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Prison Information Bulletin



CONTENTS

	<i>Page</i>
Foreword	3
Swedish viewpoints on prison building	4
Health in prisons	9
Preparation of prisoners for release and pre-release treatment	12
News of the Council of Europe	
Conclusions adopted by the VIIITH Conference of Directors of Prison Administrations	18
News from the member States	
Seminar in Frascati on Prison Treatment: The present situation and prospects for the future (opening speech and summary of the activities)	20
Statistics concerning prison populations in the member States of the Council of Europe	24
Laws, bills, regulations	29
Bibliography	32
News in brief	37
List of Directors of Prison Administrations of the member States of the Council of Europe	38

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FOREWORD

In the closing speech which I gave at the seminar on prison treatment in Frascati last September, of which there is also a summary report in this Bulletin, I said that I was convinced of the need not to abandon the principle of education either in theory or at the level of day to day involvement. This principle must be the foundation of prison treatment and prison systems, in spite of the many criticisms — some of them justified — levelled at the notion of "treatment" in connection with imprisonment.

I was convinced then, as I am now, that the principle of treatment — that is the need to offer a variety of positive solutions in order to prevent as far as possible the severe harm which may be caused to the prisoner's personality by detention — must be adhered to in its entirety. In the same way, the prisoner should be given the best possible opportunity to become reintegrated into society after his release, and this means that the outside world has an essential role to play. In a number of specific cases, this principle has not yet been fully applied. Consequently, before condemning it as a failure, we must make one last effort to humanise imprisonment as much as possible.

I do not consider this to be a last ditch effort, and one which may now be considered superseded by the utopian view that imprisonment should be done away with altogether. It must be clear to anyone who is still fighting for the progressive abolition of prison (in other words for the use of prison only as a last resort for the most serious cases of social deviance) and for a corresponding increase in alternatives to imprisonment, that, at least in the medium-term, imprisonment must nonetheless remain one of the penalties available, provided that it is restructured, given the massive degree to which it is currently used.

For this reason it is essential that the improvement of prison conditions should remain one of the major concerns of prison administrations.

With this in mind, the activities of the Council of Europe and of the Committee for Co-operation in Prison Affairs have a decisive role to play. It is of the latter body in particular whose intensive and thorough work has given us the European Prison Rules as a framework for the legal organisation of prison affairs in the new Europe, these progressive and humane provisions which have served as a source of inspiration for Italian legislation.

Although these Rules do not have mandatory force, they have considerable moral authority, which has its roots in the common heritage of all the democratic nations of Europe.

I sincerely hope that the Council of Europe, and in particular the Committee for Co-operation in Prison Affairs, will continue to collaborate on request with prison administrations both on the technical side and in matters of organisation, to improve awareness of the Rules, which are practical provisions whose application should be encouraged and monitored.

Finally, I should like to point to the achievements of the Italian Government and Parliament over the last years in connection with prison problems and, more generally, problems relating to the system of criminal justice of which prisons form a major part.

*The recent 1986 prison reform (Act No. 663 of 10 October 1986) considerably enlarged the scope of non-custodial treatment, thus offering to all prisoners whose attitude is sufficiently positive, the opportunity, *inter alia*, of having their imprisonment converted into treatment in an open environment. This has had beneficial effects on the prison environment and has brought about a certain reduction in the total prison population.*

In the medium and longterm, the reform of the Code of Criminal Procedure has already been completed and its full application is eagerly awaited; this will certainly have an even more decisive influence in this respect. By making it possible to expedite proceedings and thus to reduce the time spent on remand, it will help to restore the balance between the number of convicted prisoners and those in detention on remand.

Although the prison system has been with us for many centuries a great deal of work still needs to be done in this area by all concerned, both in economic and human terms.

The exchange of experiences at international level and the co-operation between states sharing the same legal traditions within bodies such as the Council of Europe are a great help to those daily confronted with the difficult problems of the protecting society and defending the rights of each human being.

Giuliano Vassalli
Minister of Justice of Italy

Swedish viewpoints on prison building

It is a quite generally comprehended opinion that imprisonment is a scarcely successful and also expensive form of sanction and rehabilitation of offenders. Therefore it seems to be reasonable to ask why most West European countries today are building new prisons. The explanation is probably that we have not yet been able to find any alternatives to imprisonment which, at the same time, answer society's demands for protection against offenders, repudiation of the offence and neutralisation of the offender for periods of various lengths. This fact does not mean that we are not trying to find new methods. In reality most countries have successively replaced imprisonment with other forms of sanctions. So far, it has however been shown to be impossible not to deprive of their liberty, persons who have committed crimes which, from society's point of view, are especially grave or dangerous. With this in mind the theory sometimes expressed that society should give up building new prisons sounds absurd. The less you believe in the rehabilitative influence of imprisonment, the clearer it appears that deprivation of liberty cannot be motivated by consideration for the sentenced person but rather for other persons. To sharpen the punishment by letting offenders serve their sentences in overcrowded, insanitary and inhuman prisons appears to be a quite irrelevant return to a century which was ended by the building of the single cell prisons. These prisons were erected during the latter part of the 19th century in practically all countries in the West and still form a considerable part of the prison system in most countries. We have to remember that the layout of the prisons of the 19th century was based on a treatment-oriented philosophy which aimed at the conversion and improvement of the prisoner. Thus it was accepted already a hundred years ago that the punishment consisted of the deprivation of liberty but not of the way the offender was treated in prison. The theory as such had its defects since it was unknown at that time that most people are damaged when being isolated for a long period from other persons. But this fact does not eliminate the good purpose of the basic philosophy.

The single cell system was consequently implemented in Sweden under great influence from the contemporary king, Oscar I, who had a strong personal interest in the conditions of the prisons. A number of small prisons were erected all over the country and all held a building standard which has to be considered as very high for those days. A number of these prisons are still in use. Even if they cannot meet with current demands it can be stated that they have been used in quite a flexible way since their erection one hundred years ago. The prison building programme of the 19th century also paved the way for basic principles which are still the existing guidelines; to the greatest extent possible the inmates shall have a room of their own, the prisons shall be small in size and be geographically situated close to the offender's place of residence. The last-mentioned two principles have been the subjects of a lively debate during the last thirty years.

The size of the prisons

Before I continue to explain further the Swedish viewpoints on the size of the prisons I would like to draw your attention to certain Swedish conditions which will make my arguments less adequate for countries like for example Denmark, the Netherlands and Belgium. As you know Sweden is a relatively big country in its area but thinly populated in comparison to other countries of the same size. Except for the cities of Stockholm, Gothenburg and Malmö the towns are relatively small. The living conditions in the northern parts of Sweden are in many respects different from those in the southern parts even if improved communications and education have entailed an adjustment of geographical differences. However, there are still differences, for example, in dialect. There are also considerable problems for national economy and employment when people to a great extent refuse to leave their home districts.

These circumstances are also relevant for prisoners. It is often of great importance for the offender to be able to serve his sentence in a prison as close as possible to his home. This improves his possibilities of maintaining a close contact with family and friends through visits and phone calls during the stay in prison. This fact also influences his possibilities of preparing his release and his personal participation in these preparations. On the other hand it is obvious that Swedish prisons with a local connection must be rather small with a view to the limited population figure. The size entails another problem; for economic reasons the resources of the prisons must be rather limited. It is, for example, impossible to employ doctors and psychologists at a prison with few inmates. Even the choice of occupation for the inmates must be limited compared with a big prison. Management costs may be higher for a small prison than for a big one since certain functions are necessary irrespective of the number of inmates. The last-mentioned assumption is however not always correct. The big prisons have shown to have just as high a requirement of staff as the small ones and at present some of the bigger prisons also have the highest management costs in Sweden. Finally, a prison system with a local reception area gives rise to difficulties in specialisation of treatment and activities for different groups of inmates such as juveniles, recidivists, inmates who are unmotivated for treatment, etc.

The most important factor when choosing between small and big prisons in Sweden is improved relations between inmates and staff at a small prison where everybody knows each other and where the staff has the opportunity of creating such a personal relation to inmates that they may have a normalising influence on the offenders.

In Sweden disciplinary problems have generally arisen at prisons where staff and inmates have been confronted without knowing each other. At the same time the anonymity offers opportunities for possible trouble-makers to carry on their activities without being observed or even identified.

Single cells

As mentioned earlier the 19th century prisons introduced the single cells. The purpose was to isolate inmates from each other to the greatest extent possible. Even when this principle had been replaced by the opinion that total separation from contact with other persons is harmful to man we tried to preserve the principle of one inmate in each cell, at least at closed prisons. Except for the humanitarian aspect that even a prisoner needs some privacy the single cell principle is valuable from a security point of view. At night, when the inmates are locked up in their cells, the staff may be reduced in comparison with that at day-time when there is a risk of a number of inmates taking part in organised escapes or internal incidents of trouble-making.

The model with common dormitories for a greater number of inmates is not being used in Sweden. But a few prisons have cells with double beds.

Security

As long as the obvious task of the prisons was to keep the prisoners separated from the outside world it was natural that all prison buildings included security against escapes. However, successively the common design of security arrangements has been changed. Today security varies considerably from prison to prison. At present all degrees of security measures may be found; from closed high security prisons where the main purpose is to prevent prisoners considered as dangerous to society from escaping, to open prisons where security arrangements are practically none and where the prisoners are expected to stay voluntarily. Current opportunities for sejours outside prison, for example during leave and work and study release, are some of the reasons which are assumed to make the inmates resist escaping. The length of the sentence is another important factor when judging how escape-prone an inmate might be. Offenders with very long sentences may be expected to have a greater interest in escaping than prisoners with a shorter imprisonment term. Since imprisonment sentences successively have been reduced in length this fact also influences the need for high security prisons.

The varying inclination to escape is of course a factor which has to be considered when building new prisons. However, security degree and category of prisoners has to be decided already at the planning stage and this is of course a disadvantage. It is however possible to "over-dimension" the obstacles to escape to make way for more restrictive rules. But this is often a very expensive alternative since such arrangements represent a considerable amount of the total building cost. Another — but also rather expensive — method is to offset insufficient construction security by increasing the number of staff. Even in respect of security we have found in Sweden, that it is more convenient to direct the building programme towards small institutions. In this way it is easier to separate certain escape-prone and dangerous inmates from the majority of prisoners who only under

special circumstances, for example when worrying about relatives etc, are likely to escape and in such a case are considered to be of practically no danger to the public. When necessary it is generally also easier to strengthen the security measures at a small prison since a higher degree of security as a rule must comprise the whole prison.

In the field of security there is at present an interesting on-going development from staff contributions to electronic equipment. In the long term this development will probably change the work of the staff from supervision and control towards efforts to ameliorate contacts with the inmates.

Choice of site and location of prisons

As a rule the 19th century prisons were located to the centre or the immediate outskirts of a town. The location of the prison often made it a striking feature among the town buildings. The architecture was usually castle-like with a harsh front which reminded the passing citizens of the seriousness of society when taking care of offenders.

The prisons of the 1940s changed the previous guidelines for the choice of prison sites. Now the prisons were located to relatively solitary parts of the country and at a certain distance from densely populated areas and municipalities. In this way an increase in the size of the site was facilitated which made possible the spreading-out of the buildings. This was also the result of the distribution of the prisons into a number of separate pavilions. In this way smaller units were created inside the bigger prisons. This new method of locating prisons meant that the number of vacant jobs was increased in depopulated areas. Later on the closed prisons were also moved out from the towns. The architecture of these prisons became noticeable features in the neighbouring landscape since they are all surrounded by high concrete walls which are strongly illuminated. The open prisons, however, were well adjusted to their environments.

In recent years new working methods have been developed at the prisons. We have understood the value of continuous contacts between the prison and the outside world. The need of closeness to densely populated areas and good communications has been renewed. Once again the location of the 19th century prisons became important and the current building programme means a return to sites close to towns and municipalities. Once more the location of the buildings has become compact, a requirement which is all the more important since the pavilion system has been shown to require an increased number of staff and thus is more expensive than a more compact architecture.

Economy

As I already mentioned when opening this statement imprisonment is an expensive sanction as regards building as well as management. Therefore it is evident that the matter of economy has become all the more important for the planning of the prison as well as for the users. In the 1960s a study was made

in order to find the ideal number of places in prison from the viewpoint of building cost. The study stipulated the number at 500. At a prison of this size the common facilities such as kitchen, sickward, sports hall, etc were used to its maximum. This size also provided for efficient use of various experts on treatment. On the other hand a greater number of inmates would entail the need of doubling, resulting in loss of the profit.

As already mentioned we have neither accepted the result of this study nor have we permitted it to dominate prison building in Sweden. Except for the advantages of small prisons as regards treatment aspects we have since become doubtful about the estimated economic advantages. The building costs are to a great extent influenced by security requirements. At small prisons security may be adjusted to the client's inclination to escape. This leads to a model where different prisons have different degrees of security and where the choice of prison in each individual case is adjusted to how escape-prone the prisoners are expected to be. The need for fully employed treatment experts decreases since local treatment resources may be used. This can either be arranged through part-time employment or by granting the inmate permission to leave the prison, on his own or supervised by staff, for a visit to a doctor, psychologist, etc.

Prison building in Sweden

When Sweden, after a long interval, started a comprehensive programme of prison building in the 1950s the models were mainly copied from abroad — and in the first place from the USA. The target was a limited number of relatively large prisons, equipped to receive the majority of inmates and having resources of their own, offering different forms of treatment and education. A building programme was elaborated where a maximum security prison for 300 to 500 prisoners was to be built at five different places in Sweden. One or more closed prisons for 200 to 300 prisoners and open prisons for about 100 prisoners each were to be attached to each of the "central prisons". The central prison should have resources such as medical, psychological and other treatment experts. These prisons should also comprise a number of places for specially escape-prone prisoners or prisoners who were regarded as difficult to reach with treatment measures. Special prisons were built for juvenile offenders, recidivists and female prisoners. These prisons as well as their treatment programmes were specially designed and adjusted to the different categories of prisoners. When this system was fully implemented the small 19th century prisons were to be taken out of use successively. The total number of places in the new system was estimated at between 6,000 and 10,000 places.

At the beginning of the 1970s one third of the planned programme had been concluded ending at about 2,000 places. A number of incidents were then to influence the future prison building in Sweden. Some of the new prisons became the objects of heavy criticism. The architectural design was considered to be much too influenced by security aspects. The

critics especially attacked the size of these prisons and such structural details as the distribution of the buildings on a huge area where communication between the buildings was undertaken through a system of underground culverts. The inmates had to move from one building to another without seeing any daylight. An association for the humanisation of the treatment of prisoners was formed by young university students. Even prison inmates started protests against the current regulations on treatment of prisoners, for example censoring of letters, solitary confinement as disciplinary punishment, and indeterminate sentences. At the same time criminologists presented a number of studies proving bad effects on rehabilitation and high recidivism rates as a result of imprisonment. In 1973 the total effect of the criticism made the government decide to turn the correctional policy towards sanctions not involving deprivation of liberty, such as conditional sentences and probation sentences. A parliamentary committee, named the Correctional Services Committee, was appointed by the government to propose new guidelines for the prison and probation system.

1970 — the new prison building programme

The new attitude towards prison building interrupted the ongoing building programme. To a certain extent Sweden returned to the previous model of small prisons with local connections. The big prisons were still kept but the number of places was successively reduced and the largest one — Kumla Prison — was limited to about 200 places. The other prisons dating from the 1960s have all been reduced except for a few open prisons. All prisons for 100 or 200 prisoners and a further number of prisons of maximum security character were all grouped and named "national correctional institutions". The number of national institutions is now 19 with a total number of 1,770 places.

The national prisons receive long-term prisoners, which in Sweden corresponds to imprisonment sentences of two years or more, or about 30% of the total number of inmates at a fixed time.

With reference to the name, national institutions receive prisoners from all over Sweden. Inmates are placed at the different prisons with regard to the treatment programme of each institution. Thus prisoners who are considered to be specially escape-prone or dangerous to the security of the staff or co-inmates are to be sent to maximum security prisons. A few national prisons mainly receive juvenile offenders. A few others have specialised in treatment programmes for drug addicts.

The closing of old prisons was now interrupted. According to a plan designed by the Committee on Corrections forming a new group of prisons — local correctional institutions — which were to receive offenders sentenced to relatively short imprisonment terms or long-termers during the last few months before release. According to the plan old and less serviceable prisons were to be replaced by the new ones.

Since a majority of the offenders only stay four to six months at a local institution this period shall primarily be devoted to preparations for release. Preparations shall be made in order to find employment and housing for the inmates. The local institutions provide for the maintenance of contacts between inmates and their relatives. If the inmate will be held under supervision after release he shall also establish contact with his layman supervisor. As far as possible the inmate shall initiate necessary contacts himself. He may for example be granted short leaves during a few hours to visit possible employers or landlords. If the inmate receives a job which he may start already during the time in prison he may be granted work release. This means that the inmate works outside the prison but spends his free time in prison. In the same way inmates may also begin theoretical or professional training outside the prison to be continued after final release. A relatively large group of inmates are drug misusers and here the imprisonment term is primarily to be concentrated on motivation for drug treatment.

A condition for different forms of preparations for release — especially work release — is that the institution is situated at a short distance from the town or municipality where the inmate is going to be released. Preferably an inmate having been granted work or study permits should be able to travel daily between the prison and his future place of residence. In a country where the population density is definitely not one of the highest in Europe this is not an easy task. The committee tried however to fulfil this task by proposing the construction of 25 new prisons. These prisons should be small and be able to receive about 40 inmates each. They should be located in the immediate neighbourhood of the largest cities and towns geographically spread all over the country. In this way about 1,000 new places were to be incorporated into the prison system without any increase in the total number of places. Instead the new ones were to replace prisons dating from the latter half of the 19th century. The new prisons — or local correctional institutions — were to be erected during a period of 15 years starting in 1974.

The Swedish parliament approved the proposal in principle but requested a more precise plan stating the towns where the new prisons were to be located, what prisons were to be closed down and a time schedule for implementation. The Ministry of Justice presented the parliament with such a plan in 1980. The final plan included 32 new prisons. Construction work was estimated to be completed in 1990.

Immediately after the parliamentary decision in 1974 the National Prison and Probation Administration began the planning in detail of the new prisons. The National Swedish Board of Public Building, the governmental agency responsible for national building, became a valuable partner as an expert on structural engineering. A great number of experts at the National Prison and Probation Administration were also involved, for example security staff, experts on different treatment programmes, staff administrators and purchasing unit staff for furnishing and

decoration. The proposals presented by this expert group were collected and described in a document named "Requests and Advice for Construction of Closed Local Institutions".

One important subject for the expert group to discuss and express their views on was the degree of security of the new prisons. The architecture and the choice of building material were dependant on the expert decision on requested security. The decision on medium security prisons was taken with a view to the category of prisoners who were to be placed at these prisons, that is offenders who are serving the last few months of their imprisonment term and who are not considered to be of great danger to society. Almost all inmates are regularly granted leave in accordance with the 1974 Act on Correctional Treatment in Institutions. The short periods in prison as well as substantial possibilities to be granted leave from prison prompted certain construction measures in order to prevent inmates from escaping. The current security measures provided for in the new prison buildings are a result of this argumentation. External walls, doors and windows cannot be forced without tooling for a considerable amount of time and thus call the attention of the staff.

However, none of the above-mentioned obstacles have the strength to prevent a well-planned escape but are intended to impede and to delay impulsive and unpremeditated escapes which are often significant for juvenile offenders. The construction of the windows is the real novelty of the new prisons. The windows are made of a very resistant laminated glass which can stand even heavy mechanical tooling. In this way we have been able to avoid the traditional window bars and the conventional prison face. Another typical prison symbol — the surrounding wall — has been replaced by a double fence of four meters in height. We have to admit that when first introducing the window construction it caused us a few problems but these are now being solved.

The security arrangements inside the prisons mainly consist of a number of heavy doors which divide the prison into small units. The purpose of the doors is not to obstruct escapes but to decrease the risk for assault on prison staff and, if necessary, to separate the different parts of the prison in case of an emergency or agitation among the prisoners. Generally, these security measures are only used at night.

The expert group stated that the occupation of the inmates must be arranged so that all inmates take part in prison work. It should also be flexible in order not to impede the preparations for release. Notwithstanding the short imprisonment terms the occupation of the inmates is an important instrument in order to facilitate their adjustment into society. This basic principle paved the way for two workshops for a total of 25 inmates in each prison. In general, the new prisons include a mechanical and a woodworking workshop.

As far as possible the work in these workshops is to be adjusted to equivalent industry work on the civil market. Inmates who lack knowledge at primary

and secondary school level due to neglected or interrupted schooling are entitled to study. Teachers are provided for by the public educational system.

"Daily life training" is included in the ordinary theoretical training programme and the prison school building is also furnished with necessary premises for this purpose. This training is mainly intended for inmates who — due to different reasons — lack social education which generally is received at home. The object in view for the majority of inmates is to grant them work or study permits towards the end of the sentence. While still controlling and observing their leisure time activities and their habits the offenders may successively get used to a normal life outside the safe routines of the prison. By granting work and study permits we try to moderate the inmate's excitement before his release and so soften the transition to a life in freedom.

Naturally, the inmate's spare time is just as important as work and studies. At the new prisons spare time is mainly concentrated on a number of small units consisting of five rooms where the inmates live, a lounge and a kitchenette. It has long been the ambition of the Swedish Prison Service to divide the inmates of a prison into small groups. This system diminishes the inmates' possibilities of avoiding all contacts with prison staff. A persistent contact improves the possibilities of the staff to control the inmates' activities and to effect changes in their attitudes to criminality, drugs, etc. In comparison to normal prison wings the very small groups now created provide opportunities for a more natural co-existence between inmates and staff as well as between the inmates themselves. The last mentioned effect may be looked upon as an important element of social education and training in respecting other persons, for example the inmates have to prepare breakfast and supper themselves and they eat together in the unit lounge. As a side-effect of small units the inmates no longer have to be locked up in their rooms at night which is the case at other closed prisons. Here only the unit door is closed at night. Thus problems with inmates suffering from claustrophobia when being left alone in a locked cell have vanished. Besides the inmates' living quarters the new prisons also have a number of premises for leisure time activities. These are mainly intended for physical training and consist of another football green and a small indoor sports hall. Special equipment is available for weight lifting and other forms of training of muscles.

Each year about 14,000 persons are sentenced to imprisonment in Sweden but only about 500 of these are women. The average number of women per day in prison is 130. Until the middle of the 1970s all female prisoners were placed at one women's prison. When planning the new prisons the subject of female prisoners was brought up. The fact that women have as much need of close contact with their families and town of residence as men had to be considered. On the other hand it was unrealistic to build separate local institutions for a very small number of female offenders. Therefore, the prison authorities decided

that the new local institutions should receive women as well as men. The women's rooms were to be separated from the men's units. But during day-time female offenders were to be treated in the same way as male prisoners and join in their activities. This system runs the risk of unwanted relations between female and male prisoners. However, the previously expressed danger of male staff and male inmates taking unfair advantage of female prisoners was estimated as very small. Instead this risk was considered to be balanced by improved possibilities for female prisoners to serve their sentences at a prison near their homes and better conditions for preparations for final release.

In comparison with other countries Swedish prisons by tradition have a relatively large number of staff. This is also the case at the new prisons. The work of the staff is mainly concentrated on measures facilitating the inmates' social adjustment. These measures are for example social and physical training, assistance in finding employment and housing and efforts in order to motivate drug misusers for treatment. With a view to the same argumentation as for security measures provided for by the construction and technical planning of the prisons the surveillance duties of the prison officers have been limited.

In 1975 the planning entered a second stage; translation of the plans into practice. This work also turned out to be time-consuming since it now and then was shown to be difficult to find suitable sites. This was especially the case in the Stockholm area where possible neighbours emphatically protested against a future prison in the neighbourhood. In other parts of the country the implementation was not that difficult. Finding sites was easiest in towns where an old prison was to be replaced by a new one.

To begin with the government was in doubt about how this new prison building programme should be financed. Ironically enough the solution to this problem became the heavy recession which affected Sweden at the end of the 1970s and the beginning of the 1980s. The recession entailed extensive unemployment among building workers. In order to solve this problem the government decided to initiate national building which had been planned but never implemented due to financial reasons. Thus a number of projects planned by the Swedish Prison Service could be started.

In 1979 the first new prison was opened in Helsingborg — a town in the south of Sweden. Since then 18 new prisons have been built and opened. The 19th prison will be opened by the turn of this year. Another seven prisons are to be found at different stages of planning. As yet we do not know whether or when financial means will be granted for these projects. It is however quite clear that building speed will be slowed down since previous unemployment has been replaced by a current lack of manpower. National building has now decreased.

Finally, I would like to say a few words about the costs of the new local institutions. The first few prisons were built and furnished for about 25 million Swedish Crowns each. At present the cost is

estimated at about 40 million Swedish Crowns. Considering the current value of money the total costs for the building programme has now reached the sum of 750 million Swedish Crowns. No doubt this is an investment of considerable size. In our opinion Sweden invested in a better and more qualified system of correctional treatment and, in addition, necessary investments have been made in a field of society which has long been tremendously neglected.

Summary

In many respects Sweden has become famous for searching for the middle course in Swedish society. This is also highly relevant for the Swedish Prison System. There are national institutions for long-termers. The number of places in these prisons is relatively high which offers possibilities for various specialist resources. The national system with highly

specialised prisons offers opportunities for individual adjustment of treatment according to the personality and the needs of the prisoners. On the other hand the system of small local institutions gives the offender possibilities to establish contacts with the outside world which are valuable to him upon release. The inmate may in this way successively pass on to a life in freedom which the staff can supervise whilst offering their support.

In my opinion the Swedish national and local institutions represent a model for a well-balanced prison system.

Vilhelm Karlström

Head of Planning and Co-ordinating Department
National Swedish Prison and Probation Administration

Health in prisons

A prison is not a hospital. It is a place where society inflicts a punishment and where the objectives of deterrence, punishment and rehabilitation are pursued with a view to maintaining the social order. It may be questioned as to how far these objectives are attained, but that is to beyond the scope of this article. In any event, those objectives are based on two values: *justice and security*. The addition of a third value, *health*, almost inevitably creates a potential conflict.

Prisoners are entitled to health protection. This proposition cannot be contested. The European Prison Rules contain 6 articles on the subject of medical services. There are two fundamental and combined objectives: the provision of health protection to prisoners and the maintenance of a close relationship with the general administration of the health service of the community or nation. In other words, the prison population must receive health protection at a level comparable to that provided to the general public. Accordingly, without exception, prison administrations make provision for on the spot medical care and access to hospital treatment. However, the quality of the protection is often disputed, because financial restraint and the lack of premises have restricted the development of prison medical services, in particular in countries where the number of prisoners has increased progressively.

The health of the prison population is different to that of the general population. On the one hand, there are fewer health problems due to old age, while, on the other, the general incidence of illness on admission is high, especially if account is taken of the fact that the majority of prisoners are young men. According to a survey carried out in the United States¹, addiction was the problem most frequently encountered on admission (unlawful drugs: 41%; alcohol: 18%). Only 41% of prisoners were in good

health. Of the others, 17% had suffered a recent injury, 18% had serious dental problems, 7% defective eyesight, and 46% skin disease. There was also a high rate of psychiatric illness; 13% of prisoners suffered from a recognised psychiatric disorder.

No comparable statistics are available for the European countries, but experience suggests that the incidence of illness of admission is generally high. Prisoners enter prison with health problems, for obvious reasons. They usually come from deprived backgrounds. Their anti-social behaviour may be the expression of a psychological condition such as drug addiction and mental illnesses. Their way of life may be to a greater or lesser extent incompatible with normal health protection. It is striking to note that over the last two decades, certain categories of handicapped persons, who should normally have been placed in specialised institutions, have been sent to prison. Psychiatric hospitals, hostels for the homeless and centres for the treatment of alcoholism have insufficient space. There are no collective services which could replace such specialised establishments. This is why an increasing number of the homeless and the needy, of alcoholics and the mentally ill find themselves in the prison system. This process has led to an increase in the level of psychiatric illness² and that of related physical disorders. Thus, health protection in prison suffers from an initial handicap which is not preventable: the poor state of health of the prisoners on admission.

Would it not then be possible to improve the health of persons who are detained for more than one week? A thorough examination on admission, appropriate health education and advice, protection against the use of unlawful drugs and the excessive consumption of alcohol, a regular diet and specific medical and dental treatment could alleviate a large number of the conditions diagnosed on admission.

Recently, an epidemiological survey of French prisons showed a lower overall death rate than in the general population, in spite of the fact that the rates of death by suicide and as a result of cardio-vascular disease are significantly higher. However, this is compensated for by a lower rate of deaths from violence, accidents and cancer³. The authors therefore conclude that prison provides a "protective" and prophylactic environment. However, this survey only concerns convicted prisoners, and it has been clearly established that the death rate during the first period of detention is higher, particularly in terms of suicides. Since remand prisoners form a large part of the prison population, the conclusions of Clavel and his colleagues³ cannot be applied generally.

Indeed, detention does not always have such a positive effect on health, either as a result of a lack of sufficient resources, or because of the existence of pathogenic factors in the prison environment:

a. Psychological stress: stress is particularly intense in the first weeks or months of detention. The loss of contact with family or friends, the uncertainty regarding criminal proceedings and the difficulties of adapting to prison life give rise to acute anxiety and depression. Self-mutilation and suicide attempts are relatively frequent. But stress also affects long term prisoners. Its causes are different: conflicts with fellow prisoners, lack of privacy, overcrowding of prisons, uncertain future. Isolation and high risk regimes are particularly stressful. At the same time high levels of stress are noted in the weeks preceding release. Stress gives rise to psychiatric illness, which in most cases takes the form of reactive anxiety and depressive symptoms⁴. One consequence is a higher suicide rate than in the general population³, particularly during the first period of imprisonment⁵. It also causes certain somatic disorders. Psychosomatic illnesses such as asthma, stomach ulcers and colitis are often difficult to treat in prison. Where the condition has been stabilised in certain patients, they do not always respond to holding treatment. Surgery is sometimes necessary because stress has become chronic. Serious anxiety may also aggravate various types of cardiac disorders: heartbeat conditions, angina pectoris. The risk of a heart attack (myocardial infarction) is increased.

b. Overcrowding and unhygienic conditions: these two factors are particularly important in relation to transmissible diseases. Overcrowding also generates stress and violent behaviour.

c. Unhealthy way of life: prisoners generally receive an appropriate diet corresponding to the nutritional needs of the organism. However, they often acquire bad dietary habits, buying sweets, chocolate, biscuits and coffee to complement the somewhat unappetising prison food. This leads to an unbalanced diet. Many prisoners eat too much and obesity is a frequent problem among young prisoners. Added to this is the lack of exercise, as a result of insufficient sports facilities and long hours spent in the cell. In most cases, prison life is essentially sedentary. Tobacco addiction in the prison environment must be regarded as a serious threat to health. Tobacco plays an important role as prison currency. The prison

authorities have little interest in restricting its use. Its harmfulness counts for little in relation to its calming effect, its social importance and the lack of substitute pleasures. Nevertheless this represents a major health risk, against which no steps are being taken. Non-smokers in prison complain that they often have to breathe the smoke of others and with reason, because "passive" inhalation of cigarette smoke is also harmful to health.

d. Intentional damage to health: in the disputes which arise between prisoners and the prison authorities or the judicial system, intentional acts to damage health are frequently committed. In a certain sense the prisoner takes his own body as a hostage. Self-mutilation is often the result of an impulsive reaction to a conflict with the prison staff; it is rarely genuinely suicidal. An extended hunger strike may endanger life, particularly if the prisoner feels that his gesture is attracting wide support. In a similar context, a more complex situation arises in relation to a prisoner who refuses medical treatment which he desperately needs: examples might be a diabetic who refuses his injection of insulin or a patient who has undergone major heart surgery who refuses anti-coagulants. In certain cases, the problem presents a dual aspect: the prisoner mutilates himself and does not wish to have his injuries treated.

The prison environment is therefore intrinsically unhealthy, despite the efforts undertaken by the prison authorities to comply with the minimum standards regarding premises, food and exercise. It is a fact which must be recognised and admitted, in particular because it must be taken into account in examining possible responses to the needs of special categories. Should society refrain from imprisoning certain individuals whose health would suffer as a result; this is a point of view which has been put forward on occasions. Doctors are prepared to certify that their patient is not fit for detention; and in certain jurisdictions, prison authorities require an external certificate regarding the prisoner's "fitness to undergo a prison sentence". This procedure is disputable on ethical grounds⁶, since it presupposes that prison has no effect on the health of an ordinary prisoner, which is not the case.

It is possible to provide special detention centres for chronically handicapped prisoners. Many countries have specialised establishments or units equipped to deal with the physically handicapped, pregnant women and the mothers of young children. It is also possible to organise medical treatment within the prison system, in specialised hospital centres as in France or in the United Kingdom or in prison wards of general hospitals as in Switzerland. Consequently, the number of cases in which purely medical grounds justify release are extremely limited. Only the necessity of highly specialised medical treatment (such as hemodialysis for persons suffering from chronic kidney failure or the treatment of certain cancers) which cannot be provided in the prison hospitals or in hospital prison wards can lead to an application for early release on health grounds. This in fact depends on how advanced prison services are.

Prisoners suffering from terminal cancer, or another illness for which the prognosis of survival is a few weeks or months, are often accorded early release. Public opinion accepts that in so far as possible prisoners should be allowed to die in the care of their family or at least not in prison. This attitude is determined by humanitarian rather than medical considerations. In such cases release is not a medical decision. The patient's doctor must provide (with the patient's consent) a medical certificate setting out his diagnosis, the treatment and a prognosis and it is then for the political or judicial authorities to rule on the application for release⁷.

Ethical problems are of particular importance in the field of prison health protection⁸. Prison medical treatment must conform to the same code of ethics as medical treatment outside prison; confidentiality must be respected and prior consent for any treatment must be obtained from the patient, who must be kept properly informed. The only possible exceptions to this rule are those which are generally accepted in society. The most sensitive ethical problems relate to the lack of independence of prison medical services and the fact that prisoners associate medical staff with the prison authorities⁹. A prison doctor who examines a prisoner undergoing a special disciplinary regime is indirectly implicated in the punishment, which places him in a most ambiguous situation¹⁰. Body searches are another form of intervention which may compromise the fundamental therapeutic role of the medical staff. The same is true for any compulsory examination or investigation. Prisoners tend to mistrust prison medical staff, and the latter can only gain their confidence by strictly observing ethical principles. The prison authorities are sometimes irritated by the medical staff's refusal to communicate to them information which is apparently innocuous or to intervene in difficult situations¹¹. However, the confidence of prisoners in the independence, integrity and competence of the medical service is paying in the long term, particularly in relation to such serious problems as AIDS¹². The prison authorities would therefore be well advised to accept, indeed even encourage, the independence of medical services and to help them respect scrupulously their ethical code. The golden rule in this field is *equivalence*. A prison doctor confronted with an ethical problem must ask himself the following question: What could I do in an equivalent situation outside prison? The rules and principles which he must apply must always be the same, whether dealing with protracted hunger strike, dispensing tranquillisers to a disturbed prisoner, carrying out a body search, effecting an examination requested by the authorities, communicating medical information or ensuring the free and confidential access of prisoners to medical treatment.

Prison health policy must therefore be based on general health policy. Nothing is to be gained by regarding "sick prisoners" as falling within a special category. In view of the high incidence of disease among the prison population, the majority of prisoners need treatment, and therefore adequate medical, dental and psychiatric services must be provided.

The high incidence of illness on admission together with pathogenic factors inherent in the prison environment expose prisoners to numerous diseases and disorders. Many of these pathogenic factors could be

neutralised by environmental measures (premises, overcrowding, hygiene) and measures modifying the prison regime (diet, physical exercise, appropriate work, human contact, leisure activity). Prison medical services must be, and must be seen to be, strictly independent of the prison authorities and in a position to provide full treatment for all forms of acute and chronic illness.

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Notes and references

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2. Gunn J., The Role of psychiatry in prisons and the right to punishment, in: *Psychiatric Human Rights and the Law*, Roth M. and Bluglass R. (eds), Cambridge University Press, (1978).
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4. A study of depression in Geneva prison established the rareness of chronic depression and the frequency of acute reactive depressive states. Harding T.W., "Dépression en milieu carcéral", *Psychologie médicale* (1984), 16, 835-839.
5. Backett S A, Suicide in Scottish prisons, *British Journal of Psychiatry*, 1987, 151, 218-221.
6. However, the notion of "unfitness to serve a prison sentence" would seem to receive some support from Rule 30.2 of the European Prison Rules: "the medical officer shall report to the director whenever it is considered that a prisoner's physical or mental health has been or will be adversely affected by continued imprisonment or by any condition of imprisonment".
7. The following example may be cited: a middle aged man who was serving a prison sentence for fraud suffered from rapidly evolving lung cancer. In the view of the medical staff, he had probably 2 or 3 months to live. He was granted early release together with his wife who had been convicted of the same offence. This example shows the essentially humanitarian nature of the decision. No purely medical grounds justified the release of his wife.
8. Professor Jacques Bernheim has identified the principal ethical problems concerning prison medicine, on the basis of information obtained in setting up of a university prison medical service independent of the prison authorities. Bernheim J., "Ethics in prison medicine", *Bulletin der Schweizerischen Akademie der Medizinischen Wissenschaften*, (1980), 36, 411-418 (English version available).
9. According to Dr. Richard Smith, prison doctors underestimate the importance of ethical problems in their work and have a naive faith in ethical codes. See the chapter entitled "Ethics, invisibility and quality", in Smith R., *Prison Health Care*, (1984), British Medical Association.
10. Here again the European Prison Rules place the doctor in a difficult ethical position, in requiring that he certifies in writing that a prisoner is capable of withstanding disciplinary isolation or any other disciplinary measure (Rule 38.1)
11. Medical confidentiality must be strictly respected, even if this is a source of irritation to the prison authorities. An example: a prisoner amputated two of his fingers in order to protest against his sentence. He subsequently escaped. The police wished to know which fingers had been amputated. The prison medical service refused to provide the information: their refusal was not appreciated by the police.
12. The specific problems raised by the AIDS epidemic are considered in another article; Harding T.W., "Les maladies transmissibles en milieu carcéral avec référence spéciale au SIDA".

Preparation of prisoners for release and pre-release treatment

I. Introduction

Whenever questions concerning the planning and organisation of penal institutions and the ways and problems of treating offenders in penal institutions are discussed, the following basic knowledge and experience should not be left out of consideration:

The purposes of imprisonment, as they are prescribed by law or generally acknowledged in many states, are, on the one hand, social rehabilitation to enable the offender in future to lead a socially responsible life without committing criminal offences and, on the other, the protection of society, security, and general prevention. There is an inevitable conflict between the purpose of treatment with its aim of rehabilitating offenders and the objective of the protection of society. The possibility of any social rehabilitation within a closed penal institution is often entirely denied, or at least it is emphasised that any imprisonment in a closed institution is damaging rather than conducive to socialisation. We must be aware of what it really means to claim that imprisonment shall socialise; its natural effect is the very opposite.

Since we have sentences of imprisonment, we must have prisons; rehabilitation is a generally recognised aim of prison sentences, but there is also the need to protect society; it is essential that a state based on the rule of law should extend humanity to all, but it is also necessary to preserve law and order.

Our law enforcement must meet all these demands.

This can only be done if the following basic rules are observed:

The effectiveness of any enforcement of sentences that intends to meet the requirements of treatment as well as those of the protection of society and security and good order, depends primarily on a good *differentiation* of the penal institutions, on the creation of appropriate prison *regimes* and a valid *classification* of offenders sentenced to imprisonment.

Let me explain these three measures.

The basic idea of differentiation is rather simple:

We should separate from all those in custody the really dangerous prisoners who require special security measures as well as the mentally disabled and psychopathic prisoners who need special medical, psychiatric or psychological treatment. In addition, juvenile and young offenders, first offenders and all other prisoners suitable for open, semi-open or other mitigated forms of detention should also be separated from prisoners requiring standard treatment.

If the separation of different groups of prisoners is to be of any practical use, architectural and organisational measures are necessary.

A security prison that does not aim to give any form of treatment could be organised in such a way as to ensure that, with a small number of staff, as many prisoners as possible are guarded, cared for, supervised, kept occupied and well sealed off from the outside world. The typical style of a traditional custodial institution is the big pentagon-shaped penitentiary.

Detention with special treatment, on the other hand, often calls for only a limited degree of outward security; the crux of the matter lies in internal organisation, manageable groups, adequate trained specialist staff and the greatest possible degree of flexibility to meet the varying requirements of treatment.

Hand in hand with the necessity for a sufficient differentiation of penal institutions goes the creation of appropriate prison regimes. When choosing the appropriate prison regime in a differentiated system, the key problem is how far treatment facilities should be given precedence over security aspects or vice versa. The choice of regime is intimately related to the question of which aim is dominant in the institution concerned.

The different regimes vary from open, semi-open and other mitigated regimes to standard regimes and to security and high security regimes. Special regimes exist also for mentally disabled and psychopathic offenders, for alcohol and drug addicts and for dangerous recidivists. For juvenile and young offenders as well as first offenders and traffic offenders, special regimes are common. In several penal systems imprisonment in stages is introduced and all systems know pre-release regimes. There is, indeed, a great variety of possible regimes.

Any differentiation of penal institutions and the creation of appropriate prison regimes require, as a logical consequence, a valid classification of offenders sentenced to imprisonment.

The organisational problem of distributing sentenced offenders to the penal institutions can be solved in different ways. The criteria for the distribution can be formal and laid down in advance by law, decree, regulation or order. On the other hand, in particular when longer terms of imprisonment are concerned, the decision, where and under which regime the sentenced offender should be placed, can be made in every individual case by classification. It is necessary for the classification procedure to work promptly, effectively and without undue complication. The dividing up of prisoners will therefore generally be solved in accordance with formal criteria such as sex, age, proximity to home, social ties, criminal record and accomplices. The classification must, however, also satisfy special treatment needs (eg the necessity for high security measures, special medical care or psychiatric treatment, vocation training, work, etc).

The fact of imprisonment means that, to varying degrees according to the regime, the prisoner is kept in an artificial, regimented environment that contrasts with his/her normal state of liberty. Imprisonment should therefore consist of deprivation of liberty alone without any further aggravating circumstances. A resolute effort must be made, especially in closed prisons, to counter any excessively pronounced "prison sub-culture" which impedes social rehabilitation and to reduce all the negative consequences of long-term imprisonment such as emotional disturbances, disturbances in comprehension and ability to think, obsessional ideas, infantile and regressive behaviour and social contract troubles.

Well-trained prison officers, who have a human understanding of the prisoners in their care and are willing to listen and talk to them, can perform miracles in creating a good prison atmosphere. And such an atmosphere is also always a first-class security measure in itself.

It is also true that in recent years the idea that imprisonment should be entirely therapeutic has been abandoned, for it has been realised that not all prisoners can be rehabilitated and that treatment depends on the individual's willingness and ability to co-operate. Today, therefore, the guiding principle is no longer compulsory treatment but fair opportunities for treatment for all those who are willing and fit to take advantage of them.

The notion of "treatment" is a controversial one. There are feelings that, used in the context of prison, "treatment" exclusively implies something comparable to a medical — even to a psychiatric — approach. There is a certain feeling that a different term, such as "management" or "education" or "assistance" should be used instead, but there is no unanimity on this either. It was therefore generally agreed in the Council of Europe that "treatment" would be understood in a broad sense, including all measures needed to maintain or to recover the physical and mental health of prisoners as well as a whole range of activities to encourage and advance social rehabilitation, to give prisoners opportunities to acquire competence to live socially responsible lives and to disengage from criminality. "Treatment" therefore is to be understood as including social training, schooling, general education, vocational training, work, reasonable leisure-time activities, physical exercise, visits, correspondence, newspapers, magazines, books, radio, television, social-work support, pastoral care, then, of course, psychological and medical (including psychiatric) treatment and last but not least the preparation of prisoners for release and pre-release treatment.

And that leads to the main subject of this report.

For the purposes of this report, the term "*preparation for release*" is understood in a broad sense and includes the great variety of all those treatment strategies and arrangements that aim at the readjustment of the individual prisoners to life outside prison so that they are enabled after their release to lead a socially responsible life. "*Pre-release treatment*" is understood in the context and as a part of the preparation for release. Pre-release treatment is regarded

as the final stage of the preparation of prisoners for release, taking place during the last period of the sentence when the inmate is already facing his/her release.

II. The Preparation of Prisoners for Release

It has often been stated that the preparation of prisoners for release should start immediately after their reception in the institutions. This might seem to be a little theoretical. Nevertheless there is much sense in it. Although most prison administrations are largely dominated by issues such as the effective running of the institutions, security and control, overcrowding, manpower, the condition of prison buildings and budgetary problems, it is still a generally acknowledged purpose of imprisonment to rehabilitate offenders. It is in the interests both of individual prisoners and the society at large that inmates are offered opportunities for proper treatment aimed at their positive readjustment to life outside prison. Different inmates have different needs and problems according to their personal circumstances. Many inmates face difficulties in relation to homelessness, unemployment, social isolation or the existence of only deviant social bonds, lack of proper education, lack of marketable skills, health problems or drug or alcohol addiction. These inmates need assistance, advice and training. The inmates mainly want direct practical help with their particular problems and as soon as possible. Apart from specific arrangements for the individual assistance of prisoners, including expert guidance and advice, general programmes of education and training are necessary. All treatment efforts seem to aim at *three main goals*:

First, the cultivation of the habit of work, including proper vocational training in marketable skills, as a positive treatment means in order to rehabilitate inmates, to prevent a deterioration of their human personality and enable them after their release to earn their living in a socially responsible way.

Second, the acquisition of appropriate life and social skills by social education and training in order to readjust inmates to life outside prison and to sustain social bonds.

Third, specific assistance and expert guidance in order to meet individual needs and to solve personal problems of inmates.

All prison administrators know well enough how many obstacles and constraints must be overcome in practice if preparation for release arrangements are to receive the satisfactory standard they observe. Budgetary restrictions and the problem of manpower are likely to be a major difficulty. Existing staffing levels in penal institutions generally cannot be exceeded. New tasks can only be introduced by re-arranging the existing tasks. There is often no easy way of introducing new preparation for release arrangements which make further demands on prison staff or require additional specially trained personnel. Other constraints that limit the efforts or the effectiveness of preparation for release treatment are often security and control demands. In security units, usually security and control must be given precedence over more liberal treatment strategies. A further burden on the administration is the large

number of offenders passing through the penal system. It is also a fact that prisoners are often not cooperative with staff. On the other hand, we must never forget that, despite all attempts to humanise and normalise penal institutions, they remain essentially abnormal and stressful environments within which it is often hard to preserve a positive approach to life after the release. Finally, the variable and often unpredictable response of the public and particularly the mass-media towards criminal offenders and prisoners in general are often just not conducive to efforts designed to rehabilitate prisoners and divert them from crime. When faced with these difficulties, there is a strong temptation of respond by concentrating on the efficient running of penal institutions, on security and control and good order. But clearly this is not enough. Sentenced offenders are still members of our respective societies and humanity is indivisible. Prisoners must be given the opportunity to use their time in custody positively if they are to learn from their mistakes and to avoid some of the pitfalls that the prisoners' readjustment to outside life there is almost no chance to avoid their recidivism. A good preparation of prisoners for release is self-evidently in the interests of both the prisoners and the community at large. After all, prison staff can find their work more satisfying and challenging when they are involved in treatment tasks and caring for prisoners as well as controlling them.

There are a few *basic principles* which should underlie all preparation for release arrangements:

First, all categories and types of inmates should be offered preparation for release arrangements. (Even in cases of short-term imprisonment or where obstacles prevail, at least a minimum level of assistance should be given with the aim of identifying and solving practical problems of the individual inmate.)

Second, preparation for release should begin as soon as possible after the reception of the prisoner in the institution. (In the majority of cases, inmates are in custody for relatively short periods and assistance and advice is therefore necessary promptly after their reception in the institution. In these cases, the main effort should be directed at ensuring that the individual prisoner does not lose his/her accommodation, job and social bonds and that sufficient time is given to apply for jobs and vocational training courses to learn skills the prisoner will need after the release.)

Third, preparation for release arrangements should be an essential part of the treatment programme (sentence planning). (In cases of long-term imprisonment or of indeterminate sentences it would be inappropriate to raise questions about release immediately after the reception in the institution. In these cases a carefully planned treatment programme — including work and vocational training, social education and training and individual assistance and advice — is of real importance.)

Fourth, preparation for release arrangements should last throughout the prisoners' stay in custody.

Fifth, during the last months in custody — when in most cases pre-release regimes are admitted — particular attention should be given to promoting the inmates' readjustment to life outside.

Sixth, in preparation for release arrangements the prison administration should seek the co-operation and help of a wide range of organisations and expert people working in different spheres. (Prison officers have a major contribution to make; but social workers, probation officers, teachers, educators psychologists, chaplains, outside organisations and individuals and experts in various fields have important complementary roles to play.)

Seventh, preparation for release arrangements should be regularly and systematically monitored and evaluated and, as far as necessary, refined and improved.

III. Pre-release Treatment

"Pre-release treatment" is not kept apart in all penal systems from the wide range of preparation for release arrangements and there are often no distinct definitions. This causes no harm in practice as long as efforts are made to assist prisoners in their personal needs, teach them the necessary skills and readjust them to life outside prison. Nevertheless, in several penal systems, pre-release treatment is understood as a relaxed regime during the last period of the sentence when the prisoner has already served the most part of his/her term of imprisonment and is facing release within several months. This pre-release treatment is the last stage of all preparation for release arrangements. Sometimes, however, preparation for release is understood as that assistance and advice given to the individual prisoner shortly before his/her actual release. In any case, all efforts serving the preparation for release are linked together and can be regarded as a continuum. That is, after all, valid for all treatment measures which aim at social resettlement.

In those penal systems where pre-release treatment is explicitly prescribed, the following measures of preparation for the forthcoming release are common:

The *transfer* to a pre-release regime in an open, semi-open or otherwise relaxed institution or unit wherever feasible.

Work-release (regular work outside the prison without supervision).

Daily short leave or at least, leave under escort or group-leave.

Special prison-leave in order to settle personal matters (eg job, accommodation documents, financial affairs).

More frequent and longer visits without supervision.

Legal advice and expert advice in various personal, financial and social affairs including the naming of authorities or agencies competent for social benefits.

Medical examination and advice.

Release grant where the prisoner's own funds are not sufficient, the institution shall give him/her an amount of money for travel and subsistence expenses during the first period after the release and provide proper clothing.

IV. Long-term Imprisonment

In all cases of long-term imprisonment, the treatment programme and its permanent review have special importance. A term of five, ten or more years of imprisonment cannot reasonably be planned from the outset only as a transition to future life in freedom. There must also be arrangements for the more immediate aims the prisoner can achieve, involving some adjustment to the inevitable conditions of prison life and a meaningful use of the prisoner's abilities. The respective treatment programme must be based on a realistic assessment of aims and possibilities. Any other attitude would lead to disappointments. Especially in the case of long termers, any treatment strategy requires a thorough examination of the prisoner's personality at the beginning of the enforcement of the sentence. Wherever possible, the long-term prisoner should be encouraged to co-operate and to display a sense of co-responsibility for his/her own development. In particular, long termers need a programme of activities which will help them use their long time in prison constructively and so finally prepare them for release. Nevertheless, a warning must be given against any over-optimism in regard to the results of treatment. Considering the means available to the prison administrations, a change in the prisoner's personality structure cannot generally be executed. The treatment given to a prisoner can, however, modify the prisoner's capacity to adapt and develop himself.

Psychiatric explorations and psychological examinations have shown that, after a period of about five years of imprisonment, a so-called functional psycho-syndrome may be expected which is essentially a separation syndrome and reversible. The main characteristics of long-term prisoners suffering from this syndrome are emotional disturbances, disturbances in comprehension and ability to think, infantile regressive changes in the mode of life, difficulty in making social contacts, a considerable loss of reality, some decline in reaction mechanisms, a higher degree of neuroticism, a significant increase of hostility and of aggression against the self, and a decline in self-evaluation. It must, however, be stressed that the deprivation of liberty is experienced in quite different ways by individual prisoners and that isolation does not cause the same effects in every case.

Everything that was said in relation to preparation for release arrangements and pre-release treatment is of particular importance for long-term prisoners.

In the case of long-term prisoners suffering from serious personality disturbance, the therapeutic character of treatment will have to be stressed.

For all other long-termers the most important thing is to be assigned to suitable work as soon as possible. The kind of work and vocational training should be marketable so that it may enable the prisoner to earn his/her living after the release. Work is thus a part of the adjustment to the normal conditions of life in freedom.

In order to counteract the separation syndrome in cases of long deprivation of liberty, attempts should be made to maintain connections with the outside world and to create situations similar to those outside. This can be done in workshops, classrooms and leisure-time areas, as well as by the use of radio, television, newspapers and periodicals, visits and correspondence and, wherever possible, the different forms of prison-leave.

In particular, long-term prisoners need an intensive pre-release treatment which can help them, after long years of imprisonment, to be prepared to meet the many difficulties and pitfalls of life in the outside world. As the loss of employment and income are an almost logical consequence of long-term imprisonment, often accompanied by homelessness and the lack of social bonds, individual assistance and expert advice are extremely necessary. Pre-release treatment for long-termers should also include courses on life and social skills.

Long-term imprisonment can go hand in hand with being held in security regimes and sometimes in high-security units. Fortunately, the number of dangerous prisoners is generally below 5% of the total prison population and prisoners who must be regarded as dangerous in the highest degree and create custodially a high risk requiring maximum security measures are usually not more than one out of one thousand. The required level of security and control over the really dangerous and custodially high-risk prisoner minority is attained principally by segregating them from the majority of prisoners and by greater control of small groups. It stands to reason that security measures and control prevail in high security units. Sophisticated technological equipment and increased prison staff are available. Nevertheless, technology should never be allowed to become a substitute for the human factor in any aspect of prison operations. Staff can contribute significantly to a good "internal climate" if interface between them and prisoners is characterised by humanity and understanding. The prisoners impede treatment efforts. This, however, should not lead to the conclusion that treatment aimed at the social rehabilitation of dangerous prisoners is impossible. The ultimate purpose of any treatment strategy is to preserve the prisoner's personality and afford opportunities for personal development, so that a level of insight and competence may be reached which enables the offender to lead a socially responsible life in the free community.

V. Short-term Imprisonment

The imposition of short-term prison sentences should be avoided as far as possible. Short-term imprisonment is educationally ineffective and in terms of crime policy detrimental. On the one hand, the period of a few weeks or months in prison is not sufficient to go ahead with treatment strategies, and often it is not even possible to provide suitable work for the short-termers, or even vocational training or social education. On the other hand, a few weeks or months of imprisonment can be decisive for losing job

and accommodation or becoming alienated from family and friends. In spite of many efforts made in the member states of the Council of Europe to restrict the passing of short-term prison sentences, our penal institutions still contain a large number of inmates serving short-term sentences of up to six months.

For all these reasons, preparation for release arrangements or pre-release treatment for short-termers should mainly concentrate on identifying and solving practical problems of the individual inmate by assistance and expert advice in legal, financial, personal and social matters.

VI. Work

Work in penal institutions is closely linked to the preparation of prisoners for life in society outside prisons. The history of work in penal institutions is its progress from an essential punitive element in penal regimes, through a role of mere occupation, to an important means of positive contribution to the rehabilitation of offenders. At one time, work, in the form of "hard labour", was seen as an effective additional punishment to the deprivation of liberty. It had no purpose other than deterrence. Three hundred years ago Puritans saw work as good in itself. Later on, work was seen as conferring personal and social virtue on those who performed it. Afterwards, work has long been accepted as beneficial and a major element in penal regimes. Today, work is regarded as a matter — of — course necessity, a normal condition of life and, as far as merit is to be conceded for work as a human activity, it lies in its satisfactions or in its usefulness to the individual and to society as a whole. Outside prison, people who do not work do not enjoy the esteem which employment in socially acceptable work normally brings. Even workers on the lowest labouring levels are respected and can be seen as "honest workmen". Whatever the degree of social esteem may be, the implied acknowledgement of the usefulness of the work for earning a living for oneself or one's family is an important element of self-respect. There is also the socialising influence of work, insofar as it offers social relationships outside the family and the neighbourhood. These social relationships are beneficial to the development of human personality and essential to the quality of life. For most people it is difficult to contemplate life without such relationships.

In prisons too, work is an element in the make-up of the institutional society. In a penal institution where a variety of work opportunities are offered, it is reasonable to assume that the kind of occupation affects the status of the individual inmate in some way. Very often prisoners are socially inadequate, lacking in social norms and not used to regular work. It is therefore vital for their rehabilitation to develop a positive attitude towards work and its fulfilling character.

It is also important for those inmates to be trained to perform work as a habit, as well as to appreciate the quality of work and the rewards that flow from it in terms of pay, self-respect and status. There

are also the socialising influences of work in association. Prisoners, like any other people, value the part they play with their fellows in achieving the objectives of a work task. They benefit too from the interplay of personalities that results from working within a team and the experience of being managed for defined purposes. The contribution they make to the production of a workshop, the construction of a prison building or the cultivation of crops is measured in terms of personal achievement, usefulness and self-respect. In all these ways work is important for the development of social personality and readjustment for life outside penal institutions.

VII. Social Rehabilitation

The human being is both a social person as well as an individual personality. From birth until old age the individual undergoes a permanent process of socialisation by becoming integrated in social groups and, through those groups, into a certain society and culture. The individual learns various socially demanded attitudes, accepts social values, and learns social behaviour. Thus the individual becomes qualified for interacting socially in groups and social institutions by using accepted social behaviour patterns and learns to live in a socially adjusted manner in the respective society and culture. Besides that, the human being is also an individual personality with the liberty to make decisions, to take responsibility, and even to keep a critical distance from social demands. The various social demands of a society, including ethics, morals, religious beliefs, ideologies, create the social value system of the respective society. These social demands of the social value system are embedded in social norms equipped with sanctions, so that socially demanded behaviour can be enforced and socially deviant behaviour sanctioned. The system of social norms on its part is acknowledged by the legal system of any functioning state. Thus, those kinds of socially deviant behaviour that are considered as serious enough to be punishable in the courts are defined by criminal law.

If the process of socialising fails, so that social attitudes, values and behaviour are not accepted, socially deviant behaviour is the consequence. In cases where socially deviant groups accomplish the process of integrating individuals so that attitudes, values, and behaviour are accepted which conform to those of the deviant groups but which are socially deviant in relation to the main group, the same negative result occurs. If socially deviant behaviour is strongly refused by the respective society, marginal personalities and marginal groups are the consequence. They are often regarded as social outcasts. One main group of those, we have to deal with, are criminals.

Social rehabilitation of prisoners and their readjustment to life outside prison means therefore — besides all practical advice and assistance and besides training in marketable skills — that the individual prisoner must be led to develop new social attitudes, to accept social values — often different from the former ones — and to learn how to behave

and interact in free society in a socially adjusted and responsible way. All the various treatment techniques may help to reach that goal. One fact, however, must never be forgotten: all efforts of prison administrations inside penal institutions are useless if society does not give the released prisoner a fair chance to become integrated in community life again.

VIII. Prison leave

In the member States of the Council of Europe prison leave exists in one form or another in varying degrees. The reasons for granting prison leave are various, and consequently different types of prison leave exist. First of all, humanitarian reasons were offered to justify prison leave. For long years, prisoners have been allowed to leave prison for a short space of time to visit their families when special circumstances so required, in particular in cases of serious illness or death of a close relative. Humanitarian reasons are still valid for the justification of prison leave. The second point worthy of mention is closely related to the humanitarian view. There has been a recognisable trend towards humanising prisoners and making them less of an ordeal by diminishing the various negative effects of imprisonment. The regimes for most categories of prisoners have been liberalised, open and semi-open regimes created and outside contacts widened. Prison leave is a logical consequence of these efforts. In this context, prison leave is to be seen as particularly important for prisoners who have to serve a longer term of imprisonment. The leave system allows them to get away from the artificial and protected environment of prison, even if only for a short period of time, and to immerse themselves in the realities of the outside world. Maintaining social bonds with their family, friend, employers and workmates, or establishing such links where they do not exist, is of vital importance for any effort of social rehabilitation. Another important point of preparation for release arrangements and pre-release treatment is to provide prisoners with an opportunity to receive education, vocational training and work, whenever feasible and justifiable, outside of prisons. Work release, leave for vocational training, leave to attend courses or general education and even leave to attend lectures in higher schools or universitites are of high value in order to provide marketable skills and thus to give prisoners a chance to find their way in the demanding life of the free community. Last but not least, prison leave is necessary when individual needs and problems must be met. The possibility of prison leave should therefore not be excluded for medical treatment, special legal or financial advice, job applications, finding accommodation, etc.

Prison leave is sometimes assessed critically by the public, particularly in cases of misuse. It is therefore necessary to inform the general public as fully and effectively as possible of the aims, working and results of the system.

IX. Final remarks

According to the European Prison Rules, the purposes of the treatment of persons in custody shall be such as to sustain their health and self-respect and, as far as the length of sentence permits, to develop

their sense of responsibility and encourage those attitudes and skills that will assist them to return to society with a good chance of leading law-abiding and self-supporting lives after their release (rule 3). Every effort shall be made to ensure that the conditions of life are compatible with human dignity and acceptable standards in the community in order to minimise the detrimental effects of imprisonment, to provide opportunities for prisoners to develop skills and aptitudes that will improve their prospects of successful resettlement after release, and to sustain and strengthen the social links with family, relatives and the outside community (rule 65). To these ends all remedial, educational, moral, spiritual and other appropriate resources should be made available (rule 66). All treatment efforts lead after all to the preparation of prisoners for release and aim at showing them that they are not excluded from the community but are still part of it. All categories of prisoners should have the benefit of preparation for release arrangements designed to assist them in returning to society, family life, home and employment. Prison administrations should involve prison staff in the numerous treatment arrangements as well as sufficient specialists such as social workers, probation officers, teachers, education and sports instructors, group counsellors, chaplains, psychologists, doctors and psychiatrists. Prison administrations should also work closely with the social services and agencies and all appropriate experts to meet the many individual needs of prisoners when they are returning to the outside world.

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NEWS OF THE COUNCIL OF EUROPE

Conclusions adopted by the Eighth Conference of Directors of Prison Administrations

held from 2 to 5 June 1987 at the Palais de l'Europe in Strasbourg

1. Planning, construction and equipment of penal institutions*

The Conference acknowledged that the building programme undertaken by the Swedish Prison Service reflected the geographic, demographic and economic circumstances in Sweden and, to that extent, may not be directly applicable to other countries where very different social conditions prevail. However, during the discussions which followed Mr. Karlström's presentation of his report, it became clear that there was widespread agreement on a number of the principles upon which the Swedish building programme had been based.

1. It was agreed that a prison building programme should not only aim to provide sufficient room to accommodate those whom the courts decide should serve a custodial sentence, but should also seek to provide living and working conditions for staff and inmates which reflect contemporary social standards and best penal practice. In particular, the standard of accommodation and the associated systems of management should, at the very least, conform to the requirements of the European Prison Rules.

2. There was general agreement that it was desirable for prisoners to serve their custodial sentences as near as possible to the area to which eventually they would be released. It was recognised that factors such as the geographic distribution and number of prisoners, security considerations and the need for specialised social, medical or occupational training or medical treatment may modify the application of this principle.

3. The advantages of small units and single occupancy of cellular accommodation (see European Prison Rules 14.1) were widely recognised and it was generally agreed that where economic or other countervailing considerations prevent the building of small prisons, arrangements should be made to enable large establishments to be sub-divided into a number of small units each capable of sustaining a separate and, perhaps, distinctive social structure. Closely associated with this aspect of institutional design is the need to create conditions which allow, and indeed encourage, the development of good relations between inmates and staff. In this context some concern was expressed about the danger of over-dependence upon electronic and other technological devices which might result in the separation and eventual alienation of the staff and inmate groups.

4. It was generally agreed that there was no direct relationships between the availability of prison accommodation and the number and length of custodial sentences passed by the courts.

5. The conference placed considerable emphasis on the need to develop a good public relations posture in connection with a prison building programme. It was recognised that there is a need to keep the media representatives and the general public fully informed about contemporary penal policy and the needs of staff and inmates. Where facilities were not being fully utilised by the inmates, and subject to the requirements of security, consideration should be given to making them available for use by members of the local community. This process should help to improve relations between the community and the establishment and reduce, if not entirely eliminate, criticism based on misunderstanding and misinformation. The conference placed considerable emphasis on the importance of the public being fully informed about what is being done in penal establishments in their name and at their expense.

2. Control of communicable diseases in prisons**

A wide range of communicable diseases occur in prisons. It follows that, as well as having a right to health care, prisoners have a right to hygienic measures to prevent communicable disease: health education, screening, personal hygiene (regular showers, clean clothes and bedding), food hygiene, clean water, sanitation, adequate ventilation and space, vaccination.

The AIDS epidemic has given rise to concern and questions about the risk of HIV being communicated within prison and dealing with seropositive prisoners or prisoners suffering from AIDS. The proportion of HIV seropositive prisoners is in fact higher than in the population at large. This phenomenon reflects directly the proportion of drug addicts in the prison population. As AIDS is not particularly contagious, relatively speaking, and as the means whereby it is communicated are clearly established, *it is possible to define very precisely the risks of the spread of HIV in prison: they are confined to the use of non-sterile equipment for injections and sexual relations.* There are greater contamination risks, however, in the case of other communicable diseases, including hepatitis B. These risks concern, in particular, contact with blood and other substances of human origin, tattooing and exchange of personal toilet items, such as toothbrushes or razors. It is therefore necessary that the prison administration in each

* See page 4 Swedish viewpoints on prison buildings, by Mr Vilhelm Karlström.

** See page 9 the report on Health in prisons, by Dr. Timothy W. Harding. The report presented during the Conference was relating to health problems facing prison administrations (with special reference to new forms of communicable illnesses).

country should prepare directives, in close collaboration with health authorities, concerning the control of all communicable diseases in accordance with the following principles:

1. AIDS control needs to be included among the measures designed for the control of communicable diseases and promotion of health among prisoners. The measures should correspond to those adopted by the population at large and avoid attaching more of a stigma to the prison population.
2. All prison staff must be informed about AIDS and other communicable diseases, and arrangements must be made for information to be brought up to date at regular intervals.

Prisoners must be given full information about AIDS and other communicable diseases, including the risks presented by the abuse of intravenously administered drugs and sexual relations, and screening possibilities. Adequate information and appropriate conditions of hygiene should make it possible to inculcate in each inmate personal responsibility with regard to communicable diseases both in prison and after release.

Information about "risk-free" sexual contacts and the distribution of condoms are already current in several countries, but in other countries such measures are not envisaged for legal and social reasons.

3. Screening for communicable diseases, notably tests for tuberculosis, syphilis and hepatitis B, is a part of essential medical care.

Prisoners must have access to the HIV anti-body test on a voluntary basis. The result of the test must be communicated by the doctor and accompanied by medical advice and psychological support. It must be appreciated that doctors are bound by both legal and ethical considerations in respect of the confidential nature of such information.

4. Prisoners who are seropositive must be given continuous psychological support. Their isolation and segregation are not warranted on strictly medical grounds. However, the doctor must recommend appropriate measures in the interests of the safety, welfare and best possible conditions of hygiene of seropositive inmates.

5. Any prisoner suffering from AIDS should be given suitable treatment in specialised conditions. Consideration should be given to suspending sentences or releasing prisoners ahead of schedule, as in other cases where it appears that the inmate is terminally ill.

6. Adequate resources, in personnel and funds, should be made available for the effective control of communicable diseases in prisons.

3. Préparation of prisoners for release and pre-release treatment*

1. All treatment strategies lead sooner or later to the preparation of prisoners for release and pre-release treatment and aim at their social rehabilitation.

2. Pre-release treatment may be regarded as a part of preparation for release arrangements which take place in the period immediately prior to release.

3. All categories of prisoners should be offered some form of preparation for release.

In cases of short-term imprisonment or where obstacles prevail, at least a minimum level of assistance should be given with the aim of identifying and solving individual practical problems.

Long-term prisoners need an intensive pre-release treatment to help them, after long years of imprisonment, to meet the many difficulties and pitfalls of life in the outside world. As the loss of employment and income are the almost inescapable consequence of long-term imprisonment, often accompanied by homelessness and the lack of social bonds, individual assistance and expert advice are essential. Pre-release treatment for long-termers should also include special instructions on daily life and social skills.

4. Preparation for release should begin as soon as possible after reception into the penal institution.

5. Preparation for release should be an essential part of the treatment programme established for the individual prisoner.

6. The main goals of preparation for release programmes are:

a. the cultivation of the work habit, including proper vocational training in marketable skills, as a positive treatment means in order to rehabilitate inmates, to prevent a deterioration of their personality and enable them after their release to earn their living in a socially responsible way;

b. the acquisition of appropriate skills by social education and training in order to readjust inmates to life outside prison without committing further criminal offences;

c. the sustaining of social links with family, relatives and others;

d. specific assistance and expert guidance to meet the individual needs and to solve the personal problems of inmates.

7. During the last period of the sentence particular attention should be paid to the prisoner's return to society, with special reference to family and social environment.

8. The prison administration should seek the co-operation and help of a wide range of organisations, agencies and individual experts.

9. Preparation for release arrangements should be regularly and systematically monitored and evaluated and, as far as necessary, refined and improved.

* See page 12 the report on Preparation of prisoners for release and pre-release treatment, by Dr. Helmut Gonsa.

NEWS FROM THE MEMBER STATES

Treatment in prison: present situation and perspectives

Speech delivered at the opening of the Seminar at Frascati by Professor Giuliano Vassalli, Minister of Justice of Italy

Criticism of treatment

In recent years there has been evidence, principally in publications in the English-speaking world and in Scandinavia, of steadily increasing disappointment throughout the world with the *policy of resocialising sentenced persons*. It is accordingly forecast that the "treatment ideology" will be finally abandoned and replaced by a "rule of justice" based on the idea of penal intervention limited both as regards extent and as regards severity and duration but nonetheless having, as its essence, the idea of "punishment", which society cannot do without; sentences which the general public understands, sentences which are clear, equally for everyone, precise, proportionate and just, and whose duration is decided more on the basis of the deed and subjective elements than with reference to the offender's criminal record and other aspects of his personality. The "medical model", appropriate in an extremely limited number of cases, will have to be abandoned in favour of the new model, the "justice model".

This widely but not universally shared position has been called a return to traditional or classical sentencing, or "neo-classicism".

Against this kind of position, which is predominant in English-speaking countries and in Scandinavia, voices have been raised in different countries in favour of a *continuing legislative and administrative commitment to the rehabilitation of sentenced persons*, the aim being to highlight the dangers of a repressive penal policy as well as the scope for a rehabilitation policy which does not violate human rights; this is the approach adopted by representatives of systems in which alternatives to imprisonment and prisons geared to rehabilitation are developing apace and in which prison policy is characterised by a clear preference for special prevention and the social rehabilitation of sentenced persons.

...in its different forms

In practice, the *rehabilitational function of sentences*, especially custodial sentences, has always faced concentric — and still very topical — attacks from a great many sources.

By way of example and in order to clarify the remainder of this brief address, I shall attempt to draw up a short list of such attacks. It must, however, be remembered that positions classified in one group often have points in common with those of another group, with the result that our attempt to simplify can only be relative and approximate.

Criticisms of the principle of rehabilitation are:

- a. philosophical (ie associated with a precise vision of the functions of sentencing in general and of custodial sentencing in particular);
- b. sceptical;
- c. pessimistic (an attitude fed by earlier and contemporary experience, which is unquestionable, even if above all unilateral in outlook or ideologically inspired);
- d. denial of authority (in the sense that, for various reasons, the right of the State to rehabilitate a sentenced person is challenged);
- e. based on concern for a realistic crime policy.

It cannot be denied that *there is more than a grain of truth in the various criticisms made of the rehabilitation principle*. But this does not mean that the principle itself can be allowed to fall into oblivion, particularly not among lawyers and the prison services of countries such as Italy, where the rehabilitational function of sentences is enshrined in the Constitution and in legislation which, despite its defects, represents one of the most consistent and respectful applications of the principle.

Moreover, criticism of the rehabilitation principle has been strongest in countries where the said principle had been presented as the sole purpose of sentencing.

In practice, the unspecified penalties often imposed by administrative rather than judicial authorities had resulted in excessive detachment (although in the name of no less noble principles) from the canons of liberty, lawfulness, certainty and hence civilisation which, in penal matters, ought never to be forgotten. And lastly, in too many instances, the principle of rehabilitation became, as did the excessively widespread use of the "parole" system, tantamount to an abandonment of the sentence, even in particularly serious cases. We can thus understand why repeated disappointments, even if not adequately and constantly monitored in every case, eventually gave way to defeatist criticism.

On the contrary — and to me this point is essential — the rehabilitation principle has rarely been seen in Italy as an "exclusively" (or at least predominantly) educational method for the prison system as a whole. Despite criticism, the multi-purpose nature of custodial sentences is now accepted as the country's "official" policy, following Parliament's frequent indication of its intention to take account also of the deterrent function of sentencing and to consider the threat and passing of sentence as formal recognition of the perniciousness inherent in the violation of specific

rules ; this line was taken in particular in response to the Constitutional Court's oft-repeated declarations (even though the grounds for these were in many respect inappropriate) that the requirements of general and special prevention constitute the foundations of sentencing.

This means that, in Italy, rehabilitation can be neither ignored nor underestimated, not only because to do so would be tantamount to *non-observance of a fundamental constitutional principle* but also because our "experience of rehabilitation" is too limited for rehabilitation to be abandoned the moment difficulties and misunderstandings arise.

Rehabilitation is not confined to the penal system

Rehabilitation, which the Constitution enshrines as the purpose of sentencing in Italian law, *is certainly not confined to the penal system*. It is, or should be, likewise a matter for agencies and services outside the penal and prison system, eg the fields of medical and welfare assistance, particularly where conduct on the fringes of criminal behaviour is concerned: deviant conduct generally, maladjustment, immaturity of minors and irregular behaviour, criminally minor forms of corruption. In Italy, as in many other countries, this point is even underlined by the statutory names for institutions devoted to the social rehabilitation of persons who have not committed offences: a typical instance is the "rehabilitation centre", which, like placement in child welfare services or in medical, psychological and educational institutions, is one of the administrative measures commonly called "rehabilitation measures" which have been introduced for minors with behavioural or character problems. Comparable provision is made for drug addicts who do not engage in trafficking by Act No. 685 of 22 December 1975, Title X of which decriminalises such person's behaviour and provides for "preventive, curative and rehabilitational" measures. In all these cases, the goal of rehabilitation is manifestly exclusive, since it is impossible to conceive of the devising or application of such measures in a context of retribution and punishment or in one involving reaffirmation that a right has been violated or even in one of deterrence. At the present time the rehabilitation of drug addicts who commit offences is even facilitated by ad hoc alternative measures.

The idea of "rehabilitation" thus extends beyond the realm of criminal law to embrace the need for reintegration.

Rehabilitation as "social reintegration"

As regards the meaning of the expression within the penal system, it must be observed, for the purposes of the Constitution, "*rehabilitation*" can only be a synonym of "*social recovery*", "*social reintegration*" or "*resocialisation*". Although these expressions are difficult, a state rule could not mean anything different. The state *cannot be responsible for its citizens' ethical standards*, except in an indirect way — ie by encouraging in every possible way observance of its own laws, which it naturally considers to be based on ethical criteria — and on a social level, ie by being attentive to the outward behaviour of individuals and groups so as to guarantee the community an orderly

existence. Accordingly, rehabilitation can only mean "acquisition of the capacity to live in society and comply with the criminal law". This is a minimum, and naturally the hope is for much better results, such as the reintegration in society of people who in their heart of hearts, have fully purged their offences and of people who have become converts to altruism and solidarity, having become convinced of the value of qualities which the offence had obscured ; however, there can be no intention (on the state's part) to reshape a citizen's personality by modelling it on that of an hypothetical model citizen, even though, in this complex task, society must not confine itself to highlighting the negative aspects of an offence but must at the same time turn to account the positive behavioural factors ideally impeding commission of the offence. Moreover, in a state and under a state's laws, rehabilitation must of necessity be regarded also as *the task required of society itself* in the form of the assistance which such a society must offer to those who have "fallen" into crime, since the social solidarity commitment enshrined in the Constitution must be a responsibility for all citizens.

Stages in the rehabilitation process

In short, the principle of rehabilitation entails :

a. *the elimination of sentences incompatible with the sentenced person's rehabilitation*, which is to be understood as the possibility of his reintegration in social life (capital punishment, life imprisonment without the possibility of conditional release, etc.);

b. *the greatest possible reduction in the emphasis placed on sentences* which are difficult to reconcile with the principle of rehabilitation. These include — for reasons known to everyone and frequently borne out — *imprisonement*, especially in the forms in which it has been tried and tested hitherto. Over the past decade, the Italian Parliament has made considerable progress in this direction ; *much still remains to be done, particularly as regards the use made of detention on remand*.

In Italy we are still far from treating detention on remand as the exception. Great hopes have been placed in the impending new Code of Criminal Procedure ;

c. lastly, rehabilitation, a statutory function of prisons, must be aimed at in respect of *all persons given a custodial sentence* (and — in Italy — of those held in preventive detention).

Imprisonment is thus only one aspect of rehabilitation, even if it is the most difficult and most important. General prevention, like security in prisons, must certainly be assured ; and very often both entail severe restrictions (witness the theory and limitations of conditional release) or even temporary exclusion from institutes implementing the principle of rehabilitation ; but the requirements of prevention and security can never mean automatically denying certain individuals or groups of individuals the possibility of rehabilitation. *Our positive law recognises no such thing as "incorrigible" offender*. There are no individuals to whom the principle of rehabilitation is inapplicable. The recent Prison Reform Act, No. 663, of 10 October 1986 accordingly abolished a series of

offence-related exclusions from the possibility of alternative measures. Furthermore, even in the case of persons sentenced to life imprisonment, (many) new opportunities for non-custodial treatment are available. The "differentiated strategy" in fashion in the 1960s (although important precedents are to be found among the Italian positivists and in the Marburg School) may have made for misunderstandings; but it did draw much-needed attention to the reality of the prison population (and to crime generally) with a view to reducing the number of individuals liable for custodial sentences and to reducing the use made of short custodial sentences, and is also reckoned to have been intended, either openly or by implication, to create "types of offender" for whom rehabilitation was unthinkable or impracticable. Moreover, the situation in recent years has, perhaps paradoxically, discredited these assumptions: with the recent legislation on those who foresake terrorism and terrorist associations, Parliament has begun to look for fresh reasons for reducing or even eliminating imprisonment precisely in areas where the rate of dangerous crime is high.

As it is not possible for me to tackle this question in depth here, let me repeat above all that the principal objective when a custodial sentence is served must be to prevent desocialisation and, worse still, the encouragement of crime. This may seem a very modest objective, although in the present prison situation it is in fact an ambitious one.

The second objective is to *revive in prisoners the values which they disregarded when committing their offences*. It is absurd to think that it is possible to neglect this process of clarification and education, which is merely the continuation of the work of general prevention done by parliament when it creates specific offences. Reasserting the rules and the value of the good destroyed or endangered by the offence, careful consideration of these points, revaluation, if possible, of the intersubjectivity expressed in the passing of sentence, and, above all, taking into account the victims of the offence and the injustice of their fate are all aspects of the protection of values which, through general prevention and the reaffirmation of the right violated by the offence, is reflected in practical rehabilitation measures constituting a major source of satisfaction.

The third stage of prison rehabilitation is resocialisation in the strict sense: the attempt to develop in

the prisoner a sense of purpose, and, at the same time, to help him learn notions and rules of life in society and secure vocational skills so as not to relapse into crime. Ideologically and methodologically this is the most difficult and controversial part of the rehabilitation process. This is precisely what the concept of treatment refers to.

Conclusion

In conclusion, the criticisms made of rehabilitation in recent years do not seem *sufficiently convincing to warrant abandonment of rehabilitation*. Far from being a rearguard action, the advocacy of rehabilitation has in fact barely begun. What became apparent as soon as an attempt was made to put this key idea into practice was that it is far removed from the human and social reality of our time. The institutions in which it ought to be implemented are unsuited. When it comes to implementing reforms, states are weak-willed and slow and words (legislation need go no further than that) easier than action. Society in general also presents serious problems for decent people or, at any rate, people who have no contacts with justice, and for them the seriousness of these problems takes priority over the problems of prisons: for instance, as long as hospitals remain in their present state, why should one worry about prisoners' conditions? Public opinion reacts unfavourably to certain forms of crime and, accordingly, to authorities deemed guilty of showing excessive understanding towards the authors of such crimes. Too many illusions, at least about the rapidity of results, have perhaps been fostered. Educational and reformatory methods are still uncertain and being tested. Supervision of the functioning of rehabilitation measures is inadequate and inevitably has a lower priority than other tasks. Offenders (logically) take advantage of certain rehabilitation institutions (eg semi-custodial treatment or prison leave) to outsmart the rehabilitation officers and commit other offences. Certain forms of pseudo-co-operation also constitute a danger. The temptations, and sometimes too the advantages, of a life of crime are more stimulating than the promises held out by a working life often lived in uncertainty, poverty and obscurity. Daily confrontation with unpunished gain is no incentive to solidarity and socially acceptable behaviour. But these problems are not enough to persuade the experts in the field to *abandon an ideal which has done much for the progress of civilisation in sectors of suffering, an ideal whose rejection would be dangerously and unjustly retrograde*.

Activities of the Seminar on "Prison treatment: The present situation and perspectives"

A European seminar on the theme of prison treatment, organised by the Italian Government in co-operation with the Council of Europe in the framework of initiatives aimed at helping prison staff was held at Frascati, near Rome from 22 to 25 September 1987.

It was attended by 32 participants from 15 member countries of the Council of Europe and by several observers from international organisations. Although treatment in general as been the subject of a number of practical and theoretical initiatives by prison staff, it was some time since any meeting had taken place at a European seminar to discuss the present situation, and the medium and long-term prospects for prison treatment, from the point of view of the philosophy of prison work.

The three reports presented concerned respectively: the concept of treatment and re-education in the light of historic trends (L. Daga); the new concept of treatment in the European Prison Rules (H. Tulken); and the role of a free society in the treatment of prisoners (J.P. Robert). Each country participating submitted a national report describing the situation in the prison system and the opportunities for treatment within prisons, on which it subsequently made verbal comments during the discussions. It became clear that, in spite of the proliferation of alternative (including non-custodial) measures, much attention still needed to be given to custodial systems which could help to humanise prison, and to reduce the harm it caused.

Some countries gave examples of very advanced systems of treatment, most notably the new policy of non-differentiation which is current in certain Scandinavian countries, and the tendency to make use of very small prisons in which it is possible to create a proper relationship between prisoners and staff.

All the participants agreed that better use should be made of the (unfortunately meagre) resources which each country made available for its prisons, by

rationalising the system itself and by taking advantage as far as possible of new technologies, without forgetting that the essential thing was to establish a satisfactory human relationship with prisoners.

Discussions continued throughout the evening at research workshops which gave an opportunity for films from various countries to be shown on cultural and in particular theatrical activities, on the use of computers as a means of prison treatment and on the various aspects of treatment considered as something to which a prisoner is entitled.

The Italian Minister of Justice, Professor Giuliano Vassalli, recalled, during the closing session of the seminar, a theme which had already been treated at the opening of the session by Professor Nicolo Amato, Director General of the Italian Prison Administration, namely that the "prison of hope" which Italy is trying to establish was founded on faith in human values and on the conviction that detention (which should be reduced to a minimum and reserved exclusively for the most serious cases of violation of criminal law) could not be purely retributinal in nature, but must be managed so as to counter the harmful effect of prison, with the reintegration of the prisoner into society always in mind.

The conclusions of the seminar, which were approved unanimously, recall the faith which prison workers have in the values of civilisation, which are a sure foundation for ever more effective European prison co-operation.

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Statistics on prison populations in the member states of the Council of Europe

Situation at 1.9.1987 and committals in 1986

The database set up in 1983 on the initiative of the Committee for Co-operation in Prison Affairs enabled us in the previous bulletins to present recent changes in prison number¹, committal flows and detention periods².

These short-term data were supplemented by the publication of chronological series relating to numbers over the period 1970-1987³.

The present report will be confined to an updating of this information together with some comments on the indicators used. The "stock" statistics refer to the situation at 1 September 1987 and the "flow" data to the year 1986⁴.

Table 1. Situation at 1 September 1987

These stock data are presented in the usual way. The indicators used are:

- a. Total prison population
- b. Rate of detention per 100,000: total prison population at 1.9.1987 as a proportion of all inhabitants on that date (Figure 1)
- c. Percentage of unconvicted prisoners: number of prisoners who have not been finally sentenced as a percentage of the total prison population

- d. Rate of unconvicted prisoners per 100,000: number of unconvicted prisoners as a proportion of inhabitants at 1.9.1987 (Figure 2)
- e. Percentage of women prisoners
- f. Percentage of young prisoners
- g. Percentage of foreign prisoners

At 1 September 1987 the average rate of detention was 64.1 per 100,000 inhabitants; a year ago the rate was 65.1⁵.

Over the last 12 months, 6 out of 19 populations have increased substantially: Luxembourg (9.3%), Spain (8.9%), Belgium (8.4%), France (6.3%), Greece (5.5%) and Ireland (4.5%).

Four states have remained relatively stable: United Kingdom (0.8%), Netherlands (2%), Portugal (2.1%) and Sweden (2.4%).

1. Prison Information Bulletin No. 7, June 1986, 23-31.
2. Prison Information Bulletin No. 8, December 1986, 16-24.
3. Prison Information Bulletin No. 9, June 1987.
4. As in the past, statistics relating to Canada and Finland are appended.
5. These calculations do not take account of the position in Switzerland, for which we have no data at 1.9.1987.

Figure 1

Breakdown of Council of Europe member States by rate of detention per 100,000 inhabitants

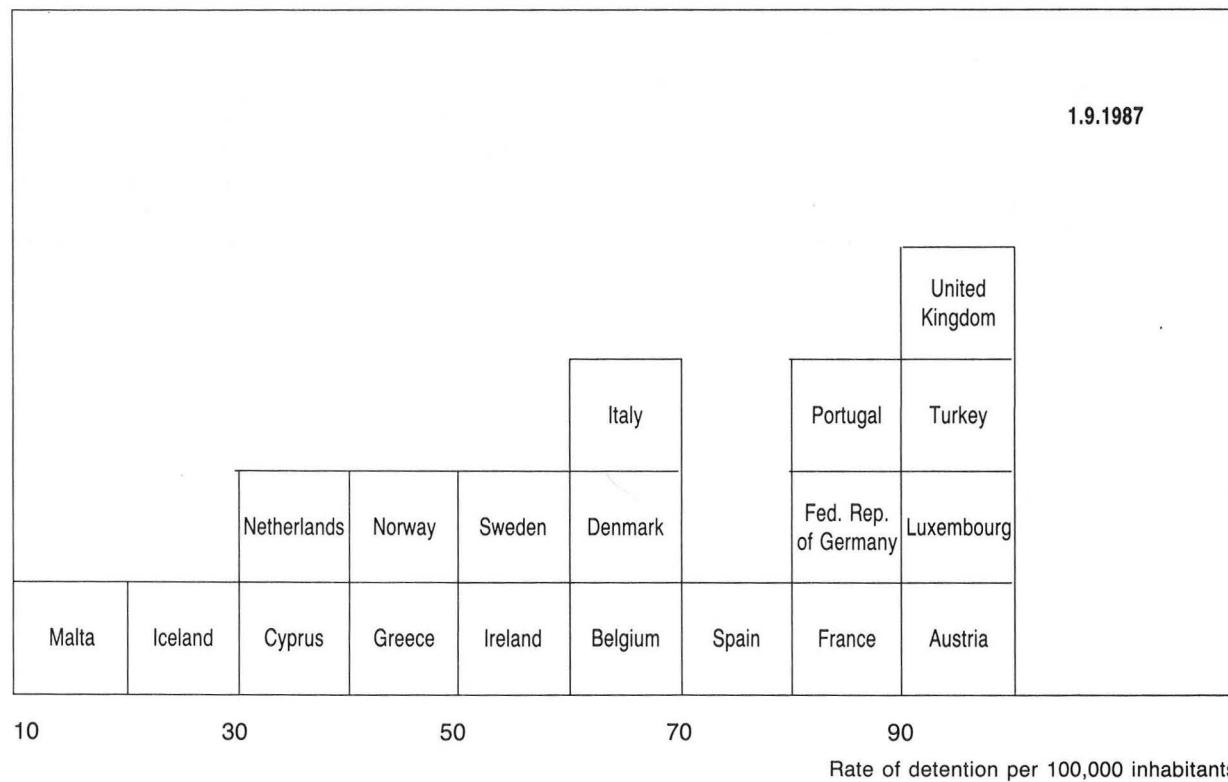
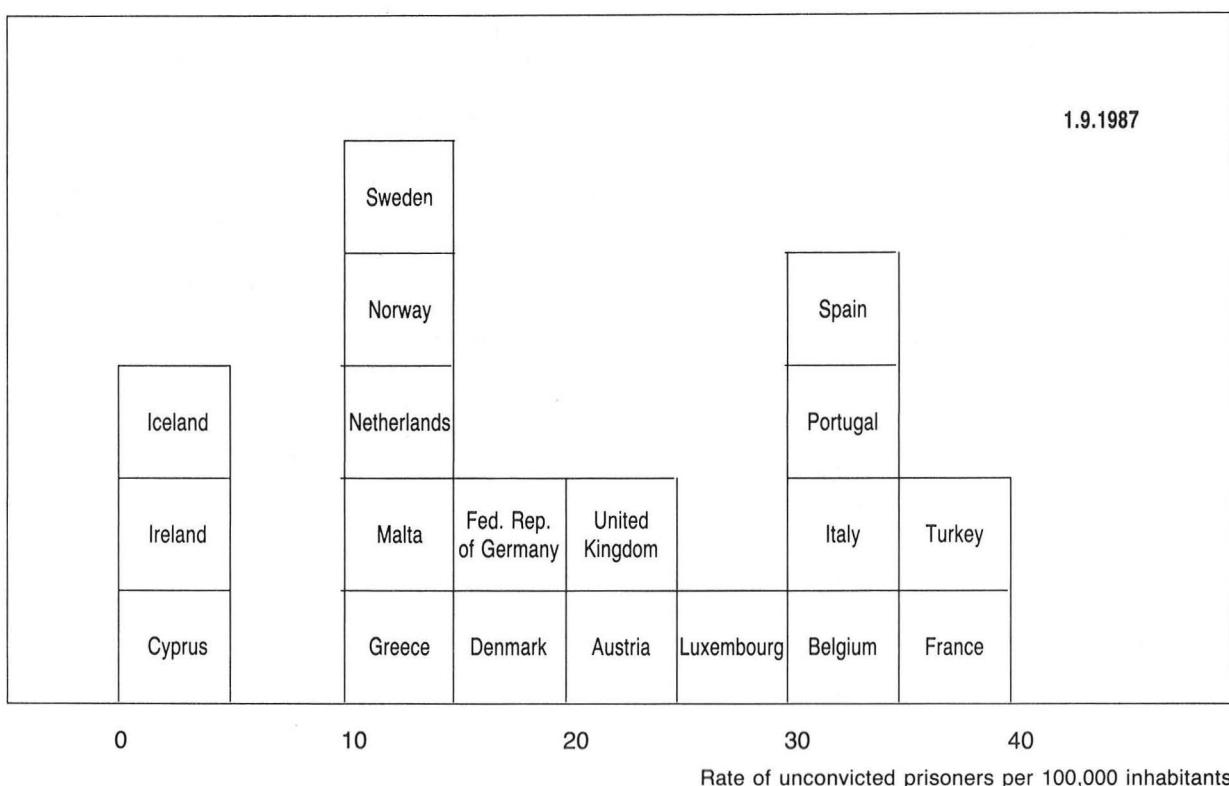


Figure 2
**Breakdown of Council of Europe member States
by rate of unconvicted prisoners per 100,000 inhabitants**



Lastly, nine populations have seen a distinct drop in numbers: Federal Republic of Germany (-3.2%), Denmark (-4%), Turkey (-4.5%), Norway (-4.6%), Austria (-4.6%), Cyprus (-6.1%), Iceland (-18.1%), Italy (-20.3%) and Malta (-48.4%).

Comments on the indicators relating to detention on remand

Users of these statistics sometimes confuse "rate of unconvicted prisoners" (calculated on the basis of 100 prisoners) and "rate of detention on remand" (calculated on the basis of 100,000 inhabitants). Although the rate of unconvicted prisoners is a much more commonly used indicator, its disadvantage is that it depends both on the number of "unconvicted prisoners" and on that of "convicted prisoners". For example, an increase in the rate of unconvicted prisoners following an amnesty may have no particular significance in terms of detention on remand. It was for this reason that it seemed appropriate to introduce the second indicator as from the June 1985 report.

The terms used here for these two indicators are not entirely satisfactory because their meaning is not explicit. The expression "rate of unconvicted prisoners" is commonly used and we therefore thought

fit to retain it. We based the expression "rate of detention on remand" on the expression "rate of detention", which also usually denotes a "prisoners held/number of inhabitants" ratio⁶.

Furthermore, the calculation of these indicators is based on a definition of the "unconvicted prisoner" which raises certain problems. In these statistics, an "unconvicted prisoner" is defined negatively: "a prisoner who has not been finally sentenced". This, in theory unambiguous definition has the same drawbacks as all other negative definitions. The prisoners accounted for under the heading "unconvicted prisoners" may belong to a wide variety of different legal categories, and this obviously makes international comparisons difficult. The example of Belgium is very eloquent in this respect, but we shall not return to it here as it has already been dealt with in detail in a previous report⁸. Let us merely consider the case of France.

6. The word "rate" is used in various senses in population studies. It originally denoted the relative frequency of an event in a population (this applies to the rate of committals). It is also used to denote a proportion. Here, a part is divided by the whole (this applies to the rate of unconvicted prisoners, the rate of detention and the rate of detention on remand).

7. We are not certain that all administrations observe it strictly when collecting data.

8. Prison Information Bulletin No. 8, December 1986, Appendix 1, 23.

On 1 July 1987, the French prison population broke down as follows by criminal category:

	Numbers	%	Rate per 100 000 inhabitants
Total number of prisoners:	50 664	100.0	91.1
Convicted prisoners (including civil law prisoners)	28 656	56.6	51.5
Unconvicted prisoners	22 008	43.4	39.6
Due to appear immediately before a judge or court ...	1 109	2.2	2.0
Investigation in progress ...	14 797	29.2	26.6
Waiting to appear before a judge or court	2 897	5.7	5.2
Appeal lodged	3 205	6.3	5.8

According to the definitions used in this report, the rate of unconvicted prisoners was therefore 43.4% and the rate of detention on remand 39.6 per 100,000 inhabitants.

If we work on the basis of prisoners awaiting a first judgement (ie excluding already sentenced prisoners who have appealed), the indicators are 37.1% and 33.8 per 100,000 inhabitants, respectively.

These considerations do not call into question the definition adopted, but they do show a need for a more detailed knowledge of the legal composition of this category at international level. It would be worth trying to achieve such a knowledge in subsequent surveys.

Table 2. Committal flow in 1986

As in previous surveys, the following indicators were calculated:

- The number of committals in 1986.
- Rate of committals per 100,000 in 1986: number of committals during 1986 as a proportion of the mean number of inhabitants over that period. Taking into account available data, we in fact used the number of inhabitants at 1.9.1986 as indicated by administration.
- Percentage of unconvicted prisoners committed: number of committals of unconvicted prisoners as a percentage of the year's total committals.
- Indicator of the average detention period (D): the quotient of the average 1986 population (P) divided by the committal flow over this period (E): $D = 12 \times P/E$ (duration in months).

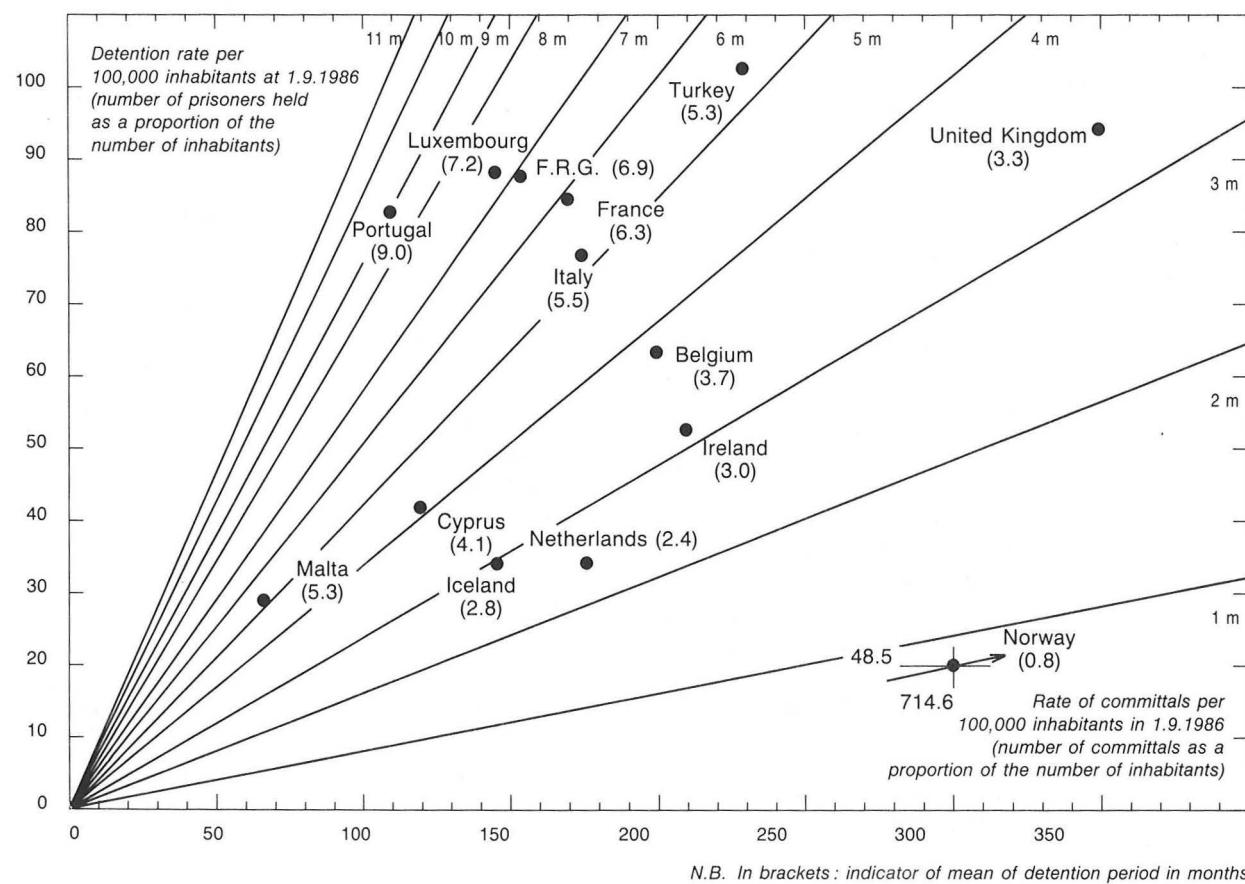
Taking into account available information, we took the population at 1.9.1986 for P (Figure 3)⁹.

It should be remembered that the figures obtained must be considered as indicators and not as measured results.

9. Reminder of the key to Figure 3:

- countries on the same vertical line have the same rate of committals
- countries on the same horizontal line have the same detention rate
- countries on the same diagonal line have the same indicators of mean detention period.

Figure 3: Indicator of main detention period (1986)



N.B. In brackets: indicator of mean detention period in months

Comments on the flow indicators

These indicators too raise some important problems. We shall not dwell on the fact that the distinction between the terms "detention rate" (indicating a state) and "committal rate" (indicating movement) is not yet generally accepted among users of the statistics.

With regard to the percentage of unconvicted prisoners committed, we are of course faced once again with the problem of definition raised above.

More fundamentally, what is counted here is not the number of persons committed but the number of committals. The same person can therefore be counted several times (committals for several cases in the same year, or even committals for the same case at different stages of the proceedings).

The definition of a committal as an accounting unit will of course depend on how each State's penal system operates, as well as on how prison statistics are compiled.

By way of an illustration, one can consider the case of France. The committals recorded in the French system are "initial admissions": admissions of previously free persons, excluding re-admissions after escape, a suspended sentence or a split sentence¹⁰.

Let us take one example:

- a person is detained on remand,
- released pending investigation under an order issued by the investigating judge,
- subsequently tried as a "free defendant" (in the same case),
- sentenced to a period of imprisonment exceeding the time already spent in detention,
- re-imprisoned to serve the remainder of his sentence.

Two initial admissions are therefore counted, although they relate to the same case.

This question is obviously complex at international level owing to the diversity of criminal procedures and methods of compiling statistics.

Yet further developments in the European statistics dealt with in this report will depend partly on how thinking progresses on the accounting methods used for committal flows.

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10. Re-admissions by reason of a transfer from one prison to another are obviously not "initial admissions". It should also be noted that, in the French system, no release order is issued when prison leave is granted.

Notes — Table I

Belgium

1. Total prison population	6 713
2. Convicted (sentenced) prisoners	3 345
3. Unconvicted prisoners	3 368
The content of item 3 is explained as follows:	
3.A Remand prisoners (persons ordered to appear before a judge or court, accused persons, detained and convicted persons awaiting final judgment)	1 994
3.B	
a. minors in provisional custody	11
b. minors placed at the Government's disposal	11
c. Persons detained under the social protection law	702
d. vagrants	551
e. others	99

France

The data concern all persons imprisoned in metropolitan France and the overseas departments (metropolitan France: 49,074, overseas departments: 1,565).

For metropolitan France, indicator (b) is 88.2 per 100,000.

Indicators (e), (f) and (g) were calculated with reference to the position at 1.7.1987.

Federal Republic of Germany

Indicator (e) concerns the entire prison population with the exception of "civil law prisoners" and persons imprisoned pending extradition (n = 1,251).

It is impossible to calculate indicator (f) on the total population. Unconvicted prisoners (n = 11,482): proportion of persons under 21 = 14.5%. Convicted prisoners (n = 39,186): proportion of convicted prisoners in prisons for young persons = 11.9%; most are between 14 and 25 years old.

Indicator (g) is an estimate.

Ireland

22 foreigners, not including 51 prisoners from Northern Ireland.

Netherlands

The figure of 5,002 prisoners does not include the 329 prisoners detained in police premises owing to lack of prison space.

Sweden

Indicators (e), (f) and (g) were calculated on the convicted prisoner population.

Switzerland

Detention on remand is excluded from the survey.

Indicators (e), (f) and (g) were calculated on the convicted prisoner population.

United Kingdom

England and Wales

The number of prisoners decreased by 3,000 on the 13 August 1987 owing to the increase in sentence reductions for those sentenced to 12 months and over.

Indicators (e) and (f) are for the whole prison population except "civil law prisoners" (n = 239).

Indicator (g) is an estimate; prisoners considered as foreigners are those born outside the Commonwealth, Ireland and Pakistan.

Scotland

The data refer to the average situation in September 1987.

Table 1
Situation of prison populations at 1 February 1987

	(a)	(b)	(c)	(d)	(e)	(f)	(g)
	Total prison population	Detention rate per 100,000 inhabitants	Percentage of unconvicted prisoners	Rate of unconvicted prisoners per 100,000 inhabitants	Percentage of women prisoners	Percentage of young prisoners	Percentage of foreign prisoners
Austria	7 419	97.5	23.3	22.7	3.9	18 a : 1.3	8.8
Belgium*	6 713	67.4	50.2	33.8	4.9	18 a : 0.3	27.4
Cyprus	215	39.0	10.7	4.2	6.0	21 a : 13.0	37.2
Denmark	3 190	62.0	26.6	16.5	—	—	—
France*	50 639	88.9	43.5	38.7	4.2	21 a : 13.2	26.6
Fed. Rep. of Germany*	51 919	84.9	22.1	18.8	3.8	—	14.5
Greece	3 988	40.9	26.2	10.7	4.1	21 a : 5.6	18.7
Ireland*	1 936	55.0	5.6	3.1	2.0	21 a : 27.9	1.1
Iceland	68	27.9	7.4	2.1	4.4	22 a : 8.8	1.5
Italy	34 838	60.8	57.3	34.9	4.8	18 a : 1.5	8.7
Luxembourg	353	95.5	30.3	28.9	5.1	21 a : 6.8	38.5
Malta	49	14.8	75.5	11.2	6.1	18 a : 6.1	30.6
Netherlands*	5 0002	37.0	36.1	13.3	3.9	23 a : 17.9	18.8
Norway	1 929	46.0	28.3	13.0	—	21 a : 8.1	10.7
Portugal	8 270	84.0	40.9	34.3	5.4	21 a : 10.3	—
Spain	27 278	70.2	43.0	30.2	5.6	21 a : 10.2	13.0
Sweden*	4 198	51.0	19.7	10.1	4.3	21 a : 4.2	21.6
Switzerland*	—	—	—	—	5.0	18 a : 1.6	35.4
Turkey	50 337	99.4	37.9	37.7	2.7	18 a : 1.2	0.5
United Kingdom	54 384	95.8	22.1	21.2	3.6	21 a : 25.1	1.3
England*							
Wales	47 105	94.1	22.8	21.5	3.6	21 a : 24.8	1.5
Scotland*	5 421	105.9	17.9	18.9	3.5	21 a : 26.1	0.2
Northern Ireland	1 858	119.1	16.8	20.0	1.7	21 a : 29.5	1.1

* See notes p. 27

Notes — Table 2

Belgium

Total 1986 committals (20,102) are made up as follows :

4 927 convicted (sentenced) prisoners

15 175 unconvicted prisoners, including 10,457 remand prisoners and 4 718 other categories according to the distinction drawn above between 3A and 3B.

France

The data are for metropolitan France only.

Sweden

1986 committals: convicted = 14,188

Switzerland

1986 committals: convicted = 10,414.

England and Wales

The number of committals was obtained by adding the number of committals of convicted persons to the number of committals of unconvicted persons. The British administration provided an evaluation of the number of persons committed (without double entries) : 117,208.

From this figure, we obtained a committal rate of 234.8 per 100,000 and an indicator of mean detention period of 4.8 months. However, these indicators cannot be directly compared with those for other countries, where calculation is based on the notion of committal and not of persons committed.

Table 2
Committal flow in 1986

	(a)	(b)	(c)	(d)
	Number of committals in 1986	Rate of committals per 100,000 inhabitants in 1986	Rate of unconvicted prisoners committed in 1986	Indicator of mean detention period in months (1986)
Austria	—	—	—	—
Belgium*	20 102	201.9	75.5	3.7
Cyprus	664	118.9	20.6	4.1
Denmark	—	—	—	—
France*	87 906	158.6	77.0	6.3
Fed. Rep. of Germany	93 622	153.5	—	6.9
Greece	—	—	—	—
Ireland	7 452	210.7	39.4	3.0
Iceland	356	147.1	33.4	2.8
Italy	95 324	166.5	81.8	5.5
Luxembourg	536	146.9	70.5	7.2
Malta	215	65.2	69.8	5.3
Netherlands	24 980	173.1	64.6	2.4
Norway	29 777	714.6	66.6	0.8
Portugal	10 751	108.8	81.3	9.0
Spain	—	—	—	—
Sweden*	—	—	—	—
Switzerland*	—	—	—	—
Turkey	118 980	230.9	67.1	5.3
United Kingdom	197 044	347.9	42.6	3.3
England*	149 723	299.9	42.5	3.7
Wales	41 327	807.3	43.8	1.6
Scotland	—	—	—	—
Northern Ireland	5 994	383.1	37.7	3.6

* See notes p. 28.

Appendix 1. Data on the prison population of Finland

1. Situation at 1 September 1987

a. Total prison population	3 824
b. Rate of detention per 100,000 inhabitants	86.0
c. Percentage of unconvicted prisoners	13.0
d. Rate of unconvicted prisoners per 100,000	11.2
e. Percentage of women prisoners	3.0
f. Percentage of young prisoners (21 years)	7.6
g. Percentage of foreign prisoners	0.3

2. Changes in population

Percentage increase in number of prisoners over the period 1 September 1986-1 September 1987: 3.3%

3. Committal flow in 1986

a. Number of committals	9 216
b. Rate of committals per 100,000	186.7
c. Percentage of unconvicted prisoners committed	20.0
d. Indicator of the mean detention period in months	4.8

Appendix 2. Data on the prison population of Canada

The last data on Canada published in the Prison Bulletin concerned the financial year 1984-1985 (1 April 1984-31 March 1985)*

1. Average situation for the financial year 1985-1986

a. Total prison population	25 572
b. Rate of detention per 100,000 inhabitants	108.7
c. Percentage of unconvicted prisoners	12.6
d. Rate of unconvicted persons per 100,000	13.7

2. Changes in average populations

Percentage increase in number of prisoners over the period 1984-85: 1.7%.

3. Committal flow for the financial year 1985-1986

a. Number of committals	200 940
b. Rate of committals per 100,000	792.2
c. Percentage of unconvicted prisoners committed	40.5
d. Indicator of the mean detention period in months	1.6

Note: The total population figure relates to correctional institutions for adults (provincial and federal institutions): age-limit 16, 17 or 18 according to the province.

* Bulletin No. 8, December 1986

Laws, bills, regulations

The titles of laws which have come into force in the past year, bills and regulations relating to prison affairs which are likely to be of particular interest to the prison administrations of other member States will be given in this section. In certain cases, the titles are followed by a brief summary.

Belgium

Ministerial circulars

No. 1514 of 26 February 1987: maximum daily price for prisoners' food

The maximum price for prisoners' food was set at 105 francs as from 1 January 1987. This applies to both sick and healthy prisoners.

No. 1519 of 8 July 1987: ban on smoking in certain public places (implementation in prisons).

On the basis of the Royal Order of 31 March 1987 prohibiting smoking in certain public places (Official Gazette of 14 April 1987), smoking will be prohibited in prison buildings and parts of prison buildings as from 1 September 1987.

The ban covers:

- halls;
- corridors;
- staircases;
- lifts;
- waiting rooms;
- toilets;
- meeting rooms usually open to the public;
- premises in which services are provided to the public, whether or not a fee is charged for admission;
- premises in which sick or elderly persons are accommodated or cared for;
- premises in which children or young people of school age are accommodated or cared for;
- premises in which preventive or curative health care is provided;
- premises in which education is provided;
- premises in which entertainment is provided;
- premises in which exhibitions are held;
- premises and other covered places in which sport is practised.

The order also stipulates that when a building or part of a building has several waiting rooms intended for the same section of the public, no more than one may be reserved for smokers. If the institution's facilities so permit, one waiting room may be allocated to smokers. If so, the public must be informed accordingly.

No. 1520 of 19 August 1987: arrangements for splitting systematic prison leave

The circular of 28 August 1984 adjusted the procedure for granting systematic prison leave so that a positive decision given by the Individual Cases Department after the first application covered not only the first period of leave but also any subsequent periods of leave up to the end of the prison sentence.

The practice of granting split prison leave has meanwhile proved a success: this was confirmed at the most recent meetings of prison governors, during which discussions were held on the relevant practical arrangements.

The agreement given by the Individual Cases Department after the first leave application empowers the prison governor to take a decision with regard to the splitting of the leave granted.

The arrangements have been standardised as follows:

— All leave may be granted in one, two or three periods, the first period being taken compulsorily on the normal date of eligibility;

— The prison governor assesses the reasons given for splitting leave and determines on a quarterly basis how the days requested are to be distributed;

— A period of split leave may on no account be combined with the next quarter's leave. The rule that a period of leave may not comprise more than three consecutive nights remains in force.

In addition, staff must comply with the circular of 31 January 1985, No. 4/SCI/210, as regards the data to be fed into the computer when systematic prison leave is granted, and especially when that leave is split.

Denmark

Lov om mere effektiv behandling af sager om økonomisk kriminalitet. (Act on more efficient Treatment of Economical Criminality). Lovforslag nr. L 34 vedtaget den 27. maj 1987.

Lov om ændring af retsplejeloven (varetaegtsfaengsling i retshåndhaevelsesøjemed (Act on Amendment of the Administration of Justice Act (Remand imprisonment with the Purpose of Enforcement of the Law.) Lovforslag nr. L 135 vedtaget den 4.6.1987. Lov nr. 386 af 10.6.1987.

Lov om ændring af lov om rettens pleje (bevisfortegnelsen) (Act on Amendment of the Administration of Justice Act (List of Evidence). Lov nr. 273 af 13. maj 1987.

Cirkulaere om ændring af cirkulaere om anbringelse af personer, der er idømt frihedsstraf eller forvaring og om overførsel af indsatte mellem kriminalforsorgens institutioner (Circular on Amendment of Circular on Commitment of Persons Sentenced to Imprisonment or Detention and on Transfer of Prisoners between the Institutions under the Prisons and Probation Administration). Cirkulaere nr. 97 af 24.6.1987.

Cirkulaere om oprettelse af uddannelsesplaner med henblik på undervisning og uddannelse under udstæelse af faengselsstraf m.v. (Circular on Schemes for Training and Education during Serving of the Sentences). Cirkulaere af 17.6.1987.

Beslutning om forbedret lægeetilsyn med berusede i detentionerne (Decision on better Medical Attention to drunken Persons in the Detentions). Beslutningsforslag nr. B 69 vedtaget 22.5.1987.

France

Act No. 87-432 of 22 June 1987 on the public prison service made it possible for the state to assign tasks relating to the design, construction and fitting out of prisons to public law or private bodies. Such tasks will be carried out under an agreement between the State and the body or bodies appointed. Selection will be on the basis of an invitation to tender and competition.

The Act also provides for the possibility of raising prisons to the status of national administrative public institutions under State supervision.

Circular AP.87.02.G1 of 15 January 1987 laid down the rules for the implementation of Acts Nos. 86-1019 and 86-1021 on combating crime and sentence enforcement.

Circular AP.87.03.G2 of 25 February 1987 relates to the prison community education service.

Circular AP of 6 August 1987 relates to children left in the custody of their imprisoned mother.

Greece

Act No. 1729 of 7 August 1987 reformed the Greek legislation on narcotic drugs

Article 1 provides for the setting up of (a) a Central Committee to combat the spread of narcotic drugs, and formulate, propose and co-ordinate national policy on narcotic drugs, and (b) a treatment centre for drug addicts.

Article 5 makes a series of activities punishable by a prison sentence of 10-20 years and a fine of 100,000 to 100,000,000 drachmas. These include:

- a. importing and exporting narcotic drugs;
- b. selling, buying or distributing narcotic drugs, or acting as an intermediary in respect of such activities;
- c. introducing drugs into military, police and penal establishments, institutions for young people, hospitals and other places of work and institutions; mixing drugs with food and drink;
- e. producing narcotic drugs or possessing equipment for that purpose;
- f. growing plants from which drugs are made;
- g. possessing or transporting drugs on Greek land, in Greek waters or in Greek airspace;
- h. sending or receiving parcels containing drugs.

Italy

Legislative decree No. 356 of 28 August 1987, converted into an Act (No. 436, 27 October 1987) on emergency measures concerning the staff of the prison administration service (published in Official Journal of 28 October 1987).

Netherlands

On 21 August 1987 regulations have come into force with regard as to voluntary urine controls of psychotropic substances.

These voluntary urine controls have two goals. In the first place they are intended to improve the sense of responsibility of inmates. Secondly, these urine controls can improve the quality of the daily regime of the prison establishments.

A draft regulation with regard to statutory urine controls has been sent for advice to the Central Advisory Council, and independent council of the Minister of Justice. The statutory urine controls will be based on a revision of Art. 29 of the Prison Regulations. This type of urine controls is intended to improve the general security of prisoners. Besides, the domestic rules of the prison establishments will be altered to provide for a careful use of this new instrument of control.

A draft revision of Art. 91, first paragraph of the Prison Regulations has also been sent for advice to the Central council of Advice. The restrictions on the privacy of letters are described in greater detail in the

revised first paragraph. This revision is necessary as a consequence of a revision of Art. 13, first paragraph of the Dutch Constitution.

Sweden

An amendment has been made to the Decree on Certain Regulations Concerning the Implementation of the Act on Calculation of Imprisonment Term. This has been made in order to even out the prison population throughout the year.

In brief the amendments make way for the possibility for the Prison and Probation Service to request sentenced persons with imprisonment terms of at most three months to present themselves on a certain day at a correctional institution during a period of six months from the date when the pronounced sentence is to be executed.

For the June edition of the Prison Information Bulletin we presented a *Government Bill on so called treatment on a contract basis. The Bill has in principle been acknowledged by the Swedish Parliament and the new regulations will come into force on January 1, 1988.*

United Kingdom

England and Wales

The Prison (Amendment) Rules 1987, the Detention Centre (Amendment) Rules 1987 and the Youth Custody (Amendment) Rules 1987 (SI 1987/1256, 1255 and 1257 respectively have increased from one-third to one-half of the term the remission which may be granted in relation to sentences for a term of 12 months or less.

Scotland

The Criminal Justice (Scotland) Act 1987. This Act received the Royal Assent in May this year and will be brought into effect in several stages during 1987 and 1988. One of the principal features of the Act is the provision for forfeiture of the proceeds of drug trafficking — an important part of the Government's campaign against drug misuse. The Act also deals with the investigation of serious and complex fraud.

Northern Ireland

The only legislation affecting prisons in Northern Ireland which has come into force within the last 6 months is the *Northern Ireland (Emergency Provisions) Act 1987*. Article 2 provides for 28-day remands by direction of a magistrate for a prisoner charged with a scheduled offence.

Bibliography

Titles of recently published books on specific aspects of penology which might be of use to all those concerned with prison affairs will be given in this section. In certain cases the titles are followed by a brief summary.

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Barre M.D., Tournier P.: Le travail d'intérêt général, analyse statistique des pratiques (Community service: statistical analysis of practice). Gazette du palais, 1987, 7-8, 3-8

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The Metropolit project, a longitudinal study of persons born in Stockholm in 1953 which has been in progress at Stockholm University since the 1960s, attracted a great deal of attention on the part of the daily papers and television for a time in February and March 1986. During that time, 133 articles about the project were published by the four Stockholm papers Dagens Nyheter, Svenska Dagbladet, Aftonbladet and Expressen, starting with Dagens Nyheter on

10 February, when news of the project first broke. Indignant Stockholm journalists, researchers, politicians and members of the general public aired their views concerning data registration and the autonomy of research. The debate was concerned more with the right of researchers to compile data registers than with the content of the research. The project findings were presented on only a few occasions, mostly as a background to the background to the question of data registration.

Metropolit and the media. A study of the coverage given to the project by the Stockholm press and by television analyses the news and debate articles, leaders and other material in the Stockholm papers, together with news and magazine programmes on television, in both quantitative and qualitative terms.

It was found that more than half of all newspapers articles concerning the Metropolit project had been published on news pages. Most of the statements published came from representatives of higher education establishments and the Data Inspectorate and from politicians. In the case of the politicians, the Social Democrats were most in favour of the project being allowed to continue, while the three non-Socialist parties referred mainly to the importance of people affected by surveys being made aware of them.

More than 40 per cent of the total number of articles appeared during the first week of the debate. And during the same week, the news of the Metropolit project occasioned comment on the editorial pages of all Stockholm papers, with sceptical remarks concerning a statement in *Dagens Nyheter* by Professor Carl-Gunnar Janson.

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Major crimes and crime waves naturally attract the attention of both the general public and politicians, but there is also another kind of crime journalism, viz day-to-day crime coverage, which generates the image of everyday criminal activity. This press image is important, because indirectly it helps to define the normal or prevailing crime situation in the country — a kind of background relief to the more sensational news items.

"The Press Image of Crime" is the final report from a survey based on material published in eight Swedish daily papers between August 1984 and July 1985. The newspapers in question are Skånska Dagbladet, Arbetet, Nya Wermlands-Tidningen, Västerbottens Folkblad, *Dagens Nyheter*, Svenska Dagbladet, Expressen and Aftonbladet. This material includes only a few articles of sensational crime coverage. If anything, it is day-to-day crime coverage that predominates.

The report is divided into three sections. The first of these deals with the informative dimension of press coverage in quantitative terms and charts what is written in the different papers, i.e. the categories of crime included, the types of fact presented and the amount written. One finds, for example, that crime articles do not bulk large in news coverage and that most of them are very short. They are dominated by reports of criminal incidents or suspected incidents and police intervention. Only twelve per cent of the articles deal with crimes which have been solved.

The second part of the report analyses how newspapers write about crime, i.e. narrative style and structure, narrative dynamics and what is termed the thematic fields of crime. This analysis leads to the conclusion that crime journalism of this kind does not make very useful public information. Nor does it really offer exciting or substantial reading.

In the concluding section of the report, the findings are discussed in a wider perspective, especially with reference to the reader's own reality and to crime journalism as a social phenomenon. The emphasis here is on practical organisational factors shaping the actions of the press, and also on the interaction of press and public. All discussions on the subject of change must be based on these conditions and not only on journalists' viewpoints.

Criminal developments in 1987. Research Division. National Council of Crime Prevention. 1987: 5 (Available in Swedish only). Obtainable from booksellers or from Allmänna Förlaget, Kundtjänst, S-106 67 Stockholm.

More than a million crimes — 1,095,000 to be exact — were reported in 1986: These included 960,000 offences against the Penal Code and 135,000 coming under special penal law (e.g. traffic and drug offences). The Penal Code offences showed a heavy predominance of crimes against property (about 90%). A very large proportion of these criminal activities involved vehicles of various kinds. 55,000 cars and 92,000 bicycles were stolen, 152,000 thefts were committed from motor vehicles and there were 52,000 cases of damage to motor vehicles. Altogether this makes about one-third of offences coming under the Penal Code. Burglary offences (152,000) are another large category.

Crimes against the person (69,000), on the other hand, are a small category in percentage terms, viz 7%. Minor offences predominate here. Most of the offences coming under special penal law are infringements of the Traffic Offences Act (67,000) or the Drug Offences Act (38,000).

Number of crimes increasing

The structure of crimes reported to the police has not changed appreciably over time, but there has been an increase in the number of crimes. The number of crimes reported to the police has more than quintupled since 1950, rising from 195,000 to over a million. Even allowing for demographic development, the crime rate today is of more than four times that prevailing 36 years ago.

The number of crimes in 1986 was 77,000 or 7% up on the figure for the preceding year. Larceny offences account for the main increase, especially car thefts and thefts from motor vehicles.

The number of offences reported against special penal law increased by 11,000. The total for 1986 was 135,000 an increase of 9% compared with the preceding year. Developments with regard to special penal law hinge above all on the development of traffic and drug offences. Changes in these offences — especially in the shorter term — are to a great extent connected with the way in which the authorities deploy their resources. This is due to their being what are termed crimes of investigation and intervention. In other words, these crimes are revealed by the deployment of official resources, e.g. in the form of a road check. If the authorities devote more interest to these offences, then, in the short term, more crimes will be discovered and reported.

Most offences coming under the Penal Code are reported by the victims, and so these figures are less susceptible to changes of official policy. Disposition to report crimes is influenced above all by two factors: the degree of damage or injury, and the social distance between victim and culprit. Thus crimes of violence and crimes against property are more likely to be reported if they entail considerable injury or damage respectively. Insurance coverage is another important factor where crimes against property are concerned.

Social distance is an important consideration where crimes of violence are concerned. Many of these crimes involve people who, one way or another, are related to each other. If they are closely related, this reduces the likelihood of a report being made. As a result, many of the minor crimes of violence occurring, for example, in pair relations, are not reported to the police.

There is nothing to suggest that a rise in the number of crimes reported to the police can be generally attributed to a growing disposition to lay complaints. Where crimes of assault are concerned, however, the disposition to lay a complaint has probably increased somewhat. If so, the growth of violent crime has not been quite as heavy as the statistics indicate. The development of sexual offences reported to the police may also have been influenced by changes in the disposition to lay complaints.

Clear-up rates

364,000 of the one million crimes reported in 86 were cleared up. The clear-up rate varies a great deal from one type of crime to another. "Crimes of investigation and intervention" have the highest clear-up rates, the reason being that crime and criminal are often revealed simultaneously, e.g. when a drunken-driver is stopped in a road check. Crimes often involving a relationship between culprit and victim — e.g. crimes of violence — have a high clear-up rate because the victim is often able to identify the culprit. Most crimes of larceny, on the other hand, are not cleared up, there being as a rule no contact involved here between culprit and victim.

There were about 92,000 suspects behind the 364,000 cleared-up crimes. The level of criminal activity, however, is very uneven with a small group of highly active criminals accounting for a disproportionately large share of both solved and unsolved crimes.

Sentencing

Most of the 66,000 or so persons prosecuted and convicted were fined. This applied to 30,000 convicted offenders. Fines, imposed either by a court or in the form of spot fines by police officers or as penal injunctions issued by a prosecutor are by far the commonest reaction to crime.

Suspended sentences were handed down in 10,500 cases, and 6,000 persons were put on probation. Another 14,500 persons were sentenced to imprisonment, almost one in every three of them being a drunken-driver.

One of the express aims of criminal policy in Sweden has been to reduce the use of prison sentences, but during 1986 there was a certain increase in the number of persons sentenced to imprisonment.

Criminal developments in 1987

describes and analyses developments in the following categories of crime :

- Crimes of violence
- Sexual offences
- Robberies
- Burglaries
- Vehicle thefts and thefts from motor vehicles
- Shoplifting
- Fraud
- Wanton damage
- Drug offences
- Drunken-driving offences.

An account is also given of clear-up rates and criminal proceedings in offences of these kinds.

The report ends with a number of separate articles dealing with various topical subjects :

- Econometric analysis of crime in Sweden
- Crime and insurance
- Restrictions concerning arrest, detention and committal
- Analysis of criminal trends and attempted forecasts
- Violent crime in Scotland and Sweden.

Switzerland

Prisons, droit pénal : le tournant ? (Prisons, criminal law : the turning point ?). Texts collected and edited by Martial Gottraux and Marianne Bornicchi. Edition d'en bas, Lausanne, 1987.

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News in brief

Belgium

To alleviate overcrowding in prisons, measures were taken in March and May 1987 to speed up provisional releases pending a pardon. These measures concerned prisoners serving short sentences (one year or less) who had not more than three months left to serve.

Portugal

The University Department of Psychiatry and Mental Health of the Lisbon Medical Science Faculty and the Directorate General of Prison Administration have signed a co-operation agreement covering three fields: scientific research, the training of prison staff and the setting up of a Clinic of Psychiatry and Mental Health.

Sweden

A Parliamentary Committee on Social Services has presented a report named "The Misuser, Social Services and Coercion". The committee presents two proposals for a review of the current legislation on coercive treatment of adult drug misusers, the Act on Treatment of Drug Misusers.

The Committee presents an overview of the living conditions of misusers of hard drugs and how these conditions have changed during the last decades. The present situation and the development of the treatment of drug misusers are also described and a number of deliberations and proposals aiming at strengthening in the first place, the efforts and measures directed towards the adult drug misusers on the part of the social service authorities are presented in the report.

HIV/AIDS Work within the Swedish Prison Service

Since many of the clients of the Prison and Probation Service are drug addicts a strategy for the prevention of the contamination of HIV/AIDS has been worked out. The purpose of this strategy can be described as follows:

- To reach all addicts with information on HIV/AIDS.
- To offer — and to motivate the inmates for HIV/AIDS tests.
- To motivate the inmates for treatment through an active motivation work. To initiate, develop and transmit different kinds of treatment.

The projects are in the first place directed towards intravenous drug misusers, who through their misuse behaviour run a great risk of contamination. The work of the staff must be continuous and undertaken in cooperation with authorities outside the correctional system like for example social service authorities, health care authorities, etc.

Initially the Prison and Probation Service received a number of posts for "motivating staff" at the remand prisons in the biggest cities, Stockholm, Gothenburg and Malmö. This work has been followed up by specially directed motivation efforts at local correctional institutions in the city areas including a number of national correctional institutions with exceptionally numerous drug addicted clients.

To provide for continuity in the motivation work the probation organisation has received additional 24 staff. These persons shall assist in developing forms of cooperation with the local social services in the way that inmates and probation clients are assured to be included in the rehabilitation of drug misusers and to make this work successful.

Most drug misusers within the prison service agree to be tested. During the period January 1, 1986 to July 1, 1987 about 12,500 HIV tests were made. Of these tests 62 proved to be previously unknown as positive for HIV/AIDS.

United Kingdom

Fresh start: new working arrangement for prison staff in England and Wales

Fundamental changes in working arrangements, organisation and pay systems for prison officers are being introduced this year in prison establishments in England and Wales. The purpose is to resolve long-standing problems of excessive overtime working by prison officers, and rigid and inflexible working and management systems.

The package is in three main, inter-related parts. The first is the introduction of group working arrangements and new shift systems for prison officers which match operational needs more closely. The aim is to provide prison management with flexible systems to enable it to meet the special needs of each establishment, to respond quickly to changing circumstances and to pursue improvements in regime standards. The new arrangements will also provide a more satisfying role for prison officers by allocating them to working groups which specialise in a particular range of activities.

The second part is intended to ensure that changed working arrangements are matched by a top management structure within prisons in which lines of accountability for the main functions are clearly defined. It includes the establishment of proper reporting relationships and, more fundamentally, the unification of the uniform grades and the Governor grades within a unified grading structure. This will facilitate career progression and, it is hoped, improve the motivation of staff.

The third element concerns pay. The proposals are intended to eliminate the concept of overtime, which in the past has distorted the management task and impinged on the home life of staff. The proposals provide for a fixed 39 hour working week with, initially, the option to contract to work in additional 9 hours. The intention is to phase out the additional hours gradually, in successive years.

Extensive negotiations took place over several months between Prison Service management and the trade unions about the details of the proposals. The package won the support of the Prison Service and a rolling programme of implementation is now underway.

Fresh Start structures and pay rates are being implemented in all establishments in England and Wales on a gradual basis. Implementation should be completed early in 1988.

Scotland

The planned re-arrangement of penal accommodation mentioned in the last bulletin has now been carried out successfully as a result of which overcrowding within the prison has been very substantially reduced.

In 3 prisons there have recently been instances of officers being held hostage by inmates. In all 3 cases, the situation was resolved satisfactorily.

List of directors of prison administrations of the member states of the Council of Europe

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