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EDITORIAL

This Bulletin is the latest link in a long chain of Council of Europe projects concerned with prison affairs.

The Council of Europe's work on crime problems (which covers the fields of criminal law, criminology and penology) originated in a 1956 resolution on crime prevention and the treatment of offenders. In 1957, the Committee of Ministers, sitting at Deputy level, decided to establish the European Committee on Crime Problems, which held its first meeting in 1958 and was assigned the following terms of reference:

- *to help to adapt policy on crime prevention and punishment to current social needs, taking into account firstly the need to protect the fundamental values and structures of human society and, secondly, the principles of the rule of law and respect for human rights;*

- *to foster international co-operation on crime prevention and punishment and the treatment of offenders;*

- *to promote, where appropriate, harmonisation of the efforts of individual member States with a view to the definition of overall policies for the control of crime and the defence of society; and*

- *to encourage, by means of exchanges of information and research, the critical examination and development of such policies.*

Although the wording - but not the import - of these terms of reference was later changed, it is clear that crime prevention and the treatment of offenders are major concerns.

Over the years, the interest shown in these problems and the importance attached to them have been reflected in about twenty specific studies, usually accompanied by resolutions or recommendations; They have covered a wide range of topics, including: the treatment of certain categories of detained persons (those detained pending trial, offenders under 21 years of age, adult offenders and long-term prisoners); the treatment of offenders in general and in the context of the Standard Minimum Rules or more specifically from the standpoint of group and community treatment; the practical organisation of measures for the supervision and after-care of conditionally sentenced or conditionally released offenders, alternatives to prison sentences; and, lastly, prison staff, without whose co-operation nothing valuable in this field could be achieved (status, recruitment and training of prison staff; status, selection and training of governing grades of prison staff). Although this list does not claim to be exhaustive, it would be incomplete if it did not mention the Convention on the Supervision of conditionally sentenced or conditionally released Offenders (1964) and the Convention on the Transfer of Sentenced Persons (1983).

To ensure the success of its activities in the prison field, the Council of Europe calls on eminent specialists, bringing them together under its auspices.

I shall mention just two examples:

The first is the Conference of Directors of Prison Administrations, which was convened for the first time in 1973 and which has been held every two years since then. The sixth Conference is to be held in June 1983. The conferences enable directors of prison administrations to discuss common problems of particular interest to them at European level.

From the outset, it was considered important that the conferences should take place at a high level and be attended by those responsible for prison administrations, as this would ensure authoritative knowledge of the problems encountered in the prison world and also as such persons would be in a position to put the recommendations adopted into practice. We are particularly proud to say that all the first five conferences were attended by those responsible for prison administration at the highest national level, ie directors general or directors of prison administrations, depending on the grade assigned to this function in the various member States. We have every hope that this will continue to be so in the future.

The second example is the Committee for Co-operation in Prison Affairs, which was set up as a result of a decision taken in 1980 and represents a major step forward in prison affairs. The Committee comprises MM. Kenneth J. Neale (United Kingdom), who is the Chairman, Helmut Gonsa (Austria), Costas Christou (Cyprus), Alphonse Spielmann (Luxembourg) and Bo Martinsson (Sweden) and has wide-ranging and major responsibilities.

It co-ordinates and promotes penological activities at European level, collects and disseminates information and expert opinions on prison affairs and practice, advises member States, on request, on this or that problem, monitors and encourages application of the Standard Minimum Rules in Europe and reports on the subject at regular intervals. In addition, it organises and provides secretariat services for the Conference of Directors of Prison Administrations. Its work is clearly welcomed by the prison administrations, which all face the difficult problems involved in the management and treatment of prisoners. Incidentally, one of the Committee's first proposals was for the publication of a prison information bulletin.

The purpose of this bulletin is to keep its readers informed about developments in prison affairs in Europe. It will serve not only as a vehicle for the dissemination of news about the Council of Europe member States but also to make the Organisation's past, present and future activities better known.

The bulletin is intended to forge a link between national prison administrations, their staff and the Council of Europe. To a large extent, its success will depend not only on our own efforts but also on the co-operation of its readers.

On that note, I wish long life to this Prison Information Bulletin, which it has been my privilege and pleasure to present to you here.

Erik Harremoes
Director of Legal Affairs
Council of Europe

INTRODUCING THE PRISON INFORMATION BULLETIN

The Directors of Prison Administrations in Europe have frequently stressed their belief in the value of a co-ordinated regular service that would facilitate the exchange of information between prison services about new experience and knowledge in prison affairs. The establishment of the Committee for Co-operation in Prison Affairs, with a clear mandate to pursue this objective, has opened the way for new initiatives in this field under the auspices of the Council of Europe. The Committee is working on various projects aimed at encouraging the development of the information services available to the prison services in Europe, including the establishment of a documentation centre and optimising the use of the central information resources in Strasbourg. The Prison Information Bulletin has been launched to provide an information link between European prison services and with the Council of Europe. It will thus provide a regular forum for the dissemination of selected material on prison affairs to mutual advantage.

It is intended to publish the Bulletin twice a year and it will be widely distributed in each of the official languages of the Council of Europe. We hope that its range will be found relevant to current problems and sufficiently comprehensive to be of practical use at all levels in the European prison services. To achieve this it is important that the Bulletin is supported by the prompt and regular submission of suitable material of topical and continuing interest and utility. It would also be helpful to have comments and suggestions about content and presentation. Basically, the Bulletin will aim to note the results of new operational and treatment methodology and research, major organisational and management matters, new legislation of relevance to prison administration and treatment philosophy and, naturally, it will record those activities sponsored by the Council of Europe that seem to be of special importance or topicality. Thus, there will be appropriate summaries of the relevant proceedings of the European Committee on Crime Problems, the Conferences of Directors of Prison Administrations, the work of the Committee for Co-operation in Prison Affairs, seminars and the reports of those Select Committees and Study Fellowships of particular interest to prison administrations. It is hoped also to include, as a regular feature, a bibliography of the most important publications in the field with references to source and short notes on content if that seems helpful in indicating the subject matter more specifically or noting some report of special significance.

The Committee for Co-operation in Prison Affairs will co-operate closely in the work of producing this publication with the Secretariat, which will be primarily responsible for its compilation and distribution. Every effort will be made to develop the Bulletin in ways that prison administrations find most useful in practical application. In return we would hope that Directors of Prison Administrations will themselves contribute material and ideas as well as encouraging their staffs to do so and to make full use of the information contained in the Bulletin. The strengthening of the Council of Europe information services available to the prison administrations of Europe will, we are sure, contribute not only to improved knowledge, but to a greater sense of unity and purpose among the prison services and their staffs.

Kenneth J. Neale
Chairman
of the Committee for Co-operation in Prison Affairs

IMPRISONMENT

Democratic states face two contradictory requirements: to (re-)socialise criminal offenders and to protect society. How can prisons reconcile these aims?

Life in society is governed by traditional - though constantly evolving - rules of morality, ethics and customs, which together constitute the social order. This alone, however, does not suffice to ensure that people live together in harmony; it is, therefore, supplemented, strengthened and made enforceable by law. The law thus serves to uphold society.

The kinds of socially deviant behaviour that are considered serious enough to be punishable in the courts are defined by criminal law.

Criminal law may be regarded as having three separate, though interrelated, branches: substantive law, procedural law and the law relating to prison administration. Prosecution, sentencing and the enforcement of penalties are the responsibility of different authorities.

When an offence is committed, the official reaction of the state is to inflict a sanction.

The catalogue of possible sanctions for offences in national systems of criminal law nowadays ranges far beyond mere imprisonment. In addition to judicial alternatives such as suspended sentence and fines there are court orders, disqualifications, "semi-detention" and other minor sanctions.

It is an unchallenged basic principle of the Council of Europe that imprisonment, being the most extreme and ultimate penalty, should be inflicted only where no alternative measure can be justified. The sanction imposed on an individual offender should always be chosen so as to make the maximum contribution to fitting him for society and reducing the risk of his committing further offences, while at the same time affording adequate protection for society.

Prevailing social values still see criminal law as indispensible and penalties as socially necessary.

The purposes and organisation of imprisonment are determined by the law of each state.

The purposes of imprisonment, as they are prescribed by law or generally acknowledged in the member states of the Council of Europe, are, on the one hand, social re-integration to enable the offender in future to lead a socially responsible life without committing criminal offences and, on the other, the protection of society and general prevention. Whenever the purposes of imprisonment are discussed, there arises the inevitable contradiction between the purpose of treatment with its aim of the social re-integration of the offender and the objective of the protection of society. The possibility of any social

re-integration with a closed penal institution is often entirely denied, or at least it is emphasised that any imprisonment in a closed institution is damaging rather than conducive to socialisation. One must be aware of what it really means to claim that imprisonment shall socialise; its natural effect is the very opposite.

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

Our law enforcement must reconcile all these demands.

How can this be done?

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

Let me explain these three measures.

The basic idea of differentiation is rather simple:

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

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

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

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

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

The different regimes vary from open, semi-open and other mitigated regimes to standard regimes and to security and high security regimes. Special regimes exist also (for instance in Austria) for mentally disabled and psychopathic offenders,

for alcohol and drug addicts and for dangerous recidivists. For juvenile and young offenders as well as first offenders and traffic offenders, special regimes are common. In several penal systems imprisonment in stages is introduced and all systems know pre-release regimes.

There is, indeed a great variety of possible regimes.

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

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

While the organisation of prison sentences is mainly a matter of differentiating prisons and their regimes and classifying prisoners, attention must always be paid to the strict lawfulness of enforcement, general humanisation of the system and improvement of the prison environment.

A convicted person is still a citizen and a member of society and, as such, the law still applies to him. Such a far-reaching intrusion by the state in the life of one of its citizens as a sentence of imprisonment represents, needs a solid legal basis to warrant it. It is not enough for the rights and duties of prisoners to be clearly laid down; the individual prisoners must also have the necessary protection of the law to enable them to assert their rights.

The Council of Europe maintains that the very fact of imprisonment means that, to varying degrees according to the regime, the prisoner is kept in an artificial, regimented environment that contrasts with his normal state of liberty. It follows that imprisonment should consist of deprivation of liberty alone, without any further aggravating circumstances. A resolute endeavour must be made, especially in closed prisons, to counter any excessively pronounced "prison sub-culture", which impedes rehabilitation, and thus reduce the "prison syndrome" with all its negative consequences whereby prisoners adapt to this sub-culture.

Highly trained prison officers who have a human understanding of the prisoners in their care and willingness to listen and talk to them can work wonders in creating a good prison atmosphere. And such an atmosphere is always a first-class security measure in itself.

It is true that in recent years the idea that imprisonment should be entirely therapeutic has been given up, for it has been realised that not all prisoners can be rehabilitated and treatment depends on the individual's willingness and

and ability to co-operate. Today, therefore, the guiding principle is no longer compulsory treatment but fair opportunities for treatment for all those who are prepared to take advantage of them.

Helmut Gonsa
Director
of the Austrian Prison Administration

PRISON REFORM IN FRANCE

There has been no shortage of reforms in the history of prisons in France. Nevertheless the institution has aged, its structures have become rigid and its traditions are very slow to change.

The second half of the previous presidential term of office was dominated by a concern for security at any price, and the prison system felt the effects. Since May 1981, however, priority has deliberately been given to humanising prisons and improving conditions for both staff and prisoners.

The measures already taken are noteworthy, yet they are merely one aspect of a wider-reaching reform. This depends on draft legislation, currently being studied, on the status of prison staff, the execution of sentences being brought under the control of the courts, and the drafting of a new criminal code.

In the short term, my main concern is to improve day-to-day life in prisons for both staff and prisoners. The steps already taken are not the result of improvisation and haste; the committee that prepared them did so calmly and coolly and they are being put into operation gradually.

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A plan for renovating and building housing for staff has been drawn up. Present housing will be improved, new homes will be built outside the prisons, and hostel accommodation will be provided. All avenues which can lead to real progress will be explored.

Immediate and speedy action must be taken to remedy the poor condition of areas reserved for staff in the prisons (rest rooms, cloak-rooms, sanitation, etc).

It was high time for working conditions to be made less onerous, so efforts have been concentrated on the reduction of night work and time spent on duty in look-outs. All staff on night duty or in an isolated post are to be provided with personal alarms.

It was important that disturbances to the organisation of family life should be avoided, so that from now on, except in special circumstances, staff transfers will be made on fixed dates and during school holidays.

It has been decided to give women greater access to senior posts, and a woman has already been appointed assistance governor at the Fresnes prison complex.

Lastly a new more modern and more comfortable uniform has been adopted.

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Prison must not be merely a place where prisoners are shut away and kept apart from society; more and more it must become a place where they are prepared for their return to freedom. That is why the new regulations have changed the day-to-day life of prisoners.

There are two guiding principles behind what has been done here - making the conditions of imprisonment more human, and encouraging the maintenance of contact with families.

In order to make the conditions of imprisonment more human, changes have been made in the life of the prison; socio-cultural activities are being developed, a genuine health policy is being pursued and the disciplinary system has been overhauled.

Prisoners serving sentences are no longer forced to wear prison clothes, with their disciplinary overtones; like those awaiting sentence, they may use their own personal belongings. They are also given more freedom to decorate and arrange their cells as they like. Lastly, so that nights shall be shorter, "lights out" is now later in all prisons.

In order to encourage culture and sport, clubs are being set up in all prisons, making it possible to provide systematic back-up for educational activities. Reading is being encouraged, and restrictions on reading time have been removed; prisoners may be brought paperbacks by their families and persons authorised to communicate with them. Books may be exchanged and lent among prisoners, with the sole proviso that the rules forbidding trafficking and clandestine communications must be observed.

In the matter of health, prisoners are entitled to have the same rules of medical ethics as prevail outside prison applied to them. For example, prison doctors are no longer forbidden to issue certificates to prisoners, their families or their advisers. Better treatment also means greater control over the operation of medical and nursing care. That is why the prison administration's own medical inspectorate has been abolished; its place will now be taken by specialised control sections responsible to the Ministry of Health. Similarly, the General Inspectorate for Social Affairs is to study ways of achieving complete desegregation of prison medicine; prisoners are entitled to the same care as other citizens.

As regards discipline in prisons there must be no victimisation. Thus a ban on smoking is no longer one of the penalties that may be imposed in prison. Moreover, either directly or through his lawyer, the prisoner must be able to submit to the judge responsible for the execution of sentences any comments on solitary confinement, the reasons for which must be communicated to him beforehand.

The second guiding principle is that the deprivation of freedom must not be made worse by the breakdown, possibly irreparable, of family ties. Thus the new regulations encourage contacts between the prisoner and the outside world, and are also designed to encourage the maintenance of family ties.

The procedure for issuing authorisations to visit prisoners has accordingly been simplified and standardised. Visits themselves have been made as human as possible, whenever possible with prisoners and their visitors no longer having to speak through a glass partition - a palpable and symbolic sign of the separation between them. A necessary counterpart, of course, has been the introduction of systematic checks on visitors, using modern detection methods, and visits are still confined to special rooms with a partition whenever incidents are feared, in the interests of order and safety. Lastly, I should add that the immediate and general introduction of unpartitioned rooms for visits has not been possible, given the lack of space in so many prisons at present.

Prisoners now have the right to correspond with anyone they choose, instead of just members of their families and persons holding permanent authorisation to visit as was previously the case. There is no longer any restriction on prisoners in solitary confinement corresponding with their families.

Convicted persons may communicate with members of their family and persons authorised to visit them by telephone. They must pay for such calls, whose frequency is supervised by the authorities - once a month in detention centres, and in cases of serious family or personal circumstances in prisons.

Families are notified when prisoners are transferred, so that they shall not make unnecessary and expensive journeys. Moreover, when the authorities come to decide where a prisoner is to serve his sentence, they will take account as far as possible of the location of his home.

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Needless to say this reform encounters scepticism and resignation in some quarters and fears and uncertainties in others. One thing at any rate is certain - its success is largely dependent on the prison staff whose professional abilities, too frequently unappreciated, match the requirements of the public service of the administration of justice.

However, this reform would have but little effect if it were not accompanied by a change in attitudes. Any wide-ranging reform depends on the public at large and the way it regards prisons. We are all involved, in fact, in seeing to it that prison is no longer the symbol of social ostracism: only total solidarity can really change prison and humanise it.

Robert Badinter
Garde des Sceaux and
Minister of Justice, France

MONITORING THE USE OF PRESCRIBED DRUGS IN PRISON

Introduction

Inmates who are drug misusers not infrequently exert manipulative pressures on prison doctors to get them to prescribe sedatives, hypnotics or tranquillisers (SHOT) as a substitute for, or re-inforcement of, illegal drugs. Inmates who are not drug misusers may also try to secure SHOT for sale to those who are. The danger of exacerbating the problems of drug dependent inmates is obvious. Some oversight of prescribed drug utilisation is clearly desirable. There are however difficulties with following up a large number of individual prescriptions since this takes a lot of time and is therefore expensive. In this article I shall describe a Swedish attempt to monitor prescribed drug utilisation by a simple and cheap method (1).

The attempt came into being following the publication of a report in late 1979 by the Swedish Association for Prison Reform (designated hereafter by the initials of its Swedish name KRUM) on the use of SHOT in six prisons (2). KRUM claimed, that the quantities of SHOT requisitioned by the prisons' medical authorities, showed that high and unwarranted levels of use were a feature of prison treatment. KRUM's harsh criticism led to questions in parliament. The National Prison and Probation Administration (NPPA) was asked by the Ministry of Justice to study the use of SHOT in prisons and report.

Main features of the study

In designing the NPPA study we took note of certain methodological weaknesses in the KRUM study. The period of investigation was, in our view, rather too short. Furthermore, no allowance had been made for drugs in stock at the beginning and end of the period nor for those discarded by reason of expiry date limits. It was essential to avoid these weaknesses in our own study.

The work of Bergman, Christensson, Jansson and Wiholm (1980) provided a useful model for our study (3). They audited drug utilisation on the various wards of a large Swedish university hospital by means of drug delivery and hospital bed occupancy statistics. These data were in broad agreement with prescription data. Most important of all, they showed that information about, and discussion of, levels of drug utilisation tended to reduce high use levels. We were fortunate enough to have the assistance of Dr. Wiholm in the planning and execution of our study.

Four prisons were chosen by us for the study. Two of them had the highest levels of SHOT use in the KRUM investigation while the other two prisons were ranked as lowest of the six studies by KRUM (but still with high SHOT use levels).

We decided to use a prospective study ie the medical staff of the four prisons would know in advance that SHOT utilisation would be followed during an eight month period.

All drugs are classified into pharmaceutical categories by the Swedish Board of Health and Social Welfare. We were especially interested in the SHOT category, which includes a sub-category of medicines classified as narcotic drugs, inter alia, Modirax, Mogadon, Sobril, Stesolid, Valium, Heminevrin and Ansopal. A range of other drugs - antihistamines, spasmolytics, neuroleptika, anti-depressants and analgesics of morphine type - were also included in our study (4).

The National Corporation of Swedish Pharmacies (NCSP) took great interest in our research and arranged to make computerised drug delivery statistics available to us. The most important of these statistics gives the value of delivered drugs in DDD units. This DDD (defined daily dose) is the estimated average dose based on main indications for use as established by the Nordic Council on Medicines. Thus, for each drug a DDD figure exists. It enables calculations and comparisons to be made despite varying dosages and strengths of medicines. We planned to make an inventory of drugs in stock at the start of our study (1 January 1981). We would then know from the NCSP print-out what quantities of drugs had been delivered during the study. At the end of the study period (31 August 1981) a fresh inventory of drugs in stock, or discarded by reason of expiry date limitation, would be made. It would then be a simple matter to calculate the DDD levels of use during the period.

A completely new patient medicine form, almost identical to that used in Swedish hospitals, was brought into use to give an improved grasp of drugs prescribed, as well as strengths, dosages and periods of use. The new form also permitted us to check prescription data against drug delivery data (5).

After pilot studies, our investigation began as planned on 1 January 1981. At the end of the study period, 31 August 1981, and after stocktaking, all data on drugs delivered or prescribed were converted into DDD. Use rates were expressed for each pharmaceutical category of drugs as total numbers of DDD per 100 inmates per day.

Findings

The use rates were slightly higher when drug deliveries rather than prescription data were used as a basis for calculation. This was explained by the fact that copies of a few patient medicine forms were not sent in to us and the fact that medicines are sometimes given to staff on duty without, of course, there being an entry on a form. In what follows we have used the delivery data as the basis for the calculation ie the data which gives a slightly higher use rate than the prescription data.

The principal finding was that for the medicines classified as narcotic drugs, use-levels measured in our study were about 90 % lower than the levels reported in the KRUM study. This was true for all four prisons studied as the following table shows.

Prison	Use-level of narcotic drugs (Category 11 AN) in DDD per 100 inmates per day		
	KRUM study	NPPA study	% reduction
A	132	14	90
B	97	3	97
C	60	12	81
C	53	9	83

Some displacement from dependency producing drugs towards "safer" drugs occurred. Even so, <u>total</u> drug utilisation was markedly reduced as the following table shows.

Prison	Total drug utilisation in DDD per 100 inmates per day		
	KRUM study	NPPA study	% reduction
A	173	61	65
B	121	36	70
C	69	19	72
D	77	20	74

There is some variation in our study between the use-levels of the different prisons, but investigation of this variation would require assessment of treatment offered in relation to patient illness. This was outside the scope of the present study.

Concluding remarks

The KRUM study was retrospective whilst the NPPA study was prospective. Strict comparisons between their findings are not possible. In addition the debate engendered by the publication of the KRUM study might have heightened awareness of, and sensitivity to, the prescription of dependency producing drugs in prison, perhaps thereby producing some reduction effects. Having regard however to well documented effects arising from the knowledge of being the subject of study, we believe the prospective nature of our study to have been a factor of some importance for the favourable result obtained. The methods which we have used show that prison drug utilisation can be simply, effectively, reliably and cheaply monitored by the use of DDD drug delivery statistics.

Finally, it should be noted that the National Prison and Probation Administration has set up a Medicines Committee as from 1 October 1981. The committee is required to present proposals for a limited assortment of medicines for general use in prisons and follow prescription practice within the prisons. Seven prison medical officers sit on the committee together with a pharmacist and a pharmacologist from outside the Prison Service.

Norman Bishop,
Head of the Research and Development Group,
National Prison and Probation Administration (Sweden)

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(1) The article is based on a report prepared by Marie Landen and myself, The prescription of drugs in prison, Report no. 1982: 2, available from the Research and Development Group, National Prison and Probation Administration, S-601 80 Norrköping, Sweden.

(2) Report: Vårdad med knark, KRUM, Stockholm, 1979. (In translation, Treated - with narcotics!).

(3) Bergman U, Christensson I, Jansson B, Wiholm B-E, Auditing hospital drug utilisation by means of defined daily doses per bed-day, Eur. J. Clin. Pharmacol., 17, 1980.

(4) The NPPA report (see ref. 1) gives the complete list of drugs included in our study.

(5) The new patient medicine form is reproduced in the NPPA report (see ref. 1).

NEWS OF THE COUNCIL OF EUROPE

CONVENTION ON THE TRANSFER OF SENTENCED PERSONS

The Convention on the Transfer of Sentenced Perosns, which was opened for signature on 21 March 1983, is intended to facilitate the repatriation of foreign prisoners. In so doing it takes account of modern trends in crime and penal policy. Improved means of transport of communication have led to a greater mobility of persons and, in consequence, to increased internationalisation of crime. As penal policy has come to lay greater emphasis upon the social resettlement of offenders, it has been considered desirable that sanctions imposed on a foreign offender be enforced in his home country rather than in the State where the offence was committed and the judgment rendered. The new Convention is also rooted in humanitarian considerations: difficulties in communication by reason of language barriers, alienation from local culture and customs, and the absence of contacts with relatives may have detrimental effects on the foreign prisoner.

The transfer of a foreign prisoner to his home country is already possible under the European Convention on the International Validity of Criminal Judgments concluded within the Council of Europe in 1970. That Convention, however, presents three major shortcomings: it has so far been ratified by only a small number of member States (Austria, Cyprus, Denmark, Norway, Sweden and Turkey), the procedure it provides is not conducive to ensuring the rapid transfer of foreign prisoners, and only the sentencing State is entitled to request a transfer.

With a view to overcoming these difficulties, the new Convention provides for a procedure which is both simpler and more expeditious.

A transfer may be requested not only by the State in which the sentence was imposed ("sentencing State"), but also by the State of which the sentenced person is a national ("administering State"), thus enabling the latter to seek the repatriation of its own nationals. The prisoner himself has no right to request his own transfer but he may express his interest in being transferred under the Convention, by addressing himself to either the sentencing of the administering State, and the transfer is subject to his consent.

The prisoner's consent constitutes one of the basic elements of the transfer mechanism. It is rooted in the Convention's primary purpose to facilitate the rehabilitation of offenders: transferring a prisoner without his consent would be counter-productive in terms of rehabilitation.

Moreover, for a transfer to be effected under the Convention the prisoner must be a national of the administering State, the judgment must be final, at least six months of the sentence must still remain to be served, the acts or omissions on account of which the sentence has been imposed must constitute a criminal offence according to the law of the administering State and both sentencing and administering State must agree to the transfer.

As regards enforcement of the sentence following the transfer, the administering State may choose between two procedures: it may either continue the enforcement immediately or through a court or administrative order, or convert the sentence, through a judicial or administrative procedure, into a decision which substitutes a sanction prescribed by its own law for the sanction imposed in the sentencing State. The basic difference between the "continued enforcement" and the "conversion of sentence" procedure is that in the first case the administering State continued to enforce the sanction imposed in the sentencing State (possibly adapted), whereas in the second case the sanction is converted into a sanction of the administering State, with the result that the sentence enforced is no longer directly based on the sanction imposed in the sentencing State. In both cases, enforcement is governed by the law of the administering State including, for instance, its rules relating to eligibility for conditional release.

Where the administering State opts for the "continued enforcement" procedure, it is bound by the legal nature as well as the duration of the sentence as determined by the sentencing State. If the two States concerned have different penal systems with regard to the division of penalties or the minimum and maximum length of sentence, the administering State may adapt the sanction to the nearest equivalent available under its own law, provided that this does not result in more severe punishment or longer detention.

Where the administering State chooses the "conversion of sentence" procedure - commonly called "exequatur" - it substitutes a sanction prescribed by its own law for the sanction imposed in the sentencing State. The procedure is governed by its own law, but with regard to the extent of the conversion and the criteria applicable to it the Convention states four conditions. Firstly, the authority is bound by the findings as to the facts insofar as they appear - explicitly or implicitly - from the judgment pronounced in the sentencing State. It has therefore no freedom to evaluate differently the facts on which the judgment is based. Secondly, a sanction involving deprivation of liberty may not be converted into a pecuniary sanction. Thirdly, any period of deprivation of liberty already served by the sentenced person must be deducted from the sentence as converted by the administering State. Fourthly, the penal position of the sentenced person must not be aggravated: punishment must not be longer or harsher than that imposed by the sentencing State.

Pardon, amnesty and commutation of the sentence may be granted by either the administering or the sentencing State, but the sentencing State alone has the right to decide on any application for review of the judgment.

Unlike other Conventions on international co-operation in criminal matters prepared within the framework of the Council of Europe, the Convention does not carry the word "European" in its title. This is to indicate that the instrument should be open to like-minded democratic States outside Europe. Two such States - Canada and the United States of America - were, in fact actively associated with its elaboration and are for that reason entitled to sign the Convention alongside

member States of the Council of Europe before its entry into force, whereas other non-member States need to be invited by the Committee of Ministers to accede to the Convention, which is possible only after its entry into force and after consultation of the Contracting States. On 21 March 1983, the day the Convention was opened for signature, it was signed by ten member States (Austria, Belgium, Denmark, Federal Republic of Germany, Greece, Luxembourg, the Netherlands, Portugal, Sweden, Switzerland) as well as Canada and the United States of America. Subsequently, France signed on 27 April 1983 and Liechtenstein on 3 May 1983. The Convention will enter into force upon ratification by three member States.

H.-J. Bartsch

Recommendation No R (82) 16 on Prison Leave

In the great majority of Council of Europe member States prison leave exists in one form or another and in varying degrees, if not in practice at least in intent.

Acceptance of the very concept of prison leave implies specifying, from the outset, the limits to be set to it and the persons eligible. Several reasons may be offered to justify prison leave. All the member States which have introduced prison leave in practice or merely in their legislation invoke the same reasons, although the emphasis they place on them varies according to their national characteristics.

Humanitarian reasons may be mentioned first. It has always been the practice to allow prisoners to leave prison for brief spells, especially to visit their families when circumstances so require (the serious illness or death of a close relative, for example).

The social changes which have occurred over the years have also greatly influenced present-day prison conditions. In the majority of Council of Europe member States there is a recognisable trend towards making imprisonment less of an ordeal and diminishing its negative effects (an increasing number of prisoners serve their sentences in open prisons; the system within prisons, whatever their category, is becoming more liberal; conditional release is granted whenever possible).

Seen in this context, prison leave may be regarded as the logical consequence of a natural trend.

Certain types of prison leave, such as leave of absence to attend general-education or vocational-training courses outside prison, are motivated essentially by the desire to improve prisoners' chances of finding their place in society again after release. Similarly, prison leave granted for family reasons is also regarded as contributing in no small degree to the treatment designed to promote prisoners' rehabilitation.

The advantages which the prison-leave system can afford to the prisoner himself, his family and society as a whole appear obvious to most people and, when the subject is raised in discussions on criminal policy, it is rare for the actual principle to be called in question.

Since prison leave is of particular importance because it contributes, on the one hand, to make prisons more human and to improve conditions of detention and, on the other, to facilitate the social rehabilitation of prisoners, Recommendation R (82) 16 deals with the reasons for granting prison leave and the conditions in which it may be granted, the factors to be taken into account, the prisoners eligible, and the measures to be taken in certain circumstances and in certain specific cases. It also mentions the case of refusal to grant prison leave and the possibility of providing for a review of such a decision. It advocates consultation, where appropriate, with non-prison authorities, agencies and persons capable of contributing to the proper functioning of the system. It points to the importance of securing the prison staff's support, of providing adequate funds to ensure the effective operation of the system, and of keeping the public informed.

M.-S. Eckert

RECOMMENDATION No R (82) 17 ON THE CUSTODY AND TREATMENT OF DANGEROUS PRISONERS

The great majority of prisoners do not pose any significant threat to society or to prisons. Many of them are likely to respond to rehabilitative treatment and this opportunity should be afforded to them. There are, however, a number of prisoners (5% according to estimates) who, because of their personalities or because they constitute a threat to public safety or to order in prisons, require closer supervision and necessitate stricter security measures. This minority confronts prison administrations with serious problems as to how they are to be accommodated while they are serving their sentences and to what extent they, also, can be offered opportunities of rehabilitation.

As regards this particular category of prisoner, Recommendation No. R (82) 17 stresses that whenever possible general prison regulations should be applied to them and that security measures should be taken only when absolutely necessary and with due respect for human dignity and human rights. The recommendation also covers specific problems relating to health, vocational training, prison work, leisure and other activities, procedure for regular reviews, necessary resources, and appropriate training and information for staff.

Appended to the recommendation is an explanatory memorandum designed primarily for prison administrations and prison staff. It is factual, descriptive and practical, and its purpose is to provide a source of information for all those who have to deal with dangerous prisoners and the problems which their imprisonment poses.

From the stand-point of prison staff, an in-depth assessment of the various forms and types of dangerousness giving rise to special difficulties was thought desirable. That is why the problem of defining dangerous prisoners on the one hand and dangerousness on the other has been tackled entirely pragmatically at the start of the report.

The forms of dangerousness (overt behavioural dangerousness, covert behavioural dangerousness, criminal and socio-politically contrived dangerousness, incompetence, psychopaths/sociopaths, terrorists and escapers), the concept of treatment, the principle of individualisation, centralisation or dispersal are dealt with next. Questions of security are of considerable importance in the case of dangerous prisoners. They have therefore been carefully studied not only from the stand-point of security within the prison but also as regards access to the prison (visits, searching, technology etc).

There then follows an examination of dangerous prisoners' accommodation, regime, education, work, leisure-time activities, issues concerning health (which raise special problems for this category of prisoner) prisoners' rights, the staff (who have an essential role to play), the coast of this type of detention and, finally, the question of informing the public.

M.-S. Eckert

STUDY ON PRISON MANAGEMENT

Rising pressures, inadequate resources and fundamental questions about the validity of penal treatments have led to the view that the most fruitful areas for early progress and enhanced performance in prison administration are those of management and technology. The report of the Research Fellowship, sponsored by the Council of Europe and led by H H Brydensholt (Denmark), is therefore timely and of practical importance to the directors of prison administrations, many of whom are beset with intractable and chronic problems.

The team, with members from Denmark, the Netherlands, Portugal and the United Kingdom was supported by a number of consultants and had the benefit of visits to several European countries where they studies the managements of various prison establishments and had discussions with officials of the national prison administrations. The study was carried out in the context of the broad issues mentioned above and the more specific problems of prisoners' rights, dangerous prisoners, foreign prisoners, drug and alcohol abuse, industrial relations and staff aspirations. In a positive and imaginative perspective the report sees all these problems as stimulating management responses in ways that could bring renewed strength and purpose into the management task. It does not, in any sense, diminish the traditional qualities of caring skills and the commitment to positive treatment that have sustained the ethics and beliefs of prison staff in the past. Rather, it envisages a supportive and innovative investment in management systems and techniques to enhance results from these, the most precious of the resources available to prison services.

The report begins with a broad description of the functions, methodology and purposes of management, then looks at the characteristics of organisations and the processes through which they are managed in relation to their social environment. The focus is next directed to the intrinsic qualities and roles of prison regimes with special reference to work, education and other activities and moves on to the processes of planning and goal setting. This is related to the practical tasks and staff involvement and a brief resumé is given of the Accountable Regimes approach now being developed in England. Reference is made to the growth of technology in the computer field in Denmark, France and England and in modelling techniques in Sweden, Spain and the Netherlands in a general statement about the role and concept of technology as a management tool in modern penal systems.

The main conclusions of the study are that prison systems have yet to develop fully co-ordinated management solutions in dealing with their underlying and operational problems. There is too, the report argues, an inadequate link between Criminal Justice policy and prison administration and the optimum use of system and community resources. It notes the importance of such developments as decentralised authority, consultative management and the changing status of prisoners. Within the regimes the continuing emphasis is on prison work and related training activities, particularly education. The team's proposals are concerned with new priorities and a capacity for promoting management theory and techniques in prison systems; the allocation of resources; integration with broader social organisations; more flexible and innovative management, goal setting, monitoring techniques and modelling. In the broader perspective the team would like to see more realistic

and alternative criteria developed for evaluating prison management and treatment performance and a concentration on management topics in future international and national debates and training activity.

This ambitious report covers a lot of ground and there is much in it that prison administrations will find valuable in stimulating their own thinking about management problems. Management is conventionally a fluid and controversial science; and the whole field is one in which theories rise and fall with a discouraging frequency. The report does, however, seem to have identified a number of basic and enduring values in management criteria and approaches. Its most important role should be to promote the subject of management to a priority place on the penitentiary agenda.

K.-J. Neale

Council of Europe Seminar in Cyprus on the Treatment of Prisoners - November 1981

The Cyprus Government has recently published an excellent report on the seminar that was held in Nicosia under the Chairmanship of Mr. Frixos Michaelides, Director-General of the Ministry of Justice in Cyprus and opened by Mr. G. Stavrinakis, the Minister of Labour and Social Insurance. The minister emphasised the importance of the seminar in bringing together many people of different disciplines and backgrounds involved in the treatment of prisoners and in providing them with the opportunity to exchange ideas, information and experience so as to gain deeper insights into their problems. He also described the programme of reforms introduced in recent years by the Ministry of Justice which had led to significant changes in the methods adopted for the treatment of prisoners. These included new treatments, the establishment of a Pre-release Guidance Centre, a scheme for the employment of prisoners in the community, prison leave and preparation for release. Two bills had been drafted and were pending before the House of Representatives.

Papers on "The Cyprus Prisons" and "The after-care of Prisoners" were presented by Mr. Costas Christou, the Director of Prisons, and Mr. I. Iacovides, Principal Welfare Officer. Dr. H. Gonsa (Austria) and Mr K. Neale (United Kingdom), attending at the request of the Council of Europe, delivered papers on Treatment in the Prison Setting" and "The Preparation of Prisoners for Release". Each of the lectures was followed by a discussion period and the debates and conclusions were summarised by Mr. Neale in a final session, the text of which is reproduced in the report. The summing up stressed the daunting perspectives of imprisonment which directly affected millions of people throughout the world either as prisoners, their families, staff and their families and the workers in the social agencies operating in the penal field. Although there were only 150 prisoners in Cyprus the same human problems arose and each was important within the millions involved. The Council of Europe was seeking to make a constructive and effective contribution in this essentially moral task.

This was the dominating theme of the seminar which also placed recurring emphasis on the need to promote evolutionary and creative change, the enrichment of prison regimes, individualised treatment based on valid diagnosis, classification and differentiated regimes. Within the regimes, it was argued, there had to be conceptual space to provide scope for personal choices, flexible responses on the part of management, humanising influences and the resources to sustain the human personality within an orderly and efficient management system. The thrust of the presentations and the discussions was on the need to counteract the deleterious effects of imprisonment by positive measures and the need to encourage ideas, change and the enhancement of relative status and human dignity. Although strong in the emphasis on philosophy the seminar did not neglect the fundamental importance of good modern management and the value of new technologies which, it was noted, were increasingly being installed in European prison systems. Prisoners' rights, the nature of the involvement of the Judiciary in prison treatment, social support systems, re-assessment procedures, the needs of families and the importance of staff roles were all discussed at the seminar.

During the course of the seminar visits were made to the Central Prison in Nicosia and the Lambousa School for Juvenile Delinquents at Limassol and the report submitted to the Council of Europe, reproduced in the Cyprus Government publication, refers to the impressive standards of care and the comprehensive range of training opportunities offered to the prisoners and young offenders in these institutions. Both of these institutions are admirable examples of the quality of treatment and training that is possible in small well-resourced systems dedicated to progressive and humane standards and operating in a social background that is consistent with these criteria. The importance of social support in rehabilitation was stressed by both the Chairman, Mr Michaelides, and the Director of Prisons, Mr Christou, who noted the generally tolerant attitudes of the community in Cyprus except in regard to certain offences. The results of the seminar, reproduced at length in the report published by the Cyprus Government, can be commended to other prison administrations and prison staff who are interested in the broad philosophies of prison treatment and contemporary approaches to prison regimes.

K.-J. Neale

Council of Europe Seminar in Portugal on the Treatment of Offenders - October 1982

The Council of Europe seminar in Lisbon was held in the context of the impending changes in the Penal Code in Portugal which were introduced in January 1983. The seminar was introduced and chaired by Mr Gaspar Castelo-Branco, Director General of the Portuguese Prison Service. In his introduction, Mr Castelo-Branco described the Portuguese prison system and emphasised that the themes chosen for the seminar were of special significance for the innovations in the Portuguese prison system that would flow from the new Penal Code. During the seminar the Minister of Justice of Portugal, Mr Meneres Pimental, addressed the participants on the important new developments envisaged in the Penal Code. In doing so he stressed Portugal's commitment to the Council of Europe and the principles and ideals to which it and

Western Europe society were dedicated. He laid emphasis also on the challenge which the new responsibilities would place upon staff at all levels in the prison system. The minister argued strongly that the deprivation of liberty in any society was an aberration and had serious implications for the family, professional and social life of those who were imprisoned. That meant that rehabilitation had high priority and that an act of faith was the prerequisite of those involved in the task.

Dr. H Gonsa (Director of Prisons, Austria) and Mr K Neale (Chairman of the Committee for Co-operation in Prison Affairs) were invited by the Council of Europe to attend the seminar and they presented papers on "Dangerous Offenders in High Security Prisons" and "Open Prisons". After the seminar Dr. Gonsa and Mr Neale visited the prisons of Vale de Judeus and Alcoentre where interesting developments in redefining the regimes are taking place including the introduction of an open regime at the latter. In their report to the Council of Europe Dr. Gonsa and Mr Neale commended the arrangements for the seminar and the quality and relevance of the discussion. Although the consultations held in Lisbon were of obvious immediate interest to the Portuguese prison authorities and the prison staffs the results will also be of general interest elsewhere in Europe in view of current pre-occupations with the problems posed by dangerous prisoners and the fact that open imprisonment has not been debated at the international level for a long time.

The general discussions ranged more widely than the subject matter of the formal papers to embrace many of the most important and intractable problems that confront modern prison managements. Thus the criteria for regimes, the co-ordination of specialist resources, staff roles, public relations policies, the status of prisoners, social reintegration, disciplinary procedures, earnings and work figured prominently in the debates alongside the principles embodied in the European Standard Minimum Rules for the Treatment of Prisoners and the European Convention of Human Rights. The questions put from the floor and the interchanges on all these topics demonstrated the enthusiasm of the staff of the prison service in Portugal and of the other social agencies represented at the seminar. Their interest in the work of the Council of Europe and in the experience and practice in other European prison services was manifest. Much of the follow-up discussions was devoted to applying this knowledge to the immediate operational and philosophical problems of the Portuguese Prison Service at a time of significant change. Further information on the seminar may be obtained from the Council of Europe or from the Ministry of Justice in Lisbon.

K.-J. Neale

NEWS FROM THE MEMBER STATES

LAWS, BILLS, REGULATIONS

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

Belgium

Protocol of 11 May 1974 completing and amending the Benelux Treaty of 27 June 1962 on extradition and mutual assistance in criminal matters which entered into force on 1 March 1982.

Royal decree of 15 December 1982 amending the royal decree of 21 May 1965 on general prison regulations by the inclusion of part VI bis entitled "Activities requiring exchanges outside prison". Under Rule 71 bis of the general regulations a prisoner may, outside the time reserved for prison work, engage in an intellectual or artistic activity on a profit-making or non profit-making basis. Where this activity requires exchanges outside prison other than correspondence or visits, it is subject to the authorisation of the director.

Denmark

Act relating to offences of damage to property which entered into force on 1 July 1982. The Act provides that the penalties for theft and related offences (conversion, fraud and usury) are reduced by a third. It also states that suspended sentences and fines will be used more often. The minimum period of detention to qualify for conditional release has been reduced from four to two months. The administrative authorities are entitled to reduce by a third sentences for theft and related offences that have been imposed but not yet served before the date of entry into force of this Act.

This Act corresponds to the general tendency in Denmark in recent years to reduce the use of imprisonment. It was passed because prison capacity has led to an increase in the number of persons waiting to serve their sentences.

Regulations

16 June 1982: revised circular on conditional release, etc.,

16 June 1982: revised circular on the calculation of custodial sentences and the circumstances that may result in a temporary suspension of detention.

France

No bill has been tabled or is being prepared on prison matters as such.

However certain provisions of criminal law or criminal procedure may have important repercussions on the prison population and the length of custodial sentences.

The work of the criminal code reform commission, which has concentrated on a new scale of sentences, the introduction of new alternative measures and judicial control of the enforcement of sentences, will produce draft legislation which, if adopted, will certainly change the means of serving sentences both inside and outside prison.

Similarly the criminal procedure bill recently tabled in parliament which repealed and reformed certain provisions of Act no. 81-82 of 2 February 1981 (the "Securité et Liberté" Act) created a new form of suspended sentence involving the compulsory performance of a community service. This bill is likely to reduce the number of short prison sentences and encourage more non-custodial sentences.

Decree no. 82-191 of 26 February 1982 repealed the second sub-paragraph of Article D 70-1 of the code of criminal procedure relating to high security prisons or sections (these sections were abolished with effect from the date of the decree).

Decree no. 82-287 of 26 March 1982 amending Article D.325 of the code of criminal procedure. This text, which aims at strengthening the protection of parties seeking damages in criminal cases, provides that the Public Prosecutor's department attached to the court that has convicted must inform the prison where the convicted person or persons are being detained, of claims for damages and the amount due.

Decree no. 83-48 of 26 January 1983 amending certain provisions of the code of criminal procedure aims at improving living conditions in prisons, both as regards the maintenance of family links (visits, correspondence) and prisoners' conditions (health, discipline, instruction, vocational training and prison work).

Federal Republic of Germany

20th Criminal Amendment Act of 8 December 1981
(Bundesgesetzblatt I, p. 1329)

According to this Act, which entered into force on 1 May 1982, courts may order that the execution of a life sentence shall be suspended on probation after 5 years. The practice of granting pardon varies in the different Laender. Considering the practice of granting pardon insufficient, the Federal Constitutional Court insisted on a procedure laid down by law, because it is "one of the

requirements of a prison system respecting the dignity of man that a convict serving a lifelong sentence is, as a matter of principle, left the chance of some day regaining his liberty".

Narcotics Law Reform Act of 28 July 1981 (Sections 35 and 36)
(Bundesgesetzblatt I, p. 681)

This Act, which entered into force on 1 January 1982, lays down that courts may decide that the execution of prison sentences or of remainders of such sentences of up to two years passed for offences committed due to drug addiction, shall be suspended if convicts undergo therapeutic treatment to cure their addiction.

The duration of the treatment may be deducted from the sentence in full or in part, and the remainder suspended on probation.

Italy

Act no. 689 of 24 November 1981 amending the criminal law by introducing alternatives to short prison sentences, namely semi-custodial sentences and release under supervision.

The first measure, which nonetheless makes it compulsory to spend at least ten hours a day inside prison, may be ordered in lieu of a prison sentence not exceeding six months.

The second, which inter alia prohibits the person concerned from leaving the municipality in which he resides without prior authorisation and obliges him to report at least once a day to the local police station, may be ordered in lieu of a prison sentence not exceeding three months.

This Act also makes provision for work in lieu of prison consisting in the performance one day a week of a non profit-making community service for the State, the region, the province, the municipality or a public body.

This penalty may be imposed instead of a fine (not exceeding one million lire which the convicted person is unable to pay, a higher fine will be changed to a period of release under supervision).

Act no. 304 of 29 May 1982 relating to measures for the defence of the constitutional system. It introduced derogations to the provisions of Article 176 of the criminal code concerning the conditional release of persons imprisoned for terrorist or subversive activities who are entitled to the benefit of attenuating circumstances on account of withdrawal from the group or co-operation with the police or the judicial authorities.

Act no. 532 of 12 August 1982 relating to the review of measures restricting individual freedom and measures of judicial administration. Measures replacing detention on remand.

This Act provides for the compulsory residence of the person concerned at his home in lieu of detention on remand.

Act no. 646 of 13 September 1982 relating to preventive measures concerning property and consolidating Act no. 1423 of 27 December 1956, Act no. 57 of 10 February 1962 and Act no. 575 of 31 May 1965. Establishment of a parliamentary committee on the mafia.

This Act extends the prohibition contained in the second sub-paragraph of Section 47 (2) of Act no. 354 of 26 July 1975 to include persons convicted for mafia connections.

Bill no. 1709 - A/S, providing for the forced feeding of prisoners refusing to eat who are in imminent danger of dying.

Bill no. 3603/C, providing for special leave for prisoners whose conduct in prison is exemplary, and secondly for higher disciplinary penalties for persons committing offences in prison against other prisoners, prison staff or visitors.

Bill no. 176/S, providing for possible early release of persons sentenced to life imprisonment so that the minimum statutory period may be reduced.

Bill no. 2204/C - 1060 - B/S, providing for the realease on probation of a person convicted by a military court where the sentence does not exceed three years.

Bill no. 3617/C, adjusting prisoners' salaries to trade union rates and abolishing the present 3/10 deduction from the salaries of persons awaiting trial and serving terms of imprisonment.

Bill no. 3618, providing that the social security payments of prisoners working for private firms be borne by the tax system.

Bill no. 2837/C, introducing amendments to the regulations on work outside prison.

Netherlands

A new article 29a has been inserted as from 31 August 1982 in the decree laying down prison rules, concerning the right of the governor to peruse the personal file of inmates, even if they do not agree.

A provision, which came into force by the end of January 1983 to change the prison regulations as to the conditions of a systematic right of search of body and clothes clothes of inmates.

A provision to introduce the right of appeal against the decision by which a person, convicted to imprisonment, can be transferred to an asylum for criminal psychopaths, for treatment.

Norway

The new regulations concerning supervision of offenders have recently come into force.

Portugal

The new criminal code (Legislative decree 400/82 of 23 September).

Articles of the criminal code dealing specifically with prison matters:

- new maximum term of imprisonment (Art. 40),
- introduction of week-end arrest (Art. 44),
- semi-custodial measures (Art. 45),
- amendment of the conditions governing conditional release (Arts. 61-64),
- introduction of a sentence of indefinite length (Arts. 83-90),
- criminal liability of a prison officer whose serious negligence leads to the escape of a prisoner (Art. 391),
- criminal liability of escaped prisoners (Art. 392),
- criminal liability for prison riots (Art. 394).

Legislative decree 401/82 of 23 September introduced a new type of criminal sanction (corrective measures) for delinquents aged between 16 and 21. The only corrective measure involving detention is placement in a detention centre ordered for a period of three to six months.

Legislative decree 39/83 of 25 January contains regulations governing the criminal record. Where there is no further conviction after five years, rehabilitation is automatic.

Legislative decree 90/83 of 16 February established two detention centres and drew up regulations governing their operation. A sentence of a period of detention may be served entirely in the centre, or may take the form of semi-custodial arrangement or week-end arrest. The period of placement may be followed by a period of supervision of up to one year. The regulations provide for an intensive use of time, the day being divided between work, socio-cultural activities, physical educationand sport. Centres should have a maximum capacity of eighty places and supervisory staff do not wear uniforms.

Legislation supplementing the legislative decree on the enforcement of custodial sentences (legislative decrees 265/79 of 1 August and 49/80 of 22 March): Legislative decree 79/83 of 9 February regulates the Catholic chaplaincy service in prisons.

Spain

Draft royal decree amending the institutional organisation of the Ministry of Justice dated 12 June 1968 and replacing references to the "Patronato de nuestra senora de las mercedes" (prisoners aid body) by the Social Assistance Commission, particularly in Section 74 of the General Prison Organisation Act of 26 September 1979. The latter body is under the authority of the General Directorate of Prisons and its function is to assist prisoners, those on condition or unconditional release and the members of their families.

Bill to partially reform the criminal code. Under an emergency procedure, Section 100 relating to the reduction of sentences by work (Redencion de penas por el trabajo) will inter alia, be amended. The Patronato de nuestra senora de las mercedes is in the process of disappearing under the Institutional Bill relating to the criminal code of 1980. It has been deleted from the General Prison Organisation Act. It has to date been the responsibility of the "Patronato de nuestra senora de las mercedes" to grant this measure but under the urgent reform of section 100 it now becomes a matter for the judge responsible for enforcement of sentence.

The preliminary bill relating to the establishment of a team of social workers in prisons. The aim is to enable the Social Assistance Commission to operate effectively.

Sweden

Legislation which came into force during 1982

The Penal Code (1 July 1982). The rules on conditional release have been changed. The amendment to the code means that the minimum time in prison before an inmate may be granted conditional release has been reduced from three to two months.

The Act on the Reckoning of Prison Time (1 July 1982). Amendment to the Act: an application for pardon or delay in the enforcement of an imprisonment sentence for a person who is not remanded in custody or received into a correctional institution will no longer automatically constitute an obstacle to enforcement if the application is received after that day when, at latest, the sentenced person should have reported in to the institution.

The Act on Correctional Treatment in Institutions (1 October 1982). The Swedish Parliament has made certain amendments to the Act on Correctional Treatment in Institutions in order to improve the possibilities of dealing with inmate drug misuse and criminality during the period in prison. Some of these amendments give increased scope for a more restrictive treatment of seriously criminal long term prisoners. A person sentenced to imprisonment for at least two years for a drug offence shall, in principle, be placed in a closed national institution, if, with regard to the nature of his criminality or some other reason, there is risk for his continuing in serious criminal activity before he has completed the enforcement of the sentence in prison. This category of sentenced persons shall preferably be placed in those closed national institutions which meet the demand for high security. Special restrictions also will apply concerning these prisoners sojourns outside an institution. So far as inmates in general are concerned the rules on the scrutiny of letters and parcels and the control of telephone calls and visits have also been tightened. A new provision making it possible to confiscate sums of money in excess of that amount which inmates are permitted to have, has been inserted into the Act. The possibilities to undertake body search and body examination have been enlarged. A provision which makes it possible to require inmates to undergo a breath test to check on alcohol misuse has been added to the Act. The previous provisions on urine tests have also been amended, inter alia, to make a refusal to give a urine sample a disciplinary offence.

The Act on the Treatment of Persons Remanded in Custody, Arrested, etc. (1 October 1982). Provisions on superficial body examination have been introduced.

Government Bill no. 1982/83: 95. On 20 January 1983 the Government laid a Bill before Parliament on amendments in the Penal Code and other laws. The basic proposals to be found in the Bill are the proposals given by the two committees referred to below.

The Bill proposes amendments to the Penal Code, the Act on Reckoning of Prison Time and the Act on Correctional Treatment in Institutions. The amendments are as follows: Persons sentenced to imprisonment for less than two years shall, in principle, always be conditionally released (released on parole) after having served half the term, and at least two months. A more stringent assessment shall however still be made concerning inmates who have committed serious drug offences or other serious crimes which have occasioned, or been intended to occasion, a present danger to another person's life, health or safety if an evident risk for relapse into such criminality is apparent.

Non-institutional treatment within the framework of the probation sanction will be intensified as well as supervision work with conditionally released offenders (those released on parole). The efforts made shall be concentrated to the first years of the probationary period. Supervision shall ordinarily begin immediately after the pronunciation of a probation sentence without waiting for the sentence to gain legal force.

Proposed amendments to current legisation.

The Committee on Probation suggests amendments in the Penal Code, the Act on Pre-Sentence Social Enquiries in connection with the Criminal Process, the Act on the Reckoning of Prison Time and the Act on Correctional Treatment in Institutions.

The Committee's proposals include the following: a more intensive enforcement of the probation sentence; a new sanction called conditional imprisonment; wider possibilities to pronounce a conditional sentence.

The purpose of the proposals of the Committee on Probation is that they shall lead to a reduction in the prison population by offering greater possibilities to the courts to make use of the probation sanction. It is recommended that the probation sentence be made more efficient by reducing the supervision period from two years to one year and making the supervision itself more intensive.

The Committee on Imprisonment suggests amendments, inter alia, to the Penal Code and the Act on Correctional Treatment in Institutions

The Committee proposes: Conditional release (release on parole) should be maintained. Most inmates shall be conditionally released (released on parole) after having served half the sentence. The local supervision boards and the Board of Corrections should be abolished. The influence of laymen on correctional work can be increased by creating a new form of supervision boards.

National Prison and Probation Administration Regulations and Circular Instructions.

Instructions on disciplinary punishment and regular furlough (prison leave).

The instructions contain inter alia recommendations to prison governors concerning how to deal with cases where prisoners are found in possession of drugs inside the institution. Indications for disciplinary punishment in such cases as well as for the consequences for regular furloughs for inmates dealing with drugs inside the institution are given.

Instructions for the implementation of Section 7, third paragraph of the Act on Correctional Treatment in Institutions (*)

The instructions give indications concerning the kinds of prisoners referred to in Section 7, third paragraph of the Act on Correctional Treatment in Institutions and the placement of these inmates.

Regulations on urine samples (*)

The regulations deal inter alia with when urine tests may be used, the measures to be taken with refusal to give urine samples and the consequences of refusal.

Regulations on furlough (*)

The regulations are primarily intended to regulate regular furlough for, among other categories, inmates serving sentences for serious drug offences.

Regulations on scrutiny of letters (*)

The regulations now provide for a closer scrutiny of letters at closed national prisons.

/Regulations and provisions marked with (*) have been worked out in connection with the amendments to the Act on Correctional Treatment in Institutions, which came into force on 1 October 1982 (see above)./

Switzerland

Order relating to the Swiss criminal code, of 6 December 1982 that entered into force on 1 January 1983.

This order enables womens' prisons as a rule to by-pass the provisions in the criminal code concerning the separation of the different prisons. There is specific provision for cases where the separation laid down by law cannot be respected because of the limited number of places, and also where the aim of the sentence could be better achieved by another type of separation.

Partial reform of health insurance, message of 19 August 1981 of the Federal Council.

The reform envisages lifting the restrictions on the admission of prisoners to health insurance schemes and social security benefits.

United Kingdom

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United Kingdom

Command Course - Advanced training for prison governors

Recognising the increasing complexity of modern prison systems and the need for informed and versatile leadership at the governor level, a major new development in training for command responsibilites was introduced at the Prison Service College, Wakefield, in January this year. Senior management in prisons is now more than ever exposed to the problems and opportunities that arise in the spheres of management, finance, personnel and public relations as well as in the more traditional areas of penal treatment. All these aspects of the roles that governors necessarily assume in taking charge of a modern prison are covered in the comprehensive and demanding training experience of the Command Course that has been largely inspired by the Commandant of the College, William Driscoll and the tutorial staff. The Course was designed in the context of an overall command philosophy rooted in ethical, political, legal and social criteria. One specially interesting and imaginative innovation in the new Course is the inclusion of a module designed to offer a broad understanding of the international scene, information about the latest developments in other prison systems, the historical background and principles that inspired the creation of the Council of Europe and its work in the legal and penal fields, with particular emphasis on the implications and aspirations of the European Standard Minimum Rules for the Treatment of Prisoners and the European Convention of Human Rights. A significant feature of this module is a visit by the Command Course to the Council of Europe in Strasbourg. The visit of the First Course took place in March this year and was prefaced by a series of five lectures in preparation for the presentations in Strasbourg. During the visit the governors were introduced to the work of the Council by Mr L Davies. Other lectures were given by Mr E Muller-Rappard, Head of the Division of Crime Problems, who dealt with the legal activities of the Council and the work of the Division and by Mlle M-S Eckert who described the work in the prison field with special reference to the Standard Minimum Rules. Mr H-C Kruger and Mr J Sharpe of the Directorate of Human Rights lectured to the Course on the operation of the European Convention of Human Rights, including applications and the jurisprudence of the Court of Human Rights. Apart from the programme of lectures the visit enabled the members of the Course to meet staff from the Council and to see something of its general work and the Headquarters at Strasbourg.

The "International" module in the Command Course extends to several days training and thus represents a considerable commitment of resources by the Prison Service in England and Wales. It is being developed at a time when the Human Rights Directorate in Strasbourg is seeking to encourage training in this field for prison and other staff working in the law and order services in Europe and the Committee for Co-operation in Prison Affairs is stimulating interest in European prison affairs for the mutual benefit of the prison services.

It is recognised in the United Kingdom that training at Command level in these subjects will need to be reflected at all levels of training in due course. It is hoped that the new approaches will enhance the awareness and understanding of prison staff of the influences and potential of international activities and knowledge in their areas of work, through broadening the horizons of their thought and experience.

The visit of the First Command Course to Strasbourg was a considerable success and was regarded as most valuable by the leadership of the Course and the participants who considered that the visit was an essential element in the international dimension of the training. The United Kingdom Prison Service has expressed its gratitude to the Council of Europe for the excellence of the arrangements and presentations made during the visit and for the courtesy and hospitality extended to the members of the Course.

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