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Prison Information Bulletin



CONTENTS

	Page
<i>Prison suicides in the Grand Duchy of Luxembourg . .</i>	3
The concept of treatment in the European prison rules	8
 News from the member States	
Statistics concerning prison populations in the member States of the Council of Europe	18
Laws, bills, regulations	21
Bibliography	23
News in brief	28
List of Directors of Prison Administrations of the member States of the Council of Europe	29

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Prison suicides in the Grand Duchy of Luxembourg

Introduction

In 1982, I published a study in the Grand Duchy of Luxembourg entitled "Suicides in our ("4 star") prisons."

I introduced this study with the following quotation:

"It is dangerous not to make the distinction between what one knows and what one does not know, and never to wonder about the latter; hence it is dangerous to assume that the statistics on suicidal acts tell us everything".

This observation by Mr Taleghani ("General report of the seminar organised in December 1972 by the Ministry of Health, on the prevention of suicide in France") which relates to suicides in the outside world, is true *a fortiori* of those committed in prison.

In France, studies on prison suicides are relatively recent.

— In 1965, Drs. G. Fully, P.E. Hivert and S. Schaub published in "Annales de Médecine Légale", Vol. XLV, No. 1, a study on 183 cases of suicide recorded in a prison environment between 1955 and 1964.

— In 1975, J. Favard, Judge attached to the Chancery, published a historical study on suicides in prison recorded since 1852, and on attempted suicides since 1955. This document was updated in 1977.

— Also in 1975, J.C. Chesnais, a researcher at the National Institute of Demographic Studies, brought out a comparative study on suicide inside and outside prison.

— Finally, in 1979, Pierre Tournier, a demographic expert, and Philippe Chemithe, a judge, published a study entitled "Contribution à l'étude des conduites suicidaires en milieu carcéral: 1975-1978" ("A contribution to the study of suicidal behaviour in prison: 1975-78").

In Luxembourg, there exists to my knowledge no study on the problem in question. Some statistical data on the number of suicides committed in prison over the last few years may, however, be found in certain Ministry of Justice reports. Reference was also made by Paul Cerf in his book: "De l'épuration au Grand-Duché de Luxembourg après la seconde guerre mondiale" ("The treatment of collaborators in the Grand Duchy of Luxembourg after the Second World War") to the "suicides" of collaborators (1945-51).

The present study is based essentially on the statistics and documents from the Luxembourg prison archives. It should, however, be pointed out that no documents could be traced for the period before 1940.

The almost total absence of information on the personalities of these suicides makes it impossible to look for any deep significance in their suicidal behaviour.

For the methodology of this study I have drawn largely on the above-mentioned study carried out in France by Pierre Tournier and Philippe Chemithe.

I am very honoured to be afforded this opportunity in 1987 to make a modest contribution to the Council of Europe's "Prison Information Bulletin" in the form of an (updated) summary of my aforementioned study.

I feel this honour all the more keenly in that I was one of the first members elected to the "Committee for Co-operation in Prison Affairs" (CCP).

I. The Statistics

This modest contribution examines 47 cases of suicide by prisoners since 1900.

No data on suicides in prison exist for the period before that date.

The available information for the years 1900 to 1944 is very sketchy.

Since 1945, on the other hand, every case of suicide has been the subject of a more or less detailed report from the head of the establishment to his superiors.

It must however be pointed out that the information drawn from the archives of prison establishments is clearly insufficient for a complete sociological study of the statistics.

The statistics set out below fall into two periods:

- A. 1900 to 1944
- B. 1945 to 1987

A. 1900 to 1944

For the period from 1900 to 1944 there were 23 cases of suicide in prison establishments in the Grand Duchy of Luxembourg (men's and women's prisons).

Four of these occurred during the Second World War under the occupation of Luxembourg by the Nazis.

The available data are amenable to analysis only according to the following categories:

- by sex,
- by age,
- by method.

B. 1945 to 1987

Between 1945 and 1987, 24 suicides were officially recorded in our prisons. Seven of the victims were charged with undermining the external security of the State (collaboration with the Nazi occupying power).

As pointed out above, the available information for this period is more detailed and enables statistics to be drawn up under the following headings:

- by sex,
- by age,
- by method,
- by category of imprisonment (awaiting trial or convicted),
- by age and prison category,
- by length of time spent in prison at time of suicide,
- by type of establishment.

II. Commentaries

A. Trends in prison suicide since 1900

Since 1900 there have been a total 47 suicides altogether in our prisons (see Tables A.a and B.a).

Apart from the years 1924 to 1930, during which our prisons saw a relatively high number of suicides (8), probably due to the country's economic situation, one is struck by the number of suicides which took place from 1945 to 1969 (20 out of 45).

What can be the explanation for this?

To answer this question a distinction should be made between two periods:

- 1945 to 1951.
- 1952 to 1969.

a. 1945 to 1951

During this period seven persons charged with undermining the external security of the State committed suicide in mens' prison.

In his excellent work on "The treatment of collaboration in the Grand Duchy of Luxembourg after the Second World War", published in 1980, Paul Cerf informs us that:

"Of the 9 suicides officially recorded as such, six took place before July 1945. One suicide took place in a work camp, and one prisoner committed suicide at home, after having succeeded in escaping from a work camp the same day."

These last two cases are not discussed in this study which relates only to suicides in prison. On the other hand, mention should be made of one case of "suicide" during this post-war period which Mr Cerf describes as follows (op. cit): "One death was officially recorded as suicide by drowning. This was a death in suspicious circumstances which merits closer examination."

On 22 April 1945, a number of prisoners who had been taken into prison the previous day were beaten up; one of these was X who had been "Ortsgruppenleiter" of Eischen. He was so badly beaten that he was unable to stand or hold a spoon to eat his soup. X and his fellow-prisoners were shut up in the prison workshop where there was a basin filled with water used for soaking the rushes which the prisoners used for repairing chairs. The prisoners spent the night there. The next morning X was found drowned in the basin. The State Prosecutor concluded "It is certain that X, his spirit broken by the treatment inflicted upon him by the warders, took his own life in a fit of despair."

According to the author, all the suicides were made the subject of an inquiry by the Criminal Investigation Department:

"... the judicial authorities *did everything* to ensure that proper procedures were followed" (op. cit. p 190).

I do not entirely share this view. It is true that, from the end of 1950, serious investigations were ordered and carried out.

A.a): Overall table

Number	Age	Date of suicide	Method of suicide
1	36	09.09.1903	hanging
2	30	23.11.1905	hanging
3	30	23.08.1908	hanging
4	20	10.08.1914	hanging
5	22	21.10.1914	hanging
6	49	11.06.1915	hanging
7	28	15.03.1919	hanging
8	45	14.09.1924	hanging
9	30	12.08.1925	hanging
10	20	23.08.1925	shooting
11	31	25.01.1926	hanging
12	43	05.07.1927	hanging
13	42	20.06.1928	hanging
14	51	19.01.1929	hanging
15	30	11.09.1930	hanging
16	32	08.11.1932	hanging
17	29	16.04.1933	hanging
18	42	02.10.1937	strangulation
19	25	09.10.1938	hanging
20	45	27.05.1941	hanging
21	38	18.02.1942	hanging
22	42	03.03.1942	hanging
23	37	24.05.1942	hanging

A.b): Detailed tables

A.b.1): By sex	
Men	Women
22	1
A.b.2): By age	
Age	Number
20 - 25	4
26 - 30	6
31 - 35	2
36 - 40	3
41 - 45	6
46 - 50	1
51	1
A.b.3): Method	
Hanging :	21
Strangulation :	1
Shooting :	1

B.a): Overall table

Number	Age	Date of suicide	Method of suicide
1	49	27.03.1945	hanging
2	48	22.04.1945	drowning
3	41	21.06.1945	hanging
4	25	06.07.1945	hanging
5	40	01.07.1946	hanging
6	43	14.07.1948	hanging
7	47	25.03.1951	strangulation
8	59	18.06.1951	hanging
9	51	23.08.1951	hanging
10	64	12.05.1953	hanging
11	28	16.09.1957	hanging
12	34	18.11.1957	poisoning
13	47	27.03.1958	hanging
14	52	15.11.1959	jumping from a height
15	64	03.12.1959	hanging
16	35	17.02.1966	hanging
17	27	03.09.1967	hanging
18	38	13.05.1968	hanging
19	54	24.02.1969	hanging
20	41	23.05.1969	hunger strike
21	36	07.10.1978	hanging
22	38	01.12.1979	poisoning
23	55	13.12.1983	hanging
24	61	27.04.1986	hanging

B.b.3): Method of suicide

Hanging :	19
Poisoning :	2
Jumping from a height :	1
Drowning (submersion) :	1
Hunger strike :	1

B.b.4): Category of imprisonment

Awaiting trial	Convicted
18	6

B.b.5): Age and prison category

Under 40	Over 40
Awaiting trial : 4	15
Convicted : 4	1

B.b): Detailed tables

B.b.1): By sex

Men	Women
24	0

B.b.2): By age

Age	Number
20 - 25	1
26 - 30	2
31 - 35	2
36 - 40	4
41 - 45	3
46 - 50	4
51 - 55	4
56 - 60	1
61 - 65	3

B.b.6): Time of suicide

Awaiting trial	Convicted
1st day : 3	1st month : 1
2nd day : 5	7th month : 2
5th day : 1	3rd year : 1
7th day : 1	8th year : 1
14th day : 1	10th year : 1
15th day : 1	
3th month : 3	
9th month : 1	
11th month : 1	
44th month : 1	

B.b.7) Type of establishment

Mens' prison (Luxembourg)	23
Womens' prison (Luxembourg)	0
Givenich CPA	0
Diekirch detention centre	1

Then, however, it was far too late.

Some cases of "suicide" have never yet been cleared up. As for the "real" suicides, these were people who in peacetime would probably never have seen the inside of a prison. The reason for their suicide is thus obvious.

b. 1952 to 1969

For this period the question arises of the *possible correlation existing between prison overcrowding and the number of suicidal acts*.

In his book "Le suicide" (Paris, Calmann-Lévy, 1975), J. Baechler expresses the following opinion:

"The *overpopulation* of prisons and an *insufficient number of staff* will normally lead to diminished supervision and an increase in the number of suicidal acts. I consider that the increase which has been recorded over the last few years in France is due to this factor as well as to the detention on a large scale of young drug addicts who are, by definition, inclined to suicide in the nature of things". This may be true for France.

For Luxembourg, I do not consider that it is the case, for the following reasons:

— In my opinion *understaffing*, taken as a factor directly related to the problem of *supervision*, has probably nothing to do with prison suicides. (Except in very rare cases. And even then, is it not true that those intent on committing suicide usually succeed, eg Herman Goering, even in spite of the best supervision available at the time?)

— As for the factor of prison *overpopulation*, I do not consider that too much importance should be attached to it in this connection.

It should be pointed out in this connection that the average prison population in Luxembourg was as follows in the following years:

1960 -	210
1966 -	240
1973 -	156
1974 -	142
1977 -	150
1983 -	270
1987 -	350

It is true that there were no suicides in our prisons between 1970 and 1977.

However, I do not consider that this is due *exclusively* to the fact that our prison establishments were *not overcrowded*.

— On the other hand, I consider that there is a clear *correlation between the fall in prison suicides and what has been called the "open prison policy" ("l'ouverture des prisons")*.

As soon as the prison population is granted (within certain limits) more rights, more understanding, more information and visits, more contact with the outside (e.g. prison leave) — in short, more hope — suicides will disappear or at least become less frequent.

By way of example, in the Grand Duchy of Luxembourg, after prison policy was changed at the end of 1977 — following a press campaign which deliberately misinterpreted the idea of a policy on criminals as a cheap political gimmick — another *four* cases of suicide were recorded.

Are things any different in France, I wonder?

B. *Method of suicide*

In France, between 1975 and 1978, 87% of prison suicides were committed by hanging.

In Luxembourg, between 1900 and 1987, out of 47 prisoners who committed suicide, 40 used the method of hanging.

This is explained by the extremely limited choice of means available to prisoners.

According to G. Fully, P.E. Hivert and S. Schaub ("Suicides in Prison. A study of '183 cases recorded in France since 1955". *Annales de Médecine Légale* 1965, 45, 108-115):

"Every imaginable item has been used as a "rope": sheets, towels, rags, scarves, shirts, laces and string. All possible support points in the cell have been used. The "rope" is often attached to gratings, particularly in cells where there is a double grating for security, to bookshelves, to central heating pipes, to bed frames. Beds are sometimes used to devise very complicated hanging systems".

These observations made in France also apply to Luxembourg.

It follows from the above that suicides carried out by any other method are rare. In Luxembourg since 1900 there have been two suicides by *poisoning*, one by jumping from a height (in France the latter means still represented 10% of the cases between 1955 and 1964).

There has also been one case of suicide by *shooting* (this was also the only case of a suicide by a minor), one by *strangulation*, one by drowning (?) and finally one by *hunger strike*.

C. *Imprisonment*

Between 1945 and 1987, 18 suicides were committed by persons awaiting trial and six by convicted prisoners.

In France, between 1975 and 1978, 65% of suicides were persons awaiting trial, whereas this category represented on average only 44% of the prison population over the same period.

From these statistics it is possible to conclude that *suicide* is more frequent among persons awaiting trial than among *convicted prisoners*.

This is not particularly surprising.

Persons in detention awaiting trial, particularly first offenders — suffering both the psychological shock of imprisonment and the anxiety of awaiting a court decision — are too often inclined to put an end (in my opinion prematurely) to a life which has treated them badly.

Conclusions

For nine years I was officially responsible both for the enforcement of penalties and for the management of prison establishments in the Grand Duchy of Luxembourg, and had the great good fortune never to have been faced with a prison suicide.

What administrator worthy of the post would find it easy to live with such a tragedy.

To be perfectly frank, I have always preferred escapes to suicides provided that they do not present a real danger to society.

However it is no easy matter to prevent all acts of suicide in prison.

For the Grand Duchy of Luxembourg, assuming that the phenomenon of people being "induced" to commit suicide is a thing of the past, the problem which remains to be resolved is *how to reduce the number of these acts of self-destruction?*

Experience has shown that the phenomenon of suicide in prisons is most often the result of a *choice of prison policy*: namely that *security at any price*, at the expense of the condition of the human beings involved, in other words, the "total prison" or "prison within prison" policy, which results in a system of high security accommodation where the cells are nothing other than "cages fit for manufacturing wild beasts or desperate men".

The alternative to this is an "*open prison*" policy which, though it entails risks of more frequent escapes, also leads to a clear decrease in prison suicides.

In other words, an effort must be made to overcome both the despair and the isolation of persons with suicidal tendencies by increasing assistance and simple human contact. By this means, it is most often possible to avoid the last straw being added which breaks the camel's back.

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Ancien membre
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The concept of treatment in the European prison rules

1. Introduction

We all agree, I think, that imprisonment has always fallen and will always fall short of expectations.

As a means of revenge and retribution it fails; as a deterrent it is ineffective; as a way of protecting society it has proven to be unsuccessful; as a means of converting people it fails; as a therapy it fails; as an instrument of social rehabilitation and resocialisation it shows only poor results.

Imprisonment not only failed, it even produced negative results.

One may ask: why? Why is imprisonment so ineffective? We may further ask: Why do we go on imposing prison sentences?

The latter question is a tempting one, but not of our concern now. The stereotype answer is that we have no suitable alternatives and that the public want it. Of course, the suitability of alternative sanctions and what the public want are connected and, in my view, interdependent matters. Moreover, I do not believe that the public does want what it is always said to want. Public opinion polls in several countries have shown that the public is no fool; it gives nuanced, sensible answers to reasonable and nuanced questions. And as far as it does not know how to distinguish and differentiate it is the authorities' fault, i.e. our own fault; we did not inform them. In that respect, I should like to recommend the study of the Council of Europe's report on communication with the public and the media (*).

For the moment, I come back to the question: why was and is imprisonment ineffective? I think there are three main reasons: we expected *too much*, we wanted to achieve *too many* diverging goals and we wanted to do so with *too little* money.

I will explain these three reasons in a more detailed way. I will look at them from the more general background of the European Prison Rules (EPR) and the Standard Minimum Rules (SMR) for the treatment of prisoners. The revision of the SMR especially indicates the growing awareness of that question and how to change that unsatisfying, even unacceptable situation.

2. Standard Minimum Rules and European Prison Rules: Agents of change

I mentioned the ineffectiveness of imprisonment and its adverse effects on prisoners. The latter, perhaps more than ineffectiveness, was the reason why the SMR for the treatment of prisoners were developed. In the report accompanying the new EPR which I trust you have read, attention is given to the fact that in 1929 the first initiative was already taken to draft international standard minimum rules. The League of Nations accepted the rules in 1934, and in 1955 they were adopted by the United Nations. The Council of Europe revised them, twice, in order to adapt them to more specific European aspirations,

while maintaining the basic principles and aims. The first revision was in 1973, the second at the beginning of 1987. Their title was then changed into "European Prison Rules". These rules are now in force alongside the Standard Minimum Rules of the United Nations. 'In force' does not mean that they are legally binding. Both regulations are of a moral character. The states which have agreed to them, are asked to follow them and to incorporate them into their national laws.

Certainly in Europe these rules, although being no more than recommendations, have had a wide influence. Co-operation within the framework of the Council of Europe is inspired by the basic ideas of these rules, and from that a consensus about prison policy and practice has grown.

Now, if we want to know which concept of treatment is specific to the European Prison rules, I think we should look at the two reviews made by the Council of Europe. Why were they necessary; what did they contain?

The first review of 1973 resulted in the addition of eight new rules and is best characterised by the then new rule 3, introducing human dignity as a basic principle.

The other new rules can be seen as specifying that rule. They concern the way of dealing with prisoners, the co-operation between staff and prisoners and the independent inspection of prisons. What comes to the fore in particular is that prisoners should be listened to and their agreement or willingness should be sought in connection with decisions. This means that the review stressed that the prisoner should no longer be seen as an object of treatment but as a responsible subject.

At the basis of this review surely lay the notion that first, if prisons do have negative effects and if we cannot ensure that treatment has positive effects, then it is all the more necessary to take decisions not only about prisoners but with them, and secondly, that treatment in whatever form has never proved to be effective if those to be treated do not co-operate.

The second review again introduced 17 new or partly new rules, in addition rewording and changing other existing rules (**).

Moreover, the presentation of the EPR has been changed in such a way as to concentrate attention on staff and on treatment objectives and regimes. Part IV dealing with these treatment objectives and regimes

(*) Council of Europe, Legal Affairs: Participation of the public in crime policy, Strasbourg, 1984.

(**) Council of Europe, Legal Affairs: European Prison Rules, Recommendation No. R (87) 3 adopted by the Committee of Ministers of the Council of Europe on 12 February 1987 and Explanatory Memorandum, Strasbourg 1987. References made in the text of this paper are indicated by the number of the page, between brackets.

contains nine out of a total of 17 new rules. Part III, concerning personnel, has been enlarged by four new rules. A study of these new rules reveals in particular that they endeavour to operationalise the idealistic goals of treatment, to make them more realistic and further to define the structural, organisational and personnel instruments and the treatment or regime activities needed.

The two reviews complement each other. They explain, as it were: If you go on using imprisonment, you have at least to try hard to make it as harmless and as positive as possible for the prisoners. Therefore: listen to them, take account of their opinions, make them co-operate and assume responsibilities; on the other hand, do not be over-ambitious as to what can be achieved or what can be promised, but offer prisoners consequently realistic and attainable opportunities, chances, activities and help which meet their needs and stimulate their interests.

This, I think, is the concept of treatment of the EPR: No too abstract and too idealistic goals, but attainable objectives, systematically and consistently framed and applied to the prison organisation and the prison community, objectives, methods and means becoming well adapted to one another.

3. Why does prison fail?

I would now like to come back to the three reasons for the ineffectiveness of imprisonment I mentioned and deal with them more specifically, with reference to the EPR.

3.1. *Too much*

The first reason I mentioned was: we wanted to achieve too much. By 'too much' I mean that our aims were too abstract and not adapted to reality, to what can possibly be achieved in prison.

Let us look at the Standard Minimum Rules before their revision: Rule 59 of the SMR was called a guiding principle. It shares: "The purpose and justification of a sentence of imprisonment or a similar measure depriving a person of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life". This is clearly what we now call the treatment ideology. The revised rules define the aim of treatment differently: Rule 59 and two other rules are combined and replaced by one new rule, Rule number 3, which reads: "The purposes of the treatment of persons in custody shall be such as to sustain their health and self-respect and, so 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 the best chance of leading law-abiding and self-supporting lives after their release". As is said in the explanatory memorandum (page 30), "a major change in the approach to treatment has been the move away from regimes aimed specifically at influencing the attitudes and behaviour of prisoners to models based on encouraging the development of

social skills and personal resources that will improve the prospect for successful re-socialisation". So the new EPR made a more realistic step down as far as aspirations are concerned: from trying to change people to offering them chances to change themselves in their situation. Moreover, treatment has now lost its medical, therapeutic meaning and is defined in conformity with the Council of Europe's report on the custody and treatment of dangerous prisoners (*) as the indication in the broadest sense (of) all these measures (work, social training, vocational training, physical education and preparation for release etc.) employed to maintain or recover the physical and psychiatric health of prisoners, their social reintegration and the general conditions of their imprisonment.

3.2. *Too many*

The second reason why imprisonment was ineffective was: we wanted to achieve too many divergent goals. I refer to three main goals, namely the goal of custody, the goal of treatment and the goal of the institution or establishment.

Explaining these goals in rather general terms we could say: the goal of custody is discipline, order and security; the goal of treatment is rehabilitation, or at least preparing prisoners for their return into society without too much prison damage; the goal of the institution itself is a smoothly functioning organisation and a satisfied staff.

I think nobody will deny that these three goals play and have to play a role in daily prison life; nor will anyone doubt, I think, that these goals and their consequent interests are not always congruent, but often conflicting. If this is so, then of course we cannot logically achieve each of these goals completely. We may even say, that if we do not clearly and operationally define what we mean by each of these goals and if we do not reduce their mutual contrasts as much as possible, then the effects of whatever we do in prison will become poorer and poorer. It may then, for instance, depend on individual staff members whether in a given situation security or treatment will prevail, or conversely in another situation, treatment or security: it depends on the working conditions of staff whether a prison is secure and the treatment is taken seriously.

Unless a balanced policy is developed and practiced, these three goals will have as a result opportunist vagueness and evasiveness; they will lead to inconsistent practice and tension and from that to lack of credibility, lack of motivation and lack of co-operation on the part of both prisoners and staff.

It has therefore been a major improvement that the new EPR stress not only that the aim of treatment should be more realistic, as I pointed out already, but also that the different goals should be balanced. To illustrate this, I may refer to Rule 27 (1) of the old SMR. It is said there: "Discipline and order shall be

(*) Council of Europe, Legal Affairs: Custody and treatment of dangerous prisoners, Recommendation No. R (82) 17 adopted by the Committee of Ministers of the Council of Europe on 24 September 1982 and Explanatory Memorandum, Strasbourg, 1983.

maintained in the interest of safe custody and well-ordered community life". In the new EPR this rule has been changed to read: "Discipline and order shall be maintained in the interests of safe custody, ordered community life and the treatment objectives of the institution" (Rule 33). The plural ('interests') indicates that safe custody and a well ordered community life are no longer thought to be the same (as if order were only a condition of safety), but that they have their own values and that there is a third value, namely treatment.

This is emphasised in the explanatory memorandum (page 47) where it is said that order and discipline are not only necessary for security reasons, but for treatment reasons and for reasons of management and functioning of staff as well. It concludes: "The new rules thus comprehend disciplinary routines and procedures, not as wholly punitive or constraining in a negative sense, but as having positive aspects in purpose and application". By stressing this it is in fact indicated that one should try to bring the three main goals of imprisonment to as large a degree of concordance or compatibility as possible.

3.3. *Too little*

The third reason I mentioned why imprisonment was not effective was the prison budget. It is, of course, understandable that one wishes public money to be spent for more positive objectives than for those who have to be punished. I again wish to stress here the important task of informing the public and making it interested. There is, however, more to be said. I will touch on only two points which have to do with the budget's limits.

I think that apart from political reasons which keep the prison budget low, mostly too low, the fact that no norms for the work in prison exist is of high importance.

About 70% to 80% of the running costs of prisons are the staff's wages. Since traditionally the staff was expected to keep prisoners in, the number of staff was defined to a large degree by the particularities of the building and its surveyability.

If the staff's main function is nowadays working with prisoners and not primarily supervising them, then their number should be defined by these working needs. The number of staff should be defined per group of prisoners during working hours, at education, recreational group etc., the number of staff and of prisoner's groups per manager and per establishment. In doing so, there will be a correlation between the treatment, the activities in prison and the institutional need of staff, which means that we are beginning to create a balance between the treatment goal and the institutional goal. The same goes for trying to find a balance with the custody goal.

My second remark on the prison's budget concerns its upper limits. A prison is a very expensive institution, but it is not realistic to think of it as an institution requiring unlimited improvements. Norms will contribute to estimating the costs of (politically) subscribed and desired aims. They confront decision-makers with the implications of goals.

However, the translation of treatment and custody goals and activities into staff numbers is not an addition sum. It is more like a multiplication. A staff structure must be as efficient as possible, which means that one should use staff as completely as possible. More specialists — although they are needed — means higher expenses. The more generalists, the more efficient and, what is more, the more integrated all work in prison is, the more balanced the three goals of custody, treatment and institution are, and the more interesting and satisfying work in prison is. For instance, to employ security guards in addition to other prison guards is not efficient; moreover, it is not effective, for each strive after achieving their specific goal, i.e. security as treatment, which may increase the conflict between the two goals instead of reducing it. This implies, however, that all staff should be of high professional quality, well-recruited and well-trained. I will not dwell much longer on these structural and organisational matters. What I would like to stress is that a prison organisation where one group of staff is supposed to serve the custody goals and another group to deal with treatment is more expensive than a prison where the staff is functioning in an integrated way, i.e. directed as a whole to the prison's objectives. Not only is such an organisation more efficient, but it is also more effective as everybody contributes his share to the common goal which is much more appealing and inspiring than different groups of staff striving to achieve different goals.

Therefore, if one really wants to achieve the aims put forward by the unanimously supported EPR, one should study the most adequate organisational methods, both for efficiency and effectiveness reasons.

3.4. *Change of quality*

In the old cellular guarding system rehabilitative objectives played a secondary and subordinate role. Therefore a simple hierarchical organisation sufficed, as well as staff who were only concerned with enforcing the rules of order and security. Mintzberg called this kind of organisation the 'Machine Bureaucracy', of which he said: "The machine bureaucracy is a structure with an obsession, namely control".(*)

Changing our objectives means changing the quality of the institution, i.e. the quality of staff and the quality of the organisation.

Quality is not adding up favourable elements but multiplying them, making them function in a deliberately structured organism.

The requirement of integrating in the existing framework new elements, regime activities and more or specialised staff members in a functional way defines and limits the acceptability of increasing the costs of prisons.

The emphasis of the new EPR on 'the importance of staff roles and effective modern management approaches' (European Prison Rules page 6), and the extension and rearrangement of new rules on personnel under a separate heading should not be seen

(*) See J. Dhondt in *De vrijheidsstraf*, ed. by D.H. de Jong a.o., Gouda Quint, Arnhem 1986, page 393

as raising the level of aspirations ; it is meant to be an operationalisation of the essential conditions of a modern prison treatment system.

And, as I said before, these norms and these organisational requirements are truly relevant for placing lower and upper limits on the costs of prisons.

To conclude, the new EPR have maintained resocialisation as the goal of prison treatment. They made the task of treatment more realistic, however, by stressing that it is a goal which should be strived at, not a goal which should be achieved. It is the prisoner who may achieve that goal, and it is the prison which has to assist him or her and to offer the necessary opportunities and means.

The second major difference between the old and the new rules is the focus on the staff and organisation of the prison. It is no longer the optimistic expectation of a specialist way of treatment, it is the awareness that the quality of relations between prisoners and staff, the quality of life in prison, is the best impetus to help prisoners prepare their return to society.

A third aspect which has received more attention by the EPR concerns social contracts with the world outside and the relationship between activities inside and outside prison. I will not dwell on this topic. The logical consequences of resocialisation as an aim to be strived at, are obviously more liberal regimes, more prison leave, more outside activities and more activities with the help of people outside. These are well known developments of a modern prison system.

4. Treatment and custody

The said changes and improvements ensure close links between two of the three goals mentioned earlier, namely the treatment goal and the institutional goal. The question is, however, whether the custodial goal has not stayed behind.

I do not think it has. To explain that, which is especially important because of the increasing number of violent and dangerous prisoners, I would like to point out some structural and procedural requirements laid down in the new rules with more emphasis.

4.1. *Differenciation*

Combining the treatment and the custodial goals, or at least reducing their contrasts and making a prison manageable with due regard to the necessary conditions and requirements of both goals, is an ongoing task, to which no definite answers exist, since what may be acceptable and what is needed depends on the actual situation. This may be true for treatment as such and for security as such ; it is all the more true for their combination. Incidents such as riots, escapes, hostage-taking, attacks by prisoners, drugs, increase of disturbed persons, misuse of home leaves, lack of prison work, overcrowding show that a prison is not what it looks like from outside: a monolithic, static institution. It is on the contrary an ever changing world, more drastically changing and

requiring more immediate corrections than an outside community. For that reason, the structure of the prison system and the procedures governing the allocation of prisoners need a degree of flexibility and must be ruled by a dynamic style of administration and management. The differentiation of prisons is of crucial importance in that respect.

Differentiation can be made on the basis of security, of regime and treatment and of domiciliary proximity.

Traditionally the differentiation was mainly on the basis of security and closely linked with a division of prisoners into categories according to the security risks they presented and whether they were harmful to others. Although it is very static and one-sided, this basic principle cannot be neglected. The EPR respect it in Rules 11-13 and 67. However the predominant influence of security considerations is only acceptable as far as dangerous prisoners are concerned. It is not acceptable in the sense that a risk of escape, even of a non-violent prisoners, should never be taken. Were that to be the basic philosophy, treatment or resocialisation would not really be meaningful concepts. The EPR do not take that standpoint. Rule 67 states: "It is necessary to ensure that prisoners are located with due regard to security and control, but such measures should be the minimum compatible with safety and comprehend the special needs of the prisoner". The rule makes clear that one should balance security and treatment objectives. (By balance I do not mean a strict equilibrium, but a balance of proportionality).

What the rule does not expressly say but what it means is: one should take risks. It is impossible to take treatment seriously if it is always dominated by security. It is only consistent policy that balancing security and treatment is accepting a calculated risk. To quote from the Council of Europe's report on dangerous prisoners: "A balance has to be struck between the risk and the advantage offered by the understanding in which risk is perceived — otherwise it would rarely, if ever, be possible to attempt anything" (page 36). If that is true for dangerous prisoners it certainly is true for all prisoners. What the EPR state is this: Balance carefully and do not base the entire differentiation system solely on the categorisation of prisoners along lines of security, but provide for a mixed system consisting of predominantly security prisons and predominantly treatment prisons (especially open and hostel-type prisons) and, as much as possible, situate them on the basis of domiciliary proximity.

Such a differentiation of prisons is not easy to realise. Also the allocation of prisoners in that system is a difficult matter.

4.2. *Buildings*

It is obvious that a prison system consisting of few big prisons cannot meet the above requirements as well as a system of small prisons. This is one area where the acceptance of the EPR requires the

development of prison building and renovating programmes so as to increase the number of prisons and thus the variety of prison regimes, the degree of 'openness' and the geographical distribution.

It might be necessary to divide big prisons into separate units. Since prisons in most countries are rather old, this is an urgent and necessary step. But the division of old big prisons of say more than 300 places into units of say 80-100 places does not contribute to further differentiation unless these units function as complete prisons, as independent as possible from each other, each with its own staff.

Furthermore, to make smaller prisons really contribute to a balanced security and treatment system, the organisation of staff also has to be adapted to it. The delegation of decision-making powers to lower levels of staff is of prime importance. In doing so, all staff will be better able to play their roles as part of the total task of the prison and a less strict and more flexible functioning of the prison is possible. The governor's concern will not primarily and predominantly be with making the machinery of the institution run smoothly; the effort to find an optimal balance between the treatment and custodial functions will prevail. The same goes for the inmates. They no longer feel reduced to being numbers in a big machinery, but are real persons living in small communities with human contacts between themselves and staff, more relaxed, more on an individual basis.

One might object that this is a very expensive solution. Indeed, if one is content with a system in which people are just kept safely, this system is very expensive. Moreover, from that point of view such a complex system would be of little use. If, however, one wants to meet the intentions and requirements of the EPR this system is not more expensive than a system of big prisons.

I will not try to argue this thoroughly. I only draw attention to the fact that prison security is a very expensive element. Big prisons do not allow for many security levels, small prisons do, which is cost-reducing. Big prisons generate more subcultures, undetected incidents, intimidation of inmates, even terrorism and exploitation of prisoners by others, riots, plans for violent action and escapes. In small prisons, the human factor contributes to security: staff know their prisoners, relations are better and supervision is easier.

Furthermore, I think, one is too uncritically inclined to suppose that "big" is cheap and "small" is expensive. Everybody knows though that "big" means extra staff for co-ordination and order, more management levels and more specialisation of staff. Moreover, one should not compare the costs of each individual prison with those of the others but assess the whole building programme consisting of either big, less differentiated prisons or of small, more differentiated prisons, varied as to degrees of security and 'openness'. I am convinced that differences in building and running costs are less significant than one thinks, and I am certain that expanding prison capacity can be done faster by building small prisons than big ones.

4.3. Cells

In the context of differentiation I may add some remarks about the individual prisoner's cell. Differentiation in the sense of splitting a prison's capacity into units and further into small living and working groups of a so-called face-to-face character, stresses the importance of the prisoner's personality and individuality. However, the social group of which the prisoner is a member differs in two respects from outside social groups. The prison group is, according to Goffman, a 'total' group, and it is not a chosen group, nor can its members be chosen. The objective need for privacy is paramount. Association in prison is not always positive. Both, association and privacy, must complement each other. Moreover, a prisoner's cell is the only place which is his or hers, with his or her own belongings and with its emotional value. It is also a constant reminder to think about the future.

The old SMR were therefore right to recommend that during the night the individual cell should be the normal situation. The new EPR seem to shift the emphasis. The old rule recommended 'individual cells unless circumstances dictate otherwise' (old rule 8). The new rule refers to 'individual cells except in cases where it is considered that there are advantages in sharing accommodation with other prisoners' (EPR No. 14.1). Although I regret that the new wording is capable of being misunderstood, I welcome the fact that the old rule accepting dormitories has disappeared and there is now reference to cell sharing.

According to the explanatory memorandum cell sharing can be acceptable if prisoners prefer it and if there are psychological or treatment reasons (for instance stress, potential suicide risks). We should interpret this as a warning that single cells are not the best solution in each individual case. That may be true. Nevertheless, one should keep in mind, that both the strict and complete cellular system and the complete association system have serious disadvantages, not only physical (for instance AIDS risks) and sanitarian, but also, and even more so, psychological and emotional ones. The conclusion should be that individual cells should remain the basis of every prison system and the undisputable consequence of the principle of individual treatment.

4.4. Allocation

A differentiation system, however modern and flexible, cannot work without adequate allocation procedures. In this respect too the EPR have initiated new approaches, although they have not yet elaborated in much detail.

The old static prison system was not only differentiated by categorizing prisoners according to their more or less persistent and serious criminal behaviour and the risk of suffering or inflicting harm, but it was also based on the assumption that a prisoner normally stayed in the prison where he was first placed.

The changed treatment philosophy, the differentiation according to levels of security, and the development of half open and open prisons resulted in prisoners being more frequently moved from one

prison to another. Allocation and reallocation were governed by procedures which provided for either a strict and formally established classification system or a selection method.

The EPR maintained in essence the existing article of the SMR, stating that the two reasons for classification are to separate prisoners from others because of possible bad influence and to facilitate treatment (Rule 12).

Furthermore, in part IV of the rules about treatment objectives and regimes, it is stated that there should be a 'flexible system of allocation' in order to achieve 'individualisation of treatment' (Rule 67,1) and that 'as soon as possible after admission and after a study of the personality of each prisoner with a sentence of a suitable length, a programme of treatment in a suitable institution shall be prepared' (Rule 68). These rules were already, although in a slightly different wording, in the SMR. The desirability of re-allocation has not been mentioned so far. The explanatory memorandum relates these old rules to the possibility of placing prisoners in open prisons, prisons with special facilities, etc., and it gives another rule (new Rule 70(1)), which says 'The preparation of prisoners for release should begin as soon as possible after reception in a penal institution' a new perspective. The requirement of planning the individual treatment in prison with a view to the prisoner's release includes the necessity of periodically reviewing his situation and considering his or her re-allocation. Although this matter is not much emphasised in the new rules, it is nevertheless an element of the highest value in developing a modern prison policy.

The disadvantages of many national classification systems are their lack of flexibility, their formal procedures and their being aimed too much, if not exclusively, at security safeguards. Once classified a A or B category prisoner, it is not easy to have that label changed, nor to have it changed at the right moment in the course of treatment. I would therefore plead — and I see this as a consequence of adopting the EPR — for a classification system (preferably named a selection system, to avoid the negative motion of labelling prisoners) which enables persons in charge of selection to act and take decisions immediately after having received a request from a prisoner or a proposal from a governor. Moreover, the prisoner as well as the governor should be given the right to appeal against the decision.

This matter is of course of particular interest to long-term prisoners and prisoners who are considered to be dangerous. I may refer to the Council of Europe's outstanding and valuable report on dangerous prisoners which I quoted earlier. It amply discusses the concept and the different kinds of dangerousness and recognises that prisoners, if defined dangerous according to established criteria, require high levels of custody and control. It emphasises that dangerousness is a complex and multiform phenomenon: 'its potential for disorder, riots, destruction, violence, injury, death and societal

disruption is phenomenal, its exactions from staff are erosive and its costliness in human and material resources is excessive' (p. 10). Yet it concludes that the needs of every dangerous prisoner should be taken, individually, into consideration as far as practicable. This implies that it is not sufficient just to keep dangerous prisoners in secure custody, or to have just one general treatment programme for all dangerous prisoners' (p. 14).

In the Recommendation adopted by the Committee of Ministers of the Council of Europe it is therefore stated that the governments of the member states should have 'a system for regular review to ensure that time spent in reinforced custody and the level of security applied do not exceed what is required'.

4.5. *Planning Treatment*

Preparation for release right from the start, a flexible classification — or rather: selection — system, allocation and re-allocation, regular review of security measures and treatment facilities: it all flows from the EPR and it points in one clear direction: a continuous concern about programming each individual prisoner's prison period. It is an issue which, as far as I know, has not had much attention in penological literature. And yet it is a key issue in modern prison treatment. Offering treatment facilities, liberalizing individual regimes according to the degree a person's imprisonment is proceeding and the prisoner's efforts show positive results, correcting treatment if it is necessary, granting more outside contacts and even work or education outside — all this cannot be done in one single prison and for all prisoners. The only reasonable way to succeed in individual treatment, adapted to changing and hopefully progressive needs in the course of the detention, is creating provisions and procedures by which a person can be followed, decisions can be taken and regularly reviewed in cooperation with the prisoner concerned.

I see this as the third basic step forward in trying to improve the effectiveness of imprisonment. The first was from a cellular system to association. The second from association to differentiation of regimes. The third is from differentiation of regimes to individually programmed treatment by consent ration. In this phase, staff of one prison is not entrusted with the total care of one prisoner, at least if this prisoner has to serve a rather long term of imprisonment. It is the responsibility of successive prison staff and of those persons entrusted with designing individual treatment plans, together with the prisoners.

An individual treatment plan is not made once and for all. Gradually it may become more detailed and it should be corrected and re-scheduled regularly. The most important matters which should form part of a plan and should be programmed and scheduled are to my mind:

1. the phasing of imprisonment: it is a prisoner's first concern how to pass that endless seeming time of imprisonment;

2. the outside contacts: this too is of immediate importance for a prisoner: what possibilities and perspectives are there and when?

3. the assistance of specialists and the internal work and training possibilities;

4. the external social welfare and probation assistance.

These four parts could be seen as levels of planning.

The first level is confined to a rough estimation of the possibilities of re-allocation and after what space of time and on what criteria they may be applied. In the Council of Europe's recommendable report on the treatment of long-term prisoners(*) this programming of long prison terms is stressed, just as in the EPR To the degree the prisoners will be better known to the staff, this estimation can be more personal and more exact, mentioning individual conditions to be fulfilled.

The second level indicates the periods after which more and liberal, even external, contacts with outside people can be expected (visits, home leaves, external work or education), again indicating the conditions to be fulfilled.

The third level may be more complex. It could contain a package of activities (work, education, social skills etc.), the social, medical or psychological assistance which may be necessary, what their purposes and objectives and what the periods in which they have to be applied are.

The fourth level contains the contacts with outside agencies, necessary for the prisoner to prepare her or his return to society, again scheduled time(**)

Along these lines, as I suggested, it is possible to make individual treatment plans. I suggested to distinguish four levels for two reasons.

First, because one has to know a prisoner before one can go into detail as far as treatment and treatment planning is concerned. Also the prisoner's cooperation will not be gained easily and they should not get the feeling that they will be manipulated. Therefore the first period in prison should not be overburdened by many questions and matters which at that time have too little meaning to prisoners. Only after some time, will they be able to think about activities of their interest and capability. Only then can they gradually fill out a programme of how to spend and organise their time. So in that respect the four levels are meant to be a gradually more detailed elaboration of plans of activities and tasks, which description should be completed in the course of about a month's time of imprisonment.

The second reason is an administrative consideration. The start of the introduction of individual treatment plans should be kept simple. One has to learn how to do it, how to gain prisoners' cooperation, how to know whether prisoners take it seriously, and one has to avoid raising expectations which cannot be fulfilled. Gradually the level of planning can be intensified. In this respect, the four levels could be seen as management levels. The system starts on the first level. After for instance one year the plan could include the second level, and only after a period of sufficient experience plans can be made including the third and fourth level.

It is obvious, I think, that these plans have to be made by special staff, operating from a national or regional centre. They follow a number of prisoners and are as it were their contact persons. It is clear that involving a prisoner in the programming of his time in prison, asking him to take responsibility for it and to cooperate, implies, as the other side of the coin, that he should have the right to complain about plans and decisions, which eventually could be reviewed.

To develop such a planning system requires, of course, more thinking and elaboration than I was able to do here.

Moreover it has to be adapted to the national prison system and administration. I suggested it merely because I truly think that we must take such a step if we really want to draw the consequences of a differentiated prison system and aim at individual treatment in the spirit of the EPR

5. The other side: prison officer's treatment

This brings me to the last topic I want to draw your attention to. So far we have concentrated on structuring the prison system and imprisonment. The most splendid structure will not work however unless people make it work. The EPR devote a separate part to personnel, stressing its importance and its demanding tasks and the need for qualified staff and for not only initial but also regular training.

The rules do not say what the staff's functions should be and how they should be carried out.

I think indeed it is very difficult to operationalise the organisation and functioning of staff in general rules. Much depends on actual and local situations.

Three aspects however are mentioned which seem to be of special importance for prison treatment as it is recommended by the rules, namely — and I quote: 'Special emphasis shall be given to their integrity, humanity .. and personal suitability for the work' (Rule 54.1).

'So far as possible the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers ...' (Rule 57.1).

'The administration shall introduce forms of organisation and management systems to facilitate communication between the different categories of staff ... in particular with respect to the treatment and resocialisation of prisoners' (Rule 59).

I mentioned and emphasised these rules because in today's prisoners with a mixture of prisoners, differing from each other to the extremes, it is fundamental that a staff member is suitable for his job as a *person*: that the assistance of *specialists* is secured and that the organisation is aimed at *contacts*.

(*) Council of Europe, Legal Affairs: Treatment of long-term prisoners. Resolution (76) 2 adopted by the Committee of Ministers on 17 February 1976 and General Report of the Council of Europe, Strasbourg, 1977.

(**) Council of Europe, Legal Affairs: The criminal record and the rehabilitation of convicted persons: Recommendation No. R (84) 10 adopted by the Committee of Ministers of the Council of Europe on 21 June 1984 and Report.

5.1. *Communication*

For what is the present situation?

Nowadays we have to deal with many problem groups of inmates and with difficult and nasty incidents. There are dangerous and terrorist criminals, perhaps not many, but they can ruin the atmosphere and treatment regimes. There are many mentally disturbed and unbalanced prisoners, drug addicts, foreigners and members of ethnic minorities. We are confronted with riots, violence, hostage-taking and with suicide and self-mutilation.

It is impossible to separate these different kinds of, let me call them, problematic prisoners from the other prisoners. In the pre-trial stage their being together with others is unavoidable. Besides, these prisoners are not always problematic from the outset; they often appear to be problematic only after incidents have occurred.

Specialist staff members can be part of the solution how to deal with some of these sorts of prisoners. The biggest question is whether the always present prison officers can handle these prisoners and do it in a way as to meet the treatment aims set forth in the EPR

Some specialised knowledge and practical skill may be recommendable as far as dealing with some of these prisoners is concerned, but the essential quality of prison officers is the same for these and other prisoners. It is their social and contact skill. That skill, which is hardly needed in a prison system which is characterised by supervision and control exercised by guards mostly distant from prisoners, is basic in a system characterised by treatment and cooperation of prisoners and staff.

This contact-task is not at all an easy task. How to succeed in being part of an inmates' group? How to start a conversation with a prisoner who evades it or is not in the mood for it, although he or she needs it. How to react to being teased or to verbal aggression in a non-authoritarian way? Even before actually making contact: how to know when and where contact is most desirable?

Contact being essential for treatment does not mean that treatment is its only reason. Contact also increases security. Recently a prison officer, complaining of the staff reductions in Dutch prisons, said: 'The safety has gone'. If contacts are too few, the prison officers cannot play their roles in treatment, but they also do not know what is going on amongst prisoners as far as security is concerned. As a consequence, this reduces their personal feeling of being safe; it diminishes their confidence.

A socially skillful prison officer can handle the problematic prisoners mentioned. Three conditions, however, have to be fulfilled. First, he must work in a supportive organisation, where he can discuss his problems and uncertainties with colleagues, superiors and specialists. The EPR refer to that. Secondly, his training must not only focus on his formal tasks and duties and how to control people, but primarily on social skill and on a basic understanding of peoples' problems (what is drug addiction? How do

people react to drugs? What does it mean to be mentally disturbed? How to understand foreign cultures? etc.). And the third condition is the presence of specialists who take care of individual diagnoses, therapies, who can be consulted and who as a part of their work guide and assist prison officers in their dealing with and helping prisoners.

Much more could be said about these three conditions. I want to restrict myself to giving some more attention to problematic prisoners who may cause extraordinary problems to prison staff, especially prison officers.

5.2. *Dangerous prisoners*

There is, first, the group of dangerous prisoners. For the definition of the term I again refer to the excellent report of the Council of Europe. The meaning of dangerousness and the kinds of dangerousness are described and attention is given to the question whether to disperse or to concentrate them, which is a problem without a definite solution. A very thorough and practical study of it has been made by a British 'Research and Advisory Group on the Long-Term Prison System'. Its report, recently published under the title 'Special Units for Long-Term Prisoners: Regimes, Management and Research'(*), is well worth studying.

I would say, from my experience, that concentration of these prisoners should be avoided as long as possible. I realise, however, that for security reasons and in order not to disadvantage other prisoners by a more strict regime than necessary, the point may be reached where concentration is necessary.

In that case, more than one unit for these prisoners should be established, as it has been done in Sweden, so as to avoid security risks from prisoners who are too well informed about all aspects of the prison and its routines, and to avoid prisoners becoming depressed by their long stay in a small living environment, with day after day the same routine and the same faces.

I think this point of view is widely accepted. I may add, however, what is not always done, that it is of utmost importance that each of these units is part of a prison, so that the staff of the units can be changed regularly, for instance once every year. In the end, the small environment is as depressive to prison officers as to inmates. Moreover, their function makes high demands on them: being in good contact with the prisoners and at the same time being on their guard because of possible violence, escape plans, hostage-taking, bribery. Furthermore, very often these prisoners are clever and have a good tongue, which may exert extra tension on staff.

Being allocated to a unit for dangerous prisoners stigmatises prisoner. The consequence could be that they will not get a chance to leave that unit and prove that they wish to change their lifestyle. Therefore I

(*) Report of the Research and Advisory Group on the Long-Term Prison System, H.M. Stationary Office, London, 1987: ISBN 0 11 340852 8.

agree with the proposals in the British report, that there should be a selection system and that a special body should look at requests from governors to allocate a prisoner to such a unit and review regularly — with not too long intervals — each prisoner's situation in order to decide whether a return to a normal prison is acceptable.

5.3. *The risks of staff*

Even if the treatment task aimed at resocialisation is taken seriously and humane systems and careful procedures which will encourage prisoners and inspire staff are introduced, there will still be problems. An increasing phenomenon in today's prison is violence against staff and hostage-taking. These incidents are disturbing to inmates as well as staff. They leave long and deep marks. The care of staff members who have been taken hostage or violently attacked cannot be given enough attention. After all they are the victims of their profession.

One is often inclined to underestimate the impact of these incidents, because it is part of the masculine prison guard's culture not to admit that they are emotionally out of balance. Often they receive attention only the first days, but after some time people think that this should be over and that the victims should behave normally and do their job and, if they cannot, they apparently are not suitable for it and should find another.

Some research into these matters in my country has shown that the effects are very bad and without specialist help last long or do not disappear. It has been found that the first reactions — brooding about guilt (could I have prevented it, did I react correctly?), nervousness, sleeplessness, fear — gradually diminish but are replaced by more physical complaints, like severe headaches, disorders of the entrails, skin diseases, even rheumatic pains. Surprising was that it appeared to be not predictable who would suffer from these experiences and who would not or would less. "Tough guys" and balanced persons suffered as much as others. The violence or hostage-taking need not always be very serious to cause deep trauma. The personal situation of the victim is important too. If he is already under certain forms of stress a new violation of his personal integrity may be the last straw.

In order to help these victims, the Dutch prison administration has set up an organisation and procedures to ensure immediate, expert help to staff members and their families who are victims of hostage-taking and violence and to take necessary steps to keep them in their job or to ensure other temporary or permanent employment. It underlines the government's responsibility for its employees as well as for the prison system, the regimes and treatment which have been chosen with the risks they involve.

Not only should attention be given to those who are attacked or taken hostage, but to the staff, particularly the prison officers, as a whole. Their feeling of safety and of confidence may be undermined by such incidents; their balanced judging abilities and behaviour may be shocked; negative overreaction

may be feared. Here the real tasks of leading staff, the governor in the first place, comes to the fore. He or she has to convince and inspire the staff to behave in a balanced way, to discuss what reactions should and should not be taken. It is not a matter of one or two meetings. It is as it were constantly and for a considerable time feeling the pulse of staff, giving opportunities to blow off steam and keeping them on a clearline of conduct. Leading staff should be involved explicitly in this process and their reports discussed.

I dwelt on this topic to stress that not only structures and organisational management are crucial but as much a permanent concern about the atmosphere in prison and the attitudes and the 'blood pressure' of staff.

The EPR rightly stress too the point that 'prison administrations shall give high priority to the fulfillment of the rules concerning personnel' (Rule 51). This may also be said as far as the incidents are concerned which I mentioned. But the importance of that rule gets even more emphasis if one realises the complete dependence of the functioning of prisons from their staffs. Again from Great Britain, I received the 'Report of an Inquiry by H.M.'s Chief Inspector of Prisons for England and Wales into the disturbances in prison service establishments in England between 29 April-2 May 1986 (*)'.

It was a very troublesome period. The report mentioned that in the end 45 inmates had escaped, over 800 prison places were lost at a cost of several millions of pounds, and 46 establishments were involved (p. 101). I quote from the report's conclusions explaining the reasons: 'The common thread running through all the establishments where trouble occurred was the concern of inmates about the consequences of the industrial action by prison officers' (p. 101).

The action was taken because of work conditions and wages. The introduction of an overtime ban apparently was the start of it. The report states: 'One immediate consequence of the overtime ban was a reduction in the number of prison officers available for duty' ... 'the real (or anticipated) reduction in activities was enough, in many establishments affected, to precipitate a protest or demonstration' ...

'And so it was not a case of bad conditions or poor regimes producing a disturbance, any more than good conditions and a good regime ensured freedom from a disturbance. To bring about a disturbance, more was usually required before inmate tolerance — generally fairly high — snapped. And even then good management, or good staff, or good contingency plans, or good prison design — any one of these things, or a combination of them — was often enough to prevent a demonstration from developing into something uncontrollable. Of these perhaps the most important was good management and good staff' (p. 101).

(*) H.M. Stationery Office, London 1987, ISBN 0 10 204288 8

An earlier Control Review Committee Report is quoted which states: 'Relations between staff and prisoners are at the heart of the whole prison system (and) control and security flow from getting that relationship right'.

The report continues: "That such discontent did not always develop into disturbances was partly due to the fact that so long as the prisoners felt staff were doing their best for them they tended to put up with things". (p. 103).

If this report, concentrating on security and control, concludes that the attitude and quality of staff is of predominant importance, then it is of even more importance as far as treatment is concerned.

6. To summarise

The EPR emphasise that a prison system should be based on treatment; that treatment is an aim as such, but that it is also a function of security. The EPR are not one-sided, but show the principles upon which (possibly) diverging prison goals, namely the goal of

treatment, of custody and of the institution, can be kept in balance, can be made compatible and even converged to a certain degree. The EPR cannot be seen as a luxury. They show the only way in our time, with out standard of civilisation and our idea about human dignity. Merely guarding prison systems are not realistic, not even possible. But then we too draw concrete consequences, three of which are of crucial importance: the differentiation system, the individual treatment plans and the quality (and numbers) of socially skilled staff. The latter certainly is the important, for — to quote once more the British report on prison disturbances — 'running prisons ... is about managing people'.

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NEWS FROM THE MEMBER STATES

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

The following information on prison populations, assembled by means of the statistical records system set up by the Committee for Co-operation in Prison Affairs, reflects the situation at 1 February 1988 (1). Committal flow data relating to the year 1987 will be presented in the next issue. Also, as it was announced in Bulletin No. 10, we propose to include in the September survey questionnaire an item on the legal composition of the "unconvicted" sub-population.

Situation at 1 February 1988

From unprocessed information collected from the prison administrations, the following indicators have been calculated (Table 1):

- a. Total prison population;
- b. Rate of detention per 100,000: total prison population at 1.2.1988 as a proportion of all inhabitants on that date;
- c. Percentage of unconvicted prisoners: number of prisoners not 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 all inhabitants;
- e. Percentage of women prisoners;
- f. Percentage of young prisoners;
- g. Percentage of foreign prisoners.

At 1 February 1988, the average rate of detention was 66.7 per 100,000 inhabitants, as compared with 67.9 two years ago (2).

Developments over the last 12 months

Over the last 12 months, prison populations in 11 out of 19 countries have increased substantially: Iceland (13.3%), Italy (8.4%), Cyprus (8.3%), Sweden (7.8%), Spain (7.2%), Greece (6.1%), Luxembourg (5.8%), France (4.1%), Ireland (3.2%), Federal Republic of Germany (3.1%) and United Kingdom (2.3%).

In three States have remained comparatively stable: Belgium (0.6%), Denmark (-0.2%) and Portugal (-1.7%).

Lastly, five countries have seen a distinct drop in their prison populations: Turkey (-2.5%), Netherlands (-4.0%), Norway (-6.0%), Austria (-6.4%), and Malta (-25.3%).

(1) As last year, data concerning Finland and Canada are appended.
(2) These calculations do not take account of the position in Switzerland, for which no data were available at 1.2.1987.

Comments on the data given in Table 1

Belgium: Calculation of indicators (c) and (d)

1. Total prison population	6 951
2. Convicted (sentenced) prisoners	3 229
3. Unconvicted prisoners	3 722

Item 3 — used to calculate indicators (c) and (d) — is broken as follows:

3.A Remand prisoners (persons ordered to appear before a judge or court, accused persons, detained and convicted persons awaiting final judgment)	2 193
3.B a. Minors on remands	37
b. Minors placed at the Government's disposal	11
c. Persons detained under the social protection Act	730
d. Vagrants	592
e. Others	159

Indicator (f) is solely concerned with minors on remand and minors placed at the Government's disposal (maximum age 25 years).

France

The data concern all persons imprisoned in metropolitan France and the overseas departments (metropolitan France: 50,917, overseas departments: 1,577).

For metropolitan France, indicator (b) is 91.3 per 100,000.

Indicators (e), (f) and (g) were calculated with reference to the position at 1.7.1988.

Federal Republic of Germany

Indicator (e) concerns the entire prison population with the exception of "civil law" prisoners and persons imprisoned pending extradition (n = 1,472) plus an undefined residual category (n = 238).

It is impossible to calculate indicator (f) as a proportion of the total population. Unconvicted prisoners (n = 11,976): proportion under 21 = 13.7%. Convicted prisoners (n = 39,353): proportion in prisons for young persons = 12.0%; most are between 14 and 25 years of age.

Indicator (g) is an estimate.

Ireland

29 foreign prisoners, not including 48 from Northern Ireland.

Netherlands

The figure of 5,291 prisoners includes 333 persons detained in police premises owing to prison overcrowding.

Sweden

Indicators (e), (f) and (g) were calculated with reference to the convicted prisoner population.

Switzerland

The figure in column (a) is the result of a special survey involving every prison in Switzerland (situation at 17.3.1988).

Indicators (e) and (f) were calculated on the convicted prisoner population (3,626 prisoners serving sentence or detained, by order including 239 persons subject to advance enforcement).

United Kingdom

England and Wales

The figure given in column (a) does not include 758 persons in police custody (for the most part unsentenced). In previous years, the numbers in this category were :

	Males		Females	Total
	21 years	under 21		
1982				
1 February	—	—	—	—
1 September	127	—	34	161
1983				
1 February	123	—	27	150
1 September	224	—	26	250
1984				
1 February	117	—	28	145
1 September	—	—	—	—
1985				
1 February	25	3	—	28
1 September	27	43	—	70
1986				
1 February	30	—	23	53
1 September	37	19	35	91
1987				
1 February	186	59	93	338
1 September	283	29	5	316
1988				
1 February	482	251	25	758

Indicators (e) and (f) are for the whole prison population with the exception of "civil law" prisoners (n = 268).

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

With reference to its comments published in Prison Information Bulletin No. 9 (June 1987) the British administration wishes to add the following information on changes in prisoner numbers in the period 1970-88.

Changes in legislation which have had a profound effect on prison populations

- Issue of a circular on provisional release in 1975 and the implementation in April 1978, of the Bail Act 1976. Result : fewer unconvicted prisoners.
- Reduction of the length of sentences following recommendations on shorter sentences by the Court of Appeal in 1980 in the "Upton and Bibi" judgments. Result : between 2,000 and 3,000 fewer prisoners.
- Introduction of partial remission of sentence in 1982 (effect only slight).
- The new scale of penalties for young offenders set out in the 1982 Criminal Justice Act, and its effect on the population of young offenders found guilty and unconvicted and on the population of convicted young offenders. Result : several hundred fewer prisoners.
- Restrictions of the granting of parole between 1983 and 1986. Result : 2,000 more.
- Reduction from July 1984 of the minimum qualifying period for parole. Result : a drop of about 2,500 persons in the prison population.
- Introduction of 50% remission for persons serving sentences of 12 months or less in August 1987. Result : a drop of 3,000 in the prison population.

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ERRATA

Bulletin d'information pénitentiaire N° 10 (Conseil de l'Europe)

Statistiques sur les populations carcérales dans les Etats membres du Conseil de l'Europe — situation au 1.9.1987 et incarcérations de 1986.

* p. 28. Figure 3. Indicateur de la durée moyenne de détention (1986).
Légende de l'échelle des abscisses : lire «taux d'incarcérations pour 100 000 habitants en 1986»

* p.29. Remarques-Tableau 1 Angleterre et Pays-de-Galles
Lire «les indices (e) et (f) concernent l'ensemble de la population carcérale à l'exception des détenus civils» (n = 239).

* p.30. Tableau 1. Lire «situation des populations carcérales au 1^{er} septembre 1987».

Tableau 1. Pays-Bas, colonne (a), lire «5002».

Table 1

Situation of prison populations at 1 February 1988

	(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	7 297	96.0	22.7	21.8	3.5	18 a : 1.3	8.8
Belgium*	6 951	70.5	53.5	37.8	5.1	18 a : 0.7	30.2
Cyprus	235	42.0	8.1	3.4	6.0	21 a : 15.7	43.0
Denmark	3 515	69.0	26.9	18.6	—	—	—
France*	52 494	92.0	41.3	38.0	4.2	21 a : 13.0	26.3
Fed. Rep. of Germany*	53 039	86.7	22.6	19.6	3.9	—	14.5
Greece	4 178	42.9	24.7	10.6	4.0	21 a : 5.3	19.1
Ireland*	1 973	56.0	7.6	4.2	2.3	21 a : 27.5	1.5
Iceland	102	41.3	13.7	5.7	2.0	22 a : 9.8	2.9
Italy	35 589	62.0	54.6	33.8	5.0	18 a : 1.6	9.2
Luxembourg	382	103.4	37.7	39.0	5.8	21 a : 8.1	39.3
Malta	68	19.7	80.9	15.9	1.5	18 a : 2.9	38.2
Netherlands*	5 291	36.0	38.5	13.9	4.0	23 a : 17.0	20.1
Norway	1 951	47.0	22.3	10.5	4.2	21 a : 5.8	10.8
Portugal	8 222	84.0	39.0	32.7	5.9	21 a : 10.9	9.1
Spain	27 793	69.2	42.9	29.7	6.2	21 a : 8.6	12.2
Sweden*	5 150	61.0	20.4	12.4	4.2	21 a : 4.0	21.9
Switzerland*	4 968	77.6	27.0	21.0	5.0	18 a : 2.2	40.1
Turkey	50 160	90.2	36.7	33.1	2.7	18 a : 1.1	0.6
United Kingdom	55 729	98.2	22.2	21.8	3.5	21 a : 24.4	1.3
England*							
Wales	48 348	96.6	23.2	22.4	3.6	21 a : 24.3	1.4
Scotland	5 427	106.2	15.8	16.8	3.0	21 a : 24.7	0.2
Northern Ireland	1 954	125.2	14.2	17.8	1.6	21 a : 25.7	1.3

* See notes in the text.

Appendix 1. Data on the prison population of Finland

1. Situation at 1 September 1988

a. Total prison population	4 374
b. Rate of detention per 100,000 inhabitants	93.0
c. Percentage of unconvicted prisoners	9.1
d. Rate of unconvicted prisoners per 100,000	8.5
e. Percentage of women prisoners	2.8
f. Percentage of young prisoners (21 years)	7.0
g. Percentage of foreign prisoners	0.2

2. Changes in population

Percentage increase in number of prisoners over the period 1 September 1987-1 September 1988: -2.2%

Appendix 2. Data on the prison population of Canada

The last data on Canada published in the Prison Bulletin concerned the financial year 1985-1986 (1 April 1985-31 March 1986)*

1. Average situation for the financial year 1986-1987

a. Total prison population	27 975
b. Rate of detention per 100,000 inhabitants	111.0
c. Percentage of unconvicted prisoners	13.4
d. Rate of unconvicted persons per 100,000	14.9

2. Changes in average populations

Percentage increase in number of prisoners over the period 1985-86: 1.5%.

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. 10, December 1987

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.

Austria

On 1 March 1988 a new Criminal Law Amendment Act (Strafrechtsänderungsgesetz 1987) has come into force. Of particular interest for the prison administration is the fact that the legal possibilities for an early conditional release of sentenced prisoners were largely extended.

During the last twenty years, Austria had a rather high prison population. The total number of inmates was moving between 8,900 and 8,000; in 1987 the average total number of inmates was 7,580 (that is 100 inmates per 100,000 of the national population). As a result of the new legislation a remarkable decrease of the prison population could be stated. At present the total number of prisoners in Austria is 6,718 (88 inmates per 100,000 of the national population).

Belgium

Ministerial circular No. 1526/VIII of 16 December 1987 on the new method for the enforcement of penalties

A new method has been set up for the enforcement of penalties on persons convicted of subordination by military courts, and who have refused the alternative non-military service provided by law.

This scheme will become applicable to the persons in question as soon as they have been notified of their discharge from the army. It consists in compulsory work for the benefit of the community, carried out in prison during the daytime.

The work will last eight hours a day according to a set timetable and will be required to be carried out from Monday to Friday excepting public holidays. If Saturday work is necessary, a rest day will be granted in lieu.

The following conditions must be observed:

1. The application of the penalty will be suspended in the case of absence not duly supported by a medical certificate. Special permission for temporary release may, however, be granted under the same conditions as for other prisoners.
2. In the event of sickness, the persons in question should if possible consult the prison doctor. In cases of invalidity or hospital treatment, the costs will be borne by the administration. The same applies to accidents during transport.
3. The persons concerned will be attached to the establishment closest to their place of residence.

While serving their sentence, these persons will be provided with a certificate each time they leave the prison.

Denmark

Forslag til lov om ændring af borgerlig Straffelov (prøvløsladelse og vold m.v.). Draft Legislation on an Act of Amendment of the Penal Code (Concerning amendment of the Regulations on Release on Parole and Violence).

Cirkulaere af 22. oktober 1987 om anvendelse af kriminalforsorgens pensioner (Circular on the use of the Institutions for Parolees and Probationers).

Cirkulaerskrivelse af 3. februar 1988 vedrørende retningslinierne for detentionsanbringelser i arresthusene (Circular on Directives for detention in custody in local prisons).

Cirkulaere af 15. april 1988 om magtanvendelse overfor indsatte (Circular on the use of force in the treatment of inmates).

France

Decree No. 87,604 of 31 July 1987 implementing the Act of 22 June 1987 lays down the means for authorising the work of persons to do certain tasks other than those of management, secretarial and supervisory nature in prisons may be allotted.

The circular of 15 April 1987 lays down the new rules for prisoners' work schemes taking account of the new regulatory provisions in that diversifying work schemes and lays down a different system for drawing up monthly pay slips.

Greece

A new Law No. 1738/1987 has been published in the official Gazette No. 200/1987, concerning the "Setting up of a Crime Prevention Council of amendment or replacement of certain articles of the Penal Code, etc."

According to this law a Crime Prevention Council shall be instituted. This Council shall plan the crime prevention policy and submit proposals on the most effective measures to be taken in the field of crime prevention. The Minister of Justice will be the chairman and the Attorney of the Supreme Court, representatives of law societies, workers' unions, political parties and the Universities' Law Schools will be members of the Council. An Executive Committee of five members shall also function within the Council.

Some provisions also amend or replace the following articles of the Penal Code (P.C.):

Art. 113 P.C: "On suspension of crime prescription"

The new article provides that this time-limit shall be staged until the judgement become final but for no longer than five years (formerly three) in the case of serious crimes and one year in the case of minor offences. This time-limit shall also be staged until such time as the penal procedure cannot be initiated or continued by virtue of a legal provision.

Art. 181 P.C.: The new article provides for imprisonment of up to 3 years for offences related to: insult of the Prime Minister, the President of the Republic, etc. Criticisms expressed against these persons is not punishable.

Article 263 a P.C.: The new article amplifies the list of persons who can be prosecuted for some offences related to embezzlement of public money including bank employees in so far as the banks have their registered seat in Greece, or by employees of organisations or companies (private law legal persons) provided that they have been set up by the Greek state or may be financed by the same state or the above mentioned Banks.

The new law replaced art. 1, par. 1 of Law 1608/1950 "on penalties imposed on embezzlers of public money" by a new article that provides for a maximum 20 years sentence or life sentence (for extremely serious offences) instead of the death penalty envisaged such offence in the former article.

According to art. 6 of the above mentioned law the Prime Minister, the Presidents of the political parties, the Ministers and Deputy-Ministers, the Members of Parliament, the Secretary-Generals to Ministries, the Mayors, etc. are obliged to submit to the Deputy-Attorney of the Supreme Court or to the Vice-President of the Parliament, a statement concerning their own and also of their family property within 90 days from the date of their appointment or commencement of their duties. In default of submission of such a statement or when the statement is false, a penalty of 3-5 months or 1-5 years (in the case of an intentional act or omission) may be imposed.

Law 1763/1988 (Official Gazette 57/1988) on "Military obligation of Greek nationals": This law doubles the length of unarmed military service to conscientious objectors in general. Formerly this system only applied to conscientious objectors who could justify their objection on religious grounds.

Iceland

In May 1988 the Icelandic Parliament accepted a new prison legislation, which will come into force 1 January 1989. The title of the act is: *Law on Prison and Imprisonment*. The text of the legislation will be translated into English during this year.

Italy

629/C Proposal for a Law from the Deputies Fiandrotti, Alagna and others, submitted on 7 July 1987, relating to "Amendments to Act No. 354 of 26 July 1975 on the rules of the prison system and on the implementation of measures of deprivation and limitation of freedom".

The proposal lays down that prison work is to be paid according to the collective agreements stipulated by the trade unions.

621/C Proposal for a law from the Deputies Fiandrotti, Amodeo and others submitted on 7 July 1987, relating to "rules aimed at encouraging employment for prisoners".

This proposal lays down that enterprises employing prisoners should be exempted from paying social security contributions. The draft also proposes that the state should allocate to businesses taking on prisoners and internees, contributions equivalent to 20% of the pay under the collective agreement. Finally, the draft proposes that the fact of imprisonment should not cancel the right to unemployment benefits and the prisoners should be exempted from the requirement of purporting regularly to the national employment agency.

455/S Bill by Senators Salvato, Battello and others, submitted on 24 September 1987, relating to "The health service in prisons and detention centres".

This Bill proposes that the responsibility for providing health care in prisons and detention centres should be taken on by the national health service.

877/C Proposals for a Law from Deputies Alagna, Andò and others submitted on 16 July 1987, relating to "Amendments to Act No. 354 of 26 July 1975 concerning arrangements for the transfer of prisoners".

This proposal for a law provides that handcuffs should only be used in the transport of prisoners and internees when this is justified on the grounds that the prisoner is dangerous, or that there is danger of his absconding. The proposal also suggests that care should be taken to protect prisoners, during transfer, from the curiosity of the public.

Netherlands

An important change in the *Prison Principles Act* was the addition of a paragraph 53a stating that complaints of a simple nature can be dealt with by one judge instead of the full complainants committee. This came into force as per 1 April 1988.

As per 1 January 1988 a law came into force by which minors come of age at 18 instead of 21. This had amongst others important consequences for the youth institutions, since almost all — there are exceptions — had to face a reduced population and responsibility (14-18 years only).

Very important changes in the penal law and the penal procedures law, coming into force in June, will drastically change the character of the measure of "detention at the governments pleasure".

Spain

Ley Organica 7/1987, de 11 de diciembre, por la que se reforma parcialmente el Código Penal en relación al delito de incendio (Institutional Act 7/1987, of 11 December, amending the Penal Code relating to the offence of arson.

Orden de 22 de Febrero de 1988, por la que se crea una unidad dependiente del Complejo penitenciario femenino de Madrid (Order of 22 February 1988 setting up a new unit in the Madrid prison for women.

Ley Organica 1/1988, de 24 de marzo, de reforma del Código Penal en materia de tráfico ilegal de drogas (Institutional Act 1/1988, of 24 March, amending the Penal Code in respect of illicit drug trafficking).

Real Decreto 319/1988, de 30 de marzo, sobre asistencia hospitalaria extrapenitenciaria y modificación del Reglamento Penitenciario, aprobado mediante R.D. 1201/1981, de 8 de mayo (Royal Decree 319/1988, of 30 March, on extra-penitentiary hospital care and amendment to the Prison Regulations, approved by Royal Decree 1201/1981, of 8 May).

Sweden

New rules for pre-trial detention and arrest came into force 12th April 1988

The Swedish regulations concerning pre-trial detention and arrest have not been adapted to the demands in the European Convention on human rights. In future, no person shall have to be deprived

of liberty for more than four days before a court makes a decision on a petition for pre-trial detention.

Switzerland

Preliminary Federal Bill on aid to the victims of crimes against the person (aimed at providing concrete assistance for such victims and reinforcing their rights). The consultation procedure has just been completed. The Federal Council will shortly be publishing a message for submission to the Federal Parliament.

Scotland

The Criminal Justice (Scotland) Act 1987, mentioned in the last Bulletin, has recently come into force.

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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Scotland

In March 1988 the Scottish Prison Service published a document entitled "Custody and Care: Policy and Plans for the Scottish Prison Service". This represents a detailed statement of corporate philosophy. It sets out a framework of aims and objectives for the future management of penal establishments in Scotland. The intention is to make possible a better quality of life for inmates and to encourage better professional standards for all staff who work in the Scottish Prison Service.

Finland

Räihä Iiris: Conditionally released prisoners on aftercare. National Research Institute of Legal Policy. Eds Kauko Aromaa & Jukka Lindstedt.

This study of the contents and meaning of prisoner aftercare from the client's perspective is based on unstructured interviews with 16 prisoners with earlier experience of aftercare, waiting to be released from Helsinki Central Prison (a prison for prisoners who are not yet hard-core recidivists but are also no longer juvenile beginners) in the spring of 1984. These persons were considered experts on the problems a released convict faces in freedom. However, as they are now in prison, these experts represent only one side of this experience in that the standard aftercare objective of preventing their return to prison has not been realised. On the other hand, this state of affairs is rather the rule among released prisoners.

Perhaps the clearest result of the study is that the life of the prisoners in the sample seemed to have proceeded to a large degree without any conscious steering on their own part or on the part of anyone else. Aftercare or supervision did not seem to play any substantial part in their lives.

The respondents also evaluated concrete aftercare measures. The problems that they formulated were largely familiar on the basis of earlier research. Thus, the respondents stated that boarding house accommodations are not a suitable solution for young men coming from

prison. These accommodations were said to make it in fact more difficult for them to leave a criminal career. Also work was said to be problematic: finding a job was difficult, but it was also difficult to keep a job once found. These men were not familiar with services offered to prisoners by the labour-force authorities, or they did not know how to or did not want to make use of them. To arrange a job while in prison was also described as being difficult. When trying to find a job after release, prejudices of employers were met, and if a job was found, prejudices of colleagues presented difficulties. Additional difficulties in getting jobs were caused by lack of professional skills and — at least in part connected with this — a poor attitude towards work. On the other hand, the motivation to find work was lessened because of old debts caused by previous crimes and other features in their past. They had been excluded even from professional training for the unemployed, which might provide some help in respect of the multiple problems experienced with work. And when unemployed, their chances of making a living are limited further by long terms of non-payment used by the labour-force authorities: a prisoner is initially deemed to be unemployed by his own fault, and in such cases, one has to wait for six, twelve or even eighteen months before becoming qualified for unemployment benefits. Also the lack of accommodation and difficulty in controlling their own drinking were described as matters closely connected with work problems.

Lacking other means of making a living, the respondents saw it to be inevitable that they assume the role of a social welfare client. However, especially the younger ones described this role to involve, at the same time scrambling for the crumbs from the table of the well-to-do, which aroused negative feelings. Many also pointed out that welfare is not sufficient to live on. The economic benefits provided by the semi-official aftercare organisation were often welcome but — being rather small, and primarily of a first-aid nature — without any permanent importance.

The aftercare is connected with supervision; this was condemned by all. Some, however, thought that they might need some kind of support person.

The views expressed by the respondents on aftercare and supervision were mainly critical. An exception was the job-placement function of a dedicated employee of the after-care organisation.

News in brief

Belgium

To combat overcrowding in prison establishments, supplementary measures have been taken in connection with:

- the relaxation of conditions for the temporary release of prisoners sentenced to a term or terms of imprisonment totalling more than five years;

- the non-enforcement of penalties entailing short terms of imprisonment (totalling less than four months).

Malta

For the near future reforms are envisaged for the creation of conditions which will further contribute to the rehabilitation of offenders while ensuring that prisons still remain a deterrent.

Netherlands

An extensive prison-building programme resulting in the opening of five new penal institutions, two in Amsterdam and the others in Grave, Vught and Stevensbeek. Six other new institutions will follow till about the end of 1990.

Sweden

Use of drugs to be punishable: if the government has its way, use of drugs will become punishable. Today, only possession of drugs is punishable, which has meant that association with drugs in certain cases has not been punishable. However, a person "revealed" as a drug abuser, e.g. as a result of an AIDS test shall not be punished (Prop. 1987/88: 71)

Fixed rules for punishment and punitive sanctions: From 1st January 1989 — for the first time in Swedish legal history — the Minister of Justice has proposed that general rules shall apply to courts concerning those matters they shall take into consideration when deciding on punishment and other punitive sanctions for crimes. The new regulations will be introduced in two new chapters of the Penal Code (Prop. 1987/88: 120)

Stricter treatment for serious offenders: From 1st July treatment for serious offenders will be made more strict. The National Prison and Probation Administration will have the right to decide on so called special treatment for all persons serving a prison sentence of four years and more.

The special treatment means that the inmate shall be placed at a closed national institution and that all leaves will be supervised. The government's right to decide on special restrictions for certain inmates is to be extended to include persons convicted of terrorism. (Prop. 1987/88: 137)

England and Wales

The implementation of the new working arrangements for prison staff in England and Wales (referred to in the December 1987 issue) has continued. By 1st May 1988 all but 4 establishments had introduced the new arrangements.

Northern Ireland

HM Prison Maghaberry (male) opened in November 1987.

Scotland

On 28 April 1988 the European Court of Human Rights delivered an important judgement in a case brought by 2 former Scottish prisoners (James Boyle and Brian Rice). In their applications both had alleged breaches of rights under Articles 8, 10 and 14 of the Convention and that under Article 13 they had also been denied effective remedies. The United Kingdom Government had from the outset acknowledged that there had been a breach of Article 8 in respect of one complaint, namely the stopping of a letter. However, the Court unanimously found that there had been no violation of any of the other Articles of the Convention, a judgement very much welcomed by the UK Government.

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

Austria: Dr. Helmut Gonsa, Director General of the Prison Administration, Ministry of Justice, Museumstrasse, 7, A-1016 Vienna

Belgium: Monsieur Julien de Ridder, Directeur Général de l'Administration Pénitentiaire, Ministère de la Justice, Avenue de la Toison d'Or, 55, B-1060 Bruxelles

Cyprus: Mr. I. Iacovides, Director of the Prison Department, Nicosia

Denmark: Mr. A. Trolborg, Direktor for Kriminalforsorgen, Justitsministeriet, Klareboderne, 1, DK-1115 Copenhagen K

France: Monsieur François Bonnelle, Directeur de l'Administration Pénitentiaire, Ministère de la Justice, 13, Place Vendôme, F-75042 Paris Cedex 1

Federal Republic of Germany: Dr. Klaus Meyer, Ministerialrat, Bundesministerium der Justiz, Heinemannstrasse, 6, Postfach 200650, D-5300 Bonn 2

Greece: Madame Marie Farmakis, Directeur de l'Exécution des Peines, Ministère de la Justice, Section des Relations Internationales, 2 rue Zinonos, GR-Athènes

Iceland: Mr. Thorsteinn A. Jonsson, Head of the Division of Corrections, Ministry of Justice, IS-101 Reykjavik

Ireland: Mr. M. J. Mellet, Head of Prisons, Department of Justice, 72-76 St-Stephen's Green, IRL-Dublin 2

Italy: Monsieur Nicolo Amato, Direttore Generale per gli Istituti di Prevenzione e Pena, Ministero di Grazia e Giustizia, Via Silvestri, 252, I-00164 Rome

Luxembourg: Monsieur Pierre Schmit, Avocat Général, Délégué du Procureur Général d'Etat pour la Direction Générale des Etablissements Pénitentiaires et Maisons d'Education, Parquet Général, Côte d'Eich, 12, L-Luxembourg/Gd-Duché

Malta: Mr. Ronald C. Theuma, Director of Prisons, Prisons Department, Valletta Road, Paola/Malta

Netherlands: Mr. H. B. Greven, Director of the Prison Administration, Ministry of Justice, Schedeldoekshaven, 100, NL-2500 EH The Hague

Norway: Mr. Rolf B. Wegner, Director General, Department of Prisons, Probation and After-Care, Ministry of Justice, P.O. Box 8005 Dep., N-0030 Oslo 1

Portugal: M. Fernando Duarte, Directeur Général de l'Administration Pénitentiaire, Ministerio da Justica, Travessa da Cruz do Torel No. 1, P-1198 Lisbonne

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Sweden: Mr. Björn Weibo, Director General, National Prison and Probation Administration, Kriminalvårdsstyrelsen, S-60180 Norrköping

Switzerland: Monsieur Andrea Baechtold, Chef de la Section Exécution des Peines et Mesures, Division de la Justice, Office Fédéral de la Justice, Département Fédéral de Justice et Police, CH-3003 Berne

Turkey: Monsieur Cahit Ozdakis, Directeur Général des Etablissements Pénitentiaires, Ministère de la Justice, Adalet Bakanligi, Bakanliklar, TR-Ankara

United Kingdom:

England and Wales: Mr. Christopher J. Train, Director General H. M. Prison Service Headquarters, Home Office, Cleland House, Page Street, GB-London SW1 P4LN

Scotland: Mr. Peter McKinley, Director of the Scottish Prison Service, St-Margaret's House, London Road, Edinburgh EH 8 7TQ

Northern Ireland: Mr. J. Steele, Head of the Prison Service, Dundonald House, Upper New Townards Road, Belfast BT 4 3SU.