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THE COUNCIL OF EUROPE



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* * * * *
With best wishes
* * * * *
* for 1985 *
* * * * *

EXCHANGE OF INFORMATION ON PRISON MATTERS

This exchange has functioned for several years essentially between prison administrations and the secretariat of the Crime Problems Division. Under this procedure administrations desiring immediate information on legislation, statistics or practical matters apply by letter, telegram or telex to the secretariat to help them obtain the desired information, often at short notice. The secretariat then sends a circular letter (or in urgent cases a telegram or telex) to the prison administrations and awaits their reply to (what are preferably) a limited number of short and precise questions.

The exchange of information is based on the mutual understanding and courtesy existing between the prisons' administrations.

The 50 or so enquiries so far conducted by the secretariat in this field constitute an activity which produces very appreciable results for the national prison administrations using these services and for the Division of Crime Problems which it enables gradually to constitute up-to-date documentation on specific questions with little cost.

The replies received from national prisons administrations constitute moreover a very useful contribution to the future Prisons Information Centre.

In future a summary of one of these inquiries, likely to be of special interest to readers, will be published in the Bulletin. The series will be opened by the inquiries on the cost of prisons and on the policy and practice relating to life sentences, conducted on requests from the prison administrations of the Netherlands and the United Kingdom.

ENQUIRY CONCERNING THE COST OF PRISONS

In spite of a large expansion of prison capacity in the Netherlands, a considerable shortage of cells still exists. An additional expansion of capacity was therefore considered necessary. A main question was whether extra financial resources should be made available for that reason. To answer this question, a committee composed of representatives of the Ministries of Finance and Justice was installed. Its task was to arrive at a meaningful comparison of the costs of the Dutch penitentiary system and those of some other west European countries with a similar social and cultural pattern. The study was not limited to countries with a penitentiary policy comparable to the Dutch one, like the Scandinavian countries. Also countries with a

different policy were included. The final analysis referred to the penitentiary systems of Belgium, Denmark, West Germany, England and Wales, Finland, France, Ireland, Norway, Austria and Sweden.

In its analysis the committee distinguished two components which together determine the financial budget needed for the penitentiary system in the Netherlands and elsewhere. The first component concerns the average number of inmates present within the penitentiary institutions as well as the factors which help to explain international differences in this respect. A second component relates to the penitentiary circumstances in the countries covered by the research.

To gather the necessary information, the prison directorates in the participating countries were sent through the channel of the Council of Europe a questionnaire which included some general questions on the penitentiary system. The answers to these questions, together with written information, such as annual reports of the prison administrations, constituted the main data on which the report of the committee has been based.

After publication of the report of the committee, it was translated and sent to the prison directorates of the participating countries. They were asked to amend relevant parts of the report, if necessary. The comments received were incorporated in the report "The Price of Prisons Compared". A summary of the main conclusions drawn in the report will be presented here.

As mentioned above, the first component of the study concerns the factors which determine the size of the prison population, as the size of the prison budget is directly dependent on this. The comparison showed that in relation to the Scandinavian countries, unconditional prison sentences are less often imposed in the Netherlands. Also, and more important, is that in most countries much longer prison sentences are imposed. The occupation of places in the penitentiary institutions is therefore increased considerably. The result of the aforementioned differences is that in an international perspective the Dutch prison population is very small. In fact, the Netherlands have the lowest detention ratio (ie the smallest average number of prisoners per 100,000 inhabitants). In the light of the question which caused the committee to be set up, it is also of importance to note that the increasing need for penitentiary capacity is an international phenomenon. With only a few exceptions, all countries were faced with capacity problems comparable to those of the Netherlands.

A second complex of factors which determines the prisons budget concerns the penitentiary circumstances. Especially those factors which cause a lower or a higher number of staff in the institutions are relevant in this respect. Costs of personnel constitute internationally 70% to 80% of the budget which the prison administration has at its disposal. In 1983 an average of 112 staff were employed per 100 prisoners in the Dutch penitentiary institutions. As a result of budget reductions, this ratio has decreased considerably to 96 per 100 inmates. The latter ratio implies that the Netherlands take a position between, on the one side, countries like France, West Germany and Austria (nearly 40 members of personnel per 100 inmates) and, on the other side, Sweden (147 members of personnel per 100 inmates).

Compared to the Netherlands, some countries employ more, other countries less staff per 100 inmates. Those differences are not primarily the result of the regime applied in the institutions, but of other factors of which the average size of the penitentiary institutions is the most important one. In general it can be stated that in larger penitentiary institutions a more efficient employment of personnel is possible. A Dutch example shows that in detention centres with a relatively small capacity 60% extra supervisory personnel is needed compared with larger detention centres. Also at international level the differences in intensity of personnel can largely be attributed to differences in the average size of the penitentiary institutions.

Other factors explaining international differences in the intensity of personnel include the regulations concerning the legal status of penitentiary personnel (eg regulations concerning service- and resting-time), the accommodational arrangements of the penitentiary institutions, the proportion of closed to (half-) open capacity, and the composition of the prison population.

The results of the committee's research summarised so far are shown in the table below. The first column of this table indicates the size of the prison population, while the second describes, for each country, the relative intensity of personnel in the penitentiary institutions. The last two columns show the relation between the Dutch penitentiary budget and that of the other countries. It is clear that the Dutch prison budget is the smallest of all the countries studied. Only France has a less expensive prison system, but it should be noted that the penitentiary policy in that country differs in many aspects from the Dutch one.

	Number of prisoners per 100,000 inhabitants	Number of personnel per 100 inmates	Annual costs prison system per capita	Prison budget as compared with the Gross National Product*
Austria	114	38	HFL.27.-	108
Belgium	65	58	HFL.22.-	97
Denmark	62	118	HFL.33.-	133
Finland	92	55	HFL.44.-	192
France	70	41	HFL.16.-	65
Fed. Rep. of Germany	102	42	HFL.31.-	112
Ireland	39	124	HFL.26.-	214
The Netherlands**	29	96	HFL.22.-	82
Norway	48	71	HFL.25.-	92
Sweden	55	147	HFL.58.-	187
England/Wales	88	53	HFL.47.-	200

* The index applied is: (budget of the penitentiary system/GNP) x 100,000. The lower the outcome, the cheaper the prison system concerned.

** The figures refer to the personnel and budget situation after budget reductions.

Based on the results of international comparison of costs, it can be concluded that the Dutch penitentiary system has, compared with those of the other countries, a very favourable budgetary position. This is certainly true for the comparison with countries which have a more or less comparable penitentiary set-up. The principal cause of this favourable position is to be found in the very small number of inmates, which in its turn is the result of the shorter prison sentences usually imposed. This advantage could be lost by an expensive, ie very intensive, employment of personnel in the penitentiary institutions. With regard to the quantitative employment of personnel and taking into account the cutbacks introduced by the government it can be concluded that the Netherlands, compared with other countries, hold a position somewhere in the middle.

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The report "The Price of Prisons Compared", which is summarised above, is available in English. For a copy, please write to: B van der Linden, Directie Gevangeniswezen, Ministerie van Justitie, Postbus 20301, NL-2500 EH 's-Gravenhage (telephone: (70) 706446).

ENQUIRY INTO POLICY AND PRACTICE CONCERNING LIFE SENTENCES

AUSTRIA

1. *Offences for which a life sentence may be given*

Genocide (M) (*); murder; serious robbery resulting in death; kidnapping resulting in death; arson, aircraft hijacking, intentionally endangering the public (eg by using explosives, nuclear energy etc) if in all these cases the act actually causes the death of a considerable number of persons.

2. *Number of lifers detained and percentage of total prison population*

131

1.47%

(figures as at 1 March 1983).

3. *When and how a life sentence prisoner may be considered for release*

A life sentence prisoner may be considered for release after 15 years' detention. The decision lies with the courts and is based on the opinions of the public prosecutor, the prison director, the prisoner himself and, as a rule, medical and/or psychological experts. No distinction between those convicted of homicide offences and others.

(*) M = Mandatory life sentence

4. Conditions of release

The release of a life sentence prisoner is conditional for ten years. In the release decision the court may give certain orders to the released prisoner or may put him under the supervision of a probation officer. In the event of a new offence during the probationary period the court may recall the person to prison to continue serving the sentence.

BELGIUM

1. Attempt on the life or person of the King or heir presumptive (M; D (*) in some cases); attempt to destroy or change the constitution or order of succession to the throne etc (M); certain crimes against the security of the State (M; D in some cases); murder (D in case of premeditated murder, patricide, poisoning); taking of hostages (M); rape of child under 10 (M); rape or indecent assault of child under the age of 16 causing death (M); blocking railway line, road etc causing death (M); physical torture in the course of kidnapping causing death (M); using violence or threats causing death (M); certain types of arson committed at night (M); arson causing death (M).

2. 199
3.48%
(figures as at 28 February 1983)

3. Conditional discharge is a possibility after 10 years (or in some cases after 14 years). No distinction between those convicted of homicide offences and others.

4. Post-prison guidance is provided by an official body or private organisation for a period of 10 years. Recall may be ordered where the person is given another sentence, or fails to observe the discharge conditions, or misbehaves.

CYPRUS

1. Homicide (M); rape (M). Death sentence for premeditated murder but in almost all cases this is commuted to life imprisonment.

2. Not known. But of the 1,500 sentences passed between 1978 and 1982 inclusive only three were life sentences.

3. Life sentence amounts to 20 years. A life sentence prisoner may be considered for release on licence after serving half of his sentence, ie 10 years. No distinction between those convicted of homicide offences and others.

4. A life sentence prisoner released on licence is subject to a form of supervision for the remaining part of his sentence during which he is on licence. He is liable to be recalled to prison to continue serving the remaining part of his sentence if he does not comply with the conditions specified in his licence.

(*) D = Commuted death penalty

DENMARK

1. Some serious offences against the independence and safety of the State (eg acts aimed at bringing the State under foreign rule by the use of force); espionage under certain circumstances; some offences against the constitution and the supreme authorities of the State; some serious offences causing danger to the public (eg arson, causing an explosion, spreading of noxious gases etc); homicide; some offences in time of war (under military penal law).

2. 20
0.8%
(figures as at 15 February 1983)

3. Life sentence prisoners may be given a free pardon by Her Majesty's resolution. Release is considered not later than after 10-12 years' imprisonment and subsequently at regular intervals. The decision whether to release is based on an estimate of all the particulars of the case. There is no distinction between those convicted of homicide and others, though the type of offence will form part of the estimate mentioned above.

4. On release, a life sentence prisoner will be subject to supervision for a period ranging from a few to several years. He may be recalled to prison in the event of a serious violation of the conditions of the pardon. Such a decision will be made by the Minister of Justice.

FRANCE

1. - Certain crimes against State security, eg treason and espionage and other attacks on national defence; attacks on the authority of the State and on the integrity of the State, using arms; attempts on internal peace.

- Certain crimes against the constitution.

- Certain crimes against public peace, eg counterfeiting of French currency; forgery of public or certified documents by an official or civil servant.

- Certain crimes against persons, eg premeditated murder, patricide, poisoning, premeditated infanticide committed by person other than mother, inflicting blows or wounds on a magistrate, notary, police officer etc with intent to kill; crimes committed using torture or acts of barbarism; hostage taking; kidnapping of children; false witness leading to life imprisonment.

- Certain crimes against property, ie armed robbery; destruction or wilful damage of another's property leading to death or permanent disability; hijacking by violence on aircraft when this causes death.

- Certain crimes included in the Code of Military Justice, eg desertion to the enemy; treason; revolt in time of war.

- Certain other crimes, eg acts of piracy; wilful derailment of a train if this causes death.

2. 380
1.1%
(figures as at 1 January 1983)

3. The conditional release of a life sentence prisoner may be considered after a trial period of 15-18 years. If the conditions of the trial period are fulfilled, the prisoner's case is examined by the Commission of Determination of Penalties which issues a carefully reasoned and detailed opinion on the advisability of conditional release. The decision is the competence of the Minister for Justice after hearing the opinion of a national consultative committee. No distinction is made between those convicted of homicide and others.

4. A life sentence prisoner who is conditionally released (as distinct from one who is the object of a pardon releasing him from executing all or part of his penalty) will be subjected to assistance measures (material and moral support) and supervision for 5-10 years. In the event of a new conviction, of notorious misconduct, of infringement or non-observance of the conditions of release, the person may be recalled by the Minister of Justice on the suggestion of the judge determining the penalty and after consultation, if need be, with the National Consultative Committee on conditional release.

FEDERAL REPUBLIC OF GERMANY

1. Murder (M in some circumstances); genocide (M); abducting slaves and slave trading (M); manslaughter (M in particularly aggravated cases); assault on vehicle drivers with intent to rob (M); preparing a war of offence; high treason against the State; poisoning (fatal consequences); kidnapping for ransom (accidental fatal consequences); hostage taking, robbery causing death (accidental fatal consequences); particularly grave robbery; particularly grave extortion with menaces; particularly grave arson; causing a nuclear explosion; various other offences involving danger to the public.

2. 961
2.23%
(figures as at 31 March 1981)

3. A court will suspend the remainder of a life sentence and release the prisoner on probation (a) if 15 years of the sentence have been served; (b) if the gravity of the offender's culpability does not necessitate further detention; (c) if responsibility is accepted for testing (on probation) whether the offender can avoid further crime after he has completed his probationary period; and (d) after expert opinion has been obtained on the risk aspect.

4. Probation supervision is for five years. The court may impose conditions on the offender which serve to make amends for the wrong done (eg compensation for the damage caused, gift of money to a public welfare institution) and/or give directions as to his place of residence, his employment etc. The

suspension of sentence may be revoked where the offender during the probationary period commits an offence and thereby demonstrates that the expectation on which the sentence was suspended has not been fulfilled; or if he gravely or persistently withdraws from the supervision of the probation officer and thereby gives concern that he will re-offend; or if he gravely or persistently contravenes conditions. The court will, however, refrain from revocation where it is sufficient to extend the probation period or to impose further conditions or directions. Where the court does not revoke the suspension of sentence, it will remit the sentence after expiry of the probation period. The court may revoke the remission of sentence where the offender has been given a custodial sentence of at least six months for an offence persistently committed during the probation period; revocation is only permissible within one year after expiry of the probation period and within six months of the judgment becoming effective.

GREECE

1. High treason (M); attack on President of Republic (M); military service with the enemy (M); aiding the armed forces of the enemy (M); espionage in time of war (M); homicide (M); armed robbery involving death of victim (M); attack on external security; non-observance of a State secret in time of war; immoral offences involving death of victim.

2. 150
5%

(figures as at December 1981)

3. A life sentence prisoner may be conditionally discharged after 20 years of sentence if during that time he has displayed good conduct; if he has responded to his obligations with regard to the victim; and if his past and his character show promise of an honest future life. No distinction is made between those convicted of homicide and others.

4. On release a life sentence prisoner is subject to special conditions, eg good conduct; supervision for at least 10 years; the obligation to have a fixed domicile etc. Should he infringe the conditions of release he is made to complete the rest of the sentence not completed at the time of release (detained for the remainder of his life?) and is prohibited for life from exercising his civil rights.

ICELAND

1. Acts aimed at bringing the State or part of it under foreign rule by using force; acts aimed at changing the constitution by starting or directing a revolution; attack on the parliament endangering its independence; attack on President of Republic, government departments and the supreme court; acts aimed at depriving parents or legal guardians of authority or care over a minor; rape; murder; acts aimed at depriving a person of liberty for purpose of gain or for long duration; robbery (where the offender has at least twice before been sentenced for acquisitive offences).

2.3.4. Iceland has never had any life sentence prisoners.

IRELAND

1. Murder other than capital murder (M); genocide (M); grave breach under the Geneva Convention Act 1962 where the offence consists of the killing of any person (M); manslaughter; infanticide; procuring and abortion; maliciously wounding or causing GBH; kidnapping or false imprisonment; rape; sodomy; defilement of a girl under 15; robbery; aggravated burglary; riot; arson; offences involving use of explosive substances; unlawful seizure of aircraft and related offences and other acts against aircraft; certain offences punishable under military law. The life sentence is rarely, if ever, imposed in cases except where it is mandatory.

2. 51

3.85% of the daily average prison population
(figures as at 3 March 1983)

3. A full review of each life sentence case takes place after four years' detention to determine whether a gradual phasing out programme can be considered. Release is usually after six years' detention for an offender under age of 21 and seven years' detention for an adult offender and is allowed only where the Minister for Justice is satisfied that release is compatible with the safety of the public. (Two offenders serving life sentences have completed their 18th year in prison and others have served in excess of 10 years.) All offenders serving life sentences as on 3 March 1983 had been convicted of non-capital murder.

4. After release all offenders serving life sentences are subject to probation supervision. Supervision continues indefinitely but its level may be gradually reduced. On release the offender signs a temporary release form containing conditions he undertakes to observe. If he is in breach of a condition, his temporary release may be suspended by the Minister.

ITALY

1. Crimes against the existence of the State; crimes involving danger to the public; wilful murder attended by aggravated circumstances; seizure of persons for purposes of robbery with violence or extortion, wherever the culprit causes death of the person seized.

2. 215

0.6%

(figures as at 12 February 1983)

3. A life sentence prisoner is eligible for conditional release when he has served at least 28 years of his sentence; in order to qualify, he must have demonstrated his repentance and fulfilled the obligations deriving from

the crime, unless he has proved the impossibility of doing so. The application for conditional release must be directed to the appropriate court of appeal which makes its decision on the basis of the opinion of the superintending judge. No distinction is made between those convicted of homicide and others.

4. On release a life sentence prisoner is subject to supervision for a five year period. The judge will have imposed on him certain prescriptions (which are liable to subsequent modification or limitation) aimed at preventing further offences. The conditional release is revoked if the person commits an offence of the same character as before or infringes the obligations of his release under supervision. If the five year period elapses without any cause of revocation intervening, the life sentence is extinguished and the conditions of release are revoked.

NETHERLANDS

1. Murder; manslaughter (under special circumstances); crimes against the security of the State, the parliament and the Queen.

2. 1
0.06%
(figures as at January 1982)

3. Life sentences can be converted into determinate sentences of 20 years and then reduced by one third (ie to sentences of 15 years) by release on probation.

4. The ex-life sentence prisoner is subject to no other form of supervision than any other prisoner released on probation. Since juridically the life sentence no longer exists, there is no way of recalling a person to continue serving his life sentence.

NORWAY

1. The life sentence was abolished in June 1981.

2. 6
0.29%

3. A life sentence prisoner is eligible for parole when he has served at least 12 years. No distinction is made between those convicted of homicide and others.

4. On release a life sentence prisoner is subject to a probation period of 5-10 years. If he commits another crime during the probation period the court may decide either to sentence the offender only for the new offence or it may impose a new sentence by taking into consideration both the new offence and the fact that the offender has been released on parole from a life sentence.

PORTUGAL AND SPAIN

1.2.3.4. The sentence of life imprisonment does not exist under Portuguese and Spanish penal law.

SWEDEN

1. Murder; kidnapping (in its gravest form); grave arson; devastation endangering the public (gravest form); gross sabotage; spreading poison or contagion (gravest form); high treason; sedition; disloyalty in negotiation with a foreign power; grave espionage; certain offences committed by members of the armed services in time of war.

2. 15
0.3%
(figures as at February 1983)

3. The life sentence is, after a certain time, converted into a determinate sentence by a measure of pardon. The determinate sentence which replaces it is then governed by the normal rules and criteria concerning conditional release, ie release after two-thirds of the sentence, exceptionally one-half. Life sentence prisoners, however, are often released after half the sentence has been served. A life sentence prisoner can apply for pardon (as can anyone else on his behalf) at any time. Before a decision is reached the views of the supreme court and the national prison and probation administration are sought. No distinctions are made on the basis of offence categories.

4. On release the prisoner is usually supervised and is subject to a probationary period during which there are certain legal effects (notably concerning recall possibilities and the nature of a fresh sentence in the event of new offences). As at March 1983 the probationary period was from 1-3 years, or at most five years if that portion of the sentence not served in prison was more than three years.

SWITZERLAND

1. Premeditated murder (M); taking of hostages; attack on independence of the Confederation; certain infringements of the Military Penal Code (eg disobedience, mutiny, security offences, espionage, military treason).

2. Not known.

3. A life sentence prisoner is eligible for conditional discharge after 15 years of his sentence. The decision to grant (or rescind) conditional discharge is taken by the competent authority to be nominated by the Cantons. That authority will be either judicial or administrative or a special commission representing both. In order to qualify for conditional discharge the prisoner must have behaved satisfactorily during sentence and be expected to conduct himself well on release. Conditional discharge is a favour which the competent authority is not obliged to grant. No distinction is made between those persons convicted of homicide and others.

4. On release a life sentence prisoner is subject to a trial period of five years during which he is supervised. The competent authority may impose on him certain rules relating to his conduct, work, residence etc and may recall him if he commits an offence for which he receives an immediate prison sentence of more than three months; if, despite a warning, he persists in infringing one of the rules imposed on him; if he stubbornly avoids contact with the supervising authority; and if in any other manner he betrays the trust placed in him (though this must not be interpreted too broadly).

UNITED KINGDOM (ENGLAND AND WALES)

1. Murder (M); manslaughter; wounding with intent to do grievous bodily harm, and, various other offences against the person; genocide; treason felony; unlawful oaths to commit treason or murder; infanticide; child destruction; biological weapons offences; causing, or attempting to cause, explosions likely to endanger life or property; robbery or assault with intent to rob; aggravated burglary; rape; sexual intercourse with a girl under 13; buggery with a boy under 16, a woman or an animal; permitting a girl under 13 to use premises for intercourse; possessing firearms with intent to endanger life; using firearms with intent to resist arrest; arson; criminal damage with intent to endanger life; placing anything upon a railway line with intent to obstruct an engine; exhibiting false signals; hijacking aircraft in flight; the destroying, damaging or endangering of aircraft; various offences of mutiny and piracy; various forgery and counterfeiting offences, slave trading

2. 1867
4.5%
(figures as at 31 December 1983)

3. The Secretary of State may order the release of a life sentence prisoner if he is recommended to do so by the Independent Parole Board and after consultation with the judiciary (the Lord Chief Justice and, if he is available, the trial judge). The Secretary of State looks primarily to the judiciary for advice in the time to be served to satisfy the requirements of retribution and deterrence (commonly known as the "tariff"), and to the Parole Board for advice on risk (which is the overriding consideration). When a life sentence prisoner has been detained for about three years, the Home Office obtains the initial views of the judiciary on the tariff. The Secretary of State will then set a date for the first formal review by the Parole Board, which will normally be three years before the expiry of the tariff. In this way, there is sufficient time for preparation, including where necessary a further formal review after a period of testing in an open prison, before release is formally authorised if the Parole Board should recommend it having considered risk. While the Secretary of State has no power to authorise the release of a life sentence prisoner unless the Parole Board so recommend, the final decision rests with him and he is not obliged to accept a recommendation for release. Similarly, he is not bound by the views of the judiciary although he attaches great weight to them.

4. Every life sentence prisoner who is released is subject to a life licence which, initially, contains conditions requiring the licensee inter alia, to be under the supervision of a probation officer. These conditions may be cancelled after a minimum of about four years, but the licence itself remains in force for the whole of the remainder of the licensee's life and may be revoked at any time by the Secretary of State on the recommendation of the Parole Board or, if it has to be done immediately, subject to later confirmation by the Board. A licence would not normally be revoked if the licensee had committed an offence unrelated to that which led to his life sentence but it would always be if his conduct gave reason for thinking that he might again be a danger to the public. (A life licence may also be revoked by a higher court if the holder is convicted of an offence punishable by the court with imprisonment). If a licence is revoked the holder is immediately recalled to prison. There he may make representation to the Parole Board and if the Board then recommend his immediate release on licence the Secretary of State is required to give effect to the recommendation. If the Board do not recommend immediate release, the question of the prisoner's release is considered in the same way as the initial release of a life sentence prisoner, ie release would then be at the discretion of the Secretary of State subject to a recommendation by the Parole Board and to consultation with the Lord Chief Justice and, if he is available, the trial judge.

UNITED STATES OF AMERICA

1. Murder; rape; espionage; treason; hijacking a commercial airline; kidnapping; continuing criminal enterprise (M for second offence).
2. 864
3.45%
(figures as at 1 January 1983)
3. Life sentence prisoners are eligible to apply for parole after serving 10 years. No distinction is made between those convicted of homicide and others.
4. On release a life sentence prisoner may be subject to supervision for life or for as long as the United States Parole Commission determines supervision is necessary. He may be recalled to serve the remainder of his life sentence if he commits another crime or violates the rules of parole.

Alan Turbey
Home Office

NEWS OF THE COUNCIL OF EUROPE

RECOMMENDATION R (84) 11

CONCERNING INFORMATION ABOUT THE CONVENTION ON THE TRANSFER OF SENTENCED PERSONS

The Convention on the Transfer of Sentenced Persons which is intended to facilitate the repatriation of foreign prisoners was opened for signature on 21 March 1983 (1). To date (2), it has been signed by sixteen Council of Europe member States (Austria, Belgium, Cyprus, Denmark, France, Federal Republic of Germany, Greece, Italy, Liechtenstein, Luxembourg, Netherlands, Portugal, Spain, Sweden, Switzerland, United Kingdom) as well as two non-member States (Canada, United States of America). The Convention will enter into force upon ratification by three member States.

Although the foreign prisoner himself has no right under the Convention to request his own transfer, he may express his interest in being transferred by addressing himself to either the sentencing or the administering State. To make the prisoner aware of the possibilities for transfer offered by the Convention and the legal consequences which a transfer to his home country would have, Article 4.1 provides that any sentenced person who may be eligible shall be informed, by the Sentencing State, of the Convention's substance. The information will enable him to decide whether to express an interest in being transferred.

Recommendation R (84) 11 - which was adopted by the Committee of Ministers on 21 June 1984 - is intended to assist Contracting States to fulfil their obligation under Article 4.1 of the Convention. Considering it essential to provide the information on the Convention's substance in a language which the prisoner understands, the Recommendation sets out a standard text to be used for conveying that information to potential transferees. Governments are recommended to provide an authoritative translation of this standard text into their official language or languages, taking into account any reservations or declarations to the Convention of which potential transferees would need to be aware, and deposit the translation with the Secretary General of the Council of Europe who will forward copies of all the translations so received to each of the Contracting States for use by their prison authorities.

The standard text annexed to the Recommendation gives a brief description of the transfer mechanism. In particular, it explains the conditions under which persons who have received a custodial sentence in a country other than their own may be transferred to their home country to serve the sentence there. The standard text gives answers to such questions as: Who has to agree to the transfer? Who may benefit from a transfer? What sentence would need to be served following transfer? In addition, it provides information on such matters as prosecution for other offences, pardon, amnesty, commutation of sentence, review of the original judgement, termination of enforcement and the transfer procedure.

(1) See Prison Information Bulletin No. 1 (June 1983), p. 14 et seq.

(2) At 1 January 1985

The proposed exchange of translations will greatly facilitate the practical application of the Convention: it enables prison authorities in Contracting States to inform foreign prisoners about the possibilities of transfer under the Convention without the need to translate this information into the prisoner's language; at the same time, the information contained in the standard text helps the prisoner to decide, with full knowledge of the legal consequences, whether he should express an interest in being transferred and, later on, whether he should consent to his transfer.

H -J Bartsch

RECOMMENDATION R (84) 12

ON FOREIGN PRISONERS

In many member States, a significant number of the prison population consists of foreign nationals. Although their number varies from one country to another - from under 1% to over 20% - and their situation differs according to whether they have gone abroad as occasional visitors (tourists, students, businessmen) or for the purpose of taking up employment or settling permanently (migrant workers, second generation immigrants), a number of problems are common to most foreign prisoners.

They frequently encounter particular difficulties on account of such factors as different language, culture, customs and religion. If they do not understand the language of the country of detention they cannot communicate with staff and other inmates and have no access to information and reading material, and they risk being excluded from participating in the prison's activities and facilities. Imprisonment in a foreign environment poses additional problems, especially if customs and food are unfamiliar or incompatible with the prisoner's religious precepts. All this produces alienation and isolation which is increased by the fact that foreign prisoners will have difficulty in maintaining contact with family, friends and others in their country of origin; visits are rare or non-existent. In addition, lack of a common language will impair communication with persons and agencies with a responsibility for assisting the prisoner in his resocialisation. As a result, the foreign prisoner's chances of social resettlement are greatly reduced,

At the same time, the problems of communication with foreign prisoners and the necessity to take account of their special needs and problems place an additional burden on prison administrations: they must seek to provide interpretation and translation, to make special arrangements for prison visits and other contacts with the outside world, to adjust educational and professional training facilities, to observe special dietary requirements - to mention but a few of the problems posed by the detention of foreigners.

Recommendation R (84) 12 - adopted by the Committee of Ministers on 21 June 1984 - seeks to alleviate the difficulties encountered by foreign prisoners and to facilitate their management by giving guidance to prison administrations and other agencies. To that end, it sets out thirty principles concerning: allocation to prison establishments, treatment in prison, assistance by consular authorities and community agencies, training and use of prison staff, collection of statistics, and expulsion and repatriation. Member States are recommended to be guided by these principles in their law and practice.

The Recommendation applies to "foreign prisoners", a term which is defined by reference to the prisoners' nationality. But this reference is qualified: the principles apply only to those foreigners who, on account of such factors as language, customs, cultural background or religion, may face specific problems. They do not therefore apply to foreigners who, for instance through long residence in the country of detention, have a command of its language, are assimilated to its culture and customs and have family and other social ties in that country.

The implementation of the principles is subject to certain limitations arising from the requirements of the prison administration, including prison security, and the availability of resources. Moreover, as an important aim of the Recommendation - stated in the preamble - is to promote the social resettlement of foreign prisoners, the principles should be applied so as to ensure that the treatment of foreign prisoners is conducive to that aim. This might require a certain differentiation in their implementation with regard to particular categories of foreign prisoners, for the purpose of securing parity of treatment between them and other prisoners: "every reasonable effort should be made to ensure that the treatment of foreign prisoners does not lead to their being disadvantaged".

Allocation to prison establishments

One of the problems which prison administrations are confronted with in respect of foreign prisoners is their allocation to a penitentiary establishment. The question is whether all foreigners should be concentrated in special prison wards or even in a single establishment, or whether they should rather be dispersed so as to avoid "ghetto" situations. The Recommendation does not, in a general way, give priority to either of these two possibilities.

It emphasises that the prisoner's nationality alone should not be the decisive criterion for his allocation to a prison establishment. In conformity with the aims of the Recommendation to alleviate the foreign prisoner's situation of isolation and to facilitate his treatment, it is recommended that, without losing sight of the need to protect society, the prisoner's specific needs should be an important consideration when placing him in a prison establishment. Where possible, his wishes should be taken into account. In other words: foreign prisoners should not be placed together simply because they are foreigners or because such concentration might be desirable for reasons of administrative convenience. The approach to the problem of allocating foreign prisoners to prison establishments will differ from country to country according to whether the majority of the foreign prison population come from the same country or region, or whether there is great diversity as to their origin.

Treatment in prison

As regards the management of foreign prisoners, the recommended measures aim at giving guidance to prison administrations in those areas where, on account of such factors as language, customs, cultural background or religion, foreigners are most disadvantaged in relation to nationals. To that end, member States are recommended to adopt specific measures for the benefit of foreign inmates to reduce isolation and promote social resettlement, to reduce language barriers, to meet special requirements resulting, for instance, from religious precepts and customs, and, generally, to ease conditions of detention. In addition to deprivation of liberty, foreign prisoners suffer particularly hard conditions of detention, due to the strangeness of the country, the people, the language, customs and sometimes religion: separation from the parent culture can be a source of loneliness and impaired social performance.

For these reasons, prison authorities are invited to facilitate foreign prisoners' communications with other persons of the same nationality, language, religion or culture (for instance by permitting them to work, spend their leisure time or take exercise together), to improve access to reading material in their language, to help those likely to remain in the country of detention to be assimilated into the culture of that country, to grant them the same access as national prisoners to education and vocational training, to arrange visits and other contacts with the outside world so as to meet their special needs, to grant them prison leave and other authorised exits from prison according to the same principles as apply to nationals, to provide information, in a language which they understand, on the main features of prison routine, available training and study facilities and possibilities for requesting the assistance of an interpreter, to provide translation or interpretation concerning their sentence, any right of appeal and any judicial decision taken in the course of their detention, to enable them to learn the language spoken in the prison, to respect their religious precepts and customs, and to take account of the problems which might arise from differences in culture.

Finally, it is recommended that foreign prisoners, who in practice do not enjoy all the facilities accorded to nationals and whose conditions of detention are generally more difficult, be treated in such a manner as to counter-balance, as far as may be possible, these disadvantages. This recommendation - which is more general in scope than the others concerning the management of foreign prisoners - seeks to compensate them for the special hardships they suffer in comparison with indigenous prisoners.

Among the advantages that may be denied more frequently to foreign prisoners who have no roots in the country of detention are prison leave and allocation to an open prison. Other disadvantages suffered by foreign prisoners are the lack of visits from relatives, mainly for the reason that travel costs are prohibitive, and a general lack of contact with the home country.

Disadvantages of this kind might be counter-balanced by measures such as easing visiting regulations in favour of foreign prisoners. Where, for instance, visits from persons other than relatives are not permitted an exception might be made for foreign prisoners to the effect that they may be visited by friends and members of welfare organisations. Also special support - including financial aid - might be given, for instance for making the use of the telephone more easily available or for subscribing to newspapers and magazines published in the prisoner's home country. In some countries these measures include earlier release and remission.

Assistance by consular authorities

A number of principles deal with the assistance by consular authorities. Their purpose is not to suggest any changes in the normal exercise of traditional consular functions, but to encourage consular authorities to grant their nationals, in the course of their duties, the widest possible measure of assistance. Consulates are particularly well suited to assist foreign prisoners in overcoming their difficulties: they are more easily accessible than agencies in the prisoner's home country, and they have the right, under consular treaties, to visit their nationals in prison. They provide information and advice on the problems relating to trial and detention. They provide the necessary link between the prisoner and his home country. Their services are beneficial to the prisoner whom they can help maintain contacts - personal and cultural - with his home country as well as to the prison authority whom they can assist in better understanding the social, cultural and religious customs in the prisoner's country of origin.

To enable foreign prisoners fully to benefit from consular assistance, the authorities of the country of detention are urged to inform foreign prisoners without delay of their right to request contacts with their consular authorities and of the possibilities of consular assistance which might be accorded to them. Consuls are recommended to pay regular visits to their detained nationals, to assist them with their social resettlement (particularly by facilitating visits from and contacts with members of their family), to make every effort to provide literature and other reading material, and to consider the production of information leaflets to inform the prisoner of the possibilities of consular assistance.

Assistance by community agencies

Apart from consulates, other agencies such as probation and social services, after-care and welfare organisations - both in the country of detention and in the prisoner's home country - may usefully contribute to assisting foreign prisoners in overcoming their particular difficulties in prison as well as preparing them for their social reintegration after release. Several principles are aimed at enlisting the support of such "community agencies working in the field of aid and resettlement of prisoners", meaning official agencies (eg probation and after-care services with statutory functions) as well as recognised welfare organisations providing assistance to prisoners.

Community agencies should, in collaboration with the prison authorities, pay particular attention to foreign prisoners and their specific problems; they should be encouraged to promote information for foreign prisoners about assistance which may be offered to them; their contacts with foreign prisoners should be facilitated; prison authorities should grant community agencies all necessary opportunities for visits and correspondence; national contact bureaux for community agencies with responsibility for the social resettlement of prisoners should be appointed in each country to facilitate contacts between them and foreign prisoners; the organisation of assistance by volunteers likely to be able to assist foreign prisoners should be promoted and furthered.

Training and use of prison staff

If prison staff are to deal adequately with foreign prisoners who lack roots in the country it is essential that they be properly trained. Work with foreign inmates requires not only special skills (eg speaking foreign languages) but also learning about prisoners' different cultural backgrounds, behaviour and attitudes.

To that end, it is recommended that the training for prison officers and other categories of staff to support their work with foreign prisoners be encouraged and incorporated in the normal training programmes. Such training should seek to improve understanding of the difficulties and cultural backgrounds of foreign prisoners so as to prevent prejudiced attitudes from arising. Consideration should also be given to having certain staff available for more intensive work with foreign prisoners.

Collection of statistics

Foreign nationals in prison can scarcely be considered to be a homogenous group when it comes to practical prison administration. Many factors which differentiate the foreign prisoner population need to be considered if statistical data are to serve a useful purpose for prison administrations in the planning of capacities required for adequate management of foreign prisoners. Identifying, within the foreign prisoner population, particular groups with particular problems is of special relevance if a country's planning is to be based upon systematic knowledge. The customary methods of gaining such knowledge is through the collection of statistics which may either be of routine character or be obtained by special surveys.

With regard to routine statistics, it should be borne in mind that it is desirable to be able to sub-divide the foreign prisoner population with regard to nationality, length of sentence, main offence, residence in the country and liability to expulsion; so far as possible, the statistics should cover the numbers received during the course of a year as well as a daily average. These two forms of statistics provide answers to quite different questions: what does the administration have to deal with in the course of a year? and what does the administration have to deal with on any given day?

Some matters do not easily lend themselves to analysis by routing statistics, eg the sub-division of prisoners with respect to social ties, or their intention to leave or to remain in the country on release, or the kinds and frequency of visits received, or the extent to which leave from prison had been granted and the incidence of misuse, or prisoners' educational achievement and work experience. It is therefore recommended that occasional special surveys be conducted on such matters. The statistical data gained from such surveys can greatly facilitate not only administrative planning but also the management of foreign prisoners.

Expulsion and repatriation

As uncertainty about expulsion causes problems to the prison administration and is detrimental to the prisoner's prospects of social resettlement, it is recommended that decisions concerning expulsion be taken as soon as possible. At the same time the decision should, as far as possible, take account of the prisoner's personal ties and prospects for social resettlement. This recommendation is not intended to affect the right of States to expel offenders; it seeks, however, to promote a practice which would avoid detrimental effects on the prisoner's treatment.

In conformity with the Recommendation's general aim to facilitate foreign prisoners' social resettlement, the authorities of the country of detention are referred to existing possibilities of repatriation, eg under the European Convention on the International Validity of Criminal Judgements and the Convention on the Transfer of Sentenced Persons: they should, regardless of any decision on expulsion, consider the desirability of repatriating the prisoner. Repatriation, ie enforcement of the sentence in the offender's home country, is desirable not only in view of the advantages for the prisoner's social resettlement but also because it avoids the hardships and difficulties with which foreign prisoners are faced by reason of language barriers, alienation from local culture and customs and absence of contacts with relatives. The transfer to the home country should therefore be considered even where the prisoner is or may be subject to expulsion (which in many cases is not an alternative to repatriation but is used to bar the prisoner from re-entry into the country).

H-J Bartsch

NEWS FROM THE MEMBER STATES

SEMINAR ON THE "EDUCATION OF PRISONERS"

HELD AT NICOSIA, CYPRUS

15-13 MAY 1984

The seminar was organised by the Ministry of Justice of Cyprus and was sponsored by the Council of Europe. Forty-two delegates from 15 member States of the Council of Europe participated in the seminar.

The Cypriot delegation consisted of representatives from the Judicial Department, the Ministry of Justice, the Prison Department, the Ministry of Education, the Department of Social Welfare Services and the Reform School.

The opening ceremony of the seminar was honoured by the Acting President of the Republic of Cyprus and President of the House of Representatives, Mr George Ladas, who stressed in his opening address the importance of the theme of the seminar.

The Minister of Justice Mr Phoebus Clerides, speaking at the opening ceremony, defined the objectives of the seminar as follows:

"To bring together experts of high professional standing from member countries of the Council of Europe to exchange ideas and experiences and to collect and assimilate knowledge of what is being done or ought to be done in the sphere of education and rehabilitation of prisoners."

The introductory paper of the Director of the Cypriot Prison Department, who was the last speaker at the opening ceremony, set the scene of the seminar and introduced the participants to the three main aspects of the theme, namely the education of prisoners inside the prison, the education of prisoners outside the prison and the education of prisoners as a means of treatment and rehabilitation.

The seminar was conducted in plenary sessions, but special care was taken to give the programme as much discussion time as possible so that each delegate could participate freely and constructively in the deliberations of the seminar.

Both during the formal presentation of papers and at the discussion which followed, it was underlined by all delegates that prison administrations must provide appropriate and genuine learning situations and experiences inside the prison and give as many opportunities as possible to prisoners to go to work or to school outside the prison whilst serving their sentence.

The syllabus providing for the education of prisoners should be designed with a view to seeking to achieve, inter alia, the following objectives:

1. To afford to prisoners a useful and constructive occupation both during working hours and at their leisure time.
2. To help prisoners remedy what was neglected in their previous educational life and afford to them a last opportunity to fill the gaps and make up the lost ground.
3. To eradicate illiteracy and poor literacy.
4. To help prisoners improve their efficiency and competence in their trade and open new prospects and avenues to a better orderly life.
5. To help prisoners gain a deep insight into themselves and realise their potential and weaknesses.

It was stressed during the seminar that education in prison should, as far as practicable, be integrated into the educational system of the country, though teaching must be adapted to the particular educational needs of the individual prisoner.

The education curriculum should, inter alia, be concerned with the teaching of skills in order to equip the individual prisoner to work in the community, to improve his education in social and academic terms and thus assist him in strengthening his personal resources in regard to social relationships and family links. In general terms, it was stressed that the main objective of education in prison is to reinforce the prisoner's abilities.

Vocational education was given special emphasis in preparing and enabling prisoners to make a living after release.

It was stated that as many prisoners as possible should join the ordinary educational system and that the prisoners who for security reasons cannot leave the prison must be afforded the necessary opportunities to be educated inside the prison.

It was mentioned that education has a positive and significant contribution to make to the regime and the individual growth of the prisoner himself.

In some countries education, in its broad sense, is considered as a major means of rehabilitation, despite the lack of concrete statistical evidence relating to the provision of education and reduction in crime.

Prison libraries stocked with good books of all levels can play a most important role to the education of prisoners.

The delegates were given the opportunity to visit all the sections of the Cyprus prison and talk with the prisoners and staff.

Costas Christou

FOURTH COUNCIL OF EUROPE COLLOQUY ON
THE USE OF COMPUTERS IN THE ADMINISTRATION OF JUSTICE
(STOCKHOLM, 3-5 SEPTEMBER 1984)

The Colloquy on "Computers in correctional administration and links with criminal justice" organized by the Directorate of Legal Affairs of the Council of Europe in co-operation with the Swedish Ministry of Justice took place in Stockholm from 3-5 September 1984.

The Colloquy was opened by the Under Secretary for Administration, Mr Ulf Arrfelt representing the Swedish Minister of Justice. In his introduction Mr Arrfelt, who was elected Chairman of the Colloquy, emphasised the importance of a continuous search for a more effective way of handling the administration of justice and said that computer-based information had already proven to be one of the more important means in that process. Mr Arrfelt also stressed the need for a certain caution in order to reduce the risk of unnecessary intrusion upon individual integrity and privacy.

Mr R Scherpenzeel, Counsellor at the Netherlands Ministry of Justice then introduced the topic "Use of ADP in correctional administration and in related sectors: present problems and ideas for the future". It is possible only to give here a short account of the speech. Mr Scherpenzeel pointed out that the correctional administration of today is more constrained by law than formerly. Moreover, the correctional situation in member States receives more publicity than before. Technical development, including electronic data processing, today allows administrations more easily to satisfy the increasing demands for inspection and insight. The cost of today's correctional institutions is very high. It is therefore important that prison places be optimally used. Electronic data processing can be an important aid to achieving this. In many countries there are discussions currently taking place about EDP-based "booking systems" for prison places. However, such booking systems are considerably more complicated to construct than common hotel-booking systems. When booking for optimal use of prison places attention has to be paid to the need to differentiate between prisoners, amongst other factors, according to the type of crime for which they are convicted. It would also seem to be difficult to construct a booking system for use in different countries since the allocation of prisoners is decided by different administrative tiers in those countries. It must also be said that a booking system can only to a limited extent minimise the problems arising as a result of the lack of prison places to be found in many countries.

After Mr Scherpenzeel's speech reports submitted by most member States and observer countries were presented, inter alia about present and future EDP-applications in the administration of justice. It may be observed that computerisation is to a great extent affected by the structure of a

country's criminal justice system. Each country therefore needs a "tailormade" system suited to fit its particular needs. The financial consequences of introducing EDP into the administration received relatively little attention in the reports presented. In connection with the presentation of the reports, the Director General of the Finnish Administration, Mr K J Lang, spoke about computerisation in Finland. This has first been developed at local levels. It is expected that towards the end of the 1980s locally based computers will be linked to a central system.

As a guest lecturer, the Colloquy had invited Professor Börje Langefors, an internationally acknowledged Swedish expert on computers. In this article it is possible only to touch upon a few of the interesting developments discussed by Professor Langefors. At the opening of his lecture he pointed out that it is hard to tell what the developments will be in computer techniques because of the enormous speed of evolution in circuitry technique. He himself expected that in future this technique would become so cheap that equipment costs will become negligible. This would make it easier to examine the purposes for which the technique was to be used. Today's computer industry is working with 4th and 5th generation computers. A 4th generation computer needs no complicated computer language for communication and when constructing programmes, it is perfectly possible to use the keyboard to ask questions and get answers in ordinary language on the screen. It will be possible to communicate verbally with a 5th generation computer and tell the computer in what way it is to function. The developments in the EDP industry will mean that the question of centralisation or decentralisation will become increasingly important since the new computer generations will allow a very far-reaching decentralisation to take place where the computer's programmes can be adapted to local needs to a very high degree. It was clear that Professor Langefors was an enthusiastic advocate of more decentralised systems, to a large extent because the possibility of local adaption was likely to secure a better understanding and acceptance of the computer's enormous possibilities.

After Professor Langefors' interesting lecture which gave the audience a glimpse of what is to be expected in the future, a panel discussion followed inter alia on the subjects of centralised/decentralised systems, booking systems and cost/benefits of systems. In this context the question of the desirability of shared compatibility and access between the correctional EDP systems and other criminal justice EDP systems, for example the police registers, was discussed. Several of the delegates asserted that it was neither necessary nor desirable to have that kind of co-operation. On the question of large centralised computer systems, it was emphasised by some of the participants that such systems often resulted in inflexibility, reduced system access and also greater difficulty in securing programme development if this should be needed.

In conclusion, the participants recommended that the Council of Europe continue to ensure exchanges of view on the use of EDP within correctional administration and that it organise in the not-too-distant future a follow-up meeting to the Colloquy to examine further developments. Further information on the Colloquy may be obtained from the Directorate of Legal Affairs of the Council of Europe.

Kjell-Ake Lundin

INTERNATIONAL SEMINAR
ON STRATEGIES FOR EDUCATION WITHIN PRISON REGIMES

(WISTON HOUSE, SUSSEX, 3-5 JULY 1984)

An international seminar, sponsored by the Open University in association with the Home Office Prison Department, was held at Wiston House, Sussex, England from 3-5 July 1984. The participants included representatives from a broad spectrum of countries throughout the world with experience in prison management and educational administration as well as people from legal, judicial, research and academic backgrounds. It was thus possible to discuss within an international framework, the strategies that might motivate the content and direction of prison education in the future. In due course a full report of the proceedings and conclusions of the seminar will be published. Meanwhile, this brief preliminary report has been prepared in order to provide an advance summary of the main themes and conclusions of the seminar.

The seminar was arranged in recognition of the rising importance and status of education in prison regimes and in the context of the current focus of interest in the subject at national and international level. The Council of Europe, in particular, has decided to promote a detailed study of prison education in Europe and the seminar was seen, in part, as an opportunity to make a major contribution to that from a global standpoint. The sponsors were also conscious that against the background of the increasing emphasis on education as a rehabilitative resource and the enrichment it offers to regimes and the personal experience and capacity of people in custody, the time was ripe for a radical re-assessment of its roles and potential. It was hoped too, that a representative gathering of experts would provide an opportunity to disseminate information and provide an international basis on which co-operative endeavour could be mounted for future work in this important field.

The seminar was opened by Dr J H Horlock, Vice Chancellor of the Open University, and introduced by Mr C Train, Director General of the Prison Service.

Seminar Themes

The seminar programme envisaged a progressive approach to the subject in that, having examined the broad social and penal contexts in which it is practised, it would be possible to concentrate on the main elements and then to focus upon specific areas of activity that seem to have special relevance for future work and progress. The underlying criteria of the seminar were that realism and the management capacity to bring proposals to fruition in a relevant and acceptable way were paramount in any approach to penal questions. The introductory paper and presentation (Kenneth Neale) were thus concerned to establish on a wide canvas, the philosophical, political and moral factors that have shaped the purposes and quality of penal practice. Education, it was argued, had inherent attributes that, consistent with social attitudes and the aspirations of public policy, could

be developed to optimum advantage in promoting positive and sensible treatment objectives in contemporary regimes. In elevating the roles and status of education it would be essential to comprehend the realities of operational circumstances, the constraints of political policy and to carry conviction with staff and prisoners as well as the public at large. Change, the essential ingredient in more relevant and comprehensive approaches to the problems of crime and delinquency in modern societies, is nevertheless often seen as threatening in its practical dimensions. That necessary process could be inspired and moderated by the liberating and civilising influences of education.

Against the background of the theme-setting introduction to the context and issues within which prison education must function, the seminar turned its attention to the organisation and management of this activity. The disciplines of this approach were expressed in a statement (Alan Baxendale) and ensuing discussion about the formal and informal bases of its authority, structure, management relationships with other administrative elements in prison organisations and the infra-structure of services and resources needed to support the function of prison education and the nature of its accountability. That was followed, logically, by an examination of the policy and practice of prison education in various countries initiated on the basis of prepared statements by participants from France (Jean-Pierre Monnereau) and Denmark (Hans Henrik Brydenscholt). From this comparative approach the seminar turned to an analysis, led by British participants (Arthur Pearson and John Steel), of the elements of prison education with special reference to curriculum content, methodology and certain discrete areas such as remedial education and the particular needs of women and young offenders.

The subsequent sessions of the seminar were devoted to subject areas that had been identified and selected as offering valid opportunities for useful progress with co-ordinated strategies on a broad front and for reflecting the prime objectives of penal treatment in an educational context. The discussion on research and evaluation was stimulated by contributions from academics working in England and Canada (J E Thomas and Stephen Euguid) in widely differing roles. The session on Education Beyond Prison led by participants from Hong Kong (Thomas Garner) and Canada (Lucien Morin) concentrated on the wider aspects of outside educational opportunities, post-release arrangements for continuing education and links with outside organisations concerned with education.

The final session was devoted to consideration of the overall results of the seminar and the prospects for progress and co-ordination of the various proposals that had been made. It is, naturally, impossible, within the narrow compass of this summary to do more than make brief reference to the main themes of the discussion and the proposals that emerged. Prominent among the main strands in the discussions were the central themes of education within the developing philosophy that underlies the important transition from rehabilitative treatment towards regimes primarily designed to promote re-socialisation and to minimise the deleterious factors inherent in custodial experience. In considering the basis on which prison education is managed it emerged that, so far as one can generalise in widely disparate circumstances, community based arrangements were more common and preferred, largely on grounds of relevance and resources, to service based education. Interesting comparisons were made with the organisation and management of other specialist prison services such as medical or catering and with the basis

of the arrangements for religious practice and services. Special emphasis was placed on the advantages, even need, of ensuring that developments in regime services such as education were manifestly consistent with and responsive to social realities and political priorities. There was also, it was strongly argued, more scope to improve the basic administration of education especially the records concerning individual prisoners involved in the education programmes.

So far as practice and the curricula were concerned it was acknowledged that the available resources and subject matter had already been usefully exploited. Several participants averred, and there was general acceptance of their view, that variety, versatility and an approach that engaged the interests and skills of a wide range of prison staff were important to positive progress and the role of education as a motivating factor in prison regimes. It was seen as important to integrate the education services into the overall management and the general thrust of penal objectives in order to optimise their influence and capacity to contribute.

The role of research in challenging the validity, propriety and effectiveness of prison treatment was manifest but had not, so it seemed to several participants, as yet asserted itself in the education context in any significant degree. It was advanced strongly that there was much more scope in grappling with the problems of personal development, skills training and maturation all of which were relevant to the difficulties of coping with the problems of criminal behaviour.

Apart from building research into the design of specific education projects there was a need for more broadly based empirical and evaluative research to strengthen the roles, credibility and coherence of education philosophies in prison treatment. Through carefully designed research into the results of the education regimes in prisons it might be possible to illuminate some of the intangible factors and practical disabilities that impede the prospects of delinquents in finding a viable place in society in general or in conforming with its accepted norms. In general there was a great deal of information about prison education but it had not yet been informed or co-ordinated by research and analysis.

It was interesting that although the different cultural backgrounds of the countries present at the seminar posed questions about the basic approaches to crime and punishment, education, along broadly similar lines, was seen as a prime element in the process of correctional, rehabilitative or re-socialising treatments. It was one of the areas of regimes that seemed to offer the prospect of an approach grounded in a common philosophy of practice constrained only by structural and resource considerations. It was on this ground that systems with an essentially disciplinary approach and others with more liberal attitudes could coalesce. It was central to the strength of education programmes and purposes that they could transcend the conflicts in attitudes to crime and punishment and the controversies about the philosophical purposes of the regimes. Generally speaking, education was seen as less vulnerable than most other regime activities to changing operational and economic circumstances or even the caprices of fashion and style in prison treatment.

Proposals for future action

As a result of the deliberations during the seminar consideration is now being given to the possibilities of making progress with the proposals that were made and generally endorsed. Beyond the broad re-affirmation of the traditional roles and philosophies that have inspired prison education, these proposals were aimed at enhancing the usefulness and validity of education in prison regimes. In summary these proposals were:-

1. The need to establish an international centre to co-ordinate information about the practice and experience of prison education throughout the world, including the provision of a data bank.
2. The organisation of a network of correspondents across the world who would liaise in matters concerning the promotion and improvement of prison education.
3. The development of relevant research programmes based on international co-operation.
4. The promotion of an international journal of prison education.
5. The dissemination of the results of the Open University seminar through a published report which would be communicated to the Council of Europe and other international organisations. Participants were asked to report developments in their own countries arising from the work of the seminar.

Pending the publication of the full report of the seminar, which will include the texts of all the papers presented and summaries of the discussions at each session and overall conclusions, enquiries should be addressed to the Open University (Mr G Normie) or the Chief Education Officer's Branch at the Home Office (Mr A Pearson).

Kenneth J Neale

STATISTICS CONCERNING PRISON POPULATIONS IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

The following data procured by the system for collecting statistics, established in 1983 by the Committee for Co-operation in Prison Affairs, relate to the position of the prison populations on 1 September 1984 and the prison intake for 1983 (1).

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- (1) At its request, the Canadian Prisons Administration has for the first time been associated with this inquiry; the data received from them is set out in an appendix.

The questionnaire used for the preceding inquiries has been slightly adapted (1); question No. 10. is now worded as follows:

10. Number of entries in 1983 (entry of persons previously at liberty and not including transfers between prisons), stating if possible the number of:
 - a. convicted prisoners (final conviction)
 - b. non-convicted prisoners.

From these raw statistics it has been possible to calculate the following indicators:

TABLE 1. Position at 1 September 1984

- a. Total prison population.
- b. Rate of detention per 100,000: total prison population on 1 September as a proportion of the number of inhabitants.
- c. Proportion of accused (%): number of prisoners who have not been given a final sentence as a proportion of the total prison population.
- d. Proportion of women (%): number of female prisoners as a proportion of the prison population.
- e. Proportion of minors and young persons (%).
- f. Proportion of foreigners (%).

If we compare the data in Table I with the position at 1 September 1983 (2) we observe a certain increase in the average detention rate (1 September 1983 = 57.3 p. 100,000, 1 September 1984 = 59.9 p. 100,000) and at the same time a slight decrease in the dispersion (normal difference at 1 September 1983 = 23.4, 1 September 1984 = 22.2 (3)). This generally rising trend, already observed for the period "1 September 1983 - 1 February 1984" in fact covers very diverse situations.

TABLE 2. Trends

This table sets out the annual increased rate in the total prison population (column (a)) and special rates for each category, sex, age and nationality (columns (b) to (i)).

Most of the populations (11 out of 19) have increased substantially in the period "1 September 1983 - 1 September 1984": from 3.2% (Norway) to 33.3% (Iceland).

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- (1) Prison Information Bulletin, No. 3, June 1984.
 - (2) Prison Information Bulletin No. 2, December 1983.
 - (3) These calculations do not take account of the position in Turkey where we have no data for 1 September 1983.

The position in three States has been relatively stable:
Denmark (- 0.6%), Austria (- 1.3%), Luxembourg (- 2.4%).

Finally five populations have been considerably reduced: United Kingdom (England and Wales = - 3%, Scotland = -8%), Greece (- 3.3%), Federal Republic of Germany (- 3.5%), Malta (- 9.3%) and Sweden (- 10.5%) (Figure 2).

A comparison between these increase rates, calculated over the period "1.9.1983 - 1.9.1984" and the situation at the beginning of the period (measured by the detention rate at 1.9.1983) makes it possible to draw the following conclusions (Figure 3):

- States whose detention rate on 1.9.1983 was less than 40 p. 100,000 inhabitants have seen an increase in the number of prisoners during the following 12 months (with one exception, Malta).
- Those whose detention rate at that date was higher than 80 p. 100,000 have seen their prison population reduced.
- The evolution in the intermediate group (detention rates between 40 and 80 p 100,000) shows more differences: 2/3rds of the populations show an increase and 1/3rd a decrease.

Evolution by categories: It has been possible to calculate significant increase rates according to the category in the case of 12 populations. Nine of them show a diminution in the rate of untried prisoners. The exceptions to this rule are Belgium, whose rate has very slightly increased, Spain and the United Kingdom (England, Wales and Scotland), where the increase, in absolute terms, of the number of untried prisoners has been accompanied by a decrease in the number of convicted prisoners.

Evolution according to sex: In the ten countries where it has been possible to calculate the increase rates according to sex, only Italy has a decrease in the rate of female prisoners. In most other countries there has been a very considerable increase in the number of female prisoners: France (14.9%), Belgium (15.8%), Netherlands (23%), Greece (39%), Spain (50.6%) and Portugal (52.8%).

Evolution according to age: No general tendency can be perceived from the breakdown of increase rates by age.

Evolution according to nationality: In the eight countries where it was possible to calculate meaningful rates by nationality, only the Netherlands show a decrease in the proportion of foreigners; in the other populations the increase in the number of foreign prisoners is particularly marked: Italy (10.6%), Norway (12.5%), France (12.9%), Belgium (17.4%), Greece (24.1%) and Spain (46.6%).

The situation is the same in some countries where the rates are not very significant owing to the small number of persons concerned: Luxembourg (28.8%), Cyprus (28.9%) and Ireland (36.4%).

TABLE 3. Entries in 1983

a. Number of entries in 1983

It should be pointed out that we do not count the number of persons imprisoned but the number of imprisonments. This means that the same person may be counted several times (imprisonment for several offences during the same year, imprisonment in the same case at various stages of the proceedings).

b. Rate of detention per 100,000 in 1983: number of detentions in 1983 as a proportion of the average number of inhabitants over the same period.

In view of the information available, we in fact used the number of inhabitants at 1.9.1983, and supplied by the administrations.

c. Proportion of accused on entry (%): number of entries of accused as a proportion of the number of entries for the year.

d. Indicator of average length of detention (D); the average detention period (D) can be calculated as the average for 1983 (P) divided by the rate of committals for the period (E):

$$D = \frac{P}{E} \times 12 \text{ (period expressed in months)}$$

In view of the data available, P was taken as the number at 1.9.1983.

The figures obtained should be considered as indicators of these detention periods and not as measured quantities.

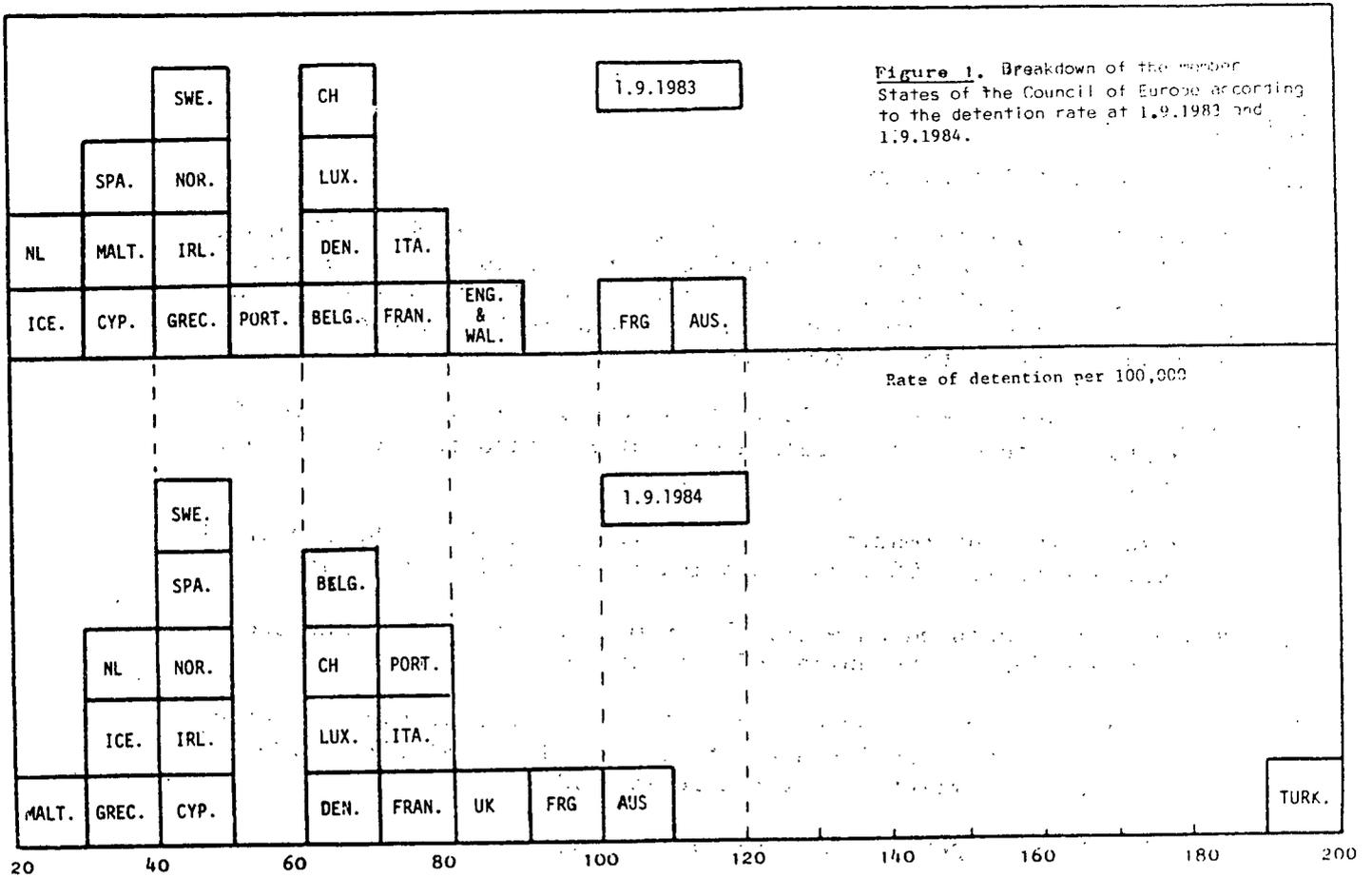
e. Increase rate in the number of entries (1983-1982).

Figure 4 shows a comparison of the rates of detention, rates of committals and the indicators of the average period of detention (1).

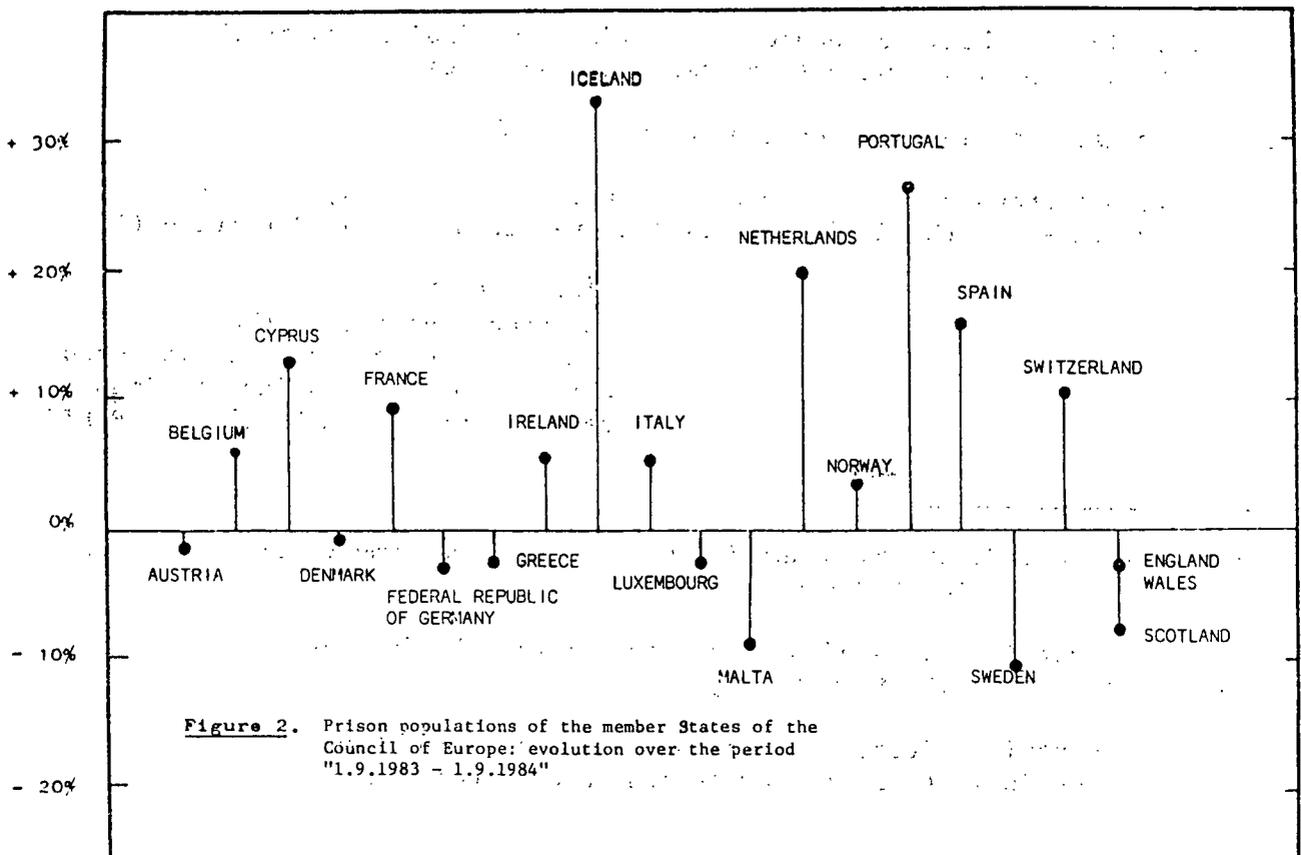
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sur le droit et les institutions
pénales (CESDIP UA CNRS 313), PARIS

(1) How to read Figure 4: Countries situated on the same vertical line have the same entry rates,

- countries situated on the same horizontal line have the same detention rates,
- countries situated on the same diagonal line have the same indicators of average length of detention.



Rate of increase (%) 1.9.1983 - 1.9.1984



Increase in % over the period "1.9.1983 - 1.9.1984"

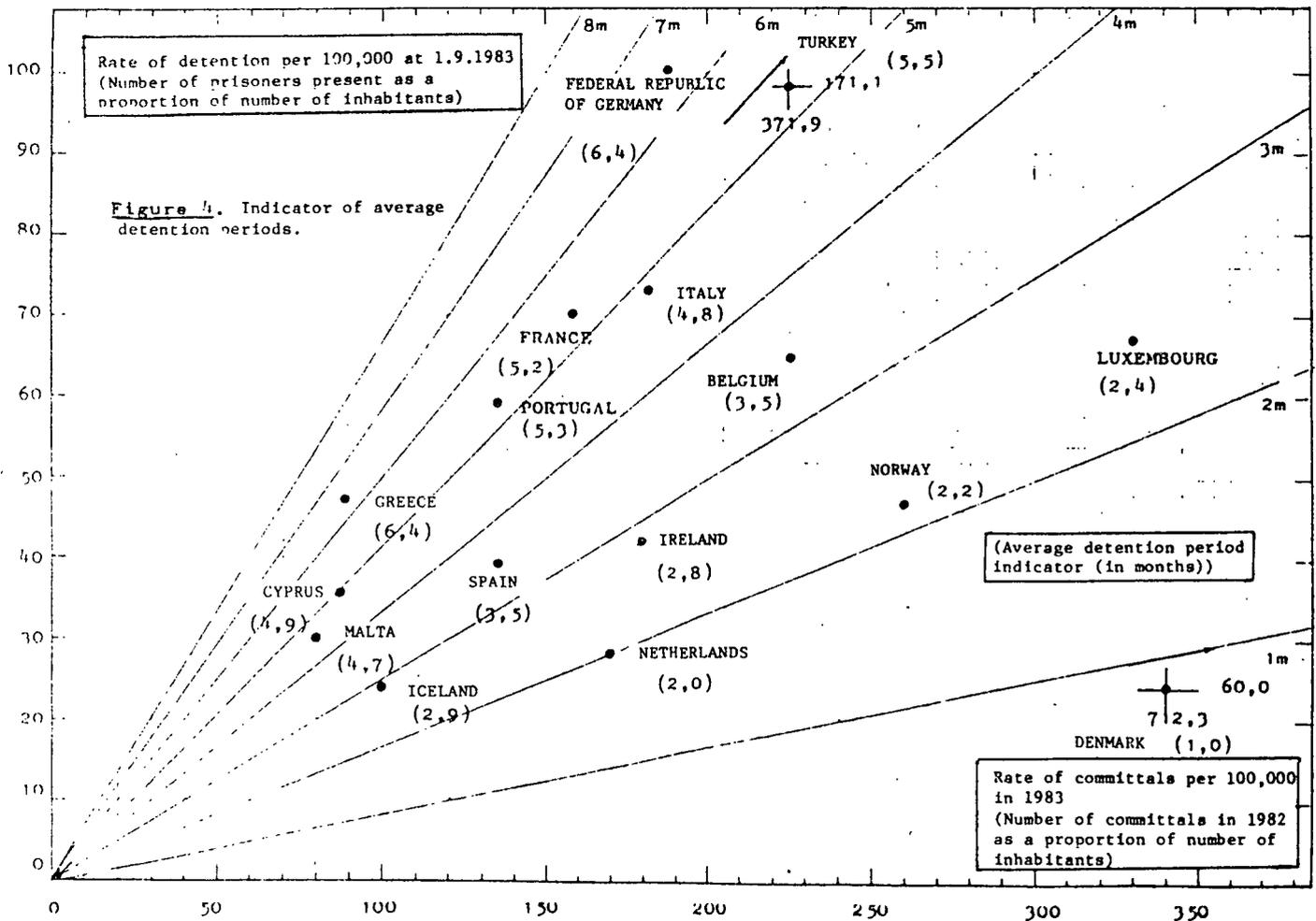
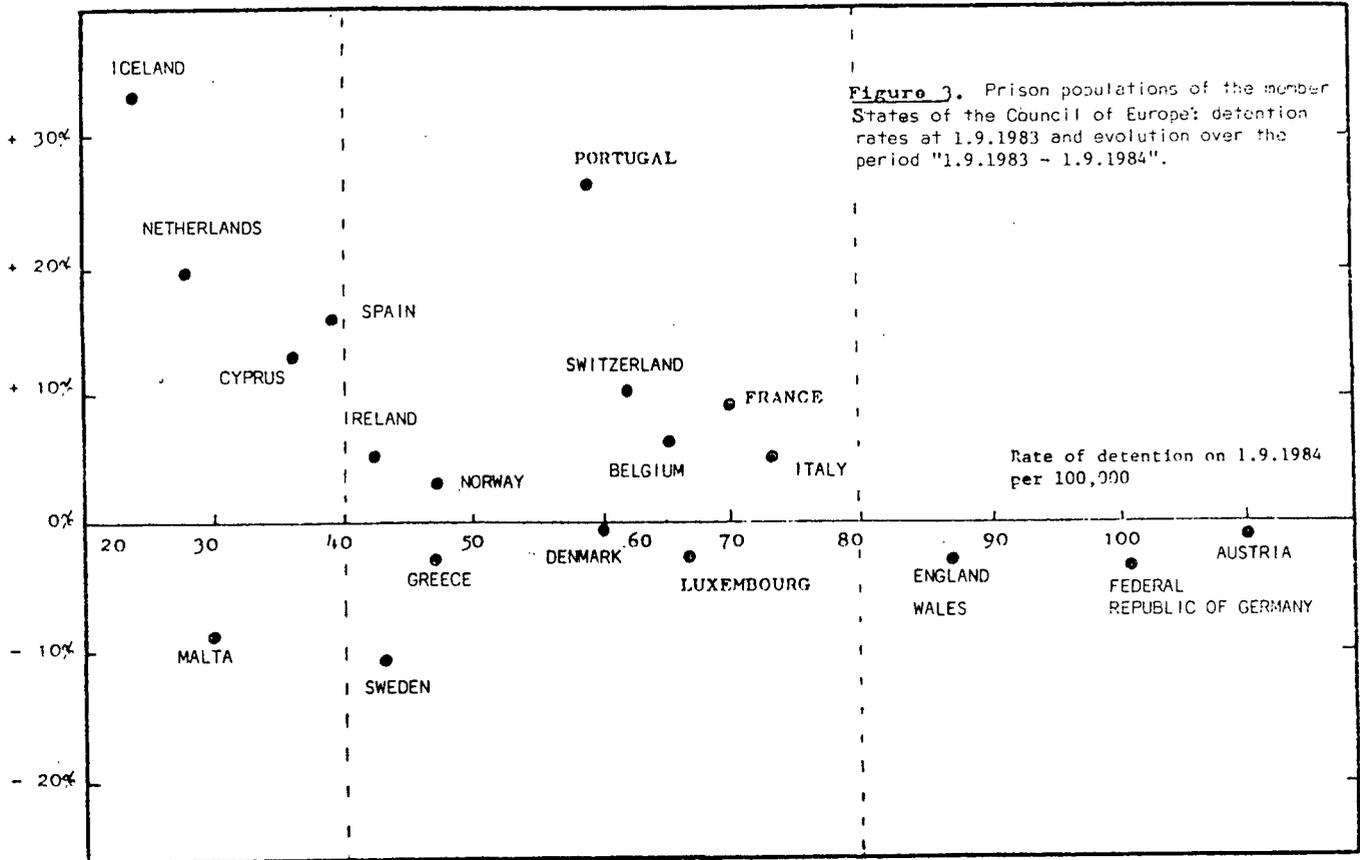


Table 2. Prison population of member States of the Council of Europe: change in the period "1.9.1983 - 1.9.1984"

	Rate of increase % (1.9.1983 - 1.9.1984)								
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
	Total prison population	Accused	Convicted	Male prisoners	Female prisoners	Minors and young adults	Adults	Nationals	Foreigners
Austria	-1.3	-3.1	-0.5	-1.2	-3.2	-4.0	-1.2	-1.3	-0.9
Belgium (x)	5.9	7.1	13.4	5.5	15.8	4.2	6.1	2.6	17.4
Cyprus (x)	12.8	()	4.9	...	...	...	...	8.7	(28.9)
Denmark (x)	-0.6	-11.9	3.5	...	...	...	...	...	...
France	8.8	6.5	11.1	8.6	14.9	3.5	9.9	7.4	12.9
Federal Republic of Germany (x)	-3.5	...	...	...	...	...	...	...	...
Greece	-3.3	-18.9	3.6	-4.7	39.0	20.9	-4.8	-6.9	24.1
Ireland (x)	5.5	-18.2	7.9	5.9	(-7.9)	-9.1	10.9	5.1	(36.4)
Iceland (x)	(33.3)	()	(23.5)	(37.0)	( )	...	...	(33.3)	()
Italy	4.7	0.8	15.7	5.0	-1.3	-33.6	5.5	4.2	10.6
Liechtenstein	...	...	...	...	...	...	...	...	...
Luxembourg (x)	-2.4	(3.8)	-5.4	-3.8	()	()	0.0	-14.0	(28.8)
Malta (x)	(-9.3)	(-8.3)	(-9.8)	(-9.8)	()	()	(-5.4)	(-5.7)	()
Netherlands (x)	19.6	11.0	25.3	19.5	23.0	4.1	24.1	21.1	14.2
Norway (x)	3.2	-6.1	6.9	...	...	3.4	3.2	2.6	12.5
Portugal	26.1	...	...	25.4	52.8	23.7	26.6	...	...
Spain	15.6	57.5	-6.0	14.6	50.6	37.5	12.4	13.1	46.6
Sweden (x)	-10.5	-14.7	-9.5	...	...	...	...	...	...
Switzerland (x)	10.0	...	...	...	...	...	...	...	...
Turkey (x)	...	...	...	...	...	...	...	...	...
United Kingdom	...	...	...	...	...	...	...	...	...
England, (x)	-3.0	8.6	-5.7	-3.0	-3.8	-2.7	-3.1	...	...
Wales	-8.0	10.0	-12.0	-8.4	9.9	-22.8	-0.8	...	...
Scotland (x)	...	...	...	...	...	...	...	...	...
Northern Ireland (x)	...	...	...	...	...	...	...	...	...

x See comments on pages 37 and 38

Table 1. Prison population of the member States of the Council of Europe at 1 September 1984

	(a)	(b)	(c)	(d)	(e)		(f)					
					Total prison population	Rate of detention per 100,000		Proportion of accused (%)	Proportion of women (%)	Minors and young persons (%)		Foreigners %
										%	Def.	
Austria	8280	109.0	24.3	4.0	2.0	18a	7.0					
Belgium	6908	66.0	28.7	4.4	12.5	21a	24.2					
Cyprus (x)	212	40.0	9.9	0.6	28.8	21a	23.1					
Denmark	3100	60.0	23.9	3.5	...	...	...		
France	42523	75.6	49.3	3.5	16.0	21a	26.3					
Federal Republic of Germany	59448	97.1	24.5	3.3	13.3	...	...			
Greece (x)	3613	37.0	25.6	4.7	7.2	21a	14.9					
Ireland	1547	44.1	7.0	2.3	23.1	21a	1.9					
Iceland	76	31.9	17.1	2.6	14.5	22a	0.0					
Italy	43351	76.1	71.1	4.8	1.4	18a	8.4					
Liechtenstein	...	...	...	...	...	...	...
Luxembourg	239	65.5	33.9	3.8	3.8	21a	35.6					
Malta	88	29.0	37.5	5.7	1.1	18a	5.7					
Netherlands (x)	4783	33.0	37.1	2.6	19.8	23a	21.5					
Norway	2004	48.5	25.5	...	10.6	21a	6.7					
Portugal (x)	7685	78.0	...	3.2	16.0	21a	...					
Spain	16950	44.3	46.4	3.8	15.5	21a	9.7					
Sweden (x)	3959	48.0	18.0	3.5	4.5	21a	21.2					
Switzerland (x)	4400	62.0	...	3.8	28.1	25a	22.6					
Turkey (x)	72678	193.0	35.8	2.5	1.1	...	0.5					
United Kingdom	48909	86.9	21.4	3.1	28.2	21a	1.4					
England, Wales (x)	42091	84.8	21.4	3.2	29.3	21a	1.7					
Scotland	4620	90.3	22.0	2.6	27.4	21a	0.0					
Northern Ireland (x)	2198	141.3	19.9	1.5	8.5	21a	0.2					

(x) See comments on page 35

Table 3. Prison population of member States of the Council of Europe:
Committal flow in 1983.

	(a)	(b)	(c)	(d)	(e)
	Number of committals in 1983	Rate of committals per 100,000 in 1983	Rate of accused admitted in 1983	Average detention period indicator (months) (1983)	Rate of increase in number of committals (1983-1982)
Austria	...	...	...	...	...
Belgium (*)	22 670	225.8	...	3.5	...
Cyprus	456	86.8	22.8	4.9	60.6
Denmark (*)	37 040	712.3	39.7	1.0	...
France (*)	86 362	158.4	84.0	5.2	16.0
Federal Republic of Germany (*)	115 326	187.2	...	6.4	- 6.5
Greece	7 054	88.7	29.5	6.4	6.0
Ireland	6 199	178.0	32.7	2.8	- 4.7
Iceland	238	101.5	30.7	2.9	54.5
Italy	103 109	181.8	92.1	4.8	-20.0
Liechtenstein	...	...	...	...	...
Luxembourg	1 216	332.5	...	2.4	13.8
Malta	249	77.0	64.7	4.7	-10.1
Netherlands	24 500	171.5	32.0	2.0	2.5
Norway	10 821	262.0	36.7	2.2	-7.0
Portugal	13 924	134.6	68.2	5.3	79.4
Spain	50 784	133.7	91.9	3.5	-10.5
Sweden (*)	...	...	...	...	...
Switzerland	...	...	...	...	...
Turkey (*)	165 753	371.9	60.3	5.5	- 5.7
United Kingdom	...	...	...	...	...
England	...	...	...	...	...
Wales	...	...	...	...	...
Scotland	35 469	688.8	43.1	1.7	- 3.1
Northern Ireland (*)	3 839	246.8	53.7	6.9	...

* See comments on page 38

COMMENTS - TABLE 1

CYPRUS: The indicators (d) and (e) have been calculated on the population of nationals.

FRANCE: The statistics relate to all the persons imprisoned in Metropolitan France and the Overseas Departments (numbers in the mother country = 41,036, numbers in the Overseas Departments = 1,487).

- For Metropolitan France, the indicator (b) is 74.6 p 100,000.
- The indicators (d), (e) and (f) have been calculated with reference to the position at 1.7.1984.

FEDERAL REPUBLIC OF GERMANY: The indicators (d) and (e) were calculated on the population of convicted persons.

- The indicator (e) represents the proportion of prisoners in young persons prisons.

NETHERLANDS: The number of 4,783 prisoners also includes 248 persons kept in police stations for lack of room in prison.

PORTUGAL: It was not possible to calculate the rate of accused persons; the numbers under headings (2) and (3) of the questionnaire are higher than the numbers given in (1) (8,685 as against 7,685).

SWEDEN: The indicators (d), (e) and (f) were calculated on the population of convicted persons.

SWITZERLAND: The indicators (a) and (b) are estimates (statistics of detention on remand are not kept).

- The indicator (c) was not calculated; the numbers under the headings (2) and (3) are higher than the number given under (1) (4,733 as against 4,400).
- The indicators (d) and (e) were calculated on the population of convicted persons (including "anticipated execution of sentences or measures").

TURKEY: The total of the numbers under the headings (4), (5), (6) and (7) are higher than the number given under (1) (73,321 as against 72,678); the indicators (d) and (e) were calculated with reference to 73,321.

UNITED KINGDOM: ENGLAND AND WALES

- The indicators (d) and (e) relate to the entire prison population with the exception of "civil prisoners" (n = 245).
- The indicator (f) is an estimate; prisoners born outside the United Kingdom, the Commonwealth and other associated countries (eg Pakistan) are treated as foreigners.

COMMENTS - TABLE 2

The rates in brackets should be regarded as of little significance owing to the small numbers involved (numbers less than 100 at 1.9.1983 and at 1.9.1984).

The rates have not been calculated when the numbers at the two dates were less than 30 (symbol used: ()).

BELGIUM: In addition to the categories of "remand" and "convicted" prisoners there should be added a category covering various different legal situations (abnormal offenders detained under the Social Defence Act, vagrants or beggars placed at the disposal of the government etc). During the period in question this third category increased at the rate of 7.6%.

CYPRUS: It was not possible to calculate the rates for sex and age as the data at 1.9.1984 only related to nationals.

DENMARK: It was not possible to calculate the rates according to sex, age and nationalist owing to absence of data on the reference dates.

FEDERAL REPUBLIC OF GERMANY: The data available relates to 31.7.1983 and 1.9.1984. The overall annual increase rate was calculated as follows:

$$P(1.9.1984) = P(31.7.1983) \cdot (1 + r)^{13/12}$$

ICELAND: It was not possible to calculate the rates according to age, as the age limit under reference was changed between the two dates.

NETHERLANDS: The rates are somewhat incorrect because the category of prisoners kept in police custody owing to lack of room in prison was not included in the 1983 calculations. Excluding this category the overall rate is 13.4%.

NORWAY: The rates according to sex were not calculated owing to absence of data on 1.9.1984.

SWEDEN: It was not possible to calculate the rate of increase according to sex and age as the data related solely to the population of convicted persons.

It was not possible to calculate the rate according to nationality as the data at 1.9.1984 related solely to the population of convicted persons.

SWITZERLAND: The rates according to categories have not been calculated owing to the absence of coherent data on 1.9.1984.

It was not possible to calculate the rates according to sex, age and nationality owing to the absence of comparable data.

TURKEY: Data not available of 1.9.1983.

UNITED KINGDOM:

ENGLAND, WALES AND SCOTLAND: It was not possible to calculate the rates according to nationality owing to the absence of precise data about the number of foreigners.

NORTHERN IRELAND: Data not supplied on 1.9.1983.

COMMENTS - TABLE 3

BELGIUM: The indicator (a) does not include the 4,961 admissions of prisoners returning from prison leave.

The indicator (e) was not calculated because it is not known whether admissions of prisoners returning from prison leave were or were not counted in 1982.

DENMARK: It was not possible to calculate the indicator (e) as the data for 1982 and 1983 were not comparable.

FRANCE: The data relates solely to metropolitan France.

FEDERAL REPUBLIC OF GERMANY: Having regard to the data available, the rates of imprisonment in 1983 and the indicator of average length of detention were calculated with reference to the prison population on 31.7.1983.

SWEDEN: Admissions in 1983: convicted persons - 15,177, increase as compared with 1982 = 9.6%.

TURKEY: Having regard to the available data, the rates of imprisonment in 1983 and the indicator of the average length of detention were calculated on the prison population at 1.2.1984.

UNITED KINGDOM: - NORTHERN IRELAND

Having regard to the available data, the rate of imprisonment in 1983 and the indicator of average length of detention were calculated on the prison population at 1.9.1984.

It was not possible to calculate the rate of increase in the number of imprisonments owing to lack of data for 1982.

COMMENTS ON DATA PUBLISHED IN BULLETINS NO. 2 AND NO. 3

SCOTLAND:

Bulletin No. 2: The data under the heading "United Kingdom" relates only to England and Wales.

Information on Scotland:

Table 1 (a) = 5,021, (b) = 97.5, (c) = 18.4, (d) = 2.2, (e) = 32.7, (f) = 0.4

Table 2 (a) = 5,172, (b) = 5,021, (c) = -2.9.

Table 3 (a) = 36,594, (b) = 710.5, (c) = 5,172, (d) = 1.7.

Bulletin No. 3: modifications in data relating to Scotland:

Table 1 (b) = 90.1, (c) = 18.0

Table 3 (b) = 710.5, (d) = 1.7 (delete comment)

On figure 1 the words "United Kingdom" should be replaced by the words "England and Wales".

APPENDIX: DATA ON THE PRISON POPULATION IN CANADA

* Average position over the period 1.4.1982 - 31.3.1983:

1.	Total prison population	27,406
2.	Rate of detention per 100,000 inhabitants	113.3
3.	Rate of remand prisoners in %	13.1
4.	Rate of female prisoners in %	4.1
*	Number of imprisonments in 1982	212,053
	Rate of imprisonment in 1982 per 100,000	876.7
	Indicator of average length of detention in months	1.6

Comments:

The numbers given in (1) relate to prisons for adults (provincial and federal prisons): age limit 16, 17 or 18 according to the provinces. This only includes persons who are physically present.

This population has a very high rotation rate. The Canadian administration states that this phenomenon relates almost exclusively to provincial prisons who admit persons sentenced to less than two years or remand prisoners. The average length of sentence of a person detained in these prisons is about 28 days and the real length of detention may be much shorter having regard to the reduction of sentences. Furthermore many offenders serve several periods of imprisonment during the same year.

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

Act of 28 June 1984 extending, in the case of certain offences, the scope of the possibility of terminating the prosecution on the payment of a sum of money.

Ministerial Circular of 6 February 1984 applying prison leave to convicted persons serving their sentences on day release or in semi-detention.

It appears from an inquiry among prison governors with a view to assessing the results of five years' organised prison leave that a special type of leave for persons serving their sentence on day release or in semi-detention is required. Seeing that such prisoners continued to participate in vocational and social activities it was desirable that they should also benefit from regular holidays. As a result of this circular leave should now make it possible for prisoners serving on day release or in semi-detention to:

- also spend their weekends as a part of their vocational social and family life;
- better conceal the fact of their imprisonment from the outside world;
- accept more easily the painful duty of returning to prison every night after completing their daily work.

DENMARK

Lov om ændring af retsafgiften (forhøjelse af afgiftssatser).
Legislation concerning increase of court fees.
Bill Number L 176 put into force 17 May 1984.

Haglgevaerer ind under våbenlovens kontrol.
Legislation concerning shotguns.
Bill Number L 13 put into force 24 May 1984.

Laegdommere med i flere sager.
Legislation concerning the Administration of Justice Act, Increased use of layjudges.
Bill Number L 76 put into force 22 February 1984.

Kompetencefordeling, varetaegtsfaengsling og isolation.
Legislation concerning the Administration of Justice Act. Competence, remand on custody, solitary confinement.
Bill Number L 80 put into force 25 May 1984.

Begaering om gældssanering.
Notice about demand concerning clearance of debt.
Notice Number 324 put into force 15 June 1984.

Udgifter til indsatte forplejning og hjemsendelse.
Expenses to inmates cost and in connection with their release.
Government circular put into force 15 June 1984.

FRANCE

Statutes and regulations relating to prisons: there has been no recent Act of Parliament. However three circulars have been issued following the Decree of 30 January 1984 modifying and applying certain provisions of the Code of Criminal Procedure. This Decree is mentioned in Prison Information Bulletin No. 3.

Circular AP 84.30 of 23 March 1984 on approving prison visitors and the application of certain provisions of the Decree of 26.1.1983 (entry of paperbacks, adaptation of disciplinary rules).

Circular AP 84.49 of 18 May 1984 on minors and young adults relates to disciplinary sanctions for minors.

Circular AP 84.76 of 12 September 1984 on the supervision exercised by the external services of the Ministry of Health in prisons. It is accompanied by a circular of 30 August 1984 of the Ministry of Social Affairs and National Solidarity on this subject.

GREECE

A joint decision by the Ministers of Justice and Labour regulating the operation of intensive vocational training workshops for 40 prisoners in the rural prisons at Tiryntha, published in the Official Gazette of 16 May 1984.

ITALY

Act No. 67 of 12 April 1984 on the Rules conferring responsibility for transporting prisoners on the constabulary (Carabinieri), (published in the "Gazzetta Ufficiale" of the Republic of Italy No. 105, 14 April 1984).

This Act stipulates that until the reform of the constabulary comes into force, the prison authorities shall be responsible for transporting prisoners in police custody. When the prisoner is ill, vehicles belonging to the national health service may be used.

Act No. 397 of 27 July 1984 on amendments to rules governing compulsory or optional arrest of persons caught in the act of committing an offence. Summary proceedings in the District Court (published in the "Gazzetta Ufficiale" of the Republic of Italy No. 210, 1 August 1984).

This Act amends the regulations on compulsory or optional arrest of persons caught in the act of committing an offence. In addition, it introduces summary proceedings in the district courts where the accused is arrested while committing the offence and where the offence comes within the jurisdiction of the District Court.

Act No. 398 of 28 July 1984 on new rules relating to the reduction in the period of detention on remand and the granting of bail (published in the "Gazzetta Ufficiale" of the Republic of Italy, No. 210, 1 August 1984).

This Act amends some of the provisions of the Code of Criminal Law (Articles 255, 271, 272, 432 (b), 275, 277, 277 (b), 365, 246, 257, 263, 263 (b), 263 (t), 392 (b)) and other laws relating to criminal matters. It replaces "provisional detention" with "protective custody" and reduces the length of time for which a person may be held in detention of this sort. The Act also introduces amendments relating to bail and states that the prison authorities shall not be liable for the maintenance, care and assistance of any prisoner under house arrest.

Act No. 399 of 30 July 1984 on the increase in the jurisdiction of the local and district courts (published in the "Gazzetta Ufficiale" of the Republic of Italy, No. 210, 1 August 1984).

This Act increases the jurisdiction of the local and district courts and states that appeals may be made against sentences passed in local and district courts. These should be lodged respectively with the court and the Court of Appeal of the district of the judge who passed the sentence.

Act No. 400 of 31 July 1984 on new rules on the criminal jurisdiction of district courts and appeals against sentences passed by such courts (published in the "Gazzetta Ufficiale" of the Republic of Italy, No. 210, 1 August 1984).

The praetor (juge) is called upon to hear any cases of forgery, maltreatment of family or children, aggravated brawl, aggravated theft or the receiving of stolen goods. In addition, the Act lays down new Rules of Procedure for appeals against sentences passed in the district courts.

Bill No. 178/S GROSSI: Implementation of health service in prisons and remand prisons.

Bill No. 61/S LOMBARDI: Introduction of the roll of technical officers and the relevant title in the prison administration.

Bill No. 748/C: Rule implementing the Convention on the competence of the authorities and applicable law concerning the protection of minors, adopted at The Hague on 5.10.1961.

Bill: Ministry of Justice: Application of profits arising from the sale of tobacco.

Draft Bill: Removal from the statute book of rules relating to registers required to be kept in court offices and prisons.

Bill No. 375/C ROSSI DI MONTELERA: Disciplinary rules for prison officers.

Bill No. 678/S BERCHIA: Abolition of the preventive measure of compulsory residence.

Bill: Ministry of Justice: Modifications of the provisions relating to conditional suspension of sentences and alternatives to short custodial sentences.

Bill No. 1440/C FONTANA: Modifications in the rules relating to preventive measures in the case of persons constituting a danger to public safety or public morality.

NETHERLANDS

The two most important new regulations that came into force in 1984 concern:

- the permission to have TV on cell in all local prisons and closed prisons;
- censorship of all letters in local and closed prisons is no longer obligatory, only by way of random tests, or in cases where the governors think it necessary.

SPAIN

Royal Decree 787 of 28 March 1984 on the partial reform of prison rules.

Royal Decree 1219 of 11 April 1984 on the appointment of the adviser-manager of the Independent Organisation for Prison Work.

Royal Decree 1436 of 20 June 1984 on the provisional rules for the co-ordination of prison administrations.

Act 31 of 2 August 1984 on the protection of the unemployed, which alters the title of Act 51 of 8 October 1980.

SWEDEN

Certain legislative amendments have been made to the Act on Correctional Treatment in Institutions with effect from 1 July 1984.

Section 7, para 3, provides that a prisoner sentenced to imprisonment for at least two years for gross drug or smuggling offences shall be placed in a closed institution if it can be feared that he is especially likely to continue with serious criminal activities during enforcement. The provision has been widened to include attempts, preparations, conspiracy or complicity in connection with gross drug or smuggling offences.

Section 20, para 2, which defines the grounds for keeping a prisoner separated from others because of escape risk has now been widened so as to apply not only to Section 7, para 3 cases, but also to other recidivist prisoners with long sentences. It is intended that the provision should only be used exceptionally.

The provisions of Section 47, para 1, have been amended so that an inmate may be subject to disciplinary punishment even if he is in a placement or sojourn away from the prison. He may also be punished even when under the supervision of members of the administration's staff who are not attached to the prison in which the sentence is being served.

Section 6 and 7 which define the criteria for placing prisoners in local institutions or national prisons and open or closed establishments, have been amended. An additional criterion is that attention shall be paid to the risk presented by the prisoner for serious disturbance of good order through misuse or illegal acts in connection with drugs.

Certain minor amendments have been made to Section 37 and to the Act on Remand in Custody (Section 4), in order to define more closely the responsibility of the National Prison and Probation Administration in cases of hungerstrike,

especially in the matter of forced feeding. This latter question has been the subject of careful and detailed reasoning.

An inmate has the right to a doctor's care where this is necessary. However, if the question of forced feeding arises, it is not possible to decide on and carry out such feeding within the prison system. The issue of forced feeding has been considered by the Swedish Medical Association *inter alia* in the light of the Tokyo Declaration of 1975, the Hawaii Declaration of 1977 and the UN Resolution taken by the General Assembly in 1982. In principle the SMA has declared itself to be against the forced feeding of mentally healthy persons who do not wish to be forcibly fed. At the same time the SMA is aware that a range of factors can complicate that assessment in a particular case. The final decision must therefore be made by the doctor in charge of the case. This view is also held by the Board of Health and Social Welfare. It must of course be recognised that doctors are not unanimous in their views about the handling of particular cases. The Minister of Justice has stated that he does not believe it useful at this stage to undertake a closer regulation of the matter. The individual doctor must be allowed a degree of freedom to assess this ethical issue in a particular situation in accordance with his personal ethical views.

UNITED KINGDOM

Repatriation of Prisoners Act 1984, which received Royal Assent on 26 July. It is not, however, yet in force.

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The National prison and Probation Administration has published a report on a small experiment with behaviour contracting in probation work (Report 1984:2, Research and Development Group). The same group has also published a memorandum on follow-up interviews with staff in four newly built local institutions four years after the commencement of work there. In Report 1984:1 the result of the classification of all new prison inmates during 1983 with respect to drugmisuser status is described. A report in English, "Follow-up studies of drugmisusing prisoners in Sweden" was prepared

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UNITED KINGDOM

PRISON DEPARTMENT: Tougher Regimes in Detention Centres - Report of an Evaluation by the Young Offender Psychology Unit.

The tougher regimes experiment commenced in April 1980 at Send junior detention centre in Surrey and New Hall Senior detention centre in Yorkshire. It was extended in 1981 to Foston Hall junior detention centre in Derbyshire and Hasler senior detention centre in Hampshire.

The experiment has been the subject of an evaluation carried out by the Young Offender Psychology Unit of the Home Office Prison Department. The evaluation has been overseen by a steering committee with two independent members (Professor David Cox of Imperial College, London, and Professor Gordon Trasler of Southampton University).

A report of the evaluation is being published today by Her Majesty's Stationery Office. The report covers trainee characteristics, observation of the experimental regimes, staff surveys, trainees' reactions to the experimental regimes, reconvictions, and general deterrence and effects on sentencing practice.

Copies of the report, priced £6.50, are available from all HMSO bookshops.

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NEWS IN BRIEF

FRANCE

Prison Leave

In the last issue of the Bulletin, it was reported that the Strasbourg Administrative Court had ordered the Ministry of Justice to compensate a bank for damage suffered as a result of a hold-up committed in March 1978 by three convicts on prison leave.

The Administrative Court held that prison leave and conditional release constituted a special risk for third parties and placed a special liability on the Ministry of Justice. The Ministry was given two months in which to appeal against the court's decision, and has now lodged an appeal with the Conseil d'Etat (highest administrative court in France).

Community Service

At the end of January 1984, the Criminal Court in Colmar proposed to a young man, who had been convicted of theft, that he might repay his debt towards society by undertaking community service (in this case 80 hours' work), as provided for by the law of June 1983 which entered into force in January 1984.

The person concerned accepted this proposal but failed to obey the Probation Committee's summons to carry out the work.

Verdict: 15 days' imprisonment for breach of the order.

Publication of the judgment as main punishment

Three people recently appeared before the Criminal Court in Strasbourg charged with fraud, deception as to the essential quality of goods (in this case, a Renault 5 car) and complicity in fraud.

With regard to the judgment of the Court, it is interesting to note that the main sentence imposed was the publication in full of the judgment in the regional newspaper ('Dernières Nouvelles d'Alsace'). This sentence was accompanied by an order of "immediate execution" so that the widest public should be rapidly alerted.

The Court did not wish to impose a custodial sentence or a fine, but preferred to rely on the effects of 'public obloquy'.

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