

Penological Information Bulletin

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Towards prisons without inmates ?

Re: the introduction of electronic monitoring in France

by Pierre Victor TOURNIER¹

The demographic approaches to prison that we have been developing since the 1980s² have led us to emphasise the existence of two distinct factors mechanically affecting changes in numbers of prison inmates. One is the **number of admissions** – the inscription on the prison register of previously free individuals –, the other the duration of detention – the length of inscription on that register. Any policy aimed at putting an end to the inflation of prison populations – and perhaps even achieving their deflation³ – must address these two factors simultaneously.

1. Two categories ...

We use the expression **“first category alternative to prison”** to designate any measure or penal sanction resulting in a cutback in the number of admissions on remand. This is the case of pre-trial surveillance imposed from the outset before any pre-trial detention – or of a community service order (CSO) or a suspended sentence, with or without probation, when the sentence is imposed on a defendant who is not in detention. This first category of alternatives may be said to be **“radical”**, in that they avoid admission, thus totally circumventing incarceration of the accused or sentenced person, who will not enter prison at all. Until quite recently – and despite efforts of all sorts⁴ – public debate on alternatives to prison or replacements⁵ for it mostly focused on measures of this type, as if there were no other way of cutting down the number of prisoners.

“Second category alternatives” are those penal measures and sanctions that reduce the duration of detention, or more accurately, the **“time on the prison register”**. In this case the alternative measure is the lesser of two evils. It may be termed **“partial”**, or **“relative”**, since recourse to confinement was not avoided, but the time spent on the prison register was shortened, through a measure of some sort. According to this way of thinking, sentence cutbacks for good behaviour or for serious evidence of potential for social rehabilitation,

as well as individual or collective pardons are all second category measures when they affect imprisoned individuals.

This dichotomy is inadequate, however, in that penal measures and sanctions cannot be divided into two distinct categories. Many fall into one or the other category depending on how they are applied. Pre-trial surveillance, for instance, is in the first category if prescribed from the outset. But it becomes a second category measure if it is decided once the person is in pre-trial detention, since it reduces the length of the prison stay prior to judgment. The same is true of suspended incarceration. It is in the first category if the defendant was not in pre-trial detention, or in the second category in the opposite hypothesis. Parole is in the second category. Although it does not reduce sentence-serving, it leads to early release – with removal from the prison register, the rest of the sentence being served under the supervision of the probation services. The issue of **reforming punishment** may therefore be seen to be an integral part of the question of alternatives to imprisonment.

The limits of the above-mentioned dichotomy become clear, when applied to alternatives as a whole. Where, indeed, shall we class semi-liberty and employment outside of prison, which are also partial or relative alternative measures, but do not avoid entry on the prison register? They are not in the first category, since they do not reduce the time on the prison register, nor are they in the second category either.

2. A triptych

Without going into detail, we may recall some procedural rules relative to these measures.

Employment outside of prison means that the sentenced prisoner who meets some specific requirements may work outside of the correctional institution on jobs supervised by the prison administration, with or without surveillance by the prison personnel (Art. 723, Art.128, Art. D.136 of the CCP, Art. D 49-1 of the CCP). Such work may be performed for an administrative authority, a local one, a legal entity or a real person. The judge in charge of the enforcement of sentences (JAP) can only order employment outside of prison under surveillance for individuals whose sentence does not exceed 5 years imprisonment and who have no previous sentence to more than 6 months, unless the person is eligible for parole or semi-liberty. The requisites for employment outside of prison without surveillance

1. Research Director at the CNRS/CESDIP, lecturer at the University of Paris I Panthéon Sorbonne. Paper presented at the first conference of the European Society of Criminology in Lausanne on 6-8 September 2001.

2. Tournier, 1996.

3. Tournier, 2000a.

4. See, for instance, Tournier, 1997a, 1997b, 1997c.

5. On the different meanings of the two terms, see Kuhn, 1997.

are stricter, since it can only be awarded to those prisoners with no more than one year left to serve, or to those eligible for parole and having only 3 years at most left to serve.

Semi-liberty may be awarded by the sentencing court when it condemns an individual to one year of imprisonment or less (Art. 132-25 CP). The decision may also be made by the JAP for the same type of sanction at the time of enforcement (Art. D 49-1 of the CCP). Again, the JAP may pronounce it for sentenced prisoners provided they have no more than one year left to serve, at most (Art. 723-1 of CCP). When this measure is a prerequisite for parole, it is decided, since the passing of the 6 January 1993 Act¹, by either the JAP or the Minister of Justice, depending on whether the sentence is to more or less than 5 years.

We therefore use the term “3rd category alternatives” to designate those penal measures and sanctions that reduce the time actually spent behind prison walls, without removal from the prison register and therefore without reducing the time spent on the prison register. This is the case of both semi-liberty and employment outside of prison, but also of furloughs. It is true of electronic monitoring as well. The merits of these measures, which relieve prison overcrowding, mitigate the negative effects of detention, contribute to rehabilitation and facilitate the extension of paroling, will not be discussed here. For further discussion of the subject, the reader is referred to the Recommendation of 30 September 1999 of the Committee of Ministers of the Council of Europe² on Prison Overcrowding and Prison Population Inflation.

3. Electronic monitoring, a polymorphous alternative of the third type

The 19 December 1997 Act introduced electronic monitoring as a means of enforcing sentences involving deprivation of liberty³. Article 723-7 of the Code of Criminal Procedure provides that in the case of sentencing to one or several custodial sentences whose total cumulative duration does not exceed one year, or when the remainder of one or several custodial sentences does not cumulatively exceed one year, the JAP may decide that the sentence will be served under electronic monitoring (EM). EM may also be tentatively decided as a probationary measure for a duration not exceeding one year.

Furthermore, Article 62 of the 15 June 2000 Act reinforcing the protection of the presumption of innocence and the rights of victims stipulates that, when pre-trial detention is pronounced, the judge in charge of release

and detention may decide its enforcement under EM, in accordance with the provisions of Article 723-7 of the Code of Criminal Procedure.

Electronic surveillance may, in the future⁴, be used in four very different situations which must not be confused; this is why we call it a polymorphous measure. Since electronic monitoring is a way of enforcing a sentence involving deprivation of liberty or a decision of pre-trial detention, the person is entered on the prison register. The amount of time spent on the register is not modified, whereas the time actually spent behind the walls may be reduced to practically nothing. The enforcement of a one-year unsuspended sentence may involve zero days of actual imprisonment.

4. Virtual alternatives versus real alternatives

When a person, who has not yet been sent to pre-trial detention, is granted release under pre-trial surveillance and is finally given a totally suspended sentence, it would seem that this individual surveillance measure really enabled him or her to avoid prison. But it is also true that the investigating judge would not have resorted to pre-trial detention *if* pre-trial surveillance had not existed in law. In other words, the judge made use of an additional security measure, since it was available. If this is the case, pre-trial surveillance does not play its role as an alternative to prison (meaning it is a virtual alternative), but rather, it extends the net of social control. The same question may in fact be raised, more or less, for all category 1 alternatives. Would so-and-so, given a CSO, have been given an unsuspended one-year sentence *if* the law had not provided for community service work? Wouldn't he or she have been “granted” a simple suspended sentence, or perhaps even a fine?

It may be argued that the question arises in a different manner in respect of category 2 alternatives. A prisoner who has three years of confinement left to serve and who is released on parole has benefited from a very concrete alternative. He or she will serve the remaining three years outside prison walls. Yet, still ...

It is a known fact that in France prisoners are increasingly rarely released on parole⁵. The Parliament and the Government eventually became aware of the situation and finally engaged in a major reform of parole-granting procedures in the 15 June 2000 Act. Let us suppose that parole really is more liberally granted, as recommended. Will this not lead, eventually, to a compensatory increase in the length of the sentences meted out by courts, out of frustration at seeing “their” sanctions excessively “cut down”? This means that a 2nd category alternative, truly effective at the “micro” level (the beneficiary has no doubt about it), may become completely virtual at the “macro” level.

When discussing 3rd category measures, those taken from the outset – from the start of confinement – must be distinguished from the others. Let us take the case of pre-trial detention under EM, introduced by the 15 June 2000 Act. Article 62 reads as follows: “the judge in charge of release and detention takes into

1. Tournier, Kensey, 2000.

2. Council of Europe, 2000.

3. Kuhn, Madignier, 1998.

4. This system was first implemented, starting in October 2000, on four pilot sites, at the Aix-Luyes prison, the Loos-les-Lille prison (for the prison and detention centre populations), the Agen prison and the semi-liberty centre of Grenoble.

5. Tournier, 2000b.

consideration the person's family situation, especially when he or she has parental authority over a child who habitually resides with him or her, and who is under age ten". If EM had not existed, would that person have been sent to prison, or would he or she have simply been placed under pre-trial surveillance? The same may be said of EM corresponding to the enforcement of a sentence to less than one year of imprisonment. Can it be that courts are now encouraged to mete out unsuspended prison sentences of less than one year in those cases where they would previously have granted a suspended sentence, knowing that the person may – but again, may not – avoid going to prison thanks to the bracelet? Conversely, end-of-sentence EM does not raise the same type of question.

Probationary measures (semi-liberty, employment outside of prison or EM) connected with parole represent a different case. Their existence may lead to a more liberal use of parole, since they represent additional guarantees, on which the JAP (or, for the time being, the Minister of Justice¹) may rely. It may, however, delay actual release on parole. Without these measures, parole would have been effective on date t . With them, the prisoner is not released until date $t + t'$. The alternative is virtual, then, since its effect is to increase the duration of detention.

Is there something Janus-faced about these penal measures and sanctions? Some time from now, someone will come up with a "specialist" who will endeavour to quantify this duality accurately, and will announce that in 50% of cases probationary EM favours parole and in the other 50% it delays it². This remark does not close the debate, but one way of informing it would undoubtedly be to have precise, serialised data on the evolution of the prison population.

5. What accountancy for the prison population?

As the French saying goes, "it's the prison register that makes the prisoner". Thus, the statistics compiled by the correctional administration define the prison population as including every person "on the prison register" in a correctional establishment. What is counted here is the "legal presence" rather than the "physical presence". For example, a person "on furlough" on the date on which the statistic is based will be counted as in prison (still on the register). The same is true of prisoners who have been granted semi-liberty or employment outside of prison³. According to this rule, people who are electronically monitored are also counted.

1. The 15 June 2000 Act put an end to the competence of the Minister of Justice to grant parole.

2. Descombres, 1997.

3. Conversely, a toddler whose mother is on the prison register and who stays with her is not counted as part of the prison population (the child is not on the register).

4. Prisoners subject to prison for debt.

5. According to this way of thinking, parolees should be kept on the prison register, although they are free. Parole would then become an alternative in the 3rd category.

Conversely, paroling entails removal from the prison register. The parolee is not counted in the prison population although he or she continues to serve a sentence to "deprivation of liberty" outside of the prison.

If these 3rd category measures were to be extensively developed, with or without recourse to electronics, wouldn't the above saying be outdated? How will we be able to sort out the "imprisoned prisoners", the "imprisoned – part-time prisoners", the "non-imprisoned prisoners" and the "non-imprisoned non-prisoners" who, although supposedly serving an unsuspended sentence, are not in custody but on parole?

If we define the prison population (P) as composed of all those individuals *servicing* pre-trial detention or a sentence to deprivation of liberty or imprisonment for debt, irrespective of the way in which the measure or sanction is enforced, we arrive, logically, at the following equation:

$P = P_1 + P_2 + P_3$, where P1 is the number of inmates in pre-trial detention, P2 the number of inmates serving a sentence and P3 debtors⁴.

P₁ is composed of accused individuals subjected to electronic monitoring or not (P_{1,1} and P_{1,2}).

P₂ is composed of sentenced individuals under EM – sentences of less than one year (P_{2,1}), those employed outside of prison under surveillance (P_{2,2}), those employed outside of prison without surveillance (P_{2,3}), those given semi-liberty from the start decided by the court (P_{2,4}), those given semi-liberty from the start decided by the JAP (P_{2,5}), those given semi-liberty in the course of sentence-serving (P_{2,6}), those under EM as a probationary measure for parole (P_{2,7}), those under EM for the less-than-one-year remainder of a sentence (P_{2,8}), those on parole (P_{2,9}) and other sentenced individuals on the police register (P_{2,10}).

It may come as a surprise to find "sentenced individuals on parole" in this inventory. Up to now they were not counted in the prison population, since they are removed from the prison register. However, their situation seems to be closer to that of a sentenced individual under end-of-term-EM than to a person sentenced to suspended imprisonment with reprieve, who was never put on the prison register⁵. This is open to debate, but in any case, if we are to measure the evolution of alternatives to prison using the three distinct categories suggested here, we must have a modicum of conceptual (topological?) and statistical tools at our disposal. It certainly would seem that with the implementation of EM, the time has come to think about that and to do something about it.

Without waiting for that hypothetical day when prison will, naturally, not have been abolished yet, but when most prisoners will be outside the walls...

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“The Nord-Balt prison project” – A model for co-operation and reform of prison systems

by Björn JANSON¹

I. Introduction

The “Nord-Balt Prison Project” is the working name of a Council of Europe regional project of co-operation between Estonia, Latvia and Lithuania on the one hand and Denmark, Finland, Norway and Sweden on the other. The overall objective of the Project is to improve and develop the prison systems in the Baltic States. The Project is based on assessment reports, drawn up by Council of Europe experts, on each of the Baltic States’ prison systems.

The preparation of the Project started in 1993, when the first assessment report was drawn up. By 1995 the prison systems of Estonia, Latvia and Lithuania had been assessed, and, based on already existing bi-lateral co-operation between the Baltic and the Nordic States, the Council of Europe initiated the Nord-Balt Prison Project in 1996 to stimulate co-operation in this region further and fill in gaps between existing activities, inter alia, by making available additional European expertise and support. This work is carried out by a Steering Group, consisting of one contact person from each Baltic and Nordic State and two general rapporteurs appointed by the Council of Europe.

The Steering Group, which has held regular meetings since 1996, has identified specific topics for which activities have been organised; “public and political awareness of European penal norms and standards”, “management and training of staff”, “prison construction”, “health care”, “probation”, etc. The bulk of activities, however, has been organised bi-laterally by the Nordic States, which have had recourse to a large extent to “twinning arrangements” between prison institutions and staff training centres in the region. These arrangements have ensured that not only the central authorities but also individual prison institutions have become firmly committed to cooperation. Considerable material assistance has also been provided as a result of the twinning arrangements, in the form of refurbishment of institutions, establishment of workshops, laundry facilities, computers and sport halls, etc.

1. Department of Crime Problems, Directorate General of Legal Affairs.

The Nord-Balt Prison Project was initially exclusively funded out of the Council of Europe budget for co-operation programmes with Central and Eastern Europe (“Themis Plan”, “Demosthenes Programme” and “ADACS”) and then also by the European Commission through “Joint Programmes”. However, the continuation and continuity of the Project has only been possible because of generous voluntary contributions to the Council of Europe from the Nordic States and bi-lateral contributions in the form of financing of activities or material assistance directly to Estonia, Latvia and Lithuania.

II. Achievements in the Baltic States’ prisons

The reform of a prison system is not to be regarded as an isolated task; it has to be seen in the context of the reform of the entire criminal justice system. The Council of Europe has from the early 1990’s provided assistance to the countries of Central and Eastern Europe, which has covered almost every aspect of the criminal justice process, the police, the prosecution, the judiciary and the penal system. Particular emphasis has been laid on the drafting of new primary legislation, such as criminal codes and codes of criminal procedure.

The fundamental problems of the prison systems in the Baltic States are closely linked to very high prison populations, a phenomenon to which both legislation and praxis have contributed. However, Estonia, Latvia and Lithuania attached themselves high priority to the reform of their legislation and were not in need of international assistance in this connection. This is why the Nord-Balt Prison Project has preferred to focus on the administration of the prison services of these countries and on possible improvements to be made in this connection, in particular with regard to the conditions in the penal institutions, which had to be made to comply with the European Prison Rules and related instruments.

Approximately five years after the initial visits in each of the countries in question the prison systems have been re-assessed during thorough “inspections” and the progress observed is remarkable. Organisational structures have been reviewed and modified, staff training has been revised in order to conform with European standards and new facilities for staff training are in place. The conditions in the prison institutions are generally much better, the level of cleanliness has

improved and prisons are being refurbished and sometimes even replaced by new facilities. Moreover, a better "tune" in the institutions, in particular as a result of a more "humane" relation between staff and inmates, has been noted. Many of the recommendations made by the Council of Europe experts in the initial phase of the Project have thus been followed.

Despite the many achievements mentioned, there remains a lot to be done. The relatively high prison populations, the overcrowding in the institutions, the existence of tuberculosis and a low level of adequate medical care are some of the remaining difficulties, which will take longer to overcome, in particular as the solution to these problems requires extensive funding.

Finally, the transfer of the prison services from the Ministries of the Interior to the Ministries of Justice, in Estonia already in 1993 and in Latvia and Lithuania in 2000, should be mentioned as it clearly illustrates the commitment to "European norms and standards" at the highest possible level.

III. Future of the Nord-Balt Prison Project

Following the re-assessment of the prison systems in Estonia, Latvia and Lithuania, which showed the significant developments made, the Steering Group has defined its role and work for the future:

- 1) *As a forum for strategy and long-term policy;*
- 2) *To develop twinning arrangements;*
- 3) *To follow the developments, either through its own assessments or on the basis of the CPT reports and*
- 4) *To act as a co-ordinating body.*

1. Forum for strategy and long-term policy

The initial activities of the Project were to a large extent led by the appalling conditions in the prison institutions. Today the situation is drastically different, the general living conditions in the prisons are much better and there is wide knowledge in the prison services of the "European standards".

At the same time the organisational structures are constantly changing. The transfer of the prison services from the Ministries of the Interior to the Ministries of Justice is an example of a long-term policy that has been supported by the Steering Group.

The development of probation systems provides further evidence that a longer-term perspective is adopted. The Steering Group is planning to provide assistance in this connection, in particular to Latvia and it may use expertise from the Nordic States as well as from Estonia, which has already developed a probation service.

2. Twinning arrangements

The twinning arrangements established between the large majority of the prisons in Estonia, Latvia and Lithuania on the one hand, and prisons in the Nordic

States on the other, have been the backbone of the bilateral cooperation between the countries concerned. This less formal network provides links between the professionals. The twinning, which started with the prisons, has gradually extended its scope and today it covers also the staff-training institutions. Part of the co-operation (e.g. between Norway and Latvia) has been built almost exclusively on the twinning arrangements. The twinning allows for a mutual exchange of views and emphasises the co-operation side of the Project rather than that of assistance and support. The twinning arrangements of the Nord-Balt Prison Project have been the model for similar activities in other regions in Europe under the lead of the Council of Europe.

3. Basis for future activities

The activities of the Nord-Balt Prison Project decided by the Steering Group have been based on the findings and recommendations contained in the assessment reports. At the outset these reports were the only available sources of comprehensive information on the prison systems, including all prison institutions. The reports had the following two main objectives: first, to be used by the prison services in question as an incentive for immediate as well as long-term reform and secondly, to be used by the Steering Group. It should also be noted that the reports have always been available to the public. This openness has proved very useful, in particular in connection with attracting foreign interest in co-operation, assistance and support for the Baltic Region.

In addition to the practical improvements of their prison systems, Estonia, Latvia and Lithuania have become Contracting Parties to several international instruments of relevance, the most important being the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. As a result, these States are now subject to formal international control of a twin nature, i.e. they are subject to both the judicial-complaints mechanism of the European Court of Human Rights and the non-judicial preventive mechanism of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The latter body is of particular interest as it carries out periodic as well as ad hoc visits in places of detention of any kind, including prisons. These visits result in reports, which are kept confidential, until the country in question decides otherwise. The CPT has carried out visits in all three Baltic States, in Estonia in 1997 and 1999, in Latvia in 1999 and in Lithuania in 2000.

The Nord-Balt Steering Group has repeatedly discussed the possibility of using the CPT reports as a basis for its future activities. This would replace the updating of its own assessment reports and link the work of the Group to an ongoing monitoring mechanism of the Baltic States' formal international engagements. This, of course, would require that the States concerned make these reports public. To date, only Lithuania has taken such a step.

4. Co-ordinating role

The intensive co-operation between the Nordic and the Baltic States in the field of prison reform is likely to continue or even increase. The incorporation of the Baltic States in the Council of Europe family is now complete and these countries are in the process of negotiating their membership of the European Union. The process of accession to the European Union will also act as an impetus for further reforms in the three countries' prison systems.

The Council of Europe, which has developed most of the existing "European standards" with regard to persons deprived of their liberty (conventions, recommendations, case-law of the European Court of Human Rights, principles of the CPT etc) and which has outstanding expertise in co-operation and reform activities in Central and Eastern Europe, provides the natural platform for the co-ordination of projects like the Nord-Balt Prison Project.

IV. Concluding remarks

At a recent Conference between the Ministers of Justice of Estonia, Latvia and Lithuania (Stockholm, October 2001), the Ministers expressed their satisfaction with the activities of the Nord-Balt Prison Project which, they confirmed, had been a valuable tool for the reform of the penitentiary systems in the Baltic States. The twinning arrangements between prisons and staff training institutions in the Baltic and the Nordic States were considered to be particularly important.

The Ministers agreed that this work should be continued and even intensified. In this context, emphasis was laid upon the strategic and long-term policy role of the Project and the need to associate the work of the Steering Group with the findings and recommendations of the CPT.

24th Conference of European Ministers of Justice, Moscow, 4-5 October 2001

At the 24th Conference of European Ministers of Justice, held in Moscow on 4 and 5 October 2001, the Ministers of Justice of the Council of Europe member and observer States addressed, under the general theme of the implementation of judicial decisions in conformity with European Standards, questions related to "the effective enforcement of civil judicial decisions" and "the implementation of long-term sentences". Following the events on 11 September 2001, the Ministers also considered it necessary to deal with a third item, the "fight against international terrorism".

The discussions at the Conference were based on a general report prepared by the Russian Federation and various contributions from the participating States. In conclusion three Resolutions were adopted.

The Resolution No. 2 concerning the implementation of long-term sentences is particularly interesting for the development of penological co-operation in Europe. Equally interesting information can be found in the general report and several national contributions. The full text of the resolution, as adopted by the European Ministers of Justice, is reproduced below together with extracts from the general report and selected national contributions. The editorial team of the Bulletin would like to thank the authorities of the countries who have kindly accepted to have these extracts published.

I. Resolution No. 2 on the implementation of long-term sentences

THE MINISTERS participating in the 24th Conference of European Ministers of Justice (Moscow, October 2001),

Considering that the enforcement of sentences requires striking a balance between objectives such as ensuring security, good order and discipline in penal institutions on the one hand, and providing decent living conditions and active regimes for the prisoners, on the other;

Considering that the enforcement of long-term sentences and life sentences in particular poses a heavy burden on prison administrations and on society as a whole;

Concerned about the increase, in many countries, in the number and length of long-term sentences, which contribute to prison overcrowding and impair the effective and humane management of prisoners in full conformity with international human rights standards;

Aware of the particular situation of some countries whose prison administrations face severe difficulties in connection with the enforcement of long-term and life sentences, due in particular to a lack of adequate resources and staff;

Welcoming that, on the proposal of the European Committee on Crime Problems (CDPC), the Committee of Ministers instructed the Committee of Experts on the management of life-sentenced and other long-term prisoners (PC-LT) to elaborate guidelines for good practice;

Bearing in mind the importance of the principles contained in existing relevant instruments, in particular Resolution (76) 2 on the treatment of long-term prisoners, Recommendation R (87) 3 on the European Prison Rules and Recommendation R (82) 17 on the custody and treatment of dangerous prisoners;

Also bearing in mind that the implementation of the principles contained in Recommendation R (99) 22 concerning prison overcrowding and prison population inflation, as well as the provision to prison administrations of adequate resources and staff, would reduce an important part of the management problems related to long-term imprisonment and allow for safer and better conditions of detention,

EXPRESS their support for the work undertaken by Committee PC-LT and encourage the Committee to pursue its efforts with a view to concluding its work before the end of 2002;

INVITE the Committee of Ministers to give priority to the work in this field and to support and develop the co-operation programmes put in place to promote the reform of prison systems.

II. The implementation of long-term prison sentences Report presented by the Minister of Justice of the Russian Federation

Introduction

Keeping offenders in custody has undoubtedly been overestimated by society – this was especially emphasized in the Explanatory Memorandum to the European Prison Rules (Recommendation of the Council of Europe Committee of Ministers, No. R (87) 3, February 12, 1987). Such overestimation should be attributed to a growing concern over social and ethical problems, involved in maintaining social order; care to preserve common human values; occasional conflicts between the interests of society and the rights of the individual. This applies first of all to long-term sentences that are used as a means of social deterrence and are of paramount importance to European states – and to other states too.

The implementation of long-term prison sentences has time and again been on the agenda of the Council of Europe. Thus, in 1972, a special subcommittee was

established by the European Committee on Crime Problems to consider the problems of crime. The report of the Subcommittee was used on 17 February 1976 by the Committee of Ministers as a basis for its Resolution (76) 2 on the treatment of long-term prisoners.

Besides the European Prison Rules, the problem under study is broadly treated in the recommendation standards, incorporated in the following acts adopted by the Council of Europe Committee of Ministers: Resolution (73) 24 on group and community work with offenders; Resolution (75) 25 on prison labour; Recommendation No. R (82) 17 concerning the custody and treatment of dangerous prisoners.

Today, however, the problems of effective enforcement of long-term sentences still cause concern in Council of Europe member states.

As is well known, a committee of experts was set up on the initiative of the European Committee on Crime Problems to study the problems relating to the management of life-sentenced and other long-term prisoners. The newly established Committee consists of experts from 15 member states of the Council of Europe¹ and Canada and has, as its goal, to prepare reports and recommendations which include "best practice" of regulations in the field under consideration. We hope that the results of this Conference will be useful to the Committee in its work.

As highlighted by the 12th Conference of Directors of Prison Administration (Strasbourg, 26-28 November 1997) there has been a noticeable increase in the number of life-sentenced and other long-term prisoners in a number of European countries, which in no small degree, is linked to a shift in the practice of sentencing and to the abolition of the death penalty.

In most European states long-term prisoners make up a substantial share of the prison population. Thus, taking a 5-year term as the general lower limit of long-term imprisonment, one will see that in more than half of the Council of Europe member states, which have submitted relevant data to the penal statistics of the Council of Europe (SPACE) for 2000, the share of that category of convicts comprises over 40% of the total.

At the International Seminar in Moscow in October 2000 it was examined how hearing of criminal cases and passing of sentences had affected the overcrowding of penal institutions. In part, it was emphasized that during the last three years 3/4 of European countries witnessed a growth in the prison population. This is attributed to structural changes in criminality, educational levels, and unemployment and poverty on the one hand, and miscalculations of politicians, including

legislators, law-enforcement and judicial authorities, on the other.

In many countries a tendency has been noted towards making criminal legislation more rigorous, using imprisonment as punishment on a broader scale and sentencing to longer terms of imprisonment – all this could not but increase the prison population. Thus, in the 1990's of the 20th century the total number of inmates was growing in the prisons of Australia, the USA, Belgium, Spain, Italy, Canada, the Netherlands, Portugal, Russia, France, Sweden, and Switzerland. Such development cannot but place a heavier burden upon penal systems for quite objective reasons, entailing overcrowded prisons, shortage in prison staff and material resources, sharper problems of safety, and greater expenditure incurred by society as a whole.

Accordingly, a more extensive and rigorous repression of criminal acts and a larger number of prisoners, especially those sentenced to long-term imprisonment, can be regarded as a worldwide tendency in the modern penal practice which causes anxiety of specialists, authorities and the public in many countries, European countries first of all.

Apart from anything else, this is evidence of a greater control over the behaviour of persons on the part of a state as more and more people find themselves under the surveillance of law enforcement, penal and other authorities. However, a more general and conceptual idea of the limits and mechanisms of social control, aimed at combating crimes and ensuring public safety, would obviously be the subject of other forums.

Both theory and practice of implementation of long-term prison sentences differ in many countries of Europe. Despite this variation there is a growing awareness that the management of long-termers should aim at implementing the objectives of punishment² and at striking a balance between several factors such as preventing escapes, ensuring good order and discipline in penal institutions, and providing active regimes and opportunities for this category of prisoners.

Determining the "long-term imprisonment" notion

Long-term imprisonment sentences are passed, as a rule, for intentional serious crimes. Yet, the Council of Europe member states are lacking a uniform approach as to which crimes should be classified as serious and what terms of imprisonment fall under the category of long ones. The same applies to the conditions of earlier release from such sentences and to the execution of life imprisonment (when such punishment is practised).

In the Russian Federation, for example, the boundary between the categories of semi-grave and grave crimes presumes a 5-year-term of imprisonment. From this it can be stated that under Russian criminal legislation long-term imprisonment sentences are those in excess of 5 years. In "the former Yugoslav Republic of Macedonia", long-term imprisonment is that over 10 years, in Greece – 5 years, in Sweden – 4 years, in Finland – 2 years.

1. Belgium, the United Kingdom, Greece, Denmark, Ireland, Cyprus, Lithuania, Moldova, Romania, Turkey, Ukraine, Finland, France, Czech Republic, "the former Yugoslav Republic of Macedonia".

2. For instance, the criminal-law-enforcement legislation of the Russian Federation determines 3 objectives of punishment in the course of its implementation: redemption of the offender, special (individual) warning and general warning.

There is no uniformity in the upper level of long-term imprisonment provided by law. Searches for the most effective uppermost level of punishment in the form of imprisonment have been conducted throughout the history of penitentiary science. Two indications have been revealed which to a great extent determine the final result: feasibility of imprisonment in the context of the end goal of punishment and influence of long-term imprisonment on the offender's personality and society as a whole.

In this connection it seems feasible to discuss at our Conference the point of whether it is necessary and possible to come to a unified and recommended definition (at European level) of a long-term imprisonment and to set its lower and upper boundaries. Suggestions could also be put forward as to whether life imprisonment is to be regarded as reasonable at all.

Taking into account the social and personal costs incurred by a long-time imprisonment, it is germane here to recollect what Jeremy Bentham (1748-1832), famous English jurist of the 18th century said: punishment, particularly in its most repressive forms, is itself an evil, which should be applied extremely carefully and in minimum doses, on the principle: "*poenae sint restringendae*" (punishment should be restricted). In this the task of the government must be to choose the evil, bearing in mind two things: the evil of crime and the evil of punishment – the harm from malady and the harm from medicine.

It is common knowledge that punishment as a social-legal phenomenon has an intricate and contradictory nature which is particularly sharply displayed in the execution of the most severe punishment – that of long-term imprisonment.

It is worth noting that long-term imprisonment is enforced on persons who committed most dangerous crimes. In this, on the one hand, the isolation for a long time relieves society from a dangerous criminal and enables to arrange measures for his/her redemption, to satisfy the sense of public justice, but, on the other hand, it entails such negative consequences as the separation of the offender from the family, and the weakening or even severance of other socially useful links; it will adversely affect the demographic processes and badly damage the convict's personality, psychologically and individually.

Research of Russian scientists in psychiatry and psychology disclosed the stressogenic significance which the factor of man's isolation from society has. Yet, for a number of objective reasons, involved in the loss of freedom, full or considerable relief of psychic-emotional burdens and stresses under the said conditions seem problematic.

This research has shown that the majority of long-servers suffer from the following negative effects:

- (1) lack of future prospects;
- (2) aggressiveness, impulsiveness, bursts of negative emotions incommensurable with the cause that provoked them;

- (3) unpredictable behaviour;
- (4) lack of inner motivation for redemption;
- (5) inclination to lay the blame on somebody else;
- (6) inability to settle conflicts in a constructive way.

In the light of what is said above, it is logical to pose a question about the boundaries and possible limits within which long-term sentences would be needful and sufficient to accomplish the social tasks of punishment. The results of relevant studies in Russia, conducted through complex investigation of how long-term sentences affect the personality and behaviour of convicts, and what the social, psychological and other aspects of long-term sentences are, have shown that imprisonment over 10 years for a convict who committed his/her first serious crime and over 7 years for a convict who committed his/her first less serious crime proved insufficient, as far as the effectiveness of punishment was concerned.

Facts such as the accumulation of negative consequences of the lengthening of offender isolation from society and lack of correlation between the duration of imprisonment and the redemption of convicts are solid arguments in favour of shorter terms of imprisonment, thus confirming the well-known truth: "*potencia inutilis frustra est*" (useless power is infinitesimal).

Further research is needed to determine how long-term sentences affect the behaviour and personality of the convict. Conducted under the aegis of the Council of Europe such research would allow to find out a general approach to the expediency of long-term imprisonment and to set its uppermost level.

Classification and allocation of prisoners

The European Prison Rules do not impose any special requirements depending on the length of imprisonment. They state that classification and allocation must not aggravate the sufferings of inmates while they serve their terms, save for individual cases when it is justified by the need of isolation and discipline.

Classification and allocation of long-term prisoners vary from country to country in Europe and are reflected in their legislations. In some countries (mostly in Eastern and Central Europe) the classification and allocation are decided by the court, on the basis of the type of crime committed and the length of the sentence, whereas in most other countries it is decided by the prison administration proceeding from the prisoner's individual risk and needs assessment.

The legislation of most European countries does not provide for any specific prison regime applying to long-term and life-sentenced prisoners.

Yet, most of the European countries apply the so-called system of sentence planning which offers the possibility of gradually re-allocating prisoners from a closed penal institution to a semi-open and thereafter to an open penal institution. The vital issue to decide is who will have a say about such re-allocation: the penitentiary administration or the court. As usually, the truth proba-

bly lies somewhere in the middle: in some or other form the positive features of both versions are to be combined (flexibility and good knowledge of the convict by the penal administration, and impartiality of the court).

In most European countries long-term prisoners are not segregated from other prisoners, unless the country's legislation imposes separation of life-servers from other inmates.

As far as Russia is concerned, the conditions in correctional labour colonies with different regimes (general, strict and special) vary only in the amount of parcels received by post or brought in personally, short- and long-time meetings and sums of money allowed to spend monthly. All convicts sentenced to imprisonment receive obligatory general education. Criminal law provisions allow to correct terms of imprisonment, depending on the convict's conduct, by earlier conditional release or by commuting the remaining part of punishment to some lighter penalty; an ill prisoner may be released from serving his/her term.

Mention must be made of HIV-affected long-termers, their detention and medical treatment. In the Russian Federation, for instance, pursuant to Recommendation of the Committee of Ministers No. R (98) 7 of April 8, 1998, HIV-affected convicts' detention in separate medical penal institution was countermanded; they may now be kept with convicts of other categories.

Even though the serving of a long-term sentence is in itself an effective measure of redemption, much depends on the regime under which the penal institution is run, since the regime is directly linked to a constant control over inmates' behaviour.

Strictness of penal institution's staff towards inmates' daily conduct is an indispensable element of an adequate regime. Such strictness must be justified, specific and not humiliating to human dignity, as set out in the general principles contained in the European Prison Rules and other regulations, including international legal instruments.

Psychologically the internal "processing" of regime requirements by prisoners can be imagined as a process of perception, assimilation and realization of the norms and rules, finding their expression in the individual type of behaviour. Individualized and differentiated regime requirements, depending, in part, on the length of imprisonment, seem of much importance in forming a positive attitude towards such requirements.

To prevent crimes in penal institutions, their administration must spare no efforts to make each inmate comprehend and assimilate all norms and rules of the regime so that they become logically justified for him/her. A correctly organized regime presupposes that a well-adjusted system of interrelations between inmates and administration and among inmates is functioning adequately.

In treating long-term prisoners the regime must see to it that: no ill-intended groupings are formed, nor conflicts arise among inmates; any bad moods towards

staff treatment measures are removed in good time; criminal bosses are not allowed to influence negatively their co-inmates.

Safety of prisoners and administration staff

Safety of prisoners and administration staff must be regarded as a "must" for penal administrations. Many prison services are engaged in providing for the safe operation of penal institutions, each to the extent of its powers. However, as the experience of many European countries has shown, it is most expedient that the organizing and coordinating role in this area be placed with a special structural division – the security service.

In recruiting security officers, particular attention must be paid to their personal and psychological features, as the professional discharge of their service functions involves constantly keeping in touch with inmates; they will have to give correct responses to complicated conflict situations that may arise all of a sudden. In fulfilling their duties the officers must display good knowledge of legal and other norms applicable to penal institutions (including standards of recommendation type), good physical conditions, and adequate and skilful application of special means of security. Adequate psychological training is highly welcome.

Of key significance in providing personal safety to prisoners is a differentiated approach to different categories of offenders: the offenders that present danger to the safety of those around them must be segregated from the mass of prisoners as far as possible. Such separation can be effected by lockable rooms.

Preventive measures are another way of providing safety for prisoners and staff. Of no small importance in this respect is keeping on record the inmates who are prone to committing violent offences. Such prisoners should be treated individually to make them reject their inclination to wrongful intents. More intensive control and stricter surveillance may be necessary in relation to such person's conduct.

Simultaneously work should be done on finding out and removing the causes and conditions conducive to committing offences, such as conflicts among prisoners, or unjustified actions of penal institution staff towards prisoners.

In our opinion in the existing international documents (both at universal and European levels) the safety of penal institution staff is given insufficient attention.

Educational activities and labour in penal institutions

Most European countries practice pre-release programmes, many have also post-release programmes.

Generally accepted forms and methods of educational treatment are applied to long-sentenced prisoners, due account being taken of such prisoners' psychological features. The highest effect is reached if the treatment is conducted with paying due attention to human dignity.

Re-education of prisoners consists in making offenders overcome their antisocial views, beliefs and negative features of their personalities. Rational use of free time is of special importance in the ethical improvement of long-sentenced prisoners. Therefore physical culture, sports and other useful activities reduce the share of passive leisure-time and uncontrolled use of free time.

In the Russian Federation long-sentenced prisoners are usually persons of 30 and more years of age. Individual educational work is the main form practised by educators with such inmates. This individual work is arranged in a certain succession and begins with the comprehensive study of each offender, his/her mode of life before the arrest, conditions of, and reasons for, perpetrating the crime, and specific features of his/her disposition and state of mind.

It is the starting period of imprisonment that is the most vital and work-consuming stage of individual educational work with the offender, for this is the time during which newcomers have to adapt to the conditions of imprisonment. At this stage programmes of social and psychological adaptation are implemented, psychological and pedagogical training are conducted so that the convicts could form and stimulate self-realization and self-assertion in various socially useful activities.

We believe that long-sentenced prisoners should have psychological and educational follow-up throughout their full term of imprisonment in order that their mental and physical conditions be maintained in good state, negative effects of imprisonment neutralized and socially useful links developed (rehabilitation) and strengthened.

At the final stage emphasis should be placed on work aimed at the re-socialization of convicts, their adaptation to life in liberty. Psychological-educational preparation of convicts to their life after release can, in part, include social-psychological training (role-oriented and business games, business contact training), individual and group psychotherapy, and psychological consulting.

Participation of long-sentenced prisoners in socially useful labour and training is inalienable for maintaining their good moral and physical conditions. No wonder these kinds of socially useful activity of prisoners have been specially treated in separate sections of the European Prison Rules; the same can be said about recommendations of the Council of Europe Committee of Ministers, incorporated in Resolutions (75) 25 on prison labour and (76) 2 on the treatment of long-term prisoners.

In the Russian Federation these problems are settled at the state level. In 1996-2000 the Federal Programme "Promoting Labour Activities of Prisoners" allowed to reverse negative trends in this area. One of the priority solutions to prison labour problems lies in increasing the output of production of factories run by penal institutions, with the products intended for public needs and for the penal system market. Additional jobs have been created with the financial assistance of interior reserves, regional executive authorities and local self-

government, as well as public associations and organizations.

The production facilities of penal establishments must work, first of all, to solve social problems, not to gain profits from prisoners' labour, which, by the way, is reflected in the legislation of the Russian Federation.

In view of the specific nature of long-term imprisonment and its prisoners, it seems reasonable that the Conference will discuss how to incorporate into European standards the idea of developing specialized programmes of labour, education and vocational training for that category of prisoners, so that they are better equipped for re-integration into society after their release.

Earlier conditional release

Pursuant to par. 10 of Resolution (76) 2 of the Council of Europe Committee of Ministers, a decision on conditional release of long-sentenced prisoners should be taken if a favourable prognosis can be made, subject to the statutory requirements relating to the time served. In this, considerations of general prevention alone should not justify refusal of conditional release.

Earlier conditional release (also known as parole) is the most widely practised form of conditional release which presupposes post-penal after-care of specialized services. Other forms of conditional release include earlier release under electronic surveillance (England, Netherlands, Sweden) and release on consideration of compassion – serious illness, minor dependants, old age (Russia, Poland, Finland).

In some countries the possibility of earlier conditional release is not dependent upon the length of imprisonment. In England, Wales and Canada short-term prisoners (under 4-year terms) are automatically released after having served half of their term.

In other countries (e.g. in Russia) a prisoner may be subject to earlier conditional release after he/she has actually served a certain part of his/her term of imprisonment, depending on the category of crime. This year Russian legislators, guided by humanitarian considerations, have amended the criminal legislation to reduce the time that needs to be served for earlier conditional release to be effected. This sets objective conditions for earlier release of prisoners with good references.

The terms, grounds and kinds of conditional release also vary in the legislations of European countries as far as life-sentenced prisoners are concerned. Thus, in prisons of England and Wales from 1901 to 1950 the average term served by this category of inmates was 8 years. Sixty-eight life-sentenced prisoners had actually served less than 3 years and only one man served 20 years. As follows from statistics, the average time served by lifers released in 1997 has increased to 13.8 years; 296 inmates served more than 20 years.

In the legislations of Russia, Poland and Canada the term after which life-sentenced prisoners may be released on earlier conditional grounds is 25 years. In

some countries such prisoners are not subject to earlier conditional release and may only be pardoned. Par. 12 of Resolution (76) 2 of the Council of Europe Committee of Ministers contains a recommendation on reviewing life sentences after 8 to 14 years of imprisonment have been served; such reviews are to be repeated at regular intervals.

As follows from par. 11 of the said Resolution and par. 1 of the Committee of Ministers Resolution No. R (82) 17, life-sentences must be treated similarly to long-term imprisonment. Thus, in England and Wales prisoners of that category are kept in special prisons only during the first period of their term (which, as a rule, does not exceed three years); thereafter, if they have good references, prisoners are transferred to ordinary prisons.

In this context the Conference could discuss whether the conditions of custody and safety should be different for these categories of prisoners and whether provision to this effect should be made in European standards.

There is still another debatable question: may this category of convicts be subject to commutation, i.e., substituting a mitigated sort of punishment for the still unserved part of the term. Recently in Russia the enforcement of such punishment has been extended and is now independent of the severity of the crime committed. The time which has to be served before the court may decide on substituting the unserved part of the term with a more lenient punishment, has been brought in line with the terms required to apply for earlier conditional release. This institution may become a more effective tool in the enforcement of long-term sentences than earlier conditional release because the inmate's behaviour will be put under the control of a penal enforcement authority.

Joint (European) efforts should obviously be made to work out reliable methods that would allow the evaluation of risk when taking decisions on earlier conditional release of prisoners including long-term prisoners.

Execution of sentences as related to foreigners and stateless persons

Execution of imprisonment terms (particularly lengthy ones) in respect of foreigners and stateless persons is a serious problem for most of the European countries. This phenomenon is one of those negative characteristics which are inescapable in the internationalization of public life. Thus, the Council of Europe Penal Statistics for 2000 show that in 8 member states the number of such convicts exceeds 20% (Switzerland – 62.6%; Luxembourg – 59.1%; Greece – 48.4%; Belgium – 40.4%; Austria – 30.1% Italy – 28.5%; France – 21.6%; Sweden – 21.3%).

In the Russian Federation today the share of foreign prisoners is relatively modest but numerically it represents a large number of people (around 14200) and, what is worse, there is a steady trend towards the increase in their numbers. Outside Russia 4300 Russian

citizens serve their terms in 54 countries all over the world.

There is already a certain set of European standards applicable to foreigners (particularly those contained in the European Prison Rules and Recommendation No. R (84) 12 of the Committee of Ministers relating to foreign prisoners).

Clearly, observation of these standards must go in parallel with the activities aimed at transferring foreign prisoners (either on the ground of existing international treaties or on the basis of reciprocity) to the countries of their citizenship or permanent residence where they will continue to serve their terms. It must be borne in mind that although an essentially pragmatic measure (reduced spending, more free places in penal institutions), it obviously helps towards providing more effective conditions for re-socialization of foreign prisoners.

In this connection it is advisable that certain measures be taken to enlarge the number of member states participating in the Council of Europe Convention of 1983 on the Transfer of Sentenced Persons and its Additional Protocol of 1997. This applies not only (and even to a lesser degree) to member states of the Council of Europe. In our opinion the task consists in making these instruments universally accepted, regardless of the states' participation in other similar bilateral and multilateral treaties (e.g., conventions of the Organization of American States of 1993 and the Commonwealth of Independent States of 1998). We feel that a first impetus to this should be given by the Council of Europe.

We think it is worth noting that some states, Russia among them, are Parties to treaties enabling the transfer to other states of such prisoners who are not only their citizens, but also domiciled residents. It seems expedient to discuss whether a complementary protocol to the Convention on the Transfer of Sentenced Persons should be prepared to this effect.

Also relating to the issue under discussion are the problems that deal with earlier conditional release of foreign prisoners with their subsequent transfer to the state of their citizenship or domicile. Clearly, this will require corresponding international legal and legislative substantiations. In this connection it would be logical to consider how the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (1964) works in practice.

The penal system and the private sector

The involvement of the private sector in the penal system of different countries varies. According to the data available, the biggest number of private prisons is in the USA. In Great Britain the number of private prisons comprise about 10% of the total number of penal institutions in that country. Elements of privatisation in this sphere exist in the Netherlands, France, Belgium and some other European countries.

This is an intricate problem which provokes controversial views. But one thing is certain: the accumulated experience in this field deserves careful study.

A drive for privatisation of penal institutions gives rise to a lot of questions. The involvement of the private sector in the sphere of penal activities shifts the accent from the redemption of prisoners to their detention and control. Striving to cut down expenditure on staff, private companies make wide use of electronic equipment for the surveillance of prisoners. However, the enforcement of punishment implies much more than the mere detention of prisoners under conditions of isolation from society. We believe that a reduction of educational and training efforts on the part of penal institutions' staff will in no way help towards the redemption of prisoners and that it will adversely affect the general atmosphere and security in penal establishments.

In the opinion of some international non-governmental human rights defence organizations (Penal Reform International, in particular), an extension of the private prisons network will most probably lead to wider punishment through imprisonment, and an extension of private prisons must therefore be counteracted. Furthermore, the introduction of private prisons can lead to differences in the imprisonment conditions, as compared with state-run penal establishments, and this might be regarded as an infringement upon the principles of citizens' equality before the law and of non-discrimination.

In this situation the private sector can "skim the cream", if under the contract conditions private prisons will select the least dangerous, more predictable and, hence, least "expensive" convicts. The state-run penal institutions will accordingly have to manage the remaining "difficult" inmates.

In many countries modernly equipped private prisons will operate in parallel with overcrowded state-run institutions. A striking paradox: overcrowding is the key argument underlying the demand for private prisons, but state-run penal institutions in such countries will obviously continue to face the problem, while private establishments will evade it by virtue of their contract. Some experts in the field believe that the privatisation of penal institutions will at best help combat overcrowding in the short-term, but that it cannot be regarded as an effective enough and radical solution to the problem.

Russian legislation does not intend to establish private penal institutions, even though offers to such effect are being made by different public and commercial organizations.

In the light of available international experience in the enforcement of imprisonment it can be stated that private penal institutions are not the only form of attracting private capital to the development of the penal system. In many countries of Europe encouragement is given to individuals, commercial organizations and charity funds which are ready to invest money for the

improvement of imprisonment conditions so that they are in conformity with international standards.

Another way, in which the private sector can participate in this matter, is providing extra jobs for prisoners, both within penal institutions and outside them, in conformity with par. 7 of Resolution (76) 2 of the Committee of Ministers.

Conclusions

Numerous problems, involved in the enforcement of long sentences, can be settled by adopting generally agreed, theoretically substantiated and practically proved approaches and by incorporating the latter into European standards, as well as by introducing relevant changes and additions to the European Prison Rules (possibly in the form of a special section). In this, the key goal will be striking an adequate balance between the interests of the individual and those of society, ensuring public safety and prisoners' security and ensuring conformity with contemporary principles of democracy and humanism.

III. Country reports

Austria

Memorandum presented by the Minister of Justice

A. Introduction

It appears useful to use the notion of long-term prison sentence in such a way as to include also life-sentences, in particular because in Austria – and in other States – even prisoners with a life-sentence may be granted conditional release after having served for at least 15 years (according to law, in practice however after having served about 18 years). We agree that prison sentences exceeding five years are regarded as long-term sentences.

In Austria, long-term prison sentences are passed for intentional crimes with serious consequences showing the dangerousness of, and the need of protecting society from, the offender and subjecting him to concentrated measures of re-socialization, during a considerable period of time. Long-term prison sentences are thus a combined instrument of general and special prevention.

Regarded intentional crimes with serious consequences are grave offences against life and limb, grave offences against property with or without the threat or the use of force against the victim (robbery, grave fraud), and other serious forms of criminal activity such as organised crime, migrants trafficking, or drug dealing.

B. Long-term prison population

Parallel to the increase of the over-all prison population – a Europe-wide phenomenon since the 1980's –, the number of prisoners serving long-term sentences has also increased in Austria until the early 1990's. Thereafter, Austria was able to stabilise and even reduce the number

of prisoners, a development which also affected the number of those serving long-term sentences.

Presently, the over-all average number of prisoners in Austria amounts to about 7.000. Thereof, about one third are prisoners under remand, and two-thirds are prisoners who have already received their sentence. Of the latter, an average of 950 prisoners have been sentenced to long-term imprisonment (in the narrower sense) and an average of 150 to life-long imprisonment. Accordingly, the over-all number of long-term prisoners (in the broader sense) amounts to about 1.100 or about 25 per cent of the sentenced prison population. This percentage is noticeably below the average percentage of 40 per cent existing in the Member States of the Council of Europe.

C. Penal institutions for long-term prisoners

In Austria, there exist three penal institutions where prisoners may serve a long-term prison sentence (Stein, Garsten, and Graz-Karlau). In addition an Austrian-wide penal institution at Göllersdorf is dedicated to the treatment of mentally disabled offenders.

For practical purposes, the three first-mentioned institutions are not restricted to prisoners serving long-term sentences, but will receive also prisoners with medium-term sentences (not exceeding five years of imprisonment). On the other hand, prisoners serving only short-term sentences (i.e. terms of imprisonment not exceeding 18 months) will not be transferred to penitentiaries but will stay in the court prison where, or in the district of which, they have been convicted.

D. Classification and allocation of long-term prisoners

Of the two possible alternatives – classification and allocation of prisoners by courts or by the prison administration – the Austrian legislator has so far opted for the second. This applies also to the question of the re-allocation of prisoners.

The reason behind this decision by the legislator may be stated as follows: While the court is competent to decide on whether or not the accused is guilty of the offence in question, and what should be, in principle, the offender's punishment, and more particularly the length of his prison term, the prison administration has the greater experience with the practical enforcement of prison sentences. Moreover, after the convicted person has served some time in prison, he is usually well-known to the local prison administration and the latter is, therefore, in a better position to decide whether or not the prison regime with regard to that particular prisoner should be altered or whether the prisoner should be transferred to another institution.

The first classification which serves as the basis for the allocation of long-term (as of all other) prisoners, as well as their actual allocation to one of the nine Austrian penitentiaries where the prisoner will serve, or at least will start to serve, his term of imprisonment, is made by the Directorate General for Prison Administration, Directorate for Classification, which forms part of the Austrian Ministry of Justice.

The second classification of the prisoner is made by the local prison administration after the prisoner has arrived at a particular penal institution. Since different sectors, to which correspond different regimes, are established in the various penal institutions for the treatment of numerous types of prisoners in order to provide, on the one hand, for the necessary security requirements and to facilitate, on the other, the prisoners' social rehabilitation, it is necessary to devise, after the arrival of a prisoner, the execution plan according to which the prisoner is allocated to one of the various sectors. Involved in this second classification is the Head of the Execution Area, the Head of Sector and representatives of the Medical, Psychiatric, Psychological and Social Services; and the prisoner's past prison – record (if any) is also taken into consideration.

In general, there exist three different sectors, namely the sector for first sentenced prisoners, the sector of regular (normal) regime, and the sector of increased security. The latter is divided into different security levels.

Long-term prisoners who are not considered a special security risk are allocated to the lowest level of security and may, after an observation period of at least six months, be re-allocated to another sector. For prisoners who – because of their record of having attempted a prison breaking, and/or having used force against a member of the prison staff, and/or having committed an assault against a fellow prisoner – constitute an increased security risk, there exist higher levels of security within the increased security sector.

From the point of view of economising resources in Austria, adequate classification is regarded as being of utmost importance, especially as concerns the question of security. Since long-term prisoners are not *per se* dangerous and therefore do not necessarily constitute a security risk only for the fact that they serve a long-term sentence, their detention in high security sectors is not considered generally required and the so-called over-securing which creates unnecessary costs for the prison administration is thus avoided.

E. Object and purpose of the treatment of long-term prisoners

The execution plan, devised on the basis of a conversation held with the prisoner at his arrival, is a programme of treatment designed for the prisoner's individual needs, capacities and dispositions. An important objective of the execution plan, valid for all sectors (and thus also for prisoners with long-term sentences) albeit pursued in a different manner adapted to the particular regime, is to develop the prisoner's sense of responsibility for his own future and thus for his treatment which is to ensure his re-socialization.

To ensure the greatest possible measure of the prisoner's co-operation and participation in his treatment, the prisoner is given the opportunity to participate in the decision-shaping process leading to the execution plan.

Prison labour is regarded a useful means of re-socialization and of enabling the prisoner to make a decent living after his release. Labour is accompanied or, where necessary, preceded by education and training, both elementary and vocational. Within the necessary limits of orderly prison administration and discipline, prisoners may choose the type of work or education most suited to their interests. In special cases, even secondary and tertiary education is made available; and guarded leave for attendance of high school or university courses is not excluded even for long-term prisoners.

Recognising the fact that the individualisation of treatment is highly important, also and especially for prisoners who serve long-term sentences, Austria pursues a flexible system of classifying prisoners in groups. These groups are distributed, as far as possible, to separate institutions or units within an institution suitable for the treatment of particular groups. One advantage is that these institutions need not provide the same degree of security for every group. Thus, division of institutions into separate units allowing for different treatment is a more economical basis for the individualisation of treatment. Particular attention is given to preparation for release and resettlement for long-term prisoners, which includes all necessary measures such as special therapeutic and psychological programmes and training.

If the quality of the prison regime for long-term prisoners in Austria were to be measured by its effect on re-socialization, statistics show that recidivism is noticeably lower for long-term prisoners compared to medium and short-term prisoners, particularly during the first one to two years after release, which are regarded as the critical time.

Belgium

Memorandum presented by the Minister of Justice

I. General framework

At the beginning of May 2001, the 32 Belgian penal institutions were holding 8,700 prisoners, corresponding to a detention level of approximately 85 prisoners per 10,000 inhabitants. The Belgian prison population has been on the increase since the end of the 80s, though especially over the past three years (an annual rise of around 8%).

The prison population comprises 5,300 sentenced prisoners, 2,200 remand prisoners and 950 internees ...

Persons sentenced to long terms of imprisonment, i.e. in excess of five years, currently account for around half of the inmates. While there were 740 prisoners sentenced to terms of more than five years in 1985, this figure has risen to 2,556 in 2001!

Within this category there were 271 **persons** (including 10 women) **servicing life sentences** in 2001. Although everyone involved in the prison environment knows

that a life sentence rarely implies someone being locked up for his/her entire lifetime, the period of detention of a number of "lifers" is quite remarkable: of the 271 sentenced to life imprisonment, 4 have already served more than 30 years, 32 in excess of 25 years and 33 over 20 years.

This means that a total of 69 prisoners have spent more than 20 years behind bars in Belgium.

These figures illustrate the necessity of joint reflection on the implementation of long prison sentences.

II. Implementation of long prison sentences in accordance with the relevant European norms

On 17 February 1976, the Committee of Ministers of the Council of Europe adopted a Recommendation (76) 2 concerning the treatment of long-term prisoners. This recommendation, which is presently being reviewed by a working group, is being implemented and given shape in various ways in Belgium.

We now present an overview of the ways in which this recommendation is being put into practice.

Par. 3: of the recommendation: applying exclusive and strict security measures where dangerous prisoners are located

Belgium has only two institutions that exclusively accommodate prisoners serving sentences of more than five years (the Leuven Central and Andenne prisons). Other prisoners sentenced to long terms are held in the various closed institutions, many of which have both a remand centre and a prison facility. The prison facilities consist of sections in which, depending on the prison population, diverse regime possibilities are offered.

Those sentenced to long terms of imprisonment are generally held initially in a closed institution with increased cell-type security.

During detention and with regard for the trust that can be placed in the prisoner, his/her regime can evolve and he/she can be moved to another section of the institution where a semi-communal or communal regime is practised. These regimes range from an open-door system during certain hours (to enable free access to the shower, etc.) to a communal regime organised within the section (collective activities and meals), with the cells closed at night.

Where the prisoner's development permits, he/she can even be moved to an open institution with a view to re-socialisation and instilling a sense of responsibility in the prisoner.

Par. 5: Encouraging education and vocational training through paying adequate remuneration

Since the special law of 8 August 1980, the Belgian institutions have been reformed, with certain areas of competence transferred from the Federal Ministry of Justice to the Flemish and French-speaking Communities. The Communities are now responsible for providing prisoners with social support with a view to their social integration and, consequently, for the provision of

educational instruction and vocational training, as well as socio-cultural activities for the inmates. These interventions are not of a structural nature, rather they are carried out selectively and depending on the resources and priorities of the external services subsidised by the Communities.

At the level of **educational instruction**, the Communities provide remote teaching and make instructors available to the penal institutions. Depending on the material, the courses are given collectively or individually and can be confirmed by obtaining a recognised diploma from the Community.

Various projects are implemented in the prisons and long-term inmates can, in favourable cases, be transferred to one of these prisons to participate in a particular project (e.g. an educational project with a view to acquiring a certificate of basic instruction is organised for 15 prisoners each year at the prison in Namen).

Projects are also organised to teach prisoners basic skills to enable them to function better in society. These range, for example, from courses preparing for the taking of the theoretical examination required for obtaining a driver's licence and information on social security to job-seeking courses (drawing up a CV, preparing for an interview) and cookery lessons.

Vocational training covers both the practical and theoretical fields and is sometimes organised in two sections, with the first section held in the prison and the second taking place outside the prison at a training centre recognised by the Community. The vocational training programmes organised include the following: decorator (wallpapering and painting), welder, car mechanic, cook/caterer, business management and bookkeeping.

As encouragement, bonuses are awarded to prisoners who pursue courses.

Par. 4: Providing suitable work

With regard to employment, priority is given to long-term prisoners within the limitations imposed by security factors.

All prisons are equipped with workshops. Furthermore, a large number of inmates are employed in maintaining the institution, i.e. in the kitchen, laundry and sometimes even in the administration.

Cell work (packing of articles, making cardboard boxes, etc.) is provided by certain enterprises for prisoners who cannot work outside their cells for security reasons.

Par. 2: Promoting adequate treatment during detention

As already mentioned, by virtue of the 1980 state reform, the responsibility for providing assistance to prisoners no longer rests with the Ministry of Justice, which also means that therapy is no longer given by the prison's psycho-social service but, rather, by external therapists who work privately or are employed at the recognised centres of the Walloon Region, the Brussels Capital Region or the Flemish Community.

The expertise contributed by the local psycho-social teams deals more with the pre-therapeutic aspects in the sense that they provide for reflection on the criminogenesis and determine the course to be followed in relation to, amongst other things, the suitable aspects of therapy in order to reduce the risks of recidivism in the case of release.

A group therapy programme has been established at the prison in Jamioulx for **sex offenders** in cooperation with a specialised centre recognised by the Walloon Region, i.e. the Vincent Van Gogh Hospital. A similar experiment is being conducted at Leuven-Central, though internally with members of the local psycho-social team.

With regard to **drug addicts**, the Believe project has been organised every year for the past six years at the prison agricultural centre in Ruselede. This project runs for a period of 8 months with 16 prisoners, including long-term inmates. The programme is fully geared towards individual and group therapy, creative therapy, the acquiring of social skills, employment, building a structure and integration. The prisoners' families and the centre's staff are heavily involved in the process. This project produces good results, but requires substantial investment in human resources, which makes it difficult to extend the programme to a greater number of prisoners.

Other local projects are also carried out in co-operation with external (drug) support organisations and focus mainly on the provision of information, group work and preparing for re-socialisation.

Par. 7: Intensifying contacts with the outside world

Letter correspondence is permitted without any limitations, with monitoring carried out only very sporadically and exclusively for prison security reasons.

All institutions are equipped with card **telephones**, which can be used by prisoners at least twice a week to enable them to maintain contact with their families and lawyers.

In recent years, special attention has been paid to the **parent-child relationship**. Emphasis is placed in this regard on preserving and developing affectionate relations. The introduction of specific activities is encouraged in order to improve these relations.

The organisation of visits advanced enormously in the course of the year 2000. Following positive evaluation of the pilot project conducted in 4 prisons since 1998, **undisturbed visits** were made possible in all penitentiaries. Since the year 2000, prisoners have been able to receive a visitor in a specially adapted room for two hours a month. These visits are restricted to close family members and partners who have been involved in a steady relationship for at least six months.

It is unfortunately the case that visits by family members and friends very frequently fall off in the course of a prison term, especially where long-term prisoners are concerned. Co-operation with external organisations is encouraged so as to avoid prisoners having to go too

long without any physical contact with the outside world. For this reason, prison visit permits have been issued to more than 150 associations and private organisations in order to provide support for isolated inmates.

To prepare their re-socialisation, the prisoners can, where they meet the relevant time requirements, be granted exit permits, prison leave, semi-liberty (held in a separate, adapted section with reduced supervision) or electronic surveillance. The latter two sentence implementation arrangements also give the prisoner the opportunity to work outside the prison walls.

In the case of serious incidents affecting close family members, the granting of an *exit permit on humanitarian grounds*, even unaccompanied, is considered if the prisoner is within one year of reaching the permissible date for conditional release. Should the prisoner not meet this time requirement or there is a serious risk of him or her not returning to the institution, temporary leave accompanied by the federal police can be requested.

In view of there being virtually no likelihood of consideration of early release because of the excessively great risks involved with regard to personality, *prisoners serving life sentences* are granted compensatory measures in order to allow them to maintain contact with the outside world. This takes place in the form of clearly defined accompanied exit permits, whereby the prisoner knows that the objective of the measure comes under the heading of a *survival strategy*.

Par. 9, 10 and 12: Analysis and granting of conditional release

The laws of 5 and 18 March 1998 fundamentally changed the system of conditional release, previously regulated by the law of 31 May 1888.

Every person given a custodial sentence is considered for conditional release provided he or she complies with the *time requirements*. This implies that prisoners serving long or life sentences are also considered for the conditional release system.

In order to be granted conditional release, the prisoner concerned must have served at least one third of his/her sentence; in the case of a repeated offence, the prisoner must have served two thirds of his/her sentence.

In the case of being sentenced to life imprisonment, at least 10 years must have been served, or 14 years in the case of a repeated offence.

Compared with the other Member States of the Council of Europe, Belgium has, in general terms and especially in relation to persons sentenced to life imprisonment, a particularly favourable regime with regard to time requirements.

Besides complying with the time requirements, the prisoner must also submit a *re-socialisation plan* showing his/her readiness and endeavour to re-integrate into society. Furthermore, there must not be any *contraindications* that constitute a serious risk to society or

which could be likely to obstruct the conditions for the social re-integration of the prisoner, especially with regard to the possibility of re-socialisation, personality, conduct during detention, the risk of committing further criminal acts, and attitude *vis-à-vis* the victim.

In order for each prisoner's file to be dealt with in good time with a view to possible conditional release, the law stipulates that a report should be submitted by the *prison staff body* three months prior to the time requirements referred to above.

If the prison staff body is of the opinion that the conditions for consideration of conditional release are not met, it then specifies the date on which it will re-examine the file, whereby such postponement may not exceed a period of 6 months or one year in the case of a prisoner serving a life sentence.

The granting of conditional release is decided on by an independent *parole board*, comprising a judge, a penal administration assessor and a social re-integration assessor.

The decision to grant conditional release is taken by way of a unanimous vote where the person concerned has been sentenced to a period of 10 years confinement, custody or correctional prison term, or longer. The same applies where the person concerned has served less than half of the custodial sentence imposed.

If the board rejects the application for conditional release, it will then specify the date from which the prisoner's file can be re-examined by the prison staff body. This period of time may not exceed six months where the prisoner is serving correctional prison sentences that do not exceed a total of five years, or a maximum of one in the case of criminal sentences or where the total period of correctional terms of imprisonment is greater than five years.

Par 13: Staffing and staff training

By virtue of there being only two institutions in which all long-term prisoners are held, the staff members assigned exclusively to looking after long-term prisoners cannot be differentiated from the overall personnel.

A total of **6,175 staff** (management, administration, psycho-social, medical, technical and guards) are employed in the 32 penal institutions for a prison population of 8,707 persons.

There are 5,756 staff positions within the framework of the penal institutions (external services), which are subdivided into 4 levels:

- Level 1 (university degree or equivalent): 233 positions
- Level 2+ (high-school graduate): 418 positions
- Level 2 (higher secondary II education): 488 positions
- Level 3 (lower secondary II education): 4,617 positions

The difference between the 6,175 persons working in the service and the 5,756 designated staff positions is accounted for by contract personnel brought in to perform specific projects.

With regard to *training*, when new staff enter the service, efforts are made to provide prison guards with one month's basic training. This month of instruction is followed by a two-month initiation period in the institution where the person concerned is to be employed.

Permanent training modules are organised for the different staff categories both locally and in the training centres.

In addition, the regulations applying to civil servants also provide for two types of individual training: work release granted to attend seminars, congresses, etc. dealing with issues of interest to the service, and educational leave that takes account of the individual needs of the staff member with regard to furthering his/her career through giving him/her the opportunity to pursue further training.

III. Significant projects

On 17 December 1998, a resolution was approved by the European Parliament in relation to the conditions of detention within the European Union. It is the desire of the European Parliament that all Member States of the European Union should establish a Prisons Act setting out a statutory framework that regulates both the internal substantive legal status, the external legal status, the right of complaint and the obligations of prisoners and which provides for an independent supervisory body that prisoners can turn to in the case of their rights being infringed.

On 2 February of this year, the Minister of Justice presented a report to the Belgian Parliament containing a document submitted on 18 July 2001 by all the democratic parties as proposed legislation concerning "Basic prison law and legal status of prisoners". It is planned to deal with this draft legislation in the autumn of this year.

It really was high time for such a fundamental rethinking. Together with Prof. Dupont, the brain behind this draft legislation, we quote the Dutch penologist, Prof. Tulkens, who states that Belgium has awoken from a long period of sleep on prison matters.

Things are, at last, starting to happen in the Belgian prison landscape. We can begin by stating that the global policy, as can be seen from the various diverse initiatives, interventions and policy declarations, has become aware of the huge responsibility it bears for this group of citizens as well as for the output of the prison sector.

This growing political consciousness and instilling of awareness forms the breeding ground required for processing fundamental draft legislation as well as the basic law governing the prison system. Belgian prison law is a conglomeration of royal decrees, statutory instruments and ministerial circulars. Never before has

the Belgian legislator spoken out on the fundamental issue of the implementation of prison sentences as well as the rights and obligations of prisoners.

The proposed basic law on the prison system takes the greatest possible account of, amongst other things, the resolutions and recommendations set out by the Committee of Ministers of the Council of Europe. The starting point of the basic law is to set out what can be understood as being a prison sentence. In accordance with the European Prison Regulations, and I refer here to Regulation 64, it is proposed that: "The nature of punishment of the prison sentence comprises total or partial loss of the liberty of free movement and the restrictions of freedom inextricably associated with this." Nothing less, but certainly also nothing more. Following on logically from this starting point, it is clearly evident that our prison regulations need to be supplemented by a legal approximation of prisoners with regard to their position as citizens under the law. Guaranteeing purposeful and humane detention oriented towards ensuring re-integration is therefore a clear responsibility of the state. The state must consider a number of elementary principles in relation to the implementation of custodial sentences. These principles are being elaborated in specific terms in the basic law.

The main focus is on the principle of damage limitation. The damaging effects of custodial detention have been adequately recognised and defined. Such damage caused by detention must be prevented as far as is possible. The risk of damage arising from detention is itself so great that avoiding these detrimental effects is a priority task for the bodies implementing custodial sentences. It is not without reason that this problem is the subject of a number of treaties, directives and recommendations, also on the part of the Council of Europe. The memorandum explaining the draft of the basic law states quite rightly that: "The prevention or limitation of detention damage implies, by means of reinforcing the legal status of prisoners, amongst other things, cutting down to the greatest possible extent the concept of prison as a 'total institution', as well as maximum normalisation of day-to-day prison life, the greatest possible openness to the outside world, and designating a detention course in the prospect of possible early release."

The principle of damage limitation is further extended and put into operation in the basic law by way of provisions that protect the dignity and self-respect of prisoners (the principle of respect), which give prisoners a sense of responsibility and involve them in consultation concerning matters of collective interest (principle of participation), and which attempt, as far as possible, to bring prison life into line with the living conditions experience in the free society (principle of normalisation). These principles can also be found in a number of supranational norms and recommendations.

The outcome of the parliamentary debate on this draft basic law for the prison system and the legal status of prisoners will be of crucial importance for the future lives of long-term prisoners.

However, although a sound, contemporary basic law is a necessity, it is certainly not an adequate measure for the purposeful and humane detention that we, amongst others, wish to guarantee our long-term prisoners.

Most European countries are still faced with a number of fundamental challenges in this area.

The first of these concerns the continuing increase in the prison population. Prison overcrowding is also a familiar and disturbing fact of life in Belgium. In the 90s, there was a rise in the number of long-term prisoners in several regions, as well as an increase in the average period of persons being held on remand. The Minister of Justice has no control whatsoever over the input into prison organisation. In his administrative responsibility for criminal law and prison policy, he therefore focuses in particular on the marginalisation of deprivation of liberty as punishment.

We like to see the prison sentence as being the last resort, as an exceptional punishment. With the express support of the Minister of Justice, draft legislation was recently adopted by the House of Representatives to introduce community work as an autonomous penalty for correctional and police crimes. This means, in other words, that the prison sentence has been done away with as the obvious and only main form of punishment. In order to advance this marginalisation process, the Minister of Justice has formed a committee of experts to examine to what extent the range of penalties can be further adapted and how judges can be induced to give priority to first considering measures or forms of punishment other than a custodial sentence. In this context, a debate is currently taking place on the objectives of punishment and the possible introduction of sentencing guidelines.

This year, Minister Verwilghen has also introduced electronic surveillance as an equivalent form of sentence implementation. This sentence is currently imposed on 120 convicts, including prisoners facing sentences of up to three years as well as long-term prisoners in the final phase of a procedure for the granting of conditional release. At the moment, there is potential for increasing the number of sentenced persons subjected to electronic surveillance to 300.

An important initiative is the draft legislation introducing a prison quota. Recommendation R (99) 22 made by the Committee of Ministers in relation to the overcrowding of prisons and the rise in the prison population is extremely clear. Expanding prison capacities does not provide a structural solution to the problem of over-population. Another recommendation is that issued by the "Conseil consultatif interparlementaire du Benelux" (the Benelux Consultative Interparliamentary Council) (document 602-2). In its response to this recommendation, the Committee of Ministers stated that the introduction of a quota for prisons can also be considered, and this is precisely the essence of Minister Verwilghen's draft legislation. Although the introduction of a prison quota will not remove the pressure on the gates of our penal institutions, it will be

of help in organising humane detention and ensuring an appropriate working climate. Overcrowded prisons do not allow any prison policy to proceed in a dignified manner.

In the draft legislation, which has already been approved by the Council of Ministers, the Government will determine how many inmates can be permitted in the prisons. The starting point for this is that each prisoner must be able to have individual accommodation. This cell capacity will be evaluated every year with due regard for crime developments and the priorities concerning crime policy. The Minister of Justice will then have the responsibility of observing this quota, which can also be determined for each individual institution.

Ideally, the pressure should be taken off the prisons through the introduction of new principal forms of punishment and sentencing guidelines. If the quota is reached, the Minister of Justice will have to make the necessary space by way of early releases or commuting sentences to electronic surveillance.

The second challenge is the absolute necessity concerning the quality of detention, which should be humane and purposeful.

We have already referred to the debate surrounding the introduction of the basic law for the prison system. However, although a sound, contemporary basic law is a necessity, it is certainly not an adequate measure for the purposeful and humane detention that we, amongst others, wish to guarantee our long-term prisoners. Speedy access to elementary social services based on coexistence and a substantial programme of intramural facilities and activities are essential. In Belgium, this responsibility lies with the regional authorities, with which cooperation agreements have also been drawn up. Furthermore, the Flemish Government recently presented an ambitious strategic plan displaying its commitment to undertake actual concrete endeavours for the benefit of prisoners.

The third challenge concerns the issue of the external legal status of prisoners. The laws of 5 and 18 March 1998 fundamentally changed the system of conditional release. An important innovation was that the final decision-making power in this matter was assigned to an independent committee of experts, chaired by a judge. The Minister is, however, of the opinion that all decisions concerning the external legal status of prisoners as well as with regard to early release, prison leave, semi-liberty, electronic surveillance, etc. must, as a rule, be made by the judicial powers. For this reason, he is planning to establish so-called "sentence implementation courts". In order to translate this project into practical reality, a special commission was set up in March 2001, which will, at the same time, review the entire legislation and regulations relating to early release, leave and so on. This should also enable us to eliminate the number of shortcomings in the recent law on early release.

Belgium requests that special attention be paid to the European Convention on the surveillance of persons sentenced or released on condition of 30 November 1964. This treaty, which has been more or less forgotten, enables the Member States, amongst other things, to carry out post-prison monitoring of ex-prisoners sentenced in another country. There are presently a large number of foreigners who are being detained for excessively long periods by virtue of it not being possible to guarantee conclusive re-socialisation or guardianship in their native countries. The Minister of Justice therefore also takes this opportunity, as he already did within the European Union, to call for implementation of this treaty to be facilitated as quickly as possible. Belgium, too, is currently initiating the legislative measures required in this regard.

In the same context, we point out the significance of the 1997 protocol to the 1983 Treaty relating to the inter-state transfer of sentenced persons. This treaty permits sentenced persons with no right of residence to be taken to their country of origin without their consent to serve their sentence there and prepare for re-socialisation.

Croatia

Memorandum presented by the Minister of Justice

Article 21 of the 1990 Constitution of the Republic of Croatia prescribes that every human being has the right to life, and abolishes in this way the death penalty in the Republic of Croatia.

Following this constitutional provision abolishing the death penalty it became necessary to harmonize the provisions of the penal legislation of the Republic of Croatia with respect to the types of punishments prescribed

The 1998 Penal Code regulates that imprisonment in the Republic of Croatia may not be shorter than thirty days or longer than fifteen years (Article 53, Paragraph 1 of the Penal Code).

The Penal Code regulates that for the most serious and dangerous forms of criminal offences imprisonment for a duration of twenty to forty years may exceptionally be prescribed – the long-term imprisonment (for criminal offences of genocide /Article 156/, war of aggression /Article 157/, war crimes against the civil population /Article 158/, war crimes against the wounded and sick, Article /159/, war crime against prisoners of war /Article 160/, unlawful killing and wounding the enemy, /Article 161, Paragraphs 2 and 3/, forbidden means of warfare, /Article 163, Paragraph 3/, international terrorism, /Article 169, Paragraph 2/, endangering the safety of persons under international protection, /Article 170, Paragraph 2/, taking of hostages /Article 171/, abuse of narcotic drugs /Article 173, Paragraphs 2 and 3/, hijacking an aircraft

or a ship /Article 179, Paragraph 2/, piracy on the sea and in the air /Article 180, Paragraph 2/, capital murder /Article 91/, sexual intercourse with a child /Article 192, Paragraph 5/, punishment for the most serious forms of criminal offences against the Republic of Croatia /Article 155, Paragraph 1/, assassination of the highest state functionaries /Article 138/ and acceding to occupation or capitulation /Article 136/.

The long-term imprisonment may never be prescribed as the sole sanction for a specific criminal offence, but it may be prescribed only as an alternative sanction, and it may not be imposed on a perpetrator who, at the time of the perpetration of the criminal offence, has not reached the age of twenty one years (Article 53, Paragraphs 3 and 4 of the Penal Code).

The long-term imprisonment is assessed in full years only. It should also be kept in mind that it is not a separate type of imprisonment, different from imprisonment from thirty days to fifteen years. Its duration is special, prescribed for specific cases regulated by a statute law.

Long term imprisonment has negative consequences, but lesser than the consequences of imprisonment for life or a death penalty.

The Croatian legislator has opted for long term imprisonment in order to place nevertheless reasonable and acceptable limits on the coercion of criminal law in a state run by the rule of law.

The longest prison sentence prescribed during the period between the abolishment of the death penalty and the entering into force of the new Penal Code on 1 January 1998 was 20 years. Keeping in mind that there is no retroactive application of law (the principle of legality), a long-term imprisonment may be imposed only for criminal offences committed after the Penal Code entered into force.

Since the beginning of the application of the Penal Code, i.e. since 1 January 1998, up until 2001, three persons were sentenced to long-term imprisonment (from 20 to 40 years) by a legally effective judgement in the Republic of Croatia.

Article 55 of the Penal Code regulates the institute of conditional release. A person sentenced to imprisonment or long-term imprisonment may be released from the institution after having served at least one-half of the term or, exceptionally, after having served one-third of the term to which he or she had been sentenced, under the conditions determined in the Act on the Execution of Criminal Sanctions.

Accordingly, it may be expected that despite of the existence of long-term imprisonment, the convicted persons will only exceptionally serve its full length, because of the application of the institution of conditional release.

Cyprus

Memorandum presented by the Attorney General

1. Prisons

In Cyprus there is only one correctional institution, the Prisons in Nicosia which operate under a new and comprehensive legislative and regulatory frame, put in place in 1996 and 1997. This legislation incorporates the European Prison Rules and is consonant to the standards contained in the Council of Europe relevant instruments.

The incarceration rate is low, 40 prisoners per 100.000 of population. This is relevant to the criminality rate in Cyprus, which though showing some increase, still remains at comparatively low levels.

2. Sentencing

As a matter of sentencing policy and practice firmly established by decisions of the Supreme Court over the last 30 years, a custodial sentence is passed only as a last resort, where the intrinsic seriousness of an offence or reasons of general deterrence make it inevitable. When it comes to young offenders, the Courts make a very special effort to avoid imposing an imprisonment sentence.

Penal legislation provides a broad range of non-custodial sanctions, including community service which was introduced by law in 1996. Moreover, under the Compounding of Offences Law, offenders of minor offences, mainly of regulatory nature or other self-evident minor offences, are offered the possibility to pay, within a fixed period, a prescribed amount – which is less than what a Court would normally impose as a fine – in order to avoid Court proceedings. This has contributed to unburdening the Courts from trivial cases and also alleviated judgment enforcement mechanisms. The executive is now contemplating the extension of this law so as to cover other offences.

3. Prison overcrowding

Notwithstanding this policy, during the past years we have experienced growing numbers of the population in prison which results periodically to overcrowding problems.

Even though the great majority of prisoners are detained for a short term (statistical data show that on average for the last 5 years, 1996-2000, 93,4% of the persons sent to prison per year is for a period up to 2 years, 4,25% is for a period 2-5 years, 1,34% for 5-10 years and 1,1% is for sentences over 10 years), this raises concern when the prison authorities are obliged to use cells to accommodate more than one person and difficulties to offer productive work to all detainees.

The growing problems were timely foreseen and a comprehensive medium and long-term building programme for the prisons was launched. Already the new buildings for the Open Prison and the Centre for Out of

Prisons Employment and Rehabilitation of Detainees have been completed (May 2001), whereas the renovation of old unused wings is expected to be completed and operating by July 2002.

These works will increase the capacity of the Nicosia Prisons by well over 50% and make easier the emplacement, to different divisions of the Prison, of certain categories of inmates, such as young offenders, persons imprisoned for not having paid pecuniary penalties, or military offenders. Furthermore the Prison staff was increased by the creation of 48 new posts (24% increase).

4. Classification and allocation of prisoners

The Prison legislation does not define short-term and long-term imprisonment. Long-term imprisonment is in practice considered every term exceeding 2 years, but this is only for statistical purposes.

The lack of such definition reflects the policy of non-differentiation of treatment among inmates according to their term of imprisonment. Thus every prisoner has the same rights to participate in the various programmes of work, physical exercise, vocational training, education, creative recreation, e.t.c.

According to the Prison Regulations, with the exception of lifers, all other prisoners who have served part of their sentence, ranging from 3/12 of the term for sentences up to 2 years, to 1/2 of the term for sentences over 12 years, are sent to the Open Prison, if they have shown excellent conduct and proved trustworthy and industrious and there are no security, disciplinary or other special reasons making it inappropriate.

The decision rests with the Classification Committee of the Prisons which is also entrusted with assigning to the prisoners the appropriate work, providing exit permits and generally assisting the Director of Prisons in the formulation and application of the mode of treatment in prisons under the regulations.

The last step towards reintegration into the social environment is the emplacement of inmates from the Open Prison, where conditions of reduced security exist, to the Guidance Centre for out of Prison Employment and Rehabilitation of Prisoners, where prisoners serve the rest of their sentence in conditions of controlled freedom.

5. Safety of prisoners and administration staff

The small size of the Prisons, which renders easier their administration in all aspects, the application of a humanitarian regime and the existence of various programmes for rehabilitation and other services, all conduce to minimising aggressive behaviour within the institution. On the whole, life in prison is peaceful.

However, where instances of violence occur, the violent prisoners are placed in a special wing of increased security under strict surveillance. They are put, according to the case, under the care of a psychiatrist, a psychologist or a welfare officer of the Prison, who advise the prison authorities whether special treatment is needed.

During such detention they are not deprived of their rights, nor are they excluded from participating in the various programmes offered in the institution, unless this is warranted by the prisoner's conduct.

6. Prison programmes and services

All prisoners are given the opportunity to work, as far as possible, in a type of work of their choosing.

To this direction, fully equipped workshops are operated in the prison, where prisoners are encouraged, under the supervision and instructions of trainers, to improve the level of their vocational training by working as cooks, tailors, carpenters, blacksmiths, plumbers, welders, painters, builders, electricians, bookbinders, barbers, gardeners, mechanics and also at the prison farm.

Prisoners are also encouraged to improve the level of their education and vocational training by attending classes in or outside the prisons or by correspondence courses. The lessons most preferred include computers, English, French, Greek for foreigners, painting, design, theatre and handicraft.

Psychological and psychiatric services and support are offered to all prisoners in need on a regular basis with personal meetings, group discussions and meetings in the presence of the prisoner's family.

Welfare service and support is also given to all prisoners with regular visits/contacts with their families and home leave, in order to facilitate the social integration with free society.

Recreational activities include sports, theatre, musical performances, chess games a.o. The prisons are equipped with a theatre hall and grounds for football, volleyball and basketball. The theatrical team of prisoners has staged from 1997 onwards 4 plays including "Don Camillo" and gave numerous performances in and outside the Prisons. Also the football team meets regularly with students' and other youth teams.

7. Earlier and conditional release

With the exception of lifers, every prisoner secures remission of sentence for showing good conduct and industry, such remission calculated according to the provisions laid down in the Prison Regulations and ranging from 6 days per month, for sentences not exceeding 2 years, to 14 days per month for sentences exceeding twelve years.

Moreover, by virtue of Article 53 of the Constitution, the President of the Republic has the prerogative, on the recommendation of the Attorney General, to remit, suspend or commute any sentence passed by any Court in the Republic.

The Prison Regulations contain provisions which are relevant to the exercise of this prerogative. Thus, in the case of prisoners serving long terms, the Director of

Prisons is bound to submit to the Attorney General a special report on the conduct, physical and mental health and other useful information:

- a. (a) In the case of a prisoner who has been sentenced to a term of imprisonment of not less than 10 years, after the expiration of 4 years and subsequently every year.
- b. (b) In the case of a prisoner serving life imprisonment, after the expiration of 12 years and subsequently every two years.

Denmark

Memorandum presented by the Minister of Justice

The management of long-term prisoners is a most challenging issue, and Denmark welcomes the fact that it has been made a key issue at the conference.

Below Denmark offers for general information a description of key rules and practice concerning long-term prisoners in Denmark.

Denmark holds the opinion that preparations for release of prisoners should guide the actions taken from the very beginning of the imprisonment and all the way through the prison period. Towards the time of release they should become more and more concrete and reach into the post-release period, as the responsibility of prisons towards society is not limited to the period of detention, but also covers the reintegration into society.

In Denmark, according to the Enforcement of Sentences Act, which entered into force on 1 July 2001, the state or local prisons now have a duty, in cooperation with the inmates and as soon as possible after their imprisonment, to prepare a plan for their term in prison and the post-release period. Such a plan is called an action plan. So far, the Prison and Probation Service has prepared such plans on its own initiative, particularly for long-term inmates. Now the plans have become compulsory for largely all inmates, regardless of the length of the sentence.

The supervisory authority also has a duty, in cooperation with the parolees and at the latest at the beginning of the supervision period, to prepare a plan for the supervision period and the post-supervision period.

An action plan deals partly with purely penal fields, such as the assignment of employment during the imprisonment, grant of leaves, transfer from an open to a closed prison, partly with non-penal fields, such as education, rehabilitation and retraining, and social networks. The preparation of action plans thus requires collaboration between the Prison and Probation Service and the social authorities.

One of the purposes of the action plans is to emphasise already from the beginning of the sentence enforcement, if possible, that attempts should be made to plan the term in prison so that the inmates' possibilities of

living law-abiding lives after their release are strengthened and enhanced. The planning also aims at stressing the inmates' co-responsibility both for the actual time spent in prison and the post-release period. For the particular purpose of making the inmates/clients persevere in their responsibility for realistic planning, the plan prepared must be compared regularly with the inmates'/clients' personal situation during the incarceration/supervision period and, if necessary, sought adapted to any changes in this situation.

For persons imprisoned for more than two years, an assessment/follow-up on their action plans must be made at least every six months. When release is expected within two years or less, however, the assessment/follow-up must be made every three months at least. For clients under supervision, the assessment is every three months.

Action plans are particularly important for long-term prisoners, who have a very special need to get a perspective on the course of their sentences. This gives them continuous insight into and co-responsibility for the course of their long imprisonment and the post-release period.

In Denmark inmates are considered long-term prisoners when they serve a prison period of eight years or more.

At the beginning of 1999, 11 per cent of all sentenced persons got long-term sentences. Currently, 1 per cent of all sentenced persons have indeterminate sentences, and 0.7 per cent have life sentences. At the beginning of 1999, 15 per cent of the long-term prisoners were of foreign nationality.

The number of new long-term prisoners has risen from the end of the 1980s until today. Thus, in 1988 the number of new long-term prisoners was 27 inmates, while the number of new long-term prisoners last year was 40. In the past four years, the level has been fairly stable, with 40 to 45 new long-term prisoners per year.

Long-term prisoners usually start serving their sentences in a closed prison. They can go on leave at the earliest when they have served a fourth of their sentence. In the few exceptional cases where they have been allowed to start serving their sentence in an open prison, they can go on leave no earlier than after having served one sixth of the sentence. It is a condition for allowing a long-term prisoner to go on leave that there is no risk of misuse and that leave is not inappropriate for law enforcement reasons. Furthermore a statement from the prosecution must always be obtained before a long-term prisoner can start going on leave.

In short, a typical and unproblematic course of leave for a long-term prisoner will look like this: To begin with, escorted leaves for a certain period of time followed by a number of unescorted leaves during the day-time. Finally they can be allowed weekend leaves every third week.

According to practice long-term prisoners cannot be transferred from a closed to an open prison until after they have completed a couple of weekend leaves

successfully. After such a transfer long-term prisoners can be allowed to go on leave for the purpose of participating in educational activities or work outside the prison in the daytime. Leave for the purpose of education or work can be given up to 2 or 3 years before two-thirds of the sentence has been served.

As another intermediate phase before release, long-term prisoners have the possibility of being "stationed" – which means that they are on leave from the penal institution for the purpose of work or education and that their spare time is also spent outside the penal institution. Typically they are stationed in one of the hostels run by the Prison and Probation Service during the last part of their sentence, which in practice means up to one year before two-thirds of the sentence has been served.

Long-term prisoners are released on parole after having served two thirds of the sentence. It is a condition, however, that release on parole is not found inadvisable. In certain circumstances a long-term prisoner is released on parole before having served two-thirds of the sentence. A release on parole may be advanced, for example, by up to 6 to 8 months if the time of release is considered suitable after a long period of leave.

Life-time prisoners can be released on parole when 12 years of their life sentence have been served and on condition that it is not found inadvisable.

Finally it should be mentioned that administrative decisions about release on parole can be tried in court, but as far as life-time prisoners are concerned, not before 14 years of the sentence have been served.

Estonia

Memorandum presented by the Ministry of Justice

1.1. Introduction

Enforcement of court judgments in criminal cases is just one stage in the fight against crime. Crime prevention, proceedings concerning the crime (starting with the establishment of the fact of crime until the entry into force of the judgment) and enforcement of the court judgment are parts of the comprehensive national penal system which are linked to each other.

In developing its system of penitentiary institutions, prison service and treatment of persons serving long-term imprisonment, the Republic of Estonia has proceeded from the principles of guaranteeing human rights as set out in the European Convention on Human Rights.

An important benchmark in the reform of criminal enforcement system is the entry into force of the Imprisonment Act on 1 December 2000 as a result of which the criminal enforcement system was radically reorganised. The new Imprisonment Act has the main focus on the resocialisation of the imprisoned persons and provides guarantees to facilitating their return to a normal life after release from the imprisonment. In the

drafting of the said Act, the guidelines of the European prison rules (Recommendation of the Council of Europe Committee of Ministers No. R (87) 3), were fully taken into account.

When speaking of guaranteeing the human rights of the imprisoned persons, we cannot by any means underestimate the role of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Estonia acceded to the convention in 1996. The European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) checked the situation of Estonian prisons with regard to human rights in 1997 and performed a follow-up check in 1999. The report of the Committee said that the human rights of imprisoned persons in Estonian prisons were guaranteed. The recommendations of the Committee concerned the construction issues of the prisons and suggested some improvement concerning the prison regime. The recommendations have been taken into account.

It is an indication of a democratic society if the administration of prisons is organised in the level of a justice department. In Estonia, the prisons were transferred from the area of government of the Ministry of Internal Affairs into the area of government of the Ministry of Justice in 1993 and the Prison Board was established. Starting 2000, the Ministry of Justice organises and supervises the work of prisons directly, through the Department of Prisons, which is a department of the Ministry.

1.2. Long-term imprisonment

According to the Penal Code, which was passed on 6 June 2001 and enters into force in 2002, replacing the existing Criminal Code, criminal offences are divided into two degrees. A criminal offence in the first degree is an offence the maximum punishment prescribed for which is imprisonment for a term of more than five years. A criminal offence in the second degree is an offence the punishment prescribed for which is imprisonment for a term of up to five years. The definition of long-term imprisonment is not specified in Estonian legislation.

Estonia has made a political decision to decrease considerably the terms of sentences, which up till now have been rather long; half of the convicted offenders are presently serving sentences of imprisonment exceeding 5 years. The new Penal Code principally excludes the short-term imprisonment by replacing it with alternative punishments. According to the Imprisonment Act, individual sentence plans have to be drawn up concerning all imprisoned persons whose actual sentence of imprisonment after enforcement of the punishment exceeds one year. Thus, all persons who are actually in the prison for more than one year are considered to be subject to long-term imprisonment.

The practice of other European countries shows that the definition of long-term imprisonment may depend on the penal policy, cultural traditional, the wealth of the society and various other factors. As a result, we

believe that a general definition of long-term imprisonment is not necessary.

1.3. Implementing of sentences and allocation of prisoners

In years 1993-2000, Estonia was using the so-called progressive or rotational prison system. It was characterised by three types of prisons – maximum-security, medium-security and open prisons – and each type had three different regimes. Depending on the behaviour of the imprisoned person, he or she could be transferred from a prison of more severe regime to a prison of less severe regime. It did not take long after the implementation of the system for its drawbacks to come forth. It appeared that the system was mostly oriented at guaranteeing good behaviour of inmates in the prison, whereas there was little guarantee of preparing the persons for life outside the prison. Such a system also proved too costly. Considering those reasons, most of the European countries have abolished using the progressive system.

In accordance with the Imprisonment Act, the sentence of imprisonment is implemented either in the maximum security or open form. On the basis of that, prisons are divided into maximum-security prisons and open prisons. The implementation of a sentence of imprisonment can be divided into three stages: reception, main and release phase. The internal regimes in prisons no longer exist. The director of the prison will place the imprisoned person as necessary. The prisoner is taken from one prison to another, if necessary, including the open prison, on the basis of a decision of the Ministry of Justice. The court does not play any role in the placement of the imprisoned person.

An imprisoned person who is serving a long-term imprisonment will be placed into an open prison before his or her release from prison, if possible. Open prison is the place for assisting imprisoned persons in overcoming the shock many prisoners experience when released from prison. Transfer into an open prison is a way of facilitating the adjustment of the person to the conditions of the world outside the prison, by also decreasing the danger of committing another offence. As a minimum, each maximum-security prison should have an open prison constructed next to it, or at least a department for preparing imprisoned persons for release from prison.

It is important that imprisoned persons should serve their sentences in the location as close as possible to their home. Bearing this in mind, a network of regional prisons will be established in Estonia in the coming years in order to do away with the present large-scale prisons. This plan, however, entails major investments.

1.4. Educational activities, labour and social work in penal institutions

The most important issue in serving the sentence of imprisonment and also in implementing the resocialisation measures in Estonia is the engagement of the imprisoned person, i.e. the provision of education and

work for imprisoned persons. Work is not considered to be only the measure of discipline for the imprisoned persons, but rather a measure of resocialisation. The possibility to work ensures that the ability of persons to make a living by working is retained during the time spent in prison and it enables the imprisoned persons to earn certain finances, as well. In order to organise the production in prisons more effectively, to enhance the engagement of imprisoned persons in employment and to decrease the expenses of prison, the Government formed a public limited company "Eesti Vanglatööstus" (Estonian Prison Industries) in the beginning of 2001, based on the means of production of the prisons.

The social work performed on imprisoned persons is a complex term and the purpose of it, first of all, is to prevent imprisoned persons from committing new criminal offences (special prevention). Since unlawful behaviour can mostly be explained by personal and social problems, the social work performed on imprisoned persons must cover personal, economic and legal issues of the person. The main idea of social work lies in helping imprisoned persons in coping with themselves. In Estonia, the educational, social and health care systems of imprisoned persons are considered part of the corresponding national systems. Pursuant to the Imprisonment Act, the Minister of Education or the Minister of Social Affairs performs supervision over the performance of the duties in educational, social or health care issues in prisons.

1.5. Earlier Conditional Release

After the entry into force of the Imprisonment Act in 2000, the increase in the number of imprisoned persons has slowed down during the recent years and there is a clear possibility of decrease in the numbers. Complex penal policy, starting with the proceedings of the criminal offence and ending with the enforcement of the punishment, is one of the reasons for that. In 1998, a probation supervision system was established with the courts in Estonia, the aim of which was to ensure effective supervision of probationers in the society.

However, probation supervision is an area where the legislator needs to consider the expectations in the society to isolate persons who have committed serious criminal offences from the society for a possibly longer period of time. For instance, persons serving life-long sentences of imprisonment may be released on parole only after the serving of 30 years. Therefore, we support the proposal to standardise the situation in European countries in this field. Another reason for that lies in the fact that in connection with internationalisation of crime, more and more persons are serving their sentence in the countries where the criminal offence was committed. The principle of serving the sentence in one's own country, of course, is a widely accepted practice, as well.

Co-operation in matters of criminal law in the cross European level and the bilateral level is considered highly important by Estonia. Estonia has acceded to the European Convention on the Transfer of Sentenced Persons (1983) and its Additional Protocols. We share

the view that all persons should be able to serve their sentences in their own country. The Estonian Ministry of Justice supports the recommendations made in the Report of the Minister of Justice of the Russian Federation to extend the coverage of the convention also to permanent residents, in addition to the citizens.

Finland

Memorandum presented by the Minister of Justice

General information

The general forms of punishment in Finland are petty fines, day-fines, community service, juvenile punishment and imprisonment. Imprisonment up to two years can be imposed conditionally. The general minimum prison term is fourteen days. The general maximum is twelve years, and when sentences are combined, fifteen years. Murder and some other serious crimes may be punished by life imprisonment. When several prison sentences are added together, the maximum length of imprisonment is twenty years.

In Finland, prisoners can be conditionally released (on parole) when they have served one third (young offenders), one half (first-time prisoners) or two thirds (recidivists) of their sentences. Persons guilty of repeated violent offences of which they have been convicted to more than two years' imprisonment, may be sentenced to "preventive detention" as dangerous recidivists. Prisoners serving life sentences may be paroled only on the basis of a pardon by the President of the Republic.

The number of prisoners in Finland over the last decades decreased remarkably. The number of prisoners in Finland today is one of the smallest in Europe as a whole. On 16th September we had about 3 100 prisoners in Finland (59 per 100 000 inhabitants) including approximately 2400 prisoners serving a sentence, 500 remand prisoners and 170 fine defaulters.

The composition of the prison population in Finland changed significantly over the last decades. Nowadays over 50 per cent of the prisoners were sentenced for violent crimes or drug offences. Drug offences increased considerably. Correspondingly, the number of prisoners sentenced for property crimes has declined by 50 per cent compared to the situation at the end of the 1970's.

The average length of imprisonment has increased in Finland. While the average length was 19 months in 1986, the corresponding figure in 2000 was 28 months. Especially the proportion of long-term prisoners has increased. The proportion of prisoners serving a four-year sentence or more increased significantly, from nine per cent in 1987 to twenty per cent in 2000. When the number of prisoners serving a sentence under 2 years was 3800 in 1976 (that is, 86 per cent of all prisoners), the corresponding number in 2000 was 1475 (63 per cent of all prisoners).

The number of prisoners for life also increased over the last decades. In the 1970s there were approximately 10-20 life-sentenced prisoners, in the 1980s approximately 30 and today 63. In the 1990s the average time that life prisoners spent in prison before being pardoned was 13 years and 9 months.

Over 25 per cent of the Finnish prisoners were sentenced to prison for four years or more and about 15 per cent for eight years or more.

Administration of long-term prisoners in Finland

Allocation

There is no legal or administrative definition of long-term prisoners in Finland. Life-sentenced prisoners and long-term prisoners are not segregated from other inmates. Long-term and life-sentenced prisoners are in general treated in the same way as other prisoners, also in terms of security, control and safety. The placement within the institution is merely based on individual circumstances, e.g. criminal history, behaviour while in prison, drug abuse and need of special treatment.

According to Finnish legislation a prisoner serving maximum two years in prison may be directly located in an open institution if the inmate is considered suitable for serving his or her sentence in an open prison and if he/she is capable of taking part in various activities in prison and there is no risk of escape. Life-sentenced and long-term prisoners are initially allocated in closed institutions. Relocation of a long-term prisoner should be carried out according to his individual sentence plan. This implies a gradual transfer to a more open environment.

All prisoners serving a sentence of over two years are initially placed in special regional allocation units. There they are interviewed by staff members who conduct an assessment of their attitude towards different activities and their capability to take part in them. The assessment also includes an evaluation of mental and physical health and the use of alcohol and drugs. On the basis of the assessment and other received information, the allocation unit should find the most appropriate institution for each prisoner. The aim is to make the time spent in prison as meaningful and useful as possible and to contribute to the inmates' capability to manage in society without crime after release.

According to Convention on the Rights of the Child, the Beijing Rules and other international recommendations juveniles (under 18 years) should be allocated apart from adult prisoners. Only if it is in the best interest of the child, a young prisoner may be placed together with other prisoners.

Work and other activities in prison

Long-timers and life-sentenced prisoners are offered the same kind of work as other inmates. The same educational activities are available for them as for other inmates. There is one special treatment programme for sex offenders and a few programmes for violent offenders. The Cognitive Skills programme is also available in several prisons. The participants are

selected individually according to the rules of each programme. Drug treatment programmes are available in all prisons.

Communication with the outside world

A prison leave can be granted when half of the sentence was served. The same rule applies irrespective of the length of the sentence. Long-term prisoners' first leaves are usually granted under escort and for just a few hours.

In every prison the inmates have access to card phones. In closed prisons the prisoners are obliged to ask for permission to call and they have to announce the number they are calling to. In open institutions the calls are not controlled.

All prisoners are granted visits. In closed institutions the main rule is a one-hour visit on Saturdays and Sundays. The supervision of these visits varies to some extent, depending on the premises and the individual inmate. In open institutions, visits are not supervised. In closed prisons visits by family members can also be granted without direct supervision.

Prerelease arrangements are worked out in cooperation with municipal welfare and housing agencies and Probation Service. Every conditionally released prisoner with a remaining sentence of over 18 months is placed under supervision.

Target and purpose of the treatment of long-term prisoners

The goal of Finnish Prison Administration is to contribute to security in society by maintaining a lawful and safe system of enforcement and to assist in reducing recidivism and terminating the development of social maladjustment reproducing crime. In order to achieve this goal, enforcement should be carried out so that it is safe for society, the prisoner and staff, and so that the capability of the prisoners to adopt a way of life without crime is improved.

This target should aimed at bearing in mind the principles of respect for human dignity and justness, which are highly esteemed in Finnish society. This means that we should treat prisoners equally, in a way supporting their individual growth and improving their ability to live their lives without crime.

A survey of long-term prisoners was carried out in Finland in 1997 by the Delegation of Prison Affairs, which has the task to give recommendations on prison administration and the treatment of prisoners in institutions. According to this survey, long-term prisoners in Finland, more often than other inmates, have severe problems with intoxicants, mental health and social relations to close relatives and outside society. They often totally lack the skills of coping with everyday life. Long-term prisoners are often in need of social and psychological rehabilitation. Due to their crimes they are often being pressured by other prisoners. Particularly prisoners sentenced for sexual offences are being pressured.

The principles of normalisation and individual treatment of prisoners are very important in the Council of Europe Recommendations and the European Prison Rules. Segregation of long-term and life-sentenced prisoners from other prisoners should not be considered the main way of action. Classification, allocation and relocation of prisoners should be based on individual assessments of the prisoners' risks and needs. Neither should long-term prisoners automatically be classified as dangerous. In order to reduce the risk of reoffending, long-term prisoners should be given possibilities to work, study and take part in rehabilitation programmes in prison.

The treatment of long-term prisoners should be based on individual sentence plans which include a long-range rehabilitation plan. Preparation for safe release should be the principal goal in the treatment of long-term inmates.

The number of long-term prisoners has increased in almost all European countries. This increase can be explained by the increased crime rate and a change in the nature of crime.

In 2000, a Committee of Experts on the management of life-sentenced and other long-term prisoners (PC-LT) was appointed under the European Committee on Crime Problems (CDPC). Finland strongly supports the work the Expert Committee (PC-LT) in which Finland is also represented. The principles and regulations in the European Prison Rules create a good basis for this work..

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was created in 1987 by the European Convention for the Prevention of Torture or Inhuman or Degrading Treatment or Punishment. The Convention empowers the CPT to inspect any places where persons are deprived of their liberty by decision of public authority. The CPT has published reports on prison conditions in member states and has given recommendations relating to the treatment of prisoners. The CPT has also published "substantive" sections of the CPT's General Reports. The CPT plays an important role when the treatment of long-term prisoners is to be improved.

In recent years and decades there have been many changes in crime and criminal policy in Europe. These changes have given rise to the need to amend the European Prison Rules.

Germany

Memorandum presented by the Minister of Justice

German law contains no statutory definition of long-term prison sentences. The Criminal Code (Strafgesetzbuch) provides for a ceiling of 15 years for time-limited prison sentences. Additionally, life imprisonment is available as a sanction for some particularly serious crimes, especially murder. If, in line with the report of the Russian Ministry of Justice, one presumes long-term prison sentences to apply when five years'

imprisonment and more are to be served, on the date of 31 March 2000 a total of 7,683 inmates (of whom 222 women) could be classified as "long-term inmates" in Germany, as against a total of 60,579 criminal inmates.

Statutory regulations relating to the prison system

There are no special statutory regulations relating to the imprisonment of long-term inmates. Their situation is taken into account in the context of the practical organisation of the prison system. Imprisonment for all criminal inmates is determined by the constitutional goal pursued by imprisonment, namely to reintegrate inmates into society (section 2 of the Prison Act [Strafvollzugsgesetz – StVollzG]). They are to be enabled to live a life free of crime and social responsibility. Prison life is intended to be adapted as far as possible to the general circumstances within society; detrimental consequences of the deprivation of liberty are to be countered (section 3 of the Prison Act).

Accommodation

The Prison Act makes no provision for special prisons for long-term inmates. In accordance with the principle of treatment that is as individual as possible, the regulations do however stipulate that prison places are to be created in different establishments or departments so that such treatment adapted to the differing needs of the inmates (section 41 subsection 1 of the Prison Act) is ensured. This distinction leads to a practical situation in which the enforcement of long terms of imprisonment is concentrated in specific establishments with as a rule a higher level of external security. The inmates are frequently given greater freedoms within the establishment than short-term inmates. They usually have access to their own refrigerators, washing machines and small kitchens, are allowed to keep small pets and furnish their cells in a homely manner.

Treatment measures

The measures to be taken to achieve the goal of imprisonment and their structure are adjusted to the anticipated duration of the deprivation of liberty. Special needs arise with long-term inmates for whom, by nature, the danger of detrimental effects of the deprivation of liberty and considerable alienation from life outside is particularly pronounced. In the establishments, social, psychological and pastoral treatment measures are to be offered to meet these needs. The work of voluntary carers and members of the independent Agency for the Support of Convicts is highly significant here.

The establishment of long-term visiting rooms that are furnished in a particularly homely manner enables inmates to receive visitors for several hours at a time and maintain social contacts with their families.

A special treatment possibility consists of transfer to an establishment offering social therapy. In accordance with the reform of section 9 of the Prison Act, which will enter into force on 1 January 2003, such a transfer will be obligatory to sex offenders who are treatable

and in need of treatment who have been sentenced to more than two years' imprisonment if the transfer is recommended on the basis of an examination of the personality and circumstances of the inmate. In addition to work, the inmates must participate in individual and group therapy discussions.

Training and work

Regular, purposeful work is highly important. Frequently, reintegration into working life has been impossible for a lack of or because of insufficient schooling and/or vocational training. Here, opportunities are available in prison to compensate for shortcomings. The measures carried out during working hours range from school-leaving qualifications and manual or other apprenticeships leading to qualifications that are recognised outside prison, to courses of higher education study. Inmates are also to be given the opportunity in their free time to participate in further training, in addition to typical leisure activities such as sport, etc.

Preparation for release

Releasing an inmate from detention is supported by accompanying measures intended to make it easier to transfer from prison to life outside. A particular role is played here by relaxations of prison regime in anticipation of release. Inmates may be permitted to leave the prison for a specific time of day (short leave) with or without supervision, or be given longer periods of leave from detention. Such measures serving to maintain social contacts which facilitate a transition from life in prison to freedom which is as smooth as possible are especially vital for inmates serving long terms who are at particular risk of becoming completely alienated from life outside. However, relaxations of prison regime cannot be considered in such cases until the end of the period of detention is in sight.

A major release preparation tool is accommodation in open prisons with little external security roughly two years prior to anticipated release. Inmates can undertake work outside the prison from here.

Foreign inmates

The share of foreign criminal inmates in Germany is about 30%. If these individuals are to remain in Germany after their detention, their treatment does not differ from that of German inmates. If, on the other hand, measures under the law on aliens are impossible such as expulsion and deportation, or if inmates wish to return to their home countries after serving their term, this is in contradiction with the goal of imprisonment, namely to "reintegrate". The Federal Government is hence attempting to further extend ways of executing imprisonment in the home countries.

Removal from the state's sphere of control

The shift of major sections of the prison system into the private sector, in particular the operation of private prisons, is not permissible in Germany for constitutional

reasons. This would also not be in line with the goals of the Federal Government. A prison sentence is the most serious sanction which the state can impose on a person. A large number of restrictions are imposed on basic rights which may also be linked to the use of direct force. These are tasks within the core of the state monopoly of force which may not be transferred to private individuals to perform independently.

Norway

Memorandum presented by the Minister of Justice

Introduction

A modern society has many and strong conflicts of interest and normative collisions and society must find different ways of handling this. In some cases, society also needs to signal that some "basic rules" are more important than others are and that violation of them is met by penalties. It is an important discussion to decide which values and interests to be protected against violations. In Norway, this has led to a debate on whether there is an "inflation" in the use of punishment.

Punishment is thus the legitimate reaction of society on "strongly undesired behaviour" and it is a necessary measure in a modern society. It is important that all law-abiding citizens can see that crime leads to a reaction from the society and that the reaction will be given quickly and clearly. Publicity around the sentencing and the execution of punishment does of course lead to the dilemma of the stigmatisation of the sentenced person, and whether this leads to a further exclusion from society. I expect that many countries, like Norway, may have the experience of this debate without being able to find the "right" answer.

The execution of the sentence shall protect society in the short term, i.e. against the continued criminal activity by the sentenced person. It shall also protect society in the long term by contributing to the prevention of new crimes by reducing their recidivism through inter alia rehabilitating measures. It is in the intersection between these two goals that difficult dilemmas of ethical, legal, penological and practical kind can arise. These dilemmas are most striking when executing long term prisons sentences. It is easier to find a practical approach when using short prison-terms and community service.

Over the last few years, we have had in Norway an active and extensive penological debate. In relation to the subject of this conference two areas of discussion must be mentioned:

- Should longer sentences be used for different kinds of serious crimes? If so, can this be achieved by way of sentencing in court without introducing legislation on minimum-sentences?
- How can prison sentences be executed in a manner that gives the best possible gain for the society in relation to people's security and reduced crime?

The result of the debate has been a clear tendency towards longer sentences for some crimes, among others rape. A new Execution of Criminal Sentences Act has been passed by the Norwegian Parliament, providing a modern legal framework for the Prison and Probation Service. This is especially important when the sentences – and thus the time served – are getting longer. Norway must increasingly handle challenges which are the subject matter of this conference.

Long term prisoners – some factual descriptions

In the new Norwegian Execution of Criminal Sentences Act, the term “long term prisoner” is not used. The phrase is not a legal concept that triggers the application of certain rules and measures, but is used as a practical term by those working in the Service, normally meaning a prison term longer than three years.

It might be useful to keep the following information in mind:

- The maximum sentence in Norway is 21 years. Life imprisonment is thus not one of the challenges for Norway.
- In average, there are about 2700 inmates in Norwegian prisons on any given day. The average length of the prison term is between 90 and 100 days.
- 90% of the sentences are for a prison term of less than one year.
- Only 0,15% of the sentences are for a prison term exceeding 10 years.
- So far, no Norwegian inmate has had a continuous imprisonment exceeding 18-19 years.
- Normally, the majority of those sentenced to a prison term of more than 3 years are convicted of professional narcotic crimes, murder, serious bodily harm or sexual offences. We have also had a few cases of long prison terms for serious economic crimes.

The Norwegian challenges regarding long prison terms may thus appear relatively small compared to the conditions in other European countries. This means that Norway needs to learn from other countries, which for a long time have had to handle the central dilemmas of long prison terms. However, the challenges as regards contents are of course the same for us handling only small volumes:

How to balance the need of the society to be protected with the regard to the sentenced persons and their families?

How to balance security and control against the measures that shall make it possible to reintroduce the inmate into society after imprisonment?

Basis for the execution of long prison terms

There is no formal classification of inmates or prisons in Norway. Thus, the execution of long and short prison terms takes place within the same prison system. The main reason for this is that most Norwegian prisons are

small. The primary security is thus based on the relation between inmate and prison officers. It also makes it easier to let inmates serve their sentence close to where they live.

Of course, Norwegian prisons have varying levels of security and control. The new Execution of Criminal Sentences Act lays down that it is for the prison administration to decide the appropriate level of security and control at the start of the execution of the sentence. It is an accepted penological value that nobody shall serve their sentence under harsher conditions than necessary for the sentence to be actually executed. In other words, it is an assessment of the individual offender that shall take place.

Under the Norwegian rules, inmates sentenced for up to two years may start serving the sentence in a prison with a low level of security, i.e. a prison which in most countries is called an “open prison”. Long-term prisoners must start serving their sentence in a “closed prison” regardless of the type of crime committed.

The judgement is received by the regional prison which will consider the appropriate prison where the sentence is to be served. This means that the person sentenced will primarily be placed in an institution that is geographically not far from his home and his family.

If the region receiving the judgement considers that it has no institution with an appropriate level of security, the prisoners can be transferred to another region with an institution offering the necessary security level. In these cases, the need for the necessary level of security takes precedence over the prisoner’s contact with his family.

The Norwegian system of local assessment of security and risk seems to have worked well with us. The best indication may be the low number of escapes. Considering the increase in organised international crime, with long sentences for serious crimes, the standard of security offered by this system will probably be insufficient. Thus, we have been in contact with other countries with other traditions and experiences, such as the United Kingdom, in order to have input on how to improve the risk/ danger assessments. Based on this, we are introducing a new type of tool for analysis – “Risk-need-assessment”.

High risk units

The Norwegian Execution of Criminal Sentences Act provides the legal framework for the use of units with an *especially* high level of security, “high risk units”. Until now, Norway has only occasionally been in need of such a regime, but work is now going on to establish one or two such units. This is *inter alia* due to the growth of organised serious criminality and terrorist crimes that cannot be handled within the traditional Norwegian system of security.

It will be the convicted person’s risk and his relationship to organised crime and extremist groups that will provide the basis for being placed in such a unit, not the length of the sentence. In practice, however, the

inmates of such a unit will normally be serving long sentences. An obviously relevant group in this context is terrorists and criminals sentenced by the International Criminal Court, The International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

In Norway, such units will be quite small and to a large extent imply isolation from the surroundings as well as from the rest of the institution. This means that in relation to dangerous long-term prisoners, one will rapidly meet the problems of harmful effects of isolation. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has paid particular interest to this problem in relation to persons being detained for long periods, having special regard to Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Long periods in such units will clearly put emphasis on the ethical dilemmas: To what extent can society's need for protection have priority when isolation is giving the inmate serious and obvious mental problems? This situation can probably be more easily handled in larger institutions/ units where one can allow internal communication, whilst maintaining extreme isolation in relation to the outside world. I expect other European countries have experience with regimes of this kind.

The contents of the punishment for long-term prisoners

All Norwegian prisons executing long prison terms offer work activities and education. It is essential that the inmates should be activated outside their cells and that they are able to be together in the units unless the need for security necessitates isolation.

The work activities shall provide occupational training and employment. It is also important to provide training that is relevant for the labour market which the inmate will encounter after the release. For sentences up to 5 to 6 years, it is possible to have such a perspective. For the very long sentences with uncertainty regarding the time of release, the work will primarily be employment to activate the inmate.

The schools in the prisons are organised by the ordinary public educational authorities in the area. Theoretical education is provided on many levels, according to the needs and qualifications of the individual inmate. Practical and theoretical vocational training is also given in co-operation with the work activities. Experience shows that many inmates serving long sentences manage to acquire formally approved vocational skills (as carpenters, masons, motor mechanics etc.) during their imprisonment. They will thus be well equipped to re-enter the ordinary labour market.

During the last few years, a number of programs designed to change the inmates' attitude to crime have been introduced in Norwegian prisons. Several programs address the problem of drug abuse many inmates have. Quite a few of the inmates who have committed crimes of a particularly serious nature and accordingly been sentenced to the longest prison term

are suffering from personality and behavioural disorders. In order to remedy this, experts from the public health care provide therapy according to the need of the individual inmate.

The experience with these programs and the co-operation with the psychiatry service is so far good. However, it is difficult to be able to keep such measures going for many years in a relevant fashion. Inmates facing long prison terms may have little motivation to enter into such activities.

Progression during the execution of the sentence

I believe that all inmates – even those serving long sentences – should have a progression during their imprisonment. This entails that the level of security and control should be gradually reduced and that the inmate should be able to take more charge of his or her own situation. Such progression should primarily be based on a plan worked out by the prison and the individual inmate. The inmate must show that he or she is qualified to take the next step.

Of course, the rules should provide the authority to break off of the progression if the inmate does not abide by the rules. The need for the necessary levels of security and control will then have priority.

Towards the end of the imprisonment, arrangements towards the society at large can be established, provided that it will not conflict with security needs. A long-term prisoner can be offered the opportunity to:

- Daily leave to go to work outside the prison
- Daily leave to follow tuition in an ordinary school
- Transfer to an institution under the health service against drug abuse
- Transfer to the Probation and After Care Service to follow a structured plan with programs and follow-ups
- Transfer to a release hostel

It is particularly appropriate for those who have spent a long time in prison to be gradually returned to the society. A sudden change may prompt the convict to commit new criminal acts and a renew the contact with his or her old criminal network or environment.

In order for the progression to work satisfactory, it is necessary to be able continuously to make good security assessments. This is best done through daily contact with the inmates. In Norway, a lot of effort has gone into establishing arrangements where a prison officer is assigned the responsibility for a small group of inmates in order to follow the development of the individual inmate. The term "contact officer" has been chosen for this arrangement. The rationale for this arrangement is good results form similar measures in other countries. We have gathered impulses from many countries and I hope that this will prove to have especially good effect in our – relatively speaking – small institutions with a good staff-inmate ratio.

Release of long-term prisoners

For many years, most of the inmates have been released under Norwegian law after serving 2/3 of the sentence – including long-term prisoners convicted of serious crimes. This practice has now been changed. The system is now that all inmates shall be considered for release after serving 2/3, but release shall only be granted if there is a good prognosis indicating that the inmate will not re-offend after the release. For long-term prisoners, this will imply a significantly longer time to be served compared to previous practice. The prison administration decides whether to release the inmate. A denial can be appealed to the regional administration.

If someone is granted release on parole, a structured plan will be drawn up with conditions to be met. If the convict violates the conditions, the regional administration can ask the courts for a verdict of re-imprisonment. The practice to be followed shall be one of low tolerance to parole violations.

Security for inmates and staff

The relatively small institutions and units make the milieu fairly easy to control. Only a limited number of cases of violence and threats between the inmates are reported. Some exceptions and unreported cases will always exist, but it is fair to say that inmates find it reasonable safe to be in a Norwegian prison.

Over a number of years, we have tried to survey the number of incidents where prison staff has been exposed to violence or threats. The numbers are low and with only a slightly increasing trend. However, the labour unions vigorously maintain that there is a lot of underreporting and a lot of unknown numbers. In order to discover the full extent of the problem, we have asked some of our researchers at the Prison Officers Training College to look into the matter. The results are not yet available.

Our greatest concern is whether we are able to support the prison staff who receives threats from criminal elements outside the prisons. We see a small increase in the number of threats made against the families of our staff in order to influence decisions, to force the staff members to assist in escapes and to smuggle drugs into the prisons. We are starting to co-operate with the labour unions to find the best measures to prevent such incidents and to create a secure environment for the staff exposed. Again, I think that other countries that have been exposed to such threats over a long period can give us useful information.

Conclusion

As mentioned at the outset, Norway has so far had a relatively small portion of inmates with long sentences. We can see a developing trend in the criminality that can lead to more convicts with very long sentences for murder and serious violations. Nor can we rule out crimes committed by terrorists. This will represent a challenge to the Norwegian system of correction and

increase the focus on security and ethical dilemmas. In this context, international co-operation with exchange of experience is indeed desirable. Over a number of years, we have benefited from an active Nordic co-operation in prison matters. We have tried over the last few years to expand the number of countries we meet for professional discussions. This has inter alia happened through organised management networks and co-operation between prisons in different countries. Norway has in this context co-operated with prisons in Russia and in Latvia. These processes of co-operation ought to be expanded in the years to come.

Slovenia

Memorandum presented by the Minister of Justice

A. Introduction

There is no life sentence in Slovenia, although Slovene courts may pass a maximum prison sentence of thirty years. Such a sentence may only be passed for some of the serious crimes. Similarly, no definition of a long-term prison sentence has been introduced in Slovene penal law, and consequently we have no special regime for serving long-term prison sentences.

B. Prison population

From the annual statistics of the Administration for Implementing Prison Sentences, a body within the Ministry of Justice, it appears that of the total number of newly accepted convicts in 2000, only 4.1% were serving prison sentences of more than 5 years, so more than 95.9% of newly accepted convicts were serving sentences of up to 5 years. It follows from the above that the Slovene courts pass extremely low sentences, despite the fact that the law provides the possibility of passing stricter sentences.

There was a total of 1629 convicts in Slovenia in 2000.

C. Penal institutions for long-term prisoners

As already mentioned above, the Slovene prison system does not follow the principle of consistent separation of individual categories of convicts in relation to the length of prison sentence. In view of the lengths of prison sentences, we have prison institutions in which male convicts serve prison sentences up to one year and a half, and those at which they serve sentences of more than one and a half years. In prison institutions in Slovenia, those convicted of crimes and those convicted of minor offences are separated, as well as young persons from adults and men from women.

Every prison has an open department, semi-open department and closed department. They are distinguished by the level of security and limitations on the movement of convicts. Convicts in closed departments have very restricted freedom of movement and activity within the institute and they are subject to a high level of physical and personal security. Their opportunities of

leaving the prison institution, whether accompanied, or even more without guard, are reduced to a minimum.

The Slovene prison system follows modern principles of implementing prison sentences, whereby prison institutions should be organised in such a way as to enable the maximum possible differentiation, individualisation and dynamic treatment of convicts, together with optimal respect for the human rights of convicted persons and taking into account the rights of citizens to direct protection from the criminal activities of such persons.

Strict segregation of individual categories of convicted persons is acceptable only from the point of view of more successful implementation of therapeutic programmes (e.g. for implementing programmes for drug addicts), but such segregation is only sensible for as long as an individual programme lasts. However, in our experience, the majority of therapeutic programmes can be carried out without segregation of convicted persons into individual departments.

D. Classement and allocation of prisoners

A convicted person who is at liberty is summoned to serve sentence by the district court in the region in which the convicted person has permanent or temporary residence, immediately, and not later than eight days after receipt of the executory decision.

A court may order a convicted person who has been sentenced to a prison term up to three years to serve it in an open prison institution, and in a semi-open prison institution those sentenced to up to five years.

A convicted person serving sentence in a prison institution or its department with a stricter regime may be transferred while serving the prison sentence to a prison institution or its department with a more liberal regime if it is considered that he or she will not abuse such a regime.

A convict who abuses a more liberal regime of a prison institution or its department, or for whom there are other well founded reasons that dictate transfer, is transferred to a prison institution or its department with a stricter regime.

The prison institution administrator decides on the transfer of a convict within the same prison institution after having received the opinion of the head of the department, and the director of the administration about transfer from one prison institution to another, after having received the opinion of the institution in which the convict is serving the prison sentence, and the opinion of the institution to which the convict would be transferred.

E. Object and purpose of the treatment of prisoners

A special regime may be determined for a convicted person on arrival to serve sentence, which lasts a maximum of thirty days. In the reception period, an evaluation is made of his or her personality, state of health, working and verbal capacities and other properties relevant to the treatment of the convict and for his or her proper classification. On completion of the

reception period, a written agreement on treatment is concluded with the convict.

Professional work in prison institutions is based on a socio-therapeutic orientation, group and individual forms of treatment, elements of therapeutic communities and encouragement towards cooperation in the community in the wider sense. The involvement in this of professional institutions and organisations outside the prison system is important, who can cooperate in the implementation of various programmes oriented towards resolving the difficulties and problems of confined persons. Programmes and activities that take place in institutes are directed at training for life after release or reintegration of convicted persons into the living and working environment.

Various programmes are carried out in prison institutions, including in the area of educating prisoners, work, spare time activities, special programmes connected with help to prisoners who have problems with drugs or alcohol, preparation for release and special programmes connected with the specific needs of prisoners.

In order to re-include prisoners in the normal living environment, responsible centres and other subjects who cooperate in the preparation and implementation of individual treatments (e.g., responsible centres, employment institutes, administrative bodies for housing matters and public institutes in the areas of health and education) in cooperation with the prison institution, at least three months prior to release from serving sentence, must prepare a programme of necessary measures for the help of a convict and each in its own area must provide help in his or her inclusion in society after release.

F. Conditional release

A convicted person has the possibility of conditional release after having served half a sentence. The commission for conditional release at the Ministry of Justice decides about conditional release at the request of a convicted person or a close family member or on the proposal of the prison institution administrator.

A convict who has been sentenced by the courts to more than fifteen years in prison may be conditionally released after having served three quarters of the prison sentence.

A prison institution administrator has the right, after having received the opinion of a professional member of staff, to release a convicted person who behaves properly, makes an effort at work and actively participates in other useful activities and has served three quarters of the sentence, but at most one month prior to completion of the sentence.

G. Execution of sentences as related to foreigners and stateless persons

Among the total of convicted persons and young offenders in 2000, there were 240 or 14.4% foreigners. Among the foreigners predominated those from the

former Yugoslav republics (116 or 48.3% of all foreigners). Eleven male convicted persons did not have citizenship.

Slovenia has also ratified the Council of Europe Convention of 1983 on the Transfer of Convicted Persons. The Minister of Justice of the Republic of Slovenia supports the proposal of Russia that an additional protocol to this convention should be prepared, which would provide the possibility of transfer also in cases when a convicted person has permanent residence in the state in which he should serve sentence.

Turkey

Memorandum presented by the Minister of Justice

As it is known, on 4 November 1950 the Foreign Ministers of the Member States of the Council of Europe met to sign the European Convention for the Protection of Human Rights and Fundamental Freedoms. Their basic aim was "to reaffirm their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend." On these grounds, European Convention on Human Rights is a master document which guides its contracting parties, and of course, the Council of Europe to create a new order based on human rights in every area.

Bearing in mind the principles of the Convention on Human Rights, Turkey has made some legal amendments to provide the implementation of judicial decisions, especially the implementation of long-term prison sentences, in conformity with European standards.

In Resolution (76) 2 on the Treatment of Long-Term Prisoners the Committee of Ministers emphasizes some basic points like "taking the necessary legislative and administrative measures in order to promote appropriate treatment during the enforcement of such sentences", providing in prison opportunities for appropriate work and adequate system of remuneration" and "encouraging all education and vocational training by providing an adequate system of remuneration for these activities".

The long-term prisoners, convicted of serious offences, are usually being kept in closed prisoners in single rooms, in order to prevent escapes, to guarantee order and discipline in the penal institutions. This is the common practice in most European countries. Unlike this practice, the dormitory system was the dominant system in our prisons. It has been understood from our experience that the dormitory system creates the most unfavourable conditions for all rehabilitation activities by leaving room for chain of power relations between prisoners. The training staff, such as psychologists, social workers, teachers could not collaborate with the prisoners to perform their duties. Furthermore this system caused severe security failures, which was

another missing link between prisoners and these staffs. Taking our experience and Resolution (76) 2 into account and in accordance with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, we decided to abandon the practice of "dormitory system" in prisons as Western European Countries did in the past. After then new projects, based on separate rooms for one or three persons, were put into practice. These projects, among other measures, indicate an improvement in the physical conditions of the prisoners. The humanitarian enforcement of freedom-restricting sentences requires that the prisoners have appropriate living conditions in prisons.

In Turkey, for the time being the prison sentences are enforced according to the Execution of Sentences Act of 1965. This Act basically encourages the use of alternative measures and fines instead of short-term prison sentences. Resting upon this underlying policy, I would like to give a brief description of the Turkish system.

In general, the persons who are subject to detention order or a final decision containing a term of imprisonment are placed into prison. The prisoners are classified into groups according to the age, sex, type of crime, duration of the punishment and legal status.

Article 3 of the Execution of Sentences Act defines long-term sentences as a detention period of more than one year and life imprisonment. However, there is no segregation of life-term and long-term prisoners from other prisoners except life-term and pre-trial detainees are kept in special security and classification centres. The prison administration draw up as a result of its observation a personal file, for each prisoner containing biographical information and details of his or her physical and mental condition.

The personal file is then forwarded together with a report containing observations for the prisoner to General Directorate of Prisons and Detention Houses in the Ministry of Justice, that is responsible for the decision pertaining to the allocation of prisoners to prisons.

However, chief public prosecutor of each heavy felony court centre in Turkey, are authorised to allocate the prisoners who have sentenced less than 8 years of imprisonment, to the regional prisons.

There are various types of treatment activities in the penitentiary institutions. These are:

1. Literacy courses; elementary, high school and university education,
2. Professional, vocational and creative training. In this respect the prisoners are given a certificate at the end of the training process.
3. Social, cultural and sportive activities like cinema, theatre, folk dances, music, library studies, conferences, seminars, intelligence games, television.
4. Voluntary religious education that aims to motivate the prisoners during the rehabilitation process.

Non-governmental organisations, professional institutions and voluntary institutions contribute to these activities.

Besides legislative amendments to abandon dormitory system in favour of room system, I would like to mention amendments in the penal execution system. One of the important developments in this area is the Enforcement Judges Act of 16 May 2001, which provides special judges who will supervise the penal institutions and decide upon the complaints of prisoners and detainees. The Supreme Council of Judges and Public Prosecutors appoint these judges like other judges, and like their colleagues they are totally independent in the discharge of their duties. In this manner enforcement judges shall control all actions and acts of prison administration relating to the convicts and detainees.

Another important recent act is the Act on Monitoring Boards of Penal Institutions of 14 June 2001, which regulates the supervision of penal institutions by monitoring boards. The judiciary commission of the relevant province chooses the members of these monitoring boards, by taking into consideration the recommendation of relevant professional public organisations. As independent bodies, the boards have the right to visit the prisons and listen the complaints of prisoners whenever they wish. They send their reports to the Ministry of Justice, the relevant enforcement judge and chief public prosecutor, and if necessary, to the Human Rights Inquiry Commission of the Parliament.

The Prevention of Terrorism Act of 12 April 1991 provides a different regime for terror offenders- in prisons. Article 16 of this Act states namely that they have to be kept in single rooms or in rooms for three persons. Nevertheless, even in single rooms three persons have access to shared places, this cannot be considered as solitary confinement. Now with the amendment of this provision, in the context of rehabilitation and training programmes the prisoners of terror and mafia crimes are allowed to participate in communal activities in shared places as long as this is compatible with the security measures. This will include work, sport, theatre and education activities in common with other inmates.

I would like to draw your attention to another related issue, which is training of prison staff. Of course proper administration of the penitentiary institutions depends to a large extent on the quality of the staff who are entrusted with this delicate task. We must keep in mind that prisoners are put under the care of the state which is responsible for the well-being. First of all they should be treated as human beings, regardless of the term of the prison sentences. This, in turn, requires the personal and professional education of the prison staff. To this aim the Draft Law concerning Training Centres for Penitentiary Staff was prepared and submitted to the Parliament. The draft law provides the establishment of the education centres in seven provinces. The prison staffs will be trained in these centres before their appointment. They are also obliged to follow in-service courses on a regular basis.

United Kingdom

Memorandum presented by the Minister of State, Home Office and the Parliamentary Secretary, Lord Chancellor's Department

Introduction

The UK Government is committed to continuous improvement of the management of prisoners serving a long-term sentence, with a view both to reducing crime and improving public confidence in the criminal justice system. We welcome the opportunity to learn from and to assist other Council of Europe jurisdictions in this respect.

Long term determinate sentence prisoners

Under the current sentencing framework the UK defines long-term prisoners as those serving a sentence of imprisonment of 4 years or more. In line with many other European countries the UK has witnessed an increase in the number of long-term prisoners as a proportion of all sentenced prisoners. By 2000 41% of male sentenced prisoners were serving over 4 years, compared to 36% in 1990.

All long-term prisoners are eligible to apply for early conditional release (known as parole) at the halfway point of their sentence. Applications for parole are determined by the Parole Board, which is an independent body, (where the sentence is 15 years or more, the final decision on release is taken by Ministers). In considering an application for parole, the Parole Board is required to consider primarily the risk to the public of a further offence being committed at a time when the prisoner would otherwise be in prison. This must be balanced against the benefits of early release in aiding rehabilitation.

Dangerous offenders serving a determinate sentence

We recognise that there are some prisoners whose risk to the public warrants their incarceration or supervision for a period longer than commensurate with the seriousness of the crime. We have therefore provided the courts with the powers to pass either an "extended sentence" which includes a custodial term and an extended period of licensed supervision, or a longer than commensurate custodial sentence. These powers exist in respect of violent and sexual offenders and are to be applied where, in the opinion of the court, they are necessary for the protection of the public.

Improving the sentencing framework

The UK Government is in the process of reviewing its sentencing framework for England and Wales. The review has focused on whether the framework could be changed so as to improve its outcomes, especially by reducing crime. We are currently consulting on proposals aimed at designing more flexible sentences, that work effectively and smoothly whether the offender is in prison or the community. The Review seeks to put

into practice proven methods in reducing re-offending, whilst achieving a more integrated approach in managing the custodial and community elements of sentences. It is proposing to remove the distinction between long term and short term prisoners and discretionary release will instead be reserved for sexual and violent offenders who need to be detained and /or supervised in the community for longer to prevent a risk of serious harm to the public.

Life sentence prisoners

Similarly, there has been an increase in the number of prisoners serving a life sentence. By 2000 there were over 4,530 life sentence prisoners which represents a 62% increase over 10 years.

Life sentenced prisoners have no entitlement to parole, but may be released on a licence which remains in force for life. Prisoners serving mandatory life sentences – those convicted of murder – are eligible to be considered for release on expiry of their tariff. The tariff is set by the Home Secretary and is the minimum period which must be served to satisfy the requirements of retribution and deterrence. A very small number of life sentence prisoners convicted of the most heinous crimes have a whole life tariff. The Government recognises that these prisoners pose a particular management challenge to the prison authorities. Mandatory lifers are released on the personal authority of the Home Secretary, following a recommendation for release from the Parole Board and consultation with the judiciary. The overriding concern is the safety of the public.

A prisoner can be given a “discretionary” life sentence for serious crimes other than murder, such as rape and manslaughter, or an “automatic” life sentence for a second serious violent and/or sexual offence. These prisoners, together with young offenders who are detained indefinitely for murder, are entitled to have the minimum period they must serve in custody announced by their trial judge in open court. These prisoners are entitled to be considered for release at the expiry of their tariff at an oral hearing by the Parole Board. The Board sits in a quasi-judicial capacity and has the power to direct release if it is no longer necessary for the protection of the public that the prisoner should continue to be confined.

Categorisation

Security categorisation is determined by dangerousness to the public if the prisoner escaped; decisions on categorisation are taken administratively and not by the courts. Long-term prisoners tend to have a high security category when they first enter the prison system because of the seriousness of their crimes. In the case of life-sentenced prisoners, a typical male lifer will normally progress through all stages of the prison system from a local prison to an open/resettlement prison. Apart from Category A prisoners, female life sentenced prisoners are classified as being suitable for open or closed conditions.

Sentence planning

In the case of all long-term prisoners, we aim to work with the prisoner to reduce their dangerousness to the public. Such work will focus on areas linked to the prisoner’s offending and will often involve the prisoner taking part in offending behaviour programmes or counselling. All long-term prisoners (including lifers) have a sentence plan, which will include details of offending behaviour work which needs to be undertaken. We are committed to investing substantial resources into the provision of specialist assessments, offending behaviour programmes, counselling and other courses which will reduce the likelihood of further re-offending.

Sharing of information

The UK continues to play its full part in support of Council of Europe objectives; it is represented on the Council of Europe’s Committee on Crime Problems and will shortly be providing an expert to sit on its sub-committee on pre-trial detention. The UK is also involved in two Council of Europe twinning projects, with Russia and Azerbaijan, aimed at assisting their applications to join the Council of Europe and we are pleased to be able to provide a senior official to chair the Council of Europe Committee of Experts on the Management of Life Sentenced and Other Long Term Prisoners. The UK Government welcomes the opportunity to share knowledge and experience in the management of long-term prisoners.

Peers v. Greece, judgment of the European Court of Human Rights – 19 April 2001

On 19 April 2001 the European Court of Human Rights issued its *Peers v. Greece* judgment in which it considered that certain aspects of the conditions of detention of the applicant in one of the segregation units of Koridallos prison amounted to degrading treatment in breach of Article 3 of the European Convention on Human Rights. This is the first time that the Court finds a violation of Article 3 of the Convention in respect of structural problems in a prison, as opposed to individual incidents of ill-treatment. The extract of the judgment that follows contains a summary of the arguments of the applicant and the respondent Government as well as the Court's reasoning leading to the finding of violation. The application had been lodged before the reform of the Convention supervisory mechanism of November 1998 and it was first examined by the European Commission of Human Rights, which sent a delegation to inspect Koridallos prison and take evidence from the applicant and a number of witnesses.

Alleged violation of Article 3 of the Convention

The applicant complains that the conditions of his detention in the Koridallos prison amounted to inhuman and degrading treatment. Before the Court his complaints focus on the conditions in the segregation unit of the Delta wing of the prison. The applicant invokes Article 3 of the Convention, which is worded as follows:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

The applicant submits that he never asked to be placed in the segregation unit. The prison administration decided to put him there on his arrival in Koridallos prison. One week later he was given the possibility of going to the Delta wing proper but he did not agree because he wanted to keep clean from drugs. The applicant alleges that the conditions in the segregation unit had not improved significantly between his detention there and the Delegates' visit. He complains in particular that he had to spend a considerable part of each day confined to his bed in a cell with no ventilation and no window. He further complains that the prison administration did not provide inmates with sheets, pillows, toilet paper and toiletries. Although indigent prisoners like the applicant could address themselves to the prison's social service, it was accepted that their needs could not be always met. The fact that he could have obtained toiletries and toilet paper from his co-detainees does not absolve the Government from responsibility under the Convention. The applicant submits that he ended up sleeping on a blanket with no sheets or pillow during the hottest period of the year. He also complains that he had to use the toilet in the

presence of another inmate and be present while the toilet was being used by his cellmate. The applicant claims that he felt humiliated and distressed and that the conditions of his detention had had adverse physical and mental effects on him.

The Government first submit that the applicant asked to be detained in the segregation unit. The prison authorities wanted to satisfy his request. However, because there were no cells available he had to share a cell with another inmate. As a result, the problem with the toilet arose. The applicant could have moved to another part of the prison at any time if he so wished. It appears that the applicant never asked for such a transfer because, in the meantime, he had developed a friendly relationship with his cellmate, Mr Papadimitriou. The special character of their relationship is also shown by the fact that they continued sharing a cell when they were both moved to the Alpha wing two months after the applicant's arrest.

Moreover, the Government dispute that the treatment complained of had attained the minimum level of severity required to fall within the scope of Article 3. They stress that the conditions of detention complained of in no way denoted contempt or lack of respect for the applicant as a person. On the contrary, the prison authorities tried to alleviate the situation by allowing the applicant extra telephone calls. The applicant himself accepted that he was never left dirty while in the segregation unit. He could take a shower and had frequent contacts with the prison psychiatrist. According to the Government, there was no evidence that the conditions of his detention had caused to the applicant injury or any physical or mental suffering.

The Court recalls that, according to its case-law, ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of this minimum level of severity is relative; it depends on all the circumstances of the case, such as the duration of the treatment, its physical and mental effects and, in some cases, the sex, age and state of health of the victim (see, among other authorities, the *Ireland v. the United Kingdom* judgment of 18 January 1978, Series A No. 25, p. 65, § 162).

Furthermore, in considering whether a treatment is “degrading” within the meaning of Article 3, the Court will have regard to whether its object is to humiliate and debase the person concerned and whether, as far as the consequences are concerned, it adversely affected his or her personality in a manner incompatible with Article 3 (see the *Raninen v. Finland* judgment of 16 December 1997, *Reports of Judgments and Decisions*, 1997-VIII, pp. 2821-22, § 55).

As regards the present case, the Court notes in the first place that, contrary to what the Government argue, the applicant was not placed in the segregation unit because he had so wanted himself. According to the testimony of Ms Fragathula, this was a measure decided by the prison director and the chief warden and related to the applicant's medical condition, more specifically to the fact that he had been suffering from withdrawal symptoms. According to the same witness, once the applicant became acquainted with the conditions of detention in the segregation unit, he asked for a transfer. He was then offered the possibility of going to the Delta wing where drug addicts were being detained. Although Ms Fragathula would not expressly admit that there were drugs in the Delta wing, she stated that the "wing was problematic for someone who wanted to free himself from drugs". The Court considers that this implies that there were drugs illegally circulating in the Delta wing, a cause of serious concern. In these circumstances, the Court considers that the applicant cannot be blamed for refusing to be moved from the segregation unit. The Court, therefore, considers that the applicant did not in any way consent to being detained in the segregation unit of the Delta wing.

Concerning the conditions of detention in the segregation unit, the Court has had regard to the Commission Delegates' findings and especially their findings concerning the size, lighting and ventilation of the applicant's cell, i.e. elements which would not have changed between the time of the applicant's detention there and the Delegates' visit. As regards ventilation the Court notes that the Delegates' findings do not correspond fully with those of the CPT, which visited Koridallos prison in 1993 and reported in 1994. However, the CPT's inspection took place in March, while the Delegates went to Koridallos prison in June, i.e. during a period of the year when the climatic conditions are closer to the period the applicant complains about. Furthermore, the Court takes into account the fact that the Delegates investigated the applicant's complaints in depth having given special attention, during their inspection, to the conditions in the place where the applicant had been detained. In these circumstances, the Court considers that the findings of the Commission's Delegates should be relied on.

The Court notes that the applicant accepts that the cell door was open in the daytime, when he could circulate freely in the segregation unit. Although the unit and its exercise yard were small, the limited possibility of movement enjoyed by the applicant during the daytime must have given him some form of relief.

Nevertheless, the Court recalls that the applicant had to spend at least part of the evening and the entire night in his cell. Although the cell was built for one person, the applicant had to share it with another inmate. This is one aspect in which the applicant's situation differed from the situation reviewed by the CPT in its 1994 report. Sharing the cell with another inmate meant that, for the best part of the period when the cell door was locked, the applicant was confined to his bed.

Moreover, there was no ventilation in the cell, there being no opening other than a peephole in the door. The Court also notes that during their visit to Koridallos the Delegates found that the cells in the segregation unit were exceedingly hot, although it was only June, a month when temperatures do not normally reach their maximum in Greece. It is true that the Delegates' visit took place in the afternoon when the applicant would not normally be locked up in his cell. However, the Court recalls that the applicant was placed in the segregation unit during a period of the year when temperatures have the tendency to rise considerably in Greece even in the evening and often at night. This was confirmed by Mr Papadimitriou, an inmate who shared the cell with the applicant and who testified that the latter was greatly physically affected by the heat and the lack of ventilation in the cell.

The Court also recalls that in the evening and at night when the cell door was locked the applicant had to use the asian-type toilet in his cell. The toilet was not separated from the rest of the cell by a screen and the applicant was not the cell's only inhabitant.

In the light of the foregoing, the Court considers that in the present case there is no evidence that there was a positive intention of humiliating or debasing the applicant. However, the Court notes that, although the question whether the purpose of the treatment was to humiliate or debase the victim is a factor to be taken into account, the absence of any such purpose cannot conclusively rule out a finding of violation of Article 3 (*V. v. the United Kingdom* [GC], no. 24888/94, § 71, ECHR-IX).

Indeed, in the present case, the fact remains that the competent authorities have taken no steps to improve the objectively unacceptable conditions of the applicant's detention. In the Court's view, this omission denotes lack of respect for the applicant. The Court takes particularly into account that, for at least two months, the applicant had to spend a considerable part of each 24-hour period practically confined to his bed in a cell with no ventilation and no window which would at times become unbearably hot. He also had to use the toilet in the presence of another inmate and be present while the toilet was being used by his cellmate. The Court is not convinced by the Government's allegation that these conditions have not affected the applicant in a manner incompatible with Article 3. On the contrary, the Court is of the opinion that the prison conditions complained of diminished the applicant's human dignity and arose in him feelings of anguish and inferiority capable of humiliating and debasing him and possibly breaking his physical or moral resistance. In sum, the Court considers that the conditions of the applicant's detention in the segregation unit of the Delta wing of the Koridallos prison amounted to degrading treatment within the meaning of Article 3 of the Convention.

There has thus been a breach of this provision.

Council of Europe Annual Penal Statistics

SPACE I: Enquiry 1999: Prison population

by Pierre Victor TOURNIER¹

The SPACE I data published below was obtained by means of a new questionnaire devised for the 1997 survey, in its simplified version. They relate to the situation of the prison population at **1 September 1999**, prison entry flows, lengths of imprisonment, and incidents in **1998** (escapes, prisoners absconding, deaths and suicides).

I. Prison populations

I.1 State of prison populations at 1 September 1999

The situation of prison populations at a given date ("stock statistics") is set out in seven tables.

Table 1. Situation of penal institutions

- Total number of prisoners (including pre-trial detainees)
- Prison population rate (per 100 000 inhabitants): number of prisoners (including pre-trial detainees) present at 1 September 1999 in proportion to the number of inhabitants at the same date
- Total prison capacity
- Rate of occupancy (per 100 places): number of prisoners (including pre-trial detainees) in relation to the number of places available

The year-on-year rates of increase are as follows:

Less than - 5%: Albania (-62%), Northern Ireland (-17.6%), Iceland (-9.7%), Croatia (-9.0% between 31.12.1998 and 31.12.1999), Latvia (-9.0% between 1.10.1998 and 1.07.1999), Bulgaria (-8.4%), Estonia (-6.8%).

Between - 5% and + 5%: England and Wales (-1.9%), Austria (-1.2%), Scotland (-1.2%), Netherlands (-0.8%), Moldova (-0.6%), Romania (0.0%), Spain (0.5%), France (0.6%), Finland (1.1%), Belgium (1.7%), Germany (2.6%), Lithuania (2.9%), Norway (3.3%), Ireland (3.5%), Sweden (3.7%), Slovakia (4.2%), Switzerland (4.2%), Denmark (4.3%), Czech Republic (4.5% between 31.12.1998 and 31.12.1999), Italy (4.8%).

Over 5%: Greece (5.5%), Turkey (6.7%), Hungary (7.1%), "the former Yugoslav Republic of Macedonia" (10.4%), Slovenia (17.9%).

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Data unavailable for either date or difficult to ascertain: Luxembourg, Poland.

Table 2. Age structure

- Median age of prison population (including pre-trial detainees) at the date of the statistics
- Prisoners under 18 years of age (including pre-trial detainees): number and percentage
- Prisoners between 18 and 21 years of age (including pre-trial detainees): number and percentage
- Prisoners under 21 years of age (including pre-trial detainees): number and percentage

Data not collected

Table 3. Women and foreigners

- Female prisoners (including pre-trial detainees): number and percentage
- Foreign prisoners (including pre-trial detainees): number and percentage

Data not collected

Table 4.1 Legal structure (numbers)

- Untried prisoners (not yet convicted)
- Prisoners convicted but not yet sentenced
- Sentenced prisoners who have appealed or who are within the statutory time-limit for doing so
- Sentenced prisoners (final sentence)
- Other cases

Table 4.2 Legal structure (rates)

We have selected four indicators as a basis for comparing the situations of the various populations:

- Percentage of prisoners not serving a final sentence at 1 September 1999 (often inaccurately referred to as the percentage of unconvicted prisoners): the number of prisoners whose sentence is not final, present at that date, expressed as a percentage of the total number of prisoners at the same date
- Prisoners not serving a final sentence per 100 000 inhabitants at 1 September 1999: the number of prisoners whose sentence is not final, present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants
- Proportion of untried prisoners (not yet convicted) at 1 September 1999: the number of untried prisoners (not yet convicted), present at that date, expressed as a percentage of the total number of prisoners at the same date

- d. Untried prisoners (not yet convicted) per 100 000 inhabitants: the number of untried prisoners (not yet convicted), present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants

Only prisoners included under the heading “untried prisoners” in the questionnaire are taken into account in calculating the last two rates.

- Where the item “**Sentenced prisoners who have appealed or who are within the statutory time-limit for doing so**” is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among “**sentenced prisoners (final sentence)**”. In this case, neither rate (a) – *percentage of prisoners not serving a final sentence* – nor rate (b) – *prisoners not serving a final sentence per 100 000 inhabitants* – can be calculated.

This applies to Germany, England and Wales, Austria, Croatia, Scotland, Spain, Finland, Greece, Ireland, Northern Ireland, Norway, the Netherlands, Poland, Portugal, the Czech Republic and Switzerland.

- Where the item “**Prisoners convicted but not yet sentenced**” is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among “**untried prisoners (not yet convicted)**”. In this case, neither rate (c) – *proportion of untried prisoners (not yet convicted), as a percentage* – nor rate (d) – *untried prisoners (not yet convicted) per 100 000 inhabitants* – can be calculated.

This applies to Croatia, Finland, Northern Ireland, Ireland, the Netherlands, Poland, the Czech Republic and Switzerland.

Table 5. Convicted prisoners: breakdown by offence

Offences have been classified under seven headings: homicide, wounding with intent to harm, rape, robbery with violence, other categories of theft, drug-related offences, other cases.

Table 6. Convicted prisoners: breakdown by length of sentence

Table 7. Prisoners sentenced to less than one year: breakdown by length of sentence

1.2 Flow of entries, length of imprisonment, escapes and deaths in 1998

Table 8. Flow of entries

- Total number of entries in 1998
- Rate of entries (per 100 000 inhabitants): the number of entries for 1998 in relation to the average number of inhabitants during the period under review. In view of the information available, the figure actually used was the number of inhabitants at 1 September 1998, as supplied by the authorities.

- Entries before final sentence: number and percentage

The term “entry” refers to all entries into penal institutions, except in the following situations:

- entry following a transfer between penal institutions;
- entry following a prisoner’s removal with a view to an appearance before a judicial authority (investigating judge, trial court, etc);
- entry following prison leave or a period of permitted absence;
- entry of an escaped prisoner recaptured by the police.

The figures do not relate to the number of individuals but to the number of events (entries). The same individual may be committed to prison several times in the same year for the same case. This applies, for instance, to an individual who is placed in pre-trial detention during year n (first entry), released by the investigating judge at the pre-trial investigation stage, tried without being re-detained, convicted and sentenced to a term of imprisonment exceeding the period of pre-trial detention, and re-imprisoned during year n to serve the remainder of the sentence (second entry). A fortiori, the same individual may be committed to prison several times in the same year for different cases.

Only entries of untried prisoners (not yet convicted), prisoners convicted but not yet sentenced, or sentenced prisoners who have appealed or who are within the statutory time-limit for doing so are recorded under (c). This figure therefore corresponds to part of the entries recorded under (a). These of course include entries for pre-trial detention.

Table 9. Indicator of average length of imprisonment

- Total number of days spent in penal institutions in 1998
- Average number of prisoners in 1998: (b) = (a)/365
- Indicator of average length of imprisonment (D): quotient of the average number of prisoners in 1998 (P) divided by the flow of entries during that period (E): $D = 12 \times P/E$ – length expressed in months

Figure (a) corresponds to the total number of days spent in penal institutions by all persons placed in detention for at least one day during the reference year (1997). This may be time spent in pre-trial detention or time spent serving a prison sentence, or may even correspond to other circumstances (detention for failure to pay a fine, for instance). No distinction is made here.

Data of this type are usually prepared by the departments responsible for prison budgets. They are used by the authorities to calculate an average daily cost of imprisonment.

In our case, this indicator yields the best possible estimate of the average number of inmates in a given year, by dividing the number of days spent in penal institutions by 365 (or 366 for a leap year). The resulting figure is what demographers call the number of “prisoners/year” (b). We use this indicator to work out

various other figures (for instance the suicide rate and the ratio of inmates to custodial staff).

Table 10. Escapes

This only corresponds to escapes by convicted prisoners or pre-trial detainees (in the custody of the prison authorities) from closed penal institutions or during administrative transfers (for example, to or from a court, another penal institution, or a hospital). In the event of a group break-out, the number of escapes is equal to the number of inmates involved.

- a. Number of escapes in 1998
- b. Number of prisoners/year in 1998 (see table 9)
- c. Escape rate per 10 000 prisoners: $10\ 000 \times (a)/(b)$

Table 11. Other forms of escape (absconding or running off)

Examples are escapes from open institutions (such as work farms) or from semi-detention, and escapes during authorised short-term absence (or leave) from all kinds of institutions (including closed institutions).

- a. Number of escapes in 1998
- b. Number of prisoners/year in 1998 (see table 9)
- c. Escape rate per 10 000 prisoners: $10\ 000 \times (a)/(b)$

We have not worked out the rate here, as that would amount to calculating the ratio of escapes (other forms) to the average number of prisoners, without taking account of the proportion of inmates in "open institutions".

Table 12. Deaths in penal institutions

- a. Number of deaths in penal institutions in 1998
- b. Number of prisoners/year in 1998 (see table 9)
- c. Mortality rate per 10 000 prisoners: $10\ 000 \times (a)/(b)$

Deaths of convicted prisoners and pre-trial detainees while in hospital are included.

Table 13. Suicides in penal institutions

- a. Number of suicides in 1998
- b. Number of prisoners/year in 1998 (see table 9)
- c. Suicide rate per 10 000 prisoners: $10\ 000 \times a/b$

Deaths of convicted prisoners and pre-trial detainees while in hospital are included.

Table 14. Deaths in penal institutions – other than suicides

- a. Number of deaths in penal institutions, other than suicides, in 1998
- b. Number of prisoners/year in 1998 (see table 9)
- c. Non-suicide mortality rate per 10 000 prisoners: $10\ 000 \times a/b$

Deaths of convicted prisoners and pre-trial detainees while in hospital are included.

II. Staff of penal institutions

Data not collected

I.1 Prison populations

State of prison populations on 1 September 1999

Table 1. Situation of penal institutions on 1 September 1999¹

Reference: Council of Europe, SPACE 1999.1

	Total number of prisoners (inc. pre-trial detainees)	Prison population-rate per 100 000 inhabitants	Capacity of penal institutions	Prison density per 100 places
Albania	1 112	33,0	1 300	85
Andorra				
Austria	6 877	85,1	8 000	86
Belgium	8 411	82,3	7 667	110
Bulgaria	10 787	132	...	...
Croatia	2 027	44,5	3 475	58
Cyprus				
Czech Republic	23 060	224	19 632	117
Denmark	3 560	67,0	3 748	95
Estonia	4 332	300	5 220	83
Finland	2 598	50,4	3 494	74
France	53 948	88,5	49 076	110
Germany	80 610	98,3	75 102	107
Greece	7 525	71,4	4 700	160
Hungary	15 228	151	10 026	152
Iceland	93	33,8	...	...
Ireland	2 741	...	2 382	115
Italy	51 427	89,3	42 542	121
Latvia	8 665	355	11 260	77
Lithuania	14 207	384	13 747	103
Luxembourg	387	90,2	...	...
Malta				
Moldova	10 188	...	11 540	88
Netherlands	13 231	84,0	15 857	83
Norway	2 602	58,5	2 922	89
Poland	54 842	141	64 157	85
Portugal				
Romania	51 396	229	33 272	154
Russia				
Slovakia	6 904	128	8 937	77
Slovenia	935	47,3	1 056	88
Spain	45 004	114	41 310	109
Sweden	5 484	61,9	5 582	98
Switzerland	6 294	88,5	6 633	95
"The F.Y.R.O. Macedonia"	1 238	61,4	2 463	50
Turkey	69 277	108	72 903	95
Ukraine				
<i>United Kingdom</i>				
England and Wales	64 529	122	62 369	103
Northern Ireland	1 262	...	1 928	65
Scotland	6 018	...	6 497	93

(1) See notes below.

Table 2. Population of penal institutions on 1 September 1999: age¹

Reference: Council of Europe, SPACE 1999.2

	Median age	Prisoners under 18 years of age		Prisoners 18 to less than 21 years		Prisoners under 21 years	
		Number	%	Number	%	Number	%
Albania
Andorra
Austria
Belgium
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Moldova
Netherlands
Norway
Poland
Portugal
Romania
Russia
Slovakia
Slovenia
Spain
Sweden
Switzerland
"The F.Y.R.O. Macedonia"
Turkey
Ukraine
United Kingdom							
England and Wales
Northern Ireland
Scotland

(1) Data not collected.

Table 3. Population of penal institutions on 1 September 1999: female prisoners, foreign prisoners (numbers and %)¹

Reference: Council of Europe, SPACE 1999.3

	Female prisoners		Foreign prisoners	
	Number	%	Number	%
Albania
Andorra
Austria
Belgium
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Moldova
Netherlands
Norway
Poland
Portugal
Romania
Russia
Slovakia
Slovenia
Spain
Sweden
Switzerland
"The F.Y.R.O. Macedonia"
Turkey
Ukraine
<i>United Kingdom</i>				
England and Wales
Northern Ireland
Scotland

(1) Data not collected.

Table 4.1 Population of penal institutions on 1 September 1999: legal status (numbers)¹

- (a) Untried prisoners (ie no court decision yet reached)
 (b) Convicted prisoners, but not yet sentenced
 (c) Sentenced prisoners who have appealed or who are within the statutory limit to do so
 (d) Sentenced prisoners (final sentence)
 (e) Other cases

Reference: Council of Europe, SPACE 1999.41

	(a)	(b)	(c)	(d)	(e)
Albania	340	...	...	772	0
Andorra					
Austria	1 570	***	...	4 731	576
Belgium	1 672	***	412	5 315	1 012
Bulgaria	720	1 502	...	8 565	0
Croatia	766	...	...	1 261	0
Cyprus					
Czech Republic	3 430	3 390	...	16 126	114
Denmark	703		201	2 620	36
Estonia	1 304	...	...	3 028	0
Finland	370	...	...	2 131	97
France	16 922	***	1 864	34 922	240
Germany	...	...	...	...	...
Greece	...	...	...	...	...
Hungary	3 309	1 013	...	10 706	200
Iceland	8	***	...	85	0
Ireland	300	...	...	2 441	...
Italy	17 828	***	9 616	26 983	***
Latvia	1 474	325	645	5 434	787
Lithuania	2 155	181	197	11 674	0
Luxembourg	148	***	10	218	11
Malta					
Moldova	417	1 589	1057	7125	***
Netherlands	4 165	...	...	4 840	1 701
Norway	628	***	...	1 926	48
Poland	13 217	***	...	41 120	505
Portugal					
Romania	5 330	...	5 501	40 467	98
Russia					
Slovakia	1 852	...	...	5 052	***
Slovenia	57	139	103	575	61
Spain	10 781	***	...	34 223	***
Sweden		1 332		4 116	36
Switzerland	1 786	505	...	4 003	0
"The F.Y.R.O. Macedonia"	79	68	49	1 042	***
Turkey	22 824	***	2 999	43 454	***
Ukraine					
<i>United Kingdom</i>					
England and Wales	7 932	4 657	...	51 392	548
Northern Ireland	430	...	...	799	33
Scotland	845	103	...	5 000	70

(1) See notes below

***: not applicable

Table 4.2 Population of penal institutions on 1 September 1999: legal status (rates)¹

- (a) Percentage of prisoners without final sentence
 (b) Rate of prisoners without final sentence per 100 000 inhabitants
 (c) Percentage of untried prisoners (i.e. no court decision yet reached)
 (d) Rate of untried prisoners (i.e. no court decision yet reached) per 100 000 inhabitants

Reference: Council of Europe, SPACE 1999.42

	(a)	(b)	(c)	(d)
Albania	...	...	...	...
Andorra	...	...	...	...
Austria	...	...	22.8	19.4
Belgium	36.8	30.3	19.9	16.4
Bulgaria	...	...	6.7	...
Croatia	...	...	...	...
Cyprus	...	...	...	...
Czech Republic	...	...	14.9	33.3
Denmark	26.4	17.7	19.7	13.2
Estonia	...	...	...	...
Finland	...	...	...	...
France	35.3	31.2	31.4	27.8
Germany	...	...	...	...
Greece	...	...	...	...
Hungary	...	...	21.7	32.8
Iceland	...	...	8.6	...
Ireland	...	...	...	...
Italy	47.5	42.4	28.8	25.7
Latvia	37.3	132	17.0	60.3
Lithuania	17.8	68.5	15.2	58.2
Luxembourg	43.7	39.4	38.1	34.5
Malta	...	...	...	...
Moldova	30.1	...	4.1	...
Netherlands	...	...	...	...
Norway	...	...	24.1	14.1
Poland	...	...	24.1	34.0
Portugal	...	...	...	...
Romania	21.3	48.7	...	...
Russia	...	...	...	...
Slovakia	...	...	...	...
Slovenia	38.5	18.2	6.1	2.9
Spain	...	...	24.0	...
Sweden	24.9	15.4	...	...
Switzerland	...	...	28.4	25.1
"The F.Y.R.O. Macedonia"	15.8	...	6.4	...
Turkey	37.3	40.3	32.9	35.6
Ukraine	...	...	...	...
<i>United Kingdom</i>	...	...	...	...
England and Wales	...	...	12.3	...
Northern Ireland	...	...	...	...
Scotland	...	...	14.0	...

(1) See notes below

Table 5.1 Breakdown of sentenced prisoners (final sentence) by the main offence on 1 September 1999 (numbers)¹

Reference: Council of Europe, SPACE 1999.51

	Homicide	Assault	Rape	Robbery	Other types of theft	Drug offences	Other cases
Albania	384	23	21	187	59	15	83
Andorra							
Austria	...	...	...	...	...	...	...
Belgium	...	...	...	...	...	...	...
Bulgaria	1 240	91	507	1 081	3 600	2 046	
Croatia	381	32	66	107	186	115	374
Cyprus							
Czech Republic	...	...	...	...	...	...	...
Denmark	...	...	...	...	...	...	...
Estonia	537	322	123	292	1 269	21	464
Finland	459	290	49	183	521	340	386
France	3 414	3 089	7 073	4 350	5 129	5 007	6 860
Germany	...	...	...	...	...	...	...
Greece	...	...	...	...	...	...	...
Hungary	1 505	780	475	2 347	3 384	106	2 109
Iceland	7	10	5	1	21	15	26
Ireland	...	...	...	...	...	...	...
Italy	4 580	98	492	4 248	1 363	9 964	6 238
Latvia	760	516	234	878	2 365	681	
Lithuania	1 566	319	554	2 058	5 085	249	1 843
Luxembourg	37	5	24	24	29	71	28
Malta							
Moldova	1 380	1 303	447	429	2 741	170	655
Netherlands		1 452			1 355	823	1 210
Norway	143	228	34	77	315	550	579
Poland	...	...	...	...	...	...	...
Portugal							
Romania	6 190	592	1 483	4 130	24 136	120	3 816
Russia							
Slovakia	...	...	...	...	...	...	...
Slovenia	97	31	54	77	107	52	157
Spain	1 859	843	1 545	15 691	1 340	10 955	1 990
Sweden	252	230	109	320	705	827	1 673
Switzerland	...	...	...	...	...	...	...
"The F.Y.R.O. Macedonia"	142	35	22	84	383	116	260
Turkey	9 090	1 771	2 026	4 027	7 643	1 866	17 031
Ukraine							
<i>United Kingdom</i>							
England and Wales	4 620	5 328	2 576	6 331	13 191	8 169	11 177
Northern Ireland	198	103	48	82	76	47	245
Scotland	657	716	185	638	838	737	1 229

(1) See notes below

Table 5.2 Breakdown of sentenced prisoners (final sentence) by the main offence on 1 September 1999 (%)

Reference: Council of Europe, SPACE 1999.52

	Homicide	Assault	Rape	Robbery	Other types of theft	Drug offences	Other cases
Albania	49.7	3.0	2.7	24.2	7.6	1.9	10.8
Andorra	...	...	...	...	...	...	...
Austria	...	...	...	...	...	...	...
Belgium	...	...	...	...	...	...	...
Bulgaria	14.5	1.1	5.9	12.6	42.0	23.9	...
Croatia	30.2	2.5	5.2	8.5	14.8	9.1	29.7
Cyprus	...	...	...	...	...	...	...
Czech Republic	...	...	...	...	...	...	...
Denmark	...	...	...	...	...	...	...
Estonia	17.7	10.6	4.1	9.6	41.9	0.7	15.3
Finland	20.6	13.0	2.2	8.2	23.4	15.3	17.3
France	9.8	8.8	20.3	12.5	14.7	14.3	19.6
Germany	...	...	...	...	...	...	...
Greece	...	...	...	...	...	...	...
Hungary	14.1	7.3	4.4	21.9	31.6	1.0	19.7
Iceland	8.2	11.8	5.9	1.2	24.7	17.6	30.6
Ireland	...	...	...	...	...	...	...
Italy	17.0	0.4	1.8	15.7	5.1	36.9	23.1
Latvia	14.0	9.5	4.3	16.2	43.5	12.5	...
Lithuania	13.4	2.7	4.7	17.6	43.6	2.1	15.8
Luxembourg	17.0	2.3	11.0	11.0	13.3	32.6	12.8
Malta	...	...	...	...	...	...	...
Moldova	19.4	18.3	6.3	6.0	38.5	2.4	9.2
Netherlands	...	30.0	...	...	28.0	17.0	25.0
Norway	7.4	11.8	1.8	4.0	16.4	28.6	30.1
Poland	...	...	...	...	...	...	...
Portugal	...	...	...	...	...	...	...
Romania	15.3	1.5	3.7	10.2	59.6	0.3	9.4
Russia	...	...	...	...	...	...	...
Slovakia	...	...	...	...	...	...	...
Slovenia	16.9	5.4	9.4	13.4	18.6	9.0	27.3
Spain	5.4	2.5	4.5	45.8	3.9	32.0	5.8
Sweden	6.1	5.6	2.6	7.8	17.1	20.1	40.6
Switzerland	...	...	...	...	...	...	...
"The F.Y.R.O. Macedonia"	13.6	3.4	2.1	8.1	36.8	11.1	25.0
Turkey	20.9	4.1	4.7	9.3	17.6	4.3	39.2
Ukraine	...	...	...	...	...	...	...
<i>United Kingdom</i>	...	...	...	...	...	...	...
England and Wales	9.0	10.4	5.0	12.3	25.7	15.9	21.7
Northern Ireland	24.8	12.9	6.0	10.3	9.5	5.9	30.7
Scotland	13.1	14.3	3.7	12.8	16.8	14.7	24.6

Table 6.1 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 1999 (numbers)¹

Reference: Council of Europe, SPACE 1999.61

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years and and over	Life imprison- ment	Death sentenced prisoners
Albania	19	34	146	256	287	25	5
Andorra							
Austria	1 581	1 631	712	612	375	161	***
Belgium	376	1 107	1 376	1 364	328	285	2
Bulgaria	703	2 730	2 081	1 561	1490		***
Croatia	187	319	211	311	233	***	***
Cyprus							
Czech Republic	5 437	5 589	2 078	2 031	975	16	***
Denmark	...	...	...	...	...	...	***
Estonia	118	728	613	1 228	321	20	***
Finland	...	...	...	...	...	59	***
France	10 388	7 336	4 012	6 150	6 493	543	***
Germany	...	...	...	...	...	...	***
Greece	...	...	...	...	...	...	***
Hungary	1 640	3 579	1 947	2 344	997	199	0
Iceland	29	29	13	7	7	...	***
Ireland	...	...	...	...	...	...	...
Italy	2 390	6 079	5 747	6 488	5 627	652	***
Latvia	50	1 396	1 548	2 061	370	9	---
Lithuania	339	3 258	3 871	3 380	765	61	***
Luxembourg	24	59	30	40	45	20	***
Malta							
Moldova	104	683	1 636	3 308	1 366	28	***
Netherlands	1 906	1 385	677	864		8	***
Norway	...	...	...	...	...	***	***
Poland	...	...	...	...	...	...	***
Portugal							
Romania	3 599	5 260	20 317	6 151	5 068	72	***
Russia							
Slovakia	...	...	...	...	...	...	...
Slovenia	124	183	106	112	50	***	***
Spain	...	...	...	...	...	***	***
Sweden	1 397	1 278	520	582	252	87	***
Switzerland	...	...	...	...	...	...	***
"The F.Y.R.O. Macedonia"	149	561	140	125	65	2	***
Turkey	5 719	7 551	5 545	6 184	16 289	2 049	117
Ukraine							
<i>United Kingdom</i>							
England and Wales	7 479	16 564	11 732	9 114	2 297	4 206	***
Northern Ireland	107	163	110	138	140	141	***
Scotland	...	...	...	...	...	...	...

(1) See notes below

*** : not applicable

Table 6.2 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 1999 (%)

Reference: Council of Europe, SPACE 1999.62

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years and and over	Life imprison- ment	Death sentenced prisoners
Albania	2.5	4.4	18.9	33.2	37.2	3.2	0.6
Andorra							
Austria	31.2	32.2	14.0	12.1	7.4	3.2	***
Belgium	7.8	22.9	28.4	28.2	6.8	5.9	0.0
Bulgaria	8.2	31.9	24.3	18.2	17.4		***
Croatia	14.8	25.3	16.7	24.7	18.5	***	***
Cyprus							
Czech Republic	33.7	34.7	12.9	12.6	6.0	0.1	***
Denmark	...	...	...	...	...	...	***
Estonia	3.9	24.0	20.2	40.6	10.6	0.7	***
Finland	...	...	...	...	...	...	***
France	29.7	21.0	11.5	17.6	18.6	1.6	***
Germany	...	...	...	...	...	...	***
Greece	...	...	...	...	...	...	***
Hungary	15.3	33.4	18.2	21.9	9.3	1.9	0.0
Iceland	34.1	34.1	15.3	8.2	8.2	0.0	***
Ireland	...	...	...	...	...	...	...
Italy	8.9	22.5	21.3	24.0	20.9	2.4	***
Latvia	0.9	25.7	28.5	37.9	6.8	0.2	***
Lithuania	2.9	27.9	33.2	29.0	6.6	0.5	***
Luxembourg	11.0	27.1	13.8	18.3	20.6	9.2	***
Malta							
Moldova	1.5	9.6	23.0	46.4	19.2	0.4	***
Netherlands	39.4	28.6	14.0	17.9		0.2	***
Norway	...	...	...	...	...	***	***
Poland	...	...	...	...	...	...	***
Portugal							
Romania	8.9	13.0	50.2	15.2	12.5	0.2	***
Russia							
Slovakia	...	...	...	...	...	...	...
Slovenia	21.6	31.8	18.4	19.5	8.7	***	***
Spain	...	...	...	...	...	***	***
Sweden	33.9	31.0	12.6	14.1	6.1	2.1	***
Switzerland	...	...	...	...	...	...	***
"The F.Y.R.O. Macedonia"	14.3	53.8	13.4	12.0	6.2	0.2	***
Turkey	13.2	17.4	12.8	14.2	37.5	4.7	0.3
Ukraine							
<i>United Kingdom</i>							
England and Wales	14.6	32.2	22.8	17.7	4.5	8.2	***
Northern Ireland	13.4	20.4	13.8	17.2	17.5	17.6	***
Scotland	...	...	...	...	...	...	...

***: not applicable

Table 6.3 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 1999 (cumulative %)

Reference: Council of Europe, SPACE 1999.63

	Time sentence	1 year and over	3 years and over	5 years and over	10 years and over	Life imprisonment	Death sentenced prisoners
Albania	96.2	93.7	89.3	70.4	37.2	3.2	0.6
Andorra							
Austria	96.9	65.7	33.5	19.5	7.4	3.2	***
Belgium	94.1	86.3	63.4	35.0	6.8	5.9	0.0
Bulgaria	...	...	...	...	...	...	...
Croatia	100.0	85.2	59.9	43.2	18.5	***	***
Cyprus							
Czech Republic	99.9	66.2	31.5	18.6	6.0	0.1	***
Denmark	...	...	...	...	...	...	***
Estonia	99.3	95.4	71.4	51.2	10.6	0.7	***
Finland	...	...	...	...	...	...	***
France	98.4	68.7	47.7	36.2	18.6	1.6	***
Germany	...	...	...	...	...	...	***
Greece	...	...	...	...	...	...	***
Hungary	98.1	82.8	49.4	31.2	9.3	1.9	0.0
Iceland	100.0	65.8	31.7	16.4	8.2	0.0	***
Ireland	...	...	...	...	...	...	...
Italy	97.6	88.7	66.2	44.9	20.9	2.4	***
Latvia	99.8	98.9	73.2	44.7	6.8	0.2	***
Lithuania	99.6	96.7	68.8	35.6	6.6	0.5	***
Luxembourg	90.8	79.8	52.7	38.9	20.6	9.2	***
Malta							
Moldova	76.7	75.2	65.6	46.4	19.2	0.4	***
Netherlands	99.8	60.5	31.8	17.9	...	0.2	***
Norway	...	...	...	...	...	***	***
Poland	...	...	...	...	...	...	***
Portugal							
Romania	99.8	90.9	77.9	27.7	12.5	0.2	***
Russia							
Slovakia	...	...	...	...	...	...	...
Slovenia	100.0	78.4	46.6	28.2	8.7	***	***
Spain	...	...	...	...	...	***	***
Sweden	97.8	63.8	32.8	20.2	6.1	2.1	***
Switzerland	...	...	...	...	...	...	***
"The F.Y.R.O. Macedonia"	99.8	85.4	31.6	18.2	6.2	0.2	***
Turkey	95.1	81.9	64.5	51.7	37.5	4.7	0.3
Ukraine							
<i>United Kingdom</i>							
England and Wales	91.8	77.2	45.0	22.2	4.5	8.2	***
Northern Ireland	82.3	68.9	48.5	34.7	17.5	17.6	***
Scotland	...	...	...	...	...	...	...

***: not applicable

Table 7.1 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 1999: less than one year (numbers)¹

Reference: Council of Europe, SPACE 1999.71

	Less than 1 month	1 month to less than 3 months	3 months to less than 6 months	6 months to less than 1 year	Total less than 1 year
Albania	0	8	5	6	19
Andorra					
Austria	0	389	521	671	1 581
Belgium	19	44	98	215	376
Bulgaria	...	...	...	...	...
Croatia		75		112	187
Cyprus					
Czech Republic	0	185	974	4 278	5 437
Denmark	...	...	...	...	...
Estonia		9		109	118
Finland	...	...	...	...	...
France		5 326		5 152	10 388
Germany	...	...	...	...	...
Greece	...	...	...	...	...
Hungary	72	45	371	1 152	1 640
Iceland	0	3	9	17	29
Ireland	...	...	...	...	...
Italy	99	149	562	1 580	2 390
Latvia	0	0	0	50	50
Lithuania	0	0	103	236	339
Luxembourg	3	1	6	14	24
Malta					
Moldova	***	***	***	104	104
Netherlands	272	404	553	677	1 906
Norway	...	...	...	...	...
Poland	...	...	...	...	...
Portugal					
Romania	...	...	...	...	3 599
Russia					
Slovakia	...	...	...	...	...
Slovenia	0	5	37	82	124
Spain	...	...	...	...	...
Sweden	9	227	432	729	1 397
Switzerland	...	...	...	...	...
"The F.Y.R.O. Macedonia"	8	18	45	78	149
Turkey	1 171	849	1 247	2 452	5 719
Ukraine					
<i>United Kingdom</i>					
England and Wales	***	1 743	3 546	2 190	7 479
Northern Ireland	4	8	55	40	107
Scotland	...	...	...	...	...

(1) See notes below

***: not applicable

Table 7.2 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 1999: less than one year (%)

Reference : Council of Europe, SPACE 1999.72

	Less than 1 month	1 month to less than 3 months	3 months to less than 6 months	6 months to less than 1 year	Total less than 1 year
Albania	0.0	42.1	26.3	31.6	100.0
Andorra					
Austria	0.0	24.6	33.0	42.4	100.0
Belgium	5.1	11.7	26.1	57.2	100.0
Bulgaria	...	...	...	...	...
Croatia		40.1		59.9	100.0
Cyprus					
Czech Republic	0.0	3.4	17.9	78.7	100.0
Denmark	...	...	...	...	...
Estonia		7.6		92.4	100.0
Finland	...	...	...	...	...
France		50.4		49.6	100.0
Germany	...	...	...	...	...
Greece	...	...	...	...	...
Hungary	4.4	2.7	22.6	70.2	100.0
Iceland	0.0	10.3	31.0	58.6	100.0
Ireland	...	...	...	...	...
Italy	4.1	6.2	23.5	66.1	100.0
Latvia	0.0	0.0	0.0	100.0	100.0
Lithuania	0.0	0.0	30.4	69.6	100.0
Luxembourg	12.5	4.2	25.0	58.3	100.0
Malta					
Moldova	***	***	***	100.0	100.0
Netherlands	14.3	21.2	29.0	35.5	100.0
Norway	...	...	...	...	...
Poland	...	...	...	...	...
Portugal					
Romania	...	...	...	...	...
Russia					
Slovakia	...	...	...	...	...
Slovenia	0.0	4.0	29.8	66.1	100.0
Spain	...	...	...	...	...
Sweden	0.6	16.2	30.9	52.2	100.0
Switzerland	...	...	...	...	...
"The F.Y.R.O. Macedonia"	5.4	12.1	30.2	52.3	100.0
Turkey	20.5	14.8	21.8	42.9	100.0
Ukraine					
<i>United Kingdom</i>					
England and Wales	***	23.3	47.4	29.3	100.0
Northern Ireland	3.7	7.5	51.4	37.4	100.0
Scotland	...	...	...	...	...

*** : not applicable

I.2 Populations of penal institutions

Flow of entries to penal institutions, indicator of average length of imprisonment, escapes and deaths in 1998

Table 8. Flow of entries to penal institutions (1998)¹

Reference: Council of Europe, SPACE 1999.8

	Entries to penal institutions	Rate of entries to penal institutions per 100 000 inhabitants	Entries before final sentence	
			Number	%
Albania	...	...	...	...
Andorra	...	...	...	...
Austria	8 337	103	...	...
Belgium	13 883	136	8 991	64.8
Bulgaria	6 777	79.4	3 986	58.8
Croatia	5 606	123	...	...
Cyprus	...	...	...	...
Czech Republic	19 952	193	...	...
Denmark	...	...	...	...
Estonia	...	...	...	...
Finland	5 803	122	1 503	25.9
France	76 461	126	55 326	72.4
Germany	...	...	...	...
Greece	...	...	...	...
Hungary	27 016	270	5 083	18.8
Iceland	304	109	57	18.8
Ireland	11 307	303	...	...
Italy	87 019	151	77 235	88.8
Latvia	...	...	...	...
Lithuania	47 584	1 280	32 704	68.7
Luxembourg	1 654	385	471	28.5
Malta	...	...	...	...
Moldova	8 429	226	1 880	22.3
Netherlands	28 698	183	15 389	53.6
Norway	10 956	248	3 703	33.8
Poland	82 876	213	27 200	32.8
Portugal	...	...	...	...
Romania	...	...	...	...
Russia	...	...	...	...
Slovakia	5 433	101	2 938	54.1
Slovenia	4 357	220	943	21.6
Spain	53 520	134	27 724	51.8
Sweden	...	...	...	...
Switzerland	28 514	401	20 644	72.4
"The F.Y.R.O. Macedonia"	4 444	228	1 138	25.6
Turkey	110 954	168	...	...
Ukraine	...	...	...	...
<i>United Kingdom</i>	...	...	...	...
England and Wales	132 100	...	64 697	49.0
Northern Ireland	5 565	331	2 284	41.0
Scotland	37 367	731	15 098	40.4

(1) See notes below

Table 9. Indicator of average length of imprisonment (1998)¹

Reference: Council of Europe, SPACE 1999.9

	Total number of days spent in penal institutions	Average number of prisoners in year	Indicator of average length of imprisonment (in months)
Albania	...	...	...
Andorra			
Austria	2 564 490	7 026	10
Belgium	3 098 746	8 490	7.3
Bulgaria	...	11 773	21
Croatia	807 745	2 213	4.7
Cyprus			
Czech Republic	8 024 160	21 984	13
Denmark	1 248 994	3 422	...
Estonia	...	...	...
Finland	1 025 285	2 809	5.8
France	20 225 404	55 412	8.7
Germany	...	78 584	...
Greece		7 129	...
Hungary	...	14 218	6.3
Iceland	43 759	120	4.7
Ireland	...	2 648	2.8
Italy	...	49 050	6.8
Latvia	...	...	...
Lithuania	5 061 455	13 867	3.5
Luxembourg	158 527	434	3.1
Malta			
Moldova	...	10 250	14
Netherlands	4 255 900	11 660	4.9
Norway	849 238	2 327	2.5
Poland	...	54 842	7.9
Portugal			
Romania	...	...	...
Russia			
Slovakia	2 419 220	6 628	14
Slovenia	295 606	810	2.2
Spain	16 221 315	44 442	10
Sweden	1 765 772	4 838	...
Switzerland	2 273 392	6 228	2.6
"The F.Y.R.O. Macedonia"	423 340	1 160	3.1
Turkey	168 532 304	46 173	5.0
Ukraine			
<i>United Kingdom</i>			
England and Wales	23 834 000	65 299	5.9
Northern Ireland	...	1 531	3.3
Scotland	2 196 570	6 018	1.9

(1) See notes below

*** : not applicable

Table 10. Number of escapes (by convicted prisoners or pre-trial detainees under the supervision of the prison administration) from a closed penal institution or during administrative transfer (1998)¹

Reference: Council of Europe, SPACE 1999.10

	Number of escapes in the year	Average number of prisoners in the year	Escapes per 10 000 prisoners
Albania	0	2 922	0
Andorra			
Austria	11	7 026	16
Belgium	16	8 490	19
Bulgaria	32	11 773	27
Croatia	13	2 213	59
Cyprus			
Czech Republic	0	21 984	0.0
Denmark	81	3 422	24
Estonia	2	4 647	4.3
Finland	48	2 809	170
France	19	55 412	3.4
Germany	62	78 584	7.9
Greece	41	7 129	58
Hungary	2	14 218	1.4
Iceland	0	120	0.0
Ireland	2	2 648	7.6
Italy	29	49 050	5.9
Latvia	4	9 520	4.2
Lithuania	1	13 867	15
Luxembourg	...	434	...
Malta			
Moldova	13	10 250	1.3
Netherlands	23	11 660	20
Norway	37	2 327	160
Poland	10	54 842	1.8
Portugal			
Romania	10	51 418	1.9
Russia			
Slovakia	3	6 628	4.5
Slovenia	42	810	520
Spain	15	44 442	3.8
Sweden	57	4 838	118
Switzerland	...	...	...
"The F.Y.R.O. Macedonia"	32	2 827	110
Turkey	49	46 173	11
Ukraine			
<i>United Kingdom</i>			
England and Wales	95	65 299	14
Northern Ireland	0	1 531	0.0
Scotland	2	6 018	3.3

(1) See notes below

n.s. = not significant

Table 11. Other forms of escape in 1998 (absconding or running off)¹

Reference: Council of Europe, SPACE 1999.11

	Number of escapes in the year	Average number of prisoners in the year (for indication)
Albania	0	2 922
Andorra		
Austria	21	7 026
Belgium	154	8 490
Bulgaria	25	11 773
Croatia	62	2 213
Cyprus		
Czech Republic	29	21 984
Denmark	1 033	3 422
Estonia	4	4 647
Finland	94	2 809
France	192	55 412
Germany	955	78 584
Greece	85	7 129
Hungary	17	14 218
Iceland	0	120
Ireland	191	2 648
Italy	267	49 050
Latvia	6	9 520
Lithuania	0	13 867
Luxembourg	23	434
Malta		
Moldova	45	10 250
Netherlands	894	11 660
Norway	3	2 327
Poland	70	54 842
Portugal		
Romania	14	51 418
Russia		
Slovakia	8	6 628
Slovenia	57	810
Spain	35	44 442
Sweden	629	4 838
Switzerland	...	...
"The F.Y.R.O. Macedonia"	100	2 827
Turkey	409	46 173
Ukraine		
<i>United Kingdom</i>		
England and Wales	936	65 299
Northern Ireland	57	1 531
Scotland	43	6 018

(1) See notes below

Table 12. Deaths in penal institutions (1998)¹

Reference: Council of Europe, SPACE 1999.12

	Number of deaths in penal institutions in the year	Average number of prisoners in the year	Deaths per 10 000 prisoners
Albania	1	2 922	3.4
Andorra			
Austria	31	7 026	44
Belgium	50	8 490	59
Bulgaria	65	11 773	55
Croatia	5	2 213	23
Cyprus			
Czech Republic	33	21 984	15
Denmark	8	3 422	23
Estonia	10	4 647	21
Finland	15	2 809	53
France	214	55 412	39
Germany	155	78 584	20
Greece	34	7 129	48
Hungary	30	14 218	21
Iceland	...	120	...
Ireland	5	2 648	19
Italy	129	49 050	26
Latvia	...	...	...
Lithuania	29	13 867	21
Luxembourg	...	434	...
Malta			
Moldova	111	10 250	110
Netherlands	28	11 660	24
Norway	9	2 327	39
Poland	110	54 842	20
Portugal			
Romania	...	...	...
Russia			
Slovakia	7	6 628	11
Slovenia	5	810	62
Spain	55	44 442	12
Sweden	14	4 838	29
Switzerland	...	...	...
"The F.Y.R.O. Macedonia"	4	2 827	14
Turkey	120	46 173	26
Ukraine			
<i>United Kingdom</i>			
England and Wales	133	65 299	20
Northern Ireland	1	1 531	6.5
Scotland	22	6 018	37

(1) See notes below

n.s. = not significant

Table 13. Suicides in penal institutions (1998)¹

Reference: Council of Europe, SPACE 1999.13

	Number of suicides in the year	Average number of prisoners in the year	Suicides per 10 000 prisoners
Albania	0	2 922	0
Andorra			
Austria	16	7 026	23
Belgium	29	8 490	34
Bulgaria	2	11 773	1.7
Croatia	5	2 213	23
Cyprus			
Czech Republic	11	21 984	5.0
Denmark	5	3 422	15
Estonia	0	4 647	0.0
Finland	9	2 809	32
France	118	55 412	21
Germany	78	78 584	9.9
Greece	5	7 129	7.0
Hungary	7	14 218	4.9
Iceland	...	120	...
Ireland	4	2 648	15
Italy	51	49 050	10
Latvia	...	...	...
Lithuania	9	13 867	6.5
Luxembourg	1	434	23
Malta			
Moldova	6	10 250	5.9
Netherlands	10	11 660	8.6
Norway	2	2 327	8.6
Poland	39	54 842	7.1
Portugal			
Romania	...	...	...
Russia			
Slovakia	3	6 628	4.5
Slovenia	4	810	49
Spain	10	44 442	2.3
Sweden	10	4 838	21
Switzerland	...	...	...
"The F.Y.R.O. Macedonia"	1	2 827	3.5
Turkey	20	46 173	4.3
Ukraine			
<i>United Kingdom</i>			
England and Wales	83	65 299	13
Northern Ireland	1	1 531	6.5
Scotland	13	6 018	22

(1) See notes below

n.s. = not significant

Table 14. Deaths in Penal Institutions – other than suicides (1998)¹

Reference: Council of Europe, SPACE 1999.14

	Number of deaths in penal institutions in the year (other than suicides)	Average number of prisoners in the year	Deaths per 10 000 prisoners (other than suicides)
Albania	1	2 922	3.4
Andorra			
Austria	15	7 026	21
Belgium	21	8 490	25
Bulgaria	63	11 773	53
Croatia	0	2 213	0.0
Cyprus			
Czech Republic	22	21 984	10
Denmark	3	3 422	8.8
Estonia	10	4 647	21
Finland	6	2 809	21
France	96	55 412	17
Germany	77	78 584	9.8
Greece	29	7 129	41
Hungary	23	14 218	16
Iceland	...	120	...
Ireland	1	2 648	3.8
Italy	78	49 050	16
Latvia	...	...	...
Lithuania	20	13 867	14
Luxembourg	...	434	...
Malta			
Moldova	105	10 250	100
Netherlands	18	11 660	15
Norway	7	2 327	30
Poland	71	54 842	13
Portugal			
Romania	...	...	...
Russia			
Slovakia	4	6 628	6.0
Slovenia	1	810	12
Spain	45	44 442	10
Sweden	4	4 838	8.3
Switzerland	...	...	...
"The F.Y.R.O. Macedonia"	3	2 827	11
Turkey	100	46 173	22
Ukraine			
<i>United Kingdom</i>			
England and Wales	50	65 299	7.7
Northern Ireland	0	1 531	0.0
Scotland	9	6 018	15

(1) See notes below

n.s. = not significant

Notes – Table 1

Austria: Collective pardon every year at Christmas.

Croatia: Situation at 31 December 1999.

Czech Republic: Situation at 31 December 1999. Presidential pardon in February 1998 concerning 955 persons.

Latvia: Situation at 1 July 1999.

Netherlands: The data on the number of prisoners and prison capacity include the figures for TBS clinics and institutions caring for juvenile delinquents. The following tables do not include these two categories and so relate to a total of 10 706 prisoners.

Slovakia: Presidential pardon of 14 July 1999.

Switzerland: Number of unconvicted prisoners at 24 March 1999. These are the only figures available for 1999. They cover people in police custody, remanded pending trial, or detained pending deportation or extradition. Unconvicted prisoners at 24 March 1999 = 1786. Sentenced prisoners at 1 September 1999 = 4 508. Total = 6 294.

United Kingdom

England and Wales: Numbers at 30 July 1999.

Notes – Table 4.1

Albania: Untried prisoners are held on police premises placed under the responsibility of the Ministry of the Interior. There is only one penitentiary, located in Tirana, where pre-trial detainees can be taken in. This prison is under the responsibility of the prison administration (that is dependent on the Ministry of Justice). The data presented here only relate to the populations placed under the responsibility of the prison administration. We have no data concerning pre-trial detainees placed under the responsibility of the Ministry of the Interior.

Austria: (e) = 488 mentally ill under specific treatment and 88 "civil" prisoners or awaiting a transfer to their own country.

Belgium: (e) = Internees (Social Protection Law); foreigners subject to administrative measures, vagrants; minors under 18 years of age in provisional custody; recidivists or habitual offenders detained at the government's pleasure.

Czech Republic: (e) Persons detained pending expulsion.

Denmark: (e) = Persons detained under immigration law.

Finland: (e) = Persons detained for failing to pay administrative fines.

France: (e) = Civil imprisonment and prisoners awaiting extradition.

Hungary: (e) = 183 persons detained for psychiatric treatment and 17 persons detained for failing to pay administrative fines.

Latvia: (e) = Convicted prisoners awaiting transfer to a penal institution for juvenile delinquents, convicted prisoners detained in a prison hospital, convicted prisoners working for the general service of an establishment for pre-trial detainees.

Netherlands: (e) "detention" = 300; persons detained under immigration law = 973; persons awaiting admission to a TBS clinic = 201; persons of unknown status = 227.

Norway: (e) = Persons detained for failing to pay administrative fines.

Romania: "Other cases" = sanctions for administrative or summary offences.

Slovenia: "Other cases": the prison authorities are also responsible for persons sentenced for minor offences in juvenile courts and serving their sentences in education centres or correctional homes. The young people detained in these institutions are between 16 and 21 years of age, although some may be as old as 23. These sentences are not final – which is why this figure is not included in the figure for convicted prisoners whose sentences are final.

Sweden: "Other cases" relates to certain prisoners who are drug addicts, juveniles kept in special detention, illegal immigrants awaiting deportation, persons awaiting placement in psychiatric institutions, and persons who have broken probation rules.

United Kingdom

England and Wales: The number of convicted prisoners includes persons detained for failing to pay a fine.

Northern Ireland: (e) = civil prisoners detained for failing to pay fines

Scotland: (e) = Persons detained for failing to pay fines.

Notes – Table 4.2

Switzerland: Ambiguous data.

Reminder

– Where the item "**Sentenced prisoners who have appealed or who are within the statutory time-limit for doing so**" is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among "**sentenced prisoners (final sentence)**". In this case, neither rate (a) – percentage of prisoners not serving a final sentence – nor rate (b) – prisoners not serving a final sentence per 100,000 inhabitants – can be calculated.

This applies to Albania, Austria, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Hungary, Iceland, Netherlands, Norway, Poland, Slovakia, Spain, England and Wales, Northern Ireland.

– Where the item "**Prisoners convicted but not yet sentenced**" is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among "**untried prisoners (not yet convicted)**". In this case, neither rate (c) – proportion of untried prisoners (not yet convicted), as a percentage –

nor rate (d) – untried prisoners (not yet convicted) per 100,000 inhabitants – can be calculated.

This applies to: Albania, Croatia, Estonia, Finland, Netherlands, Romania, Slovakia, Sweden, Northern Ireland.

Notes – Table 5.1

France: “Rape” includes rape and indecent assault.

Turkey: “Rape” includes all sexual assaults.

Notes – Table 6.1

Austria: The data relate to the situation at 30 November 1999 (5 072 convicted prisoners).

Belgium: The data provided do not relate to the total number of convicted prisoners. Figures by length of sentence are not available for convicted persons who have been sentenced to terms of imprisonment (401), prisoners sentenced only to imprisonment in default (64) and prisoners on parole who have been temporarily recalled (12).

Slovenia: The minimum term is fifteen days and the maximum fifteen years. A twenty-year sentence may be ordered only for the most serious crimes (first degree murder, genocide, war crimes), but this is exceptional. The Criminal Code does not provide for terms of more than twenty years or for life sentences.

Spain: The data provided have been broken down according to different time brackets:

– Prisoners sentenced under the old Criminal Code (1973): one month to less than six months (1 392), six months to less than six years (6 535), six years to less than twelve years (3 741), twelve years to less than twenty years (1 751), twenty to thirty years (1 092).

– Prisoners sentenced under the new Criminal Code (1995): six months to less than three years (8 453), three years to less than eight years (7 122), eight years to less than fifteen years (2 663), fifteen to twenty years (599) more than twenty years (205), sentence of weekend arrest (330), pecuniary punishment (30), security measure (not imposed) (310).

United Kingdom

England and Wales: The time brackets are “1 year and less”, “more than a year to 3 years”, “more than five years to ten years”, “more than ten years”.

Notes – Table 7.1

Czech Republic: Sentences of less than one month are not enforceable.

United Kingdom

England and Wales: The time brackets are “1 month and less”, “more than a month to three months”, “more than three months to six months”, “more than six months to a year.”

Notes – Table 8

Luxembourg: The rate of entries has been calculated on the basis of the number of inmates and the prison population at 1 September 1999.

Poland: The rate of entries has been calculated on the basis of the number of inmates and the prison population at 1 September 1999.

Notes – Table 9

Bulgaria: The indicator of average length of imprisonment has been calculated on the basis of the number of prisoners at 1 September 1998.

Germany: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Greece: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Hungary: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Ireland: The indicator of average length of imprisonment has been calculated on the basis of the total number of prisoners at 15 September 1998.

Italy: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Moldova: The indicator of average length of imprisonment has been calculated on the basis of the number of prisoners at 1 September 1998.

Poland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

United Kingdom

Northern Ireland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

Notes – Table 10

Albania: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Bulgaria: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Denmark: 42 escapes from institutions, 39 during transfer.

Estonia: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Germany: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Greece: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Hungary: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Ireland: The number of prisoners/year has been replaced by the number of prisoners at 15 September 1998.

Italy: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Latvia: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Moldova: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Poland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

Romania: The number of prisoners/year has been replaced by the number of prisoners at 30 September 1998.

United Kingdom

Northern Ireland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

Notes – Table 11

Denmark: 402 escapes from open institutions, 631 escapes during leave.

Finland: 52 escapes from open institutions, 42 escapes during leave.

Greece: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Poland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

United Kingdom

Northern Ireland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

Notes – Table 12

Albania: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Bulgaria: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Estonia: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Germany: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Greece: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Hungary: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Ireland: The number of prisoners/year has been replaced by the number of prisoners at 15 September 1998.

Italy: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Moldova: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Poland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

United Kingdom

Northern Ireland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

Notes – Table 13

Albania: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Bulgaria: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Germany: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Greece: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Hungary: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Ireland: The number of prisoners/year has been replaced by the number of prisoners at 15 September 1998.

Italy: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Moldova: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Poland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

United Kingdom

Northern Ireland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

Notes – Table 14

Albania: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Bulgaria: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Estonia: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Germany: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Greece: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Hungary: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Ireland: The number of prisoners/year has been replaced by the number of prisoners at 15 September 1998.

Italy: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Moldova: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1998.

Poland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

United Kingdom

Northern Ireland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999 – no other data available.

Data concerning Canada

The data only refer to the federal prisons that only take in prisoners convicted for more than one year (statistics at 27 August 1999).

Total number of prisoners: 12 729

Total capacity of the penitentiaries: 14 238

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Council of Europe Annual Penal Statistics

SPACE I: Enquiry 2000: Prison population

by Pierre Victor TOURNIER¹

The SPACE I data published below was obtained by means of a new questionnaire devised for the 1997 survey, in its simplified version. They relate to the situation of the prison population at **1 September 2000**, prison entry flows, lengths of imprisonment, and incidents in **1999** (escapes, prisoners absconding, deaths and suicides).

I. Prison populations

I.1 State of prison populations at 1 September 2000

The situation of prison populations at a given date ("stock statistics") is set out in seven tables.

Table 1. Situation of penal institutions

- Total number of prisoners (including pre-trial detainees)
- Prison population rate (per 100 000 inhabitants): number of prisoners (including pre-trial detainees) present at 1 September 2000 in proportion to the number of inhabitants at the same date
- Total prison capacity
- Rate of occupancy (per 100 places): number of prisoners (including pre-trial detainees) in relation to the number of places available

The year-on-year rates of increase are as follows:

Less than - 5%: Lithuania (-37.6%), Northern Ireland (-22.0%), Bulgaria (-12.6%), Iceland (-11.8%), France (-9.5%), Denmark (-7.9%).

Between - 5% and + 5%: Moldova (-4.3%), Sweden (-3.4%), Romania (-3.3%), Scotland (-2.7%), Czech Republic (-2.5%), Latvia (-1.3% between 1 July 1999 and 1 July 2000), Spain (0.0%), Austria (0.3%), Switzerland (1.5%), Norway (1.6%), Luxembourg (1.8%), England and Wales (1.8%), Belgium (3.1%), Slovakia (3.2%), Turkey (3.7%), Hungary (3.9%), Finland (4.0%), Italy (4.0%), Netherlands (4.7%).

Over 5%: Ireland (5.3%), Greece (6.8%), Estonia (9.0%), "the former Yugoslav Republic of Macedonia" (12.6%), Poland (19.1%), Slovenia (21.5%), Albania (31.9%).

Data unavailable for either date or difficult to ascertain: Croatia.

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Table 2. Age structure

- Median age of prison population (including pre-trial detainees) at the date of the statistics
- Prisoners under 18 years of age (including pre-trial detainees): number and percentage
- Prisoners between 18 and 21 years of age (including pre-trial detainees): number and percentage
- Prisoners under 21 years of age (including pre-trial detainees): number and percentage

Table 3. Women and foreigners

- Female prisoners (including pre-trial detainees): number and percentage
- Foreign prisoners (including pre-trial detainees): number and percentage

Table 4.1 Legal structure (numbers)

- Untried prisoners (not yet convicted)
- Prisoners convicted but not yet sentenced
- Sentenced prisoners who have appealed or who are within the statutory time-limit for doing so
- Sentenced prisoners (final sentence)
- Other cases

Table 4.2 Legal structure (rates)

We have selected four indicators as a basis for comparing the situations of the various populations:

- Percentage of prisoners not serving a final sentence at 1 September 2000 (often inaccurately referred to as the percentage of unconvicted prisoners): the number of prisoners whose sentence is not final, present at that date, expressed as a percentage of the total number of prisoners at the same date
- Prisoners not serving a final sentence per 100 000 inhabitants at 1 September 2000: the number of prisoners whose sentence is not final, present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants
- Proportion of untried prisoners (not yet convicted) at 1 September 2000: the number of untried prisoners (not yet convicted), present at that date, expressed as a percentage of the total number of prisoners at the same date
- Untried prisoners (not yet convicted) per 100 000 inhabitants: the number of untried prisoners (not yet convicted), present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants

Only prisoners included under the heading “untried prisoners” in the questionnaire are taken into account in calculating the last two rates.

- Where the item “**Sentenced prisoners who have appealed or who are within the statutory time-limit for doing so**” is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among “**sentenced prisoners (final sentence)**”. In this case, neither rate (a) – *percentage of prisoners not serving a final sentence* – nor rate (b) – *prisoners not serving a final sentence per 100 000 inhabitants* – can be calculated. This applies to Germany, England and Wales, Austria, Croatia, Scotland, Spain, Finland, Greece, Ireland, Northern Ireland, Norway, the Netherlands, Poland, Portugal, the Czech Republic and Switzerland.
- Where the item “**Prisoners convicted but not yet sentenced**” is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among “**untried prisoners (not yet convicted)**”. In this case, neither rate (c) – *proportion of untried prisoners (not yet convicted), as a percentage* – nor rate (d) – *untried prisoners (not yet convicted) per 100 000 inhabitants* – can be calculated.

Table 5. Convicted prisoners: breakdown by offence

Offences have been classified under seven headings: homicide, wounding with intent to harm, rape, robbery with violence, other categories of theft, drug-related offences, other cases.

Table 6. Convicted prisoners: breakdown by length of sentence

Table 7. Prisoners sentenced to less than one year: breakdown by length of sentence

1.2 Flow of entries, length of imprisonment, escapes and deaths in 1999

Table 8. Flow of entries

- a. Total number of entries in 1999
- b. Rate of entries (per 100 000 inhabitants): the number of entries for 1999 in relation to the average number of inhabitants during the period under review. In view of the information available, the figure actually used was the number of inhabitants at 1 September 1999, as supplied by the authorities.
- c. Entries before final sentence: number and percentage

The term “entry” refers to all entries into penal institutions, except in the following situations:

- entry following a transfer between penal institutions;
- entry following a prisoner’s removal with a view to an appearance before a judicial authority (investigating judge, trial court, etc);

- entry following prison leave or a period of permitted absence;
- entry of an escaped prisoner recaptured by the police.

The figures do not relate to the number of individuals but to the number of events (entries). The same individual may be committed to prison several times in the same year for the same case. This applies, for instance, to an individual who is placed in pre-trial detention during year n (first entry), released by the investigating judge at the pre-trial investigation stage, tried without being re-detained, convicted and sentenced to a term of imprisonment exceeding the period of pre-trial detention, and re-imprisoned during year n to serve the remainder of the sentence (second entry). A fortiori, the same individual may be committed to prison several times in the same year for different cases.

Only entries of untried prisoners (not yet convicted), prisoners convicted but not yet sentenced, or sentenced prisoners who have appealed or who are within the statutory time-limit for doing so are recorded under (c). This figure therefore corresponds to part of the entries recorded under (a). These of course include entries for pre-trial detention.

Table 9. Indicator of average length of imprisonment

- a. Total number of days spent in penal institutions in 1999
- b. Average number of prisoners in 1999: $(b) = (a)/365$
- c. Indicator of average length of imprisonment (D): quotient of the average number of prisoners in 1999 (P) divided by the flow of entries during that period (E): $D = 12 \times P/E$ – length expressed in months

Figure (a) corresponds to the total number of days spent in penal institutions by all persons placed in detention for at least one day during the reference year (1997). This may be time spent in pre-trial detention or time spent serving a prison sentence, or may even correspond to other circumstances (detention for failure to pay a fine, for instance). No distinction is made here.

Data of this type are usually prepared by the departments responsible for prison budgets. They are used by the authorities to calculate an average daily cost of imprisonment.

In our case, this indicator yields the best possible estimate of the average number of inmates in a given year, by dividing the number of days spent in penal institutions by 365 (or 366 for a leap year). The resulting figure is what demographers call the number of “prisoners/year” (b). We use this indicator to work out various other figures (for instance the suicide rate and the ratio of inmates to custodial staff).

Table 10. Escapes

This only corresponds to escapes by convicted prisoners or pre-trial detainees (in the custody of the prison authorities) from closed penal institutions or during administrative transfers (for example, to or from a court, another penal institution, or a hospital). In the

event of a group break-out, the number of escapes is equal to the number of inmates involved.

- a. Number of escapes in 1999
- b. Number of prisoners/year in 1999 (see table 9)
- c. Escape rate per 10 000 prisoners: $10\,000 \times (a)/(b)$

Table 11. Other forms of escape (absconding or running off)

Examples are escapes from open institutions (such as work farms) or from semi-detention, and escapes during authorised short-term absence (or leave) from all kinds of institutions (including closed institutions).

- a. Number of escapes in 1999
- b. Number of prisoners/year in 1999 (see table 9)
- c. Escape rate per 10 000 prisoners: $10\,000 \times (a)/(b)$

We have not worked out the rate here, as that would amount to calculating the ratio of escapes (other forms) to the average number of prisoners, without taking account of the proportion of inmates in "open institutions".

Table 12. Deaths in penal institutions

- a. Number of deaths in penal institutions in 1999
- b. Number of prisoners/year in 1999 (see table 9)
- c. Mortality rate per 10 000 prisoners: $10\,000 \times (a)/(b)$

Deaths of convicted prisoners and pre-trial detainees while in hospital are included.

Table 13. Suicides in penal institutions

- a. Number of suicides in 1999
- b. Number of prisoners/year in 1999 (see table 9)
- c. Suicide rate per 10 000 prisoners: $10\,000 \times a/b$

Deaths of convicted prisoners and pre-trial detainees while in hospital are included.

Table 14. Deaths in penal institutions – other than suicides

- a. Number of deaths in penal institutions, other than suicides, in 1999
- b. Number of prisoners/year in 1999 (see table 9)
- c. Non-suicide mortality rate per 10 000 prisoners: $10\,000 \times a/b$

Deaths of convicted prisoners and pre-trial detainees while in hospital are included.

II. Staff of penal institutions

Table 15. Staff working full time in penal institutions

Table 16. Staff working part time in penal institutions: on the basis of full-time equivalents

Table 17. Staff working full or part time in penal institutions: on the basis of full-time equivalents

Situation at 1 September 2000:

- a. Management staff
- b. Custodial staff, excluding staff already included in (a)

- c. Treatment staff (including medical staff, psychologists, social workers, teachers/educators, etc.), excluding staff already included in (a) or (b)
- d. Staff responsible for workshops or vocational training, excluding staff already included in (a), (b) or (c)
- e. Administration staff, excluding staff already included in (a), (b), (c) or (d)

1. The objective here is to count all staff working in penal institutions who are employed by the prison authorities. Respondents were asked to exclude persons working in penal institutions but not employed by the prison authorities (in some countries this applies to doctors, teachers or perimeter guards). Such staff are included in table 18. They were also asked to exclude staff who do not work in penal institutions but in the central prison administration offices or regional offices, or in storage depots (facilities for storage of food and miscellaneous equipment). Such staff are also included in table 18.

2. Respondents were asked to calculate the number of staff working part time on the basis of "full-time equivalents". This means that where two people each work half the standard number of hours, they count for one "full-time equivalent". One half-time worker should count for 0.5 of a full-time equivalent.

Table 18. Other categories of staff

Situation at 1 September 2000:

- a. Staff working in central prison administration offices
- b. Staff working in regional offices
- c. Staff working in storage depots (facilities for storage of food and miscellaneous equipment)
- d. Staff working in penal institutions but not employed by the prison authorities

In some countries category (d) does not exist. In others, doctors, teachers and perimeter guards may sometimes be employed by bodies not under the control of the prison authorities (for instance health authorities, the ministry of education, departments of the ministry of the interior or the ministry of justice)¹.

Table 19. Supervision of prisoners

- a. Total number of prisoners at 1 September 2000: see table 1
- b. Total number of custodial staff at 1 September 2000: see table 17
- c. Rate of supervision of prisoners: $(b)/(a)$

N.B.: In all the tables, three dots (...) are used to indicate that the data are not available or that the information provided could not be used for reasons of consistency. Where the authorities expressly informed us that a question was "not applicable", we have used three asterisks (***)

I.1 Population of penal institutions

Population of Penal Institutions on 1 September 2000

Table 1. Population of penal institutions on 1 September 2000¹

Reference: Council of Europe, SPACE 2000.1

	Total number of prisoners (inc. pre-trial detainees)	Prison population-rate per 100 000 inhabitants	Capacity of penal institutions	Prison density per 100 places
Albania	1 467	43.5	1 300	113
Andorra				
Austria	6 896	83.1	8000	86
Belgium	8 671	84.7	7 432	117
Bulgaria	9 424	115	...	...
Croatia	2 027	44.4	3 475	58
Cyprus				
Czech Republic	22 489	219	19 657	114
Denmark	3 279	61.5	3 658	90
Estonia	4 720	328	5 220	90
Finland	2 703	52.3	3 357	81
France	48 835	80.1	48 802	100
Germany				
Greece	8 038	76.2	4 825	166
Hungary	15 821	158	9 797	161
Iceland	82	29.0	138	59
Ireland	2 887	76.4	2 802	103
Italy	53 481	92.7	42 618	125
Latvia	8 555	353	10 710	80
Lithuania	8 867	240	9 941	89
Luxembourg	394	90.4	...	...
Malta				
Moldova	9 754	...	11 280	86
Netherlands	13 847	90.1	15 372	90
Norway	2 643	59.0	2 923	90
Poland	65 336	169	64 836	101
Portugal				
Romania	49 682	221	33 464	148
Russia				
Slovakia	7 128	297	8 947	80
Slovenia	1 136	57.3	1 056	108
Spain	45 044	114	42 395	106
Sweden	5 678	64.1	5 647	0.5
Switzerland	6 390	89.2	6 814	94
"The F.Y.R.O. Macedonia"	1 394	69.0	2 463	57
Turkey	71 860	110	72 315	99
Ukraine				
<i>United Kingdom</i>				
England and Wales	65 666	124	63 135	104
Northern Ireland	980		2 184	45
Scotland	5 855	...	6 149	95

(1) See note below.

Table 2. Population of penal institutions on 1 September 2000: age¹

Reference: Council of Europe, SPACE 2000.2

	Median age	Prisoners under 18 years of age		Prisoners 18 to less than 21 years		Prisoners under 21 years	
		Number	%	Number	%	Number	%
Albania	35	46	3.1	408	27.8	454	31.0
Andorra							
Austria	30	...	...	...	...	...	...
Belgium	33	97	1.1	612	7.1	709	8.2
Bulgaria	32	97	1.0	669	7.1	766	8.1
Croatia	35	31	2.5	39	3.1	70	5.6
Cyprus							
Czech Republic	...	...	...	...	...	...	...
Denmark	...	11	0.3	...	...	...	...
Estonia	29	158	3.4	636	13.5	794	16.8
Finland	33	11	0.4	84	3.1	95	3.5
France	32	730	1.5	4 257	8.7	4 987	10.2
Germany							
Greece	...	...	...	590	7.3	...	...
Hungary	33	250	1.6	1 641	10.4	1 891	12.0
Iceland	33	0	0.0	1	1.2	1	1.2
Ireland	...	...	...	...	...	...	...
Italy	34	0	0.0	1 518	2.8	1 518	2.8
Latvia	...	...	...	...	...	...	...
Lithuania	32	116	1.3	596	6.7	712	8.0
Luxembourg	34	8	2.0	20	5.1	28	7.1
Malta							
Moldova	31	71	0.7	502	5.2	573	5.9
Netherlands	32	87	0.6	854	6.2	941	6.8
Norway	33	15	0.6	168	6.4	183	6.9
Poland	...	...	...	...	...	...	...
Portugal							
Romania	...	1 599	3.2	5 497	11.1	7 096	14.3
Russia							
Slovakia	..	199	2.8	...	...	...	...
Slovenia	32	8	0.7	80	7.0	88	7.7
Spain	33	136	0.3	1 313	2.9	1 449	3.2
Sweden							
Switzerland	33	...	...	99	2.2	...	...
"The F.Y.R.O. Macedonia"	33	48	3.4	287	20.6	335	24.0
Turkey	...	1 929	2.7	9 724	13.5	11 653	16.2
Ukraine							
<i>United Kingdom</i>							
England and Wales	30	2 480	3.8	8 233	12.5	10 713	16.3
Northern Ireland	29	25	2.6	112	11.4	137	14.0
Scotland	28	164	2.8	703	12.0	867	14.8

(1) See note below.

Table 3. Population of penal institutions on 1 September 2000: female prisoners, foreign prisoners (numbers and %)

Reference: Council of Europe SPACE 2000.3

	Female prisoners		Foreign prisoners	
	Number	%	Number	%
Albania	54	3.7	8	0.6
Andorra				
Austria	406	5.9	2 077	30.1
Belgium	359	4.1	3 501	40.4
Bulgaria	274	2.9	141	1.5
Croatia	74	3.7	202	10.0
Cyprus				
Czech Republic	970	4.3	2 620	11.7
Denmark	164	5.0	557	17.0
Estonia	285	6.0	146	3.1
Finland	142	5.3	168	6.2
France	1 828	3.7	10 553	21.6
Germany				
Greece	374	4.7	3 892	48.4
Hungary	1 041	6.6	762	4.8
Iceland	3	3.7	3	3.7
Ireland	84	2.9	...	...
Italy	2 235	4.2	15 258	28.5
Latvia	421	4.9	35	0.4
Lithuania	263	3.0	122	1.4
Luxembourg	20	5.1	233	59.1
Malta				
Moldova	387	4.0	175	1.8
Netherlands	644	4.7	1 026	7.4
Norway	147	5.6	341	12.9
Poland	1 586	2.4	1 409	2.2
Portugal				
Romania	1 932	3.9	299	0.6
Russia				
Slovakia	259	3.6	187	2.6
Slovenia	40	3.5	188	16.6
Spain	3 668	8.1	8 470	18.8
Sweden	288	5.1	1 211	21.3
Switzerland	383	6.0	3 999	62.6
"The F.Y.R.O. Macedonia"	32	2.3	86	6.2
Turkey	2 591	3.6	951	1.3
Ukraine				
<i>United Kingdom</i>				
England and Wales	3 443	5.2	5 586	8.5
Northern Ireland	30	3.1	...	...
Scotland	200	3.4	111	1.9

Table 4.1 Population of penal institutions on 1 September 2000: legal status (numbers)¹

- (a) Untried prisoners (ie no court decision yet reached)
 (b) Convicted prisoners, but not yet sentenced
 (c) Sentenced prisoners who have appealed or who are within the statutory limit to do so
 (d) Sentenced prisoners (final sentence)
 (e) Other cases

Reference: Council of Europe, SPACE 2000.41

	(a)	(b)	(c)	(d)	(e)
Albania	340	...	...	1 127	0
Andorra					
Austria	1 669	***	...	4 667	560
Belgium	1 937	***	497	5 189	1 048
Bulgaria	383	1 145	...	7 896	0
Croatia	766	...	...	1 261	0
Cyprus					
Czech Republic	2 876	3 159	...	16 305	149
Denmark	715		167	2 384	13
Estonia	1 374	...	...	3 346	0
Finland	385	...	...	2 204	114
France	14 971	***	1 591	32 110	163
Germany					
Greece	2 229	***	---	5 809	0
Hungary	3 230	977	...	11 343	271
Iceland	16	***	...	66	0
Ireland	379	...	...	2 508	...
Italy	13 710	***	10 149	29 622	***
Latvia	1 639	321	656	5 034	905
Lithuania	1 587	119	242	6 719	0
Luxembourg	165	***	14	198	17
Malta					
Moldova	423	1 701	1 112	6 518	0
Netherlands	4 372	...	...	5 013	1 785
Norway	609	***	...	1 992	42
Poland	18 829	***	...	45 945	562
Portugal					
Romania	5 523	0	5 147	38 688	324
Russia					
Slovakia	1 904	...	...	5 224	***
Slovenia	89	133	147	681	86
Spain	9 084	***	...	35 960	***
Sweden		1 376		4 263	39
Switzerland	1 840	529	...	4 021	0
"The F.Y.R.O. Macedonia"	82	126	16	1 170	***
Turkey	26 297	***	3 656	41 907	***
Ukraine					
<i>United Kingdom</i>					
England and Wales	7 331	4 139	...	53 487	709
Northern Ireland	323	...	...	641	160
Scotland	832	119	...	4 892	12

(1) See note below

***: not applicable

Table 4.2 Population of penal institutions on 1 September 2000: legal status (rates)¹

- (a) Percentage of prisoners without final sentence
 (b) Rate of prisoners without final sentence per 100 000 inhabitants
 (c) Percentage of untried prisoners (i.e. no court decision yet reached)
 (d) Rate of untried prisoners (i.e. no court decision yet reached) per 100 000 inhabitants

Reference: Council of Europe, SPACE 2000.42

	(a)	(b)	(c)	(d)
Albania	...	...	...	...
Andorra	...	...	...	...
Austria	...	...	24.2	20.1
Belgium	40.2	34.0	22.3	18.9
Bulgaria	...	...	4.1	4.7
Croatia	...	...	...	...
Cyprus	...	...	...	...
Czech Republic	...	...	12.8	8.0
Denmark	27.3	16.8	21.8	13.4
Estonia	...	...	...	...
Finland	...	...	...	...
France	34.2	27.4	30.7	24.6
Germany	...	...	...	...
Greece	...	...	27.7	21.1
Hungary	...	...	20.4	32.3
Iceland	...	...	19.5	5.7
Ireland	...	...	...	...
Italy	44.6	41.4	25.6	23.8
Latvia	41.1	145	19.2	67.6
Lithuania	24.2	58.1	17.9	43.0
Luxembourg	49.7	45.0	41.9	37.9
Malta	...	...	...	...
Moldova	33.2	...	4.3	...
Netherlands	...	...	...	...
Norway	...	...	23.0	13.6
Poland	...	...	28.8	48.7
Portugal	...	...	...	...
Romania	22.1	48.9	11.1	24.6
Russia	...	...	...	...
Slovakia	...	...	...	...
Slovenia	40.0	23.0	7.8	4.5
Spain	...	...	20.2	23.0
Sweden	...	...	...	...
Switzerland	...	...	28.8	25.7
"The F.Y.R.O. Macedonia"	16.1	...	5.9	...
Turkey	41.7	45.9	36.6	40.3
Ukraine	...	...	...	...
<i>United Kingdom</i>	...	...	...	...
England and Wales	...	...	11.2	...
Northern Ireland	...	...	...	...
Scotland	...	...	14.2	...

(1) See note below

Table 5.1. Breakdown of sentenced prisoners (final sentence) by the main offence on 1 September 2000 (numbers)¹

Reference: Council of Europe, SPACE 2000.51

	Homicide including attempts	Assault	Rape	Robbery	Other types of theft	Drug offences	Other cases
Albania	542	30	39	286	70	34	126
Andorra	...	...	...	...	...	...	...
Austria	...	...	...	...	...	...	...
Belgium	664	735	434	1 674	249	446	996
Bulgaria	...	...	...	...	...	...	...
Croatia	381	32	66	107	186	115	374
Cyprus	...	...	...	...	...	...	...
Czech Republic	...	...	...	...	...	...	...
Denmark	...	...	...	...	...	...	...
Estonia	532	282	134	353	1 195	25	532
Finland	464	306	39	162	669	362	316
France	3 367	3 137	7 494	4 154	3 683	4 451	5 824
Germany	...	...	...	...	...	...	...
Greece	...	...	...	...	...	...	...
Hungary	1 523	822	464	2 361	3 577	137	2 459
Iceland	11	4	2	2	13	17	17
Ireland	...	...	...	...	...	...	...
Italy	4 696	98	562	4 366	1 199	10 403	8 298
Latvia	720	476	215	874	2 113	636	...
Lithuania	1 378	194	439	1 624	1 989	175	920
Luxembourg	26	7	29	16	42	60	18
Malta	...	...	...	...	...	...	...
Moldova	1 300	1 390	448	393	2 075	158	754
Netherlands	...	...	...	...	...	...	...
Norway	138	221	39	103	260	604	627
Poland	...	...	...	...	...	...	...
Portugal	...	...	...	...	...	...	...
Romania	6 468	577	1 522	5 099	20 799	124	4 099
Russia	...	...	...	...	...	...	...
Slovakia	525	590	183	1 151	1 962	75	738
Slovenia	109	28	59	116	115	74	180
Spain	1 758	813	1 592	16 843	1 076	10 229	3 649
Sweden	276	203	111	429	640	847	1 757
Switzerland	...	...	...	...	...	...	...
"The F.Y.R.O. Macedonia"	135	28	134	105	409	110	249
Turkey	9 920	1 724	2 000	4 132	7 449	2 044	18 294
Ukraine	...	...	...	...	...	...	...
<i>United Kingdom</i>							
England and Wales	4 807	5 538	2 672	6 584	13 734	8 546	11 606
Northern Ireland	127	72	44	63	86	48	201
Scotland	685	737	182	629	770	737	1 152

(1) See note below

Table 5.2 Breakdown of sentenced prisoners (final sentence) by the main offence on 1 September 2000 (%)

Reference: Council of Europe, SPACE 2000.52

	Homicide including attempts	Assault	Rape	Robbery	Other types of theft	Drug offences	Other cases
Albania	48.1	2.7	3.5	25.4	6.2	3.0	11.2
Andorra							
Austria	...	...	...	...	...	...	...
Belgium	12.8	14.1	8.3	32.2	4.8	8.6	19.2
Bulgaria	...	...	...	...	...	...	...
Croatia	30.2	0.2	5.2	8.5	14.7	9.1	29.7
Cyprus							
Czech Republic	...	...	...	...	...	...	...
Denmark	...	...	...	...	...	...	...
Estonia	17.4	9.2	4.4	11.6	39.1	0.8	17.4
Finland	20.0	13.2	1.7	7.0	28.9	15.6	13.6
France	10.5	9.8	23.3	12.9	11.5	13.9	18.1
Germany							
Greece	...	...	...	...	...	...	...
Hungary	13.4	7.2	4.1	20.8	31.5	1.2	21.7
Iceland	16.7	6.1	3.0	3.0	19.7	25.8	25.8
Ireland	...	...	...	...	...	...	...
Italy	15.9	0.3	1.9	14.7	4.0	35.1	28.0
Latvia	14.3	9.5	4.3	17.4	42.0	12.6	
Lithuania	20.5	2.9	6.5	24.2	29.6	2.6	13.7
Luxembourg	13.1	3.5	14.6	8.1	21.2	30.3	9.1
Malta							
Moldova	19.9	21.3	6.9	6.0	31.8	2.4	11.6
Netherlands	...	...	...	...	...	...	...
Norway	6.9	11.1	2.0	5.2	13.1	30.3	31.5
Poland	...	...	...	...	...	...	...
Portugal							
Romania	16.7	1.5	3.9	13.2	53.8	0.3	10.6
Russia							
Slovakia	10.0	11.3	3.5	22.0	37.6	1.4	14.1
Slovenia	16.0	4.1	8.7	17.0	16.9	10.9	26.4
Spain	4.9	2.3	4.4	46.8	3.0	28.4	10.1
Sweden	6.5	4.8	2.6	10.1	15.0	19.9	41.2
Switzerland	...	...	...	...	...	...	...
"The F.Y.R.O. Macedonia"	11.5	2.4	11.5	9.0	35.0	9.4	21.3
Turkey	21.8	3.8	4.4	9.1	16.3	4.5	40.2
Ukraine							
<i>United Kingdom</i>							
England and Wales	9.0	10.4	5.0	12.3	25.6	16.0	21.7
Northern Ireland	19.8	11.2	6.9	9.8	13.4	7.5	31.4
Scotland	14.0	15.1	3.7	12.9	15.7	15.1	23.5

Table 6.1 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2000 (numbers)¹

Reference: Council of Europe, SPACE 2000.61

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years and and over	Life imprison- ment	Death sentenced prisoners
Albania	100	155	244	202	384	42	***
Andorra							***
Austria	...	...	...	...	...	...	***
Belgium	323	932	1 414	1 506	402	275	1
Bulgaria	781	2 395	1 886	1 227	1 541	66	***
Croatia	187	319	211	311	233	***	***
Cyprus							***
Czech Republic	...	...	...	...	...	...	***
Denmark	...	...	...	...	...	...	***
Estonia	150	717	615	1 209	338	24	***
Finland	...	...	...	...	...	60	***
France	8 684	6 252	3 678	5 761	7 169	566	***
Germany							***
Greece							***
Hungary	2 261	3 546	1 977	2 388	975	196	***
Iceland	22	22	6	6	10	...	***
Ireland	...	...	...	...	...	...	***
Italy	2 626	6 673	6 308	7 122	6 177	716	***
Latvia	56	1 462	1 224	1 909	372	11	***
Lithuania	228	1 859	1 543	2 148	879	62	***
Luxembourg	30	57	22	37	34	18	***
Malta						***	
Moldova	80	482	1 447	2 955	1 519	35	***
Netherlands	1 976	1 384	713	930	10	***	
Norway	...	...	...	...	...	***	***
Poland	...	...	...	...	...	...	***
Portugal							***
Romania	3 464	4 462	17 860	7 487	5 333	82	***
Russia							
Slovakia	1 299	1 383	1 080	903	545	14	***
Slovenia	129	232	134	133	53	***	***
Spain	...	...	...	...	...	***	***
Sweden	1 320	1 425	600	565	254	102	***
Switzerland	...	...	...	...	...	...	***
"The F.Y.R.O. Macedonia"	224	410	244	178	110	4	***
Turkey	5 760	7 361	5 774	6 709	17 557	2 293	109
Ukraine							***
<i>United Kingdom</i>							***
England and Wales	7 752	17 171	12 165	9 448	2 381	4 570	***
Northern Ireland	91	146	127	124	69	84	***
Scotland	1 041	906	702	1 196	299	595	***

(1) See note below

***: not applicable

Table 6.2 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2000 (%)

Reference: Council of Europe, SPACE 2000.62

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years and and over	Life imprison- ment	Death sentenced prisoners
Albania	8.9	13.7	21.6	17.9	34.1	3.7	***
Andorra							***
Austria	...	...	...	...	...	...	***
Belgium	6.7	19.2	29.1	31.0	8.3	5.7	0.0
Bulgaria	9.9	30.3	23.9	15.5	19.5	0.8	***
Croatia	14.8	25.3	16.7	24.7	18.5	***	***
Cyprus							***
Czech Republic	...	...	...	...	...	...	***
Denmark	...	...	...	...	...	...	***
Estonia	4.9	23.5	20.1	39.6	11.1	0.8	***
Finland	...	...	...	...	...	...	***
France	27.0	19.5	11.5	17.9	22.3	1.8	***
Germany							***
Greece	...	...	...	...	...	...	***
Hungary	19.9	31.3	17.4	21.1	8.6	1.7	***
Iceland	33.3	33.3	9.1	9.1	15.2	...	***
Ireland	...	...	...	...	...	...	***
Italy	8.9	22.5	21.3	24.0	20.9	2.4	***
Latvia	1.1	29.0	24.3	37.9	7.4	0.2	***
Lithuania	3.4	27.7	23.0	32.0	13.1	0.9	***
Luxembourg	15.1	28.8	11.1	18.7	17.2	9.1	***
Malta							***
Moldova	1.2	7.4	22.2	45.3	23.3	0.5	***
Netherlands	39.4	27.6	14.2	18.6		0.2	***
Norway	...	...	...	...	...	***	***
Poland	...	...	...	...	...	...	***
Portugal							***
Romania	8.9	11.5	46.2	19.3	13.8	0.2	***
Russia							***
Slovakia	24.9	26.5	20.7	17.3	10.4	0.3	***
Slovenia	18.9	34.1	19.7	19.5	7.8	***	***
Spain	...	...	...	...	...	***	***
Sweden	30.9	33.4	14.1	13.2	6.0	2.4	***
Switzerland	...	...	...	...	...	...	***
"The F.Y.R.O. Macedonia"	19.1	35.0	20.9	15.2	9.4	0.3	***
Turkey	12.6	16.2	12.7	14.7	38.5	5.0	0.2
Ukraine							***
<i>United Kingdom</i>							***
England and Wales	14.5	32.1	22.7	17.7	4.5	8.5	***
Northern Ireland	14.2	22.8	19.8	19.3	10.8	13.1	***
Scotland	22.0	19.1	14.8	25.2	6.3	12.6	***

***: not applicable

Table 6.3 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2000- (cumulative %)

Reference: Council of Europe, SPACE 2000.63

	Time sentence	1 year and over	3 years and over	5 years and over	10 years and over	Life imprisonment	Death sentenced prisoners
Albania	96.3	87.3	73.6	52.0	34.1	3.7	***
Andorra							***
Austria	...	...	...	...	...	...	***
Belgium	94.3	87.6	68.4	39.3	8.3	5.7	0.0
Bulgaria	99.2	89.2	58.9	35.0	19.5	0.8	***
Croatia	100.0	85.2	59.9	43.2	18.5	***	***
Cyprus							***
Czech Republic	...	...	...	...	...	...	***
Denmark	...	...	...	...	...	...	***
Estonia	99.2	94.3	70.8	50.7	11.1	0.8	***
Finland	...	...	...	...	...	...	***
France	98.2	71.2	51.7	40.2	22.3	1.8	***
Germany							***
Greece	...	...	...	...	...	...	***
Hungary	98.3	78.4	47.1	29.7	8.6	1.7	***
Iceland	100.0	66.7	33.4	24.3	15.2	...	***
Ireland	...	...	...	...	...	...	***
Italy	97.6	88.7	66.2	44.9	20.9	2.4	***
Latvia	99.7	98.6	69.6	45.3	7.4	0.2	***
Lithuania	99.2	95.8	68.1	45.1	13.1	0.9	***
Luxembourg	90.9	75.8	47.0	35.9	17.2	9.1	***
Malta							***
Moldova	99.4	98.2	90.8	68.6	23.3	0.5	***
Netherlands	99.8	60.4	32.8	18.6	...	0.2	***
Norway	...	...	...	...	...	***	***
Poland	...	...	...	...	...	...	***
Portugal							***
Romania	99.8	90.8	79.3	33.1	13.8	0.2	***
Russia							***
Slovakia	99.7	74.9	48.4	27.7	10.4	0.3	***
Slovenia	100.0	81.1	47.0	27.3	7.8	***	***
Spain	...	...	...	...	...	***	***
Sweden	97.6	66.7	33.3	19.2	6.0	2.4	***
Switzerland	...	...	...	...	...	...	***
"The F.Y.R.O. Macedonia"	99.7	80.5	45.5	24.6	9.4	0.3	***
Turkey	94.8	82.1	65.9	53.2	38.5	5.0	0.2
Ukraine							***
<i>United Kingdom</i>							***
England and Wales	91.5	77.0	44.9	22.2	4.5	8.5	***
Northern Ireland	14.2	22.8	19.8	19.3	10.8	13.1	***
Scotland	87.4	65.4	46.3	31.5	6.3	12.6	***

***: not applicable

Table 7.1 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2000: less than one year (numbers)

Reference: Council of Europe, SPACE 2000.71

	Less than 1 month	1 month to less than 3 months	3 months to less than 6 months	6 months to less than 1 year	Total less than 1 year
Albania	2	18	30	50	100
Andorra					
Austria	...	...	...	...	...
Belgium	13	30	79	201	323
Bulgaria	0	1	287	493	781
Croatia		75		112	187
Cyprus					
Czech Republic	...	...	...	...	...
Denmark	...	...	...	...	...
Estonia		13		137	150
Finland	...	...	...	...	...
France		4 073		4 611	8 684
Germany					
Greece	...	...	...	...	...
Hungary	71	62	486	1 642	2 261
Iceland	0	4	7	11	22
Ireland	...	...	...	...	...
Italy	114	163	616	1 733	2 626
Latvia	0	0	0	56	56
Lithuania	2	24	58	144	228
Luxembourg	0	0	6	24	30
Malta					
Moldova	***	***	***	80	80
Netherlands	289	470	500	717	1 976
Norway	...	...	...	...	...
Poland	...	...	...	...	...
Portugal					
Romania	...	...	...	...	3 464
Russia					
Slovakia	0	26	291	982	1 299
Slovenia	0	5	50	74	129
Spain	...	...	...	...	...
Sweden	9	222	384	705	1 320
Switzerland	...	...	...	...	...
"The F.Y.R.O. Macedonia"	0	13	73	138	224
Turkey	1 309	894	1 186	2 371	5 760
Ukraine					
<i>United Kingdom</i>					
England and Wales	***	1 806	3 676	2 270	7 752
Northern Ireland	0	3	47	41	91
Scotland	79	72	377	513	1 041

***: not applicable

Table 7.2 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2000: less than one year (%)

Reference : Council of Europe, SPACE 2000.72

	Less than 1 month	1 month to less than 3 months	3 months to less than 6 months	6 months to less than 1 year	Total less than 1 year
Albania	2.0	18.0	30.0	50.0	100.0
Andorra					
Austria	...	...	...	...	...
Belgium	4.0	9.3	24.5	62.2	100.0
Bulgaria	0.0	0.1	36.7	63.2	100.0
Croatia		40.1		59.9	100.0
Cyprus					
Czech Republic	...	...	...	...	...
Denmark	...	...	...	...	...
Estonia		8.7		91.3	100.0
Finland	...	...	...	...	...
France		46.9		53.1	100.0
Germany					
Greece	...	...	...	...	...
Hungary	3.1	2.7	21.5	72.6	100.0
Iceland	0.0	18.2	31.8	50.0	100.0
Ireland	...	...	...	...	...
Italy	4.3	6.2	23.5	66.0	100.0
Latvia	0.0	0.0	0.0	100.0	100.0
Lithuania	0.9	10.5	25.4	63.2	100.0
Luxembourg	0.0	0.0	20.0	80.0	100.0
Malta					
Moldova	***	***	***	100.0	100.0
Netherlands	14.6	23.8	25.3	36.3	100.0
Norway	...	...	...	...	...
Poland	...	...	...	...	...
Portugal					
Romania	...	...	...	...	...
Russia					
Slovakia	0.0	2.0	22.4	75.6	100.0
Slovenia	0.0	3.9	38.8	57.4	100.0
Spain	...	...	...	...	...
Sweden	0.7	16.8	29.1	53.4	100.0
Switzerland	...	...	...	...	...
"The F.Y.R.O. Macedonia"	0.0	5.8	32.6	61.6	100.0
Turkey	22.7	15.5	20.6	41.2	100.0
Ukraine					
<i>United Kingdom</i>					
England and Wales	***	23.3	47.4	29.3	100.0
Northern Ireland	0.0	3.3	51.6	45.1	100.0
Scotland	7.6	6.9	36.2	49.3	100.0

*** : not applicable

I.2 Populations of penal institutions

Flow of entries to penal institutions, indicator of average length of imprisonment, escapes and deaths in 1999

Table 8. Flow of entries to penal institutions (1999)

Reference: Council of Europe SPACE 2000.8

	Entries to penal institutions	Rate of entries to penal institutions per 100 000 inhabitants	Entries before final sentence	
			Number	%
Albania	...	...	1 900	...
Andorra				
Austria	8 059	99.7	...	...
Belgium	14 289	140	9 219	64.5
Bulgaria	5 312	...	3 124	58.8
Croatia	5 606	...	...	...
Cyprus				
Czech Republic	20 570	200	...	...
Denmark	...	...	...	...
Estonia	...	...	...	...
Finland	5 838	113	1 589	27.2
France	77 214	127	54 589	70.7
Germany				
Greece	...	...	...	...
Hungary	32 127	319	4 811	15.0
Iceland	249	90.5	114	45.8
Ireland	10 699	...	...	...
Italy	87 862	153	79 341	90.3
Latvia	...	...	...	...
Lithuania	47 083	1270	31 796	67.5
Luxembourg	1 676	391	528	31.5
Malta				
Moldova	7 767	...	1 734	22.3
Netherlands	31 087	197	16 883	54.3
Norway	11 165	251	3 897	34.9
Poland	70 880	182	25 065	35.3
Portugal				
Romania	...	...	...	...
Russia				
Slovakia	5 607	104	3 113	55.5
Slovenia	5 462	276	888	16.3
Spain	47 579	121	28 865	60.7
Sweden	...	...	...	...
Switzerland	27 487	386	20 415	74.3
"The F.Y.R.O. Macedonia"	4 768	...	1 160	24.3
Turkey	121 336	189	...	...
Ukraine				
<i>United Kingdom</i>				
England and Wales	135 098	...	64 572	47.8
Northern Ireland	5 684	...	2 501	44.0
Scotland	36 032	...	15 291	42.4

Table 9. Indicator of average length of imprisonment (1999)¹

Reference: Council of Europe SPACE 2000.9

	Total number of days spent in penal institutions	Average number of prisoners in year	Indicator of average length of imprisonment (in months)
Albania	...	1 112	...
Andorra			
Austria	2 508 645	6 873	10
Belgium	3 102 497	8 500	7.1
Bulgaria	...	10 787	24
Croatia	807 745	2 213	4.7
Cyprus			
Czech Republic	8 465 810	23 194	13
Denmark	1 269 069	3 477	...
Estonia	...	4 332	...
Finland	1 001 195	2 743	5.6
France	20 194 776	55 328	8.6
Germany			
Greece	...	7 525	...
Hungary	...	15 228	5.7
Iceland	38 505	105	5.1
Ireland	...	2 741	3.1
Italy	...	51 427	7.0
Latvia	...	8 665	...
Lithuania	5 242 860	14 364	3.7
Luxembourg	146 497	401	2.9
Malta			
Moldova	...	10 188	16
Netherlands	4 226 481	11 579	4.5
Norway	878 979	2 408	2.6
Poland	...	54 842	9.3
Portugal			
Romania	...	51 396	...
Russia			
Slovakia	2 503 170	6 858	14.7
Slovenia	346 268	949	2.1
Spain	18 626 143	51 031	13
Sweden	1 778 280	4 872	...
Switzerland	1 922 810	5 268	2.3
"The F.Y.R.O. Macedonia"	488 437	1 338	3.4
Turkey	...	69 277	6.9
Ukraine			
<i>United Kingdom</i>			
England and Wales	23 641 000	64 770	5.8
Northern Ireland	...	1 262	2.7
Scotland	2 200 585	6 029	2.0

(1) See note below

***: not applicable

Table 10. Number of escapes (by convicted prisoners or pre-trial detainees under the supervision of the prison administration) from a closed penal institution or during administrative transfer (1999)¹

Reference: Council of Europe, SPACE 2000.10

	Number of escapes in the year	Average number of prisoners in the year	Escapes per 10 000 prisoners
Albania	0	1 112	0.0
Andorra			
Austria	6	6 873	8.7
Belgium	17	8 500	20
Bulgaria	36	10 787	33
Croatia	13	2 213	59
Cyprus			
Czech Republic	5	23 194	2.2
Denmark	74	3 477	210
Estonia	4	4 332	9.2
Finland	36	2 743	130
France	31	55 328	5.6
Germany			
Greece	41	7 525	54
Hungary	2	15 228	1.3
Iceland	5	105	480
Ireland	11	2 741	40
Italy	19	51 427	3.7
Latvia	6	8 665	6.9
Lithuania	2	14 364	1.4
Luxembourg	0	401	0.0
Malta			
Moldova	12	10 188	12
Netherlands	12	11 579	10
Norway	48	2 408	200
Poland	9	54 842	1.6
Portugal			
Romania	14	51 396	2.7
Russia			
Slovakia	2	6 858	2.9
Slovenia	23	949	240
Spain	6	51 031	1.2
Sweden	51	4 872	100
Switzerland	...	5 268	...
"The F.Y.R.O. Macedonia"	48	1 338	359
Turkey	29	69 277	4.2
Ukraine			
<i>United Kingdom</i>			
England and Wales	95	64 770	15
Northern Ireland	0	1 262	0.0
Scotland	4	6 029	6.6

(1) See note below

n.s. = not significant

Table 11. Other forms of escape in 1999 (absconding or running off)¹

Reference: Council of Europe, SPACE 2000.11

	Number of escapes in the year	Average number of prisoners in the year (for indication)
Albania	0	1 112
Andorra		
Austria	17	6 873
Belgium	87	8 500
Bulgaria	...	10 787
Croatia	62	2 213
Cyprus		
Czech Republic	45	23 194
Denmark	1 042	3 477
Estonia	2	4 332
Finland	119	2 743
France	191	55 328
Germany		
Greece	87	7 525
Hungary	13	15 228
Iceland	0	105
Ireland	184	2 741
Italy	208	51 427
Latvia	63	8 665
Lithuania	6	14 364
Luxembourg	29	401
Malta		
Moldova	63	10 188
Netherlands	752	11 579
Norway	296	2 408
Poland	76	54 842
Portugal		
Romania	23	51 396
Russia		
Slovakia	7	6 858
Slovenia	92	949
Spain	35	51 031
Sweden	573	4 872
Switzerland	...	5 268
"The F.Y.R.O. Macedonia"	128	1 338
Turkey	347	69 277
Ukraine		
<i>United Kingdom</i>		
England and Wales	879	64 770
Northern Ireland	74	1 262
Scotland	51	6 029

(1) See note below

Table 12. Deaths in penal institutions (1999)¹

Reference: Council of Europe, SPACE 2000.12

	Number of deaths in penal institutions in the year	Average number of prisoners in the year	Deaths per 10 000 prisoners
Albania	1	1 112	10
Andorra			
Austria	25	6 873	36
Belgium	40	8 500	47
Bulgaria	40	10 787	37
Croatia	5	2 213	23
Cyprus			
Czech Republic	21	23 194	9.1
Denmark	13	3 477	37
Estonia	15	4 332	35
Finland	10	2 743	36
France	262	55 328	47
Germany			
Greece	24	7 525	32
Hungary	42	15 228	27
Iceland	0	105	0.0
Ireland	7	2 741	26
Italy	83	51 427	16
Latvia	13	8 665	15
Lithuania	47	14 364	33
Luxembourg	3	401	75
Malta			
Moldova	92	10 188	90
Netherlands	24	11 579	21
Norway	10	2 408	42
Poland	102	54 842	19
Portugal			
Romania	...	51 396	...
Russia			
Slovakia	6	6 858	8.7
Slovenia	1	949	10
Spain	77	51 031	15
Sweden	11	4 872	23
Switzerland	...	5 268	...
"The F.Y.R.O. Macedonia"	3	1 338	22
Turkey	133	69 277	19
Ukraine			
<i>United Kingdom</i>			
England and Wales	147	64 770	23
Northern Ireland	4	1 262	32
Scotland	22	6 029	36

(1) See note below

n.s. = not significant

Table 13. Suicides in penal institutions (1999)¹

Reference: Council of Europe, SPACE 2000.13

	Number of suicides in the year	Average number of prisoners in the year	Suicides per 10 000 prisoners
Albania	1	1 112	10
Andorra			
Austria	19	6 873	28
Belgium	16	8 500	19
Bulgaria	4	10 787	3.7
Croatia	5	2 213	23
Cyprus			
Czech Republic	5	23 194	2.2
Denmark	8	3 477	23
Estonia	0	4 332	0.0
Finland	8	2 743	29
France	125	55 328	22
Germany			
Greece	5	7 525	6.6
Hungary	9	15 228	5.9
Iceland	0	105	0.0
Ireland	6	2 741	22
Italy	53	51 427	10
Latvia	7	8 665	8.1
Lithuania	17	14 364	12
Luxembourg	2	401	50
Malta			
Moldova	2	10 188	2.0
Netherlands	12	11 579	10
Norway	1	2 408	4.2
Poland	32	54 842	5.8
Portugal			
Romania	...	51 396	...
Russia			
Slovakia	2	6 858	2.9
Slovenia	1	949	10
Spain	26	51 031	5.1
Sweden	2	4 872	4.1
Switzerland	...	5 268	...
"The F.Y.R.O. Macedonia"	1	1 338	7.5
Turkey	16	69 277	2.3
Ukraine			
<i>United Kingdom</i>			
England and Wales	91	64 770	14
Northern Ireland	3	1 262	24
Scotland	10	6 029	17

(1) See note below

n.s. = not significant

Table 14. Deaths in Penal Institutions – other than suicides (1999)¹

Reference: Council of Europe, SPACE 2000.14

	Number of deaths in penal institutions in the year (other than suicides)	Average number of prisoners in the year	Deaths per 10 000 prisoners (other than suicides)
Albania	0	1 112	0.0
Andorra			
Austria	6	6 873	8.7
Belgium	24	8 500	28
Bulgaria	36	10 787	33
Croatia	0	2 213	0.0
Cyprus			
Czech Republic	16	23 194	6.9
Denmark	5	3 477	14
Estonia	15	4 332	35
Finland	2	2 743	7.3
France	137	55 328	25
Germany			
Greece	19	7 525	25
Hungary	33	15 228	22
Iceland	0	105	0.0
Ireland	1	2 741	3.6
Italy	30	51 427	5.8
Latvia	6	8 665	6.9
Lithuania	30	14 364	21
Luxembourg	1	401	25
Malta			
Moldova	90	10 188	88
Netherlands	12	11 579	10
Norway	9	2 408	37
Poland	70	54 842	13
Portugal			
Romania	...	51 396	...
Russia			
Slovakia	4	6 858	5.8
Slovenia	0	949	0.0
Spain	51	51 031	10
Sweden	9	4 872	18
Switzerland	...	5 268	...
"The F.Y.R.O. Macedonia"	2	1 38	15
Turkey	117	69 277	17
Ukraine			
<i>United Kingdom</i>			
England and Wales	56	64 770	8.6
Northern Ireland	1	1 262	7.9
Scotland	12	6 029	20

(1) See note below

n.s. = not significant

II. Prison staff

Table 15. Full-time staff working in penal institutions on 1 September 2000¹

Reference: Council of Europe, SPACE 2000.15

	Management	Custodial	Treatment	Workshops	Administration	Total
Albania	22	888	54	***	187	1 151
Andorra						
Austria	...	...	...	...	...	...
Belgium	124	4 725	369	300	437	5 955
Bulgaria	107	3 143	451	293	612	4 606
Croatia	92	1 262	242	66	398	3 205
Cyprus						
Czech Republic	417	6 302	1 337	30	1 325	9 411
Denmark	...	...	...	...	...	...
Estonia	25	1 941	198	0	81	2 245
Finland	87	1 472	295	423	233	2 510
France	...	...	...	...	...	...
Germany						
Greece	30	1 711	82	2	204	2 229
Hungary	238	3 450	610	569	642	6 287
Iceland	...	...	...	...	...	...
Ireland	...	...	...	...	...	...
Italy	381	39 208	1 985	64	1 775	43 143
Latvia	71	988	206	16	1 035	2 316
Lithuania	60	1 484	547	402	643	3 156
Luxembourg	...	...	...	...	...	...
Malta						
Moldova	39	628	410	969	1 127	3 173
Netherlands	...	...	...	...	...	...
Norway	...	...	...	...	...	...
Poland	...	...	...	...	...	...
Portugal						
Romania	437	6 037	958	183	2 517	10 132
Russia						
Slovakia	...	...	...	...	...	...
Slovenia	53	423	82	148	147	853
Spain	119	13 576	3 785	2 259	1 976	21 715
Sweden	256	3 825	294	348	455	5 341
Switzerland	...	...	...	...	...	...
"The F.Y.R.O. Macedonia"	28	252	50	37	85	452
Turkey	1 090	20 904	548	95	2 762	25 599
Ukraine						
<i>United Kingdom</i>						
England and Wales	3 158	28 551	1 541	4 001	2 884	40 254
Northern Ireland	378	1 589	83	35	71	2 197
Scotland	645	3 218	144	262	313	4 582

(1) See note below

Table 16. *Part-time* staff working in penal institutions on 1 September 2000¹

Reference: Council of Europe, SPACE 2000.16

	Management	Custodial	Treatment	Workshops	Administration	Total
Albania	***	***	***	***	***	***
Andorra						
Austria	...	...	...	...	...	...
Belgium	4	179	58	12	51	304
Bulgaria	0	0	4	0	0	4
Croatia	0	0	2	6	0	8
Cyprus						
Czech Republic	0	3 193	31 754	0	1 906	36 853
Denmark	...	...	...	...	...	...
Estonia	0	3	8	0	0	11
Finland	***	***	***	***	***	***
France	...	...	...	...	...	...
Germany						
Greece	***	***	***	***	***	***
Hungary	0	0	42	0	17	59
Iceland	...	...	...	...	...	...
Ireland	...	...	...	...	...	...
Italy	...	...	...	...	...	...
Latvia	0	***	24	0	0	24
Lithuania	0	4	68	35	29	136
Luxembourg	...	...	...	...	...	...
Malta						
Moldova	***	***	***	***	***	***
Netherlands	...	...	...	...	...	...
Norway	...	...	...	...	...	...
Poland	...	...	...	...	...	...
Portugal						
Romania	***	***	***	***	***	***
Russia						
Slovakia	...	...	...	...	...	...
Slovenia	***	***	***	***	***	***
Spain	***	***	239	84	0	323
Sweden	1	157	45	16	27	414
Switzerland	...	...	...	...	...	2 906
"The F.Y.R.O. Macedonia"	***	***	3	1	0	4
Turkey	***	***	***	***	***	***
Ukraine						
<i>United Kingdom</i>						
England and Wales	21	97	145	48	404	811
Northern Ireland	1	***	***	***	2	7
Scotland	1	12	6	0	11	30

(1) See note below

Table 17.1 Full-time staff and part-time staff working in penal institutions on 1 September 2000 – on the basis of “full-time equivalents” (numbers)¹

Reference: Council of Europe, *SPACE 2000.17*

	Management	Custodial	Treatment	Workshops	Administration	Total
Albania	22	888	54	***	187	1 151
Andorra						
Austria	...	...	...	...	...	...
Belgium	128	4 904	427	312	488	6 259
Bulgaria	107	3 143	455	293	612	4 610
Croatia	92	1 262	244	72	398	3 213
Cyprus						
Czech Republic	417	9 495	33 091	30	3 231	46 264
Denmark	53	2 588	288	276	263	3 468
Estonia	25	1 944	206	0	81	2 256
Finland	87	1 472	295	423	233	2 510
France	251	19 865	1 914	530	1 659	24 220
Germany						
Greece	30	1 711	82	2	204	2 229
Hungary	238	3 450	652	569	659	6 346
Iceland	...	...	...	...	...	...
Ireland	...	...	...	...	...	...
Italy	...	...	...	...	...	...
Latvia	71	988	230	16	1 035	2 340
Lithuania	60	1 488	615	437	672	3 292
Luxembourg	...	...	...	...	...	...
Malta						
Moldova	39	628	410	969	1 127	3 173
Netherlands	...	...	...	...	...	...
Norway	145	1 872	63	437	221	2 738
Poland	...	...	...	...	...	...
Portugal						
Romania	437	6 037	958	183	2 517	10 132
Russia						
Slovakia	181	1 672	1 321	393	1 147	4 714
Slovenia	53	423	82	148	147	853
Spain	119	13 576	4 024	2 343	1 976	22 038
Sweden	257	3 982	339	364	482	5 755
Switzerland	...	...	...	...	...	...
“The F.Y.R.O. Macedonia”	28	252	53	38	85	456
Turkey	1 090	20 904	548	95	2 762	25 599
Ukraine						
<i>United Kingdom</i>						
England and Wales	3 179	28 648	1 686	4 049	3 288	41 065
Northern Ireland	379	1 589	83	35	73	2 204
Scotland	646	3 230	150	262	324	4 612

(1) See note below

Table 17.2 Full-time staff and part-time staff working in penal institutions on 1 September 2000– on the basis of “full-time” equivalents (%)¹

Reference: Council of Europe, SPACE 2000.17

	Management	Custodial	Treatment	Workshops	Administration	Total
Albania	1.9	77.1	4.7	***	16.3	100.0
Andorra						
Austria	...	...	...	...	...
Belgium	2.1	78.4	6.8	5.0	7.8	100.0
Bulgaria	2.3	68.2	9.9	6.4	13.3	100.0
Croatia	2.9	39.3	7.6	2.2	12.4	100.0
Cyprus						
Czech Republic	0.9	20.5	71.5	0.0	7.0	100.0
Denmark	1.5	74.6	8.3	8.0	7.6	100.0
Estonia	1.1	86.2	9.1	0.0	3.6	100.0
Finland	3.5	58.7	11.7	16.8	9.3	100.0
France	1.0	82.0	7.9	2.2	6.8	100.0
Germany						
Greece	1.3	76.8	3.7	0.0	9.2	100.0
Hungary	3.8	54.4	10.3	9.0	10.4	100.0
Iceland	...	...	...	...	...	...
Ireland	...	...	...	...	...	...
Italy	...	...	...	...	...	...
Latvia	3.0	42.2	9.8	0.7	44.2	100.0
Lithuania	1.8	45.2	18.7	13.3	20.4	100.0
Luxembourg	...	...	...	...	...	...
Malta						
Moldova	1.2	19.8	12.9	30.5	35.5	100.0
Netherlands	...	...	...	...	...	...
Norway	5.3	68.4	2.3	16.0	8.1	100.0
Poland	...	...	...	...	...	...
Portugal						
Romania	4.3	59.6	9.5	1.8	24.8	100.0
Russia						
Slovakia	3.8	35.5	28.0	8.3	24.3	100.0
Slovenia	6.2	49.6	9.6	17.4	17.2	100.0
Spain	0.5	62.4	18.3	10.6	9.0	100.0
Sweden	4.5	69.2	5.9	6.3	8.4	100.0
Switzerland	...	...	...	...	...	...
“The F.Y.R.O. Macedonia”	6.1	55.3	11.6	8.3	18.6	100.0
Turkey	4.3	81.7	2.1	0.4	10.8	100.0
Ukraine						...
<i>United Kingdom</i>						
England and Wales	7.7	69.8	4.1	9.9	8.0	100.0
Northern Ireland	17.2	72.1	3.8	1.6	3.3	100.0
Scotland	14.0	70.0	3.3	5.7	7.0	100.0

(1) See note below

Table 18. Other categories of staff, on 1 September 2000¹

Reference: Council of Europe, SPACE 2000.18

	National prison administration	Regional prison administration office	Other staff working in storage depots	Staff working in penal institutions, but not employed by the prison administration
Albania	68	***	***	***
Andorra				
Austria	43	***	15	79
Belgium	80	5	***	236
Bulgaria	97	***	0	72
Croatia	23	0	0	***
Cyprus				
Czech Republic	209	***	193	***
Denmark	136	***	***	***
Estonia	23	***	***	51
Finland	100	***	***	...
France	224	968	0	...
Germany				
Greece	25	7	2	1049
Hungary	157	0	200	...
Iceland	...	...	...	...
Ireland	72	0	29	224
Italy	...	...	...	...
Latvia	80	***	...	...
Lithuania	86	0	22	1 446
Luxembourg	...	...	...	...
Malta				
Moldova	113	131	25	35
Netherlands	...	...	...	...
Norway	...	...	0	...
Poland	...	...	...	...
Portugal				
Romania	212	***	170	158
Russia				
Slovakia	135	***	...	77
Slovenia	18	***	***	***
Spain	510	***	***	2 648
Sweden	229	67	***	...
Switzerland	...	...	...	...
"The F.Y.R.O. Macedonia"	5	***	***	***
Turkey	200	***	***	15 217
Ukraine				
<i>United Kingdom</i>				
England and Wales	1 349	689	...	***
Northern Ireland	306	...	...	9
Scotland	273	52	13	225

(1) See note below

Table 19. Supervision of prisoners by custodial staff on 1 September 2000¹

Reference: Council of Europe, SPACE 2000.19

	Total number of prisoners	Total number of custodial staff	Rate of supervision of prisoners by custodial staff
	a	b	a / b
Albania	1 467	888	1.6
Andorra			
Austria	6 896	3 111	2.2
Belgium	8 671	4 904	1.8
Bulgaria	9 424	3 143	3.0
Croatia	2 027	1 262	1.6
Cyprus			
Czech Republic	22 489	9 495	2.4
Denmark	3 279	2 588	1.3
Estonia	4 720	1 944	2.4
Finland			
France	48 835	19 865	2.5
Germany			
Greece	8 038	1 711	4.7
Hungary	15 821	3 450	4.6
Iceland	82	92	0.9
Ireland	2 887	2 827	1.0
Italy	...	...	...
Latvia	8 555	988	8.7
Lithuania	8 887	1 488	6.0
Luxembourg	394	...	...
Malta			
Moldova	9 754	628	15.5
Netherlands	...	...	...
Norway	2 643	1 872	1.4
Poland	65 336	12 966	5.0
Portugal			
Romania	49 682	6 037	8.2
Russia			
Slovakia	7 128	1 672	4.3
Slovenia	1 136	423	2.7
Spain	45 044	13 576	2.7
Sweden	5 678	3 825	1.5
Switzerland	6 390	...	...
"The F.Y.R.O. Macedonia"	1 394	252	5.5
Turkey	71 860	20 904	3.4
Ukraine			
<i>United Kingdom</i>			
England and Wales	65 666	28 648	2.3
Northern Ireland	980	1 589	0.6
Scotland	5 855	3 230	1.8

(1) See note below

Notes – Table 1

Albania: The prison population rate has been calculated on the basis of the number of inhabitants in 1999.

Austria: Collective pardon every year at Christmas.

Croatia: Situation at 31 December 1999.

Latvia: Situation at 1 July 2000.

Netherlands: The data on the number of prisoners and prison capacity include the figures for TBS clinics and institutions caring for juvenile delinquents. The following tables do not include these two categories and so relate to a total of 11 170 prisoners.

Switzerland: Number of unconvicted prisoners at 22 March 2000. These are the only figures available for 2000. They cover people in police custody, remanded pending trial, or detained pending deportation or extradition. Unconvicted prisoners at 22 March 2000 = 1840. Sentenced prisoners at 1 February 2000 = 4 550. Total = 6 390.

Notes – Table 2

Croatia: The data only concern prisoners whose sentence is final (1 261 in all).

Italy: The data only concern prisoners aged 18 and over.

Switzerland: The data solely relate to persons serving a sentence or awaiting sentence.

Notes – Table 4.1

Austria: (e) = 476 mentally ill persons detained who cannot be sentenced; 84 persons detained for failing to pay administrative fines, or foreign prisoners awaiting a transfer to their own country.

Belgium: (e) = Internees (Social Protection Law); foreigners subject to administrative measures, vagrants, minors under 18 years of age in provisional custody; recidivists or habitual offenders detained at the government's pleasure.

Czech Republic: (e) = Persons detained pending expulsion.

Denmark: (e) = Persons detained under immigration law.

Finland: (e) = Persons detained for failing to pay administrative fines.

France: (e) = Civil imprisonment and prisoners awaiting extradition.

Hungary: (e) = 175 persons detained for psychiatric treatment and 96 persons detained for failing to pay administrative fines.

Netherlands: (e) "detention" = 257; persons detained under immigration law = 1 026; persons awaiting admission to a TBS-clinic = 212; persons of unknown status = 290.

Norway: (e) = Persons detained for failing to pay administrative fines.

Romania: "Other cases" = sanctions for administrative fines.

Slovenia: Other cases: the prison authorities are also responsible for persons sentenced for minor offences in juvenile courts and serving their sentences in education centres or correctional homes. The young people detained in these institutions are between 16 and 21 years of age, although some may be as old as 23. These sentences are not final – which is why this figure is not included in the figure for convicted prisoners whose sentences are final.

United Kingdom

Northern Ireland: (e) = civil persons detained for failing to pay an administrative fine.

Scotland: (e) = persons detained for failing to pay an administrative fine and foreign persons awaiting a transfer to their own country.

Notes – Table 4.2

Reminder

– Where the item "**Sentenced prisoners who have appealed or who are within the statutory time-limit for doing so**" is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among "**sentenced prisoners (final sentence)**". In this case, neither rate (a) – percentage of prisoners not serving a final sentence – nor rate (b) – prisoners not serving a final sentence per 100,000 inhabitants – can be calculated.

This applies to: Albania, Austria, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Netherlands, Norway, Slovakia, Sweden, Spain, Switzerland, England and Wales, Northern Ireland, Scotland.

– Where the item "**Prisoners convicted but not yet sentenced**" is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among "**untried prisoners (not yet convicted)**". In this case, neither rate (c) – proportion of untried prisoners (not yet convicted), as a percentage – nor rate (d) – untried prisoners (not yet convicted) per 100,000 inhabitants – can be calculated.

This applies to: Albania, Croatia, Estonia, Finland, Ireland, Netherlands, Slovakia, Sweden, Northern Ireland.

Notes – Table 5.1

Estonia: Data at 1 January 2000 (total number 3 053).

France: “Rape” includes rape and indecent assault.

Turkey: “Rape” includes all sexual assaults.

Notes – Table 6.1

Belgium: The data provided do not relate to the total number of convicted prisoners. Figures by length of sentence are not available for convicted persons who have been sentenced to terms of imprisonment, prisoners sentenced only to imprisonment in default and prisoners on parole who have been temporarily recalled.

Estonia: Data at 1 January 2000 (total number 3 053).

Slovenia: The minimum term is fifteen days and the maximum fifteen years. A twenty-year sentence may be ordered only for the most serious crimes (first degree murder, genocide, war crimes), but this is exceptional. The Criminal Code does not provide for terms of more than twenty years or for life sentences.

Spain: The data provided have been broken down according to different time brackets:

Prisoners sentenced under the old Criminal Code (1973): one month to six months (623), six months to six years (4 767), six years to twelve years (2 432), twelve years to twenty years (1 409), twenty to thirty years (943).

Prisoners sentenced under the new Criminal Code (1995): six months to three years (10 073), three years to eight years (9 741), eight years to fifteen years (3 975), fifteen to twenty years (796), more than twenty years (225), sentence of weekend arrest (439), pecuniary punishment (51), security measures (not imposed) (486).

United Kingdom

England and Wales: The time brackets are “1 year and less”, “more than one year up to three years”, more than five years up to ten years”, “more than ten years”.

Notes – Table 9

Bulgaria: The indicator of average length of imprisonment has been calculated on the basis of the number of prisoners at 1 September 1999.

Estonia: The indicator of average length of imprisonment has been calculated on the basis of the number of prisoners at 1 September 1999.

Greece: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Hungary: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Ireland: The indicator of average length of imprisonment has been calculated on the basis of the number of prisoners at 1 September 1999.

Italy: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Latvia: The indicator of average length of imprisonment has been calculated on the basis of the number of prisoners at 1 September 1999.

Moldova: The indicator of average length of imprisonment has been calculated on the basis of the number of prisoners at 1 September 1999.

Poland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Romania: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Turkey: The indicator of average length of imprisonment has been calculated on the basis of the number of prisoners at 1 September 1999.

Notes – Table 10

Albania: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Bulgaria: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Denmark: 32 escapes from institutions, 42 during transfer.

Estonia: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Greece: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Hungary: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Ireland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Italy: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Latvia: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Moldova: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Poland: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Romania: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Switzerland: total number of escapes, without breakdown of categories = 2 390

Turkey: The number of prisoners/year has been replaced by the number of prisoners at 1 September 1999.

Notes – Table 15

Croatia: The data concerns the situation at 31 December 1999. The total includes 1 145 persons employed by the prison administration in the prison factories.

Greece: The total includes 200 persons who do not belong in the categories specified in the questionnaire.

Hungary: The total includes 778 persons who do not belong in the categories specified in the questionnaire.

Italy: The number of custodial staff excludes those working in training schools, the central prison administration and storage depots. Treatment staff includes 490 educators, 776 social workers, 652 medical staff, 50 directors of probation services and 17 directors of medical services. Staff involved in vocational training is employed regionally.

Sweden: The total includes 163 persons who do not belong in the categories specified in the questionnaire.

United Kingdom

England and Wales: The total includes 119 persons who do not belong in the categories specified in the questionnaire.

Northern Ireland: The total includes 41 persons who do not belong in the categories specified in the questionnaire.

Notes – Table 16

Suède: The total includes 246 persons who do not belong in the categories specified in the questionnaire.

United Kingdom

England and Wales: The total includes 96 persons who do not belong in the categories specified in the questionnaire.

Northern Ireland: The total includes 4 persons who do not belong in the categories specified in the questionnaire.

Notes – Table 17.1

Croatia: The data concerns the situation at 31 December 1999. The total includes 1 145 persons employed by the prison administration in the prison factories.

Greece: The total includes 200 persons who do not belong to the categories specified in the questionnaire.

Hungary: The total includes 778 persons who do not belong to the categories specified in the questionnaire.

Sweden: The total includes 409 persons who do not belong to the categories specified in the questionnaire.

United Kingdom

England and Wales: The total includes 215 persons who do not belong to the categories specified in the questionnaire.

Northern Ireland: The total includes 45 persons who do not belong to the categories specified in the questionnaire.

Notes – Table 17.2

Croatia: The data concerns the situation at 31 December 1999. The total includes 1 145 persons employed by the prison administration in the prison factories, i.e. 35,6% of the total.

Greece: The total includes 200 persons (i.e. 9,9% of the total) who do not belong to the categories specified in the questionnaire.

Hungary: The total includes 778 persons (i.e. 12,1% of the total) who do not belong to the categories specified in the questionnaire.

Sweden: The total includes 409 persons (i.e. 7,1% of the total) who do not belong to the categories specified in the questionnaire.

United Kingdom

England and Wales: The total includes 215 persons (i.e. 0,5% of the total) who do not belong to the categories specified in the questionnaire.

Northern Ireland: The total includes 45 persons (i.e. 2% of the total) who do not belong to the categories specified in the questionnaire.

Notes – Table 18

Austria: Staff not employed by the prison authorities: 28 chaplains, 3 teachers, 8 doctors, 21 dentists, 12 psychologists, 7 others.

Belgium: Staff not employed by the prison authorities = medical staff.

Bulgaria: Staff not employed by the prison authorities: 55 teachers and 17 teaching assistants.

Estonia: Staff not employed by the prison authorities: 24 teachers, 20 foremen, 7 teaching assistants.

France: Doctors employed by the Ministry of Health.

Greece: Staff not employed by the prison authorities: 14 doctors, 124 teachers, 911 perimeter guards.

Lithuania: Staff not employed by the prison authorities include teachers, perimeter guards.

Moldova: Staff not employed by the prison authorities include doctors.

Romania: Staff not employed by the prison administration include teachers.

Slovakia: Staff not employed by the prison administration: 59 doctors, 11 psychiatrists, 7 teachers.

Spain: Staff not employed by the prison administration include NGO members.

Turkey: Staff not employed by the prison administration: 15 000 perimeter guards, 160 doctors or dentists, 57 teachers.

United Kingdom

Scotland: 60 teachers, 67 social workers, 73 chaplains, 25 doctors.

Data concerning Canada

The data only refer to federal prisons that only take in prisoners convicted for more than one year (statistics at 10 September 2000).

Total number of prisoners: 12 375

Total capacity of penal institutions: 13 917.

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Council of Europe Annual Penal Statistics

SPACE I: Enquiry 2001: Prison population

by Pierre Victor TOURNIER¹

The SPACE I data published below was obtained by means of a new questionnaire devised for the 1997 survey, in its simplified version. They relate to the situation of the prison population at **1 September 2001**, prison entry flows, lengths of imprisonment, and incidents in **2000** (escapes, prisoners absconding, deaths and suicides).

I. Prison populations

I.1 State of prison populations at 1 September 2001

The situation of prison populations at a given date ("stock statistics") is set out in seven tables.

Table 1. Situation of penal institutions

- Total number of prisoners (including pre-trial detainees)
- Prison population rate (per 100 000 inhabitants): number of prisoners (including pre-trial detainees) present at 1 September 2001 in proportion to the number of inhabitants at the same date
- Total prison capacity
- Rate of occupancy (per 100 places): number of prisoners (including pre-trial detainees) in relation to the number of places available

Table 2. Age structure

- Median age of prison population (including pre-trial detainees) at the date of the statistics
- Prisoners under 18 years of age (including pre-trial detainees): number and percentage
- Prisoners between 18 and 21 years of age (including pre-trial detainees): number and percentage
- Prisoners under 21 years of age (including pre-trial detainees): number and percentage

Data not collected in this enquiry (simplified version).

Table 3. Women and foreigners

- Female prisoners (including pre-trial detainees): number and percentage
- Foreign prisoners (including pre-trial detainees): number and percentage

Data not collected in this enquiry (simplified version).

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Table 4.1. Legal structure (numbers)

- Untried prisoners (not yet convicted)
- Prisoners convicted but not yet sentenced
- Sentenced prisoners who have appealed or who are within the statutory time-limit for doing so
- Sentenced prisoners (final sentence)
- Other cases

Table 4.2. Legal structure (rates)

We have selected four indicators as a basis for comparing the situations of the various populations:

- Percentage of prisoners not serving a final sentence at 1 September 2001 (often inaccurately referred to as the percentage of unconvicted prisoners): the number of prisoners whose sentence is not final, present at that date, expressed as a percentage of the total number of prisoners at the same date
- Prisoners not serving a final sentence per 100 000 inhabitants at 1 September 2001: the number of prisoners whose sentence is not final, present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants
- Proportion of untried prisoners (not yet convicted) at 1 September 2001: the number of untried prisoners (not yet convicted), present at that date, expressed as a percentage of the total number of prisoners at the same date
- Untried prisoners (not yet convicted) per 100 000 inhabitants: the number of untried prisoners (not yet convicted), present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants

Only prisoners included under the heading "untried prisoners" in the questionnaire are taken into account in calculating the last two rates.

- Where the item "*Sentenced prisoners who have appealed or who are within the statutory time-limit for doing so*" is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among "*sentenced prisoners (final sentence)*". In this case, neither rate (a) – *percentage of prisoners not serving a final sentence* – nor rate (b) – *prisoners not serving a final sentence per 100 000 inhabitants* – can be calculated.
- Where the item "*Prisoners convicted but not yet sentenced*" is left blank in the questionnaire for lack

of available data – without any further information being provided – it is assumed that prisoners in this situation are included among “*untried prisoners (not yet convicted)*”. In this case, neither rate (c) – *proportion of untried prisoners (not yet convicted), as a percentage* – nor rate (d) – *untried prisoners (not yet convicted) per 100 000 inhabitants* – can be calculated.

Table 5. Convicted prisoners: breakdown by offence

Offences have been classified under seven headings: homicide, wounding with intent to harm, rape, robbery with violence, other categories of theft, drug-related offences, other cases.

Table 6. Convicted prisoners: breakdown by length of sentence

Table 7. Prisoners sentenced to less than one year: breakdown by length of sentence

1.2 Flow of entries, length of imprisonment, escapes and deaths in 2000

Table 8. Flow of entries

- a. Total number of entries in 2000
- b. Rate of entries (per 100 000 inhabitants): the number of entries for 2000 in relation to the average number of inhabitants during the period under review. In view of the information available, the figure actually used was the number of inhabitants at 1 September 2000, as supplied by the authorities.
- c. Entries before final sentence: number and percentage

The term “entry” refers to all entries into penal institutions, except in the following situations:

- entry following a transfer between penal institutions;
- entry following a prisoner’s removal with a view to an appearance before a judicial authority (investigating judge, trial court, etc);
- entry following prison leave or a period of permitted absence;
- entry of an escaped prisoner recaptured by the police.

The figures do not relate to the number of individuals but to the number of events (entries). The same individual may be committed to prison several times in the same year for the same case. This applies, for instance, to an individual who is placed in pre-trial detention during year n (first entry), released by the investigating judge at the pre-trial investigation stage, tried without being re-detained, convicted and sentenced to a term of imprisonment exceeding the period of pre-trial detention, and re-imprisoned during year n to serve the remainder of the sentence (second entry). A fortiori, the same individual may be committed to prison several times in the same year for different cases.

Only entries of untried prisoners (not yet convicted), prisoners convicted but not yet sentenced, or sentenced prisoners who have appealed or who are within the

statutory time-limit for doing so are recorded under (c). This figure therefore corresponds to part of the entries recorded under (a). These of course include entries for pre-trial detention.

Table 9. Indicator of average length of imprisonment

- a. Total number of days spent in penal institutions in 2000
- b. Average number of prisoners in 2000: (b) = (a)/365
- c. Indicator of average length of imprisonment (D): quotient of the average number of prisoners in 2000 (P) divided by the flow of entries during that period (E): $D = 12 \times P/E$ – length expressed in months

Figure (a) corresponds to the total number of days spent in penal institutions by all persons placed in detention for at least one day during the reference year (2000). This may be time spent in pre-trial detention or time spent serving a prison sentence, or may even correspond to other circumstances (detention for failure to pay a fine, for instance). No distinction is made here.

Data of this type are usually prepared by the departments responsible for prison budgets. They are used by the authorities to calculate an average daily cost of imprisonment.

In our case, this indicator yields the best possible estimate of the average number of inmates in a given year, by dividing the number of days spent in penal institutions by 365 (or 366 for a leap year). The resulting figure is what demographers call the number of “prisoners/year” (b). We use this indicator to work out various other figures (for instance the suicide rate and the ratio of inmates to custodial staff).

Table 10. Escapes

This only corresponds to escapes by convicted prisoners or pre-trial detainees (in the custody of the prison authorities) from closed penal institutions or during administrative transfers (for example, to or from a court, another penal institution, or a hospital). In the event of a group break-out, the number of escapes is equal to the number of inmates involved.

- a. Number of escapes in 2000
- b. Number of prisoners/year in 2000 (see table 9)
- c. Escape rate per 10 000 prisoners: $10\,000 \times (a)/(b)$

Table 11. Other forms of escape (absconding or running off)

Examples are escapes from open institutions (such as work farms) or from semi-detention, and escapes during authorised short-term absence (or leave) from all kinds of institutions (including closed institutions).

- a. Number of escapes in 2000
- b. Number of prisoners/year in 2000 (see table 9)
- c. Escape rate per 10 000 prisoners: $10\,000 \times (a)/(b)$

We have not worked out the rate here, as that would amount to calculating the ratio of escapes (other forms) to the average number of prisoners, without taking account of the proportion of inmates in “open institutions”.

Table 12. Deaths in penal institutions

- a. Number of deaths in penal institutions in 2000
- b. Number of prisoners/year in 2000 (see table 9)
- c. Mortality rate per 10 000 prisoners: $10\ 000 \times (a)/(b)$

Deaths of convicted prisoners and pre-trial detainees while in hospital are included.

Table 13. Suicides in penal institutions

- a. Number of suicides in 2000
- b. Number of prisoners/year in 2000 (see table 9)
- c. Suicide rate per 10 000 prisoners: $10\ 000 \times a/b$

Deaths of convicted prisoners and pre-trial detainees while in hospital are included.

Table 14. Deaths in penal institutions – other than suicides

- a. Number of deaths in penal institutions, other than suicides, in 2000
- b. Number of prisoners/year in 2000 (see table 9)
- c. Non-suicide mortality rate per 10 000 prisoners: $10\ 000 \times a/b$

Deaths of convicted prisoners and pre-trial detainees while in hospital are included.

II. Staff of penal institutions

Data not collected in this enquiry (simplified version).

I.1 Population of penal institutions

Population of Penal Institutions on 1 September 2001

Table 1. Population of penal institutions on 1 September 2001¹

Reference: Council of Europe, SPACE 2001.11

	Total number of prisoners (inc. pre-trial detainees)	Prison population-rate per 100 000 inhabitants	Capacity of penal institutions	Prison density per 100 places
Albania	1 635	48.1	1 383	118
Andorra	48	72.5	80	60
Armenia	4 213	111	6 340	66
Austria	6 915	85.1	8 000	86
Azerbaijan				
Belgium	8 764	85.4	6 896	127
Bulgaria	9 283	114	10 236	91
Croatia	2 623	59.9	3 475	75
Cyprus	369	48.6	240	154
Czech Republic	21 206	207	20 187	105
Denmark	3 150	58.9	3 505	90
Estonia	4 789	350	5 000	96
Finland	3 040	58.7	3 387	90
France	47 005	77.1	48 400	97
Georgia				
Germany	78 707	95.8	76 725	103
Greece	8 343	79.0	5 284	158
Hungary	17 119	171	10 963	156
Iceland	110	38.8	138	80
Ireland	3 025	80.0	3 671	82
Italy	55 136	95.3	42 896	129
Latvia	8 617	364	9 591	90
Lithuania	10 750	291	9 941	108
Luxembourg	357	80.9	492	76
Malta	257	67.2	300	86
Moldova	10 679	250	11 830	90
Netherlands	15 246	95.4	15 700	97
Norway	2 666	59.2	2 903	92
Poland	80 004	207	68 198	117
Portugal	13 500	132	11 371	119
Romania	50 370	225	35 246	143
Russia	971 496	671	946 900	103
Slovakia	7 509	139	8 929	84
Slovenia	1 155	58.0	1 072	108
Spain	46 962	117	...	...
Sweden	6 089	68.5	5 808	105
Switzerland	5 160	71.6	6 815	76
"The F.Y.R.O. Macedonia"	1 413	69.9	2 463	57
Turkey	61 336	93.2	74 069	83
Ukraine	198 885	406	216 669	92
<i>United Kingdom</i>				
England and Wales	67 056	126	71 385	94
Northern Ireland	877	51.6	1 450	60
Scotland	...	...	...	...

(1) See notes below.

Table 1.2 Situation of penal institutions on 1 September 2001 by increasing detention rates¹

Reference: Council of Europe, SPACE 2001.12

	Total number of prisoners (inc. pre-trial detainees)	Prison population-rate per 100 000 inhabitants	Capacity of penal institutions	Prison density per 100 places
Iceland	110	38.8	138	80
Albania	1 635	48.1	1 383	118
Cyprus	369	48.6	240	154
Northern Ireland	877	51.6	1 450	60
Slovenia	1 155	58.0	1 072	108
Norway	2 666	59.2	2 903	92
Finland	3 040	58.7	3 387	90
Denmark	3 150	58.9	3 505	90
Croatia	2 623	59.9	3 475	75
Malta	257	67.2	300	86
Sweden	6 089	68.5	5 808	105
"The F.Y.R.O. Macedonia"	1 413	69.9	2 463	57
Switzerland	5 160	71.6	6 815	76
Andorra	48	72.5	80	60
France	47 005	77.1	48 400	97
Greece	8 343	79.0	5 284	158
Ireland	3 025	80.0	3 671	82
Luxembourg	357	80.9	492	76
Austria	6 915	85.1	8 000	86
Belgium	8 764	85.4	6 896	127
Turkey	61 336	93.2	74 069	83
Italy	55 136	95.3	42 896	129
Netherlands	15 246	95.4	15 700	97
Germany	78 707	95.8	76 725	103
Armenia	4 213	111	6 340	66
Bulgaria	9 283	114	10 236	91
Spain	46 962	117	...	...
England and Wales	67 056	126	71 385	94
Portugal	13 500	132	11 371	119
Slovakia	7 509	139	8 929	84
Hungary	17 119	171	10 963	156
Czech Republic	21 206	207	20 187	105
Poland	80 004	207	68 198	117
Romania	50 370	225	35 246	143
Moldova	10 679	250	11 830	90
Lithuania	10 750	291	9 941	108
Estonia	4 789	350	5 000	96
Latvia	8 617	364	9 591	90
Ukraine	198 885	406	216 669	92
Russia	971 496	671	946 900	103

Table 2. Population of penal institutions on 1 September 2001 : age structure

Data not collected in this enquiry.

Table 3. Population of penal institutions on 1 September 2001 : female prisoners and foreign prisoners

Data not collected in this enquiry.

Table 4.1 Population of penal institutions on 1 September 2001: legal status (numbers)¹

- (a) Untried prisoners (ie no court decision yet reached)
 (b) Convicted prisoners, but not yet sentenced
 (c) Sentenced prisoners who have appealed or who are within the statutory limit to do so
 (d) Sentenced prisoners (final sentence)
 (e) Other cases

Reference: Council of Europe, SPACE 2001.41

	(a)	(b)	(c)	(d)	(e)
Albania		336		1 299	0
Andorra	34	0	0	14	0
Armenia		633	129	3 451	***
Austria	1 723	***	...	4 609	583
Azerbaijan					
Belgium	2 008	***	501	5 133	1 122
Bulgaria	394	1 169	...	7 720	***
Croatia	819	...	...	1 614	190
Cyprus	50	0	0	319	0
Czech Republic	2 803	2 787	...	15 452	164
Denmark	641		174	2 291	44
Estonia	1 426	***	...	3 357	6
Finland	477	...	...	2 352	211
France	13 383	***	1 544	32 024	54
Georgia					
Germany	17 805	***	...	57 137	3 852
Greece	2 282	***	...	6 061	0
Hungary	3 359	1 043	***	12 425	292
Iceland	10	***	...	100	0
Ireland	457	...	...	2 568	...
Italy	13 549	***	11 770	29 817	***
Latvia	615	1 854	572	4 957	619
Lithuania	1 766	170	328	8 486	0
Luxembourg	140	***	11	196	10
Malta	79	0	0	178	0
Moldova	494	1 590	987	7 399	0
Netherlands	5 134	...	...	5 278	1 852
Norway	634	***	...	1 980	52
Poland	428	24 813	...	54 763	0
Portugal	4 060	...	...	9 251	189
Romania	5 668	***	6 144	37 743	815
Russia	54 241	767 875	25 874	14 296	109 210
Slovakia	1 943	...	...	5 566	...
Slovenia	96	168	121	733	37
Spain	10 201	***	...	36 761	***
Sweden		1 299		4 763	27
Switzerland	2 341	***	...	2 819	...
"The F.Y.R.O. Macedonia"	48	136	59	1 170	***
Turkey	29 338	***	551	31 447	***
Ukraine	11 569	17 171	6 594	163 551	...
<i>United Kingdom</i>					
England and Wales	7 073	4 371		54 568	1 044
Northern Ireland	272	...	...	580	25
Scotland	...	...	...	...	...

(1) See notes below

***: not applicable

Table 4.2.1 Population of penal institutions on 1 September 2001: legal status (rates)¹

- (a) Percentage of prisoners without final sentence
 (b) Rate of prisoners without final sentence per 100 000 inhabitants
 (c) Percentage of untried prisoners (i.e. no court decision yet reached)
 (d) Rate of untried prisoners (i.e. no court decision yet reached) per 100 000 inhabitants

Reference: Council of Europe, SPACE 2000.421

	(a)	(b)	(c)	(d)
Albania	...	...	...	...
Andorra	70.8	51.4	70.8	51.4
Armenia	18.1	20.0	...	...
Austria	...	...	24.9	21.2
Azerbaijan	...	...	...	...
Belgium	41.4	35.4	22.9	19.6
Bulgaria	...	...	4.2	4.8
Croatia	...	...	...	...
Cyprus	13.6	6.6	13.6	6.6
Czech Republic	...	...	13.2	27.3
Denmark	27.3	16.1	20.3	12.0
Estonia	...	...	29.8	104.3
Finland	...	...	...	...
France	31.9	24.6	28.5	21.9
Georgia	...	...	...	...
Germany	27.4	26.2	...	...
Greece	...	...	27.4	21.6
Hungary	27.4	46.9	19.6	33.6
Iceland	...	...	9.1	3.5
Ireland	...	...	...	...
Italy	45.9	43.8	24.6	23.4
Latvia	42.5	155	7.1	26.0
Lithuania	21.1	61.3	16.4	47.8
Luxembourg	45.1	36.5	39.2	31.7
Malta	30.7	20.7	30.7	20.7
Moldova	30.7	76.8	4.6	11.6
Netherlands	...	...	...	...
Norway	...	...	23.8	14.1
Poland	...	...	0.5	1.1
Portugal	...	...	...	...
Romania	25.1	56.3	11.3	25.3
Russia	98.5	661	5.6	37.5
Slovakia	...	...	...	...
Slovenia	36.5	21.2	8.3	4.8
Spain	...	...	21.7	25.4
Sweden	21.8	14.9	...	...
Switzerland	...	...	...	...
"The F.Y.R.O. Macedonia"	17.2	12.0	3.4	2.4
Turkey	48.7	45.4	47.8	44.6
Ukraine	17.8	72.1	5.8	23.6
<i>United Kingdom</i>				
England and Wales	...	...	10.5	13.3
Northern Ireland	...	...	...	...
Scotland	...	...	...	...

(1) See notes below

Table 4.2.2 Population of penal institutions on 1 September 2001: legal status (rates): legal status (rates): by increasing rates of detainees without a final sentence per 100 000 inhabitants.

- (a) Percentage of prisoners without final sentence
 (b) Rate of prisoners without final sentence per 100 000 inhabitants
 (c) Percentage of untried prisoners (i.e. no court decision yet reached)
 (d) Rate of untried prisoners (i.e. no court decision yet reached) per 100 000 inhabitants

Reference: Council of Europe, SPACE 2000.422

	(a)	(b)	(c)	(d)
Andorra	70.8	51.4	70.8	51.4
Armenia	18.1	20.0	...	...
Belgium	41.4	35.4	22.9	19.6
Cyprus	13.6	6.6	13.6	6.6
Danmark	27.3	16.1	20.3	12.0
France	31.9	24.6	28.5	21.9
Germany	27.4	26.2	...	...
Hungary	27.4	46.9	19.6	33.6
Italy	45.9	43.8	24.6	23.4
Latvia	42.5	155	7.1	26.0
Lithuania	21.1	61.3	16.4	47.8
Luxembourg	45.1	36.5	39.2	31.7
Malta	30.7	20.7	30.7	20.7
Moldova	30.7	76.8	4.6	11.6
Roumania	25.1	56.3	11.3	25.3
Russia	98.5	661	5.6	37.5
Slovenia	36.5	21.2	8.3	4.8
Sweden	21.8	14.9	...	...
"The F.Y.R.O. Macedonia"	17.2	12.0	3.4	2.4
Turkey	48.7	45.4	47.8	44.6
Ukraine	17.8	72.1	5.8	23.6

Table 4.2.3 Population of penal institutions on 1 September 2001 : legal status (rates): legal status (rates): by increasing rates of detainees without a final sentence per 100 000 inhabitants.

- (a) Percentage of prisoners without final sentence
 (b) Rate of prisoners without final sentence per 100 000 inhabitants
 (c) Percentage of untried prisoners (i.e. no court decision yet reached)
 (d) Rate of untried prisoners (i.e. no court decision yet reached) per 100 000 inhabitants

Reference : Council of Europe, SPACE 2000.423

	(a)	(b)	(c)	(d)
Andorra	70.8	51.4	70.8	51.4
Austria	...	...	24.9	21.2
Belgium	41.4	35.4	22.9	19.6
Bulgaria	...	...	4.2	4.8
Cyprus	13.6	6.6	13.6	6.6
Czech Republic	...	...	13.2	27.3
Denmark	27.3	16.1	20.3	12.0
England and Wales	...	...	10.5	13.3
Estonia	...	...	29.8	104
France	31.9	24.6	28.5	21.9
Greece	...	...	27.4	21.6
Hungary	27.4	46.9	19.6	33.6
Iceland	...	...	9.1	3.5
Italy	45.9	43.8	24.6	23.4
Latvia	42.5	155	7.1	26.0
Lithuania	21.1	61.3	16.4	47.8
Luxembourg	45.1	36.5	39.2	31.7
Malta	30.7	20.7	30.7	20.7
Moldova	30.7	76.8	4.6	11.6
Norway	...	...	23.8	14.1
Poland	...	...	0.5	1.1
Romania	25.1	56.3	11.3	25.3
Russia	98.5	661	5.6	37.5
Slovenia	36.5	21.2	8.3	4.8
Spain	...	...	21.7	25.4
"The F.Y.R.O. Macedonia"	17.2	12.0	3.4	2.4
Turkey	48.7	45.4	47.8	44.6
Ukraine	17.8	72.1	5.8	23.6

Table 5.1. Breakdown of sentenced prisoners (final sentence) by the main offence on 1 September 2001 (numbers)¹

Reference: Council of Europe, SPACE 2001.51

	Homicide including attempts	Assault	Rape	Robbery	Other types of theft	Drug offences	Other cases
Albania	658	29	28	290	95	71	128
Andorra	4	0	2	1	3	3	1
Armenia	...	...	...	...	...	...	...
Austria	...	...	...	...	...	...	...
Azerbaijan							
Belgium	703	823	503	1 560	168	372	1 004
Bulgaria	1 134	67	362	936	3 125	47	2 049
Croatia	547	36	101	114	241	187	388
Cyprus	...	...	...	...	...	...	...
Czech Republic	...	...	...	...	...	...	...
Denmark	172	409	39	351	436	424	460
Estonia	642	...	143	424	...	...	2 797
Finland	485	352	63	207	620	449	438
France	3 118	4 005	7 415	3 919	3 753	3 751	6 063
Georgia							
Germany	...	...	...	...	...	...	...
Greece	...	...	130	...	...	2 080	3 851
Hungary	1 515	868	612	2 538	3 979	191	2 722
Iceland	10	7	1	5	19	33	25
Ireland	...	...	...	...	...	...	...
Italy	4 907	125	624	4 398	1 350	11 038	7 375
Latvia	688	494	179	949	1 964	89	594
Lithuania	1 468	271	489	1 837	2 711	265	1 445
Luxembourg	30	11	26	26	21	56	26
Malta	28	3	5	4	35	88	15
Moldova	1 406	681	459	1 402	2 484	193	774
Netherlands	748	469	231	360	1 684	1 159	627
Norway	...	...	...	...	...	...	...
Poland	3 779	9 993	1 548	14 891	5 983	...	11 812
Portugal	1 055	204	295	1 267	1 924	3 969	537
Romania	6 389	893	1 683	5 733	18 525	165	4 355
Russia	...	...	...	...	...	...	...
Slovakia	...	...	...	...	...	...	...
Slovenia	113	41	60	85	123	64	247
Spain	1 742	871	1 687	16 969	2 143	11 260	2 089
Sweden	293	558	117	460	650	1 041	1 644
Switzerland	...	...	...	...	...	...	...
"The F.Y.R.O. Macedonia"	165	18	29	117	430	158	253
Turkey	6 060	707	2 124	107	4 046	2 708	15 695
Ukraine	20 299	17 835	5 077	12 709	70 679	7 455	29 512
<i>United Kingdom</i>							
England and Wales	5 159	5 561	2 752	6 734	13 358	9 332	11 672
Northern Ireland	128	62	44	54	69	59	164
Scotland	...	...	...	...	...	...	...

(1) See notes below

Table 5.2 Breakdown of sentenced prisoners (final sentence) by the main offence on 1 September 2001 (%)

Reference: Council of Europe, SPACE 2001.52

	Homicide including attempts	Assault	Rape	Robbery	Other types of theft	Drug offences	Other cases
Albania	50.7	2.2	2.2	22.3	7.3	5.5	9.9
Andorra	...	...	...	...	...	...	...
Armenia	...	...	...	...	...	...	...
Austria	...	...	...	...	...	...	...
Azerbaijan	...	...	...	...	...	...	...
Belgium	13.7	16.0	9.8	30.4	3.3	7.2	19.6
Bulgaria	14.7	0.9	4.7	12.1	40.5	0.6	...
Croatia	33.9	2.2	6.3	7.1	14.9	11.6	24.0
Cyprus	...	...	...	...	...	...	...
Czech Republic	...	...	...	...	...	...	...
Denmark	7.5	17.9	1.7	15.3	19.0	18.5	20.0
Estonia	16.0	...	3.6	10.6	...	...	69.8
Finland	18.5	13.5	2.4	7.9	23.7	17.2	16.8
France	9.7	12.5	23.2	12.2	11.7	11.7	18.9
Georgia	...	...	...	...	...	...	...
Germany	...	...	...	...	...	...	...
Greece	...	...	2.1	...	...	34.3	63.5
Hungary	12.2	7.0	4.9	20.4	32.0	1.5	12.4
Iceland	10.0	7.0	1.0	5.0	19.0	33.0	25.0
Ireland	...	...	...	...	...	...	...
Italy	16.5	0.4	2.1	14.7	4.5	37.0	24.7
Latvia	13.9	10.0	3.6	19.1	39.6	1.8	12.0
Lithuania	17.3	3.2	5.8	21.6	31.9	3.1	17.0
Luxembourg	15.3	5.6	13.3	13.3	10.7	28.6	13.3
Malta	15.7	1.7	2.8	2.2	19.7	49.4	8.4
Moldova	19.0	9.2	6.2	18.9	33.6	2.6	10.5
Netherlands	14.2	8.9	4.4	6.8	31.9	22.0	11.9
Norway	...	...	...	...	...	...	...
Poland	7.9	20.8	3.2	31.0	12.5	...	24.6
Portugal	11.4	2.2	3.2	13.7	20.8	42.9	5.8
Romania	16.9	2.4	4.5	15.2	49.1	0.4	11.5
Russia	...	...	...	...	...	...	...
Slovakia	...	...	...	...	...	...	...
Slovenia	15.4	5.6	8.2	11.6	16.8	8.7	33.7
Spain	4.7	2.4	4.6	46.2	5.8	30.6	5.7
Sweden	6.2	11.7	2.5	9.7	13.6	21.9	34.5
Switzerland	...	...	...	...	...	...	...
"The F.Y.R.O. Macedonia"	14.1	1.5	2.5	10.0	36.7	13.5	21.6
Turkey	19.3	2.2	6.7	0.3	12.9	8.6	49.9
Ukraine	12.4	10.9	3.1	7.8	43.2	4.6	18.0
<i>United Kingdom</i>							
England and Wales	9.4	10.2	5.0	12.3	24.5	17.1	21.4
Northern Ireland	22.1	10.7	7.6	9.3	11.9	10.2	28.3
Scotland	...	...	...	...	...	...	...

Table 6.1 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2001 (numbers)¹

Reference: Council of Europe, SPACE 2001.61

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years and and over	Life imprison- ment	Death sentenced prisoners
Albania	75	80	182	292	616	54	0
Andorra	1	5	2	3	3	0	***
Armenia	...	...	...	...	...	...	...
Austria	1 120	1 566	738	638	388	159	***
Azerbaijan							
Belgium	344	827	1 377	1 534	482	271	1*
Bulgaria	1 705	2 329	1 400	1 325	880	81	***
Croatia	252	451	261	367	283	***	***
Cyprus	...	...	...	...	...	...	***
Czech Republic	5 038	5 331	2 036	2 115	1 031	20	***
Denmark	...	...	...	...	...	...	***
Estonia	172	896	510	1 245	413	26	***
Finland	763	846	405	365	172	60	***
France	9 672	6 298	3 244	4 990	7 281	539	***
Georgia							
Germany	...	...	...	...	...	...	***
Greece	712	1 004	1 627	2 175	537	6*	
Hungary	2 207	4 401	2 124	2 538	969	196	***
Iceland	27	34	17	13	9	***	***
Ireland	442	617	518	686	184	121	***
Italy	2 840	6 355	6 498	7 167	6 149	808	***
Latvia	165	1 388	1 227	1 745	419	13	***
Lithuania	539	2 739	1 853	2 398	888	69	***
Luxembourg	27	55	25	73	16	***	
Malta	16	43	30	48	37	4	***
Moldova	65	572	1 625	3 376	1 718	43	***
Netherlands	2 084	1 485	765	757	187	10	***
Norway	...	...	...	...	...	***	***
Poland	10 507	21 878	7 402	5 082	3 092	45	***
Portugal	194	1 286	7 615	***	***		
Romania	2 527	21 731	8 060	5 337	88	***	
Russia	...	...	...	...	...	...	...
Slovakia	...	...	...	...	...	...	***
Slovenia	165	234	142	137	55	***	***
Spain	...	...	...	...	...	***	***
Sweden	1 412	1 590	731	641	283	106	***
Switzerland	...	...	...	...	...	...	***
"The F.Y.R.O. Macedoina	194	440	173	250	109	4	***
Turkey	4 726	4 893	3 013	4 151	12 315	2 349	...
Ukraine	...	...	...	...	...	659	***
<i>United Kingdom</i>							
England and Wales	8 875	16 251	12 341	9 635	2 545	4 921	***
Northern Ireland	57	133	105	132	64	89	***
Scotland	...	...	...	...	...	...	***

(1) See notes below

***: not applicable

* This figure refers to persons given the death penalty before its abolition in the countries concerned. Other countries which have recently abolished the death penalty break this category down according to the sentence the prisoners concerned are actually serving.

Table 6.2 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2001 (%)

Reference: Council of Europe, SPACE 2001.62

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years and and over	Life imprison- ment	Death sentenced prisoners
Albania	5.8	6.2	14.0	22.5	47.4	4.2	0.0
Andorra	...	...	...	...	...	...	***
Armenia	...	...	...	...	...	...	...
Austria	24.3	34.0	16.0	13.8	8.4	3.4	***
Azerbaijan							
Belgium	6.7	16.1	26.8	29.9	9.4	5.3	0.0
Bulgaria	22.1	30.2	18.1	17.2	11.4	1.0	***
Croatia	15.6	27.9	16.2	22.7	17.5	***	***
Cyprus	...	...	...	...	...	...	***
Czech Republic	32.4	34.2	13.1	13.6	6.6	0.1	***
Denmark	...	...	...	...	...	...	***
Estonia	5.3	27.5	15.6	38.2	12.7	0.8	***
Finland	29.2	32.4	15.5	14.0	6.6	2.3	***
France	30.2	20.0	10.1	15.6	22.7	1.7	***
Georgia							
Germany	...	...	...	...	...	...	***
Greece	11.7	16.6		26.8	35.9	8.9	0.0
Hungary	17.7	35.3	17.0	20.4	7.8	1.6	***
Iceland	27.0	34.0	17.0	13.0	9.0	***	***
Ireland	17.2	24.0	20.2	26.7	7.2	4.7	***
Italy	9.5	21.3	21.8	24.0	20.6	2.7	***
Latvia	3.3	28.0	24.8	35.2	8.5	0.3	***
Lithuania	6.4	32.3	21.8	28.3	10.5	0.8	***
Luxembourg	13.8	28.1	12.8	37.2		8.2	***
Malta	9.0	24.1	16.9	27.0	20.8	2.2	***
Moldova	0.9	7.7	22.0	45.6	23.2	0.6	***
Netherlands	39.4	28.1	14.5	14.3	3.5	0.2	***
Norway	...	...	...	...	...	***	***
Poland	21.9	45.6	15.4	10.6	6.4	0.0	***
Portugal	2.1	13.9	82.3	***	***		
Romania	6.7	57.6		21.4	14.1	0.2	***
Russia	...	...	...	...	...	...	...
Slovakia	...	...	...	...	...	...	***
Slovenia	22.5	31.9	19.4	18.7	7.5	***	***
Spain	...	...	...	...	...	***	***
Sweden	29.6	33.3	15.3	13.5	5.9	2.2	***
Switzerland	...	...	...	...	...	...	***
"The F.Y.R.O. Macedonia"	16.6	37.6	14.8	21.4	9.3	0.3	***
Turkey	15.0	15.6	9.6	13.2	39.2	7.5	...
Ukraine	...	...	...	...	...	...	***
<i>United Kingdom</i>							
England and Wales	16.3	29.8	22.6	17.7	4.7	9.0	***
Northern Ireland	9.8	22.9	18.1	22.8	11.0	15.3	***
Scotland	...	...	...	...	...	...	***

***: not applicable

Table 6.3 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2001- (cumulative %)

Reference: Council of Europe, SPACE 2001.63

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years and over	Life imprisonment	Death sentenced prisoners
Albania	95.8	90.1	83.9	69.9	47.4	4.2	0.0
Andorra	...	...	...	...	...	...	***
Armenia	...	...	...	...	...	...	...
Austria	96.6	72.2	38.2	22.2	8.4	3.4	***
Azerbaijan							
Belgium	88.9	82.2	66.1	39.3	9.4	5.3	0.0
Bulgaria	99.0	76.9	46.7	28.6	11.4	1.0	***
Croatia	100	84.3	56.4	40.2	17.5	***	***
Cyprus	...	...	...	...	...	...	***
Czech Republic	99.9	67.5	33.3	20.2	6.6	0.1	***
Denmark	...	...	...	...	...	...	***
Estonia	99.2	94.0	66.5	50.9	12.7	0.8	***
Finland	97.7	68.5	36.1	20.6	6.6	2.3	***
France	98.6	68.4	48.4	38.3	22.7	1.7	***
Georgia							
Germany	...	...	...	...	...	...	***
Greece	91.1	79.3	...	62.7	35.9	8.9	0.0
Hungary	98.4	80.5	45.2	28.2	7.8	1.6	***
Iceland	100	73.0	39.0	22.0	9.0	***	***
Ireland	95.3	78.1	54.1	33.9	7.2	4.7	***
Italy	97.3	87.7	66.4	44.6	20.6	2.7	***
Latvia	99.7	96.5	68.5	43.7	8.5	0.3	***
Lithuania	99.2	92.9	60.6	38.8	10.5	0.8	***
Luxembourg	91.8	78.1	50.0	37.2	...	8.2	***
Malta	97.8	88.8	64.7	47.8	20.8	2.2	***
Moldova	99.4	98.5	90.8	68.8	23.2	0.6	***
Netherlands	99.8	60.4	32.3	17.8	3.5	0.2	***
Norway	...	...	...	...	...	***	***
Poland	100	78.0	32.4	17.0	6.4	0.0	***
Portugal	98.3	96.2	82.3	...	...	***	***
Romania	99.8	93.1	...	35.5	14.1	0.2	***
Russia	...	...	...	...	...	...	...
Slovakia	...	...	...	...	...	...	***
Slovenia	100	77.5	45.6	26.2	7.5	***	***
Spain	...	...	...	...	...	***	***
Sweden	97.8	68.0	34.7	19.4	5.9	2.2	***
Switzerland	...	...	...	...	...	...	***
"The F.Y.R.O. Macedonia"	99.7	83.1	45.5	30.7	9.3	0.3	***
Turkey	92.5	77.6	62.0	52.4	39.2	7.5	...
Ukraine	...	...	...	...	...	...	***
<i>United Kingdom</i>							
England and Wales	91.0	74.8	45.0	22.4	4.7	9.0	***
Northern Ireland	84.7	74.8	51.9	33.8	11.0	15.3	***
Scotland	...	...	...	...	...	...	***

***: not applicable

Table 7.1 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2001: less than one year (numbers)

Reference: Council of Europe, SPACE 2001.71

	Less than 1 month	1 month to less than 3 months	3 months to less than 6 months	6 months to less than 1 year	Total less than 1 year
Albania	7	13	23	32	75
Andorra	1	0	0	0	1
Armenia	...	...	...	...	...
Austria	17	154	319	630	1 120
Azerbaijan					
Belgium	8	19	93	224	344
Bulgaria	...	...	...	...	1 705
Croatia	20	18	82	132	252
Cyprus	...	...	...	...	...
Czech Republic	***	209	1 005	3 824	5 038
Denmark	...	...	...	...	...
Estonia	***	***	***	172	172
Finland	8	144	257	354	763
France	4 821	4 851	9 672		
Georgia					
Germany	726	4 681	7 903	12 442	25 752
Greece	413	299	712		
Hungary	10	103	365	1 729	2 207
Iceland	2	9	8	8	27
Ireland	19	62	88	273	442
Italy	130	177	615	1 918	2 840
Latvia	...	...	16	149	165
Lithuania	0	0	172	367	539
Luxembourg	6	1	10	10	27
Malta	0	0	5	11	16
Moldova	...	...	...	65	65
Netherlands	293	547	535	709	2 084
Norway	...	...	...	...	...
Poland	368	182	2 110	7 847	10 507
Portugal	65	129	194		
Romania	...	...	...	...	2 527
Russia	...	...	...	...	...
Slovakia	219	912	1 131		
Slovenia	0	11	69	85	165
Spain	...	...	...	...	...
Sweden	9	237	403	763	1 412
Switzerland	...	...	...	...	...
"The F.Y.R.O. Macedonia"	8	10	60	116	194
Turkey	1 455	845	913	1 513	4 726
Ukraine	...	...	...	...	...
<i>United Kingdom</i>					
England and Wales	1 952	4 340	2 583	8 875	
Northern Ireland	0	3	9	45	57
Scotland	...	...	...	...	...

***: not applicable

Table 7.2 Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2001: less than one year (%)

Reference: Council of Europe, SPACE 2001.72

	Less than 1 month	1 month to less than 3 months	3 months to less than 6 months	6 months to less than 1 year	Total less than 1 year
Albania	9.3	17.3	30.7	42.7	100.0
Andorra	...	...	...	...	...
Armenia	...	...	...	...	...
Austria	1.5	13.7	28.5	56.2	100.0
Azerbaijan					
Belgium	2.3	5.5	27.0	65.1	100.0
Bulgaria	...	...	...	...	100.0
Croatia	7.9	7.1	32.5	52.4	100.0
Cyprus	...	...	...	...	...
Czech Republic	***	4.1	19.9	75.9	100.0
Denmark	...	...	...	...	...
Estonia	***	***	***	100.0	100.0
Finland	1.0	18.9	33.7	46.4	100.0
France	49.8	50.2	100.0		
Georgia					
Germany	2.8	18.2	30.7	48.3	100.0
Greece	58.0	42.0	100.0		
Hungary	0.4	4.7	16.5	78.3	100.0
Iceland	...	...	...	...	...
Ireland	4.3	14.0	19.9	61.8	100.0
Italy	4.6	6.2	21.7	67.5	100.0
Latvia	...	...	9.7	90.3	100.0
Lithuania	0.0	0.0	31.9	68.1	100.0
Luxembourg	...	...	...	...	...
Malta	...	...	...	...	...
Moldova	...	...	...	100.0	100.0
Netherlands	14.1	26.2	25.7	34.0	100.0
Norway	...	...	...	...	...
Poland	3.5	1.7	20.1	74.7	100.0
Portugal	33.5	66.5	100.0		
Romania	...	...	...	...	100.0
Russia	...	...	...	...	...
Slovakia	19.4	80.6	100.0		
Slovenia	0.0	6.7	41.8	51.5	100.0
Spain	...	...	...	...	...
Sweden	0.6	16.8	28.5	54.0	100.0
Switzerland	...	...	...	...	...
"The F.Y.R.O. Macedonia"	4.1	5.2	30.9	59.8	100.0
Turkey	30.8	17.9	19.3	32.0	100.0
Ukraine	...	...	...	...	...
<i>United Kingdom</i>					
England and Wales	22.0	48.9	29.1	100.0	
Northern Ireland	0.0	5.3	15.8	78.9	100.0
Scotland	...	...	...	...	...

***: not applicable

I.2 Populations of penal institutions

Flow of entries to penal institutions, indicator of average length of imprisonment, escapes and deaths in 2000

Table 8. Flow of entries to penal institutions (2000)

Reference: Council of Europe SPACE 2001.8

	Entries to penal institutions	Rate of entries to penal institutions per 100 000 inhabitants	Entries before final sentence	
			Number	%
Albania	...	...	...	...
Andorra	168	254	166	98,8
Armenia	6 982	184	3 097	44,4
Austria	16 253	197	8 310	51,1
Azerbaijan				
Belgium	14 416	141	9 603	66,6
Bulgaria	4 684	57.2	2 301	49.1
Croatia	2 226	48.8	...	...
Cyprus	1 653	218	503	30.4
Czech Republic	19 223	187	12 727	66.2
Denmark	...	...	...	...
Estonia	...	...	...	...
Finland	6 561	127	1 668	25.4
France	68 765	113	50 963	74.1
Georgia				
Germany	...	...	...	...
Greece	...	...	...	...
Hungary	17 006	170	6 352	37.4
Iceland	251	88.8	77	30.7
Ireland	11 626	308	...	...
Italy	81 397	141	73 607	90.4
Latvia	...	...	...	...
Lithuania	44 366	1 200	31 816	71.7
Luxembourg	1 360	312	506	37.2
Malta	308	80 .5	236	76.6
Moldova	7 381	173	5 548	75.2
Netherlands	31 683	206	17 664	55.8
Norway	10 943	244	3 627	33.1
Poland	89 835	232	48 429	53.9
Portugal	5 884	57.4	5 055	85.9
Romania	35 622	158	...	...
Russia	...	...	...	...
Slovakia	16 762	698	4 441	26.5
Slovenia	5 729	289	1 034	18.0
Spain	41 569	105	27 154	65.3
Sweden	...	...	...	...
Switzerland	35 595	497	25 700	72.2
"The F.Y.R.O. Macedonia"	5 642	279	1 228	21.8
Turkey	150 408	230	...	...
Ukraine	...	...	...	...
<i>United Kingdom</i>				
England and Wales	178 160	336	81 336	45.7
Northern Ireland	5 186	305	2 197	42.4
Scotland	...	...	...	...

Table 9. Indicator of average length of imprisonment (2000)¹

Reference: Council of Europe SPACE 2001.9

	Total number of days spent in penal institutions	Average number of prisoners in year	Indicator of average length of imprisonment (in months)
Albania	...	1 467	...
Andorra	13 475	37	2.6
Armenia	...	4 213	7.2
Austria	2 586 550	7 090	5.2
Azerbaijan			
Belgium	3 150 342	8 630	7.2
Bulgaria	...	9 424	24
Croatia	915 420	2 510	13
Cyprus	113 880	310	2.3
Czech Republic	8 330 526	22 800	14
Denmark	1 234 284	3 380	...
Estonia	...	4 720	...
Finland	1 042 075	2 855	5.2
France	18 494 655	50 670	8.8
Georgia			
Germany	...	78 707	...
Greece	...	8 038	...
Hungary	...	15 821	11.2
Iceland	33 785	93	4.4
Ireland	1 058 472	2 900	3.0
Italy	...	53 481	7.9
Latvia	...	8 555	...
Lithuania	3 851 418	10 550	2.9
Luxembourg	145 151	398	3.5
Malta	...	257	10
Moldova	...	9 754	16
Netherlands	4 286 232	11 740	4.4
Norway	895 031	2 450	2.7
Poland	...	65 336	8.7
Portugal	...	13 500	27
Romania	...	49 682	17
Russia	...	971 496	...
Slovakia	...	7 128	5.1
Slovenia	412 815	1 131	3.3
Spain	16 537 785	45 310	13.1
Sweden	1 943 419	5 320	...
Switzerland	...	6 390	2.2
"The F.Y.R.O. Macedonia"	523 868	1 435	3.1
Turkey	25 583 769	70 090	5.6
Ukraine	...	198 885	...
<i>United Kingdom</i>			
England and Wales	21 280 845	58 300	3.9
Northern Ireland	...	980	2.3
Scotland	...	...	...

(1) See notes below

***: not applicable

Table 10. Number of escapes (by convicted prisoners or pre-trial detainees under the supervision of the prison administration) from a closed penal institution or during administrative transfer (2000)¹

Reference: Council of Europe, SPACE 2001.10

	Number of escapes in the year	Average number of prisoners in the year	Escapes per 10 000 prisoners
Albania	0	1 467	0.0
Andorra	0	37	n.s.
Armenia	4	4 213	9.5
Austria	8	7 090	11
Azerbaijan			
Belgium	142	8 630	160
Bulgaria	24	9 424	25
Croatia	7	2 510	28
Cyprus	0	310	n.s.
Czech Republic	4	22 800	1.7
Denmark	75	3 380	220
Estonia	1	4 720	2.1
Finland	53	2 855	190
France	41	50 670	8.1
Georgia			
Germany	62	78 707	7.9
Greece	25	8 038	31
Hungary	13	15 821	5.6
Iceland	1	93	n.s.
Ireland	8	2 900	28
Italy	12	53 481	2.2
Latvia	0	8 555	0.0
Lithuania	0	10 550	0.0
Luxembourg	0	398	n.s.
Malta	2	257	n.s.
Moldova	52	9 754	53
Netherlands	14	11 740	12
Norway	3	2 450	12
Poland	24	65 336	3.7
Portugal	27	13 500	20
Romania	4	49 682	0.8
Russia	...	971 496	...
Slovakia	...	7 128	...
Slovenia	26	1 036	250
Spain	8	45 310	1.8
Sweden	46	5 320	86
Switzerland	...	6 390	...
"The F.Y.R.O. Macedonia"	6	1 435	42
Turkey	1	70 090	0.1
Ukraine	5	198 885	0.2
<i>United Kingdom</i>			
England and Wales	82	58 300	14
Northern Ireland	4	980	41
Scotland	...	...	...

(1) See notes below

n.s. = not significant

Table 11. Other forms of escape in 2000 (absconding or running off)¹

Reference: Council of Europe, SPACE 2001.11

	Number of escapes in the year	Average number of prisoners in the year (for indication)
Albania	0	1 467
Andorra	0	37
Armenia	...	4 213
Austria	41	7 090
Azerbaijan		
Belgium	7	8 630
Bulgaria	121	9 424
Croatia	59	2 510
Cyprus	0	310
Czech Republic	45	22 800
Denmark	851	3 380
Estonia	0	4 720
Finland	250	2 850
France	169	50 670
Georgia		
Germany	955	78 707
Greece	65	8 038
Hungary	40	15 821
Iceland	1	93
Ireland	...	2 900
Italy	243	53 481
Latvia	193	8 555
Lithuania	7	10 550
Luxembourg	16	398
Malta	0	257
Moldova	222	9 754
Netherlands	848	11 740
Norway	226	2 450
Poland	50	65 336
Portugal	56	13 500
Romania	16	49 682
Russia	...	971 496
Slovakia	10	7 128
Slovenia	88	1 036
Spain	36	45 310
Sweden	437	5 320
Switzerland	...	6 390
"The F.Y.R.O. Macedonia"	111	1 435
Turkey	122	70 090
Ukraine	40	198 885
<i>United Kingdom</i>		
England and Wales	812	58 300
Northern Ireland	71	980
Scotland	...	...

(1) See notes below

Table 12. Deaths in penal institutions (2000)¹

Reference: Council of Europe, SPACE 2001.12

	Number of deaths in penal institutions in the year	Average number of prisoners in the year	Deaths per 10 000 prisoners
Albania	1	1 467	6.8
Andorra	0	37	n.s.
Armenia	40	4 213	95
Austria	37	7 090	52
Azerbaijan			
Belgium	36	8 630	42
Bulgaria	29	9 424	31
Croatia	7	2 510	28
Cyprus	0	310	n.s.
Czech Republic	33	22 800	14
Denmark	9	3 380	27
Estonia	7	4 720	15
Finland	5	2 855	17
France	233	50 670	46
Georgia			
Germany	155	78 707	20
Greece	25	8 038	31
Hungary	54	15 821	34
Iceland	0	93	n.s.
Ireland	9	2 900	31
Italy	160	53 481	30
Latvia	37	8 555	43
Lithuania	33	10 550	31
Luxembourg	5	398	n.s.
Malta	0	257	n.s.
Moldova	91	9 754	93
Netherlands	16	11 740	14
Norway	0	2 450	0.0
Poland	107	65 336	16
Portugal	81	13 500	60
Romania	122	49 682	25
Russia	...	971 496	...
Slovakia	11	7 128	15
Slovenia	7	1 036	68
Spain	91	45 310	20
Sweden	11	5 320	21
Switzerland	...	6 390	...
"The F.Y.R.O. Macedonia"	4	1 435	28
Turkey	126	70 090	18
Ukraine	1 478	198 885	74
<i>United Kingdom</i>			
England and Wales	141	58 300	24
Northern Ireland	6	980	61
Scotland	...	...	...

(1) See notes below

n.s. = not significant

Table 13. Suicides in penal institutions (2000)¹

Reference: Council of Europe, SPACE 20010.13

	Number of suicides in the year	Average number of prisoners in the year	Suicides per 10 000 prisoners
Albania	0	1 467	0.0
Andorra	0	37	n.s.
Armenia	0	4 213	0.0
Austria	17	7 090	24
Azerbaijan			
Belgium	16	8 630	19
Bulgaria	4	9 424	4.2
Croatia	1	2 510	4.0
Cyprus	0	310	n.s.
Czech Republic	11	22 800	4.8
Denmark	5	3 380	15
Estonia	0	4 720	0.0
Finland	3	2 855	11
France	120	50 670	24
Georgia			
Germany	78	78 707	9.9
Greece	9	8 038	11
Hungary	5	15 821	3.2
Iceland	0	93	n.s.
Ireland	4	2 900	14
Italy	56	53 481	10
Latvia	9	8 555	11
Lithuania	9	10 550	8.5
Luxembourg	5	398	n.s.
Malta	0	257	n.s.
Moldova	6	9 754	6.2
Netherlands	9	11 740	7.7
Norway	0	2 450	0.0
Poland	46	65 336	7.0
Portugal	10	13 500	7.4
Romania	5	49 682	1.0
Russia	...	971 496	...
Slovakia	3	7 128	4.2
Slovenia	4	1 036	39
Spain	18	45 310	4.0
Sweden	5	5 320	9.4
Switzerland	...	6 390	...
"The F.Y.R.O. Macedonia"	2	1 435	14
Turkey	22	70 090	3.1
Ukraine	31	198 885	1.6
<i>United Kingdom</i>			
England and Wales	81	58 300	14
Northern Ireland	4	980	41
Scotland	...	...	...

(1) See notes below

n.s. = not significant

Table 14. Deaths in Penal Institutions – other than suicides (2000)¹

Reference: Council of Europe, SPACE 2001.14

	Number of deaths in penal institutions in the year (other than suicides)	Average number of prisoners in the year	Deaths per 10 000 prisoners (other than suicides)
Albania	1	1 467	6.8
Andorra	0	37	n.s.
Armenia	40	4 213	95
Austria	20	7 090	28
Azerbaijan			
Belgium	20	8 630	23
Bulgaria	25	9 424	27
Croatia	6	2 510	24
Cyprus	0	310	n.s.
Czech Republic	22	22 800	9.6
Denmark	4	3 380	12
Estonia	7	4 720	15
Finland	2	2 855	7.0
France	113	50 670	22
Georgia			
Germany	77	78 707	9.8
Greece	16	8 038	20
Hungary	51	15 821	32
Iceland	0	93	n.s.
Ireland	5	2 900	17
Italy	104	53 481	19
Latvia	28	8 555	33
Lithuania	24	10 550	23
Luxembourg	0	398	n.s.
Malta	0	257	n.s.
Moldova	85	9 754	87
Netherlands	7	11 740	6.0
Norway	0	2 450	0.0
Poland	61	65 336	9.3
Portugal	71	13 500	53
Romania	117	49 682	24
Russia	...	971 496	...
Slovakia	8	7 128	11
Slovenia	3	1 036	29
Spain	73	45 310	16
Sweden	6	5 320	11
Switzerland	...	6 390	...
"The F.Y.R.O. Macedonia"	2	1 435	14
Turkey	104	70 090	15
Ukraine	1 447	198 885	73
<i>United Kingdom</i>			
England and Wales	60	58 300	10
Northern Ireland	2	980	20
Scotland	...	...	...

(1) See notes below

n.s. = not significant

Appendix – Italy

Data concerning juvenile establishments

1 September 2001	I.P.M.	«Ministerial communities»	Other communautés
Total number of juveniles (including “pre-trialers”)	477	59	257
Total capacity of establishments	611	80	---

Répartition des jeunes (y compris les «prévenus») selon le statut juridique

1 September 2001	I.P.M.	«Ministerial communities»	Other communautés
Number of untried juveniles (awaiting a court decision)	181	26	109
Number of juveniles found guilty (awaiting sentence)	85	25	18
Number of sentenced juveniles who have appealed or who are still within the legal time-limit to do so	54	2	10
Number of sentenced juveniles (final sentence)	157	2	10
Other cases	0	4*	110*

* enforcement of art.28 of Pres. Dec. No. 448/88 “Suspended process with probation”.

* enforcement of precautionary measures.

Distribution of sentenced juveniles (final sentence) according to main offence

1 September 2001	I.P.M.	«Ministerial communities»	Other communautés
Murder (including attempts)	5		1
Assault	4		1
Rape	7		
Violent robbery	71		3
Other robbery	29	1	3
Drug related offences	29		2
Other cases	12	1	

Distribution of sentenced juveniles (final sentence) according to length of sentence

1 September 2001	I.P.M.	«Ministerial communities»	Other communautés
Less than one month	0		
1 to 3 months	5	1	
3 months to less than 6 months	14		1
6 months to 1 year	30		
1 year to less than 3 years	49	1	6
3 years to less than 5 years	40		2
5 years to less than 10 years	17		1
10 years to less than 20 years	2		

Entries to institutions in 2000

1 September 2001	I.P.M.	«Ministerial communities»	Other communautés
Total number of entries	1.886	421	757
Number of entries before final sentence	1.548	421	738

Total number of days spent in detention in 2000

1 September 2001	I.P.M.	«Ministerial communities»	Other communautés
Total number of days spent in detention (including provisional detention)	173.460	19.582	79.235

Number of escapes in 2000

1 September 2001	I.P.M.	«Ministerial communities»	Other communautés
Number of escapes (closed establishment)	4	***	***
Other types of escape	51	103	400

Notes – Table 1

Detention rates are calculated on the basis of demographic data at 1 January 2001 (Source: "Recent demographic evolution in Europe 2001" Council of Europe Publishing, Strasbourg).

The data for England and Wales and Northern Ireland were provided by the Office for National Statistics, Population Estimates Unit (United Kingdom).

Croatia: Situation on 31 December 2000.

Germany: Situation on 30 November 2000

Italy: the data exclude the population of penal institutions for juveniles. The administration in charge of these institutions distinguishes three unspecified categories: the "IPM" (477 juveniles), the "Ministerial communities" (59 juveniles), other communities (257 juveniles). The data corresponding to these institutions are appended.

Moldova: Situation on 1 October 2001.

Netherlands: The data on the number of prisoners and prison capacity include the figures for TBS clinics (1122) and institutions caring for juvenile delinquents (1860). The following tables do not include these two categories and so relate to a total of 12,264 prisoners.

Portugal: provisional figures.

Russian Federation: Situation on 1 February 2002.

Sweden: The number of prisoners indicated reflects the number registered on 1 October 2001. The figure comprises persons who serve their sentence outside the prison in institutions for the treatment of drug-addiction, hospitalised persons and escaped prisoners.

Notes – Table 4.1

Austria: ((e) = (e) = mentally ill prisoners who cannot be subject to a penal sanction; persons detained for failing to pay administrative fines.

Belgium: (e) = inmates of mental hospitals – social protection law -, foreigners – administrative measure -, vagrants, persons under 18 in custody, recidivists or habitual offenders detained at the discretion of the government.

Croatia: (e) = administrative sanctions (116), correctional measures (74).

Czech Republic: (e) = persons detained pending extradition or expulsion.

Denmark: (e) = persons detained under immigration law.

France: (e) = civil imprisonment.

Germany: (e) = persons detained and awaiting extradition (3 598) and detention on remand (254).

Hungary: (e) = 178 persons detained for psychiatric treatment, 105 persons detained for failing to pay fines.

Netherlands: (e) "detention" = 305, persons detained under immigration law = 997, persons awaiting admission to a TBS-clinic = 236, persons of unknown status = 224, admission = 90.

Norway: (e) = persons detained for failing to pay fines.

Portugal: 189 persons with psychiatric problems detained by measure of safety.

Romania: "other cases" = sanctions for administrative or summary offences.

Slovenia: "other cases": the prison authorities are also responsible for persons sentenced for minor offences in juvenile courts and serving their sentences in education centres or correctional homes. The young people detained in these institutions are between 16 and 21 years of age, although some may be as old as 23. These sentences are not final – which is why this figure is not included in the figure for convicted prisoners whose sentences are final.

Sweden: "other cases" relates to certain prisoners who are drug addicts, juveniles kept in special detention, illegal immigrants awaiting deportation, persons awaiting placement in psychiatric institutions, and persons who have broken conditions of probation.

Switzerland: (a) = remand prisoners, prisoners who start to serve a sentence pending appeal in spite of its suspensive effect; prisoners detained pending expulsion.

United Kingdom

Northern Ireland: (e) = civil prisoners (10), persons detained for failing to pay fines (15).

Notes – Table 4.2.1

Reminder

– Where the item "**Sentenced prisoners who have appealed or who are within the statutory time-limit for doing so**" is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among "**sentenced prisoners (final sentence)**". In this case, neither rate (a) – percentage of prisoners not serving a final sentence – nor rate (b) – prisoners not serving a final sentence per 100,000 inhabitants – can be calculated.

This applies to Albania, Austria, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Greece, Iceland, Ireland, Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Switzerland, England and Wales, Northern Ireland.

– Where the item "**Prisoners convicted but not yet sentenced**" is left blank in the questionnaire for lack of available data – without any further information being provided – it is assumed that prisoners in this situation are included among "**untried prisoners (not yet convicted)**". In this case, neither rate (c) – proportion of untried prisoners (not yet convicted), as a percentage –

nor rate (d) – untried prisoners (not yet convicted) per 100,000 inhabitants – can be calculated.

This applies to: Albania, Armenia, Croatia, Finland, Ireland, Netherlands, Portugal, Slovakia, Northern Ireland.

Notes – Table 5.1

Estonia: Situation on 1 January 2001 (n = 4 006).

Finland: The data refers to the situation on 1 May 2001 (total number of sentenced prisoners = 2 614).

France: “Rape” includes rape and indecent assault.

Germany: Incomplete data.

Ireland: Incomplete data.

Poland: Situation on 31 December 2000 (n = 48 006).

Turkey: The term “rape” includes all sexual assaults.

United Kingdom

Northern Ireland: rape including attempted rape.

Notes – Table 6.1

Belgium: The data provided do not relate to the total number of convicted prisoners. Figures by length of sentence are not available for certain prisoners serving a specified term (269), sentenced to more than five years (4) or sentenced to imprisonment solely in default of payment of a fine (5), prisoners on parole provisionally recalled to prison pending withdrawal (11), prisoners whose legal situation is provisional following transfer from abroad (3), and prisoners detained on remand pending cancellation of a probation measure (4).

Czech Republic: Situation on 31 December 2000 (n = 15 571).

Finland: The data refers to the situation on 1 May 2001 (total number of prisoners = 2,611). The difference of 3 compared with table 5.1 corresponds to three convicted prisoners who are affected by joinder of cases and whose final sentences are not yet known.

Portugal: The table does not include indefinite sentences (55, or 0.6%) or prisoners with mental problems detained by virtue of a security measure (101, or 1.1%).

Slovenia: The minimum term is fifteen days and the maximum fifteen years. A thirty-year sentence may be ordered only for the most serious crimes (first degree murder, genocide, war crimes), but this is exceptional. The Criminal Code does not provide for life sentences.

Spain: The data provided have been broken down according to different time brackets:

Prisoners sentenced under the old Criminal Code (1973): less than one month (49), one month to less than six months (372), six months to less than six years (3 308), six years to less than twelve years (1 867), twelve years to less than twenty years (1 244), twenty to thirty years (880).

Prisoners sentenced under the new Criminal Code (1995): six months to less than three years (10 722), three years to less than eight years (11 477), eight years to less than fifteen years (4 757), , fifteen to twenty years (900), more than 20 years (287), sentence of weekend arrest (421), pecuniary punishment (44), security measures (433).

United Kingdom

England and Wales: The time brackets are “one year and less”, “more than a year to three years”, “more than three years to five years”, “more than five years to ten years”, “more than ten years”.

Notes – Table 8

Subject to exceptions (see below), the rate of entries is based on the number of prisoners and the prison population rate as at 1 September 2000 (SPACE I – 2000).

Rate of entries calculated in relation to number of inhabitants as at 1 January 2001: Andorra. Armenia. Cyprus. Malta. Moldova. Portugal. Northern Ireland.

Rate of entries based on the number of prisoners and the prison population rate as at 1 December 1999 (SPACE I – 2000) = Croatia.

Notes – Table 9

Where the total number of days spent in penal institutions in 2000 is not available, we have estimated the average number of prisoners in 2000 on the basis of the prison population as at 1 September 2000 (SPACE I 2000).

Exceptions: Armenia (1 September 2001), Germany (30 November 2000), Latvia (1 July 2000), Malta (1 September 2001), Portugal (1 September 2001), Russia (1 February 2002), Ukraine (1 September 2001).

Notes – Table 10

Denmark: 39 escapes from closed institutions. 36 during transfer.

Finland: 44 escapes, 9 attempts.

Germany: Data from 1998.

Slovenia: 21 escapes from closed institutions, 5 during transfer.

Notes – Table 11

Czech Republic: 10 escapes from open institutions. 7 in semi-detention. 28 escapes during leave.

Denmark: 277 escapes from open institutions. 574 escapes during leave.

Finland: 56 escapes from open institutions. 194 escapes during leave.

Germany: Data from 1998.

Portugal: 52 escapes from open institutions. 2 in semi-detention. 2 escapes during leave.

Slovenia: 14 escapes from open institutions. 74 escapes during leave.

Notes – Table 12

Germany: Data from 1998.

Notes – Table 13

Germany: Data from 1998.

Notes – Table 14

Germany: Data from 1998.

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Space II – Community sanctions and measures (CSM) ordered in 1999

by Pierre Victor **TOURNIER**¹

The present version of SPACE II concerns CSMs ordered in 1999. SPACE II covers only those measures and sanctions applied in the community, as defined by the Council of Europe. According to Recommendation No. R (92) 16, CSMs are to be understood as “sanctions and measures which maintain the offender in the community and involve some restriction of his/her liberty through the imposition of conditions and/or obligations, and which are implemented by bodies designated in law for that purpose.” The term, furthermore, “designates any sanction imposed by a court or a judge, and any measure taken before or instead of a decision or a sanction as well as ways of enforcing a sentence of imprisonment outside a prison establishment”.

Arrangements for their implementation must entail some form of assistance and supervision in the community (fines or suspended sentences without supervision are therefore not CSMs). SPACE II is not designed to cover all CSMs. It does not cover the sanctions and measures provided for in juvenile criminal law. It only concerns measures taken subsequent to the passing of a sentence. In some countries the prosecuting authorities can choose to impose certain measures which are “taken before or instead of a decision on a sanction”. Such measures are not covered by SPACE II.

Specific comments

- The CSMs must have been ordered as principal and not supplementary penalties.
- SPACE II concerns statistics for the CSMs ordered in year *n*, irrespective of the date of enforcement (year *n*, subsequent year or not enforced at all).
- SPACE II does not cover measures taken in favour of a prisoner prior to release from a penal institution (semi-liberty for example, unless such measures were ordered *ab initio*).
- SPACE II does not cover post-prison supervisory or probation measures applied to offenders in the community once they have served their sentence.

Sanctions and measures registered

1. Conditional deferral of a sentence: postponement of the passing of a sentence for a given period in order to assess the convicted person's conduct over that period.
2. Treatment ordered *ab initio* for:
 - a. drug-dependent offenders
 - b. alcoholics

- c. offenders with mental disorders
- d. persons convicted of a sexual offence.
3. Compensation ordered *ab initio* by a criminal court (money payable by the offender to the victim in damages).
4. Community service:
 - a. a sanction in its own right after an offender has been found guilty
 - b. a sanction in cases where a fully suspended prison sentence has been passed
 - c. a sanction imposed in the case of non-payment of a fine
 - d. unsuspended custodial sentence, followed by community service after release
 - e. community service performed as part of probation (sanction in its own right) or other forms of community service.
5. Probation:
 - a. a sanction in its own right after an offender has been found guilty (without the passing of a sentence of imprisonment),
 - b. a fully suspended prison sentence is passed
 - c. a partially suspended prison sentence is passed.

It is recalled that these sentences must entail assistance and supervision in the community.

6. Enforcement, in the community, of a sentence involving deprivation of liberty under an electronic monitoring scheme (measure ordered *ab initio*).
7. Semi-liberty ordered *ab initio*.
8. Conditional release of an offender before completion of the sentence.
9. Combined sanctions and measures, other than those mentioned in item 5.c: unsuspended custodial sentences, followed by treatment ordered *ab initio* for
 - a. drug-dependent offenders
 - b. alcoholics
 - c. offenders with mental disorders
 - d. persons convicted of a sexual offence.
10. Other sanctions and measures which the respondent considers important in statistical terms and which are not covered by the preceding categories.

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For purposes of comparison, data were also collected on prison sentences without either partial or full suspensions, specifying length of sentence.

Presentation of the statistical data

Conventions

Case 1 – When the completed questionnaire explicitly indicates that the CSM does not exist in the legislation of a state, the entry in the tables is “***” meaning “question not applicable”.

Case 2 – When the completed questionnaire explicitly indicates that the CSM exists in the legislation of a state but that it was not ordered during the reference year, the entry in the tables is “0”.

Case 3 – When the completed questionnaire explicitly indicates that the CSM exists in the legislation of a state but that relevant statistical data are not available, the entry in the tables is “---”.

Case 4 – When it cannot be decided whether the situation is as specified in Case 1 or Case 2 (no CSMs), or rather Case 3 (data not available), a “?” is entered. This is done when the questionnaire box is left blank or bears a symbol of imprecise meaning (e.g. “/”, “-”).

To sum up:

***	Question not applicable
0	No CSM ordered, but it exists in law
---	Statistics not available, but the CSM exists in law
(***)	Unable to decide between *** and 0
?	Unable to decide between “no CSM ordered” (***) or 0 and “statistics not available” (---).

The total numbers for the ten categories of sanctions or measures defined above are given in Table 1.

Tables 2, 3 and 4 contain the data concerning prison sentences without full or partial suspension. These provide a means of comparison for determining the frequency with which the various CSMs are applied.

On that basis we have calculated *two indices: a global frequency index (GFI)* obtained by finding the ratio of the number of CSMs in a given category ordered in 1999 to the number of prison sentences without full or partial suspension ordered the same year (figure per 100), and a *specific frequency index (SFI)*, calculated as before but including only sentences of less than one year in the denominator.

The GFI figures for each of the main categories are given in Table 5 and the SFI figures on Table 6 (they are not calculated in respect of conditional releases).

Where no sentences of less than one year were ordered, the SFI is obviously valueless, and in this case a cross (x) has been entered in the tables.

Tables 7-11 deal with CSMs which may take different forms: treatment ordered, community service, probation, combined sanctions and measures, and others.

Measures of conditional release (CR) have undergone special processing (Table 12). GFI and SFI figures are not at all meaningful for these measures, which apply to prisoners serving a custodial sentence. It is more instructive to work out a ratio between the number of CRs for the year and the average number of prisoners eligible for them, using as the denominator the number of finally sentenced prisoners present at 1.9.1999 given in SPACE I. At all events this does not represent a “rate of award”, as not all prisoners serving sentences necessarily fulfil the prescribed conditions to be granted conditional release.

Table 1. Community sanctions and measures ordered in 1999 (numbers)¹

Reference: Council of Europe, SPACE II – 1999

	Deferral	Treatment ordered <i>ab initio</i>	Compensation order	Community service	Probation	Electronic monitoring	Semi-liberty <i>ab initio</i>	Conditional release	Combined sanctions & measures
Albania									
Andorra	***	17	145	0	571	0	0	24	5
Armenia	---	---	---	***	***	***	114	922	---
Austria	***	---	***	***	---	***	***	1 137	---
Azerbaijan									
Belgium	---	***	***	1 512	---	***	***	---	***
Bulgaria	***	***	***	***	***	***	***	1 228	***
Croatia	***	329	---	3	16	***	***	842	***
Cyprus	78	0	***	0	227	***	***	***	---
Czech Republic	---	732	***	3 214	659	***	***	3 299	---
Denmark	***	402	***	970	1 702	***	***	1 588	***
Estonia									
Finland	***	***	---	3 630	1 297	***	***	878	***
France	7 807	***	***	23 368	62 111	***	7 300	5 217	75
Georgia									
Germany	---	***	2 663	---	***	***	***	---	***
Greece	***	***	***	---	***	***	***	---	***
Hungary									
Iceland	0	---	---	60	14	***	***	100	0
Ireland	2 278	3	0	1 342	1 500	***	***	74	***
Italy	***	***	***	***	***	***	23	51	***
Latvia									
Liechtenstein									
Lithuania	10 504	172	***	19	***	***	***	3 284	***
Luxembourg									
Malta									
Moldova	724	465	***	15	4 711	***	---	508	***
Netherlands	11 293	***	6 335	17 920	***	47	***	***	***
Norway	1 241	***	---	---	---	***	***	---	---
Poland	25 442	---	---	---	128 561	***	19 237	17 524	***
Portugal	***	24	***	---	---	---	***	1 907	***
Romania									
Russia									
Slovakia	14 949	341	***	***	***	***	349	1 699	---
Slovenia									
Spain	---	---	---	---	***	0	2 706	5 672	---
Sweden	***	***	---	3 066	5 259	3 529	***	5 381	***
Switzerland	***	927	***	---	2 096	***	***	---	***
"The F.Y.R.O. Macedonia"	2 848	***	***	***	***	***	***	868	***
Turkey									
Ukraine									
<i>United Kingdom</i>									
England and Wales	---	***	6 894	49 597	58 368	661	***	2 600	***
Northern Ireland									
Scotland	---	---	1 154	6 200	6 028	206	***	311	---

(1) See notes below

*** : not applicable

Table 2. Number of prison sentences ordered in 1999 (without full or partial suspension) per 100 000 inhabitants

Reference : Council of Europe, SPACE II – 1999

	Number of condemnations	Number of inhabitants (moyenne sur 1999)	Prison sentence rate per 10 000 inhabitants
Albania			
Andorra	93	65 924	141
Armenia	---	3 800 650	---
Austria	5 895	8 092 254	72.8
Azerbaijan			
Belgium	---	---	---
Bulgaria	---	---	---
Croatia	2 082	4 500 000	46
Cyprus	709	665 050	107
Czech Republic	15 341	10 282 784	149
Denmark	13 631	5 324 798	256
Estonia			
Finland	11 324	5 165 500	219
France	82 437	60 296 685	137
Georgia			
Germany	41 641	82 100 243	50.7
Greece	---	---	---
Hungary			
Iceland	272	280 773	97
Ireland	---	3 765 000	---
Italy	188 423	57 646 255	327
Latvia			
Liechtenstein			
Lithuania	7 457	3 700 000	202
Luxembourg			
Malta			
Moldova	2 169	4 287 000	51
Netherlands	27 343	15 812 102	173
Norway	7 423	4 461 913	166
Poland	---	---	---
Portugal	4 771	9 997 590	47.7
Romania			
Russia			
Slovakia	4 980	5 396 019	92.3
Slovenia			
Spain	33 883	40 202 160	84.3
Sweden	12 807	8 857 874	145
Switzerland	10 968	7 130 000	154
"The F.Y.R.O. Macedoina"	5 025	2 012 500	250
Turkey			
Ukraine			
<i>United-Kingdom</i>			
England and Wales	79 659	52 732 000	151
Northern Ireland			
Scotland	16 089	5 110 026	315

Table 3.1 Prison sentences ordered in 1999 (without full or partial suspension): breakdown according to length (numbers)¹

Reference: Council of Europe, SPACE II – 1999

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years to less than 20 years	20 years and over	Life sentence
Albania							
Andorra	70	22	0	1	0	0	***
Armenia	---	---	---	---	---	***	***
Austria	4 314	1 221	212		136		12
Azerbaijan							
Belgium	---	---	---	---	---	---	---
Bulgaria	---	---	---	---	---	---	---
Croatia	1 499	368	78	61	65	11	***
Cyprus	574		3	16		6	6
Czech Republic	9 926		4 728		683		4
Denmark	12 819	639	93	79	***	1	
Estonia							
Finland	10 061	1 045		211		***	7
France	67 663	8 847	2 142	2 273	1 366	216	30
Georgia							
Germany	25 218	11 181	3 387	1 559	200	***	96
Greece	---	---	---	---	---	---	---
Hungary							
Iceland	223	41	4	4	0	0	0
Ireland	---	---	---	---	---	---	---
Italy	---	---	---	---	---	---	---
Latvia							
Liechtenstein							
Lithuania	---	---	---	---	---	2	6
Luxembourg							
Malta							
Moldova	318	252	563	827		182	27
Netherlands	24 003	2 417			923		
Norway	6 638	615	109	46	15	***	***
Poland	---	---	---	---	---	---	---
Portugal	1 002	1 617	1 059	886	190	17	***
Romania							
Russia							
Slovakia	1 176	1 644	676	955	444	74	11
Slovenia							
Spain	--	---	---	---	---	---	---
Sweden	10 698	1 744	203	140	4	***	18
Switzerland	9 769	849	239	82	29	***	0
"The F.Y.R.O. Macedonia"	4 140	771	70	31		12	1
Turkey							
Ukraine							
<i>United Kingdom</i>							
England and Wales	56 123	14 875	5 050	2 680	498	18	415
Northern Ireland							
Scotland	13 968	1 331	406	310	34	0	40

(1) See notes below

*** : not applicable

Table 3.2 Prison sentences ordered in 1999 (without full or partial suspension): breakdown according to length (pourcentages)

Reference: Council of Europe, SPACE II – 1999

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years to less than 20 years	20 years and over	Life sentence
Albania							
Andorra	75.4	23.6	0.0	1.0	0.0	0.0	***
Armenia	---	---	---	---	---	---	---
Austria	73.2	20.7	3.6		2.3		0.2
Azerbaijan							
Belgium	---	---	---	---	---	---	---
Bulgaria	---	---	---	---	---	---	---
Croatia	72.0	17.7	3.7	2.9	3.1	0.5	***
Cyprus	80.0		0.4	2.2		8.5	8.5
Czech Republic	64.7		30.8		4.2		0.0
Denmark	94.0	4.7	0.7		0.6	***	0.0
Estonia							
Finland	88.8	9.2		1.9		***	0.0
France	82.1	10.7	2.6	2.8	1.7	0.3	0.0
Georgia							
Germany	60.6	26.9	8.1	3.7	0.5	***	0.2
Greece	---	---	---	---	---	---	---
Hungary							
Iceland	81.9	15.1	1.5	1.5	0.0	0.0	0.0
Ireland	---	---	---	---	---	---	---
Italy	---	---	---	---	---	---	---
Latvia							
Liechtenstein							
Lithuania	---	---	---	---	---	****	***
Luxembourg							
Malta							
Moldova	14.7	11.6	26.0	38.1		8.4	1.2
Netherlands	87.8	8.8			3.4		***
Norway	89.4	8.3	1.5	0.6	0.2	***	***
Poland	---	---	---	---	---	---	---
Portugal	21.0	33.8	22.2	18.6	4.0	0.4	***
Romania							
Russia							
Slovakia	23.6	33.0	13.6	19.2	8.9	1.5	0.2
Slovenia							
Spain	---	---	---	---	---	---	---
Sweden	83.6	13.6	1.6	1.1	0.0	***	0.1
Switzerland	85.7	6.6	1.9	0.6	0.2	***	0.0
"The F.Y.R.O. Macedonia"	82.5	15.3	1.4	0.6		0.2	0.0
Turkey							
Ukraine							
<i>United Kingdom</i>							
England and Wales	70.4	18.7	6.3	3.4	0.6	0.0	0.5
Northern Ireland							
Scotland	86.9	8.3	2.5	1.9	0.2	0.0	0.2

*** : not applicable

Table 3.3 Prison sentences ordered in 1999 (without full or partial suspension): breakdown according to length (cumulated frequencies in%)

Reference: Council of Europe, SPACE II – 1999

	Less than 1 year	1 year to less than 3 years	3 years to less than 5 years	5 years to less than 10 years	10 years to less than 20 years	20 years and over	Life sentence
Albania							
Andorra	100	24.6	1.0	1.0	0.0	0.0	***
Armenia	100	---	---	---	---	---	---
Austria	100	26.8	6.1	2.5	--	--	0.2
Azerbaijan							
Belgium	100	---	---	---	---	---	---
Bulgaria	100	---	---	---	---	---	---
Croatia	100	27.9	10.2	6.5	3.6	0.5	***
Cyprus	100	20.0	19.6	19.2	17.0	---	8.5
Czech Republic	100	35.3	---	4.5	---	---	00
Denmark	100	6.0	1.3	0.6	---	0.0	0.0
Estonia							
Finland	100	11.1	1.9	---	---	0.0	0.0
France	100	18.1	7.4	4.8	2.0	0.3	0.0
Georgia							
Germany	100	39.4	12.5	4.4	0.7	***	0.2
Greece	100	---	---	---	---	---	---
Hungary							
Iceland	100	18.1	3.0	1.5	0.0	0.0	0.0
Ireland	100	---	---	---	---	---	---
Italy	100	---	---	---	---	---	---
Latvia							
Liechtenstein							
Lithuania	100	---	---	---	---	***	***
Luxembourg							
Malta							
Moldova	100	85.3	73.7	47.8	9.6	---	1.2
Netherlands	100	12.2	3.4	---	---	---	---
Norway	100	10.6	2.3	0.8	0.2	***	***
Poland	100	---	---	---	---	---	---
Portugal	100	79.0	45.2	23.0	4.4	0.4	***
Romania							
Russia							
Slovakia	100	76.4	43.4	29.8	10.6	1.7	0.2
Slovenia							
Spain	100	---	---	---	---	---	---
Sweden	100	16.4	2.8	1.2	0.1	0.1	0.1
Switzerland	100	9.3	2.7	0.8	0.2	0.0	0.0
"The F.Y.R.O. Macedonia"	100	17.9	2.6	0.8	0.2	---	0.0
Turkey							
Ukraine							
<i>United Kingdom</i>							
England and Wales	100	29.5	10.8	4.5	1.1	0.5	0.5
Northern Ireland							
Scotland	100	13.1	4.8	2.3	0.4	0.2	0.2

*** : not applicable

Table 4.1 Prison sentences of *less than one year* ordered in 1999 (without full or partial suspension): breakdown according to length/numbers

Reference : Council of Europe, *SPACE II – 1999*

	Less than 3 months	3 months to less than 6 months	6 months to less than one year	Total : less than one year
Albania				
Andorra	37	17	16	70
Armenia	---	---	---	---
Austria	1 948	1 168	1 198	5 895
Azerbaijan				
Belgium	---	---	---	---
Bulgaria	---	---	---	---
Croatia	374	552	573	1 499
Cyprus	345	141	88	574
Czech Republic	---	---	---	9 926
Denmark	10 245	1 587	987	12 819
Estonia				
Finland	5 318	3 288	1 455	10 061
France	28 470	23 824	15 269	67 663
Georgia				
Germany	11 549	4 319	9 350	25 218
Greece	---	---	---	---
Hungary				
Iceland	114	71	38	223
Ireland	---	---	---	---
Italy	---	---	---	---
Latvia				
Liechtenstein				
Lithuania	---	---	---	---
Luxembourg				
Malta				
Moldova	***	***	318	318
Netherlands	17 218	3 939	2 846	24 003
Norway	4 934	721	983	6 638
Poland	---	---	---	---
Portugal	188	151	663	1 002
Romania				
Russia				
Slovakia	290	886	1 176	
Slovenia				
Spain	---	---	---	---
Sweden	7 282	1 303	2 113	10 698
Switzerland	8 624	718	427	9 769
"The F.Y.R.O. Macedonia"	1 521	1 604	1 015	4 140
Turkey				
Ukraine				
<i>United Kingdom</i>				
England and Wales	21 943	23 689	10 491	56 123
Northern Ireland				
Scotland	4 780	6 795	2 393	13 968

*** : not applicable

Table 4.2 Prison sentences of *less than one year* ordered in 1999 (without full or partial suspension): breakdown according to length (percentages)

Reference : Council of Europe, *SPACE II – 1999*

	Less than 3 months	3 months to less than 6 months	6 months to less than one year	Total: less than one year
Albania				
Andorra	52.9	24.3	22.8	100.0
Armenia	---	---	---	100.0
Austria	33.0	19.8	20.3	100.0
Azerbaijan				
Belgium	---	---	---	100.0
Bulgaria	---	---	---	100.0
Croatia	25.0	36.8	38.2	100.0
Cyprus	60.1	24.6	15.3	100.0
Czech Republic	---	---	---	100.0
Denmark	79.9	12.4	7.7	100.0
Estonia				
Finland	52.8	32.7	14.5	100.0
France	42.1	35.2	22.6	100.0
Georgia				
Germany	45.8	17.1	37.1	100.0
Greece	---	---	---	100.0
Hungary				
Iceland	51.2	31.8	17.0	100.0
Ireland	---	---	---	100.0
Italy	---	---	---	100.0
Latvia				
Liechtenstein				
Lithuania	---	---	---	100.0
Luxembourg				
Malta				
Moldova	***	***	100.0	100.0
Netherlands	71.7	16.4	11.9	100.0
Norway	74.3	10.9	14.8	100.0
Poland	---	---	---	100.0
Portugal	18.8	15.1	66.2	100.0
Romania				
Russia				
Slovakia		24.7	75.3	100.0
Slovenia				
Spain	---	---	---	100.0
Sweden	68.1	12.2	19.7	100.0
Switzerland	88.2	7.4	4.4	100.0
"The F.Y.R.O. Macedonia"	36.7	38.7	24.5	100.0
Turkey				
Ukraine				
<i>United Kingdom</i>				
England and Wales	39.1	42.2	18.7	100.0
Northern Ireland				
Scotland	34.2	48.6	17.1	100.0

*** : not applicable

Table 4.1 Prison sentences of less than one year ordered in 1999 (without full or partial suspension): breakdown according to length (cumulated frequencies in%)

Reference: Council of Europe, *SPACE II – 1999*

	Less than 3 months	Less than 6 months	Less than one year
Albania			
Andorra	52.9	77.2	100.0
Armenia	---	---	100.0
Austria	45.2	54.8	100.0
Azerbaijan			
Belgium	---	---	100.0
Bulgaria	---	---	100.0
Croatia	25.0	75.0	100.0
Cyprus	60.1	84.7	100.0
Czech Republic	---	---	100.0
Denmark	79.9	92.3	100.0
Estonia			
Finland	52.8	85.5	100.0
France	42.1	57.9	100.0
Georgia			
Germany	45.8	54.2	100.0
Greece	---	---	100.0
Hungary			
Iceland	51.2	83.0	100.0
Ireland	---	---	100.0
Italy	---	---	100.0
Latvia			
Liechtenstein			
Lithuania	---	---	100.0
Luxembourg			
Malta			
Moldova	0.0	100.0	100.0
Netherlands	71.7	88.1	100.0
Norway	74.3	25.7	100.0
Poland	---	---	100.0
Portugal	18.8	33.9	100.0
Romania			
Russia			
Slovakia	---	24.7	100.0
Slovenia			
Spain	---	---	100.0
Sweden	68.1	80.3	100.0
Switzerland	88.2	95.6	100.0
"The F.Y.R.O. Macedonia"	36.7	63.3	100.0
Turkey			
Ukraine			
<i>United Kingdom</i>			
England and Wales	39.1	60.9	100.0
Northern Ireland			
Scotland	34.2	82.8	100.0

Table 5. Community sanctions and measures ordered in 1999: global frequency index (GFI) per 100 prison sentences (without full or partial suspension)

Reference: Council of Europe, SPACE II – 1999

	Deferral	Treatment ordered <i>ab initio</i>	Compensation order	Community service	Probation	Electronic monitoring	Semi-liberty <i>ab initio</i>	Conditional release	Combined sanctions & measures
Albania									
Andorra	***	18.3	156	0.0	614	0.0	0.0		5.4
Armenia	---	---	---	***	***	***	---		---
Austria	***	---	***	***	---	***	***		---
Azerbaijan									
Belgium	---	***	***	---	---	***	***		***
Bulgaria	***	***	***	***	***	***	***		***
Croatia	***	15.8	---	0.1	0.8	***	***		***
Cyprus	11.0	0.0	***	0.0	32.0	***	***		---
Czech Republic	---	4.8	***	21.0	4.3	***	***		---
Denmark	***	2.9	***	7.1	12.5	***	***		***
Estonia									
Finland	***	***	---	32.1	11.5	***	***		***
France	9.5	***	***	28.3	75.3	***	8.9		0.1
Georgia									
Germany	---	***	6.4	---	***	***	***	---	***
Greece	***	***	***	---	***	***	***		***
Hungary									
Iceland	0.0	---	---	22.0	5.1	***	***		0.0
Ireland	---	---	---	---	---	***	***		***
Italy	***	***	***	***	***	***	0.0		***
Latvia									
Liechtenstein									
Lithuania	141	2.3	***	0.3	***	***	***		***
Luxembourg									
Malta									
Moldova	33.4	21.4	***	0.7	217	***	---		***
Netherlands	41.3	***	23.2	65.5	***	0.2	***		***
Norway	17	***	---	---	---	***	***	---	---
Poland	---	---	---	---	---	***	---		***
Portugal	***	0.5	***	---	---	---	***		***
Romania									
Russia									
Slovakia	300	6.8	***	***	***	***	7.0		---
Slovenia									
Spain	---	---	---	---	***	0.0	8.0		---
Sweden	***	***	---	23.9	41.1	27.6	***		***
Switzerland	***	---	***	---	---	***	***		***
"The F.Y.R.O. Macedonia"	57	***	***	***	***	***	***		***
Turkey									
Ukraine									
<i>United Kingdom</i>									
England and Wales	---	***	8.7	62.3	73.2	0.8	***		***
Northern Ireland									
Scotland	---	---	7.2	38.5	37.5	1.3	***		---

*** : not applicable

Table 6. Community sanctions and measures ordered in 1999: specific frequency index (SFI) per 100 prison sentences (without full or partial suspension)

Reference: Council of Europe, SPACE II – 1999

	Deferral	Treatment ordered <i>ab initio</i>	Compensation order	Community service	Probation	Electronic monitoring	Semi-liberty <i>ab initio</i>	Conditional release	Combined sanctions & measures
Albania									
Andorra	***	24.3	207	0.0	816	0.0	0.0		7.1
Armenia	---	---	---	***	***	***	---		---
Austria	***	---	***	***	---	***	***		---
Azerbaijan									
Belgium	---	***	***	---	---	***	***		***
Bulgaria	***	***	***	***	***	***	***		***
Croatia	***	21.9	---	0.2	1.1	***	***		***
Cyprus	13.6	0.0	***	0.0	39.5	***	***		---
Czech Republic	---	7.4	***	32.4	6.6	***	***		---
Denmark	***	3.1	***	7.6	13.3	***	***		***
Estonia									
Finland	***	***	---	36.1	12.9	***	***		***
France	11.5	***	***	34.5	91.8	***	10.8		0.1
Georgia									
Germany	---	***	10.6	---	***	***	***	---	***
Greece	***	***	***	---	***	***	***		***
Hungary									
Iceland	0.0	---	---	26.9	6.3	***	***		0.0
Ireland	---	---	0.0	---	---	***	***		***
Italy	***	***	***	***	***	***	---		***
Latvia									
Liechtenstein									
Lithuania	---	---	***	---	***	***	***		***
Luxembourg									
Malta									
Moldova	228	146	***	4.7	1480	***	---		***
Netherlands	47.0	***	26.4	74.6	***	0.2	***		***
Norway	19	***	---	---	---	***	***	---	---
Poland	---	---	---	---	---	***	---		***
Portugal	***	2.4	***	---	---	---	***		***
Romania									
Russia									
Slovakia	1271	29.0	***	***	***	***	29.7		---
Slovenia									
Spain	---	---	---	---	***	0.0	---		---
Sweden	***	***	---	28.7	49.2	33.0	***		***
Switzerland	***	---	***	---	---	***	***		***
"The F.Y.R.O. Macedonia"	69	***	***	***	***	***	***	868	***
Turkey									
Ukraine									
<i>United Kingdom</i>									
England and Wales	---	***	12.3	88.4	104	1.2	***		***
Northern Ireland									
Scotland	---	---	10.8	58.0	56.3	1.9	***		---

***: not applicable

Table 7.1 Treatment ordered *ab initio* in 1999 (numbers)Reference: Council of Europe, *SPACE II – 1999*

	Treatment ordered <i>ab initio</i> for...				
	Drugs dependent offenders	Alcoholics	Offenders with mental disorders	Persons convicted of a sexual offence	Total
Albania					
Andorra	3	12	2	0	17
Belgium	---	---	---	---	---
Austria		144		---	---
Azerbaijan					
Belgium	***	***	***	***	***
Bulgaria	***	***	***	***	***
Croatia		302	27	***	329
Cyprus	0	***	0	***	0
Czech Republic	257	237	238	732	
Denmark	40	***	329	33	402
Estonia					
Finland	***	***	***	***	***
France	***	***	***	***	***
Georgia					
Germany	***	***	***	***	***
Greece	***	***	***	***	***
Hungary					
Iceland	---	---	---	---	---
Ireland	3	***	***	***	3
Italy	***	***	***	***	***
Latvia					
Liechtenstein					
Lithuania	***	***	***	172	172
Luxembourg					
Malta					
Moldova	11	404	50	***	465
Netherlands	***	***	***	***	***
Norway	***	***	***	***	***
Poland	---	---	---	---	---
Portugal	0	***	24	***	24
Romania					
Russia					
Slovakia	176	119	---	---	341
Slovenia					
Spain	---	---	---	---	---
Sweden	***	***	***	***	***
Switzerland	514	261	152	***	927
"The F.Y.R.O. Macedonia"	***	***	***	***	***
Turkey					
Ukraine					
<i>United Kingdom</i>					
England and Wales	***	***	***	***	***
Northern Ireland					
Scotland	---	---	---	---	---

*** : not applicable

Table 7.2 Treatment ordered *ab initio* in 1999 (percentages)

Reference: Council of Europe, SPACE II – 1999

	Treatment ordered <i>ab initio</i> for...				
	Drugs dependent offenders	Alcoholics	Offenders with mental disorders	Persons convicted of a sexual offence	Total
Albania					
Andorra	n.s.	n.s.	n.s.	n.s.	100.0
Armenia	---	---	---	---	100.0
Austria	---	---	---	---	100.0
Azerbaijan					
Belgium	***	***	***	***	100.0
Bulgaria	***	***	***	***	100.0
Croatia		91.8	8.2	***	100.0
Cyprus	0	***	0	***	100.0
Czech Republic	35.1	32.4	32.5	100.0	
Denmark	9.9	***	81.9	8.2	100.0
Estonia					
Finland	***	***	***	***	100.0
France	***	***	***	***	100.0
Georgia					
Germany	***	***	***	***	100.0
Greece	***	***	***	***	100.0
Hungary					
Iceland	---	---	---	---	100.0
Ireland	100.0	***	***	***	100.0
Italy	***	***	***	***	100.0
Latvia					
Liechtenstein					
Lithuania	***	***	***	100.0	100.0
Luxembourg					
Malta					
Moldova	2.4	86.9	10.8	***	100.0
Netherlands	***	***	***	***	100.0
Norway	***	***	***	***	100.0
Poland	---	---	---	---	100.0
Portugal	n.s.	***	n.s.	***	100.0
Romania					
Russia					
Slovakia	51.6	34.9		13.5	100.0
Slovenia					
Spain	---	---	---	---	100.0
Sweden	***	***	***	***	100.0
Switzerland	55.4	28.2	16.4	***	100.0
"The F.Y.R.O. Macedonia"	***	***	***	***	100.0
Turkey					
Ukraine					
<i>United Kingdom</i>					
England and Wales	***	***	***	***	100.0
Northern Ireland					
Scotland	---	---	---	---	100.0

n.s.: not significant

***: not applicable

Table 8.1 Penalties of community service ordered in 1999 (numbers)

(a) Sanction in its own right after an offender has been found guilty

(b) Sanction in cases where a fully suspended prison sentence has been passed

(c) Sanction imposed in the case of non-payment of a fine

(d) Unsuspended custodial sentence, followed by community service after release

(e) Community service performed as part of probation (sentencing in its own right) or other forms of community service

Reference: Council of Europe, SPACE II – 1999

	(a)	(b)	(c)	(d)	(e)	Total
Albania						
Andorra	***	0	***	0	***	0
Armenia	***	***	***	***	***	***
Austria	***	***	***	***	***	***
Azerbaijan						
Belgium	***	---	***	***	---	1 512
Bulgaria	***	***	***	***	***	***
Croatia	3	***	***	***	***	3
Cyprus	0	***	***	***	0	0
Czech Republic	?	?	?	?	?	3 214
Denmark	---	---	***	---	---	970
Estonia						
Finland	3 630	***	***	***	***	3 630
France	11 878	11 490	***	***	***	23 368
Georgia						
Germany	***	---	---	***	***	---
Greece	?	?	?	?	?	---
Hungary						
Iceland	***	60	***	***	***	60
Ireland	1 324	***	***	***	***	1 324
Italy	***	***	***	***	***	***
Latvia						
Liechtenstein						
Lithuania	***	***	19	***	***	19
Luxembourg						
Malta						
Moldova	15	***	***	***	***	15
Netherlands	?	?	?	?	?	17 920
Norway	669	***	***	---	***	---
Poland	---	---	---	---	---	---
Portugal	21	---	***	***	---	---
Romania						
Russia						
Slovakia	***	***	***	***	***	***
Slovenia						
Spain	***	---	---	---	---	---
Sweden	2 236	***	***	***	830	3 066
Switzerland	***	***	528	***	2 340	2 868
"The F.Y.R.O. Macedonia"	***	***	***	***	***	***
Turkey						
Ukraine						
<i>United Kingdom</i>						
England and Wales	28 864	***	***	***	20 733	49 597
Northern Ireland						
Scotland	4 888	***	***	***	1 312	6 200

n.s.: not significant

***: not applicable

Table 8.2 Penalties of community service ordered in 1999 (percentages)

- (a) Sanction in its own right after an offender has been found guilty
 (b) Sanction in cases where a fully suspended prison sentence has been passed
 (c) Sanction imposed in the case of non-payment of a fine
 (d) Unsuspended custodial sentence, followed by community service after release
 (e) Community service performed as part of probation (sentencing in its own right) or other forms of community service

Reference: Council of Europe, SPACE II – 1999

	(a)	(b)	(c)	(d)	(e)	Total
Albania						
Andorra	***	n.s.	***	n.s.	***	100.0
Armenia	***	***	***	***	***	100.0
Austria	***	***	***	***	***	100.0
Azerbaijan						
Belgium	***	---	***	***	---	100.0
Bulgaria	***	***	***	***	***	100.0
Croatia	100.0	***	***	***	***	100.0
Cyprus	n.s.	***	***	***	n.s.	100.0
Czech Republic	?	?	?	?	?	100.0
Denmark	---	---	***	---	---	100.0
Estonia						
Finland	100.0	***	***	***	***	100.0
France	50.8	49.2	***	***	***	100.0
Georgia						
Germany	***	---	---	****	***	100.0
Greece	?	?	?	?	?	100.0
Hungary						
Iceland	***	100.0	***	***	***	100.0
Ireland	100.0	***	***	***	***	100.0
Italy	***	***	***	***	***	100.0
Latvia						
Liechtenstein						
Lithuania	***	***	100.0	***	***	100.0
Luxembourg						
Malta						
Moldova	100.0	***	***	***	***	100.0
Netherlands	?	?	?	?	?	100.0
Norway	---	***	***	---	***	100.0
Poland	---	---	---	---	---	100.0
Portugal	---	---	***	***	---	100.0
Romania						
Russia						
Slovakia	***	***	***	***	***	100.0
Slovenia						
Spain	***	---	---	---	---	100.0
Sweden	72.9	***	***	***	27.1	100.0
Switzerland	***	***	18.4	***	81.6	100.0
"The F.Y.R.O. Macedonia"	***	***	***	***	***	100.0
Turkey						
Ukraine						
<i>United Kingdom</i>						
England and Wales	58.2	***	***	***	41.8	100.0
Northern Ireland						
Scotland	78.8	***	***	***	21.2	100.0

n.s.: not significant

***: not applicable

Table 9.1 Probation measures ordered in 1999 (numbers)

- (a) Sentence in its own right after an offender has been found guilty, without the passing of a sentence of imprisonment
 (b) Fully suspended prison sentence is passed (*)
 (c) Partially suspended prison sentence is passed (*)

Reference: Council of Europe, SPACE II – 1999

	(a)	(b)	(c)	Total
Albania				
Andorra	***	543	28	571
Armenia	***	***	***	***
Austria	?	?	?	---
Azerbaijan				
Belgium	***	---	---	---
Bulgaria	***	***	***	***
Croatia	16	***	***	16
Cyprus	56	171	***	227
Czech Republic	***	659	***	659
Denmark	702	450	550	1702
Estonia				
Finland	63	1 234	***	1 297
France	***	45 118	16 993	62 111
Georgia				
Germany	***	***	***	***
Greece	***	***	***	***
Hungary				
Iceland	---	10	4	14
Ireland	1 481	15	4	1 500
Italy	***	***	***	***
Latvia				
Liechtenstein				
Lithuania	***	***	***	***
Luxembourg				
Malta				
Moldova	4 711	***	***	4 711
Netherlands	***	***	***	***
Norway	---	---	---	---
Poland	---	---	***	128 561
Portugal	---	1 120	***	---
Romania				
Russia				
Slovakia	***	***	***	***
Slovenia				
Spain	***	***	***	***
Sweden	5 259	***	***	5 259
Switzerland	***	***	***	***
"The F.Y.R.O. Macedonia"	***	***	***	***
Turkey				
Ukraine				
<i>United Kingdom</i>				
England and Wales	58 368	***	***	58 368
Northern Ireland				
Scotland	6 028	***	***	6 028

(*)

***: not applicable

Table 9.2 Probation measures ordered in 1999 (percentages)

- (a) Sentence in its own right after an offender has been found guilty, without the passing of a sentence of imprisonment
 (b) Fully suspended prison sentence is passed (*)
 (c) Partially suspended prison sentence is passed (*)

Reference : Council of Europe, SPACE II – 1999

	(a)	(b)	(c)	Ensemble
Albania				
Andorra	***	95.1	4.9	100.0
Armenia	***	***	***	100.0
Austria	?	?	?	100.0
Azerbaijan				
Belgium	***	---	---	100.0
Bulgaria	***	***	***	100.0
Croatia	100.0	***	***	100.0
Cyprus	56	75.3	***	100.0
Czech Republic	***	100.0	***	100.0
Denmark	41.2	26.4	32.3	100.0
Estonia				
Finland	4.9	95.1	***	100.0
France	***	72.6	27.4	100.0
Georgia				
Germany	***	***	***	100.0
Greece	***	***	***	100.0
Hungary				
Iceland	---	n.s.	n.s.	100.0
Ireland	98.7	1.0	0.3	100.0
Italy	***	***	***	100.0
Latvia				
Liechtenstein				
Lithuania	***	***	***	100.0
Luxembourg				
Malta				
Moldova	100.0	***	***	100.0
Netherlands	***	***	***	100.0
Norway	---	---	---	100.0
Poland	---	---	***	100.0
Portugal	---	---	***	100.0
Romania				
Russia				
Slovakia	***	***	***	100.0
Slovenia				
Spain	***	***	***	100.0
Sweden	100.0	***	***	100.0
Switzerland	***	***	***	100.0
"The F.Y.R.O. Macedonia"	***	***	***	100.0
Turkey				
Ukraine				
<i>United Kingdom</i>				
England and Wales	100.0	***	***	100.0
Northern Ireland				
Scotland	100.0	***	***	100.0

(*)

*** : not applicable

Table 10.1 Combined sanctions and measures ordered in 1999 (other than those indicated in Table 9, item c): numbers

Reference: Council of Europe, SPACE II – 1999

	Unsuspended custodial sentence, followed by an obligation to undergo treatment after release planned for ...				
	Drug addicts	Alcoholics	Persons suffering from psychiatric problems	Persons imprisoned for sex-related offences	Total
Albania					
Andorra	1	0	4	0	5
Armenia	---	---	---	---	---
Austria	---	---	---	---	---
Azerbaijan					
Belgium	***	***	***	***	***
Bulgaria	***	***	***	***	***
Croatia	***	***	***	***	***
Cyprus	***	***	---	***	---
Czech Republic	---	---	---	---	---
Denmark	***	***	***	***	***
Estonia					
Finland	***	***	***	***	***
France	***	***	***	***	***
Georgia					
Germany	***	***	***	***	***
Greece	***	***	***	***	***
Hungary					
Iceland	0	0	0	0	0
Ireland	***	***	***	***	***
Italy	***	***	***	***	***
Latvia					
Liechtenstein					
Lithuania	***	***	***	***	***
Luxembourg					
Malta					
Moldova	***	***	***	***	***
Netherlands	***	***	***	***	***
Norway	---	---	---	---	---
Poland	***	***	***	***	***
Portugal	***	***	***	***	***
Romania					
Russia					
Slovakia	---	---	---	---	---
Slovenia					
Spain	---	---	---	---	---
Sweden	***	***	***	***	***
Switzerland	***	***	***	***	***
"The F.Y.R.O. Macedonia"	***	***	***	***	***
Turkey					
Ukraine					
<i>United Kingdom</i>					
England and Wales	***	***	***	***	***
Northern Ireland					
Scotland	---	---	---	---	---

*** : not applicable

Table 10.1 Combined sanctions and measures ordered in 1999 (other than those indicated in Table 9, item c): percentages

Reference: Council of Europe, SPACE II – 1999

	Unsuspended custodial sentence, followed by an obligation to undergo treatment after release planned for ...				
	Drug addicts	Alcoholics	Persons suffering from psychiatric problems	Persons imprisoned for sex-related offences	Total
Albania					
Andorra	n.s.	n.s.	n.s.	n.s.	100.0
Armenia	---	---	---	---	100.0
Austria	---	---	---	---	100.0
Azerbaijan					
Belgium	***	***	***	***	100.0
Bulgaria	***	***	***	***	100.0
Croatia	***	***	***	***	100.0
Cyprus	***	***	---	***	100.0
Czech Republic	---	---	---	---	100.0
Denmark	***	***	***	***	100.0
Estonia					
Finland	***	***	***	***	100.0
France	***	***	***	***	100.0
Georgia					
Germany	***	***	***	***	100.0
Greece	***	***	***	***	100.0
Hungary					
Iceland	n.s.	n.s.	n.s.	n.s.	100.0
Ireland	***	***	***	***	100.0
Italy	***	***	***	***	100.0
Latvia					
Liechtenstein					
Lithuania	***	***	***	***	100.0
Luxembourg					
Malta					
Moldova	***	***	***	***	100.0
Netherlands	***	***	***	***	100.0
Norway	---	---	---	---	100.0
Poland	***	***	***	***	100.0
Portugal	***	***	***	***	100.0
Romania					
Russia					
Slovakia	---	---	---	---	100.0
Slovenia					
Spain	---	---	---	---	100.0
Sweden	***	***	***	***	100.0
Switzerland	***	***	***	***	100.0
"The F.Y.R.O. Macedonia"	***	***	***	***	100.0
Turkey					
Ukraine					
<i>United Kingdom</i>					
England and Wales	***	***	***	***	100.0
Northern Ireland					
Scotland	---	---	---	---	100.0

***: not applicable

Table 11 Other sanctions and measures ordered in 1999, perceived as important in statistical terms in the country considered, and not covered by the preceding items

Reference: Council of Europe, SPACE II – 1999

	Type of measure	Numbers
Andorra	Suspension of driving licence with probation involving medical treatment	12
Denmark	Treatment for certain alcohol addicted offenders	1 183
	Treatment instead of imprisonment at certain institutions	333
Iceland	Prisoners transferred from prison the six last weeks of their imprisonment to an impatient treatment program for alcohol and drug addicts in an private institution	25
	Prisoners transferred from prison the last months of their imprisonment to a half way house driven by the prisoners Aid Association	47
	Conditional withdrawal (waiver) of prosecution with to years supervision	77
Italy	Probationary assignment of offenders to the Social Service	12 938
	Home detention	5 388
	Semi-liberty	1 773

Table 12. Conditional releases before completion of sentence ordered in 1999

Reference: Council of Europe, SPACE II – 1999

	Total of measures of conditional granted in 1999	Number of finally sentenced prisoners presented at 1.9.1999	Rate of measures of conditional release per 100 sentenced prisoners
Albania			
Andorra	24	---	---
Armenia	922	---	---
Austria	1 137	4 731	24.0
Azerbaijan			
Belgium	---	---	---
Bulgaria	1 228	8 565	14.3
Croatia	842	1 261	67
Cyprus	***	---	***
Czech Republic	3 299	16 126	20.5
Denmark	1 588	2 557	62.1
Estonia			
Finland	878	2 131	41.2
France	5 217	34 922	14.9
Georgia			
Germany	---	---	---
Greece	---	---	---
Hungary			
Iceland	100	85	n.s.
Ireland	74	2 441	3.0
Italy	51	26 983	0.2
Latvia			
Liechtenstein			
Lithuania	3 284	11 674	28.1
Luxembourg			
Malta			
Moldova	508	7 125	7.1
Netherlands	***	---	***
Norway	---	---	---
Poland	17 524	41 120	42.6
Portugal	1 907	---	---
Romania			
Russia			
Slovakia	1 699	5 052	33.6
Slovenia			
Spain	5 672	34 223	16.6
Sweden	5 381	4416	122
Switzerland	---	---	---
"The F.Y.R.O. Macedonia"	868	1 042	83.3
Turkey			
Ukraine			
<i>United Kingdom</i>			
England and Wales	2 600	---	---
Northern Ireland			
Scotland	311	5 000	6.2

n.s. = not significant

Notes

Denmark: Table 1: Compulsory treatment ab initio for alcoholics was introduced in July 2000.

Table 9.: Distribution according to the different forms of probation is approximate.

Norway: Table 3.1 : The age bands are 5 years to 11 years and 11 years to 21 years.

Switzerland: : The data concerning community service and prison sentences relate to 1998.

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