



Penological Information Bulletin



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PENOLOGICAL INFORMATION BULLETIN

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As a consequence of our heavy work load this
Bulletin is late.
We apologise for the delay.

FOREWORD

In 1983, the Committee for Cooperation in Prison Affairs – now the Council for Penological Cooperation – initiated a procedure for the bi-annual collection of statistical data on prison populations. Six years on, it wishes to extend these surveys to certain community sanctions and measures, in relation to the drafting of European regulations in this field.

In June 1990, a Council of Europe Annual Penal Statistics Project was submitted to the European Committee on Crime Problems (CDPC), at its 39th session. The CDPC decided to request member States to give opinions. A new version of the SPACE Project which takes into account, as far as possible, the (sometimes contradictory) wishes of member States, was prepared and ratified by the CDPC at its 41st Plenary Session in June 1992.

*The new and important information gathered by the first survey to use the SPACE procedure called for a special issue. Chapter I deals with the situation of prison populations at **1 September 1992** and on **committal flows in 1991**. Chapter II concerns certain community measures and sanctions ordered **in 1990**. It provides an opportunity to set out a kind of quantified overview of the use of non-custodial sanctions in Europe.*

Council of Europe Annual Penal Statistics SPACE: 1992 Survey

Since this was the first survey, it was necessarily experimental. Therefore, it is not surprising that we did not receive replies from a number of member states. This was the case for the following countries: Germany, Malta, Poland, Turkey and the Baltic States.

A number of (prison) administrations did return Questionnaire I on prison populations, but not Questionnaire II on measures and sanctions ordered (the reason generally given was that this data was produced by a service other than their own). This applied to Belgium, Bulgaria, Cyprus, Spain, Greece, Iceland and the Netherlands. The problem is one of transmitting information and should not be too hard to sort out in each country!

In the covering letter accompanying the questionnaires, we requested that "for each unanswered question, state whether this is because it is not applicable in your country (a question referring to a concept which does not exist in your penal system) or because the statistical information is not available".

I. Prison populations

Here will be found, essentially, the data produced since 1983 on the basis of the six-monthly survey. The continuity of the chronological series already available is thus ensured. Some new features have been added: some new items have been introduced (prison capacity, median age, number of prisoners under 21 years of age), an increase from two categories (unconvicted and convicted) to five in the nomenclature of the legal status of prisoners. We have also introduced a part the subject of which will vary from one survey to another. Here the part deals with developments in suicide in prison during the period 1983-1991.

I.1 State of prison populations at 1 September 1992

The situation of prisons at a given date ("stock" statistics) will henceforward be presented in five tables. We shall systematically give all the absolute numbers collected. In this way the reader will have not only the indicators which we offer to him but also the basic data which will enable him to use that information in any other way which he may deem appropriate.

1. *Situation of the prisons*

a. Total number of prisoners;

This simple and common-sense procedure was, unfortunately, not always respected! The value of the data collected is therefore, in this case, diminished.

It is to be hoped that these few problems can be sorted out satisfactorily in future. Despite these gaps, thanks to the cooperation of member states, this first survey has provided us with a certain amount of information which did not previously exist in a centralised form¹.

1. Tournier, P., Council of Europe Annual Penal Statistics Project (SPACE): analysis of observations presented by the member states, 10th Conference of Directors of Prison Administrations and 41st Plenary Session of the European Committee on Crime Problems, Council of Europe, Ref.PC-R-CP (92) 4, 1992, 75 pp.

Tournier, P., Council of Europe Annual Penal Statistics: SPACE.2 PROJECT, 10th Conference of Directors of Prison Administrations and 41st Plenary Session of the European Committee for Crime Problems, Council of Europe, Strasbourg, Ref.PC-R-CP (92) 6, 1992, 13 pp.

b. detention rate (per 100,000 inhabitants): number of prisoners present at 1 September 1992 in proportion to the number of inhabitants at the same date (Fig. 1, p. 7). The average detention rate is 81 prisoners per 100,000 inhabitants. The rates for the new member States of eastern Europe are more than 100 prisoners per 100,000.

c. total prison capacity;

d. rate of occupancy (per 100 places): number of prisoners in relation to the number of available places (Fig. 2, p. 8).

2. *Variations in the number of prisoners*

The calculation of the rates of increase over five years reveals contrasting variations:

- reduction: Finland (- 13.8%), Austria (- 6.8%)
- no change: France (- 2.6%), England (- 1.6%), Scotland (- 1.2%), Northern Ireland (- 2.5%)
- increase: Belgium (6.0%), Denmark (6.8%), Ireland (11.3%), Portugal (11.0%)
- marked increase: Spain (29.2%), Sweden (29.4%), Italy (32.5%), Netherlands (47.9%), Greece (56.8%).

b. average number of prisoners in 1991 ;

$$(b) = (a) / 365$$

c. indicator of the average length of imprisonment (D): quotient of the average number of prisoners in 1991 (P) by the flow of admissions during that period (E): $D = 12 \times P/E$ – length expressed in months (Fig. 6, p. 12).

Anyone using the indicator of the average length of imprisonment must be aware of the limits of the instrument. It is calculated on the basis of a hypothesis of variation in the population which is seldom confirmed in our sphere: the hypothesis known as “stationarity”. In order for the population to be stationary it must satisfy two conditions: 1. the number of committals does not change from one year to another; 2. the rate of exits is the same for all the groups of committals (identical release tables). Therefore such an indicator does not allow the circumstances to be analysed over a short period, especially if the variations in the number of committals or the rate of exits are significant owing to a measure with immediate effects (for example an amnesty). On the other hand, the indicator does allow variations in the medium term (for example ten years) to be characterised.

8. Legislative (or other) measures

Legislative (or other) measures during the last twelve months which directly influence trends in the number of prisoners (amnesty, collective pardon, etc.).

1.3 Suicides in prison (1983-1991)

9.1 Annual number of suicides

The numbers are small; so, too much importance should not be given to variations from one year to another in the number of suicides recorded in a given country. Furthermore, these figures can be compared only if they are related to the size of prison populations.

9.2 Number of prisoners (at 1 September)

These figures come from the six-monthly prison statistics of the Council of Europe which ran between 1983 and 1991 before being replaced by SPACE.

9.3 Suicide rate per 10,000 prisoners

The suicide rate for year n is obtained by relating the number of suicides in year n to the average number of prisoners during year n.

$$\text{Suicide rate} = \frac{\text{number of suicides}}{\text{average number of prisoners}} \times 10,000$$

There are several possible ways of estimating the average number of prisoners during year n. The most classic are the following:

$$\text{No. 1: } P_m = \frac{P(1.1.n) + P(1.1.n+1)}{2}$$

$$\text{No. 2: } P_m = \frac{\text{number of days' imprisonment}}{365}$$

This is known as the number of “prisoner-years”.

$$\text{No 3: } P_m = P(1.7.n).$$

This is the population at the middle of the period.

No 1 and No 3 give the same result if the population varies in a linear way.

In the light of the data available, we used a method close to No 3, but taking the number of prisoners at 1 September. In future SPACE will provide the number of prisoner-years, a better estimate of P_m .

For the reasons set out above, we also calculated the average suicide rate for the period 1983-1991 (Fig. 7, p. 13; Fig. 8, p. 14).

Figure 9 allows the possible relationship between the prison occupancy rate and the suicide rate to be examined: it appears that the suicide rate increases with the prison occupancy rate. No rule must be drawn from such an observation, however. First of all, two countries in opposite situations do not at all come within that linear model: Finland, which, with a low occupancy rate (78 per cent), has a very high suicide rate (29 per 10,000), and Italy, which has a suicide rate of only 9 per cent despite an occupancy rate of 139 per cent!

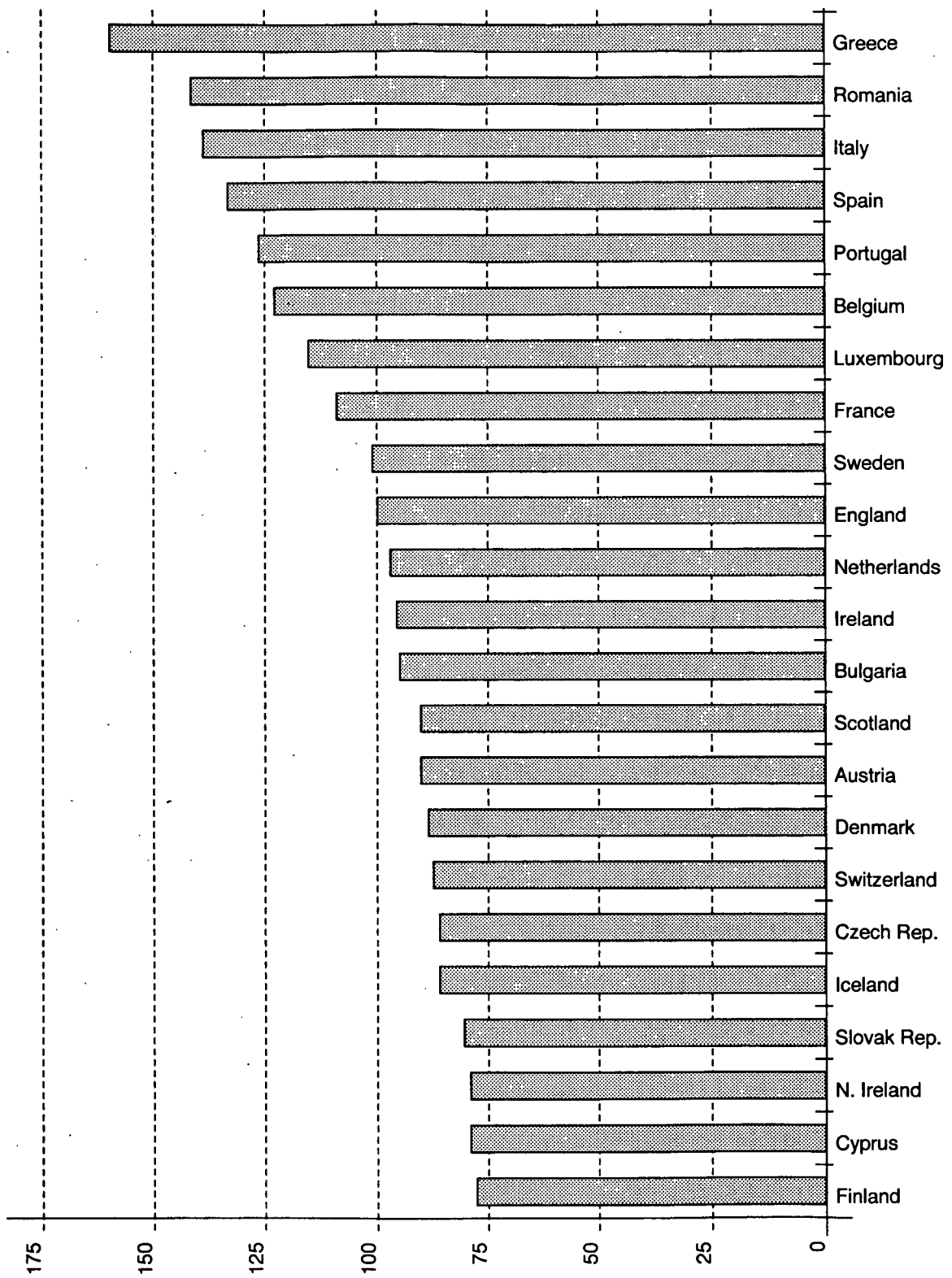
Figure 10 allows the possible relationship between the pre-trial detention rate and the suicide rate to be examined. It will be found that the incidence of suicide increases with the pre-trial detention rate. There again, however, several exceptions show us that this is not an absolute rule: Finland, Ireland and, at the other end of the diagram, Italy.

Figure 1 - Rate of imprisonment at 1.9.1992 (per 100 000 inhabitants)



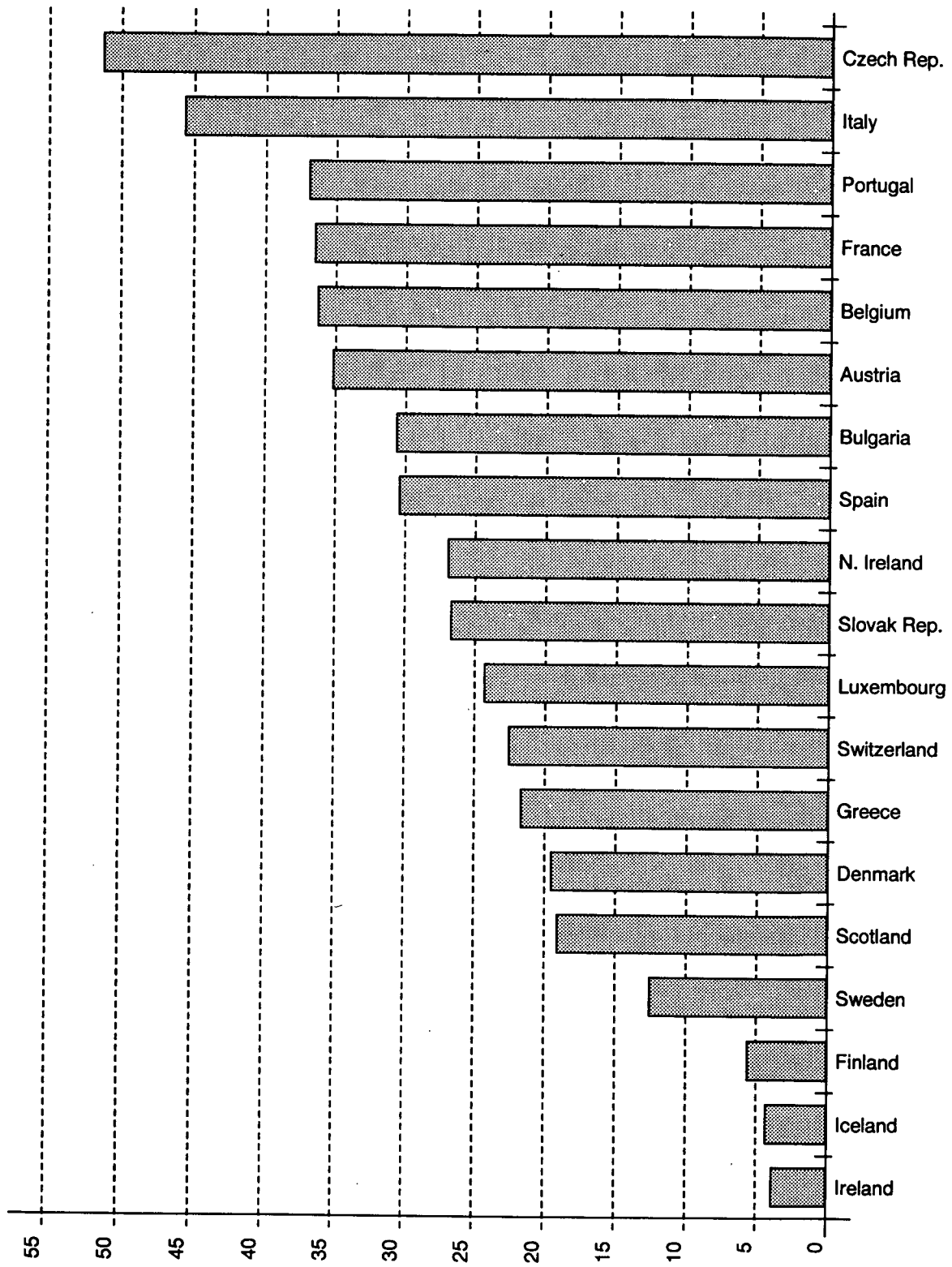
Source: SPACE 92.1

Figure 2 - Prison occupancy rate at 1.9.1992 (per 100 places)

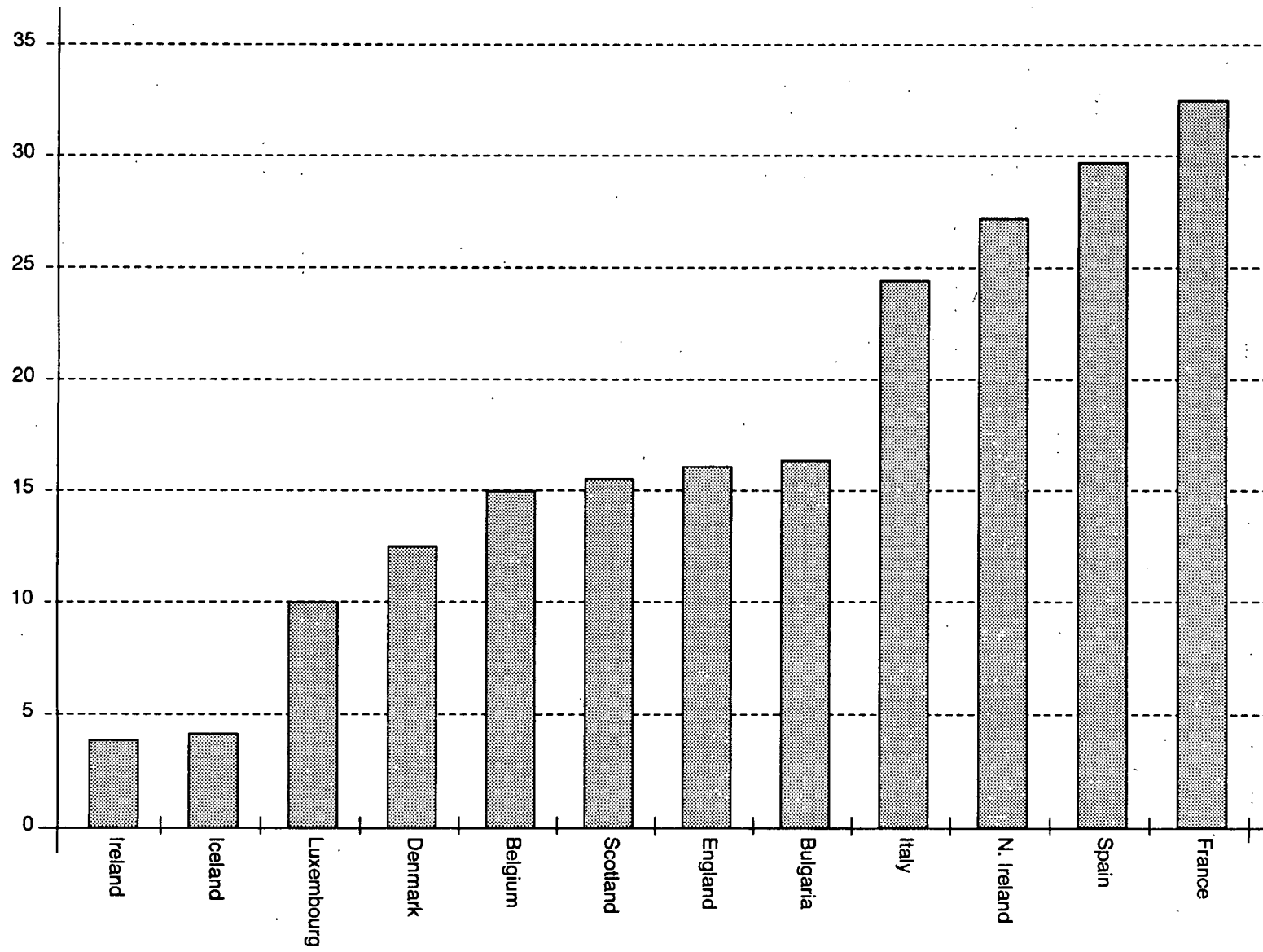


Source : SPACE 92.1

Figure 3 - Pre-trial detention rate at 1.9.1992 (per 100 000 inhabitants)

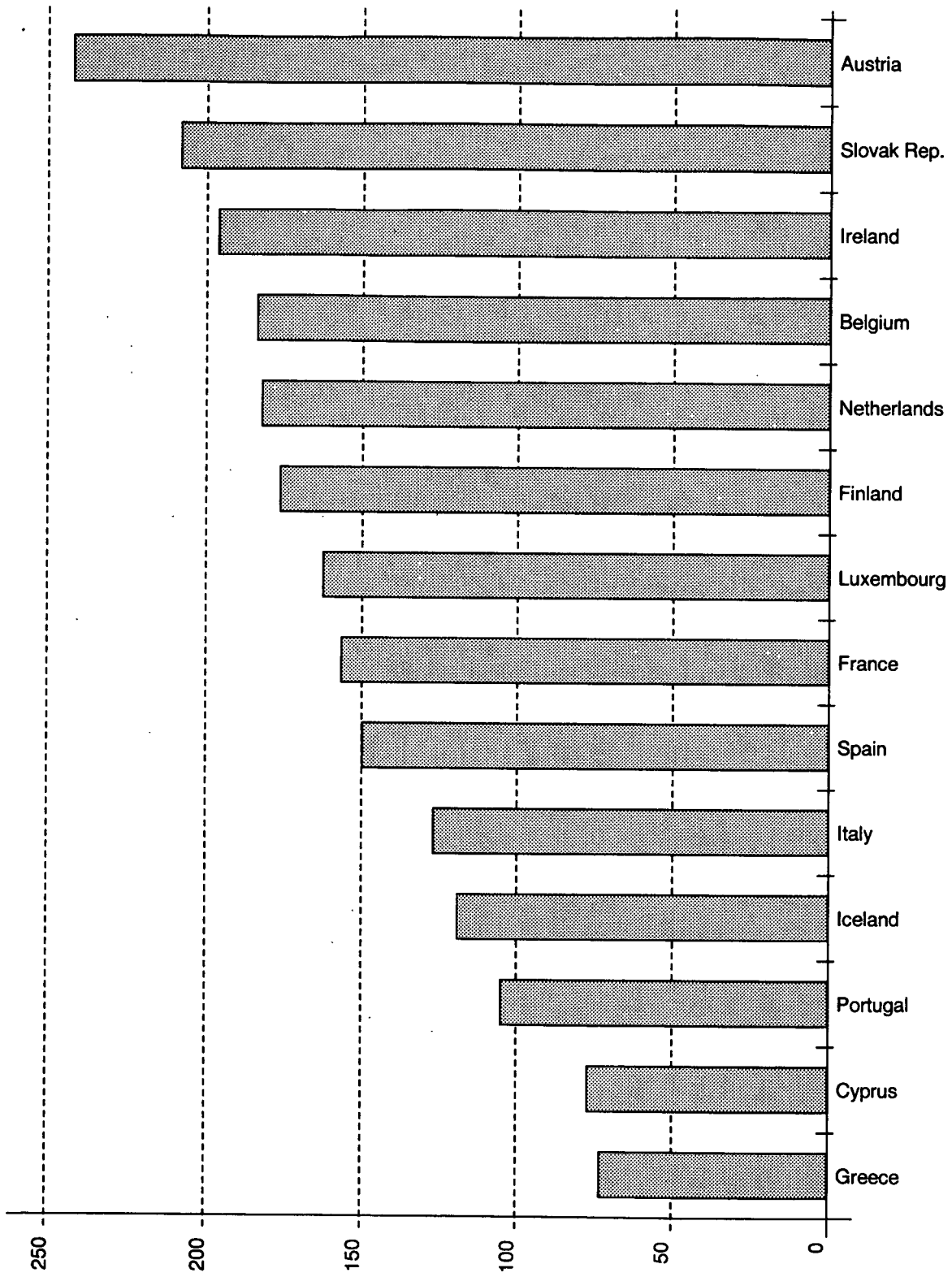


Source : SPACE 92.5

Figure 4 - Rate of detention of prisoners awaiting judgment at 1.9.1992 (per 100 000 inhabitants)

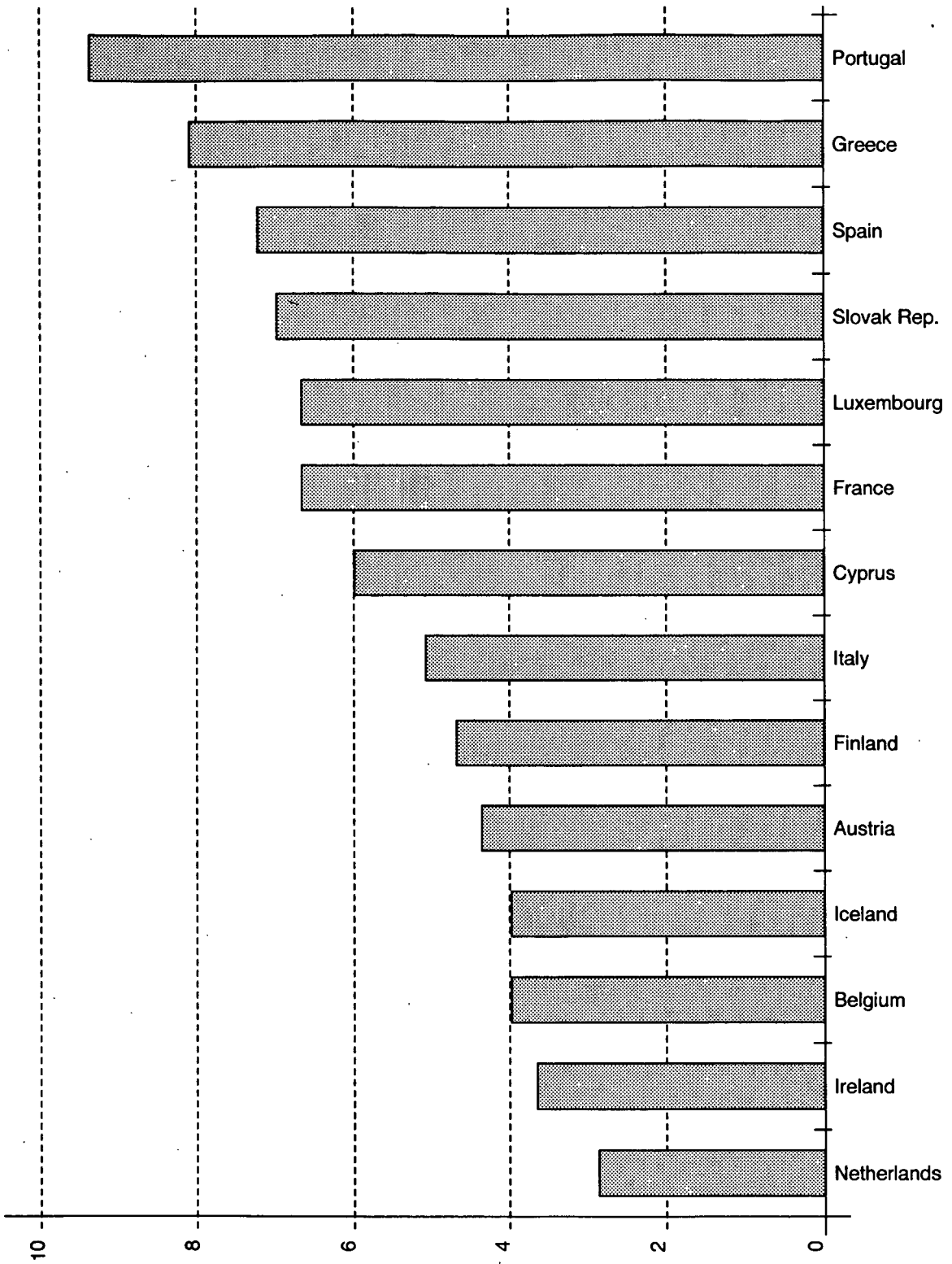
Source:SPACE 92.5

Figure 5 - Committal rate in 1991 (per 100 000 inhabitants)



Source: SPACE 92.6

Figure 6 - Average length of imprisonment in months (in 1991)



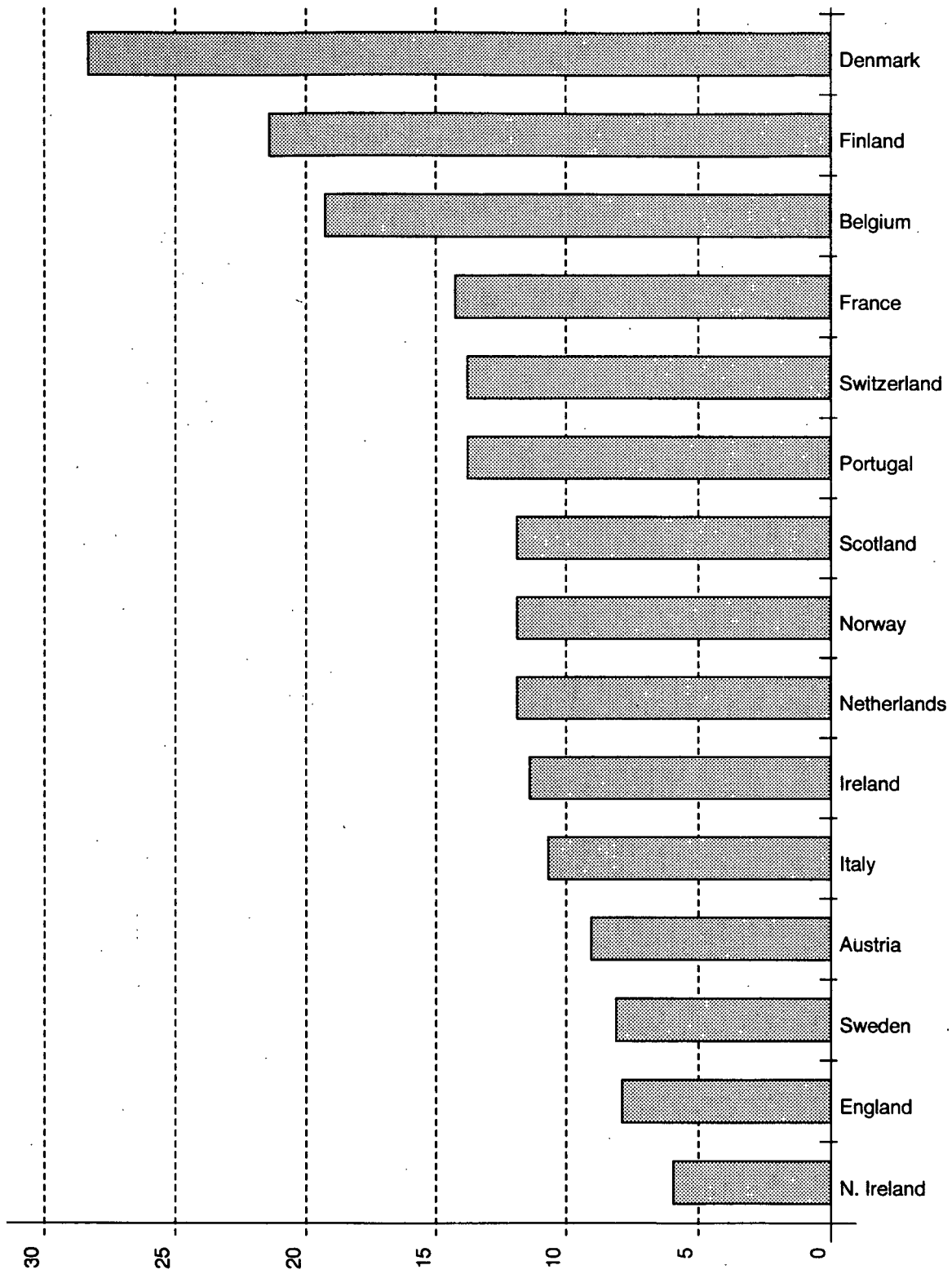
Source : SPACE 92.7

Figure 7 - Suicide rate in prison per 10 000 prisoners (in 1991)



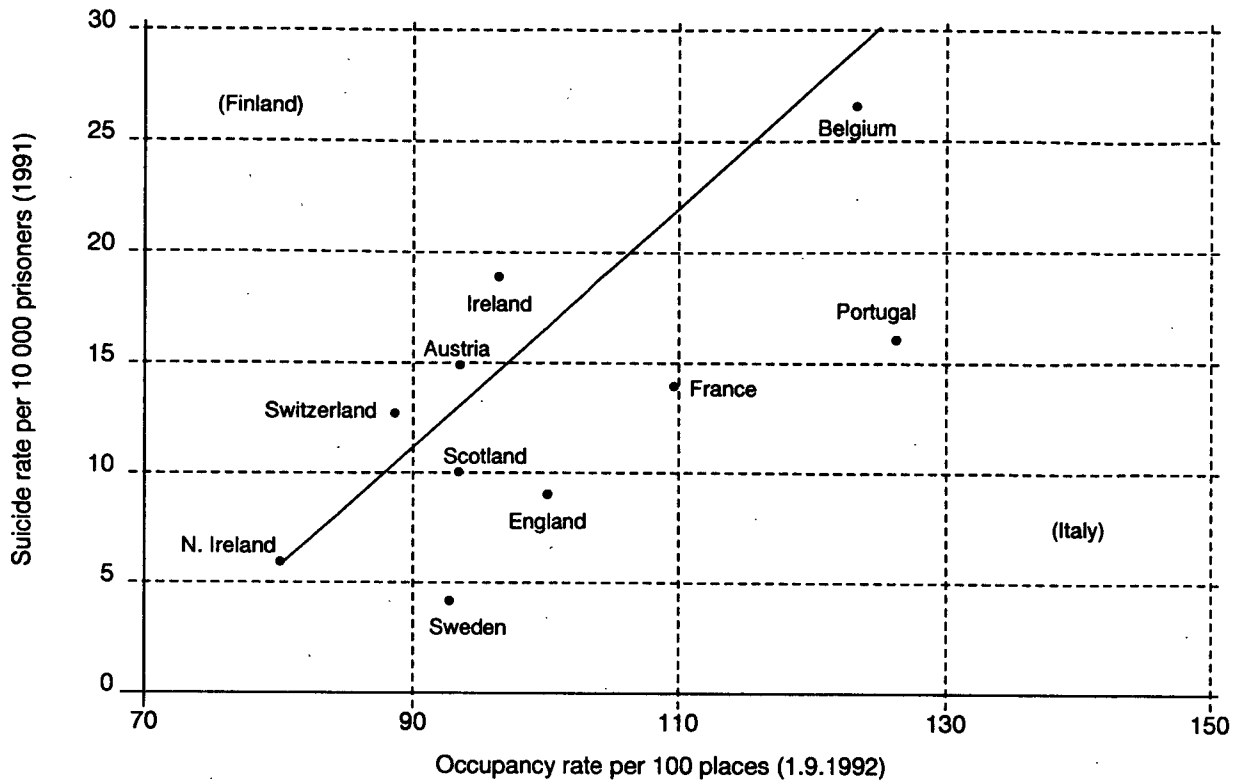
Source: SPACE 92.9.3

Figure 8 - Suicide rate per 10 000 prisoners (average for the period 1983-1991)



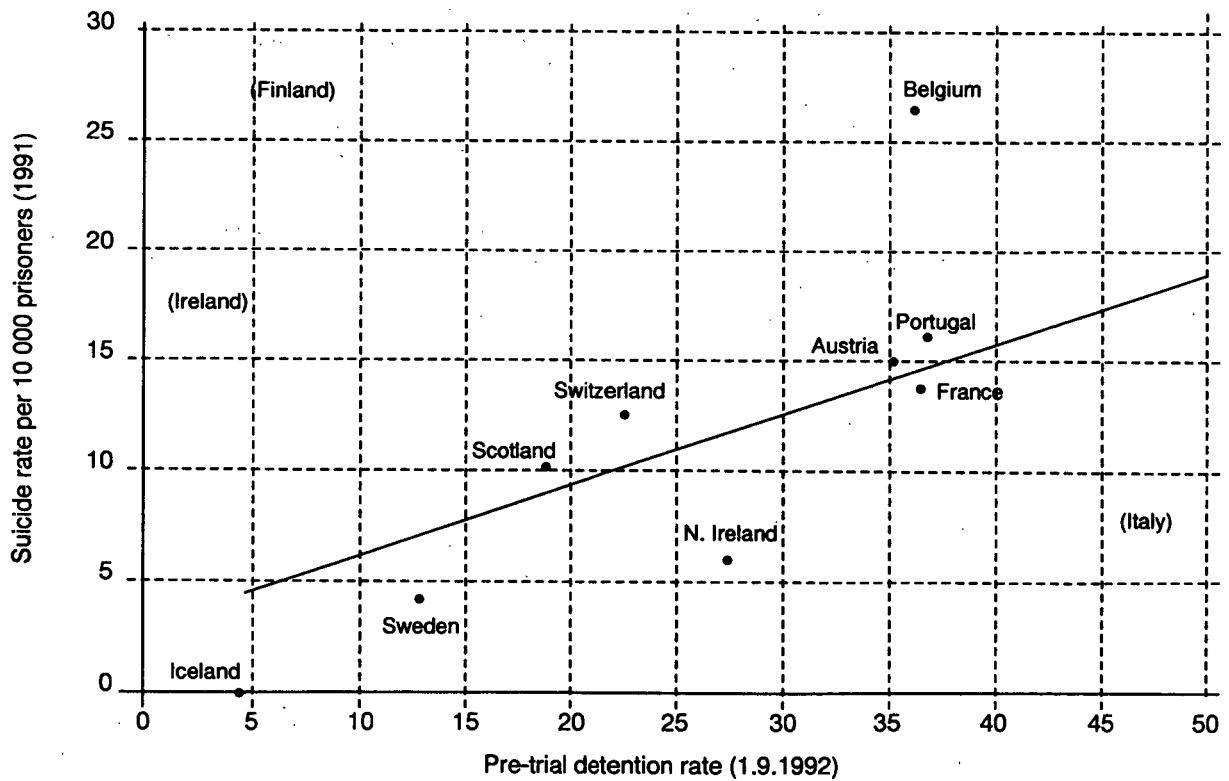
Source: SPACE 92.9.3

Figure 9 - Correlation between occupancy rate and suicide rate



Source: SPACE 92.1-92.9.3

Figure 10 - Correlation between pre-trial detention rate and suicide rate



Source: SPACE 92.5-92.9.3

II. Community sanctions and measures ordered in 1990

The questionnaire did not attempt to cover all the non-custodial measures and sanctions which may exist in the various countries. The sanctions and measures counted must have been ordered as principal penalties by criminal courts (adults and juveniles undistinguished).

Before presenting the data collected, it is appropriate to set out the measures and sanctions referred to and also the terminology used in both languages:

1. *Dispense de peine après déclaration de culpabilité*
Exemption from punishment following finding of guilt;
2. *Suspension du prononcé de la condamnation après déclaration de culpabilité (sans mise en détention)*
Pronouncement of sentence deferred following finding of guilt (without committal);
3. *Amende – Fine*;
4. *Travail au profit de la communauté – Community service*;
5. *Sursis total à l'exécution d'une peine d'emprisonnement*
Prison sentence imposed, with execution being fully suspended;
6. *Sursis partiel à l'exécution d'une peine d'emprisonnement*
Prison sentence imposed, with part to be served, and with part to be suspended;
7. *Autres formes de "probation" après déclaration de culpabilité, non visées par les items (1) à (6) (à l'exclusion des mesures et sanctions propres aux mineurs)*

Other cases of "probation", following finding of guilt, not covered by items (1) to (6); (not including measures and sanctions in the field of juvenile criminal law).

10. Sentences of imprisonment

For the purposes of comparison, we also asked for the number of prison sentences without full or partial suspension (*peine d'emprisonnement sans sursis*) ordered in 1990.

- a. number of sentences
- b. number of inhabitants (average for 1990)
- c. rate of sentences: number of sentences of imprisonment without full or partial suspension ordered in 1990 in relation to the number of prisoners (expressed per 100,000 inhabitants).

These very global figures must be combined with other indicators, first of all with the distribution of sentences in proportion to their length.

11. Prison sentences according to length

These are also prison sentences ordered in 1990 without full or partial suspension. The classes defined

a priori were as follows: "under 3 months", "3 to 6 months", "6 months to one year" and "one year and over". The contrast between the situations shown in Figure 11 is considerable.

Tables 11 to 14 show the numbers corresponding to the various sanctions and measures ordered in 1990.

12. Suspensions of sentence ordered in 1990

13. Other measures ordered in 1990

- a. exemption from punishment;
- b. pronouncement of sentence deferred;
- c. day fine;
- d. community service.

We have not confined figures regarding the fines, since the information gathered appears to concern completely different spheres from one country to another (especially where road traffic offences are concerned).

14. Other cases of probation (measures ordered in 1990)

Finally, we have attempted to present a synopsis of the situation in Table 15. This table consists of 7 lines x 15 columns, or 105 cases.

1. The dotted lines indicate that the statistical information is not available. They are used in 24 cases (23%). Such a situation is a matter of regret.
2. The stars indicate that the question is not applicable since the measure referred to is not found in that country's legal system. They are used in 36 cases (34%).
3. In the remaining 45 cases we have indicated the relationship between the number of measures and the number of prison sentences without full or partial suspension (expressed as a percentage).

Thus in Sweden, for example, for 100 prison sentences there are 143 day-fine penalties and 50 probation measures, while the number of penalties of community service is very low.

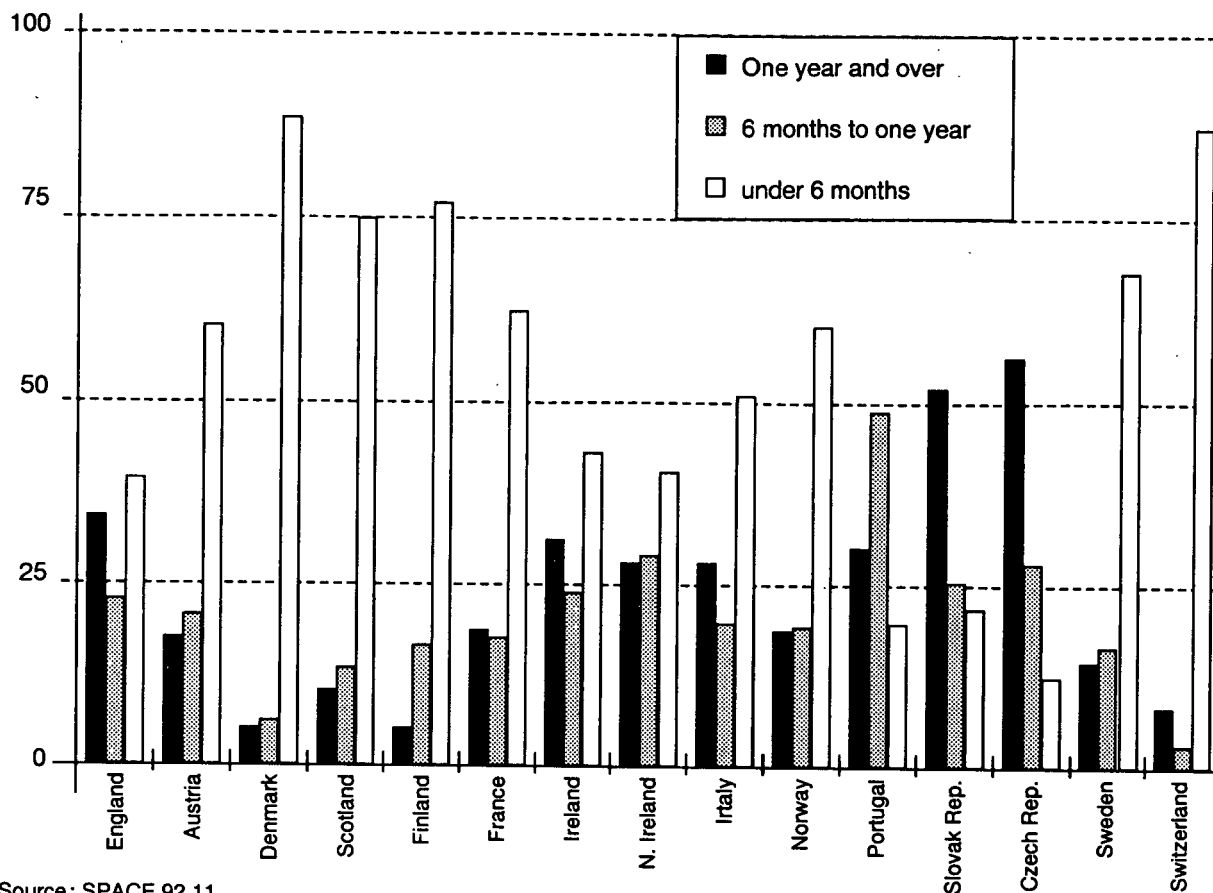
It is therefore possible to specify for each country what penalties are most used. The task of comparing these data on prison sentences without full or partial suspension with the distribution of sentences according to length, and even with the prison data set out in the first part, is left to the reader.

Paris, 30 September 1993

Pierre TOURNIER

Research Engineer, CNRS

Figure 11 - Prison sentences ordered in 1990 according to length (without full or partial suspension)



Source: SPACE 92.11

1. Situation of prisons at 1.9.1992

- (a) total number of prisoners
 (b) rate of imprisonments per 100 000 inhabitants
 (c) total prison capacity
 (d) occupancy rate (per 100 places)

Reference: Council of Europe, SPACE 92.1

	(a)	(b)	(c)	(d)
Germany	-	-	-	-
Austria (*)	6 913	87,8	7 356	93,9
Belgium	7 116	71,0	5 746	123,8
Bulgaria (*)	8 688	102,0	9 000	96,5
Cyprus	193	32,0	240	80,4
Denmark	3 406	66,0	3 797	89,7
Spain	35 246	90,4	26 392	133,5
Estonia	-	-	-	-
Finland	3 295	65,4	4 210	78,3
France (*)	49 323	83,7	45 141	109,3
Greece	6 252	59,5	3 892	160,6
Hungary	-	-	-	-
Ireland	2 155	61,6	2 223	96,9
Iceland	101	38,5	115	87,8
Italy (*)	46 152	80,0	33 118	139,4
Latvia	-	-	-	-
Lithuania	-	-	-	-
Luxembourg	352	91,5	307	114,7
Malta	-	-	-	-
Norway	-	-	-	-
Netherlands (*)	7 397	48,5	7 548	98,0
Poland	-	-	-	-
Portugal	9 183	93,2	7 267	126,4
Slovak Rep.	6 507	123,0	8 000	81,3
Czech Rep.	13 279	129,0	15 090	88,0
United Kingdom				
England and Wales (*)	46 350	91,0	45 258	100,3
Scotland (*)	5 357	105,0	5 700	94,0
Northern Ireland	1 811	114,0	2 253	80,4
Sweden (*)	5 431	63,0	5 356	101,4
Switzerland (*)	5 400	77,1	6 080	88,8
Turkey	-	-	-	-
Canada (*)	12 520	-	12 363	101,3
Romania	44 610	195,0	31 385	142,1

(*) see remarks p. 25

2. Change in the number of prisoners (Numbers at 1 September)

Reference: Council of Europe, SPACE 92.2

	1987	1988	1989	1990	1991	1992
Germany	51 919	52 076	51 729	48 792	49 658	–
Austria	7 419	5 862	5 771	6 231	6 655	6 913
Belgium	6 713	6 450	6 761	6 525	6 035	7 116
Bulgaria	–	–	–	–	7 822	8 749
Cyprus	215	219	191	218	–	193
Denmark	3 190	3 469	3 378	3 243	–	3 406
Spain	27 278	29 344	31 137	32 902	36 562	35 246
Estonia	–	–	–	–	–	–
Finland	3 824	3 598	3 103	3 106	3 130	3 295
France (*)	50 639	46 423	45 102	47 449	48 675	49 323
Greece	3 988	4 288	4 564	–	5 008	6 252
Hungary	–	–	–	–	14 629	–
Ireland	1 936	1 953	1 980	–	2 114	2 155
Iceland	68	89	113	104	101	101
Italy	34 838	34 675	30 594	32 588	32 368	46 152
Latvia	–	–	–	–	–	–
Lithuania	–	–	–	–	–	–
Luxembourg	353	322	345	352	348	352
Malta	49	221	–	–	–	–
Norway	1 929	2 041	2 171	2 260	2 510	–
Netherlands	5 002	5 827	6 461	6 662	–	7 397
Poland	–	–	–	–	–	–
Portugal	8 270	8 181	8 458	9 059	8 092	9 183
Slovak Rep.	–	–	–	–	–	6 507
Czech Rep.	–	–	–	–	–	13 279
United Kingdom						
England and Wales	47 105	48 595	48 481	45 649	46 310	46 350
Scotland	5 421	5 076	4 786	–	4 860	5 357
Northern Ireland	1 858	1 786	1 780	1 733	1 660	1 811
Sweden	4 198	4 716	4 796	4 895	4 731	5 431
Switzerland (*)	–	4 679	4 714	5 074	5 688	5 400
Turkey	50 337	51 810	48 413	46 357	26 544	–
Canada (*)	–	–	–	–	–	12 520
Romania	–	–	–	–	36 542	44 610

(*) see remarks p. 25

3. Population imprisoned at 1.9.1992: demographic structure

- (a) median age
 (b) prisoners under 21 years of age: number and percentage
 (c) female prisoners: number and percentage
 (d) alien prisoners: number and percentage

Reference: Council of Europe, SPACE 92.3

	(a)	(b)		(c)		(d)	
Germany	-	-	-	-	-	-	-
Austria	-	-	-	338	4,9	1 777	25,7
Belgium	28a	628	8,8	404	5,7	2 669	37,5
Bulgaria	31a	-	-	314	3,6	39	0,4
Cyprus	33a	14	7,3	8	4,1	80	41,5
Denmark	-	-	-	179	5,3	487	14,3
Spain	32a	1 631	4,6	3 200	9,1	5 886	16,7
Estonia	-	-	-	-	-	-	-
Finland	32a	164	5,0	102	3,1	47	1,4
France	29a	5 343	10,8	2 081	4,2	14 414	29,2
Greece	-	384	6,1	282	4,5	1 397	22,3
Hungary	-	-	-	-	-	-	-
Ireland	-	585	27,1	30	1,4	43	2,0
Iceland	31a	12	11,9	3	3,0	0	0,0
Italy	32a	2 639	5,7	2 508	5,4	6 915	15,0
Latvia	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-
Luxembourg	31a	9	2,6	22	6,3	142	40,3
Malta	-	-	-	-	-	-	-
Norway	-	-	-	-	-	-	-
Netherlands	31a	725	9,8	322	4,4	1 970	26,6
Poland	-	-	-	-	-	-	-
Portugal	33a	727	7,4	659	6,7	734	7,5
Slovak Rep.	34a	863	12,8	235	3,6	41	0,6
Czech Rep.	32a	828	6,2	437	3,3	277	2,1
United Kingdom							
England and Wales (*)	25a	8 253	17,8	1 586	3,4	3 100	6,7
Scotland	-	787	14,7	168	3,1	13	0,2
Northern Ireland	-	364	20,1	47	2,6	0	0,0
Sweden (*)	32a	203	4,7	199	4,6	1 062	24,6
Switzerland (*)	31a	120	3,1	251	6,6	1 776	46,6
Turkey	-	-	-	-	-	-	-
Canada (*)	34a	400	3,2	266	2,1	866	6,9
Romania	30a	10 496	23,5	1 477	3,3	299	0,7

(*) see remarks p. 25

4. Population imprisoned at 1.9.1992: legal structure (numbers)

- (a) sentenced prisoners (final sentence)
- (b) sentenced prisoners who have appealed or who are within the statutory limit for doing so
- (c) prisoners convicted but not yet sentenced
- (d) untried prisoners (not yet convicted)
- (e) other cases

Reference: Council of Europe, SPACE 92.4

	(a)	(b)	(c)	(d)	(e)
Germany	-	-	-	-	-
Austria (*)	4 132	(b+d)	***	(b+d)	409
Belgium (*)	3 474	456	***	1 517	1 669
Bulgaria (*)	6 067	-	1 210	1 411	0
Cyprus (*)	-	-	-	-	-
Denmark (*)	2 416	(b+c)	(b+c)	652	128
Spain (*)	23 351	-	-	11 635	-
Estonia	-	-	-	-	-
Finland (*)	3 010	(b+d)	***	(b+d)	***
France (*)	27 835	2 024	***	19 082	382
Greece (*)	3 973	-	-	-	-
Hungary	-	-	-	-	-
Ireland (*)	2 008	-	-	141	6
Iceland (*)	89	1	***	11	0
Italy (*)	19 782	2 725	8 186	14 114	1 345
Latvia	-	-	-	-	-
Lithuania	-	-	-	-	-
Luxembourg (*)	257	54	***	39	2
Malta	-	-	-	-	-
Norway	-	-	-	-	-
Netherlands (*)	-	-	-	-	-
Poland	-	-	-	-	-
Portugal (*)	5 551	(b+c+d)	(b+c+d)	(b+c+d)	227
Slovak Rep. (*)	5 085	-	1 422	***	***
Czech Rep. (*)	7 965	-	5 314	***	***
United Kingdom					
England and Wales (*)	(a+b)	(a+b)	1 921	8 207	293
Scotland (*)	4 388	-	112	801	43
Northern Ireland (*)	1 378	-	-	433	0
Sweden (*)	4 319	(b+c+d)	(b+c+d)	(b+c+d)	56
Switzerland (*)	3 810	-	-	-	-
Turkey	-	-	-	-	-
Canada	-	-	-	-	-
Romania (*)	25 562	7 068	(c+d)	(c+d)	878

(*) see remarks p. 25

***: not applicable

5. Population imprisoned at 1.9.1992: legal structure (rate)

- (a) percentage of unconvicted prisoners
- (b) pre-trial detention rate (per 100 000 inhabitants)
- (c) percentage of prisoners awaiting trial
- (d) rate of provisional detention awaiting trial (per 100 000 inhabitants)

Reference: Council of Europe, SPACE 92.5

	(a)	(b)	(c)	(d)
Germany	-	-	-	-
Austria	40,2	35,3	-	-
Belgium	51,1	36,3	21,3	15,1
Bulgaria	30,2	30,8	16,2	16,6
Cyprus	-	-	-	-
Denmark	29,0	19,2	19,1	12,6
Spain	33,7	30,5	33,0	29,8
Estonia	-	-	-	-
Finland	8,6	5,7	-	-
France	43,6	36,5	38,7	32,4
Greece	36,5	21,7	-	-
Hungary	-	-	-	-
Ireland	6,8	4,2	6,5	4,0
Iceland	11,9	4,6	10,9	4,2
Italy	57,1	45,7	30,0	24,5
Latvia	-	-	-	-
Lithuania	-	-	-	-
Luxembourg	27,0	24,7	11,1	10,1
Malta	-	-	-	-
Norway	-	-	-	-
Netherlands	-	-	-	-
Poland	-	-	-	-
Portugal	39,6	36,9	-	-
Slovak Rep.	21,9	26,9	-	-
Czech Rep.	40,0	51,6	-	-
United Kingdom				
England and Wales	-	-	17,7	16,1
Scotland	18,0	19,0	15,0	15,7
Northern Ireland	23,9	27,3	23,9	27,3
Sweden	20,5	12,9	-	-
Switzerland	29,4	22,7	-	-
Turkey	-	-	-	-
Canada	-	-	-	-
Romania	42,7	83,3	-	-

6. Committal flow for 1991

- (a) number of first committals
 (b) committal rates (per 100 000 inhabitants)
 (c) first committals before final sentence: number and percentage

Reference: Council of Europe, SPACE 92.6

	(a)	(b)	(c)	
Germany	-	-	-	-
Austria (*)	18 484	243,0	9 906	53,6
Belgium	18 391	184,4	7 631	41,5
Bulgaria (*)	-	-	-	-
Cyprus	437	76,2	209	47,8
Denmark	-	-	-	-
Spain	-	-	-	-
Estonia	-	-	-	-
Finland	8 874	177,4	1 447	16,3
France (*)	91 155	157,1	67 921	74,5
Greece	7 462	73,8	3 007	40,3
Hungary	-	-	-	-
Ireland	6 935	198,1	-	-
Iceland	309	119,0	59	19,1
Italy	73 808	127,7	-	-
Latvia	-	-	-	-
Lithuania	-	-	-	-
Luxembourg	629	163,2	449	71,4
Malta	-	-	-	-
Norway	-	-	-	-
Netherlands	27 428	182,8	17 389	63,4
Poland	-	-	-	-
Portugal	10 377	105,2	9 052	87,2
Slovak Rep. (*)	11 082	209,5	-	-
Czech Rep. (*)	-	-	-	-
United Kingdom				
England and Wales (*)	109 396	-	62 604	57,2
Scotland (*)	-	-	13 142	-
Northern Ireland	-	-	-	-
Sweden	-	-	-	-
Switzerland	-	-	-	-
Turkey	-	-	-	-
Canada	-	-	-	-
Romania	-	-	-	-

(*) see remarks p. 26

7. Indicator of the average length of imprisonment (1991)

- (a) total number of days spent in prison in 1991
 (b) average number of prisoners in 1991
 (c) indicator of the average length of imprisonment (in months)

Reference: Council of Europe, SPACE 92.7

	(a)	(b)	(c)
Germany	-	-	-
Austria	2 463 750	6 750	4,4
Belgium	2 254 936	6 178	4,0
Bulgaria (*)	-	-	-
Cyprus	79 935	219	6,0
Denmark	1 298 670	3 558	-
Spain (*)	-	36 562	7,3
Estonia	-	-	-
Finland	1 265 450	3 467	4,7
France (*)	18 535 795	50 783	6,7
Greece (*)	-	5 008	8,1
Hungary	-	-	-
Ireland	784 750	2 150	3,7
Iceland	37 195	102	4,0
Italy	11 376 868	31 169	5,1
Latvia	-	-	-
Lithuania	-	-	-
Luxembourg	129 021	353	6,7
Malta	-	-	-
Norway	-	-	-
Netherlands	2 458 275	6 735	2,9
Poland	-	-	-
Portugal (*)	-	8 092	9,4
Slovak Rep. (*)	-	6 507	7,0
Czech Rep.	-	-	-
United Kingdom			
England and Wales (*)	-	45 897	-
Scotland	1 766 261	4 839	-
Northern Ireland	-	-	-
Sweden (*)	-	4 965	-
Switzerland	-	-	-
Turkey	-	-	-
Canada	-	-	-
Romania	-	-	-

(*) see remarks p. 26

Remarks – Table 1

Austria: figure (b) does not take account of the 69 persons subject to detention imposed in administrative proceedings in "Justizanstalten".

Bulgaria: the figures refer to the situation of 31 December 1992. On 1 September 1992 the total number (8749) was not known.

France: the figures relate to the entire country, both metropolitan France and the Overseas "Departments" (DOM)

	(a)	(b)	(c)	(d)
Metropolitan				
France	47 239	82,3	43 777	107,9
DOM	2 084	-	1 364	152,8

Italy: the authorities have supplied two capacities; the so-called "current" capacity = 33,118 and the so-called "sustainable" capacity = 41,438.

Netherlands: (c) = capacity which can be used.

England and Wales: (a) includes 972 persons detained in police cells, of whom 247 are sentenced prisoners, 22 have been found guilty but not yet sentenced and 703 are awaiting trial (not yet found guilty). There are 766 adult males, 188 juveniles and 18 adult females.

- The capacity indicated at (c) refers to the concept of "standardised capacity", which is defined in such a way that the various premises are not over-occupied. Places in new establishments which cannot yet be used are not counted.

- In calculating (d) we have ignored the 972 persons held in police cells.

Scotland: average for September.

Sweden: (a) corresponds to the number of prisoners registered. The number of prisoners present is 4,974. The difference is due to persons serving their sentences outside prison in institutions for the treatment of drug addicts, persons in hospital and escapees. (b) calculated on the number present is 58 per 100,000.

Switzerland: (a) is an estimate. Only the population of those sentenced is counted, that is to say those actually serving their sentences and those in custody in anticipation of being sentenced (3,810). (b) has been calculated on the basis of (a) taking 7 million as the denominator.

Canada: the figures relate solely to those imprisoned in federal institutions.

Remarks – Table 2

France: the figures relate to the entire country, both metropolitan France and the Overseas "Departments" (DOM).

Switzerland: estimates.

Canada: the figures relate only to prisoners in federal institutions.

Remarks – Table 3

England and Wales: (b) includes persons over the age of 21 years who began serving their sentences while they were under the age of 21 and who have remained in a young offenders' institution. (d) is an estimate: it includes all those who are not of British nationality (including all prisoners whose nationality has not been recorded but whose country of birth has been recorded as being outside the United Kingdom).

Sweden: the figures relate solely to the population of sentenced prisoners (4,319).

Switzerland: the figures relate solely to the population of sentenced prisoners (3,810).

Canada: the figures relate solely to prisoners in federal institutions.

Remarks – Table 4

Austria: (b) and (d) taken together (2,372). (e) = "indefinite detention pending trial" (340) + "detention pending trial in administrative proceedings" (69).

Belgium: (e) =

internees (Social Defence Law)	1,001
aliens (administrative measures).....	282
beggars and vagrants.....	338
recidivists at the disposal of the Government	3
minors (under 18 years of age in provisional custody).....	45

Bulgaria: (a)+(c)+(d)+(e) = total number of prisoners. No information is available regarding (b).

Cyprus: figures inconsistent: (a)+(b)+(c)+(d)+(e) = 221, while the total number of prisoners indicated is 193.

Denmark: (b) and (c) taken together (210). (e) = persons detained under the Aliens Act.

Spain: (a) + (d) < total number of prisoners. No information is available regarding (b), (c) and (e).

Finland: (b) and (d) taken together (285).

France: (e) = persons undergoing civil imprisonment or awaiting extradition.

Greece: only (a) is provided; no information is available regarding (b), (c), (d) and (e).

Ireland: (a)+(d)+(e) = total number of prisoners. No information is available regarding (b) and (c).

Iceland: (d) concerns more specifically prisoners in provisional detention, not yet sentenced.

Italy: the typology used is not very clear. (b) = "sentenced on appeal and seeking to have conviction quashed"; (c) = "sentenced at first instance and appellants"; (d) = awaiting judgment at first instance. (e) = prisoners (subject to a security measure).

Luxembourg: (e) = minors sentenced to custody by the juvenile court.

Netherlands: figures inconsistent: (a)+(c)+(d) = 9,897, while the total number of prisoners indicated is 7,397.

Portugal: (b),(c) and (d) taken together (3,405). (e) = prisoners subject to a security measure.

Slovak Republic: (a)+(c) = total number of prisoners. No information is available regarding (b).

Czech Republic: (a)+(c) = total number of prisoners. No information is available regarding (b).

England and Wales: (a) and (b) taken together (35,929). No special status is granted to prisoners who have appealed or who are within the statutory limit for doing so, so no record is kept of the numbers in this group. They are included with those finally sentenced.

(e) = three quarters of these are persons detained in pursuance of the Immigration Act 1971. The others are imprisoned for non-payment of maintenance or for contempt of court.

Scotland: (a)+(c)+(d)+(e) = 5,344, or the total number of prisoners minus the 13 alien prisoners. No statistics are available for (b); it is not known where records of this category are kept.

Northern Ireland: (a)+(d)+(e) = total number of prisoners. No information is available regarding (b) and (c).

Sweden: (b), (c) and (d) taken together (1,056). (e) concerns certain prisoners who are drug addicts, special detention for juveniles, unauthorised aliens awaiting extradition, persons who are to be placed in psychiatric establishments and persons who have not complied with the conditions of probation.

Switzerland: (a) concerns convicted persons who are serving a sentence or in custody pending sentence. There are no figures for (b), (d) and (e). The authorities give an estimate for (d), 1,800. This is not consistent with the other information: (a) + (d) = 5,610, although the total number of prisoners is estimated at 5,400.

Romania: (c) and (d) are taken together (11,102).

Remarks – Table 6

Austria: (a) is made up of all the cases of committal in pre-trial detention (9,906) and admission after final sentence (8,578). (c): there are no statistics on admissions before final sentence (apart from committals in provisional detention): the number may be regarded as insignificant.

Bulgaria: items (9), (10) and (11) do not appear to have been understood.

France: the figures relate to the entire country, both metropolitan France and the Overseas "Departments" (DOM)

	(a)	(c)	
Metropolitan			
France	87,787	66,034	75.2%
DOM	3,368	1,887	56.0%

Slovak Republic: (b) was calculated by taking the numbers at 1 September 1992.

Czech Republic: items (9), (10) and (11) do not appear to have been understood.

England and Wales: (a) = only the first committal in 1991 for a given offence is counted, which means that

a person initially remanded to prison in 1991 and subsequently admitted after sentence in 1991 for the same offence is counted only once. Similarly, for (c), a person admitted before being found guilty in 1991 and subsequently admitted after being found guilty – awaiting sentence – for the same offence is counted only once.

These figures are therefore based on the concept of person, not the concept of committal (the concept to which items 9 and 10 of the questionnaire refer). We have therefore not calculated indicator (b).

Scotland: – Number given for item 9. (13,854). It refers to the number of "sentenced receptions" where there is not already a prison sentence: "direct" sentences (7,909) and sentences for non-payment of fines (5,945). Persons previously imprisoned as unconvicted prisoners are regarded as coming within this category. The figures provided in previous years covered all admissions and included persons who were already detained. The corresponding figures for 1991 are 10,307 for direct committals and 7,909 for committals for non-payment of fines.

– number given for item 10 (13,142): this is the number of "remand receptions", admissions of prisoners awaiting trial, in other words not yet found guilty (11,641), and admissions of prisoners convicted and awaiting sentence (1,501). In Scotland a remand reception is counted for each admission into prison. Therefore a person who is placed in provisional detention for a short period, released, then again placed in provisional detention (whether before or after being found guilty) is counted twice. However, a person imprisoned before being found guilty and then imprisoned after being convicted without being released in the mean time is counted once.

The total number of committals which should appear in (a) is therefore not the sum of these two categories.

Remarks – Table 7

Bulgaria: items (9), (10) and (11) do not appear to have been understood.

Spain: the number at 1 September 1991 has been taken for (b).

France: (a) includes days spent in hospital and working outside prison.

Greece: item (11) does not appear to have been understood. The number at 1 September 1991 has been taken for (b).

Portugal: the number at 1 September 1991 has been taken for (b).

Slovak Republic: the number at 1 September 1992 has been taken for (b).

England and Wales: (b) is the average population in 1991 (calculation method not specified); (c) has not been calculated, for the reasons set out in the notes to the preceding table.

Sweden: (b) is the average population in 1991 (calculation method not specified).

8. Legislative (or other) measures ...

..... during the last 12 months which directly influence trends in the number of prisoners (amnesty, collective pardon, etc.)

Reference: Council of Europe, SPACE 92.8

Belgium – Extension of measures aimed at combatting overcrowding in penal establishments: non-enforcement of subsidiary prison sentences and short sentences, provisional release with a view to pardon.

– Law of 9 January 1991 on the cancellation of sentences and rehabilitation in criminal matters: sentences imposed in the district criminal courts and certain sentences imposed in the regional criminal courts of six months or less may be cancelled after a period of three months from the date of sentence. These sentences no longer appear on the criminal record of the person sentenced; they can no longer be enforced, even if they are not yet statute-barred.

– Ministerial Circular 1578/VI of 11 February 1992 on the application of the Convention on the Inter-State Transfer of Sentenced Persons.

Bulgaria – Amnesty and pardon in 1991.

Cyprus – 59 prisoners due for release after the Christmas and Easter holidays in 1991 were released before those holidays by a decision of the President of the Republic.

France – Decree of collective pardon of 4 July 1991 granting a dispensation from serving part of the custodial sentence to sentenced persons imprisoned: remission of 10 days per month or part thereof remaining to be served, subject to a maximum pardon of nine months.

Portugal – There was an amnesty in 1991 (Law No 23/91 of 4 July 1991).

Remarks – Table 9.1

France: the figures relate only to metropolitan France (excluding the Overseas "Departments").

Norway: for 1991 the figures relate to the period January-October.

Scotland: the figures for 1988 relate to a 15-month period (January 1988 to March 1989); from 1989 the figures relate to a financial year (April-March).

Sweden: the only figures available in this connection relate to the financial year (July-June): for example, the figures for 1983 relate to the period 1.7.83-30.6.84.

Switzerland: the figures relate only to persons serving sentences. There are no figures for the other prisoners (remand prisoners, etc.).

Canada: the figures relate to the financial year (April-March): for example, the figures for 1983 relate to the period 1.4.83-31.3.84.

Remarks – Table 9.2

France: the figures relate only to Metropolitan France (without the Overseas "Departments").

Switzerland: the figures relate only to persons serving sentences. There are no figures for other prisoners (remand prisoners, etc.).

Canada: the figures relate only to prisoners in federal institutions.

Remarks – Table 9.3

France: the figures relate only to Metropolitan France (without the Overseas "Departments")

Switzerland: the figures relate only to persons serving sentences. There are no figures for other prisoners (remand prisoners, etc.).

Remarks – Table 12

Denmark: partially suspended, broken down according to the part to be served, total = 1,184, under 3 months = 1,153, 3 to 6 months = 14, 6 months to one year = 10, one year and over = 7.

France: partially suspended without supervision, broken down according to the part to be served: total = 8,531, under 3 months = 3,886, 3 to 6 months = 2,039, 6 months to one year = 1,449, one year and over = 1,177.

– partially suspended with supervision, broken down according to the part to be served: total = 10,717, under 3 months = 3,110, 3 to 6 months = 2,443, 6 months to one year = 2,443, one year and over = 2,721.

Italy: partially suspended with supervision = Art. 47 (2,912) and Art. 47b (681). Both of these articles refer to the Law of 26 July 1975, No 354, and its subsequent amendments which govern the Italian prison system.

Norway: partially suspended, broken down according to the part to be served: total = 1,349, under 3 months = 1,154, 3 to 6 months = 188, 6 months to one year = 7, one year and over = 0.

England and Wales: terminology, (b) and (c) = Fully suspended without (or with) supervision order, (d) = Partly suspended sentence.

– partially suspended without supervision, broken down according to the part to be served: total = 1,544, under 3 months = 90, 3 to 6 months = 98, 6 months to one year = 434, one year and over = 922.

Sweden: Swedish courts are not empowered to determine whether or not a prison sentence is conditional. All prison sentences are in fact unconditional since they are ordered without possible suspension.

Switzerland: the data refer to 1991.

9. Suicides in prison (variable part of SPACE)

9.1 Annual number of suicides

Reference: Council of Europe, SPACE 92.9.1

	1983	1984	1985	1986	1987	1988	1989	1990	1991
Germany	-	-	-	-	-	-	-	-	-
Austria	-	-	-	-	-	-	3	4	10
Belgium	15	11	12	11	12	13	15	8	16
Bulgaria	-	-	-	-	-	-	-	-	-
Cyprus	-	-	-	-	-	-	-	-	-
Denmark	11	10	8	9	10	11	4	11	4
Spain	-	-	-	-	-	-	-	-	-
Estonia	-	-	-	-	-	-	-	-	-
Finland	3	9	8	6	7	7	7	8	9
France (*)	57	58	64	63	60	75	62	58	65
Greece	-	-	-	-	-	-	-	-	-
Hungary	-	-	-	-	-	-	-	-	-
Ireland	1	0	2	1	1	4	5	3	4
Iceland	0	0	0	0	0	0	0	0	0
Italy	44	46	44	43	51	44	38	23	29
Latvia	-	-	-	-	-	-	-	-	-
Lithuania	-	-	-	-	-	-	-	-	-
Luxembourg	1	1	0	1	0	0	0	1	2
Malta	-	-	-	-	-	-	-	-	-
Norway (*)	5	3	2	1	3	3	2	0	3
Netherlands	-	-	9	5	6	8	6	5	4
Poland	-	-	-	-	-	-	-	-	-
Portugal	5	5	6	5	23	17	11	17	13
Slovak Rep.	3	1	4	3	8	4	3	1	4
Czech Rep.	5	11	13	7	10	10	9	7	11
United Kingdom									
England and Wales	27	27	29	21	46	37	48	50	42
Scotland (*)	6	5	7	7	7	9	4	5	5
Northern Ireland	0	1	2	1	1	2	1	1	1
Sweden (*)	2	2	2	6	0	8	5	6	2
Switzerland (*)	5	4	1	5	5	4	8	2	4
Turkey	-	-	-	-	-	-	-	-	-
Canada (*)	16	21	17	15	10	12	10	11	16
Romania	8	10	3	6	8	1	4	3	5

(*) see remarks p. 27

9. Suicides in prison (variable part of SPACE)

9.2 Number of prisoners (at 1 September)

Reference: Council of Europe, SPACE 92.9.2

	1983	1984	1985	1986	1987
Germany	61 778	59 448	56 154	53 619	51 919
Austria	8 387	8 280	8 327	7 778	7 419
Belgium	6 525	6 908	6 219	6 193	6 713
Bulgaria	-	-	-	-	-
Cyprus	188	212	180	229	215
Denmark	3 120	3 100	3 253	3 322	3 190
Spain	14 659	16 950	22 153	25 059	27 278
Estonia	-	-	-	-	-
Finland	-	-	3 977	3 702	3 824
France (*)	37 772	41 036	39 139	46 119	49 074
Greece	3 736	3 613	3 490	3 780	3 988
Hungary	-	-	-	-	-
Ireland	1 466	1 547	1 965	1 853	1 936
Iceland	57	76	93	83	68
Italy	41 413	43 351	43 585	43 685	34 838
Latvia	-	-	-	-	-
Lithuania	-	-	-	-	-
Luxembourg	245	239	268	323	353
Malta	97	88	87	95	49
Norway	1 941	2 004	1 861	2 021	1 929
Netherlands	4 000	4 783	4 888	4 906	5 002
Poland	-	-	-	-	-
Portugal	6 093	7 685	9 149	8 100	8 270
Slovak Rep.	-	-	-	-	-
Czech Rep.	-	-	-	-	-
United Kingdom					
England and Wales	43 415	42 091	47 067	46 581	47 105
Scotland	5 021	4 620	5 422	5 575	5 421
Northern Ireland	-	2 198	1 985	1 815	1 858
Sweden	4 422	3 959	4 049	4 098	4 198
Switzerland (*)	2 687	3 033	3 094	3 203	3 301
Turkey	-	-	-	-	50 337
Canada	-	-	-	-	-
Romania	-	-	-	-	-

(*) see remarks p. 27

9. Suicides in prison (variable part of SPACE)

9.2 Number of prisoners (at 1 September) (continued)

Reference: Council of Europe, SPACE 92.9.2

	1988	1989	1990	1991	1992
Germany	52 076	51 729	48 792	49 658	-
Austria	5 862	5 771	6 231	6 655	6 913
Belgium	6 450	6 761	6 525	6 035	7 116
Bulgaria	-	-	-	7 822	8 749
Cyprus	219	191	218	-	193
Denmark	3 469	3 378	3 243	-	3 406
Spain	29 344	31 137	32 902	36 562	35 246
Estonia	-	-	-	-	-
Finland	3 598	3 103	3 106	3 130	3 295
France (*)	44 912	43 555	45 660	6 732	47 239
Greece	4 288	4 564	-	5 008	6 252
Hungary	-	-	-	14 629	-
Ireland	1 953	1 980	-	2 114	2 155
Iceland	89	113	104	101	101
Italy	34 675	30 594	32 588	32 368	46 152
Latvia	-	-	-	-	-
Lithuania	-	-	-	-	-
Luxembourg	322	345	352	348	352
Malta	221	-	-	-	-
Norway	2 041	2 171	2 260	2 510	-
Netherlands	5 827	6 461	6 662	-	7 397
Poland	-	-	-	-	-
Portugal	8 181	8 458	9 059	8 092	9 183
Slovak Rep.	-	-	-	-	6 507
Czech Rep.	-	-	-	-	13 279
United Kingdom					
England and Wales	48 595	48 481	45 649	46 310	46 350
Scotland	5 076	4 786	-	4 860	5 357
Northern Ireland	1 786	1 780	1 733	1 660	1 811
Sweden.	4 716	4 796	4 895	4 731	5 431
Switzerland (*)	3 158	2 998	3 098	3 146	3 810
Turkey	51 810	48 413	46 357	26 544	-
Canada	-	-	-	-	12 520
Romania	-	-	-	36 542	44 610

(*) see remarks p. 27

9. Suicides in prison (variable part of SPACE)

9.3 Suicide rate per 10 000 prisoners

Reference: Council of Europe, SPACE 92.9.3

	1983	1984	1985	1986	1987
Belgium	23,0	15,9	19,3	17,8	17,9
Denmark	35,3	32,3	24,6	27,1	31,3
Finland	—	—	20,1	16,2	18,3
France (*)	15,1	14,1	16,4	13,7	12,2
Ireland	6,8	0,0	10,2	5,4	5,2
Iceland	0,0	0,0	0,0	0,0	0,0
Italy	10,6	10,6	10,1	9,8	14,6
Luxembourg	40,8	41,8	0,0	31,0	0,0
Norway	25,8	15,0	10,7	4,9	15,5
Netherlands	—	—	18,4	10,2	12,0
Portugal	8,2	6,5	6,6	6,2	27,8
United Kingdom					
England and Wales	6,2	6,4	6,2	4,5	9,8
Scotland	11,9	10,8	12,9	12,6	12,9
Northern Ireland	0,0	4,5	10,1	5,5	5,4
Sweden	4,5	5,1	4,9	14,6	0,0
Switzerland (*)	18,6	13,0	3,2	15,6	15,1

9.3 Suicide rate per 10 000 prisoners (continued)

Reference: Council of Europe, SPACE 92.9.3

	1988	1989	1990	1991	Average
Austria	—	5,2	6,4	15,0	8,9
Belgium	20,2	22,2	12,3	26,5	19,5
Denmark	31,7	11,8	33,9	—	28,5
Finland	19,5	22,6	25,8	28,8	21,6
France (*)	16,7	14,2	12,7	13,9	14,3
Ireland	20,5	25,3	—	18,9	11,5
Iceland	0,0	0,0	0,0	0,0	****
Italy	12,7	12,4	7,1	9,0	10,8
Luxembourg	0,0	0,0	28,4	57,5	****
Norway	14,7	9,2	0,0	12,0	12,0
Netherlands	13,7	9,3	7,5	—	11,9
Portugal	20,8	13,0	18,8	16,1	13,8
United Kingdom					
England and Wales					
Wales	7,6	9,9	11,0	9,1	7,9
Scotland	17,7	8,4	—	10,3	12,2
Northern Ireland	11,2	5,6	5,8	6,0	6,0
Sweden	17,0	10,4	12,3	4,2	8,1
Switzerland (*)	12,7	26,7	6,5	12,7	13,8

(*) see remarks p. 27

10. Prison sentences ordered in 1990 (without full or partial suspension): rate per 100 000 inhabitants

- (a) number of sentences
 (b) number of inhabitants
 (c) sentence rate per 100 000 inhabitants

Reference: Council of Europe, SPACE 92.10

	(a)	(b)	(c)
Austria	6 607	7 718 248	85,6
Denmark	15 421	5 140 939	300,0
Finland	11 656	4 986 450	233,8
France	87 648	56 470 080	155,2
Ireland	4 372	3 500 000	124,9
Italy	65 631	57 661 296	113,8
Norway	4 464	4 249 830	105,0
Portugal	6 083	9 853 022	61,7
Slovak Rep.	3 571	5 276 551	67,7
Czech Rep.	4 520	10 362 327	43,6
United Kingdom			
England and Wales (*)	56 069	50 955 000	110,0
Scotland	12 987	5 102 400	254,5
Northern Ireland	2 135	1 589 432	134,3
Sweden	15 833	8 559 000	185,0
Switzerland (1991)	12 210	6 712 200	181,9

(*) Immediate imprisonment and detention in a young offenders' institution.

Remarks – Table 13

Austria: "Exemption from punishment" (solely without condition) and "pronouncement of sentence deferred following finding of guilt" are provided for only in the law relating to minors (Sections 12 and 13 of the Law of 1988). The statistics do not make it possible to distinguish suspended sentences "without supervision" from those "with supervision".

Work in the general interest exists only in the law relating to minors. It is one of the numerous methods available to the courts to terminate a case. For 1990 the total number of decisions of that kind (preliminary dismissals) was 460. Community service was ordered in a very small number of cases.

Denmark: exemption from punishment without condition = 904, conditional exemption with or without supervision = 1,100.

Finland: exemptions from punishment are unconditional. An experiment in work in the general interest was begun on 1 October 1991.

France: a distinction is drawn between community service (TIG) ordered as principal punishment (5,705) and full suspension of a prison sentence with a community service order (2,453).

Ireland: no figures are available for conditional or unconditional exemption from punishment without supervision; conditional exemptions with supervision = 1,322.

No figures are available regarding pronouncement of sentence deferred without supervision; pronouncement of sentence deferred with supervision = 1,423.

Slovak Republic: unconditional suspension of punishment = 335. For the other measures to which this table relates, it is not known whether the items are not applicable or whether the information is unavailable.

(see continued p. 35)

11. Prison sentences ordered in 1990 according to length (without full or partial suspension)

- (a) total number
- (b) under 3 months
- (c) 3 months to 6 months
- (d) 6 months to one year
- (e) one year and over

Reference: Council of Europe, SPACE 92.11

	(a)	(b)	(c)	(d)	(e)
Austria	6 607 100,0	2 673 40,4	1 360 20,6	1 367 20,7	1 207 18,3
Denmark	15 421 100,0	12 410 80,4	1 308 8,5	937 6,1	766 5,0
Finland	11 656 100,0	4 086 35,1	4 824 41,4	1 964 16,8	782 6,7
France	87 648 100,0	33 844 38,6	21 568 24,6	15 853 18,1	16 383 18,7
Ireland	4 372 100,0	1 403 32,1	508 11,6	1 065 24,4	1 396 31,9
Italy	65 631 100,0	14 911 22,7	18 561 28,3	13 554 20,7	18 605 28,3
Norway	4 464 100,0	2 171 48,7	550 12,3	885 19,8	858 19,2
Portugal	6 083 100,0	1 219 20,0		3 011 49,5	1 853 30,5
Slovak Rep.	3 571 100,0	782 21,9		925 25,9	1 864 52,2
Czech Rep.	4 520 100,0	146 3,2	442 9,8	1 358 30,0	2 574 57,0
United Kingdom					
England and Wales	56 069 100,0	10 143 18,1	12 608 22,5	13 400 23,9	19 918 35,5
Scotland	12 987 100,0	5 148 39,6	4 595 35,4	1 853 14,3	1 391 10,7
Northern Ireland	2 135 100,0	430 20,1	451 21,1	632 29,7	622 29,1
Sweden	15 833 100,0	8 121 51,3	2 645 16,7	2 707 17,1	2 360 14,9
Switzerland (1991)	12 210 100,0	10 010 82,0	710 5,8	400 3,3	1 090 8,9

12. Suspended sentences ordered in 1990

- (a) total
- (b) fully suspended without supervision
- (c) fully suspended with supervision
- (d) partially suspended without supervision
- (e) partially suspended with supervision

Reference: Council of Europe, SPACE 92.12

	(a)	(b)	(c)	(d)	(e)
Austria	13 458	< 12 048 >		< 1 410 >	
Denmark (*)	6 602	< 5 418 >		< 1 184 >	
Finland	17 428	14 086	3 342	***	***
France (*)	222 466	178 745	24 473	8 531	10 717
Ireland	-	-	***	***	***
Italy (*)	-		***	***	3 593
Norway (*)	3 832	< 2 483 >		< 1 349 >	
Portugal.	4 065	3 874	191	****	***
Slovak Rep.	8 453	6 740	***	1 713	***
Czech Rep.	-	***	***	-	-
United Kingdom					
England and Wales (*)	28 908	25 763	1 601	1 544	***
Scotland	***	***	***	***	***
Northern Ireland	-	2 196	***	-	-
Sweden (*)	***	***	***	***	***
Switzerland (*)	34 910	< 34 910 >		***	***

13. Other measures ordered in 1990

- (a) exemption from punishment
- (b) pronouncement of sentence deferred
- (c) day-fine
- (d) community service

Reference: Council of Europe, SPACE 92.13

	(a)	(b)	(c)	(d)
Austria	224	986	49 631	-
Denmark (**)	2 004	5 147	***	462
Finland (**)	3 225	***	52 535	-
France (**)	10 556	-	3 434	8 158
Ireland (**)	-	-	***	1 240
Italy	***	***	***	***
Norway	-	143	***	***
Portugal	-	-	6 670	23
Slovak Rep.(**)	-	-	-	-
Czech Rep.(**)	-	3 535	-	-
United Kingdom				
England and Wales (**)	114 886	-	***	38 597
Scotland (**)	21 141	-	***	4 747
Northern Ireland (**)	4 759	-	***	680
Sweden	***	***	22 525	69
Switzerland	***	***	***	-

(*) see remarks p. 27

(**) see remarks p. 32

Remarks – Table 13 (continued)

Czech Republic: exemption from punishment
1. "without condition" = figures not available, 2. "conditional without supervision" = 2,784, 3. "conditional with supervision" = not applicable.

– pronouncement of sentence deferred: only without supervision.

England and Wales: 1. exemption from punishment without condition (Absolute discharge) = 20,402; 2. conditional exemption from punishment without supervision (Conditional discharge) = 94,484; 3. conditional exemption from punishment with supervision = not applicable.

– pronouncement of sentence deferred: 1. "without supervision" = figures not available; 2. "with supervision" = not applicable.

Scotland: 1. exemption from punishment without condition (16,797): classification (no order made) after pronouncement of sentence deferred -65-, complete exemption (absolute discharge) -572- and admonishment -16,160-.

2. conditional exemption from punishment without supervision (222): the courts may ask the accused to find a surety whereby a financial security is provided in order to guarantee a period of good behaviour. Following the expiry of that period the sum is returned to the accused if he has committed no further offence.

3. conditional exemption from punishment with supervision (4,122): probation (3,784), probation with a community service order (338).

No statistics are available regarding pronouncement of sentence deferred following finding of guilt. The statistics take account only of the final decisions at the end of each period of suspension.

Northern Ireland: 1. exemption from punishment without punishment = 1,276; 2. conditional exemption from punishment without supervision = 2,426; 3. conditional exemption from punishment with supervision = 1,057.

Sweden: in 1990 community service was only tried in two regions.

14. Other cases of probation (measures ordered in 1990)

Reference: Council of Europe, SPACE 92.14

Austria: 1. Penalties laid down in Section 43a paragraph 2 of the Austrian Criminal Code: payment of a fine + a suspended prison sentence 348

2. There is another form of probation following finding of guilt, laid down in the Narcotic Drugs Act, Section 23a: suspension of a prison sentence for a drug-related offence in order to receive medical treatment; where the treatment is successful the punishment ordered unconditionally may be changed to a conditional punishment. However, there are no statistics on that provision.

Italy: Art. 90 of Law No 309 of 1990 on drug abuse; figures not available.

Portugal: Probation 121

England and Wales:

Probation order 47,653
(17-20 years of age = 18,185,
21 years of age and over = 29,468)

Supervision order 6,701
(10-16 years of age = 6,417,
17-20 years of age = 284)

Sweden: 1. "Ordinary probation" is an independent alternative punishment to imprisonment, meaning simply a supervision order (generally for one year) and a period of probation (three years from the date of sentence) 6,694

2. Ordinary probation may also be combined with a prison sentence of up to three months 902

3. There is a specific form of probation in Sweden which allows the court to make a probation order and at the same time impose an obligation to receive treatment (generally associated with drug addiction). In that case the court is encouraged by the legislature to specify what would have been the prison sentence if the sentence of probation with compulsory treatment had not been chosen. The court is therefore not obliged to state the length of the prison sentence. In fact the courts do so in a very large proportion of cases 371

15. Weight of the various sanctions and measures compared with prison sentences without suspension (per cent)

Reference: Council of Europe, SPACE 92.15

	Austria	Denmark	Finland	France	Ireland
Full suspension	182	35	150	232	–
Partial suspension	21	8	***	22	***
Exemption from punishment	3	13	28	12	–
Pronouncement deferred	15	33	***	–	–
Day-fine	751	***	451	4	***
Community service	–	3	9	28	–
Other probation	5	***	***	***	***
	Italy	Norway	Portugal	Slovak Rep.	Czech Rep.
Full suspension	–	56	67	189	***
Partial suspension	5	30	***	48	–
Exemption from punishment.	***	–	–	–	–
Pronouncement deferred	***	3	–	–	78
Day-fine	***	***	110	–	–
Community service	***	***	0	–	–
Other probation	–	***	2	***	***
	England	Scotland	N. Ireland	Sweden	Switzerland
Full suspension	49	***	103	***	286
Partial suspension	3	–	***	***	***
Exemption from punishment	205	163	223	***	***
Pronouncement deferred	–	–	–	***	***
Day-fine	***	***	***	143	***
Community service	69	37	32	0	–
Other probation	97	***	***	50	***

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NEWS FROM THE MEMBER STATES

Laws, bills and 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 in other member States are given in this section. In certain cases the titles are followed by a brief summary.

Denmark

Lovbekendtgørelse nr. 886 af 30. oktober 1992 (straffeloven) (Legal notice on the Danish Penal Code)

Lovbekendtgørelse nr. 905 af 10. november 1992 (retsplejoven) (Legal notice on the Administration of Justice Act).

Cirkulære af 24. september 1992 om ændring af cirkulære om udgang til indsatte (Circular to amend the circular on leave for convicts)

Cirkulære nr. 169 af 28. september 1992 om ændring af cirkulærene om disciplinærstraf, dagpenge og udgang (Circular to amend the circulars on disciplinary punishment, sickness benefit and leave for convicts)

Cirkulære nr. 170 af 28. september 1992 om arbejdstid og arbejdspenge samt ydelser til kost og selvforvaltning til indsatte i Kriminalforsorgen (Circular on Pay and Working Hours and Allowances for Meals and self-management for Inmates)

Vejledning om cirkulære om arbejdstid og arbejdspenge samt ydelser til kost og selvforvaltning til indsatte i Kriminalforsorgen (Guidance on the circular on Pay and Working Hours and Allowances for Meals and self-management for Inmates)

Cirkulære af 27. november 1992 om anvendelse af tolk (Circular on the use of interpreter)

France

Decision of 31 July 1992 on the appointment of a Joint Regional Technical Committee for each regional director of the prison administration.

Decision of 21 December 1992 on the Organisation of Training for Trainee Wardens from Departments outside the Prison Administration.

Circular of 24 July 1992 on the publication of four laws constituting the new Criminal Code.

Circular of 13 November 1992 on the implementation of the Circular of 2 October 1992 on responses to urban crime.

Circular of 31 December 1992 on the law reforming the Criminal Procedure: commentary on provisions which will take immediate effect and a timetable for the entry into force of the remaining provisions.

Circular of 27 January 1991 on the presentation of all provisions of the Law of 4 January 1993 and analysis of those of them which amend the Code of Criminal Procedure, the Press Freedom Act of 29 July 1981 and the Order of 2 February 1945 on Child Delinquency.

Circular of 24 February 1993 on the Law of 93-2 of 4 January 1993 on the Reform of Criminal Procedure.

Circular of 18 August 1992 on the arrest and detention of foreign nationals.

Circular of 22 January 1992 on the enforcement of Law No. 91-1383 of 31 December 1991 introducing harsher measures to combat illegal work and the organisation of the unlawful entry and residence of foreigners in France (Official Gazette of 1 January 1992).

Circular of 14 December 1992 on running libraries and developing reading habits in prisons.

Circular of 18 March 1993 on the examination of the situation of prisoners with regard to their social security cover. CNAM circular of 5 August 1992.

Circular of 25 February 1992 on the Social Protection of Prisoners Exercising an Occupational Activity or Attending a Training Course outside the Prison, under Article 723 of the Code of Criminal Procedure.

Circular of 27 April 1992 on the Methods used to Organise and Analyse the Content of Occupational Activities in Prisons with Joint Management.

Circular of 25 March 1993 on the Preliminary Investigation of Cases Eligible for Release on Parole within the jurisdiction of the Minister for Justice.

Decree of 29 March 1993 on Reform of the Criminal Code (Part two: Decrees of the "Conseil d'Etat" (supreme administrative court)) amending certain provisions of criminal law and procedure.

Decree of 27 March 1993 on Public Health Care in Prisons.

Law of 8 December 1992 on Article L 595-9-1 of the Public Health Code, which set up pharmacies for use in prisons.

Note of 11 March 1993 on the Circular from the Prime Minister to Chief Administrative Officers

("Préfets") dated 23 December 1992 on crime prevention.

Iceland

Regulation No. 440 from 2 December 1992 on leaves from prison granted to convicted prisoners.

Regulation No. 29 from 28 January 1993 on service of prison terms, probation and parole.

Spain

Institutional Law 4/92, of 5 June 1992, on the Reform of the Law on the Jurisdiction and Procedure of Youth Courts Act.

Institutional Law 8/92, of 23 December 1992, on the amendment of the Criminal Code and of the Code of Criminal Procedure in respect of Drug Trafficking.

Royal Decree 266/92, of 20 March 1992, changing certain provisions of Royal Decree 10/91, of 11 January 1991, on the Structure of the Ministry of Justice (organisational changes in the General Secretariat for Prison Affairs).

Royal Decree 1396/92, of 20 November 1992, on the Approval of the Regulations Governing Military Prisons.

Agreement between the Andalusian Assembly and the Ministry of Justice on co-operation in prison affairs of 4 April 1992.

Order of the Ministry of Justice of 3 July 1992 on the setting up of new prisons for Madrid III and IV in Valdemoro and Navancarnero.

Order of 30 November 1992 on the Establishment of Villabona Prison (the Asturias) and the closure of the prisons in Oviedo and Gijon – the latter becoming open prisons.

Switzerland

Entry into force on 1 January 1993 of the *Federal Law of 4 October 1991 on Help for Victims of Crimes (LAVI)*, which seeks to provide effective help for victims of crime and to increase their rights.

Amendment of 20 March 1992 of the Military Criminal Code: *abolition of the death penalty*.

Entry into force on 1 October 1992 of the *revision concerning sexual assault* which, in particular, makes rape within marriage an offence and bans hard porn (representation of acts of a sexual nature with children, animals and human excrement, or which include acts of violence).

Message of 2 March 1992 of the Federal Council concerning *Switzerland's accession to the International Convention on the Elimination of all Forms of Racial Discrimination* as well as the insertion of a new Article 261 bis in the Criminal Code, which makes *racial discrimination* an offence. The parliamentary debates on this subject are coming to an end and the provision will enter into force as soon as Parliament has adopted it, provided that no referendum has been requested. *Revision of the general part of the Criminal Code*: the deliberations of the three Sub-Committees on "the scope and conditions of use of punishment", "Criminal Law Governing Minors" and "Penalties" came to an end in November 1992 and their preliminary drafts will, in all probability, be referred for consultation as early as this summer.

Draft Federal Decision *approving Convention No. 141 of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime*.

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News in brief

France

Etapas, the monthly newsletter of the Prison Administration Board, has been sent to all staff since December 1992.

A *museum and historical documentation centre on prisons* has been open in Fontainebleau Remand Prison since January 1993.

ENAP training of trainee wardens was extended from 4 to 8 months in January 1993.

The *Reform of the Code of Criminal Procedure* increases the power of judges responsible for the enforcement of sentences in respect of release on parole.

Prison medical services have been run by the public health service since March 1993. Each institution has concluded an agreement with its designated hospital.

The *upgrading of the status of social workers and prison staff* was made official in 1993.

A *single social service department in both open and closed prisons* is now standard.

Iceland

Recently the Minister of justice has proposed a draft of legislation on community service for the Althing (Parliament), but the Althing has not finished debating the matter.

The Netherlands

Experiment in Electronic Tagging of Convicted Prisoners in the Netherlands

In the Netherlands, the system of electronic tagging of offenders serving a non-custodial (alternative)

sentence or who are serving the final stages of a custodial sentence, will be tried out shortly.

Alternative penalties consist of community service or study or a combination of both. Convicted prisoners must give their consent to the rules of electronic tagging. This experiment, which is due to start in the course of 1994, in the three northern provinces of the Netherlands, will last two years in total. In each case, about 50 convicted prisoners will be involved.

Electronic tagging uses a miniature transmitter contained in an ankle or wrist bracelet, which sends signals of adjustable range. If the convicted prisoner leaves the area, the monitoring room is immediately alerted. Attempts are then made to make contact by special telephone. If this fails, a pre-arranged plan will be put into operation.

The Ministry sub-contracts the technical supervision of electronic tagging, (ie the monitoring of the presence of a person at a predetermined time and place) to a private company. This experiment involves, in particular, the Dutch Federation of Probation Bodies, the courts and the police.

Sweden

Community Service has come into force as a sentence to be used nationwide in Sweden from January 1st 1993.

The rules for conditional release after a prison sentence are changed from July 1st 1993. Prisoners with sentence up to two months are doing full time in prison. Prisoners with more than two months and up to one year can not be released earlier than after two thirds of the sentence instead of half time. Prisoners with sentences more than one year and less than two can not be released earlier than after eight months plus one third of the sentencing time over one year.

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

Austria/Autriche: Mr Paul MANN, Director General of Prison Administration, Ministry of Justice, Museumstrasse, 7, A-1016 VIENNA

Belgium/Belgique: Mr Jacques DEVLIEGHERE, Directeur Général de l'Admin. Pénitentiaire, Ministère de la Justice, rue Evers, 2-8, B-1060 BRUXELLES

Bulgaria/Bulgarie: Mr Zdravko D. TRAIKOV, Directeur de l'Administration Pénitentiaire, Ministère de la Justice 21, Bd. Stolétov, 1309-SOFIA

Cyprus/Chypre: Mr. George ANASTASIADES, Director, Department of Prisons, CY-NICOSIA

Czech Republic/République Tchèque: Dr. Zdenek KARABEC, Director General, Ministry of Justice, Taborska 988, CS-14067 PRAGUE 4

Denmark/Danemark: Mr Anders TRØNNING, Director General Prisons and Probation, Ministry of Justice, Klareboderne 1, DK-1115 COPENHAGEN K

Estonia/Estonie: Mr. Heikki SIKKA, Director General, Prison Administration, Ministry of Justice, Suur-Karja 19, EE-0104 TALLINN

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