve the best possible practice was not just a matter of professional pride - the wish to do one's work well - but a matter of personal conviction, something which comes from the heart. Many, as well as being efficient managers of their prisons, are full of ideas and eager to learn from the ideas of others. Several governors in the prisons visited take great trouble to improve the morale and working conditions of their staff; in one outstanding example in Bulgaria new facilities have been constructed for relaxation during rest-time. Many have invented imaginative ways of raising money to re-furbish their prisons (see section 6). Some institutions (including several in Latvia) have produced pamphlets describing their functions and facilities in a form suitable for the media and the public; another such example, of high quality, is produced by a prison in Hungary.

The staff who have the greatest direct effect on the day-to-day life of prisoners are the 'educators' (known in some countries as social workers or case managers) and the guards. Much important work is done by the educators/social workers. They are usually responsible for a group of prisoners and have to exercise much skill in developing the regime, building good relationships, trying to offer individual assistance (where necessary) in prisoners' personal lives and to make their time spent in prison a good preparation for release. The groups they have to manage are generally agreed to be too large. Forty or fifty was suggested as the maximum that was reasonable, but in practice, because of resource and recruiting difficulties, sometimes one educator will be responsible for 200 men. They have come to play a vital role in those countries where their training is well-adapted to the positive work required of them. Psychologists have been introduced recently in several countries and are now available to most of the prison systems of the region.

The other prison personnel who have regular and influential contact with prisoners are the guards. They have the essential, but often unrewarding task of ensuring security and good order in the institution. If this role is performed insensitively, without respecting prisoners as fellow-citizens, and with batons ostentatiously carried, it can seriously increase tension. Much has been done to reduce such tensions, and this is most evident where military postures have been discontinued and each guard now adopts a positive though highly professional attitude towards prisoners and has personally won their trust. This is much more difficult in overcrowded conditions and with low staffing levels (eg in the pre-trial institutions in the capital cities) but even here positive, professional attitudes are increasingly the norm. Improved staff-inmate relationships in many countries are said to have resulted in fewer assaults on staff (eg in the Czech Republic and Russia) and to have created in the best-run institutions in the region a sense of partnership and mutual respect.

Prison administrations are devoting much time and effort to recruiting and retaining good quality staff and to developing their staff training. The changes of the last few years have meant that personnel now tend to be younger and less experienced but more open-minded. Extensive efforts are made to win over older staff to modern thinking. There is much sharing of training expertise both within central and eastern Europe and through contacts with western Europe and north America. For example, staff from several countries have attended the Polish training school at Kalisz and there are a number of bi-lateral exchange programmes. An important training conference with significant north American input was held in the Czech Republic in June 1994. Many central and east European prison administrations have provided assistance to the few countries which still have no training institute. Belarus and Latvia are among countries that have recently opened such a facility.

### *Aspects of prison management and the treatment of prisoners*

The penal systems of central and eastern Europe contain many further examples of positive developments in almost all aspects of prison management and the treatment of prisoners. The following summary includes some initiatives which other prison administrations may consider worth

adopting in their own countries. Specific attributions are not meant to imply that similar practices are not also current in penal institutions elsewhere.

*Atmosphere and environment.* Many penal institutions have improved their atmosphere and environment by having flowers planted in the grounds (even alongside narrow concrete pathways, as in Moldova), by adorning corridors with posters and window sills with plants and by allowing the creation of wall-paintings (murals). Communal (group) rooms are sometimes decorated attractively and visits rooms likewise, in order to achieve a relaxed atmosphere. In women's prisons much attention is frequently paid to making cells or rooms homely places. Prisoners are encouraged to be initiators and designers in many of these initiatives.

*Reception and allocation.* Most institutions report that recognition is given to the need for formal efficiency in the reception process to be accompanied by a supportive attitude towards newly admitted prisoners. Various means are used to minimise the anxieties felt especially by those in prison for the first time, including the use of women staff to take the necessary routine information. In several systems reception units are used for a period of about 14-21 days to enable a careful assessment to be made of personality, ability and needs before allocation to accommodation, training programmes and work opportunities. There has been an increase in the use of psychologists in this process, with one country (Bulgaria) reporting that there is a psychologist in every penal institution.

*Separation of categories and prisoner safety.* The principle of separation is fully accepted by all participating countries. In some, different categories - first timers and recidivists, minors and adults, men and women, pre-trial detainees and convicted persons - are held in separate institutions and in others they are located separately in the same institution. There are certain exceptions (eg some pre-trial detainees work alongside convicted prisoners). Where large numbers are accommodated in one room prisoner safety is seriously at risk but several countries reported a significant reduction in this problem and emphasised that extra attention is now paid to this issue, with closer supervision at night. Room sizes are being reduced where possible.

*Food and parcels.* Almost all prison administrations

report that the quality of food prisoners receive in penal institutions has improved and is now close to average standards in communal catering outside. Most institutions provide a special diet when recommended by the doctor on health grounds, and some are able to satisfy religious requirements and to provide a range of choices of menu. The size and frequency of parcels that may be sent in by families has been increased in many countries; in some this is explicitly because of the increased scarcity and costs of food.

*Medical services.* In all countries it is reported that a medical officer or doctor examines every prisoner soon after admission to check if treatment or segregation is necessary and to assess fitness for work. It is also reported that one can always attend without delay in cases of urgency. In most countries the medical officer/doctor has the responsibility of advising the director regularly on arrangements for food, hygiene, sanitation, heating, lighting, ventilation and the state of prisoners' clothing and bedding. The quality of medical attention in penal institutions is almost everywhere thought to be better than that outside, mainly because of its availability on the spot and sometimes because there is a better choice of drugs. In one country (Hungary) prison health care is reported to be closely integrated with the national health service, by which it is fully recognised. This is an objective towards which many European prison administrations are moving, but which few have achieved so far. One country in which alcohol and drug addiction affect a significant number of prisoners and the incidence of HIV+ is rising sharply (Poland) has developed imaginative programmes to address these problems.

*Disciplinary arrangements.* Positive developments include greater emphasis on the fact that rewards for good behaviour are often more effective than punishments for bad behaviour, and the reported elimination of collective punishments, corporal punishment, punishment by placing in a dark cell, the use of chains and irons, and the use of handcuffs and other body restraints as a punishment. One important initiative, seen in Romania and said to be no less effective than former methods, is the elimination of old-fashioned punishment cells and their replacement by cells or rooms which isolate the prisoner from others but in which conditions (space, lighting, bedding, access to sanitation, reading material etc) are no different from elsewhere. Countries visited

reported that prisoners under punishment are no longer subject to a reduced or inferior diet and it is believed that this change has also occurred in other countries of the region.

*Information about regulations and international standards.* A feature of the reception process is giving prisoners information about prison regulations and, increasingly, also about other matters that will help them adapt to the life of the institution. One country (Hungary) pointed out that keeping prisoners well-informed about developments had avoided serious disturbances at a particularly sensitive time. The international standards have now been translated into the official languages of almost all countries included in this project (Lithuanian is an exception) and ten prison administrations reported that they are available to prisoners (eg in the libraries). In several countries institutions post up extracts from prison regulations in common areas (corridors, dining room), including outdoor locations (pathways, exercise yards).

*Opportunities for requests and complaints.* Most systems now provide opportunities for prisons to make requests and voice complaints both to the governor and to outside bodies with the knowledge that they will be listened to and will receive a response. In some countries the opportunities are many and prisoners may complain to the national prison administration, the responsible Minister, the Ombudsman, the Helsinki Committee, Parliament and even the President. Such a policy is seen as reducing tension. It is stressed that its success is dependent on the availability of writing materials, and on complete confidentiality such as being able to deposit any letter to an outside body in a sealed box which only an authorised official in whom prisoners have confidence (such as a representative of the body concerned) can open. In one country (Poland) all staff now wear name badges which both symbolises the open and professional manner in which their job is to be done and makes it easier for any prisoner who wishes to do so to complain about individual members of staff.

*Religious practice.* After decades in which religious practice was forbidden, every prison administration now reports that qualified representatives of the main religions regularly visit penal institutions and assist every prisoner who wishes to see them. In some countries formal agreements have been reached with the appropriate bodies to provide religious services.

In many institutions evangelical bodies such as Prison Fellowship are regular visitors. Church buildings are being restored - many with exquisite paintings and other decorations contributed by prisoners - and in one country (Romania) about 20 Orthodox priests have been appointed to the prison staff. The churches are widely seen as allies in getting prisoners to change for the better.

*Staff morale.* The best governors clearly make great efforts to ensure that all staff are supported and encouraged in this difficult occupation and that their conditions at work are as good as possible. Prison administrations also place much emphasis on the need for good staff morale. Giving security staff the best possible opportunity of feeling positive towards their work is recognised as desirable in itself and also the best way of enhancing staff treatment of prisoners. Officials stressed the need for staff to be relaxed and confident within themselves and prison administrations in several countries were concerned to increase staff pay. In some countries senior staff at the prison administration and governors (and their deputies) at the institutions are able to have business cards - an inexpensive means of recognising their value and encouraging professional contacts.

*Prison work.* Employment continues to be regarded as the most significant feature of prison training regimes. With the rise in unemployment in central and eastern Europe and the collapse of traditional markets all prison administrations are vigorously pursuing a policy of finding new work for prisoners. Some individuals in prison administrations and in certain penal institutions have a special flair for this and many successes have been achieved. In some countries (eg Hungary and Romania) the management of prison firms has been separated from the management of the institutions, both in order to enable the firms to concentrate on meeting the needs of the market (by being quick, flexible and producing good quality) and in order to distinguish the institutions' finances from the firms' finances. Some are achieving success by focussing on particular lines of business for which there is an identified market and a suitable prison workforce. Joint ventures are being set up with outside firms and prisoners are also working on contract for outside firms. The law in one country (Russia) now provides for prisoners to set up their own enterprises, and businesses are encouraged by tax incentives to invest in production in penal institutions. Prisoners who have work are in



several countries being allowed to keep more of their pay, and are able to exercise financial responsibilities by paying debts, board etc, and sending money home while retaining sufficient to enable them to exercise choice about what they spend on the optional features of prison life. Where there is work the conditions are more like those in work outside and are thus a better training for release.

*Education.* Eight of the prison administrations covered by this study report that education is available for all prisoners in every institution; four more have almost complete availability (eg except in respect of pre-trial detainees). Almost all are able to offer remedial education where necessary. Adequate libraries which prisoners are encouraged to use, are reported to be available in every penal institution (except in one country - Albania). Compulsory education has now been discontinued almost everywhere in accordance with human rights requirements. Several prison administrations and individual institutions have developed good community links in respect of educational activities. Sometimes this is part of larger programmes of civic voluntary assistance to prisoners (as reported in Ukraine).

*Regime activities.* In several countries, usually under the leadership of the educators/social workers, an increasingly wide range of activities is arranged, constructively to occupy day-time hours for sentenced prisoners who have no work, and to provide rewarding and entertaining experiences after the working day. Vocational training is seen as a particularly useful substitute for work and is expanding in many countries. It is recognised that many prisoners would benefit from advice in social skills (including anger control, self-presentation and personal relationships) and in budgeting, and some institutions are attempting to meet this need. Much attention is also paid to providing cultural opportunities, enabling prisoners to participate in art, music, drama, dance and crafts and to enjoy performances, presentation and talks by cultural groups and individuals from outside.

Entertainment for leisure time includes access to radio and television; an increasing number of prison administrations provide, or allow prisoners to possess, radios and televisions for use in their living accommodation or in clubroom/grouprooms. A number of institutions now have facilities for

transmitting video films, usually chosen by prisoners, by TV to each living unit; in others films are shown in the grouproom or a hall. Newspapers and periodicals are sometimes available either through the prison library or by prisoners exercising newly-given rights to take out subscriptions. Some educators/social workers organise open discussions, quiz competitions, games and even an occasional party on a national holiday. Several countries allow pets (especially cats) in some institutions in order to lighten the atmosphere and stimulate prisoners' positive feelings.

Opportunities for pre-trial detainees to enjoy such activities are usually limited; however several administrations are making great efforts to overcome the difficulties and create more positive regimes on the lines described above in order that people who must be presumed innocent until they are convicted may be treated at least no worse than those who have already been convicted. Some countries (eg Bulgaria, the Czech Republic, Hungary and Poland) have experimented successfully with allowing open cells in certain units for part of the day, thus affording pre-trial detainees much more movement, choice and variety of company and activity; several countries (including Moldova) have such a policy in respect of juveniles in pre-trial detention.

*Contact with outside: letters, visits and telephones.* Recognising the importance of prisoners maintaining good contacts with family and friends, most prison authorities now place no limit on the number of letters that can be sent and received; about half report that letters are read by staff always or usually. Restrictions used to be widespread, especially for prisoners in the stricter regimes. Visits allowances have also been increased, and are now reported to be at least once a month in most countries. Glass partitions which used to separate prisoners from visitors have been removed by some prison administrations, and others are considering their removal, apart from in exceptional cases. Many systems now make special efforts to enable visiting to be a more relaxed and pleasant experience for prisoners and visitors alike; the number of institutions with bright, well-decorated rooms and canteen facilities is increasing. Pre-trial detainees still have the most restrictive visiting arrangements but prosecutors in several countries are now adopting more enlightened attitudes than before. Telephones have been installed in many institutions and their use

to enhance family contacts is increasing. Several administrations are endeavouring to locate prisoners closer to their homes, in order to overcome the extremely difficult journeys that prevent some prisoners from being visited. Russia is one country which reports some success in this. Long (sometimes called conjugal) visits are available in several countries, especially for long-term prisoners for whom home leaves cannot be allowed on security grounds.

*Home leaves, open prisons and pre-release hostels.*

There has been a great expansion in many countries in the opportunities for prisoners to have home leaves. In a few, leaves are available only in emergency situations (eg a bereavement or a major family crisis); in others they are seen as a way of reducing tension in penal institutions and maintaining good family contacts, and in most countries they are regarded as a vital aspect of preparation for imminent release. Only one country (Albania) reports having no provision for home leaves at present. Despite inadequate selection in some countries when the new policies were introduced, leading to cases of severe public disquiet, and despite the occasional sensational crime committed by a prisoner on leave, which has often required a more cautious implementation of the policy for a short period, prison authorities have generally pressed on and are understandably pleased with the low failure rates in terms of non-return or late return.

Open prisons and pre-release hostels are increasingly used to give prisoners the opportunity of working outside the institution and making preparations for release, including, where the institution is close to home, finding employment and spending some time visiting their families. Recidivists, who have tended to be denied such opportunities, are no longer excluded in some countries, on the basis that their resocialisation is at least as important as that of other prisoners.

*Clothing and personal appearance.* Pre-trial detainees are now allowed to wear their own clothes in most countries of central and eastern Europe. This is part of a policy of reflecting their unconvicted status. In the few countries where they must wear prison uniform they are allowed to wear their own clothes (or, if they possess nothing suitable, civilian clothes supplied by the prison) for court appearances. In one country where distinctive clothing has continued to be worn for court appearances by some

prisoners (Romania) this practice is reported to be on the point of abolition. In some countries, notably including those (such as Albania and Moldova) whose economic circumstances make it difficult for prison authorities to provide prison uniforms, convicted prisoners also are allowed to wear their own clothes.

Other aspects of personal appearance which are important to the self-respect of prisoners are arrangements for male prisoners to determine their own shaving arrangements and for female prisoners to wear make-up. The practice of requiring male prisoners to shave their heads is now believed to have been eliminated (though some administrations still require short hair and forbid beards). Increasingly women are allowed to wear make-up and to arrange their hair to suit themselves.

*Inspections of penal institutions.* The above positive developments in prison management and the treatment of prisoners, together with aspects in which there have been more problems than progress (see section 5), are monitored in every country by a variety of inspection mechanisms whose activities are themselves among the most positive developments. Nearly all the national prison administrations report that they conduct their own internal inspections, some of which (for example in Bulgaria, Poland and Romania) involve a structured programme of visits with elaborate follow-up procedures to ensure that recommendations are implemented. In most countries there are also inspections by the responsible Ministry and by an independent official body, usually the prosecutor's office. Five countries also report that inspections are conducted by an independent private body such as a non-governmental organisation or an academic expert; a sixth (Romania) is giving serious consideration to introducing regular formal inspections by non-governmental experts. It is clear from descriptions of these inspections that their thoroughness, quality and effectiveness vary greatly, as indeed do their objectives, but their cumulative effect is agreed to make a significant contribution to good practice in prison management and the treatment of prisoners in accordance with the recognised international standards.

*Conclusion*

It is worth noting that almost all of the positive developments described in this section have not required large-scale resources. They have required

good objectives, good ideas, good policies, much determination and much skill. Those who work in the prison systems of central and eastern Europe know that much progress can be made, as one director general put it, "without money". This section has recorded many things that have already been achieved. The current shortage of money rules out a number of important things, at least for the present, but in each country visited and in those countries which have supplied information during their participation in recent conferences and by completing the questionnaire prepared for this project, much has been done to improve the prison systems and to get closer to international best practice, for the most part without obtaining significant extra finances from the state budget.

### 5. Current problems

The seriousness of the problems faced by the prison systems of central and eastern Europe varies from one country to another. However, most of the main problems are matters of concern in each country visited and are known to be of equal concern in other countries of the region. These include:

- The size of, and continued increase in, the numbers held in penal institutions;
- The conditions of pre-trial detention - in particular overcrowding, the length of such detention and the limited nature of the regimes - and in other institutions also;
- The state of the buildings and the need for refurbishment, reconstruction and new institutions;
- The limited resources available in present circumstances for improving the above conditions and for day-to-day running of the penal institutions;
- Delays in the passage into law of draft penal (criminal) codes, criminal procedural codes, and penal executive codes;
- The shortage of non-custodial alternatives to imprisonment;

- Recruiting and retaining sufficient staff of good quality, including medical and other specialist staff such as educators/social workers.
- Ensuring that all staff are convinced of the importance of improving prison regimes and are skilled in using positive methods in accordance with international standards;
- Finding sufficient suitable employment for prisoners;
- The impossibility, generally for reasons associated with problems listed above, of implementing fully a number of the UN and European standards for prison management and the treatment of prisoners.

In addition, the following, while it is not causing significant difficulties in some countries, appears to be growing throughout central and eastern Europe and is already a major problem for some administrations:

- The prevalence of tuberculosis in penal institutions and the shortage of medical equipment and medicines with which to treat it.

### *Numbers held in penal institutions*

Reference has already been made to the steady rise in the last few years in the numbers held (see eg table 1) and to the total size of that population (see eg table 3 - Appendix). The problems which these factors are causing will be evident to anyone who is familiar with the management of penal institutions. The numbers held in pre-trial detention are worth special attention. Whereas only one country in the rest of Europe had more than 35 per 100,000 of its citizens in pre-trial detention according to the latest available figures, seven central and eastern European countries had rates of over 70 per 100,000 in 1994; however, particularly low rates are recorded in Albania, Croatia and Slovenia (table 5, Appendix). The countries in which pre-trial detainees make up the largest percentage of their custodial population (Czech Republic - 47%) and the smallest percentage (Albania - 13%) are not out of line, in respect of these figures, with those for the rest of Europe, although they do differ considerably from most of their neighbours in

central and eastern Europe; pre-trial detainees make up close to 25% in nine of these countries.

***Conditions of pre-trial detention and in other institutions also***

Overcrowding in pre-trial institutions is very serious. It occurs in all but four of the countries of the region (Croatia, Latvia, Moldova and Slovenia). Several prison administrations house prisoners on three levels (triple-bunking). In all seven countries visited the pre-trial prisons in the capital cities were selected by the national prison administrations as examples of the worst problems they faced. The average space per prisoner in these seven institutions ranged from 1.3m<sup>2</sup> to 2.8m<sup>2</sup> on the day of the visit and in two of them (those in Romania and Russia) the numbers of prisoners with which the governors and staff had to cope (3,300 and 6,500 respectively) were approximately twice the official capacity. The problems in managing institutions such as these seven are enormous; so are the implications in terms of working conditions for staff, the opportunities for providing positive regimes for prisoners and consequently the morale of staff and prisoners alike. It may be assumed that similar conditions also prevail in the capital cities of most of other countries in the region, in view of their national space specifications (table 6, Appendix) and what they reported about overcrowding in their pre-trial institutions.

The length of time that pre-trial detainees are held was reported to be excessive in most countries. In several of those visited the small number of detainees who were asked about the length of their detention included at least one who said that he had been held for 3 years and others who had been held for more than eighteen months. One country (Bulgaria) reported that pre-trial detention can be as long as 4 years. The judicial system is often slow and cases pile up. This is said to be attributable to the length of investigation procedures, and the shortage of judges and other court staff.

Regimes in pre-trial institutions were reported to be poor almost everywhere. Except in the countries which allow open cells in some units, a pre-trial detainee can expect to be locked in his cell or dormitory for all but one or two hours of each day. Overcrowding, low staffing levels and the lack of work or other activities to occupy detainees are most

often quoted as the reasons for this. In some institutions the opportunity to leave the cell is further reduced as a result of the limited space for exercise, the time needed to move large numbers from one part of the institution to another, and the problems in providing detainees with suitable clothing in cold weather; in such circumstances detainees may have much less than the officially sanctioned one or two hours per day (including about one hour for exercise). Furthermore, there is often very little for detainees to do during the time that they remain in their cells/rooms, a situation which is made even worse by the overcrowding.

Other common features of pre-trial detention which are widely accepted as unsatisfactory are the restrictions on contacts, via correspondence, visits or telephone calls, with family and friends and the circumstances under which visits often take place (eg for short periods only and with glass partitions separating visitor from detainee). As recorded earlier, improvements are occurring but there is a long way to go, and decisions usually depend on the attitude of the prosecutor. Insufficient privacy within the cell/dormitory in respect of sanitation arrangements and inadequate lighting and ventilation (and allegedly heating also) are other features acknowledged by many prison administrations as unsatisfactory features of some institutions.

It is not only in pre-trial detention that conditions present a major problem. Shortage of space, large numbers housed together, poor sanitary arrangements and limited regimes are features also of accommodation for convicted prisoners in several countries. Overcrowding in at least some institutions for convicted prisoners was reported by six administrations. The largest number of prisoners accommodated in one cell or room in each country, usually but not always in a pre-trial institution, was reported as 8-10 (four countries), 14-20 (two countries), 29-40 (five countries), 70+ (four countries, including three where there are 100 or more in one room).

***State of buildings and need for new institutions***

In describing the legacy of totalitarianism reference was made earlier to the fact that prison buildings throughout central and eastern Europe are old and in much need of refurbishment; some are reported to be

in need of extensive renovation or reconstruction. Many prison administrations need new institutions, either to replace ancient buildings that would be expensive to run even if renovation and reconstruction work was done or simply in order to house the increased number of people who have been sent to them for pre-trial detention or after conviction.

#### ***Limited resources available***

In view of the economic position of countries in the region there are currently only very limited resources for improving prison conditions, including buildings. Few prison administrations are able to build new institutions; indeed several are not sure of finding the money to complete new buildings whose construction is well under way. Many have no resources for smaller-scale renovations and refurbishments. Those in the most difficult economic position are unable to provide satisfactorily for the day-to-day running of the institutions. Several prison administrations reported only receiving about half of the money they need. The two most basic requirements - paying the staff and feeding the prisoners - are by no means straightforward in many countries, and in some the staff are paid late, bonuses awarded have not yet been received, and prisoners are fed diets which the prison governors describe as monotonous and containing fewer calories than are prescribed in the national regulations. Many prison administrations are unable to take account of religious or cultural dietary requirements and one country (Albania) reports that prison food compares unfavourably with average standards in communal catering outside, in respect of quantity, quality and cooking. As in the rest of Europe, prisons are not high in governments' lists of priorities.

#### ***Delays in passing new legislation***

In considering positive developments in respect of organisational structure, it has already been noted (section 4) that much new legislation is in prospect, that in several countries it is now in force and that, where it is not, national prison administrations have often anticipated the legislation by issuing instructions which bring practice more closely into line with the international standards. However it has also been pointed out (section 3) that while the old laws are still in force, it is not always easy for the prison

administration to enforce new policies. Where legislation is being delayed it is frequently because Ministry officials and parliamentarians are having reservations about the enactment of liberalising legislation at a time when the public are very concerned about crime and are known to favour harsh measures.

#### ***Shortage of non-custodial alternatives to imprisonment***

One important factor which increases the number of people in penal institutions is the shortage of non-custodial alternatives. This point was made in most of the countries visited. Central and eastern Europe differ from the rest of the continent in that there are very few options available to the sentencing judge between a fine and imprisonment. Probation is non-existent or undeveloped, community service reminds many countries too much of the forced labour that ex-Soviet countries are delighted to have put behind them and it is also said that suspended imprisonment is little used. The introduction of such options is seen in many countries as too costly (in the case of probation), too controversial (in the case of community service) and too much like letting criminals off (in the case of all non-custodial alternatives). However many Ministry officials, prison administrations, prison governors and non-governmental experts were convinced that custodial sentences for the more minor crimes ought to be replaced by such penalties.

#### ***Recruiting and retaining good quality staff***

All countries reported difficulties in recruiting and retaining sufficient staff of good quality, including medical and other specialist staff such as educators/social workers. As private businesses increase, the rewards of working in penal institutions are generally not good by comparison. This applies as much in the countries of the region which, considering the situation as a whole, have less severe problems than elsewhere. There were vacancies for guards in most institutions visited, vacancies for medical staff in all the prison hospitals visited and the number of educators/social workers was almost everywhere considered inadequate. In respect of the specialists there are recruitment difficulties because of perceived low status (as well as low rewards) of

working in penal institutions and often because the resources available to the prison administration are insufficient to allow vacancies to be filled. In several countries visited the prison administration listed among their greatest hopes for the future (and by implication their greatest concerns) that the present specialists and good quality guards should not leave.

### ***Ensuring positive staff attitudes and increased skills***

It has been mentioned already that many prison administrations have a significant proportion of young newly-recruited guards and of older staff who have worked in penal institutions since before the introduction of the present policies. There is much concern in all countries at the problems associated with ensuring that the young recruits are properly trained and that the older staff are fully convinced of the importance of improving prison regimes in accordance with international standards. Despite the time and effort that are being devoted to this work, winning over older staff to new methods is regarded as one of the greatest problems currently faced by the prison administrations of central and eastern Europe. Staff training has presented the countries that were part of the former Soviet Union with a particular difficulty, in that all training used to take place at a single training school in Russia. Each country was thus faced with creating its own training facility and several have not yet been able to do this.

### ***Finding employment for prisoners***

Prior to the political changes, the law in countries of the region required that every able-bodied adult should be in employment. This applied to those held in penal institutions as much as to anyone else, and consequently prison administrations ensured that everyone had a job. However with the introduction of the market economy, unprofitable firms have collapsed and unemployment has increased. Again this has applied to those held in penal institutions as to others and, because of the difficulties of organising production geared to market needs inside a prison and with prison labour, the level of unemployment in penal institutions is now greater than elsewhere. For prisoners who can be trusted to leave the institutions there is the possibility of working for a firm outside the walls but it is not easy to find such employment. Only the work which is required to maintain the

institutions themselves remains as plentiful as before the political changes. The result is that no country in central and eastern Europe has more than 70% of its sentenced prisoners working and only five have at least 60% (Croatia, Hungary, Russia, Slovakia and Slovenia). Six other countries have between 30 and 50% in work, while one country (Albania) reports that there is no work for any sentenced prisoner. The full figures are shown in table 7 (Appendix). The seriousness of this problem stems from the fact that work, as indicated in section 4, continues to be regarded as the most significant feature of prison training regimes. Prisoners need work to occupy their time constructively, to enable them to pay debts and court orders, to enable them to send money home and to enable them to purchase goods from the institution shop (canteen) where there is one. There are frequently few other activities to stimulate those who have no work and it is a source of grievance, and may be regarded as unfair, that prisoners who are unemployed through no fault of their own usually receive far less money, because of current arrangements for payment, than those who are employed. Work is central to the life of the institution and the prisoner, and many pre-trial detainees (who cannot be required to work) also volunteer to do so for the reasons listed above. Unfortunately it is only very few for whom this is possible during pre-trial detention.

### ***Impossibility of fully implementing international standards***

In view of all these problems, it is at present impossible fully to implement a number of the UN and European standards for prison management and the treatment of prisoners. Reference will be made to some of these below in section 7, and others are listed in the following paragraph among additional problems to which attention was drawn by the prison administrations and other experts in the countries visited.

### ***Tuberculosis and its treatment***

Many countries of central and eastern Europe have national prevention programmes for tuberculosis, including annual checks for example in Bulgaria, Hungary and Poland. In the penal institutions checks are undertaken on admission for example in the Czech

Republic, Moldova, Romania and Russia. This growing problem is already serious especially in Russia, but also in Bulgaria, Moldova and Romania and some other countries in the region. One source indicated that the incidence in penal institutions in Russia was 34 times higher in 1993 than in the general population. It is reported that 1000 cases were detected in that year in one pre-trial institution in Moscow. In the Czech Republic the frequency in penal institutions is said to be ten times higher than outside. In several countries it is reported that each year the number of admissions who already have the disease is increasing and where there is much overcrowding in pre-trial institutions it can be very difficult to prevent it from spreading to other detainees. The shortage of medicines and of medical equipment to deal with the disease is itself a major problem in the countries worst affected. The medicines and equipment used are often not the most suitable. Medicines that are slow to have effect and old equipment (mainly x-ray machines) may be all that is available.

#### *Additional problems*

The following are among the additional problems that were said to be significant obstacles to progress in more than one country. Some are related to problems already described above.

- Three factors which in some countries affect the numbers held in penal institutions are: the inclusion in legislation of minimum sentences, the requirement that recidivists must receive longer terms of imprisonment than others, and the length of prison sentences.
- Some penal institutions are too large, and so, in many institutions, are the numbers of prisoners accommodated in each room. Both create severe management problems; the latter give rise to serious violence in some prison systems.
- There are insufficient staff per prisoner, especially in pre-trial institutions.
- The quality of life of staff is often inadequate; some do not have decent accommodation, nor clothes to wear on duty

that are in good enough condition.

- Old style occurrences affecting staff are reported by prison administrations in several countries to be an obstacle to reform. For example: senior staff reluctant to take actions that might result in their own loss of privileges; inadequate disciplinary punishments against staff; governors reluctant for prisoners to have access to the job descriptions of staff; reforms that have been made being inadequately understood by the staff who must implement them.
- Problems in obtaining medicines and, because of their cost, a shortage of medicines generally.
- Insufficient classification of prisoners, according to their educational level and their psychological state, and hence inadequate individualisation of treatment.
- Shortage of modern equipment, both technical security equipment and medical equipment, and shortage of vehicles (eg coaches for escorts and ambulances for hospitals).
- Insufficient vocational training resources.
- Insufficient resources for cultural and leisure activities.
- Unsatisfactory location of prisoners, sometimes caused by over-centralisation of facilities (eg for women), leading to prisoners serving their sentences too far away from homes and families unable to afford a visit.
- Inadequate liaison with outside social workers (where these exist), with difficulties being put in the way of their visiting prisoners in some institutions, and an absence of provision for the after-care of prisoners on release.
- Little tradition of voluntary service or professionals who are interested in prisons and prisoners, and limited development of non-governmental organisations to bring

assistance to prison staff and prisoners.

- Negative attitudes of the public and the media, including ignorance of what penal institutions can reasonably be expected to achieve and of the value of prisoners being released on leave, thus leaving prison administrations having to tread a cautious line between the international standards and what the public will tolerate.
- Difficulties in making new legislative provisions occur in practice.
- Pessimism in some countries and some institutions because of the lack of progress in certain matters: for example, fear in one country (Romania) that a particular draft penal code will seriously exacerbate the situation; the inability to provide enough beds, clothes for prisoners, paper and stamps for letters, work for prisoners; belief that there has been no profound reform, that progress is slowing or that the overall situation is deteriorating.

## 6. Possible ways forward

The ten main problems described in the previous section gave rise to a number of suggestions, from experts in the countries visited, as to possible ways forward. Ideas have also been suggested at recent international conferences by experts from the other countries in the region. Some of these suggestions are already being put into practice in particular countries or in individual institutions. They vary between initiatives whose implementation would require a decision of the national prison administration and those which would require policy changes by the responsible Ministry, the prosecutor, the courts or other bodies. Not everyone with whom these issues were discussed subscribed to all the suggestions, but they seemed to command sufficient support to justify their inclusion here:

### *Numbers held in penal institutions*

Reducing the number of pre-trial detainees requires

different methods from those needed to reduce the number of sentenced prisoners. Considering pre-trial detainees first, the main suggestions were:

- simplifying (and thus shortening) investigation procedures. This would require such adjustments to current policy as investigating only the most serious offences of which the person under investigation is suspected and allowing less serious offences to remain for consideration later if the others are not proved; when a number of similar offences are suspected, selecting specimen cases for investigation (again leaving the others for later consideration if necessary); reducing the amount of evidence collected before a suspect is brought to court, on the grounds that it is sufficient to leave the matter to the court if there is perhaps a 75% chance of conviction and unnecessary to delay matters until there is close to a 95% chance.
- reducing waiting time for court proceedings after investigation is completed and a formal accusation has been lodged. This would require the appointment of more court staff, including judges, since such shortages are said to be the cause of lengthy delays at this stage in the process.
- setting strict time limits to the various stages between arrest and court proceedings.
- increasing the use of bail and recognisances including, if necessary, the requirement for a suspect to report regularly to a police station. It is reported that in some countries many minor offenders are held in pre-trial detention despite their having permanent addresses and being unlikely to abscond.
- repealing or amending legislation which requires certain groups to be held in pre-trial detention. In some countries, if the alleged offence carries a penalty exceeding a certain length, pre-trial detention is mandatory. It was suggested that this provision should be abolished, leaving the decision entirely to the courts, or that the potential length of sentence requiring mandatory detention should be increased. It was also argued that



provisions which make it compulsory for recidivists to be held in pre-trial detention should be abolished.

- providing that pre-trial detention may only be ordered by a court.

It was argued that, since other European countries are able to manage with fewer pre-trial detainees, there was no reason to justify different practice in central and eastern Europe.

Suggestions made with a view to reducing the number of sentenced prisoners included:

- abolishing legislation setting minimum sentences and requirements that recidivists should receive greater penalties than others.
- reducing the length of sentences. In some countries at least, comparatively long prison sentences are reported to be imposed for comparatively minor offences. It was felt that courts (and public) should be made aware that other countries consider shorter sentences to be adequate.
- making more use of such non-custodial alternatives to prison as exist (see below for suggestions to overcome the shortage of non-custodial alternatives). It was suggested that the use of penal institutions should increasingly be confined to those convicted of the more serious offences.
- providing more information to the public, the media and the courts as to the limited advantages of penal custody, except in the more serious cases. It was pointed out that it is now well attested that penal institutions are often 'universities of crime' which consequently 'make bad men worse'. The public should be made aware that, if the objective is that the offender shall be less likely to commit further offences in the future, penal institutions should be used as sparingly as possible.

It was again argued that, since other European countries are able to manage with sending fewer people to penal institutions, then it should be equally possible in this part of Europe. Crime statistics and

victimisation surveys suggest that it is not differential crime levels that explain the higher rates of incarceration.

### *Conditions of pre-trial detention and in other institutions*

A number of suggestions were made for improving conditions (including regimes) in penal institutions, especially those where pre-trial detainees are held since that is where conditions are usually worst. These included:

- reducing occupancy levels to the planned capacity of each institution. In some countries, this would require reductions in the numbers of pre-trial detainees and sentenced prisoners. In others it might be achieved by amending the usage of particular institutions, generally to increase space for pre-trial detainees (as has already been done eg in Hungary and the Czech Republic).
- reducing the effective size of large institutions in order to make it easier to have positive regimes by devolving much responsibility for administering separated parts (eg wings, levels, buildings) to deputy governors or other senior staff. The feasibility of such a policy depends on the lay-out and functions of the different parts of the institution.
- reducing the numbers accommodated together in one cell/room. This too would generally require reductions in the numbers of pre-trial detainees and sentenced prisoners, but it might also be achieved by taking steps to divide the larger rooms into two or more smaller ones (as has already been done eg in Poland).
- increasing the amount of space specified as necessary for each prisoner. In most of the countries visited the space levels were considered too low to provide conditions in which prisoners could retain their self-respect. It was widely felt that, despite present circumstances (especially the crowding in places of pre-trial detention) about 3m<sup>2</sup> for every prisoner was the

minimum that should be considered acceptable. Almost half the prison administrations in the region currently have norms below that level, and (as has been seen) the average space per prisoner in pre-trial institutions in the capitals of countries visited was below this level on the day of the visit. Gradual increases in specifications may be possible; a comparison of institutional capacity and of numbers held (tables 2 and 3, Appendix) indicates that there may already be scope for increases in one or two countries. Further suggestions are made in section 8.

- making all in-cell sanitation arrangements decent and in accordance with human dignity or ensuring ready access to decent facilities outside the cell/room. This would require attention within cells/rooms in some institutions to improving the cleanliness of installations and to increasing the privacy available to those using them.
- ensuring adequate lighting and ventilation in all cells/rooms. This would require the removal of all barriers to normal window light and air, making use instead of opaque glass or plastic if it is considered essential to obscure the view.
- ending the practice whereby pre-trial detainees remain in locked cells/rooms for 22 hours a day or more. This might be achieved by extending the experiments whereby groups of cells/rooms are unlocked for certain parts of the day.
- taking all reasonable steps to ensure that detainees and convicted prisoners take at least one hour's exercise in the open every day and that those in overcrowded conditions exercise both in the morning and the afternoon. This would require overcoming the difficulties described above (section 4), providing the opportunity for such exercise and making the experience sufficiently interesting to win over those who are inclined to reject the opportunity.
- providing constructive activities to reduce tension and occupy the time, where possible

outside the cell/room. These would include education, cultural activities and vocational training. The possibility of listening to radio and watching television is seen as particularly important if there is a shortage of employment and other constructive activities.

- reducing to a minimum all restrictions on communications with other prisoners, and on correspondence and normal visits. This would require such restrictions to be limited to comparatively small numbers of pre-trial detainees where there is a genuine risk of communications hindering the proper course of justice. Even with such individuals it would rarely be justified for family members to be prevented from visiting as often as is allowed in the case of sentenced prisoners. It would also require visits to take place, other than in exceptional cases, without any artificial barriers such as glass panels or 'sterile' corridors.
- providing that courts, not prosecutors, have responsibility for controlling the conditions of pre-trial detention. This was seen as appropriate in the interests of the protection of the human rights of detainees.
- ensuring that all pre-trial detainees are regularly kept informed of the progress of their cases. This too was seen as a reasonable requirement consistent with respecting the human rights of detainees.

#### *State of buildings and need for new institutions*

As described above (sections 3 and 5), many prison buildings are in need of refurbishment, renovation or reconstruction. New buildings are also required. Enormous costs are involved in large-scale building work and, unsurprisingly, no expert had knowledge of a source of such funds. Nevertheless several suggestions were made as to possible ways forward, as follows:

- targeting first, when planning refurbishment, those parts of institutions which most affect health and self-respect. Kitchens, toilets, showers, living accommodation and medical

units/hospitals should be given priority over other buildings.

- seeking the support of local firms for specific small-scale items. Equipment for redecorating of rooms (eg paint, brushes etc), if not available from an institution's own resources, could be solicited in small quantities from outside.
- making full use of prisoner labour for small-scale improvements. Many institutions in the region contain rooms (living accommodation, showers, toilets, even kitchens) where paint or plaster is coming off the walls. Simple rubbing down and making good of the area concerned can achieve very significant improvements to the way people feel about the environment in which they live, and would often be undertaken willingly by those who have most to gain from the improvements.
- enlisting international help, where major building works are necessary, to advise on possible sources of funding. This requires contact, either directly or with the assistance as intermediaries of bodies such as the United Nations or the Council of Europe, with other countries who have experience of raising money for prison building. Advice may be useful even if it is no more than a description of how the governments of individual countries were persuaded to provide the necessary funding. Many countries in central and eastern Europe have been able to undertake small building projects; new institutions are near completion, for example, in Bulgaria (hospital at Lovech), Poland (Radom) and Romania (Bucuresti).
- using leasing arrangements. This entails a private company paying for and constructing an institution and the responsible Ministry leasing it from the company, thus spreading the cost rather than requiring very large sums at the beginning of the project. The Polish prison administration has experience of this method and Hungary is understood to be giving consideration to such an initiative.

- acquiring buildings no longer needed for other purposes. Several prison administrations (including the Czech Republic and Russia) have acquired buildings no longer needed for other purposes. Former army buildings, a former hospital, buildings previously used for compulsory treatment for alcoholics are examples.

- adapting existing prison administration buildings. Several prison administrations own prison buildings which are not currently in use. Some need major renovation, others are open units when what is needed are facilities that are more secure. The adaptation of such buildings may in some cases be a feasible option.

#### *Limited resources available*

In all countries of central and eastern Europe, though to differing degrees, there is a shortage of resources for making improvements that prison administrations know are necessary in order to make further progress towards the sort of prison systems they want, namely those that fully apply the United Nations and European standards. Thus several director generals have referred to the need to identify the positive developments that can be made "without money", and such a recognition of present realities is reflected in the following suggestions and ideas that are seen as the appropriate response to a situation where resources are limited:

- changing policy and practice in ways that do not involve costs. This is what has been happening in large measure ever since the political changes. But there is still seen to be scope for making further such progress, for example in respect of changing staff attitudes and changing practice in respect of prison management and the treatment of prisoners so that they conform more closely to the detailed recommendation of the international standards.
- devising imaginative ways of raising money. Examples specifically mentioned include governors giving talks locally about the work and needs of the penal institution; the hiring

out of accommodation belonging to an institution (eg vacant rooms in a staff hostel); allowing the use of prison buildings for the making of films (eg in Romania a former prison on the site of one institution has more than once been so used, and in Poland parts of Krakow prison - and some of the staff - featured in Steven Spielberg's film 'Schindler's List'); also in Poland money has been raised by allowing businesses and political parties to use the outside walls of some penal institutions for advertisements. There will be many other examples of imaginative ways of raising money in other countries of the region.

- establishing good liaison with local firms and other organisations (including NGOs, religious bodies). Such liaison can, and in places already does, enable useful contributions to be made to various aspects of the institution's life, including work, education, cultural activities and leisure-time entertainment.
- exchanging information with other countries about methods of achieving particular desired objectives.
- enlisting technical co-operation help from various bodies. These might include the United Nations, the Council of Europe, participants in multi-lateral and bi-lateral initiatives, international NGOs and religious organisations and emigré groups (see also section 8).

#### *Delays in passing new legislation*

In preparing new legislation it was pointed out that there is a tendency, born of the knowledge that an era has ended and a new one is beginning, to seek to devise laws that will last for a long time. This is seen as an important cause of delays in passing new legislation, since it has led, in some countries, to long discussions about what should or should not be included. It was therefore suggested that the most effective way to proceed is by:

- making the first priority the removal of the worst aspects of totalitarian legislation.

making the second priority the introduction of reforms which can command fairly general assent.

Such a policy requires attention to be focussed on legislative provisions on which agreement can more easily be reached, leaving further legislation to be introduced later. It is seen as having the advantage of at least getting a number of important measures on the statute book and avoiding the period of transitional confusion to which reference was made earlier. It was felt that it then becomes easier for prison rules to be issued and for prison administrations to promulgate orders and instructions for further reforming measures and to have them carried out.

#### *Shortage of non-custodial alternatives to imprisonment*

The shortage of non-custodial alternatives to imprisonment is seen as an important reason for the high number of convicted offenders who are sent to penal institutions. It was widely suggested that this should be addressed by:

- exploring the possibility of introducing probation as it is known in several western European countries and Canada. Although it was recognised that the introduction of probation might be seen as too costly and too much like letting criminals off, it was felt that the evident satisfaction with the measure in other countries justified such an examination. Probation could be introduced experimentally in certain parts of a country and, as occurs elsewhere, a provision could be included whereby the period of probation could be accompanied by tough conditions, such as would be more likely to win public support for the measure.
- introducing community service on an experimental basis. Since the distinction, between forced labour and community service voluntarily accepted as an alternative to incarceration, is not difficult to understand, it was felt that the problem of the two being confused, leading to

community service being publicly unacceptable, should not be insurmountable.

- making more use of suspended or deferred sentences.
- imposing higher fines.

There was said to be scope for using both of the above measures in order to remove the need for a prison sentence on some offenders who were not likely to be seen as a serious danger to the public.

### ***Recruiting and retaining good quality staff***

Successful recruitment and retention policies are seen as dependent on determined action to achieve the following objectives:

- improving the image of the work done by prison personnel. This requires good publicity for the service that prison personnel perform on behalf of the community and for the skills that are needed. Talks given by governors in the local community and appearances on radio and television are all thought useful, as is publicity from the national prison administration (including publications that reach opinion-formers and other members of the general public). Reference has already been made to the value of pamphlets describing the work of individual institutions.
- maintaining staff morale. Action to improve the image of the job makes an important contribution to staff morale. Even more important is the level of pay, which most national administrations and governors considered inadequate for personnel working in penal institutions. Failure to pay staff on time (which was reported to have happened recently in three of the seven countries visited) is obviously extremely damaging to morale. Reference was made in section 4 to the value of special efforts to make security staff feel positive towards their work, including actions to ensure that they are supported and encouraged and that their conditions of work are as good as possible.

paying particular attention to the needs of educators/social workers. Recruiting educators/social workers was mentioned in several countries as particularly difficult. Reference was made in section 4 to the Polish university course which is geared to producing such specialists but most countries are not so fortunate in this respect. It was acknowledged that many who are already experienced in the job would benefit greatly by having the opportunity of sharing their ideas and expertise with those involved in similar work in other countries. They would also benefit (as has been mentioned) from having smaller groups of prisoners to work with. The danger of losing such staff to better-paid jobs is a very real one.

paying particular attention to the needs of doctors and other medical specialists. There is much concern also at the possibility of losing medical personnel to better-paid jobs. One of the most useful initiatives for reducing the number of vacancies and retaining existing medical staff was felt to be to strengthen the links with medical colleges and hospitals outside and to move towards integration of the medical service in penal institutions with that in the community. Such a move is also thought likely to improve standards and it would certainly increase the status of medical specialists and thereby enhance their ability to put pressure on governors and prison administrations when they detect weaknesses in food, hygiene and sanitation, heat, lighting and ventilation etc.

increasing the numbers of educators/social workers. Almost all prison administrations considered that they needed more educators/social workers, because as already indicated their role is thought particularly significant and their case-loads are generally seen as too high. In one country serious consideration is being given to taking action in this direction by making a slight reduction in the number of security staff in order to afford an increase in educators/social workers.

### ***Ensuring positive staff attitudes and increased skills***

The most obvious means of tackling this problem was agreed to be

- placing much emphasis on training and on its quality. In most countries of the region this already occurs, as was mentioned in section 4. It is also agreed that there needs to be, and often is, good co-operation with other countries.

Further suggestions included:

- stressing the importance of good relationships with prisoners and of good communications both between staff and prisoners and between staff and prison management in order to reduce tension, to promote positive regimes and to improve security.
- giving security staff the opportunity of going abroad in order to learn from practice in other countries
- being prepared to sack personnel who demonstrate an inability to work with positive attitudes and to learn new skills.

### ***Finding employment for prisoners***

The description of positive developments that are currently occurring in respect of prison work (in section 4) included many suggestions and ideas that were mentioned by experts in the countries visited. For the sake of convenience they are repeated within the following list:

- separating the management of prison firms from the management of the institutions.
- focussing on particular lines of business for which there is an identified market and a suitable prison work-force.
- arranging joint ventures with outside firms.
- arranging for prisoners to work on contract for outside firms.

- encouraging businesses to invest in production in penal institutions by means of tax incentives.
- allowing prisoners to set up their own enterprises.
- allowing prisoners to keep more of what they earn and enabling them to exercise responsibility over its expenditure.
- attempting to increase the amount of employment available for pre-trial detainees.
- placing a small proportion of the proceeds of the employment that is available into a prison fund to be used for those who are unavoidably unemployed.

### ***Impossibility of fully implementing international standards***

Although in present circumstances it is impossible for every country in central and eastern Europe fully to implement all the United Nations Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules, expert opinion indicates that progress may be made by:

- ensuring that all heads of department in the national prison administration and all senior management in the penal institutions have their own copies of at least one of these documents in their own language. It is a fundamental requirement that such senior personnel both know and have ready access to the international standards.
- ensuring that all prison libraries contain copies of at least one of these documents, prominently displayed. It is necessary that prisoners and other staff should also have access to them.
- ensuring that these documents are fully used in training courses and in the preparation of new legislation.
- focussing initially on the most important of the rules/norms contained in the international standards, namely the basic principles.

- forming and acting upon a plan for steady progress, step-by-step, towards implementation of all rules/norms.
- providing opportunities for regular international exchange of information and experience (see section 8).

### ***Tuberculosis and its treatment***

It is clear to all that the problems associated with the prevalence of tuberculosis and its treatment need to be dealt with by:

- effective screening of new detainees at the time of reception.
- careful segregation of new detainees until it is ascertained that they do not have the disease.
- the availability of suitable medical equipment and medicines. International assistance is necessary to obtain this. The World Health Organisation and the International Council of Prison Medical Services are the most likely sources (see also section 8).

## **7. Scope for further developments**

The preceding sections, in setting out positive developments, current problems and possible ways forward, have referred to many ways in which efforts are being made to ensure that practice in the prison systems of central and eastern Europe is consistent with international standards, in particular the UN Standard Minimum Rules for the Treatment of Prisoners and the European Rules. This section focusses on some of the more important aspects in which it is known, from the information reported by participating countries, that the standards are not fully applied everywhere at the moment. No criticism is intended of countries in which particular deficiencies remain; it should already be clear from this report that the Ministries responsible for prison systems, the national prison administrations and the governors and staff in the penal institutions all deserve much credit for the progress that has been made despite very

difficult circumstances. It is hoped, however, that it will be helpful to indicate the scope for further developments towards full implementation of the international standards. That many of the moves included in the following list, and others too, are equally needed in other parts of Europe is a fact which should be recognised, but which will surely not deflect the countries of central and eastern Europe from the task which they have set themselves. This is not equality of practice with the rest of Europe, but rather the best possible practice in conformity with the recognised international standards.

### ***Basic principles***

In order to ensure that *'the deprivation of liberty shall be effected in material and moral conditions which ensure respect for human dignity and are in conformity with these rules'* (European Prison Rule (EPR) 1), there is a need above all for:

- a significant reduction in the average length of time that people are held in pre-trial detention;
- a considerable improvement in physical conditions (especially overcrowding) in pre-trial institutions;
- the introduction of constructive programmes to occupy pre-trial detainees, involving the maximum possible amount of time out of their cells/rooms.

The requirement that *'the treatment of prisoners in custody shall be such as to sustain their self-respect'* (eg EPR 3) means that there is a need for:

- sanitation arrangements to guarantee prisoners' privacy and decent conditions;
- the elimination of all practices in which prisoners have to face the wall or turn aside in the presence of staff or visitors;
- close supervision by staff to ensure that prisoners are protected from violence or humiliation by other prisoners.

In accordance with the requirement that *'there shall be regular inspections of penal institutions'* (eg EPR 4)

there is a need for:

- strict monitoring that institutions are being managed in accordance with national laws and the policies of the prison administration.

In order to ensure that the *international standards shall be readily available to staff and prisoners* (eg EPR 6): it is appropriate for:

- copies of the UN Standard Minimum Rules for the Treatment of Prisoners and/or the European Prison Rules to be issued to senior officials in the prison administration headquarters and senior managers in the penal institutions. Copies should be available to other staff and to prisoners, for example by being prominently displayed in prison libraries.

In accordance with other relevant aspects of the standards for prison management and the treatment of prisoners, the specific objectives set out below need to be achieved also.

#### ***Reception, allocation and classification***

- the reduction of stress on arrival at a penal institution by, for example, assisting prisoners to resolve urgent personal problems in respect of families, friends, accommodation or employment;
- the separation of different categories of prisoner (eg male/female, pre-trial/convicted, first timer/recidivist, juvenile/adult).

#### ***Accommodation, hygiene, clothing and bedding***

- the phasing out of the practice of holding prisoners in large rooms/dormitories and the increased use of cells/rooms for no more than four prisoners.
- the provision of at least 3m<sup>2</sup> space for each prisoner with attempts being made to increase this specification in stages to about 5m<sup>2</sup>;
- the elimination of limitations on

communication between pre-trial detainees and other prisoners which restrict lighting or ventilation;

- the abolition of restrictions on the length of prisoners' hair, so long as it is clean and tidy;
- pre-trial detainees to be allowed to wear their own clothes;
- every prisoner to have a separate bed and clean bedding.

#### ***Food***

- food to be of at least equivalent standard, in quantity, quality and cooking, to that of communal catering outside;
- kitchens to be meticulously clean, flaking paint or plaster removed and repaired immediately, and flies kept out as carriers of germs and disease.
- special diets to be available where necessary for health reasons or because of religious beliefs.

#### ***Medical services***

- vacancies for doctors and other medical staff to be filled promptly with well-qualified people;
- medical services in penal institutions to be at least as good as those available in the community outside;
- an adequate supply of suitable medicines and medical equipment to be available, especially for the treatment of tuberculosis;
- more modern equipment to be available to medical staff;
- medical staff to give clear and forthright advice to the governor about matters concerning food, hygiene, cleanliness, sanitation, heating, lighting, ventilation etc



and governors to act on the advice or report to the prison administration if they are unable or unwilling to do so.

### ***Discipline and punishment***

- isolation cells or rooms to conform to international standards in respect of heating, lighting and ventilation;
- sanitation arrangements for those in isolation to guarantee conditions which are decent and afford full respect for human dignity;
- isolation as a punishment to be accompanied by no restriction on the right to exercise (which is a matter of health and not a privilege);
- isolation as a punishment to be accompanied by no restriction on the right to maintain normal contact with family (which is a matter of optimising the prospects of resocialisation and not a privilege).

### ***Information to, and complaints by, prisoners***

- every prisoner on admission to be provided with information about the regulations governing the treatment of prisoners, the disciplinary requirements of the institution and the authorised methods of making requests and complaints;
- such information to be readily accessible at other times (eg in the prison library);
- where regulations are displayed in common areas of an institution, information about making requests and complaints to be displayed also;
- every prisoner to be allowed to make a request or complaint, under confidential cover, to the national prison administration, the judicial authority or other proper authorities;

### ***Contact with the outside world***

- 'closed visits', where the prisoner is separated from his visitor by glass panels or other means, to be reserved for exceptional cases both in respect of pre-trial detainees and convicted prisoners;
- the frequency of communication with families not to depend on the strictness of the regime to which a prisoner has been sentenced or allocated;
- where visiting by family members involves a long journey and is therefore rarely possible, arrangements to be made to compensate for this (eg longer visits, visits over more than one day);
- prison leave to be granted as often as possible subject to considerations of security and the safety of the public.

### ***Religious practice***

- every prisoner to be enabled to satisfy the needs of his religious, spiritual and moral life, including access to a qualified religious representative and the right to have in his possession any necessary books or literature.

### ***Personnel***

- training for new staff, and professional development training for experienced staff, according to a structured programme and based on the international standards, to be available to the personnel of each country's prison system;
- the public to be informed and kept aware of the role of the prison system and the work of the staff, so as to encourage understanding of the importance of their contribution to society;
- salaries to be adequate to attract and retain suitable men and women and to be paid on time; employment benefits and conditions of service to be favourable in view of the

demanding nature of the work;

- arrangements to be made for wider experience and training (eg in another country) for personnel whose professional capacity would be improved by this;
- personnel to include a sufficient number of specialists, in particular medical staff and educators/social workers;
- the appointment of staff in institutions or parts of institutions housing prisoners of the opposite sex to be encouraged.

### ***Treatment objectives***

- the conditions of imprisonment and the prison regime not to aggravate the suffering which is inherent in the punishment of deprivation of liberty;
- every effort to be made to minimise differences from life at liberty which tend to diminish self-respect or personal responsibility;
- every effort to be made to strengthen links with relatives and the outside community;
- opportunities to be provided to develop skills and aptitudes that will improve prospects of successful resettlement after release (eg vocational training, counselling, training in social skills, budgeting etc);
- individual treatment programmes to be established and reviewed, incorporating full consultations between staff and prisoners;
- management staff to encourage positive relationships between staff and prisoners that will improve the prospects for effective and supportive regimes and treatment programmes.

### ***Work***

- sufficient work, or other purposeful activities, to be provided to keep prisoners

actively involved for a normal working day;

- the interests of the prisoners and their treatment not to be subordinated to the pursuit of financial profit from prison work;
- safety and health precautions for prisoners to be similar to those that apply to workers outside;
- prisoners' work to be organised in such a way as to leave them sufficient time for education and other activities that are part of their treatment and training for social resettlement.

### ***Education***

- education to be regarded as an activity attracting the same status as work, provided it takes place in normal working hours and is part of an individual treatment programme;
- remedial education to be arranged for prisoners with problems such as illiteracy or innumeracy;
- every penal institution to have a library which is adequately stocked with a wide range of both recreational and instructional books, and of which all categories of prisoner are enabled and encouraged to make full use.

### ***Exercise***

- every prisoner who is not employed in outdoor work, or located in an open institution, to be allowed at least one hour of walking or suitable exercise in the open air daily and to be encouraged to take advantage of this opportunity.

### ***Preparation for release***

- the treatment of prisoners to emphasise not their exclusion from the community but their continuing part of it, with community agencies enlisted wherever possible to assist

in the task of rehabilitation and of maintaining and improving prisoners' relationships with their families;

- prison leave to be granted to the greatest extent possible;
- all prisoners to have the benefit of arrangements designed to assist them in returning to society, family life and employment after release; procedures and courses to be devised for this purpose;
- prisoners with long sentences to be enabled to have a gradual return to society, by means of a pre-trial regime, transfer to an open institution or conditional release combined with supervision and social support.
- agencies that provide after-care assistance to prisoners after release, including assistance with finding employment, to be given all necessary access to the institution and to prisoners to enable them to make a full contribution to the preparation for release and arrangements for after-care.

#### *Pre-trial detainees*

- pre-trial detainees, who are presumed innocent until they are found guilty, to be treated without restrictions other than those necessary for the penal procedure and the security of the institution;
- pre-trial detainees to be allowed to receive visits from their family and friends under humane conditions subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution;
- pre-trial detainees to be entitled to receive visits from a legal adviser with a view to their defence; such visits not to be within hearing, direct or indirect, of the police, investigating or prosecuting authorities or institution staff;
- pre-trial detainees without suitable clothing

of their own to be provided with civilian clothing in good condition in which to appear in court or go on organised outings.

### **8. Some proposals**

This section contains a number of proposals, some of them suggested by experts in the participating countries, which seem to the author to be well worth consideration. Sections 4, 6 and 7, in describing, respectively, positive developments, possible ways forward in respect of current problems, and the scope for further developments, have indicated a number of actions that might be taken. This section makes reference to some of these but is not a collection of suggestions that have been made (or implied) earlier. Most of the proposals here are of a more general nature.

#### *Actions at the national level*

##### *The use of imprisonment/pre-trial detention*

There are large discrepancies between the numbers (per head of population) held in penal institutions in the countries of central and eastern Europe, and many countries have rates very different from those in the rest of Europe. Although, as was pointed out, it is important not to place too much weight on the precise numbers, it is suggested that each country might care to consider the approximate level that is appropriate for it, taking account of national circumstances. If the conclusion is that the present level is higher than necessary and that it ought to be possible to manage with a level closer to that of certain other countries, it is proposed that attention be focussed on how a reduced level might be achieved and what interim targets might be set. Naturally, such a policy would necessitate placing fewer people in the institutions or releasing earlier some of those who are already there. A number of ways of reducing the in-flow have been discussed earlier as, in respect of the outflow, have ways of reducing the length of pre-trial detention. More generous practice in respect of conditional release and the use of selective amnesties are the obvious ways of enabling sentenced prisoners to be released earlier. The authorities may conclude that present levels of imprisonment and pre-trial detention

are not inappropriate given national circumstances, or that they are prepared to address the problem of reducing the in-flow and reducing the length of pre-trial detention, but cannot contemplate earlier release for sentenced prisoners. But, whatever the conclusion, the suggestion is that the matter be given careful consideration. One country in the region (Estonia) is already developing strategies with a view to reducing the number held in its penal institutions to about one quarter of the present level by the year 2000.

### *Overcrowding*

No country is content for its penal institutions to be overcrowded. But, as has been noted (section 5), in all but four of the countries of central and eastern Europe there were pre-trial detainees housed in overcrowded conditions in mid-1994. Three countries had more people in their penal institutions than the total planned capacity of the system. It is suggested that consideration be given to developing national plans in respect of overcrowding. If it is not possible to eliminate it by changing the functions of institutions (eg in order to create more pre-trial places) the responsible Ministries might wish to press their governments to take immediate action either to increase the number of places available or, and this will usually be preferable, to reduce the number who are held. Whatever the conclusion about the appropriate size of the numbers held, there is no case for allowing institutions to continue to be overcrowded.

### *The accommodation space per prisoner*

The amount of space considered necessary per prisoner varies from one country to another in central and eastern Europe, according to cultural traditions, the totalitarian legacy and changes that have been made in the last few years (table 6, Appendix). Neither the UN Standard Minimum Rules nor the European Prison Rules specify how much space a prisoner should be allowed. A reasonable amount' is the wording in the European Prison Rules. However, many countries in the region consider their national minimum specification to be inadequate, even though it is often impossible, in present circumstances, to provide pre-trial detainees (especially) with even that specified amount. It is therefore suggested that each country which considers the national minimum specification or the actual amount provided to be

inadequate should develop a strategy to increase the space provided to a more 'reasonable' level. A three-stage process is proposed, as follows. First, all accommodation currently in use would be surveyed to establish the space prisoners have at present. Because of probable variation between accommodation for different types of prisoner, it will be appropriate to obtain separate figures in respect of pre-trial detainees, women prisoners, prisoners under 18 and adult sentenced men. Second, if the results of the survey show that it would already be feasible to increase the national minimum specification at least for certain types of prisoners, then a new specification would be adopted in practice. (If the present specification is based on law, as in most countries of the region, there would be no need to amend the legislation at once.) Thus, for example, if the national minimum specification is currently below 3m<sup>2</sup> it might be feasible to amend the specification used in respect of women and minors (and perhaps also adult sentenced males) to 3m<sup>2</sup>. If the current specification is between 3m<sup>2</sup> and 4m<sup>2</sup> (=6m<sup>3</sup> and 8m<sup>3</sup>) it may be possible to progress towards 5m<sup>2</sup> for some groups. The third stage would involve devising long-term plans to raise all levels (including that for pre-trial detainees) towards that of the group with most space; perhaps this could be tackled institution by institution so that progress could be noted and this would provide encouragement to yet further progress. Such a 'space strategy' could be undertaken at once. It is intended to be a means of achieving and measuring progress on an issue which many countries consider important. (Incidentally in one country - the Czech Republic - the prison administration conducted a survey in 1993 similar to that proposed for the first stage.)

### *Pre-trial detainees: conditions in the penal institutions*

The international standards indicate that conditions for prisoners who have not been convicted but are held for investigation or to await trial should be at least as favourable as for those who have been sentenced to imprisonment. A detainee is assumed innocent until he is proved guilty. Unfortunately, as has been noted above, the conditions in institutions for pre-trial detainees, in central and eastern Europe as elsewhere in the continent, often do not measure up to these requirements. Some possible ways forward were indicated in section 6 and it is suggested that prison administrations may wish to focus special efforts on

such institutions, not only in tackling the worst deficiencies (eg overcrowding, insufficient space) but also in improving conditions generally, including the state of the buildings and the development of more positive regimes (eg more time out of cell, opportunities for more exercise, the provision of more constructive activities).

*Pre-trial detainees: police, prosecutors, courts and prison administrations*

Experts in many countries - in the responsible Ministries, in prison administrations, in penal institutions and in universities and other non-governmental organisations - have stressed the importance, in terms of justice and respect for human rights, of ensuring that continued progress is made in improving the procedures for handling detainees between their apprehension by the police and their appearance in court for trial. Across the region, moves have been made, moves are in the process of being made, or moves are contemplated, to reduce the length of time that people can be held in police detention before transfer to pre-trial institutions and to increase the extent to which decisions about the loss of liberty and other freedoms (including pre-trial detention) are the responsibility of judges and courts rather than police and prosecutors.

Different countries are moving at different speeds in this direction, for a range of reasons associated with traditions, the power and reputation of the bodies and agencies concerned, and the fact that certain individuals have happened to be in key posts affecting such decisions. What to some people seems a positive reforming change, appears to others to be an unnecessary disturbance of convenient long-established practice. However it is clear that the overall shift is in this direction and it is proposed that steps be taken to support such moves. Close collaboration between all parties will naturally continue.

*Strengthening links with the community and non-governmental experts*

Much emphasis is also placed, in the countries of central and eastern Europe, on the importance of openness and links with the community. It has already been noted (section 4) that prison administrations now allow access to institutions and engage in discussion with non-governmental experts

and organisations, issue their own publications and have regular contact with the press, radio and television. Links with the community also include contact with outside medical personnel, teachers and social workers, religious bodies and cultural groups. It is proposed that these initiatives should be expanded as much as possible in order to increase both the extent to which penal institutions are recognised as part of the community and the extent to which the treatment of prisoners emphasises not their exclusion from the community but their own continuing part in it. Staff morale, as was said earlier, is greatly improved if they are acknowledged to be performing effectively and skilfully a valuable and essential task for the community. Prisoners' reintegration into the community on release is itself enhanced by maintaining close links not only with family and friends but also with other people and agencies from outside.

There is also scope for extending such links with the community beyond enlisting outside people to contribute to the regime and enabling the media to learn about the institution and so be able to communicate what they have learnt to a wider public. It is suggested that there would be value in drawing non-governmental experts and organisations more into the strategic discussions of the prison administration, enabling them to use their expertise and knowledge, and perhaps their different perspective, in contributing to the process of planning new developments which will lead to further progress. Academics from the universities, senior representatives of Helsinki Committees and other pressure groups, share many of the objectives of prison administrations and also, judging by the experience of the countries visited for this project, have similar perceptions of current developments. It is suggested that an annual meeting with such groups, for open discussion of the progress made, the problems faced and the desirable next steps, would be found useful by all parties and might demonstrate the potential value of more frequent contacts. Penal administrations in most countries of the region have some contact with non-governmental experts and organisations and in some places, as mentioned earlier, these contacts are being formalised. One country is considering involving non-governmental experts in its inspection process. Such developments will surely contribute to the breadth of ideas and to the unity of purpose among all those who are concerned to see the prison systems advance towards the closest possible application of the

international standards.

#### *An annual report*

It is suggested that prison administrations that do not already do so should consider publishing an annual report containing a brief description of current developments, highlighting progress made, the main problems faced and principal hopes and plans for the coming year, and including statistical data such as numbers of pre-trial detainees and sentenced prisoners, numbers and type of personnel and institutions, space per prisoner, frequency of use of isolation as a punishment, percentage of sentenced prisoners in employment, and number and type of leaves granted. Such a document has value not only within the country but also for international communication. Several countries have already prepared such informative documents, and most director generals have given papers of this kind at international conferences.

#### *Actions at the international level*

##### *Regular contacts and effective communication*

There was complete agreement in every country of the region as to the pre-eminent importance of regular international contacts. Emphasis was placed on maximising the flow of information as a means of speeding up the transformation process or, to express the same point somewhat differently, on knowing what is happening elsewhere in order to be able to select the appropriate model for one's own country. As has been mentioned, there is already much exchange of information and experience and there are even exchanges of personnel. It is to be hoped that these initiatives will continue and expand.

The opportunity to see and learn about the work of prison systems in other countries should not be reserved for director generals, the heads of the national prison administration. This was pointed out by senior personnel themselves. As an integral part of training, junior and middle-rank personnel have much to gain from visits to penal institutions abroad, and suitably qualified staff might be attached for short periods to such institutions. There have been some initiatives of this kind already. In addition, as has been mentioned, staff in countries without a training institute have attended courses in other countries of

central and eastern Europe.

A potentially valuable means of international exchange of information would be twinning arrangements between individual establishments. Penal institutions in central and eastern Europe might benefit from being twinned both with a similar institution in another country in the same region and with a similar institution in another part of Europe. Such twinning arrangements would promote regular and effective communication augmented perhaps by study visits and attachments of suitable personnel.

It would also be useful to establish a central information point for the collection, translation and distribution of selected information about prison management and the treatment of prisoners.

##### *Seminars on specific topics*

The best directors and senior staff in the penal institutions of central and eastern Europe have much skill and experience in managing institutions and dealing with prisoners. They also have ideas about improving practice in ways that are consistent with the international standards. There would be much to gain from their engaging in focussed discussions with stimulating counterparts from other countries. It is proposed that five different seminars should be organised for attendance by directors and senior staff of penal institutions. These seminars would be:

- a) for directors of institutions which are primarily for pre-trial detainees;
- b) for directors of maximum security institutions;
- c) for directors of institutions for women prisoners;
- d) for educators/social workers in penal institutions
- e) for those responsible in penal institutions for finding employment opportunities for prisoners;

If they are successful they should be followed by further focussed seminars of this kind.

### *An international conference*

At recent international meetings on prison issues - specifically the symposium organised by the Polish Government and the International Centre for Criminal Law Reform and Criminal Justice Policy at Popowo, Poland in October 1993 and the conference organised by the Hungarian Government and the Council of Europe at Pilisszentkereszt, Hungary in May 1994 - the heads of prison administrations in central and eastern Europe emphasised the value of regular conferences in which they can exchange information and experience with a view to improved practice in each of their countries. It is proposed that a conference be organised in the autumn of 1995 or the spring of 1996 which would have three particular aims:

- to review progress towards application of the international standards
- to discuss particular problems in applying the standards;
- to consider appropriate steps to ensure further positive developments.

The conference would be able to take account of information and conclusions from this HEUNI study, as recorded in the present report and the further report which is planned. Consideration could also be given to the justification, and possible organisational arrangements, for subsequent conferences with a similar agenda, as proposed at Popowo and Pilisszentkereszt.

### *Technical assistance and co-operation*

Reference has already been made to technical assistance provided within central and eastern Europe. However, regular and effective communication will require resources beyond those available to prison administrations in this part of Europe. This applies in respect of the exchange of information and even more in respect of visits to institutions and training institutes in other countries. Twinning arrangements would probably require some international input and a central information point would also entail costs. The proposed seminars and the international conference would be dependent on international resources.

Both the United Nations and the Council of Europe are able to provide some technical assistance and technical co-operation to the prison systems of central and eastern Europe. In the case of the United Nations, assistance can take the form of expert advice on the reform and development of crime prevention and criminal justice. The United Nations Crime Prevention and Criminal Justice Programme, for example, sends missions to various countries to discuss possible approaches and suggest ways in which these approaches can be implemented. Matters affecting the reform of penal systems are therefore eligible for such assistance.

The Council of Europe provides assistance through its Themis and Demo-Droit Programmes which were established to assist in the implementation of legislative reforms. One of its areas of work involves the reform of prison systems. In this connection study visits and seminars are funded in respect of: the organisation of the prison system; the strategy, objectives and aims of the system, including consideration of alternative sanctions; the fundamental principles of detention, including human rights issues; monitoring (inspection) and relations with the media; prison architecture; and the status, selection, recruitment and training of prison staff. Such seminars include experts from other countries as lecturers and advisers.

It is proposed that the United Nations and the Council of Europe use their capacity for technical assistance and co-operation to accommodate the needs outlined above.

The need for assistance, particularly in respect of tuberculosis and its treatment, from the World Health Organisation (who were approached in mid-1994 about the urgent needs of the Russian prison system) was mentioned in section 6. It is suggested that through the good offices of the International Council of Prison Medical Services a programme of technical assistance, especially with equipment and medicines, should be organised for all countries of central and eastern Europe.

There are also other European sources of technical assistance. The European Union is able to use for this purpose the PHARE programme, which is its main programme of technical assistance for the countries of central and eastern Europe. In addition, several governments, agencies, institutions, non-

governmental organisations, religious groups and individuals have provided direct material assistance and may be willing to repeat this. It is also possible that emigré groups (eg in North America) may be willing to provide assistance to their country of origin.

In order to make full use of potential assistance it is suggested that it would be worthwhile for prison administrations in central and eastern Europe to prepare lists of items that might be suitable for material assistance. Funds for the construction of new prisons are not likely to be forthcoming but if it was known (perhaps through the information being held and circulated by the central information point) that specific items of equipment, materials, documents, translations, would be of special value to a particular prison administration it would increase the chances of that assistance being received.

## **9. Conclusion**

This report has shown that despite the negative background to reform in the prison systems of central and eastern Europe, which derives principally from the totalitarian past and from the aftermath of the changes that took place between 1989 and 1991, there have been many positive developments. However, current problems are numerous and many are serious. It is impossible fully to implement international standards in present circumstances. A number of ways forward in respect of these problems have been suggested by experts in the countries concerned. There is scope for further developments in many areas covered by the international standards. Some proposals are made for actions at the national and international levels.

As the responsible Ministries and the prison administrations in central and eastern Europe tackle the major problems that confront them it is important that the United Nations, the Council of Europe, and governments and organisations in the countries that are their European neighbours, use every means at their disposal to increase the present level of technical assistance and co-operation in the interests of speeding up further progress towards the best possible practice in conformity with the international standards.

Some observers would direct criticisms at national prison administrations of the countries which have large numbers in penal institutions, where conditions are poor and which do not have the resources to make large-scale immediate improvements. It is argued that this would be an inappropriate reaction. All prison administrations in central and eastern Europe require technical assistance and co-operation; their current circumstances make that inevitable. Those with the worst problems need the most help and support. This has to be borne in mind when planning technical assistance programmes.

There have been many positive developments in the prison systems of central and eastern Europe. The rest of Europe has much to learn from the vigorous way in which problems have been tackled and progress made. It is to be hoped that assistance and co-operation throughout the continent will lead to continued progress and improved practice in all European penal systems.



## 10. Appendix: tables 2-7

**Table 2 Penal institutions in central and eastern Europe, 1994**

Country	Penal institutions	Total capacity of penal institutions	Average capacity per institution (approximate)
ALBANIA	7	1,231	175
BELARUS	35	40,480*	1,160
BULGARIA	34	13,102	385
CROATIA	23	3,068	135
CZECH REPUBLIC	29	16,678*	575
ESTONIA	10	4,280	430
HUNGARY	32	16,831	525
LATVIA	13	12,952	1,000
LITHUANIA	13	13,400	1,030
MOLDOVA	17	11,000	650
POLAND	210	64,080	305
ROMANIA	34	30,766*	905
RUSSIA	967	934,878	965
SLOVAKIA	17	8,305	490
SLOVENIA	14	1,756	125
UKRAINE	183		**

\* The number of people held in penal institutions in mid 1994 (table 3) was higher than the planned capacity as shown here.

\*\* The average capacity per institution in Ukraine is similar to that in Belarus and Russia.

**Table 3**                      **Numbers held in penal institutions (convicted or in pre-trial detention) in central and eastern Europe, mid-1994**

Country	Numbers held in penal institutions	Rate per 100,000 of population (approximate)	Date
ALBANIA	1,077	30	1.6.94
BELARUS	45,814	445	1.7.94
BULGARIA	8,495	95	14.4.94
CROATIA	3,000	60	May 94
CZECH REPUBLIC	18,389	180	15.9.94
ESTONIA	4,220	270	1.10.94
HUNGARY	12,829	125	2.6.94
LATVIA	9,547	365	1.7.94
LITHUANIA	11,580	310	1.7.94
MOLDOVA	10,292	275	1.10.94
POLAND	61,952	160	30.9.94
ROMANIA	43,985	195	1.10.94
RUSSIA	885,000	590	May 94
SLOVAKIA	8,000	150	May 94
SLOVENIA	794	40	June 94
UKRAINE	180,000	345	May 94

**Table 4**                      **Personnel in penal institutions in central and eastern Europe, 1994**

Country	Staff in penal institutions	Staff/prisoner ratio
ALBANIA	793	1 : 1.4
BULGARIA	2,725	1 : 3.1
CROATIA	2,137	1 : 1.4
CZECH REPUBLIC	7,244	1 : 2.5
ESTONIA	2,228	1 : 1.9
HUNGARY	6,252	1 : 2.1
LATVIA	1,609	1 : 5.9
LITHUANIA	3,079	1 : 3.8
MOLDOVA	2,431	1 : 4.2
POLAND	21,272	1 : 2.9
ROMANIA	7,755	1 : 5.7
RUSSIA	231,494	1 : 3.8
SLOVAKIA	4,068	1 : 2.0
SLOVENIA	823	1 : 1.0
UKRAINE	50,000	1 : 3.6

Note

The staff-prisoner ratio in this table is calculated on the basis of all staff in the institution. A ratio based on the number of staff actually working with prisoners would inevitably be lower.

**Table 5**      **Pre-trial detention (in penal institutions); 1994**

Country	Pre-trial detention rate per 100,000 of population (approximate)	Pre-trial detainees as percentage of all held in penal institutions	Date
ALBANIA	5	13	1.6.94
BELARUS	75	18	1.7.94
BULGARIA	30	31	1.1.94
CROATIA	15	28	1.1.94
CZECH REPUBLIC	85	47	15.9.94
ESTONIA	100	37	1.10.94
HUNGARY	35	27	2.6.94
LATVIA	80	23	1.7.94
LITHUANIA	85	27	1.7.94
MOLDOVA	70	25	1.10.94
POLAND	40	25	30.9.94
ROMANIA	55	27	1.1.94
RUSSIA	150	26	1.1.94
SLOVAKIA	35	26	1.1.94
SLOVENIA	10	38	1.1.94

Note

Two qualifications have to be made about these figures. First, they exclude people held in police detention (which in some countries can be for several months and in others cannot exceed 24 hours); second, the figures supplied by some countries include those who have recently been convicted and remain in pre-trial detention for a short period while they await the result of their so-called 'second trial' (which has the nature of an appeal process).

**Table 6**                      **Standard specifications of space per prisoner, 1994**

Country	Specification
ALBANIA	4m <sup>2</sup>
BELARUS	2m <sup>2</sup>
BULGARIA	6m <sup>3</sup> (= approx 3m <sup>2</sup> )
CROATIA	8m <sup>3</sup> (= approx 4m <sup>2</sup> )
CZECH REPUBLIC	3.5m <sup>2</sup>
ESTONIA	2.5m <sup>2</sup>
HUNGARY	3m <sup>2</sup> or 6m <sup>3</sup>
LATVIA	2m <sup>2</sup>
LITHUANIA	2m <sup>2</sup>
MOLDOVA	2m <sup>2</sup> (pre-trial institutions and general regime colonies)
	4m <sup>2</sup> (other colonies and prisons)
POLAND	3m <sup>2</sup> (men)
	4m <sup>2</sup> (women)
ROMANIA	6m <sup>3</sup> (= approx 3m <sup>2</sup> )
RUSSIA	2.5m <sup>2</sup>
SLOVAKIA	3.5m <sup>2</sup>
SLOVENIA	9m <sup>2</sup> (approx 4.5m <sup>2</sup> )
UKRAINE	2m <sup>2</sup> (men-convicted)
	2.5m <sup>2</sup> (pre-trial institutions)
	3.5m <sup>2</sup> (women)
	4.5m <sup>2</sup> (juveniles)

Note

These are the minimum standards set by the individual countries in legislation or regulations. In some cases (eg the Bulgarian specification and the Polish specification for women) the standards do not appear in legislation or regulations but are regarded as having similar significance.

**Table 7**                      **Sentenced prisoners and employment, 1994**

Country	Percentage with a job
ALBANIA	0%
BELARUS	38%
BULGARIA	40%
CROATIA	70%
CZECH REPUBLIC	50%
ESTONIA	31%
HUNGARY	60%
LATVIA	42%
LITHUANIA	30%
MOLDOVA	30%
POLAND	26%
ROMANIA	22-25%
RUSSIA	67% in colonies, 33% in prisons
SLOVAKIA	62%
SLOVENIA	70%







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