

# Penological Information Bulletin

Nos. 25 & 26 – May 2006

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# PENOLOGICAL INFORMATION BULLETIN

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# Ad Hoc Conference of Directors of Prison Administration (CDAP) and Probation Service, Rome, 25-27 November 2004

## Keynote introductory speech

by **Mr Dirk van Zyl Smit**<sup>1</sup>  
Rapporteur

It is my extraordinary privilege to set the scene for this meeting by giving you an overview of recent advances in penology in Europe that make an impact on the work of this conference. There is much to talk about, as recent developments, both completed and prospective, are exciting and far reaching. My brief is to set the scene for the discussion of the two most recent penological recommendations of the Committee of Ministers of the Council of Europe, the Recommendations on Conditional Release (parole) and on the Management by Prison Administration of Life Sentence and other Long-Term Prisoners. I am also to introduce, generally, the revised European Prison Rules, which, as you would have seen from your documents, are in an advanced stage of development.

I propose to proceed in the following way: I will start by giving a brief history of international penal standards and their reception and further development in Europe. Then I will highlight four major factors that I believe underlie the most recent developments: They are the successful implementation of the European Convention for the prevention of Torture and Inhuman or Degrading Treatment and Punishment; the growing number of judgments of the European Court of Human Rights applying the European Convention for the Protection of Human Rights and Fundamental Freedoms to prison matters; the expansion of the number of member states of the Council of Europe and the increased European political interest in matters penological. I then turn to the three instruments that I have been asked to introduce. Finally, I make a few remarks about likely future developments.

Most members of this audience will know that international rules and standards in the area of prisons in particular have a long and distinguished history. In 1935 the League of Nations, prompted by the International Penal and Penitentiary Commission, adopted the first Standard Minimum Rules. These rules were never given much international prominence and any momentum they may have had was lost in the conflagration of the second World War. After the war, a determined effort

was made to create a new world order that encompassed fundamental human rights. Thus the Universal Declaration of Human Rights outlawed torture and cruel, inhuman and degrading treatment and punishment (Art. 5), a call that was echoed in a similar prohibition in the European Convention of Human Rights in 1950 (Art. 3). But what did this mean for prisons?

In the 1950s, the United Nations first became involved in the process of answering this question. The result was that in 1955 a set of 94 Standard Minimum Rules for the Treatment of Prisoners (UN SMRs) was approved by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders and was endorsed by the United Nations Economic and Social Council in 1957. The UN SMRs remain largely unaltered. They are not themselves binding international law but have served to interpret other international instruments, most notably the International Covenant on Civil and Political Rights (ICCPR). (I should remark in passing that of all the general international human rights instruments of treaty status the ICCPR is one that has the most direct injunctions on how prisoners should be dealt with.) The use of the UN SMR in interpreting international instruments, particularly the ICCPR by the Human Rights Committee, has led to a gradual increase of their status. In his work *Treatment of Prisoners under International Law*, Professor Nigel Rodley has noted:

Although not every rule may constitute a legal obligation, it is reasonably clear that the SMRs can provide guidance in interpreting the general rule against cruel, inhuman, or degrading treatment or punishment. Thus, serious non-compliance with some rules or widespread non-compliance with some others may well result in a level of ill-treatment sufficient to constitute violation of the general rule.

It was against this background of recognition of the value of the UN SMRs that in the late 1960s the European Committee on Crime Problems was invited to develop a European version of the UN SMRs. There were two reasons for this: it was felt that a European version would further the effective application of the UN Rules in Europe and also that the European version would be able to reflect more accurately contemporary penal policy. To a large extent both these goals were

1. Professor of Criminology, University of Cape Town, South Africa & Professor of Comparative and International Penal Law, University of Nottingham, United Kingdom

achieved. The European SMRs were soon widely publicised. For example, an early commentary on the then revolutionary German Prison Act of 1976 reproduced the relevant rule of the European SMR as an adjunct to the discussion of each individual section of the German Act (Grunau and Tiesler). Similarly, in Switzerland in 1976 the Federal Constitutional Court took them into consideration as a reflection of the legal convictions of the member states of the Council of Europe from which the Court would not easily depart when applying the Swiss Constitution to the regime to be followed in police detention (BGE (1976) 102 1a 279).

At both the United Nations level and at that of the Council of Europe the need for international standards that recognised new developments in penal policy was increasingly accepted. Various strategies evolved to meet this need. Both institutions developed specialist instruments to deal with specific areas of penal policy where the need for standards seemed most imperative. At the UN level much was done in the area of juvenile offenders in particular: one thinks immediately of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. At the European level the relatively flexible device of the Recommendation by the Council of Ministers was used almost annually, 32 times since the recommendation in 1962 on electoral, civil and social rights of prisoners. These recommendations have varied greatly in their scope and ambition. While some are very wide ranging, others have dealt with very specific issues such as prison health care (No. R (98) 7 or education in prison No. R (89) 12).

However, Europe, perhaps more easily than the United Nations, has proved capable of tackling large issues of penal policy. Thus it has been prepared to amend its general SMRs. In 1987 they were comprehensively overhauled and renamed the European Prison Rules. The 1987 Rules were designed, as its explanatory memorandum noted, "to embrace the needs and aspirations of prison administrations, prisoners and prison personnel in a coherent approach to management and treatment that is positive, realistic and contemporary". Another revision driven by similar ideals is before you now. The UN SMRs in contrast have remained substantially unchanged and in 2005 celebrate their 50th anniversary with the addition of only a single jurisdictional rule in half a century. And this brings me to my contemporary theme of the factors leading to current developments.

The first of these is the implementation of the European Convention on the Prevention of Torture. I stress implementation rather than the convention itself, for the key factor in extending the influence of this instrument has been the Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment – the CPT as it is almost universally known. As this audience will be very well aware, the CPT visits places of detention of all kinds in European countries and produces reports on them. This is highly valuable in itself as their reports, which are eventually published, are a source of information and

suggestions for improvement; both to countries concerned and to others who may read its reports (and I am proud to say that the Human Rights Centre at my English university, the University of Nottingham, publishes these reports for public edification). However, the CPT has gone further. In each of its annual reports it produces some substantive general comments on desirable practices in detention facilities as well as descriptions of what it regards as totally unacceptable, inhuman or degrading. The CPT has not considered itself bound by the precise interpretations of these terms given by the European Court of Human Rights, which has allowed it to develop its own standards. The word "develop" is key. The findings of the CPT are based on practical observation and are also evolutionary, thus allowing for the gradual improvement of standards in places of imprisonment and growing insight into the best practice for achieving them. The substantive comments in the CPT's annual General Reports have been extracted by the CPT and published in a booklet, *The CPT Standards*. Although this way of working means that the standards are not organised as a code and that they are therefore harder to apply systematically, this booklet is vital for anyone, not only in Europe but throughout the world, who wants an insight into current best practice. They have certainly been of great value to reformers and require close consideration in any new or updated recommendation in the penal field.

The second factor has been the jurisprudence of the European Court of Human Rights. The Court, together initially with the European Commission on Human Rights, is undoubtedly the world's premier tribunal giving binding interpretations of international human rights standards. Large numbers of detainees and prisoners of all kinds have long turned to it for assistance. Initially, however, its reactions to these requests were mixed. Access to lawyers and fair disciplinary procedures were areas in which the Court was prepared to recognise the rights enshrined in the European Convention on Human Rights (the Convention) and the impact of these decisions was felt in the United Kingdom in particular. As late as 2000, however, Steven Livingstone, a professorial colleague from Northern Ireland, whose recent untimely death has left a gap amongst experts on prison law, could still conclude in his overview of prisoners' rights in the context of the ECHR that procedural compliance with Convention standards had been more important to the Court than how prisoners were in fact treated. In his view in areas such as prison conditions, the Court in Strasbourg had done little more than legitimise the practice in most states. This has changed dramatically in recent years: in the evocatively named case of *Kalashnikov v. Russia* the Court recognised for the first time that overcrowding could create prison conditions that constituted inhuman and degrading treatment that contravened Article 3 of the ECHR. As the Court had pointed out the year before in *Peers v. Greece*, this applied even where there had been no intention on the part of the authorities to degrade or humiliate the prisoner. Other conditions of imprisonment have also been found to contravene the

provisions of the Convention: it is now recognised, since the case of *Van der Ven v. The Netherlands*, that the frequency and method of body searching can also amount to a violation of Article 3. Also other Convention rights have been used by the Court in prison matters. The protection of family life in Article 8 of the Convention was used in *Messina v. Italy* to find that a regime that made visits virtually impossible violated the Convention. In all, the Court is now squarely involved in deciding on substantive prisoners' rights. In its decisions it increasingly refers to both the existing European Prison Rules and the findings of the CPT. Like the CPT, its interpretations are underpinned by what human rights lawyers call evolving standards of decency. All Europeans are bound to take note of these standards, in particular the authors of penological recommendations and rules.

The growing number of prisoners' rights cases comes from both old and new member states of the Council of Europe, but it is clear that the accession of many new member states in Central and Eastern Europe is a third factor influencing the way in which European prison standards are developing. There are several reasons for this. New member states often have much higher imprisonment rates than old member states; this is coupled to the fact that they often have smaller per capita incomes and less state expenditure per citizen, which makes it harder for them to conform with European prison standards and rules. More specifically, many of them have only recently abolished the death penalty and have for the first time to deal with large numbers of prisoners serving life sentences: conversely there is also a particular need for forms of conditional release to reduce the over-reliance on imprisonment.

It should be recognised that the traffic in new ideas is not only from West to East. My fellow expert, Andrew Coyle, has emphasised, for example, that, when it comes to intimate visits between prisoners and their partners, the Eastern European custom of allowing seventy-two hours or more for such visits is far more acceptable than the brief "conjugal visits" customary in some Western countries, which can be humiliating for both the prisoner and the partner.

A fourth factor is the increased political activity at a European level around prison issues. Here we find something unusual if not unique in the early 21st century. It is a feature of our time that prison populations are increasing in many countries, and that much public debate about criminal justice matters is dominated by populist punitiveness. As the cynical slogan goes: "there are no votes in being soft on crime." Prison administrators, who have to battle with the daily realities of housing, feeding and clothing prisoners, have all winced I am sure, when they hear politicians say that our prisons should not be five-star hotels (and have wished they had the budgets even to approach that). However, at the level of both the European Parliament and the Parliamentary Assembly of the Council of Europe we find politicians who are prepared publicly to support the calls for improvements to conditions of imprisonment, for the humane treatment of offenders

in the community and for various new instruments to ensure that this is done. In both bodies these calls have been prefaced by a perception that, to quote, for example, the Parliamentary Assembly, "living conditions in many prisons and pre-trial detention centres have become incompatible with respect for human dignity".

Such comments may sometimes be irritating to prison administrators who are doing their best to run their systems under difficult conditions. But they also present an opportunity to those of you who do want human dignity for the prisoners in your systems. You can point to the European commitment to human rights as setting a standard to which Europeans jointly aspire; and *sotto voce* perhaps suggest that it is important to ensure that in European places of detention there are not the abuses which have caused so much embarrassment to countries fighting wars against terrorism. You can then justifiably say to your political masters that providing decent facilities costs money.

Political activity at the European parliamentary level has been mirrored by a series of recommendations of the Committee of Ministers of the Council of Europe. They are particularly important because they reflect not only an abstract concern with human rights but are concrete statements, formally endorsed by government ministers, of what they believe should be done. Once these recommendations have been adopted the commitment to implementing and, importantly, funding their implementation can be taken to exist at a national level.

This brings me to the two recent recommendations, both adopted by the Committee of Ministers late last year that we will be discussing in detail. The first of these recommendations, the subject of Saturday morning's discussion, concerns the management of life sentence and other long-term prisoners. Its adoption illustrates how the factors I have discussed can come together. The CPT, in its 11th Annual Report in 2001, paid particular attention to this topic, noting that

In many European countries the number of life sentence and other long-term prisoners is on the increase. During some of its visits, the CPT has found that the situation of such prisoners left much to be desired in terms of material conditions, activities and possibilities for human contact.

The CPT went on to make a number of specific proposals that have found their way into the new recommendation on these prisoners.

The European Court of Human Rights has dealt with life imprisonment in a number of cases. Some have concerned release procedure (for example, *Weeks v. United Kingdom* and *Stafford v. United Kingdom*) but others, mostly those coming from new member states, have dealt with the conditions of imprisonment of persons who were first detained under sentence of death. However, their subsequent detention under very restrictive regimes, after their sentences had been changed to life imprisonment, has also played a part in finding contraventions of the Article 3 prohibition on

torture and inhuman or degrading treatment or punishment. Most of these cases come from new member states: *Iorgov v. Bulgaria* and *G.B. v. Bulgaria*, both decided on 11 March 2004, are examples in point. This jurisprudence is useful, as many of the new member states are dealing with the implementation of sentences of life imprisonment for the first time.

What is notable about the new recommendation is that it adopts a highly principled approach to the growing problem posed by lifers and other long-term prisoners in many European countries. It emphasises that these prisoners, even if they committed heinous crimes that justify the ultimate penalties that may now be imposed, still are ordinary prisoners and should be seen as individuals. They should not be put in separate units. They are not necessarily the prisoners presenting the highest risks, either in the sense of posing a danger to other prisoners or because they are highly likely to escape. More fundamentally, they should not be segregated because the prison authorities do not have a duty to punish them more harshly than others. The long sentence itself is the punishment.

What prisoners serving life and other long sentences need is a regime that allows them to live as normal a life as possible and to be given responsibilities within prison that will enable them to continue to develop their own personalities. If I may add a slightly more controversial thought of my own about what their continuing to be able to develop means for release policies for lifers. Most European countries allow sentences of life imprisonment, although the degree to which they use them varies greatly. What is still unclear is whether so-called whole life sentences (what the Americans call LWOP, life without parole), in which the prisoner has no prospect of release, are acceptable in Europe. In a major judgment as long ago as 1977 the German Federal Constitutional Court ruled that a life sentence without a realistic prospect of eventual release would be contrary to the principle of human dignity, a view that has been echoed by courts of similar status in Italy and France. The House of Lords in England in the case of the notorious murderess, Myra Hindley, rejected such an argument. The matter was taken on appeal to Strasbourg but she died before the Court could finally rule on it. The argument that every prisoner, no matter how bad, should have at least the prospect of release is a powerful one, particularly from the point of view of the prison administrator who has to deal daily with such offenders. It seems to me that the tenor of the latest recommendations supports an eventual ruling that may ensure that all lifers are at least considered for release at some stage and that, at that stage, their release can only be refused if they continue to be dangerous.

The second recent recommendation of the Committee of Ministers, which will be discussed tomorrow, deals with conditional release – parole as it is called in many jurisdictions. It too is a product of the factors I have outlined above. The recommendation builds closely on earlier recommendations, particularly the recommendation concerning prison overcrowding and prison population

inflation, which endorses the use of community sanctions and measures. What the latest recommendation seems to be saying is that conditional release offers a way of better adapting sentences to the individual circumstances of offenders, while at the same time reducing high prison populations and the costs that go with them.

The solution of conditional release and the careful procedural guidelines spelt out in the recommendations, as well as the attention to the sort of conditions that can be imposed, all speak to the European commitment to human dignity. The approach adopted might seem common sense to us, but it is not universal: planners may set out to produce the opposite. I recall a conference paper by an American penal “expert” who began by explaining that his brief was to see how he could best change the sentencing system in a particular state to achieve increased use of imprisonment of about 20%. Prison population increases may sometimes happen in our jurisdictions too, but never to my knowledge as a result of a deliberate overall plan.

The implementation of recommendations on conditional release will require close co-operation of prison and probation services. It is important to link the work of directors of prison administrations and directors of probation services, who are both represented here.

The final instrument that I have been asked to introduce, the revised European Prison Rules, differs from the other two in that it is still being developed. The rules too are very much a product of the four factors that I have outlined. In drafting them we were conscious that we should incorporate the developments in this area flowing from the work of both the CPT and the Court and you will find many references to them in the draft commentary. Similarly, we sought to take into account the needs of new member states and the wider aspirations of political leaders concerned about penal matters.

We were also conscious of the need to bring more system to the Rules. If you compare the draft revision to the current Rules you will notice many differences of style and substance. We have reorganised and simplified the layout of the whole: the bulk of the Rules now apply to all prisoners with only relatively brief parts toward the end dealing with the special position of untried and sentenced prisoners. There is also a separate part on inspection and supervision at a national and local level. This should complement the work of the CPT and perhaps in the future, of its international equivalent.

You may have noticed that the focus is not only on prisoners. It has now been recognised as a key general principle that “prison staff carry out an important public service and shall have conditions of work that enable them to maintain high standards in their care of prisoners.” Much prominence has been given to the running of prisons with good order and management. Staffing matters are thus dealt with comprehensively in separate parts. The draft rules that you were given are still



subject to revision and your comments on them this afternoon will be very valuable to us.

In conclusion, some general comments about future developments. Both the Parliamentary Assembly of the Council of Europe and the European Parliament want us to go further. They have now endorsed the idea of a European Prison Charter that should be directly binding on governments, even while recognising that the revised European Prison Rules are likely to meet many of their concerns. It is not sure yet whether such a Charter will emerge or, if it does, whether the member states of the Council of Europe will ratify it. The fact that the idea is being so powerfully mooted is, however, an indication that even in this time of threats of organised crime and terrorism there is the commitment to stand firm in the recognition of fundamental rights. In drafting the revised European Prison Rules we were very conscious of these dynamics. We deliberately chose not to make special provision for conditions of detention of "terrorists," for example, lest they be of a lower standard and become the norm. At the same time we should not be blind to the fact that new challenges, such as the scourge of HIV/Aids, for example, will

continue to arise and that special measures will be required to deal with them. The right way of doing that is through more focused detailed recommendations of the kind we already have.

There is an urgent need for systemisation of the various recommendations into a coherent whole. I hope the Council of Europe will at some stage tackle this large task. What I envisage is a clear hierarchy, perhaps with a Prison Charter setting out general principles at its apex. The European Prison Rules will then operate at the next level with enough detail to guide practice generally, but with the option of leaving particularly difficult prison issues and complex questions of the relation between prisons and community measures to more detailed recommendations. Both the Rules and recommendations need to be updated regularly. Recommendations that have been overhauled by others should be discarded so that practitioners know more easily what is expected of them.

That is for the future. For the present we look forward to fruitful discussion of the revised European Prison Rules and the two new recommendations.

# Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners

by **Ms Sonja Snacken**<sup>1</sup>  
Rapporteur

## 1. Introduction

In June 2000, the European Committee on Crime Problems established a Committee of Experts in order to re-examine the question of the management of long-term prisoners. This question had earlier been dealt with in Resolution (76) 2 on the treatment of long-term prisoners. Some twenty years later, it was discussed at the 12th Conference of Directors of Prison Administrations (26-28 November 1997). It was noted at this Conference that a marked increase in the number of long-term and life-sentenced prisoners was taking place in many European countries. Theory and practice concerning the management of such prisoners appeared to vary considerably from country to country. Nevertheless, there was a growing awareness among practitioners and penologists that the aim should be to secure a balance between preventing escapes, maintaining good order and discipline and providing active regimes (Snacken, 1999). The terms of reference for the "Committee of Experts on the management of life sentence and other long-term prisoners, the PC LT, entailed the preparation of a new recommendation, with particular regard to following questions:

- What are the most pertinent criteria for classifying long-term prisoners – length of sentence, type of offence(s), dangerousness, need of psychosocial interventions and treatment, etc?
- Should long-term prisoners be separated from prisoners serving shorter sentences?
- How can the negative effects of imprisonment be counteracted so that adjustment in the community is not rendered impossible?
- How can pre-release preparation be made as effective as possible and how can pre-release preparation be co-ordinated with post-release supervision and assistance?
- What are the best ways of handling life sentence prisoners who under present legislation are not eligible for any form of conditional release?

The Committee consisted of government experts from Belgium, Cyprus, the Czech Republic, Denmark, Finland, France, Greece, Ireland, Lithuania, Moldova, Romania, "the former Yugoslav Republic of Macedonia", Turkey,

Ukraine and the United Kingdom. Three scientific experts, Ms Hilde Tubex (Belgium), Mr Klaus Koepsel (Germany) and Mr Norman Bishop (Sweden), were appointed to assist the committee. A questionnaire was sent to all member states in order to evaluate the problems and good practices in the different countries.

This paper will concentrate on the main principles set out in the recommendation.

## 2. Definition

Before discussing the management and treatment of life sentence and long-term prisoners, it is important to explain the definition of these concepts in the present recommendation.

The responses to the questionnaire sent to the member governments show that in some countries no definitions exist, usually because no special regimes are provided for long-term or life-sentence prisoners. And where national definitions of "long-term" do exist, they use widely differing periods, varying from one year to twenty-five years. The criterion of five years is however the most frequently used. No definition had been given in resolution (76) 2, but the general report that accompanied the Resolution defined long-term imprisonment as "sentences of five or more years of deprivation of liberty, including life imprisonment, regardless of the time actually served and of possible conditional release".<sup>2</sup> Under these circumstances, it was decided for the current recommendation that long-term imprisonment should mean sentences of five years or more.

The definition in the present recommendation states that "a life sentence prisoner is one serving a sentence to life imprisonment" and "a long-term prisoner is one serving a prison sentence or sentences totalling five years or longer". The latter definition takes account of cases where more than one sentence of imprisonment has been imposed and the combined effect of these sentences is equivalent to a sentence of five years or longer. It was decided to adopt this broader definition since, in practice, from the point of view of the implementation of sentences, it is not important whether the five-year term is reached through one or more sentences.

1. With the assistance of Hilde Tubex also of Vrije Universiteit Brussels (Belgium)

2. "Treatment of long-term prisoners", Council of Europe 1977, paragraph 10.

### 3. Quantitative and qualitative aspects of the management and treatment of long-term and life sentence prisoners

#### Statistics

The quantitative aspects refer to the already mentioned increase in the number of persons sentenced to five years' imprisonment or more in several European countries.

However, on the basis of the Council of Europe's Annual Penal Statistics (SPACE Survey 2003, doc. PC-CP (2004) 6rev, Tables 9 and 10), giving the most recent information on 1 September 2003, we can conclude that the proportion of prisoners serving 5 years or more (excluding lifers) varies considerably between the member states. Six countries have a proportion of 20% or less: Germany (10%), Norway (15.1%), Austria, the Netherlands, Iceland and Sweden (around 20%). Six countries have a proportion of almost 50% or more: Albania (74.2%), Greece (62.2%), Azerbaijan (54.9%), Georgia (52.6%), the Russian Federation (49.9%) and Turkey (48.5%). Another eight countries have proportions of more than 40%.

As with general detention rates, we see a regional diversity in these proportions, with generally higher percentages of long-term prisoners in Eastern and some Southern European countries, and lower percentages in Scandinavian and some Western and Central European countries. This is in line with sentencing practice, where more than 85% of prison sentences ordered in Scandinavian countries in 2001 were for less than one year, while more than 85% were for more than three years in for instance Azerbaijan or Moldova (*Penological Information Bulletin*, December 2003, Table 3.3.). It also reflects the diverse national definitions of a "long-term" prison sentence in the questionnaire, which is one year or eighteen months in Scandinavian countries, and more than ten years in most Eastern European countries.

The proportions of long-term prisoners in the different national statistics will however also be influenced by the size of the total prison population (that is the divisor in the calculation of a percentage proportion). Thus, a country may have only a small absolute number of long-term prisoners. But if that country uses imprisonment sparingly and has only a small prison population, the proportion of long-term prisoners may appear to be high. Conversely, those countries that make extensive use of imprisonment and have large prison populations may show relatively small proportions of long-term prisoners.

The proportion of prisoners serving life sentences also varies greatly. By far the largest proportions are found for the United Kingdom (Northern Ireland, 15.2%, Scotland, 11.6%, England and Wales, 9.2%), a result of the wide-ranging legislation (*infra*). A medium range from 4 to 6% is found for Albania, Belgium, Ireland, Luxemburg, and Turkey. The smallest proportions – 1% or less – are reported for Bulgaria, the Czech Republic,

Estonia, Georgia, Latvia, Lithuania, Moldova, the Netherlands, Romania, the Russian Federation, Slovakia, "the Former Yugoslav Republic of Macedonia" and Ukraine.

With the exception of the Netherlands, all these latter countries belonged to the former Soviet Union or the former "east bloc", in which life sentences usually did not exist and were only recently introduced to replace the death penalty. Although the number of life sentence prisoners may not be very high in these countries, the emergence of this new category raises many qualitative questions and problems of management and treatment (see also CPT 11th General Report, CPT/Inf (2001) 16).

In addition, the meaning and implications of a life sentence are strongly influenced by the length of time that has to be served before an early release becomes possible.

#### Legislation on life sentences

A majority of Council of Europe member states make legislative provision for life sentences. The extent to which such sentences can be, and are in fact imposed, varies. Life sentences do not necessarily imply imprisonment for the remainder of natural life. Most countries make provision for a review of life sentences with the possibility of granting release from prison. Some countries impose a very long period of mandatory detention for lifers, for instance, thirty years in Estonia, twenty-six years in Latvia, twenty-five years in Poland, Slovakia and Moldova, twenty years in the Czech Republic, Albania, Romania and Turkey, while in others release is possible after ten years, for example in Belgium, or fifteen years in France, Germany, Luxembourg and Switzerland (Tubex, 2000).

Probably the most wide-ranging provisions for the use of life imprisonment are to be found in England and Wales. There, a life sentence is mandatory for murder and a discretionary life imprisonment can be imposed for other serious offences against the person. With mandatory life sentences, a tariff giving the earliest date at which conditional release may be granted is set. "Whole life tariffs" mean that the imprisonment cannot be exhausted during the natural life of the prisoner. This tariff can be reviewed after twenty-five years. In addition, since 1997, an offender found guilty for the second time of serious sexual or violent crimes automatically receives a life sentence unless there are exceptional reasons for not imposing it (automatic life sentence).

By contrast, five European countries, Croatia, Norway, Portugal, Slovenia and Spain, make no legislative provision for life imprisonment. In Croatia, the most severe sanction is a sentence from twenty to forty years that may only be imposed exceptionally. Conditional release may be granted after one half, exceptionally one third, of the sentence has been served. Three persons were sentenced to exceptionally long-term imprisonment between 1998 and 2001. In Norway, the most severe sanction is a determinate sentence of imprisonment for

twenty-one years. Conditional release is possible after twelve years have been served. In Portugal, the maximum prison sentence is for twenty-five years, exceptionally for thirty years. Slovenian legislation provides for a maximum of thirty years but such a sentence has never been imposed to date. Prisoners serving more than fifteen years may be conditionally released after three quarters of the sentence has been served. In Spain, the maximum sentence is imprisonment for thirty years. In Iceland, the legislation provides for life sentences but no such sentence has been imposed since 1940.

### Penal policies

From our own scientific research, we have seen that over the last two decades, the increase of long-term imprisonment in Western European countries is related to a combination of an increasing number of such prisoners entering prison and a decreasing number of them leaving prison. This results from more severe policies and legislation for police, prosecution, sentencing and early release, regarding specific crimes and offenders. These policies currently focus on sexual delinquency, violent crimes, drug offences and recidivism. This has resulted in more severe sentencing and more restrictive conditions for early release (Tubex & Snacken, 1996). In central and eastern European countries, the number of long-term and life sentence prisoners appear to result partly from the imposition of long sentences, but also – to no small extent – from the abolition of or at least a moratorium on the use of the death penalty.

### Qualitative aspects

The management and treatment of life sentence and long-term prisoners raises important qualitative questions.

*1) Forty years of prison experience and research have accumulated evidence concerning the detrimental effects of long-term imprisonment.*

We attempted to give an overview of this research at the 12th CDAP (Snacken, 1999).

The length of detention has been shown to greatly influence the emergence of a prisoner subculture, as prisoners are forced to cope with the internal life inside prison while the external world grows more distant. This subculture usually entails a hierarchy between prisoners, in which the lower caste may be physically or sexually assaulted, especially but not exclusively, in large dormitory systems. It often also involves the organisation of an informal economy, which may in its turn lead to debts, extortion or violent interactions.

Lengthy detentions also increase the risk of prisoners becoming completely dependent on the institution, a phenomenon known as "institutionalism", in which they lose their possibilities for individual responsibility and experience emotional regression, growing passivity and psychological regression towards infantilism. Other psychopathological effects have been described, includ-

ing intropunitive (suicide, self-harm) and acting out hostility.

More generally, institutional adjustment has been found to correlate negatively with a successful reintegration into society. This is easily understood if life in prison is very different from life in the outside world: inmate adaptation to the prison will then be counter-productive in terms of post-release success.

Studies have however also demonstrated the importance of prison regimes in reducing such harmful effects. Apart from the duration of the incarceration, the level of "prisonisation" is mainly explained by the structurally generated powerlessness of prisoners (reliance on coercive power by staff) and their post-release expectations. The implication for the management of long-term prisoners clearly is that "prisonisation" can be reduced by offering prisoners some control over their situation and by fostering their contacts with the outside world. Similar results were found concerning the process of "institutionalisation": the degree to which prisoners become institutionalised is dependent on the length of continuous detention, the monotony of the regime, the lack of autonomy for the prisoners and their lack of contact with the outside world.

Conclusions on how to avoid the detrimental effects of long-term incarcerations therefore focus on the importance of certain basic needs which must be met:

- **comfort**: access to basic "creature comforts" such as food, shelter, medical services and protection from physical harm; access to sensory and cognitive stimulation; access to some means of satisfying the need for recognition (status), independence (to make one's own decisions), protection, acceptance by other people;
- **"control"**: the fundamental need of human beings to believe that they exercise some form of control over their fate and environment; this can be answered by offering inmates a number of choices (e.g. between activities, possibilities of association, etc.) and by encouraging prisoner participation in the organisation of prison life;
- **"meaning"**: every human being's existence must have some meaning, which encompasses religious, philosophical or experiential concerns; education and training courses can thus offer long-term goals and motivations which may help prisoners retain a sense of worth and self-esteem.

*2) On the other hand, the increase in long-term imprisonment is also known to be one of the major factors contributing to prison overcrowding.*

This may result in inhuman and degrading treatment, as ascertained by the European Committee for the Prevention of Torture (Second General Report and visit reports by CPT) and the European Court of Human Rights (see cases of *Dougoz v. Greece*, March 2001, No. 40907/98; *Peers v. Greece*, 19 April 2001, No. 28524/95; *Kalashnikov v. Russia*, 15 July 2002, final judgment 15 October 2002, No. 47095/99). It also increases the level

of insecurity and lack of safety for both prisoners and staff, and hinders an efficient and adequate handling of prisoners.

These different quantitative and qualitative aspects are referred to in the preamble to the recommendation, and have influenced both the "general objectives" and the "general principles" laid down in the recommendation.

#### **4. General objectives for the management of life sentence and long-term prisoners**

"The aims for the management of life and long-term prisoners should be:

- To ensure that prisons are safe and secure places for prisoners and for all those who work with or visit them;
- To counteract the damaging effects of life and long-term imprisonment;
- To increase and improve the possibilities for released prisoners to adjust in society."

The first aim refers to the well-known "loss of security" for prisoners as one of the five "pains of imprisonment" as described by Sykes (1958), and expresses the principle that prisoners, as well as staff and visitors, are entitled to safety and security inside the prison. It is an important signal that prisoners are not only to be seen as persons who pose a threat to the safety and security of others. It means that prison administrations also have a duty of care for the safety and security of the inmates under their responsibility. Reference could again be made to CPT standards, not only concerning ill-treatment by staff, but also concerning staff responsibility in cases of inter-prisoner violence (11th General Report).

The second aim explicitly accepts that life and long-term imprisonment do have damaging effects on the prisoners, and that the management of these prisoners should focus on reducing these effects as much as possible.

The third aim recognises the fact that although imprisonment segregates inmates from society, prison regimes should take into account that most prisoners eventually return to society. This aim must hence be seen in association with the Recommendation Rec(2003)22 on conditional release.

#### **5. General principles for the management of life and other long-term prisoners**

Six basic principles are then developed as guidelines on how to achieve the three mentioned basic aims of the management of life sentence and long-term prisoners.

##### **1) Principle of individualisation**

Consideration should be given to the diversity of personal characteristics to be found among life sentence and long-term prisoners and account taken of them to make individual plans for the implementation of the sentence (individualisation principle).

This principle is based on the evidence that life and long-term prisoners are not different from other prisoners, in the sense that they comprise a wide diversity of individuals with regard to age, intellectual capacities, training, social background, personality and behaviour. In addition, the nature of the offence that led to the sentence, the circumstances surrounding the offence and the criminal history of the individual prisoner constitute important areas of diversity. It becomes axiomatic that exemplary management must take account of this diversity when implementing the prison sentence. This is done through individual sentence planning (see below).

This principle hence argues against the management of these prisoners as if they constituted one homogeneous category. This individualisation principle is also to be found in the draft European Prison Rules. With regard to security measures, rule 45.1 states "the security measures applied to individual prisoners shall be the minimum necessary to achieve their secure custody". With regard to prison regimes, rule 102.2 states "as soon as possible after such admission, full reports for each sentenced prisoner shall be drawn up about the personal situation, proposed regime and strategy for preparation for release".

##### **2) Principle of normalisation**

Prison life should be arranged so as to approximate as closely as possible to the realities of life in the community (normalisation principle).

This principle is further developed in the explanatory memorandum:

35. The principle of normalisation is emphasised as a countermeasure to the traditional prison situation. Traditionally, prison life has been characterised by requiring prisoners to obediently follow a series of unchanging routines. This leads – especially over long periods – to passivity, learned helplessness and an inability to exercise responsibility. Such routines make prisoners unfit for life in the community.
36. The normalisation principle recognises that the practice of good citizenship is fostered by continuing contact with the values, responsibilities and realities that characterise daily life in the community. Translating the principle into practice means reproducing to the greatest extent possible within the prison the typical situations, routines and problems that are encountered in the wider community and, as preparation for conditional release, providing opportunities for the prisoner to deal with these realities of community life.
37. Normalisation implies examining prison routines and activities of every kind and asking whether they are or are not comparable with the routines, responsibilities and realities of everyday life in the external world. To the extent that they are not comparable, consideration should be given to bringing them closer to the social practices found in the community.

Prison communities are traditionally very different from outside society. Prisoners live all aspects of their lives in one place, without the possibility of separating them (sleep, work, leisure time); are forced to live with other persons they have not chosen; lose their different social identities and are given a new identity which determines their treatment (criminal, prisoner). In traditional prisons, everything that is not explicitly allowed is prohibited; prisoners are continually under control and supervision by staff members who may use force against them. Prisoners are not supposed to take any personal responsibility or initiative.

In outside society, the principle of legality ensures that everything that is not explicitly prohibited is allowed. Social interactions are based on exercising different social identities in different social areas (family, work, friends, sport, associations), which are more or less separated from each other. This diversity and separation allows for a balance between these social roles, for compensation of failure or frustrations in one role by success in another role.

In prison, the number of roles to be played is restricted, and a prisoner is often considered to have failed in his global role as a citizen. He is identified to his criminal act, either in general "a criminal" or in particular "a murderer, a pervert". The predominance of order and security in prison will often result in his role of "prisoner" prevailing over any other possible role.

"Normalisation" hence refers to two different levels: the individual level and the collective level (Snacken, 2002). At the individual level, prison regimes should aim at recognising and fostering the diverse social identities, and increasing personal choices and responsibility. Participation in his own sentence planning, provision of an active regime, maintenance of his rights as a citizen, allowing extensive family visits, are some illustrations of ways to achieve this aim. At a collective level, "normalisation" entails that services provided for inside prison should be similar to the positive aspects of life outside prison.

This is also to be found in basic principle 5 of the draft European Prison Rules 2006: "Life in prison shall approximate as closely as possible the positive aspects of life in the community".

The explanatory memorandum stresses in § 35 that normalisation is necessary to counter institutionalism, which makes prisoners unfit for life in the community, and is hence in the interest of society at large. It is also an implementation of the internationally recognised principle that refers to "imprisonment as punishment, not for punishment": the deprivation of liberty is sufficient punishment in itself. This is explicitly referred to in rule 101 on sentenced prisoners in the draft European Rules 2006.

The statement in § 37 of the explanatory memorandum illustrates that "normalisation" is not a static concept, but requires a dynamic and permanent screening of prison routines in order to reduce as much as possible discrepancies with the outside world.

### 3) Principle of responsibility

Prisoners should be given opportunities to exercise personal responsibility in daily prison life (responsibility principle).

This principle is further explained in the explanatory memorandum:

38. The responsibility principle is closely allied to the normalisation principle since the exercise of responsibility is required when dealing with the typical situations of community life. Traditional prison routines rob prisoners of the opportunity to take decisions and the consequences of those decisions. Hence, there is no learning about taking responsibility. Without learning about responsibility, there can be no change of the attitudes and behaviours that lead to a life without crime. It is a major challenge for prison administrations to create situations for the exercise of personal responsibility and for their staff to assist prisoners to do so through motivating, counselling and guiding them.

Imprisonment is imposed on offenders in response to the crimes they have committed and for which they are considered to be responsible. Traditional prison life then takes away any personal responsibility during detention, but expects those same persons to take full responsibility of their lives again the moment they are released into society. Possibilities to increase responsibility in prison are linked to what has been described *supra* under "comfort", such as access to some means of satisfying the need for recognition (status) and independence (to make one's own decisions), "control", for instance offering inmates a number of choices (between activities, possibilities of association, etc.), encouraging prisoner participation in the organisation of prison life, and "meaning", for example education and training courses can offer long-term goals and motivations which may help prisoners to retain a sense of worth and self-esteem.

This responsibility principle is also to be found in rule 101.1 of the draft European Prison Rules 2006, stating that the prison regime offered to sentenced prisoners should "enable them to lead a responsible and crime-free life". Participation of prisoners in the organisation of prison life is also mentioned in rule 44.2 of the draft European Prison Rules 2006: "prison authorities shall encourage representation of prisoners to communicate with them about matters relating to their imprisonment".

### 4) Principle of security and safety

A clear distinction should be made between any risks posed by life sentence and other long-term prisoners to the external community, to themselves, to other prisoners and to those working in or visiting the prison (security and safety principle).

This principle warns against the wrongful assumption that the fact of a life or long-term sentence, imposed for a serious crime, automatically implies that a prisoner is dangerous. Indeed, years of experience and research show that life sentence and long-term prisoners are not necessarily "dangerous" or "difficult" inside the prison.

Many are even known to be "good" prisoners, accepting the punishment imposed on them, and mainly interested in "doing time" with as few problems and conflicts as possible, especially if they can hope for an early release. They exhibit stable and reliable behaviour and are unlikely to repeat their offence. The likelihood of an offender engaging in violent or dangerous behaviour frequently depends not only on personality characteristics but also on the typical situations that permit or provoke the emergence of such behaviour. "Dangerousness" is therefore considered to be the result of an interaction between an individual person and specific circumstances. It has also been demonstrated that prisoners who are very difficult in one prison may present little or no problem in another prison. Finally, the definition of a person as dangerous varies according to the defining authority. Research in England and Belgium has shown that central prison administrations use different criteria than local prison authorities and staff, and that these definitions also fluctuate over time (Bottoms & Light, 1987; Snacken, 2004).

It is hence important to make a clear distinction between security and safety. The first refers to prison systems' duty to keep prisoners out of society as long as deemed necessary and to prevent escapes from prisoners considered to present a threat to society. The latter refers to prison systems' duty to ensure a safe and orderly execution of the imprisonment inside the prison, both for inmates, prison staff and visitors. "Safety" hence refers not only to aggression towards other persons, but also to suicides (risks to themselves).

This distinction between security and safety is also mentioned in the draft European Prison Rules, where under "general approach to good order", rule 43 states "good order in prison shall be maintained by achieving a proper balance between considerations of security, safety and discipline, and the obligation to treat prisoners with humanity and with respect for their human dignity". This rule more fully recognises the importance of a proper balance, not only between security and safety, but also of justice and care in achieving order in prisons (Morgan, 1994).

Indeed, security and safety have sometimes proven to be competing aims, thus presenting prison administrations with permanent dilemmas. Prioritisation of the occasional but high consequence risk of escape (security) may increase the endemic risk of reduction in the quality of life for prisoners, leading to the unintended outcome of stimulating frustration and opposition, and hence bringing about exactly the behaviour prison management sought to suppress (reduction in safety) (Sparks a.o., 1996: 91). In his famous report on the causes for the major riot in Manchester's Strangeways prison, based on extensive interviews with prisoners, staff and scholars, Justice Woolf deduced that it was the combination of overcrowding, poor living conditions

and the perceived grievances and injustices that had provided the fuel for the riot to take hold and spread in the way it did, amongst an inmate population that was antagonistic towards the prison system in general (Woolf Report, 1991: par. 3.432). He came to the conclusion, much discussed since, that "security, control and justice" must be kept in balance (ibid.: par. 1.148). Another interesting example of the difficult relationship between security and safety is given by the escape from the Special Security Unit in Whitemoor prison, which resulted from a belief that the physical properties of the unit made it escape-proof (passive security) and from a policy of non-confrontation with prisoners out of fear for a Manchester-like prisoners' riot (Woodcock Report, 1994, mentioned by Sparks a.o., 1996: 329-334). These examples also stress the importance of the concept of "dynamic security" (*infra*).

In some countries however, security classification inside prison is based exclusively on the type of crime committed or the length of sentence imposed. This is sometimes even decided by the judge at the time of sentencing. Some legislation even provides that life sentence prisoners must always be kept isolated from other prisoners and are routinely subjected to extreme forms of coercion. Such practices are contrary to the principle of individual assessment developed in this recommendation, and described in the explanatory memorandum as:

The level of security required when allocating prisoners to suitable prisons, transfer to other prison regimes, the specific programmes that should be offered – all are dependent on assessments of the eventual nature and degree of dangerousness.

It may also raise questions of inhuman and degrading treatment, and CPT has issued new standards and recommendations in this respect in its 11th General Report:

33. In many European countries the number of life sentence and other long-term prisoners is on the increase. During some of its visits, the CPT has found that the situation of such prisoners left much to be desired in terms of material conditions, activities and possibilities for human contact. Further, many such prisoners were subject to special restrictions likely to exacerbate the deleterious effects inherent in long-term imprisonment; examples of such restrictions are permanent separation from the rest of the prison population, handcuffing whenever the prisoner is taken out of his cell, prohibition of communication with other prisoners, and limited visit entitlements. The CPT can see no justification for indiscriminately applying restrictions to all prisoners subject to a specific type of sentence, without giving due consideration to the individual risk they may (or may not) present.

Judgments from the European Court of Human Rights have also emphasised that dangerousness is not necessarily a permanent characteristic of an offender.<sup>1</sup>

Individual re-classification and re-allocation should hence also be undertaken when changes in the levels of security and safety risks warrant it.

1. Judgment *X v. the United Kingdom* of 5 November 1981; Judgment *Weeks v. the United Kingdom* of 2 March 1987; Judgment *Thynne, Wilson and Gunnell v. the United Kingdom* of 25 October 1990.

## 5) Principle of non-segregation

Consideration should be given to not segregating life sentence and other long-term prisoners on the sole ground of their sentence (non-segregation principle).

The non-segregation principle follows from the principle of individual assessment of security and safety risks. The special segregation of life sentence or long-term prisoners cannot be justified by an unexamined characterisation of such prisoners as dangerous. As a general rule, the experience of many prison administrations is that many such prisoners present no risks to themselves or to others. And if they do present such risks, they may only do so for relatively limited periods or in particular situations. In consequence, the special segregation of these prisoners should only be undertaken if, and for as long as, clear and present risks exist.

## 6) Principle of progression

Individual planning for the management of the prisoner's life or long-term sentence should aim at securing progressive movement through the prison system (progression principle).

The progression principle refers to the importance of trying to secure a beneficial movement through the prison system for all life sentence and long-term prisoners. During the prison period, progression may be an important antidote to mental deterioration by providing for specific goals that can be achieved within foreseeable periods of time. It allows the prisoner to construct a new vision of "time" in prison and to foresee some "future", both in prison and with regard to a possible release. Progression allows for the increasing exercise of responsibility and has, as its ultimate aim, a constructive transition from prison life to life in the community.

These six general principles are then further developed throughout the recommendation and made more concrete concerning sentence planning, risk and need assessment, security and safety in the prison, counteracting the damaging effects of life and other long-term sentences. Special attention is also given to some special categories of life and other long-term prisoners (including foreign prisoners, vulnerable prisoners, the mentally handicapped or disturbed, elderly prisoners and women prisoners), to managing reintegration for life sentence and long-term prisoners, to recall to prison and to prison staff.

It would lead us too far to discuss all these aspects. I will hence select a few topics that are of particular interest or concern to me.

## 6. Discussion

### 6.1. Sentence planning

Sentence planning is an important tool for achieving the general objectives and the application of the general principles. These plans should seek to identify the

most constructive ways in which life and long-term imprisonment can best be carried out for each individual prisoner. Sentence plans encompass all the important steps and aspects of detention: the initial allocation of a prisoner, progression through the prison system, participation in work and other activities, participation in programmes addressing risks and needs, the reduction of the damaging effects of the long-term imprisonment, the preparation of conditional release and the possibilities of living a law-abiding life after release. As a result, sentence plans should not be imposed on the prisoner, but should be the result of consultation with the prisoner. This is a prerequisite for their effectiveness, as plans will have "an increased likelihood of being followed if they are developed as far as possible with the active participation of the prisoner". It is also an important aspect of the responsibility principle for the prisoner. As sentence planning must aim at preparing the release of the prisoner, they should be undertaken in close collaboration with the post-release supervision authorities.

We fully agree with the statements in the explanatory memorandum that "as supervision includes help and support as well as control, relevant social services or agencies should also be involved", and "after the initial placement of the prisoner in a suitable prison, the aim of the sentence planning should be to bring about movement through the prison system so that restrictive conditions of confinement are progressively eased. The final aim should be to allow the prisoner to spend the final phase of imprisonment under conditions that are minimally restrictive. At least, this should include the possibility of placement in an open prison. Preferably, however, the final phase should be spent in the community. Placement possibilities include the prisoner's family, a foster family, a halfway hostel, or a treatment instance."

I am rather concerned though by the way in which these aims of the sentence planning are developed in conjunction with the responsibility principle in the explanatory memorandum.

§ 45: The aim of such plans should be to assist the prisoner to adjust to the reality of the sentence imposed, to use to the full the opportunities offered for progression through the prison system and, eventually, to prepare for release and a constructive use of post-release supervision. Participation in educational, cultural and personal change programmes should be seen as a key element in the management of life and long-term imprisonment. Prisoners should be given every encouragement to enter such programmes, for example, by ensuring that participation is remunerated.

§ 46: Sentence planning should seek, in accordance with the responsibility principle, to stimulate and motivate the prisoner to co-operate in addressing criminal behaviour and using personal, prison and community resources that promote coping with prison life and preparing for a crime-free life in the community.



The aim of sentence planning is to reach the three general objectives mentioned in the recommendation: "to ensure that prisons are safe and secure places for the prisoners and all those who work with them or visit them, to counteract the damaging effects of life and long-term imprisonment, to increase and improve the possibilities for these prisoners to be successfully resettled in society and to lead a law-abiding life following their release". These objectives are primarily the responsibility of the prison authorities. The third objective of resettlement into society seems to be reduced here to a purely personal responsibility of the prisoner, to be achieved through providing "prisoners with opportunities to reflect on their criminal or harmful behaviour and provide programmes that enable them to find ways of neutralising it." No reference is made to other means of fostering reintegration into society that should be reflected in sentence planning, such as allocation to a prison as close as possible to the prisoner's social network, the already mentioned importance of offering choices and some autonomy, the participation in the organisation of prison life, the importance of assuring continuity between activities organised inside the prison and their effects after release (for example work programmes or vocational training). Some of these issues are mentioned further under the heading "counteracting the damaging effects of life and other long-term sentences", but they should be fully part of the sentence planning as well.

The double emphasis on "personal change programmes" (§ 45 and 51) announces the heavy reliance on cognitive behavioural programmes which becomes clear in the following chapter on risk and need assessment and the "What works?" discussion (§ 60-64). As with the earlier concept of dangerousness, criminal behaviour seems again to be reduced to personal characteristics, without taking into account the interaction with other factors such as the fact that, in most countries, the large majority of the prison population comes from the lowest socioeconomic strata, which points to the need for psychosocial support. Risks and needs of prisoners are reduced to criminogenic needs (risks for society). This seems to point more towards Foucault's (1975) analysis of "normalisation of the prisoner" than towards "normalisation of the prison regime". None of the fundamental questions raised about such programmes and the limits of state intervention into the lives and privacy of citizens, albeit prisoners, are mentioned (von Hirsch & Maher, 2000; Duff, 2001; Hudson, 2003). Again, security and safety seem to overshadow justice and care.

## 6.2. Security and safety in prison

Recommendation 18 refers explicitly to the concept of "dynamic security":

18. a. The maintenance of control in prison should be based on the use of dynamic security, that is the development by staff of positive relationships with prisoners based on firmness and fairness, in combination with an understanding of their personal situation and any risk posed by individual prisoners.

b. Where technical devices, such as alarms and closed circuit television are used, these should always be an adjunct to dynamic security methods.

c. Within the limits necessary for security, the routine carrying of weapons, including firearms and truncheons, by persons in contact with prisoners should be prohibited within the prison perimeter.

Dynamic security means that basic-grade prison staff are trained and encouraged to develop good personal relationships with prisoners, to know and understand them as individuals, to provide sympathetic help with personal problems and to engage in meaningful dialogues with them. This concept was already at the centre of Recommendation No. R (97) 12E on staff concerned with the implementation of sanctions and measures, which took particular account of the fact that the prison services of many countries consider the development of dynamic security to be the most important way of maintaining security and safety in prisons. Technical devices (passive security) constitute only an adjunct to it.

Prisoners have their most frequent and continuing contacts with the basic-grade staff. Dynamic security is based on the idea of "dialectic of control" between staff and prisoners (Sparks a.o., 1996). Prisoners do not passively undergo imprisonment but live it. Prisoners are still social agents, who reflect upon their situation and respond to it not automatically but strategically. An important aspect in this dialectic of control is "the extent to which staff in prisons succeed or fail in legitimating their deployment of power and authority and the techniques and strategies which they deploy in seeking to secure such legitimacy" (Sparks a.o., 1996: 35). The nature of their daily interactions with the basic-grade staff greatly influences their behaviour and attitudes. Positive interactions tend to reduce destructive behaviour and attitudes, and facilitate constructive work with prisoners. In addition, dynamic security permits the staff to become more easily aware of disturbing prisoner behaviour such as escape attempts, violence between prisoners or against staff, the smuggling of prohibited goods, etc.

The concepts of "firmness and fairness" used in Recommendation 18a refer to Justice Woolf's already mentioned analysis of the importance of justice and reliability in daily interactions between staff and prisoners. "Understanding of their personal situation and any risk posed by individual prisoners" refers to the application of the other aims of security, safety and care. To find the exact balance between these four tasks constitutes a major challenge for basic-grade staff. But dynamic security is also recognised as offering a more rewarding work with prisoners than the formal and distant relations that result from sole reliance on passive security. One problem may however be what has been called "the slippery slope", the uncertainty for guards as to how flexible and understanding they can be without risking that certain prisoners may abuse their trust. Assisting the basic-grade staff to maintain a correct balance is the responsibility of senior supervising staff. It is essential, therefore, for senior supervisory

staff to keep themselves informed by direct observation and discussion of the nature of staff – prisoner relationships.

“In some countries, internal safety and order are maintained by the use of patrolling guards carrying weapons, notably truncheons and firearms. Other countries have long found it possible to dispense with such means of control, not least because they may actually provoke prisoner aggression and hostage taking. The presence of weapons works to the disadvantage of staff if they are taken hostage or otherwise overwhelmed and the weapons seized. Accordingly, the carrying of weapons by persons in contact with prisoners should be prohibited within the prison perimeter. The prison perimeter is that designated boundary over which unauthorised movement of a prisoner constitutes escape. Training in the use of dynamic security lays the foundations for forms of control built upon respect (legitimacy) rather than force. Recommendation No. R (97) 12 on staff concerned with the implementation of sanctions and measures describes the implications for recruitment and training of enlarging of the functions of basic grade prison staff to include the development of positive relationships with prisoners.”

Recommendations 19 and 20 refer to the possibility that segregation of individual prisoners may sometimes be necessary. Taking into account the damaging psychosocial effects of lengthy isolations, this segregation should always be as short as possible.

Not all countries have maximum security units. We found in an earlier survey that policies towards difficult, violent or escape-risk prisoners vary greatly within Europe: individual segregation in his own cell, individual supervision by medical staff, special units with a liberal regime within a secure perimeter and units with a strict regime (Snacken, 1999). The latter may raise human rights questions, as illustrated by CPT reports pointing to psychopathological effects (depression, paranoia) and cases before the European Court of Human Rights (cf. *Van de Ven v. the Netherlands*, 4 February 2003), in which routine strip searches in a maximum security unit were found to amount to degrading treatment and to breach Article 3 of the ECHR.

Recommendation 20 hence advocates that maximum security units should only be used as a last resort, that allocation should be regularly reviewed, and that regimes should be as relaxed and active as possible, allowing prisoners freedom of movement within the unit (liberal regime within a secure perimeter).

### **6.3. Counteracting the damaging effects of life and long-term sentences**

Recommendations 21 to 24 are essential aspects of any prison regime for life and long-term prisoners.

### **6.4. Special categories**

This section deals with categories of prisoners who raise special regime issues.

### **6.5. Staff**

Staff is of utmost importance to the three major aims of good management – the maintenance of prison security and safety, counteracting the negative effects of imprisonment and release preparation. The explanatory memorandum therefore rightfully emphasises the need for adequate selection, training, support and payment.

“In dealing with long and life sentence prisoners, staff may face difficulties that are more serious, and on occasion more acute, than those arising in the ordinary course of prison work. The responsibilities carried by the staff are accordingly greater. Translating these three aims into everyday action can only be done through all categories of staff working professionally as a team. This implies organisational leadership, the provision of support and advice to staff in continuous contact with prisoners and debriefing sessions if explosive situations do occur”.

“If the exacting duties of prison staff dealing with life and long-term prisoners are to be carried out satisfactorily, the qualities of empathy, strength of character and the ability to make calm professional judgements are fundamental. Furthermore, showing and maintaining respect for prisoners who may have committed abhorrent offences calls for great moral strength. To all these qualities must be added information and skills about security and safety arrangements, the prevention of negative effects and the execution of resettlement programmes”.

“Some member countries with relatively large numbers of long-term and life sentence prisoners have difficulties in recruiting a sufficient number of basic-grade prison staff of good quality. This is often related to the low salaries paid to prison staff. Since the quality of staff is decisive for the humanity and effectiveness of a prison system, salaries that will attract suitable recruits should be paid (see in this connection Principle 40, Recommendation No. R (97) 12 on staff concerned with the implementation of sanctions, Appendix I,). Moreover, initial training is often of short duration and seldom followed up by regular further training. Improving the quality of work with life and long-term prisoners is, therefore, severely handicapped from the start. Nevertheless, efforts should be made to initiate forms of training and support for basic-grade prison staff. Such training should not be limited to this category of staff. Prison governors and other senior and specialist staff should be included in the training schemes.

## **7. Conclusion**

The best way to avoid the detrimental effects of long-term imprisonment is not to impose it, but that is not of the competence of the prison administration. The current recommendation tackles many important aspects of the management of long-term prisoners. The main principles also appear to be very much in line with the draft European Prison Rules 2006. Reality may still be

different in member states, both east and west. We hope the recommendation will help national authorities to reform prison regimes where necessary.

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# Conclusion by the General Rapporteur

by **Professor Andrew COYLE**<sup>1</sup>  
General Rapporteur

## Introduction

Under the aegis of the Council of Europe, directors of prison administration of its member states met in Rome at the invitation of the Italian Ministry of Justice and its department of prison administration between 25 and 27 November 2004. For the first time in such a meeting they were joined by directors of probation services.

Mr Roberto Castelli, Italy's Minister of Justice, in his welcoming address called for minimum common standards for the enforcement of sentences in Europe. He also advocated exchanges of ideas and expertise between European prison officials.

In welcoming them on behalf of the Council of Europe, Mr Guy De Vel, Director General of Legal Affairs, reminded participants that the Council of Europe is the oldest European organisation and includes 46 member states, representing 800 million Europeans. The priorities of the Council comprise reform of the European Court of Human Rights as well as intensified co-operation to combat terrorism and the absolute prohibition of torture. Mr De Vel said that the revision of the European Prison Rules was closely related to these priorities. The current rules were adopted in 1987 when the Council had only 23 members, several years before it realised its new remit as a pan-European body. Since then the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has carried out a significant number of country visits and published many reports containing very detailed observations and recommendations on substantive issues concerning deprivation of liberty. Since 1987 there have also been a number of crucial judgments by the European Court of Human Rights relating to the treatment of prisoners.

Mr De Vel went on to remind participants that the Parliamentary Assembly of the Council of Europe and the European Parliament were following closely the current revision of the European Prison Rules and had urged the adoption of a European Prisons Charter. When they meet in Helsinki in April 2005, the Ministers of Justice of the Council of Europe's member states will be presented with a near final draft of the revised rules and their explanatory memorandum.

At the 13th conference of the CDAP in Strasbourg in November 2002, a major issue discussed was the level of overcrowding in many prison systems and the insidious effect which this had on conditions for prisoners. Mr De Vel informed the conference that this remained an

issue which obstructed most efforts to develop humane prison systems. He recognised that the main remedies for resolving prison overcrowding lie largely outside prison administrations and depended on the political and economic climate in many member states.

## Setting the scene

In his opening keynote speech Dirk van Zyl Smit, Professor of Comparative and International Penal Law, University of Nottingham, United Kingdom, provided an overview of recent advances in penology in Europe. He began by tracing the development of international standards from the adoption of the first set of standards by the League of Nations in 1935 and went on to describe the evolution of European standards from Council of Europe Resolution (73) 5, known as the European Standard Minimum Rules for the Treatment of Prisoners, through Recommendation No. R (87) 3 of the Committee of Ministers, known as the European Prison Rules, to the current revision exercise. He discussed the effect of the implementation of the European Convention on the Prevention of Torture through the work of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and also the increasing influence of the jurisprudence of the European Court of Human Rights on prison issues. He pointed out that there had been significant political interest in Europe on prison matters, caused in part by increasing numbers of prisoners in many countries and concern about conditions of detention. He made specific mention of the series of recommendations from the Committee of Ministers. He concluded by looking forward to discussions at the Conference about Recommendation Rec(2003)22 on conditional release and Recommendation Rec(2003)23 on the management of life sentence and other long-term prisoners.

## Updating the European Prison Rules

In 2002 the European Committee for Crime Problems (CDPC) instructed its Standing Council for Penological Co-operation (PC-CP) to revise the European Prison Rules and to complete this work by 31 December 2005. The PC-CP was required to consider a number of specific issues:

- remand in custody,
- the management of other special categories of prisoners,
- problems of prison management,
- ways of guaranteeing prisoners their fundamental rights

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- and the need for ongoing research and evaluation of developments in prisons.

In carrying out this revision, the PC-CP was required to consult with a variety of other Council of Europe committees and to appoint three experts to assist in its work.

Throughout 2003 and 2004 the PC-CP and its experts progressed this work and in the course of this conference the experts appointed by the Council presented the current draft and the explanatory memorandum, inviting comments from the directors who were attending the conference. In its draft the PC-CP has sought to retain the fundamental features of the current rules but has restructured and developed them in a manner which takes account of the experiences of member states in the enlarged Council of Europe, the recent jurisprudence from the European Court of Human Rights, the specific and general reports of the CPT, relevant recommendations from the Committee of Ministers and the new priorities which face prison administrations.

The PC-CP had yet to draft the Preamble to the Rules but was able to inform the conference that its starting point would be the requirement that "deprivation of liberty shall be a measure of last resort". The Council had based its revision on the following basic principles, which are articulated in Part I of the draft revised Rules:

1. All persons deprived of their liberty shall be treated with respect for their human rights.
2. Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody.
3. Restrictions placed on persons deprived of their liberty shall be the minimum necessary and proportionate to the objective for which they are imposed.
4. Where the decision is made to deprive persons of their liberty, lack of resources cannot justify prison conditions that infringe human rights or these Rules.
5. Life in prison shall approximate as closely as possible the positive aspects of life in the community.
6. All detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty.
7. Prison staff carry out an important public service and shall have conditions of work that enable them to maintain high standards in their care of prisoners.
8. These Rules shall be applied impartially, without discrimination on grounds of race, gender, sexual orientation, language, religion, political or other opinion, national, ethnic or social origin, birth, economic or other status.

In an important change from the 1987 Rules, the revised draft first sets out the rules which shall apply to

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1. Professor Dirk van Zyl Smit, Professor Andrew Coyle and Associate Professor Gerard de Jonge

all prisoners, regardless of their legal status, and then has short sections on the different rules applying to untried and sentenced prisoners. The revised rules as drafted contain the following sections:

- Conditions of imprisonment
- Health
- Good order
- Management and staff
- Inspection and supervision
- Unconvicted prisoners
- Objective of the regime for sentenced prisoners

The experts' briefly explained the way each section had been formulated and highlighted significant changes. The Italian rapporteur, Mr Giovanni Tamburino, Director of Central Office for Studies, Research, Legislation and Automation, Department of Prison Administration, Ministry of Justice, made an intervention on the Italian perspective on the updating of the Rules, reminding participants of the significance of the fact that the conference was beginning in the room that had witnessed a few weeks before the signing of the European Constitution by 25 heads of state from the European Union.

A number of helpful oral comments were recorded and several participants indicated their intention to submit written comments. The PC-CP welcomed this and asked that comments should be submitted as soon as possible.

## **Alternative Sanctions and Measures, with special reference to conditional release**

On 24 September 2003 the Committee of Ministers adopted Recommendation Rec(2003)22 on conditional release (parole). In this recommendation the Committee of Ministers recommended that governments of member states should:

- introduce conditional release in their legislation if it does not already provide for this measure,
- be guided in their legislation, policies and practice on conditional release by the principles contained in the appendix to this recommendation, and
- ensure that this recommendation on conditional release and its explanatory memorandum are disseminated as widely as possible.

The recommendation defined conditional release as the early release of sentenced prisoners under individualised post-release conditions.

This session of the conference heard detailed descriptions, not only of conditional release, but also of arrangements for community supervision in Norway and Italy. One of the main risks of community sanctions is that they will be imposed by courts on offenders who would not otherwise be sent to prison in any event, rather than as a means of diversion from prison. For that reason, Kristin Bølgen Bronebakk, General Director of Prisons and Probation, Ministry of Justice, Norway, defined alternative measures to imprisonment

as “anything that replaces prison with something else”. She also emphasised the fundamental requirement to ensure that offenders, whether in prison or under supervision in the community should have access to all necessary community services. She explained that within prisons in Norway health and education services were provided by the same agencies which provided these services in the community. When prisoners were given conditional release or offenders were placed under community supervision, the main task of the probation officer was to make sure that they had access to all necessary services. In turn, social services recognised that they had a responsibility to meet the needs of released prisoners and other offenders in exactly the same way that they met those of all other citizens.

In his intervention Riccardo Turrini Vita, General Director of the Execution of Community Sanctions, Department of Penitentiary Administration, Ministry of Justice, described the development of community sentences in Italy since 1975. He said that these sentences had expanded “in silence and without massive resources” to the extent that there are currently more offenders serving community sentences than are in prison. He emphasised the importance of the judicial role in these matters and explained that assignment to probation could be made in respect of sentences of up to three years and also in the last three years of a longer sentence. He also described arrangements for semi-liberty and home detention.

Mr Vita told the conference that remote surveillance of offenders by electronic monitoring was not in use in Italy. This mirrors the situation in Norway, where a conscious decision has been made not to follow the example of some other Scandinavian countries in this respect because it was not regarded as cost-effective and it put too much pressure on other family members.

Dr Pierre Tournier, Director of Research, National Centre for Scientific Research (CNRS), France, described the background of Council of Europe activities and recommendations which had led to Recommendation Rec(2003)22. He referred specifically to the need to differentiate between the issues covered by Recommendation No. R (99) 22 concerning prison overcrowding and prison inflation. He reminded the participants that there was a distinction between these two issues and that alternatives to prison were most useful as a way of dealing with prison inflation. Dr Tournier then described the three main models of conditional release: the discretionary model, the mandatory model and the mixed system. He went on to provide a critique of the three systems before finally providing an overview of the possible future of conditional release in Europe.

## Long-term sentences

The conference then went on to consider Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners, which was adopted by the Committee of Ministers on 9 October 2003.

This recommendation defined a life sentence prisoner as one serving a sentence of life imprisonment and a long-term prisoner as one serving a prison sentence or sentences totalling five years or more. The recommendation defined the aims of the management of this group of prisoners as:

- to ensure that prisons are safe and secure places for these prisoners and for all those who work with or visit them;
- to counteract the damaging effects of life and long-term imprisonment;
- to increase and improve the possibilities for these prisoners to be successfully resettled in society and to lead a law-abiding life following their release.

All countries which are members of the Council of Europe are required immediately on accession to impose a moratorium on the death penalty and to abolish the death sentence by law within two years of accession. To our great credit, that means that Europe, from Lisbon in the west to Vladivostok in the east, is now a de facto death-penalty-free region. However, the abolition of the death penalty has left many countries with difficult decisions to make about how to treat prisoners who are now sentenced to life imprisonment, some but not all of whom would previously have been executed. In addition, throughout Europe, courts have in recent years been passing increasingly lengthy sentences. Speaking at a conference of European Ministers of Justice in October 2002, the Russian Minister Yuri Chayka called on his European colleagues to take common action to stop the increase in lengthy prison sentences, by which he meant sentences over five years. He warned them:

The expansion and tightening of modern punitive practice leads to a higher load on the penitentiary system, overcrowding of prisons, personnel shortage and an increase in the spending of society as a whole.

In her presentation Professor Sonja Snacken, Department of Criminology, Faculty of Law, Belgium, described the growth in the use of long-term prison sentences in Europe over the last thirty years and the resultant need to develop a set of consistent recommendations about the definition of life and long-term imprisonment, the regimes and conditions in which they should be held and their preparation for eventual conditional release. She discussed the six basic principles for the management of these prisoners. They are: individualisation, normalisation, personal responsibility, security and safety, non-segregation and progression through the prison system. Professor Snacken concluded by pointing out the need for staff who work with this group of prisoners to be specially selected, trained and supported.

Mr Yuri Kalinin, Vice Minister of Justice, the Russian Federation, began by describing some of the changes which have taken place in recent years in respect of the use of imprisonment and prison conditions in Russia. In the last three years the number of people in prison has been reduced by 300 000. He said that within the next

year it is expected to stabilise at around 700 000. President Vladimir Putin has taken a personal interest in the reduction of the number of people in prison, in prison reform and in legislative change.

Although the overall number of prisoners has fallen, there has been a rise in the proportion who are serving long-term sentences or life imprisonment. There has also been an increase in the number of prisoners without educational or vocational skills and in those with health problems, including tuberculosis, drug addiction, mental disorders and those who are HIV-positive.

Minister Kalinin described the efforts being made in Russian prisons to develop the principles of social rehabilitation with properly trained staff. These principles are being applied to persons serving long-term and life imprisonment. He referred to the changes in legislation, the development of the management of prisoners and the involvement of wider society, for example, through the Public Council of Penal Reform. He ended by informing the conference of the recent establishment of the Federal Service for Punishment Administration, which is separate from but legally accountable to the Ministry of Justice.

## Committee for the Prevention of Torture

Dr Silvia Casale, President of the CPT, thanked the Penitentiary Administration Department of the Italian Ministry of Justice, and the Council of Europe Legal Affairs Directorate for the opportunity afforded by the ad hoc conference to meet and discuss with many key interlocutors. The CPT welcomes the revision of the European Prison Rules, which reflects the growing consensus about the need to take forward shared values and general principles concerning the human rights of prisoners. There is a clear connection between the revision of the rules and the recommendations and standards contained in the CPT's visits and general reports. The CPT follows with interest the development of measures alternative to custody, which, by helping to reduce custodial populations, may contribute to easing the problems of overcrowding found on many CPT visits. The CPT also supports proposals to review arrangements for life sentence and long-term prisoners; in the course of its visits it frequently sees the deleterious effects of current arrangements in many member states. Dr Casale congratulated the PC-CP on the work it had done so far and promised that the CPT would provide comments on the draft in a spirit of constructive co-operation.

## Summary

The prison administrations in the countries which are members of the Council of Europe are responsible for around 2 million prisoners in 46 countries, which stretch from the Atlantic to the Pacific Ocean and from the Arctic Circle to the Mediterranean Sea and beyond to the Caucasus. This means that the Directors of Prison Administration in these countries can speak with a

unique authority on matters to do with imprisonment in this region. Over the last decade or so there has been a series of clearly identifiable conclusions from the regular meetings of Directors of Prison Administrations which have been held under the sponsorship of the Council of Europe. These have included the following:

- The directors of prison administrations recognise the important task which they have in protecting society from those who have committed very serious crimes and who present a threat to their communities.
- The increasing use of imprisonment and the increasing length of prison sentences in many member states is not a reflection of crime levels, which in many countries have not been increasing.
- The most immediate consequence of the increasing use of imprisonment has been significant levels of prison overcrowding in many countries. This has resulted in pressure on prison management, on the conditions for prisoners, particularly in matters such as health, and on the responsibilities of staff.
- There has been a dangerous tendency in some countries to regard criminal justice as "a business" and for some elements of criminal justice administrations to seek to increase their share of "the business".
- The safety of society would be improved by a decreased use of imprisonment and an increased use of alternatives to prison.

At the 13th CDAP in November 2002, a number of the directors asked why discussion at these conferences concentrated on the prison element of their responsibility to the virtual exclusion of the probation element. They asked that in future consideration should also be given to probation interests.

During the course of the present CDAP two years later it was clear that the problem of rising prison populations continued to be a pressing issue in many member states. It was also evident that, while the European Prison Rules have played a vital role in protecting the rights and ensuring the dignity of prisoners, a role which will be reinforced once the revised European Prison Rules are adopted, the treatment of our citizens who have committed a crime needs to be considered in a wider context.

The present CDAP concluded that there was a need to reconsider the treatment and care of persons who have committed an offence, whether this was dealt with through the traditional criminal justice system or by using processes which might exist alongside it, such as mediation and restorative justice. In order to achieve a change, the conference noted that there was a need for a joint consideration of the use of custodial sentences and community sanctions or measures as a means of taking up the challenge of the social mission of the criminal justice system. In this regard the continuing development of partnerships between prison and probation services in the member states of the Council of Europe was to be welcomed and deserved further consideration.

# Council of Europe annual penal statistics

## SPACE I: 2003 survey on prison populations

Marcelo F. Aebi<sup>1</sup>

The SPACE I data presented below were obtained by means of the questionnaire introduced since the 1997 survey, in its simplified version. Prison population figures (stock) relate to the situation on 1 September 2003, while flow of entries, total number of days spent in penal institutions and incidents (escapes, deaths and suicides) relate to the year 2002.

### I. Prison Populations

#### I.1 State of prison populations on 1 September 2003

The situation of prison populations at a given date (stock statistics) is set out in 11 tables and four supplementary tables.

**Table 1. Situation of penal institutions on 1 September 2003**

- (a) Total number of prisoners (including pre-trial detainees);
- (b) Prison population rate per 100 000 inhabitants: number of prisoners (including pre-trial detainees) present on 1 September 2003 in relation to the number of inhabitants at the same date (in view of the information available, the figure actually used is the number of inhabitants on 1 January 2003). This indicator is sometimes referred to as "detention rate", or "prisoner rate", or "imprisonment rate";
- (c) Capacity of penal institutions: number of places available in penal institutions;
- (d) Prison density per 100 places: number of prisoners (including pre-trial detainees) in relation to the number of places available in penal institutions.

As a complement to Table 1, we have included three supplementary tables:

**Table 1.2 Situation of penal institutions on 1 September 2003 by decreasing prison population rates**

In this table, countries are sorted according to their detention rates on 1 September 2003

1. Prepared by Marcelo F. Aebi, Doctor of Criminology (University of Lausanne) – Professor of Criminology and Research Methods in Criminology at the Institute for Criminology, University of Sevilla (E.T.S.I.I., Ava, Reian Mercedes s/n, 41012 Sevilla, Spain, e-mail: aebi@us.es). The author sends his kind thanks to Miss Graciela Kronicz Aebi (BA, Law) for her contribution to entering the information provided by states into the database.

**Table 1.3 Evolution of prison populations between 1999 and 2003**

This table presents the total number of prisoners (including pre-trial detainees) and the prison population rate per 100 000 inhabitants on 1 September 1999, 2000, 2001, 2002 and 2003. Data are taken from the corresponding surveys of SPACE I.

The table indicates also the evolution (in percentage) of prison populations rates between 1999 and 2003 as well as between 2002 and 2003.

**Table 1.4 Year-on-year rates of increase and decrease of prison population rates between 2002 and 2003**

This table shows the evolution of prison population rates between 2002 and 2003. Countries are classified in three categories according to the increase or decrease of their prison population rates between 1 September 2002 and 1 September 2003:

- (a) Increase of more than 5%
- (b) Between -5% and +5%
- (c) Decrease of more than 5%

**Table 2. Age structure of prison populations**

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

*Data not collected in this enquiry (simplified version).*

**Table 3. Female and foreign prisoners**

- (a) Female prisoners (including pre-trial detainees): number and percentage;
- (b) Foreign prisoners (including pre-trial detainees): number and percentage.

*Data not collected in this enquiry (simplified version).*

**Table 4. Legal status of prison populations on 1 September 2003 (numbers)**

- (a) Untried prisoners (no court decision yet reached)
- (b) Prisoners convicted but not yet sentenced
- (c) Sentenced prisoners who have appealed or who are within the statutory time limit for doing so
- (d) Sentenced prisoners (final sentence)
- (e) Other cases.



**Table 5. Legal status of prison populations on 1 September 2003 (percentages and rates)**

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

- (a) Percentage of prisoners not serving a final sentence on 1 September 2003 (often inaccurately referred to as the percentage of unconvicted prisoners): the number of prisoners whose sentence is not final, present at that date, expressed as a percentage of the total number of prisoners at the same date;
- (b) Rate of prisoners not serving a final sentence per 100 000 inhabitants on 1 September 2003: the number of prisoners whose sentence is not final, present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants;

In order to calculate indicators (a) and (b), the number of prisoners not serving a final sentence is obtained by adding headings (a), (b), (c) and (e) of Table 4. However, when there are no data available under heading (c) "sentenced prisoners who have appealed or who are within the statutory time limit for doing so" of Table 4, without any further information being provided, it is assumed that prisoners in that situation are included among those under heading (d) "sentenced prisoners, final sentence". In that case, the indicators cannot be calculated.

- (c) Percentage of untried prisoners (no court decision yet reached) at 1 September 2003: the number of untried prisoners (not yet convicted), present at that date, expressed as a percentage of the total number of prisoners at the same date;
- (d) Rate of untried prisoners (no court decision yet reached) per 100 000 inhabitants at 1 September 2003: the number of untried prisoners (not yet convicted), present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants

In order to calculate indicators (c) and (d), only prisoners under heading (a) "untried prisoners (not yet convicted)" of Table 4 are taken into account. However, when there are no data available under heading (b) "prisoners convicted but not yet sentenced" of Table 4, without any further information being provided, it cannot be excluded that prisoners in that situation are included among those under heading (a) "untried prisoners (no court decision yet reached)". In that case, the indicators calculated are presented between brackets and must be interpreted cautiously.

**Table 6. Breakdown of sentenced prisoners (final sentence) by main offence on 1 September 2003 (numbers)**

**Table 7. Breakdown of sentenced prisoners (final sentence) by main offence on 1 September 2003 (percentages)**

Tables 6 and 7 present the breakdown of prisoners with final sentence – those under heading (d) of Table 4 –

according to the main offence for which they were convicted. The following breakdown is used:

- (a) Prisoners sentenced for homicide (including attempts);
- (b) Prisoners sentenced for assault;
- (c) Prisoners sentenced for rape;
- (d) Prisoners sentenced for robbery;
- (e) Prisoners sentenced for other types of theft;
- (f) Prisoners sentenced for drug-related offences;
- (g) Prisoners sentenced for other offences.

**Table 8. Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2003 (numbers)**

**Table 9. Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2003 (percentages)**

Tables 8 and 9 present the breakdown of prisoners with final sentence – those under heading (d) of Table 4 – according to the length of the sentence imposed on them. The following breakdown is used:

- (a) Prisoners sentenced to less than one month;
- (b) Prisoners sentenced to one month to less than three months;
- (c) Prisoners sentenced to three months to less than six months;
- (d) Prisoners sentenced to six months to less than one year;
- (e) Prisoners sentenced to one year to less than three years;
- (f) Prisoners sentenced to three years to less than five years;
- (g) Prisoners sentenced to five years to less than ten years;
- (h) Prisoners sentenced to ten years to less than twenty years;
- (i) Prisoners sentenced to more than twenty years;
- (j) Prisoners sentenced to life imprisonment;
- (k) Prisoners sentenced to death.

**Table 10. Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2003 (cumulative percentages)**

This table presents the breakdown, expressed in cumulative percentages, of prisoners with final sentence – those under heading (d) of Table 4 – according to the length of the sentence imposed to them. The following breakdown is used:

- (a) Percentage of prisoners sentenced to less than one year;
- (b) Percentage of prisoners sentenced to one year and over (fixed-term sentence);
- (c) Percentage of prisoners sentenced to three years and over (fixed-term sentence);

- (d) Percentage of prisoners sentenced to five years and over (fixed-term sentence);
- (e) Percentage of prisoners sentenced to ten years and more (fixed-term sentence);
- (f) Percentage of prisoners sentenced to fixed-term sentences
- (f) Percentage of prisoners sentenced to life imprisonment;
- (g) Percentage of prisoners sentenced to death.

**Table 11. Breakdown of prisoners sentenced (final sentence) to less than one year, by length of the sentence on 1 September 2003 (percentages)**

This table presents the breakdown, expressed in percentages, of prisoners sentenced to less than one year according to the length of the sentence imposed on them. The following breakdown is used:

- (a) Prisoners sentenced to less than one month;
- (b) Prisoners sentenced to one month to less than three months;
- (c) Prisoners sentenced to three months to less than six months;
- (d) Prisoners sentenced to six months to less than one year.

### **1.2 Flow of entries, length of imprisonment, escapes and deaths in 2002**

Tables 12 to 15 show the number of entries into prison (flow statistics), the length of imprisonment, and the number of escapes and deaths in penal institutions in the year 2002.

**Table 12. Flow of entries to penal institutions in 2002**

- (a) Total number of entries to penal institutions in 2002. This indicator is usually known as "flow of entries";
- (b) Rate of entries to penal institutions per 100 000 inhabitants: the number of entries for 2002, in relation to the average number of inhabitants during the same period (in view of the information available, the figure actually used is the number of inhabitants at 1 January 2003).
- (c) Entries before final sentence: number and percentage.

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

- Entry following transfer from one penal institution to another;
- Entry following the prisoner's removal from the institution in order to appear before a judicial authority (investigating judge, trial court, etc);
- Entry following prison leave or a period of authorised absence;
- Entry following an escape, after re-arrest by the police.

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

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

**Table 13. Indicator of average length of imprisonment in 2002, based on the total number of days spent in penal institutions**

- (a) Total number of days spent in penal institutions in 2002;
- (b) Average number of prisoners in 2002: (b) = (a) / 365;
- (c) Total number of entries to penal institutions in 2002 (flow of entries) = heading (a) of Table 12;
- (d) Indicator of average length of imprisonment (D) expressed in months: quotient of the average number of prisoners in 2002 (P) by the flow of entries during that period (E), multiplied by 12 (months):  
 $D = 12 \times P/E$

The figure under heading (a) corresponds to the total number of days spent in penal institutions by all persons placed in detention for at least one day during the reference year (2002). This may be time spent in pre-trial detention or time spent serving a prison sentence, or may even correspond to other circumstances (detention for failure to pay a fine, for instance). No distinction is made here between those categories.

This type of data is usually prepared by the departments responsible for prison budgets and is used to calculate the average daily cost of imprisonment.

By dividing the number of days of imprisonment by 365 (366 in leap years) we obtain the "average number of prisoners in the year" or the number of "prisoner-years" (b), which constitutes probably the best possible indicator of the average number of prisoners present in the year.

Nevertheless, as some countries did not provide data regarding the total number of days spent in penal institutions in 2002 – heading (a) of Table 13 – and others provided figures that did not seem reliable (see Notes to Table 13), we have added Table 13.1 (Indicator of average length of imprisonment in 2002, based on the total number of prisoners on 1 September 2002) in which we have used the total number of prisoners on 1

September 2002 as an estimate of the average number of prisoners in that year (source: SPACE 2002). We have also use this indicator to work out other figures presented in Tables 14 and 15 (escape rate, mortality rate and suicide rate).

**Table 14. Escapes of prisoners in 2002**

The table includes two types of escape:

- (a) Escapes by prisoners (convicted prisoners or pre-trial detainees under the responsibility of the prison administration) from a closed penal institution or during an administrative transfer (for example, to or from a court, another penal institution, or a hospital).

In the event of a group breakout, the number of escapes is equal to the number of inmates involved.

Relating the number of escapes to the total number of prisoners on 1 September 2002 (used here as an estimate of the average number of prisoners) provided in SPACE 2002 we obtain the rate of escapes per 10 000 prisoners:  $10\,000 \times (a) / \text{total number of prisoners on 1 September 2002}$ .

- (b) Other forms of escape (absconding or running off): Examples are escapes from open institutions (such as work farms) or from semi-detention, and escapes during an authorised short-term absence (or leave) from all kinds of institutions (including closed institutions).

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

**Table 15. Deaths in penal institutions in 2002 (including suicides)**

This table includes:

- (a) Total number of deaths in penal institutions in 2002;
- (b) Number of suicides in 2002;
- (c) Suicides as a percentage of total deaths:  $100 \times (b)/(a)$

Relating the total number of deaths in prison (a) and the number of suicides in prison (b) to the total number of prisoners on 1 September 2002 (used here as an estimate of the average number of prisoners) provided in SPACE 2002 we obtain respectively:

- (d) Mortality rate per 10 000 prisoners:  $10\,000 \times (a) / \text{total number of prisoners on 1 September 2002}$
- (e) Suicide rate per 10 000 prisoners:  $10\,000 \times (b) / \text{total number of prisoners on 1 September 2002}$ .

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

## II. Prison Staff

*Data not collected in this enquiry (simplified version).*

### Presentation of the statistical data

#### Conventions used

***	The question is irrelevant; the item refers to a concept not found in the penal system of the country concerned.
0	The number is 0 but the concept exists in the penal system of the country concerned
...	No figures available, but the concept exists in the penal system of the country concerned
( )	When the data are shown in brackets this means that they are not strictly comparable with the data requested by SPACE. The divergences are explained in the notes to the relevant table. As a rule, this applies to items whose definition is not the same as the one by SPACE.
	When the questionnaire box is left blank or a symbol is used whose meaning is not explicit (for example "/" or "-"), we leave the box blank.

#### Measures of central tendency

In tables containing rates or percentages we have used the following measures to describe the distribution of the data:

- (a) Mean: the arithmetic mean is the sum of the data supplied divided by the number of countries supplying them. The mean is sensitive to very high or very low values, which is why the median is also used as a measure of central tendency.
- (b) Median: the median is the value that divides the data supplied by the countries concerned into two equal groups so that 50% of the countries are above the median and 50% are below it. The median is not influenced by very high or very low values.
- (c) Minimum: the lowest recorded value in the table
- (d) Maximum: the highest recorded value in the table

For reasons of accuracy we have calculated the mean and median values from the original database, which contains all the decimals not presented in the tables. Readers who rework the calculations from the data in the tables – which only contain one or two decimals – will therefore obtain slightly different results from ours.

#### Demographic data

The rates of imprisonment have been calculated using demographic data on 1 January 2003 taken from "Recent demographic developments in Europe, 2003" (Strasbourg: Council of Europe Publications, 2003).

When no information was available for 1 January 2003, we have used the latest demographic data available. That was the case for the following countries:

- Albania: Demographic data relate to 1 January 2000.
- Bosnia and Herzegovina (Federation of Bosnia and Herzegovina and Republika Srpska): Demographic data are estimates.
- France: All data included in SPACE refer to the European territory of France (known as the *Métropole*) and the French overseas territories (Guadeloupe, Martinique, Guyane and Réunion, known as DOM or *Départements d'Outre-mer*). Demographic data are estimates calculated by the Institut National de la Statistique, INSEE ([http://www.insee.fr/fr/ffc/pop\\_age.htm](http://www.insee.fr/fr/ffc/pop_age.htm)), and relate to 1 January 2004.
- Greece: Demographic data relate to 1 January 2001.
- Italy: Demographic data relate to 1 January 2002.
- Serbia and Montenegro: Demographic data are estimates.
- "The former Yugoslav Republic of Macedonia": Demographic data relate to 1 January 2002.
- United Kingdom: Demographic data for England and Wales, Northern Ireland and Scotland are estimates calculated by National Statistics Online (<http://www.statistics.gov.uk/ci/nugget.asp?id=6>) and relate to the mid-2002 population.
- Canada: Demographic data are estimates calculated by Statistics Canada / *Statistiques Canada* (<http://www.statcan.ca/english/Pgdb/demo02.htm>) and relate to the situation on 1 July 2003.

#### Data validation procedure

According to the authors of the *European Sourcebook of Crime and Criminal Justice Statistics* (Strasbourg, Council of Europe, 1999), "validation is often the most important – and in many cases the most forgotten – stage of the data collection process". Therefore, since the 2002 survey of SPACE, we have introduced a validation procedure for the data received. Such procedures substantially increase the workload of all the individuals and countries involved in the elaboration of SPACE. It also delays the publication of the data. However, we believe that the results obtained – in other words, the improvements to the quality of the data – justify its use.

As part of the validation procedure, we produced a preliminary version of SPACE and a series of control tables that revealed a number of inconsistencies in the data received from some countries. Those countries were contacted again by means of a personal letter – sent by e-mail or fax – setting out the specific problems encountered in their data. Most of them answered our request. In general they corrected their figures, sent new ones for certain parts of the questionnaire, or indicated the reasons for the divergences identified. Such

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1. Formerly: "... when seven-twelfths of the sentence but not less than two months..."

divergences are mainly due to differences in the national prison statistics systems as well as in criminal justice systems across Europe and are explained in the notes to the relevant tables.

Nevertheless, despite our efforts to identify errors and inconsistencies, some of them may still remain and others may have been introduced involuntarily during the data processing. Moreover, it has not always been possible to correct the inconsistencies discovered in a totally satisfactory way. In that context, any readers' comments, notes or criticisms are welcomed.

#### Statistical tables

##### 1.1 Prison populations

###### *State of prison populations on 1 September 2003*

General Notes (on, inter alia, legislative or other measures which directly influence trends in the number of prisoners)

**Armenia:** The new criminal code, adopted on 18 April 2003, entered into force on 1 August 2003.

###### **Austria:**

- Collective pardon every year at Christmas
- An amendment to the Prison Act has made it possible for judges to order the suspension of the commencement of a sentence in a wider category of cases.

###### **Azerbaijan:**

- Amnesty
- Pardon Act

###### **Bosnia and Herzegovina – Federation of Bosnia and Herzegovina:**

The President of the Federation of Bosnia and Herzegovina has made 15 decisions on pardoning convicted persons and reduced the sentence of imprisonment of 128 persons already serving their sentences in penal institutions.

**Cyprus:** Some special remissions

###### **Denmark:**

- Amendment of the Executive Order on Release of Inmates Serving a Prison Sentence (Release Order) (Section 27(3) of Executive Order No. 601 of 25 June 2003): In order to secure the possibility for earlier release on parole of foreign inmates who are serving a prison sentence of up to eight years and who are to be expelled having served their sentence with a permanent entry prohibition when one half, but not less than two months', of the term of imprisonment has been served.
- Act amending (law No. 386 of 28 May 2003) the criminal code, Section 245a, which renders the circumcision of women illegal.
- Act amending (law No. 38 of 28 May 2003) the criminal code, Section 110c(3) concerning acts aiming at fully or partially preventing the financial or economical relations with one or more countries, persons, groups of persons or legal entities outside the European Union in violation of EU regulations

passed in accordance with Article 60, 301 or 308 in the Treaty of the European Union.

**Estonia:** A new Penal Code entered into force on 1 September 2002. One of the aims of the new Penal Code was to create an effective system of punishments according to which the court would be able to impose a suitable and fair sentence on every offender. In addition to imprisonment and financial punishment, it is now also possible to impose, for example, community service, weekend imprisonment, etc. All sentences that were valid at the time the Penal Code entered into force were reviewed: over 1 000 applications were presented before the courts asking for the enforcement of sentences to be discontinued or for the modification of the punishment.

**France:** The pardons decree of 9 July 2003 granted convicted persons an exceptional reduction of sentence.

**Georgia:** Collective pardon for 617 prisoners

**Germany:** Data relate to 31 March 2003 instead of 1 September 2003.

**Hungary:** According to a modification of the Criminal Code that entered into force on 1 March 2003, multiple recidivists can be conditionally released. As a consequence, approximately 800 people were released in 2003.

**Italy:**

- Includes data on juvenile prisons and prisoners (that used to be presented in a separate appendix in previous editions of SPACE I).
- Nevertheless, it is necessary to note that minors, sentenced or awaiting trial, are committed not only to juvenile prisons (*istituti penali per i minorenni*), which this survey concerns, but also to other penal institutions (*centri di prima accoglienza, comunità, uffici di servizio sociale per i minorenni*). In particular, the Juvenile Court can commit to open institutions (so-called *comunità*) both minors awaiting trial subject to preventive measures and convicted minors serving alternative measures.
- Law No. 207 passed on 1 August 2003 on the "conditional suspension of sentences of imprisonment not exceeding two years": This law provides that sentenced prisoners who have served at least half of their sentence are granted a suspension of the enforcement of the remaining part of their sentence for a term not exceeding two years. Such an order shall be made by a judge on a case-by-case basis.

**Liechtenstein:** According to a treaty between Liechtenstein and Austria, long-term prisoners usually serve their sentences in Austrian penal institutions. Thus, six of the 18 prisoners of Liechtenstein serve their prison sentences in Austria.

**Lithuania:** On 1 May 2003 three new laws came into force: the Criminal Code, the Criminal Procedure Code, and the Penal Enforcement Code. According to the provisions of the new laws:

- 1) A first-time offender convicted of a minor offence is usually given an alternative punishment rather than a prison sentence;
- 2) A broader range of alternative punishments is available;
- 3) Conditional release can be granted more frequently.

**Netherlands:**

- Because of a lack of places in penal institutions, more than 4 800 persons were released earlier (with a mean of twenty days earlier).
- Because of a lack of places in penal institutions, more than 4 200 persons were not committed to penal institutions but were released by the police subject to the obligation to return in three months to serve their sentences.

**Portugal:** Provisional data

**Romania:**

- Law No. 543, passed on 4 October 2002, concerning the remission of certain sanctions and measures
- Instant Ordinance No. 18, passed on 2 April 2003, amending Art. 8 of Law No. 543/2002 concerning the remission of certain sanctions and measures
- Instant Ordinance No. 108, passed on 29 October 2003, abolishing fine defaulters' imprisonment
- Successive amendments of the Criminal Proceedings Code by Law No. 281 (24 June 2003) Instant Ordinance No. 66 (10 July 2003) and Instant Ordinance No. 109 (26 October 2003)
- Law No. 429 (29 October 2003) introducing amendments to the constitution was approved by referendum.

**Russian Federation:**

- Federal Law No. 162-FZ passed on 8 December 2003 "on the amendment of the Criminal Code of the Russian Federation": This law provides for the further liberalisation of the criminal policy concerning offenders who have committed petty crimes. For the first time in the history of the Russian Federation the concept of torture and sanctions for it will be defined in the Criminal Code. As a result, during 2003-05 the total number of prisoners is expected to decrease even further (approximately by 150 000).
- Federal Law No. 161-FZ passed on 8 December 2003 "on bringing the Code of Criminal Procedure and other legislative acts into conformity with the federal law" on the amendment of the Criminal Code of the Russian Federation": This law provides for an extension of the rights of the prisoners to receive psychological and legal aid and to leave the premises of the penitentiary institutions; it also shortens the terms that they have to serve before they can be transferred from correctional colonies of various security types to settlement colonies.
- High-security prisons for women are being abolished. The same bill provides for the conversion of

areas within correctional institutions for juveniles into minimum-security prisons for those who turn 18 while they are serving their sentence.

**San Marino:** Under the Criminal Code (Art. 99), any person serving a punishment of at least six months' imprisonment in San Marino may be transferred to a "foreign penal institution", if the competent judge so decides and if there is a relevant international agreement. These prisoners are not included in San Marino statistics.

**Sweden:** Data relate to 1 October 2003 instead of 1 September 2003.

**Switzerland:** All institutions holding persons deprived of their liberty are, in principle, included. Police stations in cantons where custody may last for more than twenty-four hours are also included if the detention institutions in the cantons in question are subject to the police and justice department. Institutions where persons are committed on account of mental disorder or alcohol or drug dependence are not necessarily included. There are no national statistics on minors in the care of cantonal education departments, hence, they are not included; however, those committed to the aforementioned detention institutions have been counted.

**"The former Yugoslav Republic of Macedonia":**

- Amnesty: 45 prisoners released.
- Collective Pardon: 15 prisoners released.
- Individual pardon: four prisoners released.
- Conditional release (pardon): 422 prisoners released.
- Released by a court decision: 369 prisoners released.

**Turkey:** From 6 August 2003 to 11 December 2003, 2 464 prisoners who were accused or convicted of terror crimes applied on the grounds of the law for "Reintegration into Society" (Repentance Law) No. 4959, which came into force in 2003. In accordance with that law, 958 prisoners were released.

**Ukraine:** According to a law "on Amnesty" passed on 11 July 2003, 5 032 prisoners were released.

**United Kingdom – England and Wales:** The extension of the Home Detention Curfew Scheme has enabled the early release of prisoners, using electronic tagging to restrict their movement.

**United Kingdom – Scotland:** Changes in Criminal Justice (Scotland) Act 2003 on sentencing issues include (a) clarification of licence periods, and (b) consecutive life sentences. Nevertheless, these changes have so far had very little impact on the number of prisoners.

Table 1. Situation of penal institutions on 1 September 2003

Reference: Council of Europe, SPACE 2003.1  
For notes, see p. 49

	Country population (in thousands)	Total number of prisoners (including pre-trial detainees)	Prison population rate per 100 000 inhabitants	Capacity of penal institutions	Prison density (per 100 places)
Albania	3 401.2	...	...	...	...
Andorra	67.2	61	90.8	85	71.8
Armenia	3 210.0	3 429	106.8	4 720	72.6
Austria	8 067.3	7 816	96.9	8 022	97.4
Azerbaijan	8 202.5	16 345	199.3	24 670	66.3
Belgium	10 355.8	8 688	83.9	8 090	107.4
BH: Federation BH	2 600.0	1 265	48.7	1 506	84.0
BH: Republic Srpska	1 400.0	892	63.7	960	92.9
Bulgaria	7 845.8	10 056	128.2	6 306	159.5
Croatia	4 442.2	2 594	58.4	3 069	84.5
Cyprus	802.5	355	(44.2)	227	156.4
Czech Republic	10 203.3	17 053	167.1	15 707	108.6
Denmark	5 383.5	3 577	66.4	3 743	95.6
Estonia	1 356.0	4 797	353.8	(5 220)	(91.9)
Finland	5 206.3	3 437	66.0	3 420	100.5
France	61 700.0	57 440	93.1	48 590	118.2
Georgia	4 342.6	6 406	147.5	10 195	62.8
Germany	82 536.7	79 567	96.4	78 099	101.9
Greece	10 564.7	8 555	81.0	5 584	153.2
Hungary	10 142.4	17 012	167.7	11 299	150.6
Iceland	288.5	112	38.8	137	81.8
Ireland	3 963.6	2 986	75.3	3 313	90.1
Italy	56 305.6	57 238	101.7	42 641	134.2
Latvia	2 331.5	8 135	348.9	8 996	90.4
Liechtenstein	33.9	18	53.1	(22)	(545)
Lithuania	3 462.6	9 958	287.6	9 718	102.5
Luxembourg	448.3	498	111.1	778	64.0
Malta	386.9	278	71.9	444	62.6
Moldova	3 618.3	10 729	296.5	12 105	88.6
Netherlands	16 192.6	18 242	112.7	19 205	95.0
Norway	4 552.3	2 914	64.0	2 965	98.3
Poland	38 218.5	80 692	211.1	(69 079)	(116.8)
Portugal	10 407.5	14 232	136.7	12 109	117.5
Romania	21 772.8	45 337	208.2	36 918	122.8
Russian Federation	143 097.0	860 640	601.4	954 323	90.2
San Marino	28.8	(0)	...	(15)	...
SM: Montenegro	700.0	734	104.9	670	109.6
SM: Serbia	10 000.0	7 487	74.9	10 184	73.5
Slovak Republic	5 379.2	8 829	164.1	9 546	92.5
Slovenia	1 995.0	1 099	55.1	1 067	103.0
Spain	40 683.0	55 244	135.8	48 420	114.1
Sweden	8 940.8	6 755	75.6	6 317	106.9
Switzerland	7 317.9	5 266	72.0	6 513	80.9
"The former Yugoslav Republic of Macedonia"	2 038.7	1 598	78.4	2 225	71.8
Turkey	69 629.9	64 051	92.0	70 320	91.1
Ukraine	48 003.5	198 386	413.3	220 387	90.0
UK: England and Wales	52 480.5	72 992	139.1	76 450	95.5
UK: Northern Ireland	1 696.6	1 185	69.8	1 798	65.9
UK: Scotland	5 054.8	6 642	131.4	6 843	97.1
<i>Mean</i>			138.0		97.4
<i>Median</i>			96.9		95.0
<i>Minimum</i>			38.8		54.5
<i>Maximum</i>			601.4		159.5

**Table 1.2 Situation of penal institutions on 1 September 2003 by decreasing prison population rates**

*Reference: Council of Europe, SPACE 2003.1.2*

	Total number of prisoners (including pre-trial detainees)	Prison population rate per 100 000 inhabitants (detention rate)
Russian Federation	860640	601.4
Ukraine	198 386	413.3
Estonia	4 797	353.8
Latvia	8 135	348.9
Moldova	10 729	296.5
Lithuania	9 958	287.6
Poland	80 692	211.1
Romania	45 337	208.2
Azerbaijan	16 345	199.3
Hungary	17 012	167.7
Czech Republic	17 053	167.1
Slovak Republic	8 829	164.1
Georgia	6 406	147.5
UK: England and Wales	72 992	139.1
Portugal	14 232	136.7
Spain	55 244	135.8
UK: Scotland	6 642	131.4
Bulgaria	10 056	128.2
Netherlands	18 242	112.7
Luxembourg	498	111.1
Armenia	3 429	106.8
SM: Montenegro	734	104.9
Italy	57 238	101.7
Austria	7 816	96.9
Germany	79 567	96.4
France	57 440	93.1
Turkey	64 051	92.0
Andorra	61	90.8
Belgium	8 688	83.9
Greece	8 555	81.0
"The former Yugoslav Republic of Macedonia"	1 598	78.4
Sweden	6 755	75.6
Ireland	2 986	75.3
SM: Serbia	7 487	74.9
Switzerland	5 266	72.0
Malta	278	71.9
UK: Northern Ireland	1 185	69.8
Denmark	3 577	66.4
Finland	3 437	66.0
Norway	2 914	64.0
BH: Republic Srpska	892	63.7
Croatia	2 594	58.4
Slovenia	1 099	55.1
Liechtenstein	18	53.1
BH: Federation BH	1 265	48.7
Cyprus	355	(44.2)
Iceland	112	38.8
San Marino	(0)	...
Albania	...	...



**Table 1.3 Evolution of prison populations between 1999 and 2003**

(a) Total number of prisoners (including pre-trial detainees) on 1 September of each year (source: SPACE)

(b) Prison population rate per 100 000 inhabitants on 1 September of each year (source: SPACE)

% Change 1999-2003= Evolution (in percentage) of prison population rates between 1999 and 2003

% Change 2002-03= Evolution (in percentage) of prison population rates between 2002 and 2003

Reference: Council of Europe, SPACE 2003.1.2

	1999		2000		2001		2002		2003		% change 1999-2003	% change 2002-2003
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)		
Albania	1 112	33	1 467	43.5	1 635	48.1	1 785	52.5	...	...	...	...
Andorra					48	72.5	55	82.9	61	90.8	...	9.5
Armenia					4 213	111	5 624	148	3 429	106.8	...	-27.8
Austria	6 877	85.1	6 896	83.1	6 915	85.1	7 511	92.3	7 816	96.9	13.9	5.0
Azerbaijan							18 321	225	16 345	199.3	...	-11.4
Belgium	8 411	82.3	8 671	84.7	8 764	85.4	9 253	90.2	8 688	83.9	1.9	-7.0
BH: Federation BH							1 293	49.7	1 265	48.7	...	-2.0
BH: Republika Srpska							816	58.3	892	63.7	...	9.3
Bulgaria	10 787	132	9 424	115	9 283	114	9 607	121.7	10 056	128.2	-2.9	5.3
Croatia	2 027	44.5	2 027	44.4	2 623	59.9	2 584	58.2	2 594	58.4	31.2	0.3
Cyprus					369	48.6	345	(45.1)	355	(44.2)	...	-2.0
Czech Republic	23 060	224	22 489	219	21 206	207	16 861	164.2	17 053	167.1	-25.4	1.8
Denmark	3 560	67	3 279	61.5	3 150	58.9	3 439	64.1	3 577	66.4	-0.9	3.6
Estonia	4 332	300	4 720	328	4 789	350	4 640	340.9	4 797	353.8	17.9	3.8
Finland	2 598	50.4	2 703	52.3	3 040	58.7	3 466	66.7	3 437	66	31.0	-1.0
France	53 948	88.5	48 835	80.1	47 005	77.1	53 463	87.6	57 440	93.1	5.2	6.3
Georgia							7 343	186	6 406	147.5	...	-20.7
Germany	80 610	98.3			78 707	95.8	78 506	95.2	79 567	96.4	-1.9	1.3
Greece	7 525	71.4	8 038	76.2	8 343	79	8 284	78.4	8 555	81	13.4	3.3
Hungary	15 228	151	15 821	158	17 119	171	18 054	177.4	17 012	167.7	11.1	-5.5
Iceland	93	33.8	82	29	110	38.8	107	37.3	112	38.8	14.8	4.0
Ireland	2 741	...	2 887	76.4	3 025	80	3 028	78	2 986	75.3	...	-3.5
Italy	51 427	89.3	53 481	92.7	55 136	95.3	56 200	99.8	57 238	101.7	13.9	1.9
Latvia	8 665	355	8 555	353	8 617	364	8 517	363.1	8 135	348.9	-1.7	-3.9
Liechtenstein							(17)	...	18	53.1	...	...
Lithuania	14 207	384	8 867	240	10 750	291	11 345	326.4	9 958	287.6	-25.1	-11.9
Luxembourg	387	90.2	394	90.4	357	80.9	380	85.6	498	111.1	23.2	29.8
Malta					257	67.2	283	71.7	278	71.9	...	0.3
Moldova	10 188	...	9 754	...	10 679	250	10 532	290.4	10 729	296.5	...	2.1
Netherlands	13 231	84	13 847	90.1	15 246	95.4	16 239	100.8	18 242	112.7	34.2	11.8
Norway	2 602	58.5	2 643	59	2 666	59.2	2 662	58.8	2 914	64	9.4	8.8
Poland	54 842	141	65 336	169	80 004	207	80 610	208.7	80 692	211.1	49.7	1.1
Portugal					13 500	132	13 730	132.8	14 232	136.7	...	2.9
Romania	51 396	229	49 682	221	50 370	225	51 476	229.5	45 337	208.2	-9.1	-9.3
Russian Federation					971 496	671	919 330	638.6	860 640	601.4	...	-5.8
San Marino							(1)	...	(0)	...	...	...
SM: Montenegro									734	104.9	...	...
SM: Serbia									7 487	74.9	...	...
Slovak Republic	6 904	128	7 128	297	7 509	139	7 849	145.9	8 829	164.1	28.2	12.5
Slovenia	935	47.3	1 136	57.3	1 155	58	1 120	56.2	1 099	55.1	16.5	-2.0
Spain	45 004	114	45 044	114	46 962	117	50 994	126.2	55 244	135.8	19.1	7.6
Sweden	5 484	61.9	5 678	64.1	6 089	68.5	6 506	73	6 755	75.6	22.1	3.6
Switzerland	6 294	88.5	6 390	89.2	5 160	71.6	4 987	68.7	5 266	72	-18.6	4.8
"The former Yugoslav Republic of Macedonia"	1 238	61.4	1 394	69	1 413	69.9	1 248	61.2	1 598	78.4	27.7	28.1
Turkey	69 277	108	71 860	110	61 336	93.2	60 091	86.7	64 051	92	-14.8	6.1
Ukraine					198 885	406	198 946	405.7	198 386	413.3	...	1.9
UK: England and Wales	64 529	122	65 666	124	67 056	126	71 324	137.1	72 992	139.1	14.0	1.5
UK: Northern Ireland	1 262	...	980	...	877	51.6	1 076	63.8	1 185	69.8	...	9.4
UK: Scotland	6 018	...	5 855	...	...	...	6 513	128.7	6 642	131.4	...	2.1

**Table 1.4 Year-on-year rates of increase and decrease of prison population rates between 2002 and 2003**

Increase of more than 5%		Between -5% and +5%		Decrease of more than 5%	
Luxembourg	29.8	Austria	5.0	Hungary	-5.5
"The former Yugoslav Republic of Macedonia"	28.1	Switzerland	4.8	Russian Federation	-5.8
Slovak Republic	12.5	Iceland	4.0	Belgium	-7.0
Netherlands	11.8	Estonia	3.8	Romania	-9.3
Andorra	9.5	Denmark	3.6	Azerbaijan	-11.4
UK: Northern Ireland	9.4	Sweden	3.6	Lithuania	-11.9
BH: Republic Srpska	9.3	Greece	3.3	Georgia	-20.7
Norway	8.8	Portugal	2.9	Armenia	-27.8
Spain	7.6	Moldova	2.1		
France	6.3	UK: Scotland	2.1		
Turkey	6.1	Italy	1.9		
Bulgaria	5.3	Ukraine	1.9		
		Czech Republic	1.8		
		UK: England and Wales	1.5		
		Germany	1.3		
		Poland	1.1		
		Croatia	0.3		
		Malta	0.3		
		Finland	-1.0		
		Slovenia	-2.0		
		Cyprus	-2.0		
		BH: Federation BH	-2.0		
		Ireland	-3.5		
		Latvia	-3.9		

**Table 2. Age structure of prison populations on 1 September 2003: median age, minors and persons between 18 and 21 years of age**

Data not collected in this enquiry (simplified version).

**Table 3. Structure of prison populations on 1 September 2003: female prisoners and foreign prisoners**

Data not collected in this enquiry (simplified version).

**Table 4. Legal status of prison populations on 1 September 2003 (numbers)**

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

Reference: Council of Europe, SPACE 2003.4  
 For notes, see pp. 49-50

See above for (a) to (e)	(a)	(b)	(c)	(d)	(e)
Albania	...	...	...	1 702	0
Andorra	33	5	9	14	0
Armenia	581	64	141	2 707	***
Austria	2 193	***	...	4 994	629
Azerbaijan	1 053	522	190	14 580	0
Belgium	2 502	***	684	4 748	754
BH: Federation BH	280	***	76	852	57
BH: Republic Srpska	133	47	22	690	0
Bulgaria	350	1 512	...	8 194	0
Croatia	824	...	...	1 553	217
Cyprus	47	***	...	...	308
Czech Republic	1 525	1 649	...	13 744	135
Denmark	869		186	2 495	27
Estonia	383	940	221	3 253	***
Finland	500	...	...	2 937	0
France	19 625	***	1 653	36 142	20
Georgia	1 794	203	485	3 924	0
Germany		16 973		62 288	306
Greece	2 439	***	...	6 116	0
Hungary	3 057	961	...	12 730	264
Iceland	8	***	...	104	0
Ireland	432	...	...	2 554	...
Italy	12 082		9 102	34 850	1 204
Latvia	454	1 110	1 003	4 834	734
Liechtenstein	5	0	2	11	0
Lithuania	1 136	68	366	8 388	0
Luxembourg	146	***	71	247	37
Malta	92	***	...	186	***
Moldova	130	1 487	997	8 115	0
Netherlands	5 703	...	...	5 817	2 505
Norway		643		2 180	91
Poland	20 366	...	...	60 326	0
Portugal	3 569	...	531	9 893	239
Romania	3 619	4 762	...	36 853	103
Russian Federation	30 794	62 948	...	738 454	28 444
San Marino	0	0	0	0	0
SM: Montenegro	50	40	41	400	203
SM: Serbia	875	1 285	245	5 428	363
Slovak Republic	2 923	***	...	5 906	0
Slovenia	57	155	126	717	44
Spain	12 267	***	...	41 940	1 037
Sweden		1 401		5 320	34
Switzerland	1 741	526	...	2 629	370
"The former Yugoslav Republic of Macedonia"	112	68	116	1 302	***
Turkey	28 321	1 952	2 369	31 409	***
Ukraine	26 071	...	9 858	151 883	10 574
UK: England and Wales	7 980	5 118	...	58 780	1 114
UK: Northern Ireland	414	...	...	739	32
UK: Scotland	1 109	131	...	5 402	7

**Table 5. Legal status of prison populations on 1 September 2003 (percentages and rates)**

- (a) Percentage of prisoners not serving a final sentence  
 (b) Rate of prisoners not serving a final sentence per 100 000 inhabitants  
 (c) Percentage of untried prisoners (no court decision yet reached)  
 (d) Rate of untried prisoners (no court decision yet reached) per 100 000 inhabitants

Reference: Council of Europe, SPACE 2003.5  
 For notes, see pp. 50-51

See above for (a) to (d)	(a)	(b)	(c)	(d)
Albania	...	...	...	...
Andorra	77.0	69.9	54.1	49.1
Armenia	22.5	24.5	16.6	18.1
Austria	...	...	28.1	27.2
Azerbaijan	10.8	21.5	6.4	12.8
Belgium	45.3	38.0	28.8	24.2
BH: Federation BH	32.6	15.9	22.1	10.8
BH: Republic Srpska	22.6	14.4	14.9	9.5
Bulgaria	...	...	3.5	4.5
Croatia	...	...	(31.8)	(18.5)
Cyprus	...	...	13.2	5.9
Czech Republic	...	...	8.9	14.9
Denmark	30.2	20.1	24.3	16.1
Estonia	32.2	113.9	8.0	28.2
Finland	...	...	(14.5)	(9.6)
France	37.1	34.5	34.2	31.8
Georgia	38.7	57.2	28.0	41.3
Germany	21.7	20.9	...	...
Greece	...	...	28.5	23.1
Hungary	...	...	18.0	30.1
Iceland	...	...	7.1	2.8
Ireland	...	...	(14.5)	(10.9)
Italy	39.1	39.8	(21.1)	(21.5)
Latvia	40.6	141.6	5.6	19.5
Liechtenstein	38.9	20.6	27.8	14.7
Lithuania	15.8	45.3	11.4	32.8
Luxembourg	50.7	56.7	29.1	32.6
Malta	...	...	33.1	23.8
Moldova	24.4	72.2	1.2	3.6
Netherlands	...	...	(40.7)	(35.2)
Norway	25.2	16.1	...	...
Poland	...	...	(25.2)	(53.3)
Portugal	30.5	41.7	(25.1)	(34.3)
Romania	...	...	8.0	16.6
Russian Federation	...	...	3.6	21.5
San Marino	...	...	...	...
SM: Montenegro	45.5	47.7	6.8	7.1
SM: Serbia	33.8	27.7	10.7	8.8
Slovak Republic	...	...	33.1	54.3
Slovenia	34.8	19.1	5.2	2.9
Spain	...	...	22.2	30.2
Sweden	21.2	16.1	...	...
Switzerland	...	...	33.1	23.8
"The former Yugoslav Republic of Macedonia"	18.5	14.5	7.0	5.5
Turkey	51.0	46.9	44.2	40.7
Ukraine	23.4	96.9	(13.1)	(54.3)
UK: England and Wales	...	...	10.9	15.2
UK: Northern Ireland	...	...	(34.9)	(24.4)
UK: Scotland	...	...	16.7	21.9
<i>Mean</i>	33.2	43.6	19.9	22.5
<i>Median</i>	32.4	36.3	17.3	21.5
<i>Minimum</i>	10.8	14.4	1.2	2.8
<i>Maximum</i>	77.0	141.6	54.1	54.3

Table 6. Breakdown of sentenced prisoners (final sentence) by main offence on 1 September 2003 (numbers)

Reference: Council of Europe, SPACE 2003.6

For notes, see p. 51

	Homicide	Assaults	Rape	Robbery	Other types of theft	Drug offences	Other offences
Albania	832	23	63	376	82	179	146
Andorra	2	2	3	1	4	2	0
Armenia	...	...	...	...	...	...	...
Austria	...	...	...	...	...	...	...
Azerbaijan	1 892	1 596	204	1 893	1 890	943	6 162
Belgium	...	...	...	...	...	...	...
BH: Federation BH	312	224	86	22	85	46	77
BH: Republic Srpska	290	16	28	113	108	27	108
Bulgaria	973	95	336	854	3 494	155	2 287
Croatia	523	38	96	122	251	196	327
Cyprus	12	54	17	4	84	43	94
Czech Republic	1 211	1 104	351	2 198	6 239	605	2 036
Denmark	150	615	50	420	420	470	370
Estonia	708	297	150	750	1 925	240	1 032
Finland	555	481	59	225	502	496	661
France	3 451	6 051	8 405	3 364	3 224	4 841	6 806
Georgia	786	285	55	809	577	300	1 112
Germany	4 534	5 973	2 603	4 942	13 833	9 014	21 389
Greece	...	...	...	...	...	2 328	3 788
Hungary	1 440	917	387	2 402	3 954	260	3 370
Iceland	11	12	3	2	17	26	33
Ireland	201	56	231	313	286	501	966
Italy	5 819	105	1 175	4 792	1 779	13 158	8 022
Latvia	625	474	160	1 034	1 560	376	605
Liechtenstein	0	0	0	3	2	1	5
Lithuania	1 461	233	438	2 472	2 703	294	1 221
Luxembourg	22	15	33	28	55	41	53
Malta	22	2	9	35	14	59	45
Moldova	1 465	468	409	908	3 553	285	768
Netherlands	1 082	388	196	958	1 160	1 589	444
Norway	173	299	104	153	429	846	910
Poland	...	...	...	...	...	...	...
Portugal	1 098	178	346	1 454	1 840	4 106	871
Romania	6 963	342	2 187	6 298	15 766	368	4 929
Russian Federation	104 992	169 533	23 393	65 207	228 585	70 038	70 258
San Marino	0	0	0	0	0	0	0
SM: Montenegro	118	2	15	2	60	114	89
SM: Serbia	1 069	276	265	906	1 382	400	1 112
Slovak Republic	601	804	347	1 390	3 529	225	
Slovenia	92	37	84	91	124	67	222
Spain	2 149	1 245	2 107	19 110	1 966	12 587	2 776
Sweden	417	702	158	513	695	1 198	1 637
Switzerland	...	...	...	...	...	...	...
"The former Yugoslav Republic of Macedonia"	172	19	35	110	478	228	260
Turkey	4 153	1 338	2 308	2 590	4 418	2 900	13 702
Ukraine	19 774	15 667	3 774	12 394	52 689	...	47 585
UK: England and Wales	12 871		5 520	8 181	13 381	10 007	8 038
UK: Northern Ireland	157	84	42	102	73	49	232
UK: Scotland	678	846	152	573	763	859	1 531

Table 7. Breakdown of sentenced prisoners (final sentence) by main offence on 1 September 2003 (percentages)

Reference: Council of Europe, SPACE 2003.7  
For notes, see p. 51

	Homicide	Assault	Rape	Robbery	Other types of theft	Drug offences	Other offences
Albania	48.9	1.4	3.7	22.1	4.8	10.5	8.6
Andorra	14.3	14.3	21.4	7.1	28.6	14.3	0.0
Armenia	...	...	...	...	...	...	...
Austria	...	...	...	...	...	...	...
Azerbaijan	13.0	10.9	1.4	13.0	13.0	6.5	42.3
Belgium	...	...	...	...	...	...	...
BH: Federation BH	36.6	26.3	10.1	2.6	10.0	5.4	9.0
BH: Republic Srpska	42.0	2.3	4.1	16.4	15.7	3.9	15.7
Bulgaria	11.9	1.2	4.1	10.4	42.6	1.9	27.9
Croatia	33.7	2.4	6.2	7.9	16.2	12.6	21.1
Cyprus	3.9	17.5	5.5	1.3	27.3	14.0	30.5
Czech Republic	8.8	8.0	2.6	16.0	45.4	4.4	14.8
Denmark	6.0	24.6	2.0	16.8	16.8	18.8	14.8
Estonia	13.9	5.8	2.9	14.7	37.7	4.7	20.2
Finland	18.6	16.1	2.0	7.6	16.9	16.6	22.2
France	9.5	16.7	23.3	9.3	8.9	13.4	18.8
Georgia	20.0	7.3	1.4	20.6	14.7	7.6	28.3
Germany	7.3	9.6	4.2	7.9	22.2	14.5	34.3
Greece	...	...	...	...	...	38.1	61.9
Hungary	11.3	7.2	3.0	18.9	31.1	2.0	26.5
Iceland	10.6	11.5	2.9	1.9	16.3	25.0	31.7
Ireland	7.9	2.2	9.0	12.3	11.2	19.6	37.8
Italy	16.7	0.3	3.4	13.8	5.1	37.8	23.0
Latvia	12.9	9.8	3.3	21.4	32.3	7.8	12.5
Liechtenstein	0.0	0.0	0.0	27.3	18.2	9.1	45.5
Lithuania	16.6	2.6	5.0	28.0	30.6	3.3	13.8
Luxembourg	8.9	6.1	13.4	11.3	22.3	16.6	21.5
Malta	11.8	1.1	4.8	18.8	7.5	31.7	24.2
Moldova	18.6	6.0	5.2	11.6	45.2	3.6	9.8
Netherlands	18.6	6.7	3.4	16.5	19.9	27.3	7.6
Norway	5.9	10.3	3.6	5.3	14.7	29.0	31.2
Poland	...	...	...	...	...	...	...
Portugal	11.1	1.8	3.5	14.7	18.6	41.5	8.8
Romania	18.9	0.9	5.9	17.1	42.8	1.0	13.4
Russian Federation	14.3	23.2	3.2	8.9	31.2	9.6	9.6
San Marino	...	...	...	...	...	...	...
SM: Montenegro	29.5	0.5	3.8	0.5	15.0	28.5	22.3
SM: Serbia	19.8	5.1	4.9	16.7	25.5	7.4	20.6
Slovak Republic	8.7	11.7	5.0	20.2	51.2	3.3	0.0
Slovenia	12.8	5.2	11.7	12.7	17.3	9.3	31.0
Spain	5.1	3.0	5.0	45.6	4.7	30.0	6.6
Sweden	7.8	13.2	3.0	9.6	13.1	22.5	30.8
Switzerland	...	...	...	...	...	...	...
"The former Yugoslav Republic of Macedonia"	13.2	1.5	2.7	8.4	36.7	17.5	20.0
Turkey	13.2	4.3	7.3	8.2	14.1	9.2	43.6
Ukraine	13.0	10.3	2.5	8.2	34.7	...	31.3
UK: England and Wales	...	22.2	9.5	14.1	23.1	17.3	13.9
UK: Northern Ireland	21.2	11.4	5.7	13.8	9.9	6.6	31.4
UK: Scotland	12.6	15.7	2.8	10.6	14.1	15.9	28.3
Mean	15.4	8.2	5.4	13.6	22.1	14.8	22.5
Median	13.0	6.7	3.9	12.8	17.7	13.0	21.5
Minimum	0.0	0.0	0.0	0.5	4.7	1.0	0.0
Maximum	48.9	26.3	23.3	45.6	51.2	41.5	61.9

**Table 8. Breakdown of sentenced prisoners (final sentence) by length of sentence on 1 September 2003 (numbers)**

(a) less than 1 month (e) 1 year to less than 3 years (i) 20 years and over  
 (b) 1 month to less than 3 months (f) 3 years to less than 5 years (j) Life imprisonment  
 (c) 3 months to less than 6 months (g) 5 years to less than 10 years (k) Death-sentence prisoners  
 (d) 6 months to less than 1 year (h) 10 years to less than 20 years

Reference: Council of Europe, SPACE 2003.8  
 For notes, see pp. 51-3

See above for (a) to (k)	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
Albania	0	0	0	17	42	304	808	455	0	76	***
Andorra	0	0	0	1	4	4	3	2	0	0	***
Armenia	0	0	0	60	520	714	896	473	0	44	***
Austria	44	209	317	633	1 816	835	592	363	38	147	***
Azerbaijan	***	***	51	104	2 077	4 151	5 520	2 490	0	187	***
Belgium	1	0	9	167	700	1 280	1 519	...	...	224	***
BH: Federation BH	16	46	86	93	156	125	172	151	7	***	***
BH: Republic Srpska	6	7	33	57	155	104	132	168	28	***	***
Bulgaria	5	3	479	735	2 863	1 662	917	1 024	148	82	***
Croatia	10	6	57	134	432	253	338	269	54	***	***
Cyprus	...	...	...	...	...	...	...	...	...	12	***
Czech Republic	4	121	535	1 546	5 101	2 306	2 608	1 375	123	25	***
Denmark	...	...	...	...	...	...	...	...	***	...	***
Estonia	2	19	105	252	919	547	965	399	13	32	***
Finland	48	272	346	535	...	1 770	...	***	88	***	...
France	3 537	...	5 969	8 979	4 122	4 955	6 777	1 246	557	***	...
Georgia	***	1 409	909	***	***	***	1 460	894	234	18	***
Germany	797	4 760	7 766	13 112	12 226	15 598	5 211	1 044	***	1 774	***
Greece	205	...	319	1 105	...	608	2 096	624	1	...	...
Hungary	12	92	265	1 704	4 491	2 359	2 697	906	0	202	***
Iceland	0	9	14	15	39	6	11	9	1	0	***
Ireland	30	49	97	244	605	545	597	162	13	212	***
Italy	137	179	752	2 087	7 688	7 512	8 459	4 859	2 133	1 044	***
Latvia	7	1	24	208	1 374	1 265	1 506	432	***	17	***
Liechtenstein	0	0	0	1	5	2	3	0	0	0	***
Lithuania	0	31	206	464	2 733	2 083	2 297	917	5	86	***
Luxembourg	2	0	8	27	78	26	42	40	12	12	***
Malta	3	3	3	11	47	27	42	36	9	5	***
Moldova	***	***	...	...	513	1 442	3 782	...	...	59	***
Netherlands	238	395	558	481	2 012	976	792	339	19	7	***
Norway	191	266	236	350	567	241	188	116	25	***	***
Poland	...	...	...	...	...	...	...	...	...	...	***
Portugal	35	46	87	277	1 563	3 848	2 028	1 761	247	***	***
Romania	0	108	347	1 126	7 586	12 946	8 993	4 891	750	106	***
Russian Federation	...	...	...	2 250	115 399	228 642	299 487	82 488	2 623	1 117	***
San Marino	0	0	0	0	0	0	0	0	0	0	***
SM: Montenegro	11	15	15	72	64	65	65	93	0	0	***
SM: Serbia	77	330	531	689	1 382	530	820	671	63	...	***
Slovak Republic	264	...	1 077	2 131	808	1 043	567	16	***	...	...
Slovenia	3	8	57	80	224	137	144	59	5	***	***
Spain	...	...	...	...	...	...	...	...	...	...	***
Sweden	15	248	431	834	1 749	807	813	289	9	119	***
Switzerland	...	...	...	...	...	...	...	...	...	...	***
"The former Yugoslav Republic of Macedonia"	2	4	50	223	459	214	205	137	***	8	***
Turkey	1 198	985	1 009	1 558	5 741	3 772	5 084	7 625	2 516	1 921	***
Ukraine	***	***	***	2 380	34 496	52 511	48 553	13 228	715	881	(***)
UK: England and Wales	4 269	...	3 725	12 249	28 750	4 316	...	5 428	***	...	...
UK: Northern Ireland	0	3	22	62	195	126	135	77	7	112	***
UK: Scotland	79	81	412	579	1 044	840	1 217	241	5	593	***

**Table 9. Breakdown of sentenced prisoners (final sentence) by length of sentence on 1 September 2003 (percentages)**

- (a) less than 1 month                      (e) 1 year to less than 3 years                      (i) 20 years and over  
 (b) 1 month to less than 3 months                      (f) 3 years to less than 5 years                      (j) Life imprisonment  
 (c) 3 months to less than 6 months                      (g) 5 years to less than 10 years                      (k) Death-sentence prisoners  
 (d) 6 months to less than 1 year                      (h) 10 years to less than 20 years

Reference: Council of Europe, SPACE 2003.9  
 For notes, see p. 53

See above for (a) to (k)	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
Albania	0	0	0	1.0	2.5	17.9	47.5	26.7	0	4.5	***
Andorra	0	0	0	7.1	28.6	28.6	21.4	14.3	0	0	***
Armenia	0	0	0	2.2	19.2	26.4	33.1	17.5	0	1.6	***
Austria	0.9	4.2	6.3	12.7	36.4	16.7	11.9	7.3	0.8	2.9	***
Azerbaijan	***	***	0.3	0.7	14.2	28.5	37.9	17.1	0	1.3	***
Belgium	0.02	0	0.2	3.5	14.7	27.0	32.0	...	...	4.7	***
BH: Federation BH	1.9	5.4	10.1	10.9	18.3	14.7	20.2	17.7	0.8	***	***
BH: Republic Srpska	0.9	1.0	4.8	8.3	22.5	15.1	19.1	24.3	4.1	***	***
Bulgaria	0.1	0.04	6.0	9.3	36.2	21.0	11.6	12.9	1.9	1.0	***
Croatia	0.6	0.4	3.7	8.6	27.8	16.3	21.8	17.3	3.5	***	***
Cyprus	...	...	...	...	...	...	...	...	...	...	***
Czech Republic	0	0.9	3.9	11.2	37.1	16.8	19.0	10.0	0.9	0.2	***
Denmark	...	...	...	...	...	...	...	...	***	...	***
Estonia	0.1	0.6	3.2	7.7	28.3	16.8	29.7	12.3	0.4	1.0	***
Finland	1.6	8.9	11.3	17.5	...	57.9	...	...	***	2.9	***
France	...	9.8	...	16.5	24.8	11.4	13.7	18.8	3.4	1.5	***
Georgia	***	28.6	18.5	***	***	***	29.7	18.2	4.8	0.4	***
Germany	1.3	7.6	12.5	21.1	19.6	25.0	8.4	1.7	***	2.8	***
Greece	...	3.4	...	5.4	18.5	...	27.0	35.2	...	10.5	02
Hungary	0.1	0.7	2.1	13.4	35.3	18.5	21.2	7.1	0	1.6	***
Iceland	0	8.7	13.5	14.4	37.5	5.8	10.6	8.7	1.0	0	***
Ireland	1.2	1.9	3.8	9.6	23.7	21.3	23.4	6.3	0.5	8.3	***
Italy	0.4	0.5	2.2	6.0	22.1	21.6	24.3	13.9	6.1	3.0	***
Latvia	0.1	0.02	0.5	4.3	28.4	26.2	31.2	8.9	***	0.4	***
Liechtenstein	0	0	0	9.1	45.5	18.2	27.3	0	0	0	***
Lithuania	0	0.4	2.3	5.3	31.0	23.6	26.0	10.4	0.1	1.0	***
Luxembourg	0.8	0	3.2	10.9	31.6	10.5	17.0	16.2	4.9	4.9	***
Malta	1.6	1.6	1.6	5.9	25.3	14.5	22.6	19.4	4.8	2.7	***
Moldova	***	***	...	...	6.3	17.8	46.6	...	...	0.7	***
Netherlands	4.1	6.8	9.6	8.3	34.6	16.8	13.6	5.8	0.3	0.1	***
Norway	8.8	12.2	10.8	16.1	26.0	11.1	8.6	5.3	1.1	***	***
Poland	...	...	...	...	...	...	...	...	...	...	***
Portugal	0.4	0.5	0.9	2.8	15.8	38.9	20.5	17.8	2.5	***	***
Romania	0	0.3	0.9	3.1	20.6	35.1	24.4	13.3	2.0	0.3	***
Russian Federation	...	...	...	0.3	15.0	29.7	38.9	10.7	0.3	0.1	***
San Marino	...	...	...	...	...	...	...	...	...	...	***
SM: Montenegro	2.8	3.8	3.8	18.0	16.0	16.3	16.3	23.3	0	0	***
SM: Serbia	1.5	6.5	10.4	13.5	27.1	10.4	16.1	13.2	1.2	...	***
Slovak Republic	4.5	18.2	36.1	13.7	17.7	9.6	0.3	***	...	...	***
Slovenia	0.4	1.1	7.9	11.2	31.2	19.1	20.1	8.2	0.7	***	***
Spain	...	...	...	...	...	...	...	...	...	...	***
Sweden	0.3	4.7	8.1	15.7	32.9	15.2	15.3	5.4	0.2	2.2	***
Switzerland	...	...	...	...	...	...	...	...	...	...	***
"The former Yugoslav Republic of Macedonia"	0.2	0.3	3.8	17.1	35.3	16.4	15.7	10.5	***	0.6	***
Turkey	3.8	3.1	3.2	5.0	18.3	12.0	16.2	24.3	8.0	6.1	***
Ukraine	***	***	***	1.6	22.6	34.4	31.8	8.7	0.5	0.6	***
UK: England and Wales	...	7.3	...	6.3	20.9	...	48.9	...	7.3	9.2	***
UK: Northern Ireland	0	0.4	3.0	8.4	26.4	17.1	18.3	10.4	0.9	15.2	***
UK: Scotland	1.6	1.6	8.1	11.4	20.5	16.5	23.9	4.7	0.1	11.6	***
Mean	1.0	3.2	5.0	9.3	25.4	19.6	22.7	12.3	1.6	2.9	
Median	0.4	0.9	3.7	8.6	25.6	17.1	21.2	11.5	0.8	1.4	
Minimum	0	0	0	0.3	2.5	5.8	8.4	0	0	0	
Maximum	8.8	28.6	18.5	21.1	45.5	38.9	47.5	26.7	8.0	152	



**Table 10. Breakdown of sentenced prisoners (final sentence) by length of sentence on 1 September 2003 (cumulative percentages)**

Reference: Council of Europe, SPACE 2003.10

For notes, see p. 53

	Less than 1 year	1 year and over (fixed-term sentence)	3 years and over (fixed-term sentence)	5 years and over (fixed-term sentence)	10 years and over (fixed-term sentence)	Total fixed-term sentences	Life imprisonment (Table 9)	Prisoners sentenced to death (Table 9)
Albania	1.0	94.5	92.1	74.2	26.7	95.5	4.5	***
Andorra	7.1	92.9	64.3	35.7	14.3	100.0	0	***
Armenia	2.2	96.2	76.9	50.6	17.5	98.4	1.6	***
Austria	24.1	73.0	36.6	19.9	8.0	97.1	2.9	***
Azerbaijan	1.1	97.7	83.4	54.9	17.1	98.7	1.3	***
Belgium	3.7	73.7	59.0	32.0	...	(77.4)	4.7	***
BH: Federation BH	28.3	71.7	53.4	38.7	18.5	100.0	***	***
BH: Republic Srpska	14.9	85.1	62.6	47.5	28.4	100.0	***	***
Bulgaria	15.4	83.5	47.4	26.4	14.8	99.0	1.0	***
Croatia	13.3	86.7	58.9	42.6	20.8	100.0	***	***
Cyprus	...	...	...	...	...	...	...	***
Czech Republic	16.1	83.8	46.7	29.9	10.9	99.8	0.2	***
Denmark	...	...	...	...	...	...	...	***
Estonia	11.6	87.4	59.1	42.3	12.7	99.0	1.0	***
Finland	39.3	57.9	...	...	...	97.1	2.9	***
France	26.3	72.2	47.3	35.9	22.2	98.5	1.5	***
Georgia	47.1	52.6	52.6	52.6	22.9	99.6	0.4	***
Germany	42.4	54.7	35.1	10.0	1.7	97.2	2.8	***
Greece	8.8	80.7	62.2	62.2	35.2	89.5	10.5	0.02
Hungary	16.3	82.1	46.8	28.3	7.1	98.4	1.6	***
Iceland	36.5	63.5	26.0	20.2	9.6	100.0	0	***
Ireland	16.4	75.3	51.6	30.2	6.9	91.7	8.3	***
Italy	9.1	88.0	65.9	44.3	20.1	97.0	3.0	***
Latvia	5.0	94.7	66.3	40.1	8.9	99.6	0.4	***
Liechtenstein	9.1	90.9	45.5	27.3	0.0	100.0	0	***
Lithuania	7.9	91.1	60.1	36.5	10.5	99.0	1.0	***
Luxembourg	15.0	80.2	48.6	38.1	21.1	95.1	4.9	***
Malta	10.8	86.6	61.3	46.8	24.2	97.3	2.7	***
Moldova	...	70.7	64.4	46.6	...	(70.7)	0.7	***
Netherlands	28.7	71.1	36.5	19.8	6.2	99.9	0.1	***
Norway	47.8	52.2	26.1	15.1	6.5	100.0	***	***
Poland	...	...	...	...	...	...	...	***
Portugal	4.5	95.5	79.7	40.8	20.3	100.0	***	***
Romania	4.3	95.4	74.8	39.7	15.3	99.7	0.3	***
Russian Federation	0.3	94.6	79.6	49.9	11.0	(94.9)	0.1	***
San Marino	...	...	...	...	...	...	...	***
SM: Montenegro	28.3	71.8	55.8	39.5	23.3	100.0	0	***
SM: Serbia	31.9	68.1	40.9	30.5	14.4	100.0	...	***
Slovak Republic	22.7	77.0	40.9	27.3	9.6	99.7	0.3	***
Slovenia	20.6	79.4	48.1	29.0	8.9	100.0	***	***
Spain	...	...	...	...	...	...	...	***
Sweden	28.8	69.0	36.1	20.9	5.6	97.8	2.2	***
Switzerland	...	...	...	...	...	...	...	***
"The former Yugoslav Republic of Macedonia"	21.4	78.0	42.7	26.3	10.5	99.4	0.6	***
Turkey	15.1	78.8	60.5	48.5	32.3	93.9	6.1	***
Ukraine	1.6	97.9	75.3	40.9	9.1	99.4	0.6	***
UK: England and Wales	13.6	77.1	56.3	7.3	7.3	90.8	9.2	***
UK: Northern Ireland	11.8	73.1	46.7	29.6	11.4	84.8	15.2	***
UK: Scotland	22.6	65.7	45.2	28.7	4.8	88.4	11.6	***
Mean	17.4	79.3	55.2	35.9	14.4	96.4	2.9	
Median	15.1	79.4	54.6	36.2	12.0	99.0	1.4	
Minimum	0.3	52.2	26.0	7.3	0	70.7	0	
Maximum	47.8	97.9	92.1	74.2	35.2	100.0	15.2	

Table 11. Breakdown of prisoners sentenced (final sentence) to less than one year, by length of sentence on 1 September 2003 (percentages)

Reference: Council of Europe, SPACE 2003.11

	Less than 1 month	1 month to less than 3 months	3 months to less than 6 months	6 months to less than 1 year	Total less than 1 year
Albania	0	0	0	100.0	100.0
Andorra	0	0	0	100.0	100.0
Armenia	0	0	0	100.0	100.0
Austria	3.7	17.4	26.4	52.6	100.0
Azerbaijan	***	***	32.9	67.1	100.0
Belgium	0.6	0	5.1	94.4	100.0
BH: Federation BH	6.6	19.1	35.7	38.6	100.0
BH: Republic Srpska	5.8	6.8	32.0	55.3	100.0
Bulgaria	0.4	0.2	39.2	60.1	100.0
Croatia	4.8	2.9	27.5	64.7	100.0
Cyprus	...	...	...	...	...
Czech Republic	0.2	5.5	24.3	70.1	100.0
Denmark	...	...	...	...	...
Estonia	0.5	5.0	27.8	66.7	100.0
Finland	4.0	22.6	28.8	44.5	100.0
France		37.2		62.8	100.0
Georgia	***	60.8	39.2	***	100.0
Germany	3.0	18.0	29.4	49.6	100.0
Greece		39.1		60.9	100.0
Hungary	0.6	4.4	12.8	82.2	100.0
Iceland	0	23.7	36.8	39.5	100.0
Ireland	7.1	11.7	23.1	58.1	100.0
Italy	4.3	5.7	23.8	66.1	100.0
Latvia	2.9	0.4	10.0	86.7	100.0
Liechtenstein	0	0	0	100.0	100.0
Lithuania	0	4.4	29.4	66.2	100.0
Luxembourg	5.4	0	21.6	73.0	100.0
Malta	15.0	15.0	15.0	55.0	100.0
Moldova	***	***	...	...	...
Netherlands	14.2	23.6	33.4	28.8	100.0
Norway	18.3	25.5	22.6	33.6	100.0
Poland	...	...	...	...	...
Portugal	7.9	10.3	19.6	62.2	100.0
Romania	0	6.8	21.9	71.2	100.0
Russian Federation	...	...	...	...	...
San Marino	...	...	...	...	...
SM: Montenegro	9.7	13.3	13.3	63.7	100.0
SM: Serbia	4.7	20.3	32.6	42.3	100.0
Slovak Republic		19.7		80.3	100.0
Slovenia	2.0	5.4	38.5	54.1	100.0
Spain	...	...	...	...	...
Sweden	1.0	16.2	28.2	54.6	100.0
Switzerland	...	...	...	...	...
"The former Yugoslav Republic of Macedonia"	0.7	1.4	17.9	79.9	100.0
Turkey	25.2	20.7	21.2	32.8	100.0
Ukraine	***	***	***	100.0	100.0
UK: England and Wales		53.4		46.6	100.0
UK: Northern Ireland	0	3.4	25.3	71.3	100.0
UK: Scotland	6.9	7.0	35.8	50.3	100.0
<i>Mean</i>	8.0	10.8	23.1	64.6	
<i>Median</i>	3.8	6.8	24.8	63.3	
<i>Minimum</i>	0.0	0.0	0.0	28.8	
<i>Maximum</i>	53.4	60.8	39.2	100.0	

## I.2 Prison populations

### Flow of entries, length of imprisonment, escapes and deaths in 2002

Table 12. Flow of entries to penal institutions in 2002

Reference: Council of Europe, SPACE 2003.12

For notes, see p. 53

	Entries to penal institutions	Rate of entries to penal institutions per 100 000 inhab.	Entries before final sentence	
			Number	%
Albania	...	...	...	...
Andorra	171	254.5	146	85.4
Armenia	(1 574)	...	(2 700)	...
Austria	13 928	172.6	9 579	68.8
Azerbaijan	...	...	...	...
Belgium	15 680	151.4	10 872	69.3
BH: Federation BH	6 744	259.4	1 654	24.5
BH: Republic Srpska	1 826	130.4	806	44.1
Bulgaria	5 968	76.1	...	...
Croatia	17 650	397.3	...	...
Cyprus	1 254	156.3	551	43.9
Czech Republic	13 787	135.1	7 776	56.4
Denmark	...	...	...	...
Estonia	12 541	924.9	6 461	51.5
Finland	7 451	143.1	1 843	24.7
France	81 533	132.1	58 410	71.6
Georgia	7 486	172.4	2 169	29.0
Germany	136 383	165.2	...	...
Greece	...	...	...	...
Hungary	21 941	216.3	7 236	33.0
Iceland	222	76.9	108	48.6
Ireland	11 860	299.2	6 824	57.5
Italy	82 661	146.8	72 774	88.0
Latvia	5 175	222.0	...	...
Liechtenstein	173	510.3	...	...
Lithuania	...	...	17 905	...
Luxembourg	1 096	244.5	508	46.4
Malta	399	103.1	289	72.4
Moldova	...	...	...	...
Netherlands	33 108	204.5	18 397	55.6
Norway	11 580	254.4	3 988	34.4
Poland	92 180	241.2	46 895	50.9
Portugal	7 264	69.8	6 393	88.0
Romania	35 300	162.1	...	...
Russian Federation	...	...	...	...
San Marino	19	66.0	0	0
SM: Montenegro	4 548	649.7	2 125	46.7
SM: Serbia	15 255	152.6	544	3.6
Slovak Republic	10 835	201.4	2 105	19.4
Slovenia	4 135	207.3	918	22.2
Spain	41 720	102.5	28 793	69.0
Sweden	...	...	...	...
Switzerland	50 777	693.9	26 266	51.7
"The former Yugoslav Republic of Macedonia"	4 833	237.1	1 369	28.3
Turkey	107 336	154.2	27 655	25.8
Ukraine	42 300	88.1	...	...
UK: England and Wales	147 864	281.8	91 525	61.9
UK: Northern Ireland	5 187	305.7	2 644	51.0
UK: Scotland	38 461	760.9	18 759	48.8
<i>Mean</i>		248.1		47.7
<i>Median</i>		187.0		48.8
<i>Minimum</i>		66.0		0.0
<i>Maximum</i>		924.9		88.0

Table 13. Indicator of average length of imprisonment in 2002, based on the total number of days spent in penal institutions

Reference: Council of Europe, SPACE 2003.13  
For notes, see p. 53-4

	Total number of days spent in penal institutions	Average number of prisoners	Total number of entries to penal institutions	Indicator of average length of imprisonment (in months)
	a	b = a/365	c	d = 12 (b/c)
Albania	...	...	...	...
Andorra	19 364	53	171	3.7
Armenia	...	...	(1 574)	...
Austria	2 737 154	7 499	13 928	6.5
Azerbaijan	...	...	...	...
Belgium	3 282 656	8 994	15 680	6.9
BH: Federation BH	36 360	100	6 744	0.2
BH: Republic Srpska	233 728	640	1 826	4.2
Bulgaria	...	...	5 968	...
Croatia	...	...	17 650	...
Cyprus	(355.83)	(1)	1 254	...
Czech Republic	6 311 945	17 293	13 787	15.1
Denmark	1 253 738.5	3 435	...	...
Estonia	...	...	12 541	...
Finland	1 253 045	3 433	7 451	5.5
France	19 694 029	53 956	81 533	7.9
Georgia	(365)	(1)	7 486	...
Germany	...	...	136 383	...
Greece	...	...	...	...
Hungary	...	...	21 941	...
Iceland	37 633	103	222	5.6
Ireland	1 155 225	3 165	11 860	3.2
Italy	...	...	82 661	...
Latvia	...	...	5 175	...
Liechtenstein	7 600	21	173	1.4
Lithuania	...	...	...	...
Luxembourg	139 166	381	1 096	4.2
Malta	...	...	399	...
Moldova	...	...	...	...
Netherlands	4 760 330	13 042	33 108	4.7
Norway	998 903	2 737	11 580	2.8
Poland	29 707 715	81 391	92 180	10.6
Portugal	8 285	23	7 264	0.04
Romania	...	...	35 300	...
Russian Federation	...	...	...	...
San Marino	205	1	19	0.4
SM: Montenegro	267 910	734	4 548	1.9
SM: Serbia	2 020 461	5 536	15 255	4.4
Slovak Republic	2 800 645	7 673	10 835	8.5
Slovenia	418 874	1 148	4 135	3.3
Spain	18 446 005	50 537	41 720	14.5
Sweden	2 293 099	6 282	...	...
Switzerland	1 816 025	4 975	50 777	1.2
"The former Yugoslav Republic of Macedonia"	290 904	797	4 833	2.0
Turkey	27 487 084	75 307	107 336	8.4
Ukraine	(1 915)	(5)	42 300	...
UK: England and Wales	...	...	147 864	...
UK: Northern Ireland	...	...	5 187	...
UK: Scotland	2 337 460	6 404	38 461	2.0
<i>Mean</i>				5.0
<i>Median</i>				4.2
<i>Minimum</i>				0.04
<i>Maximum</i>				15.1

**Table 13.1 Indicator of average length of imprisonment in 2002, based on the total number of prisoners on 1 September 2002**

Reference: Council of Europe, *SPACE 2003.13.1*  
For notes, see p. 54

	Total number of prisoners on 1 September 2002 (SPACE 2002)	Total number of entries to penal institutions (Table 12)	Indicator of average length of imprisonment (in months)
	a	b	c=12 (a/b)
Albania	1 785	...	...
Andorra	55	171	3.9
Armenia	5 624	(1 574)	...
Austria	7 511	13 928	6.5
Azerbaijan	18 321	...	...
Belgium	9 253	15 680	7.1
BH: Federation BH	1 293	6 744	2.3
BH: Republic Srpska	816	1 826	5.4
Bulgaria	9 607	5 968	19.3
Croatia	2 584	17 650	1.8
Cyprus	345	1 254	3.3
Czech Republic	16 861	13 787	14.7
Denmark	3 439	...	...
Estonia	4 640	12 541	4.4
Finland	3 466	7 451	5.6
France	53 463	81 533	7.9
Georgia	7 343	7 486	11.8
Germany	78 506	136 383	6.9
Greece	8 284	...	...
Hungary	18 054	21 941	9.9
Iceland	107	222	5.8
Ireland	3 028	11 860	3.1
Italy	56 200	82 661	8.2
Latvia	8 517	5 175	19.7
Liechtenstein	(17)	173	...
Lithuania	11 345	...	...
Luxembourg	380	1 096	4.2
Malta	283	399	8.5
Moldova	10 532	...	...
Netherlands	16 239	33 108	5.9
Norway	2 662	11 580	2.8
Poland	80 610	92 180	10.5
Portugal	13 730	7 264	22.7
Romania	51 476	35 300	17.5
Russian Federation	919 330	...	...
San Marino	(1)	19	...
SM: Montenegro	...	4 548	...
SM: Serbia	...	15 255	...
Slovak Republic	7 849	10 835	8.7
Slovenia	1 120	4 135	3.3
Spain	50 994	41 720	14.7
Sweden	6 506	...	...
Switzerland	4 987	50 777	1.2
"The former Yugoslav Republic of Macedonia"	1 248	4 833	3.1
Turkey	60 091	107 336	6.7
Ukraine	198 946	42 300	56.4
UK: England and Wales	71 324	147 864	5.8
UK: Northern Ireland	1 076	5 187	2.5
UK: Scotland	6 513	38 461	2.0
<i>Mean</i>			9.0
<i>Median</i>			6.2
<i>Minimum</i>			1.2
<i>Maximum</i>			56.4

**Table 14. Escapes of prisoners in 2002**

(a) Escapes by prisoners (pre-trial detainees or convicted prisoners) from a closed penal institution or during administrative transfer (2002)

(b) Other forms of escape (from an open penal institution – agricultural colony or other – from semi-detention, or during an authorised short-term absence or leave, etc.) in 2002

Reference: Council of Europe, *SPACE 2003.14*

For notes, see p. 54

	(a) Number of escapes by prisoners	Total number of prisoners on 1 September 2002 (Table 13)	Rate of escape per 10 000 prisoners	(b) Other forms of escape
Albania	0	1 785	0	0
Andorra	0	55	0	0
Armenia	1	5 624	1.8	0
Austria	8	7 511	10.7	319
Azerbaijan	0	18 321	0	0
Belgium	117	9 253	126.4	15
BH: Federation BH	2	1 293	15.5	77
BH: Republic Srpska	9	816	110.3	24
Bulgaria	18	9 607	18.7	63
Croatia	12	2 584	46.4	14
Cyprus	0	345	0	0
Czech Republic	1	16 861	0.6	41
Denmark	48	3 439	139.6	575
Estonia	0	4 640	0	16
Finland	34	3 466	98.1	41
France	15	53 463	2.8	240
Georgia	9	7 343	12.3	0
Germany	18	78 506	2.3	646
Greece	13	8 284	15.7	92
Hungary	9	18 054	5.0	108
Iceland	0	107	0	2
Ireland	11	3 028	36.3	121
Italy	23	56 200	4.1	267
Latvia	0	8 517	0	33
Liechtenstein	0	(17)	...	0
Lithuania	0	11 345	0	3
Luxembourg	0	380	0	14
Malta	0	283	0	0
Moldova	5	10 532	4.7	656
Netherlands	20	16 239	12.3	789
Norway	19	2 662	71.4	201
Poland	77	80 610	9.6	361
Portugal	52	13 730	37.9	200
Romania	1	51 476	0.2	6
Russian Federation	202	919 330	2.2	111
San Marino	0	(1)	...	0
SM: Montenegro	0	...	...	2
SM: Serbia	12	...	...	266
Slovak Republic	0	7 849	0	8
Slovenia	21	1 120	187.5	104
Spain	7	50 994	1.4	18
Sweden	50	6 506	76.9	396
Switzerland	...	4 987	...	...
"The former Yugoslav Republic of Macedonia"	9	1 248	72.1	84
Turkey	8	60 091	1.3	238
Ukraine	4	198 946	0.2	31
UK: England and Wales	78	71 324	10.9	864
UK: Northern Ireland	0	1 076	0	0
UK: Scotland	1	6 513	1.5	56

Table 15. Deaths in penal institutions in 2002 (including suicides)

Reference: Council of Europe, SPACE 2003.15  
For notes, see p. 54

	Total number of deaths	Number of suicides	Suicides as a percentage of total deaths	Total number of prisoners on 1 September 2002 (SPACE 2002)	Mortality rate per 10 000 prisoners	Suicide rate per 10 000 prisoners
Albania	3	0	0	1 785	16.8	0
Andorra	0	0	...	55	0	0
Armenia	25	0	0	5 624	44.5	0
Austria	40	9	22.5	7 511	53.3	12.0
Azerbaijan	206	...	...	18 321	112.4	...
Belgium	25	20	80	9 253	27.0	21.6
BH: Federation BH	3	...	...	1 293	23.2	...
BH: Republic Srpska	2	2	100	816	24.5	24.5
Bulgaria	24	4	16.7	9 607	25.0	4.2
Croatia	6	0	0	2 584	23.2	0
Cyprus	0	0	...	345	0	0
Czech Republic	14	13	92.9	16 861	8.3	7.7
Denmark	7	3	42.9	3 439	20.4	8.7
Estonia	11	7	63.6	4 640	23.7	15.1
Finland	8	6	75.0	3 466	23.1	17.3
France	244	122	50	53 463	45.6	22.8
Georgia	39	2	5.1	7 343	53.1	2.7
Germany	162	71	43.8	78 506	20.6	9.0
Greece	30	1	3.3	8 284	36.2	1.2
Hungary	39	1	2.6	18 054	21.6	0.6
Iceland	0	0	...	107	0	0
Ireland	7	4	57.1	3 028	23.1	13.2
Italy	160	52	32.5	56 200	28.5	9.3
Latvia	39	10	25.6	8 517	45.8	11.7
Liechtenstein	0	0	...	(17)	0	0
Lithuania	30	9	30	11 345	26.4	7.9
Luxembourg	2	1	50	380	52.6	26.3
Malta	0	0	...	283	0	0
Moldova	93	6	6.5	10 532	88.3	5.7
Netherlands	26	10	38.5	16 239	16.0	6.2
Norway	9	2	22.2	2 662	33.8	7.5
Poland	96	40	41.7	80 610	11.9	5.0
Portugal	97	19	19.6	13 730	70.6	13.8
Romania	118	4	3.4	51 476	22.9	0.8
Russian Federation	4 259	315	7.4	919 330	46.3	3.4
San Marino	0	0	...	(1)	0	0
SM: Montenegro	3	1	33.3	...	...	...
SM: Serbia	26	9	34.6	...	...	...
Slovak Republic	9	3	33.3	7 849	11.5	3.8
Slovenia	7	4	57.1	1 120	62.5	35.7
Spain	152	24	15.8	50 994	29.8	4.7
Sweden	20	8	40	6 506	30.7	12.3
Switzerland	...	...	...	4 987	...	...
"The former Yugoslav Republic of Macedonia"	3	1	33.3	1 248	24.0	8.0
Turkey	93	16	17.2	60 091	15.5	2.7
Ukraine	691	28	4.1	198 946	34.7	1.4
UK: England and Wales	166	94	56.6	71 324	23.3	13.2
UK: Northern Ireland	1	1	100	1 076	9.3	9.3
UK: Scotland	16	8	50	6 513	24.6	12.3
<i>Mean</i>			35.2		29.0	8.2
<i>Median</i>			33.3		23.9	6.8
<i>Minimum</i>			0.0		0.0	0.0
<i>Maximum</i>			100.0		112.4	35.7

**Notes – Table 1**

**Bosnia and Herzegovina:** Demographic data are estimates.

**Cyprus:** Demographic data refer to the whole island, but prison population figures do not include prisoners held in the northern part of the island, which is not under control of the authorities of the Republic of Cyprus. Therefore, the prison population rate per 100 000 inhabitants is underestimated.

**Estonia:** Data on capacity of penal institutions relate to 1 September 2002 (Source: SPACE I, 2002).

**France:** All data included in SPACE refer to the European territory of France (known as the *Métropole*) and the French overseas territories (Guadeloupe, Martinique, Guyana and Réunion, known as DOM or *Départements d’Outre-mer*). Demographic data are estimates by the *Institut National de la Statistique*, INSEE ([http://www.insee.fr/fr/ffc/pop\\_age.htm](http://www.insee.fr/fr/ffc/pop_age.htm)), and relate to 1 January 2004.

**Germany:** Data relate to 31 March 2003 instead of 1 September 2003.

**Greece:** Demographic data relate to 1 January 2001.

**Italy:**

- Data include 487 juvenile prisoners and 718 places in juvenile prisons, which used to be presented in a separate appendix in previous editions of SPACE I (see general notes).
- Demographic data relate to 1 January 2002.

**Liechtenstein:** There is one prison with capacity for 22 prisoners in Liechtenstein. However, according to a treaty between Liechtenstein and Austria, long-term prisoners usually serve their sentences in Austrian penal institutions. As six of the 18 prisoners of Liechtenstein serve their prison sentences in Austria, the prison density is calculated on the basis of 12 prisoners for a total capacity of 22.

**Netherlands:**

- Data on the number of prisoners and prison capacity include data for TBS clinics, institutions for juvenile delinquents, and institutions for drug smugglers.

Total	Of which
Total number of prisoners (including pre-trial detainees): 18 242	14 025 in penal institutions 2 175 in institutions for juvenile offenders 1 308 in TBS clinics 734 in institutions for drug smugglers
Total capacity of penal institutions: 19 205	14 352 in penal institutions 2 290 in institutions for juvenile offenders 1 298 in TBS clinics 1 265 in institutions for drug smugglers

- A TBS clinic is a hospital/clinic for the treatment of criminals who have committed very serious crimes but are considered mentally ill. Possible translations of this concept into English include: forensic psychiatric hospital, custodial clinic, or placement under a hospital order.
- Institutions for drug smugglers: These are special penal institutions for drug smugglers who have been convicted of carrying small amounts of drugs. Persons with a long prison sentence serve their time in regular penal institutions.

**Poland:** Data on capacity of penal institutions relate to 1 September 2002 (Source: SPACE I, 2002).

**Portugal:**

- Provisional data.
- The total number of prisoners includes 172 people with psychiatric troubles placed in psychiatric institutions outside prison.

**San Marino:** Under the Criminal Code (Art. 99), a person serving a punishment of at least six months’ imprisonment in San Marino may be transferred to a “foreign penal institution”, if the competent judge so decides and if there is a relevant international agreement. These prisoners are not included in the San Marino statistics.

**Serbia and Montenegro:** Demographic data are estimates.

**Sweden:**

- Data relate to 1 October 2003 instead of 1 September 2003.
- The total number of prisoners includes prisoners in remand prisons. It also includes persons serving their sentence outside prison in institutions for the treatment of drug addicts, hospitalised prisoners and escapees.

**Switzerland:** Total capacity of penal institutions includes custody in police stations for more than twenty-four hours (see General Notes).

**“The former Yugoslav Republic of Macedonia”:** Demographic data relate to 1 January 2002.

**United Kingdom:** Demographic data for England and Wales, Northern Ireland and Scotland are estimates from National Statistics Online (<http://www.statistics.gov.uk/cci/nugget.asp?id=6>) and relate to mid-2002.

**Notes – Table 4**

**Armenia:** The breakdown of prisoners by legal status concerns a total of 3 493 prisoners instead of the 3 429 in Table 1.

**Belgium:** (e) The category “other cases” includes:

- Mentally disturbed offenders in detention
- Offenders/detainees held under section 21 of the Social Protection Act



- Vagrants/beggars placed at the government's disposal
- Foreign nationals placed at the government's disposal
- Repeat/habitual offenders placed at the government's disposal (under the Social Protection Act)
- Procurers placed at the government's disposal (under Article 280 B of the Criminal Code)

**Bosnia and Herzegovina – Federation of Bosnia and Herzegovina:** (e) Persons sentenced for minor offences.

**Czech Republic:** (e) 96 in custody pending expulsion and 39 in custody pending extradition (total: 135).

**Denmark:**

- (b) (c): It is not possible to keep these groups apart in the statistics.
- (e) Detainees under the Aliens Act.

**France:**

- (c): At appeal or pending appeal.
- (d): In cases of enforcement against the person.

**Germany:**

- Data relate to 31 March 2003 instead of 1 September 2003.
- (a) (b) (c): It is not possible to keep these groups apart in the statistics.
- (e) Prisoners in preventive detention.

**Italy:** (e) Internees, that is persons subject to personal security measures, held in special penal institutions.

**Latvia:** (e) Persons awaiting enforcement of their sentence: 499; persons in a remand prison in accordance with the Penal Code (Sections 16 and 20): 21; persons awaiting transport from a remand prison to prison: 78; persons in transit: 7; persons in a prison hospital: 129. Total: 734.

**Luxembourg:**

- The breakdown of prisoners by legal status concerns a total of 501 prisoners instead of the 498 in Table 1.
- (e) 9 minors and 28 persons in administrative detention. Total: 37.

**Netherlands:**

- The breakdown of prisoners by legal status concerns the 14 025 prisoners serving their sentence in penal institutions. Prisoners in institutions caring for juvenile delinquents, institutions for drug smugglers and TBS clinics are not included (see Notes to Table 1).
- (e) detention: 411; illegal aliens: 1 355; waiting for TBS: 213; other: 326; unknown: 200. Total: 2 505.

**Portugal:**

- Provisional data.
- (e): Security measures applied to prisoners with psychiatric disorders.

**Romania:** (e) Fine defaulters.

**San Marino:** Under the Criminal Code (Art. 99), a person serving a punishment of at least six months' imprisonment in San Marino may be transferred to a "foreign penal institution", if the competent judge so decides and if there is a relevant international agreement. These prisoners are not included in San Marino statistics.

**Serbia and Montenegro – Serbia:** The breakdown of prisoners by legal status concerns a total of 8 196 prisoners instead of the 7 487 in Table 1.

**Spain:** (e) Security measures and weekend imprisonment.

**Sweden:**

- (a) (b) (c): It is not possible to keep these groups apart in the statistics.
- (e) Include prisoners who are drug addicts, illegal immigrants awaiting deportation, persons awaiting placement in psychiatric institutions and persons who have broken probation rules.

**Sweden:** Data relate to 1 October 2003 instead of 1 September 2003.

**Switzerland:** (e) The other cases include: confinement for purposes of assistance within the meaning of Articles 314a and 397 of the Civil Code, prisoners awaiting transfer or movement, military arrest and detention of minors on grounds of safety.

**United Kingdom – England and Wales:** (e) Civil prisoners.

**United Kingdom – Northern Ireland:** (e) 14 fine defaulters and 18 immigration detainees. Total: 32.

**United Kingdom – Scotland:**

- The breakdown of prisoners by legal status concerns a total of 6 649 prisoners instead of the 6 642 in Table 1 (i.e. without the seven cases counted under (e) "other cases").
- (e) three prisoners with an invalid or missing sentence (due to the provisional nature of the data this will be corrected as part of our data clearing procedures) and four cases that include persons awaiting deportation, civil prisoners, and persons subject a court martial. Total: seven.

**Notes – Table 5**

- See Notes on Table 4.
- Croatia, Finland, Ireland, Italy, Netherlands, Poland, Portugal, Ukraine, United Kingdom – Northern Ireland: See below (Reminder, point 2).

*Reminder*

- 1) In Table 4, when no data have been made available under heading (c) "sentenced prisoners who have appealed or who are within the statutory time limit for doing so" and no further information has been provided, it is assumed that prisoners in that situation are included among those under heading (d) "sentenced prisoners (final sentence)". In that case,

neither rate (a) "percentage of prisoners not serving a final sentence" nor rate (b) "prisoners not serving a final sentence per 100 000 inhabitants" of Table 5 can be calculated.

- 2) In Table 4, when no data have been made available under heading (b) "prisoners convicted but not yet sentenced" and no further information has been provided, it cannot be excluded that prisoners in that situation are included among those under heading (a) "untried prisoners (not yet convicted)". In that case, rate (c) "proportion of untried prisoners (not yet convicted), as a percentage" and rate (d) "untried prisoners (not yet convicted) per 100 000 inhabitants" of Table 5 are presented between brackets and must be used with caution.

#### Notes – Table 6

**Albania:** The breakdown of sentenced prisoners by main offence concerns a total of 1 701 sentenced prisoners instead of the 1 702 under heading (d) of Table 4.

**Estonia:** The breakdown of sentenced prisoners by main offence concerns a total of 5 102 sentenced prisoners instead of the 3 253 under heading (d) of Table 4. The reason is that the statistical system does not allow for the breakdown of prisoners by main offence; therefore each prisoner is counted once for each offence for which s/he has been sentenced (i.e. the counting unit is the offence, not the person).

**Finland:** The breakdown of sentenced prisoners by main offence concerns a total of 2 979 sentenced prisoners instead of the 2 937 under heading (d) of Table 4.

**France:** Rape includes rape and indecent assault.

**Germany:** Data relate to 31 March 2003 instead of 1 September 2003.

**Liechtenstein:** The five prisoners included under the heading "other" have been sentenced for fraud.

**Lithuania:** The breakdown of sentenced prisoners by main offence concerns a total of 8 822 sentenced prisoners instead of the 8 388 under heading (d) of Table 4 (i.e. it includes prisoners under headings (b), (c) and (d) of Table 4).

**Moldova:** The breakdown of sentenced prisoners by main offence concerns a total of 7 856 sentenced prisoners instead of the 8 115 under heading (d) of Table 4. The reason is that prisoners in transit are not included.

**Portugal:** Provisional data.

**San Marino:** Under the Criminal Code (Art. 99), a person serving a punishment of at least six months' imprisonment in San Marino may be transferred to a "foreign penal institution", if the competent judge so decides and if there is a relevant international agreement. These prisoners are not included in San Marino statistics.

**Serbia and Montenegro – Serbia:** The breakdown of sentenced prisoners by main offence concerns a total of

5 410 sentenced prisoners instead of the 5 428 under heading (d) of Table 4.

**Slovak Republic:** The breakdown of sentenced prisoners by main offence concerns a total of 6 896 sentenced prisoners instead of the 5 906 under heading (d) of Table 4. The reason is that the statistical system does not allow the breakdown of prisoners by main offence; therefore each prisoner is counted once for each offence for which s/he has been sentenced (i.e. the counting unit is the offence, not the person).

**Spain:** Figures for robbery are quite high because, according to the Penal Code, theft with violence (i.e. robbery according to other legislations) includes all kinds of burglary.

**Sweden:** Data relate to 1 October 2003 instead of 1 September 2003.

#### United Kingdom – England and Wales:

- The breakdown of sentenced prisoners by main offence concerns a total of 57 998 sentenced prisoners instead of the 58 780 under heading (d) of Table 4. The reason is that in 782 cases the type of offence was not recorded.
- "Homicide and assault": Figures under these headings belong in fact to the category "Violence against the person".
- "Rape": Figures under this heading belong in fact to the category "Sexual offences".
- "Other types of theft" include 4 629 prisoners sentenced for theft and handling and 8 752 for burglary. Total: 13 381.
- "Other offences" include 1 000 prisoners sentenced for fraud and forgery, 2 757 for monitoring offences, 4 238 for other cases, and 43 fine defaulters. Total: 8 038.

**United Kingdom – Scotland:** Rape includes completed rape and attempted rape.

#### Notes – Table 7: See Notes on Table 6

#### Notes – Table 8

**Belgium:** The breakdown of sentenced prisoners by the length of the sentence concerns a total of 3 900 sentenced prisoners instead of the 4 748 under heading (d) of Table 4 because the computerised SIDIS detention system does not use the same categories as those in SPACE. Therefore, to reach the total of 4 748 prisoners, the following categories of offenders (representing a total of 848 persons) must be added to those included in the Table:

- Persons sentenced to a correctional term of imprisonment of more than ten years and up to fifteen years: 318.
- Persons sentenced to a correctional term of imprisonment of more than fifteen years: 177.

- Persons sentenced to a correctional term of imprisonment of more than five years: one (a category no longer used but which still applies to one prisoner).
- Offenders serving a fixed term criminal sentence: 352.

With regard to the latter point, the Criminal Code provides for three types of sentence:

1. Criminal imprisonment, which may be for life or for a fixed term (from five to thirty years)
2. Correctional terms of imprisonment
3. Imprisonment for summary offences

In the prison administration system, fixed-term sentences in category 1 are not subdivided according to length, unlike sentences under categories 2 and 3. All fixed-term sentences are, therefore, recorded under a single heading.

As a result, in the breakdown of prisoners according to length of sentence, relatively long sentences are under-represented.

**Bulgaria:** Data relate to 1 November 2003. As a consequence, the breakdown of sentenced prisoners by length of sentence concerns a total of 7 918 sentenced prisoners instead of the 8 194 under heading (d) of Table 4.

#### **Finland:**

- The breakdown of sentenced prisoners by the length of the sentence concerns a total of 3 059 sentenced prisoners instead of the 2 937 under heading (d) of Table 4.
- The 1 770 prisoners in the category "more than one year" are broken down as follows:
  - one year to less than two years: 658
  - two years to less than four years: 577
  - four years to less than eight years: 394
  - eight years and over: 141

**Georgia:** The breakdown of sentenced prisoners by the length of the sentence concerns a total of 4 924 sentenced prisoners instead of the 3 924 under heading (d) of Table 4.

#### **Germany:**

- Data relate to 31 March 2003 instead of 1 September 2003.
- There are differences in the lower and upper limits of categories (d), (e), (f), (g) and (h). These are the limits that have been used:
  - (d) six months to one year (instead of six months to less than one year)
  - (e) More than one year to two years (instead of one year to less than three years)
  - (f) More than two years to five years (instead of three years to less than five years)
  - (g) More than five years to ten years (instead of five years to less than ten years)

(h) More than ten years to fifteen years (instead of ten years to less than twenty years)

#### **Greece:**

- The breakdown of sentenced prisoners by the length of the sentence concerns a total of 5 958 sentenced prisoners instead of the 6 116 under heading (d) of Table 4 because it does not include 158 minors sentenced to penitentiary restrictions (young sentenced persons under correctional restraint).
- The 1 105 prisoners in the category "one year to less than five years" are broken down as follows:
  - one year to less than two years: 344
  - two years to less than five years: 761
- The 2 096 prisoners in the category "ten years and more" are broken down as follows:
  - ten years to less than fifteen years: 1 145
  - fifteen years and more: 951
- The figure under heading (k) refers to persons sentenced to death before the abolition of capital punishment.

**Hungary:** The breakdown of sentenced prisoners by the length of the sentence concerns a total of 12 728 sentenced prisoners instead of the 12 730 under heading (d) of Table 4.

**Lithuania:** The breakdown of sentenced prisoners by the length of the sentence concerns a total of 8 822 sentenced prisoners instead of the 8 388 under heading (d) of Table 4 (i.e. it includes prisoners under headings (b), (c) and (d) of Table 4).

**Moldova:** The numbers given for sentenced prisoners by the length of their sentence do not add up to the 8 115 sentenced prisoners under heading (d) of Table 4 because no data are available for some categories.

#### **Portugal:**

- Provisional data.
- The breakdown of sentenced prisoners by the length of the sentence concerns a total of 9 892 sentenced prisoners instead of the 9 893 under heading (d) of Table 4.

**Russian Federation:** The numbers given for sentenced prisoners by the length of their sentence do not add up to the 738 454 sentenced prisoners under heading (d) of Table 4 because no data are available for some categories.

**San Marino:** Under the Criminal Code of the Republic of San Marino (Art. 99), a person serving a punishment of at least six months' imprisonment in San Marino may be transferred to a "foreign penal institution", if the competent judge so decides and if there is a relevant international agreement. These prisoners are not included in San Marino statistics.

**Serbia and Montenegro – Serbia:** The breakdown of sentenced prisoners by the length of the sentence concerns a total of 5 093 sentenced prisoners instead of the 5 428 under heading (d) of Table 4.

**Slovak Republic:** The category "ten years and more" is in fact "ten years to twenty-five years".

**Spain:**

- Prisoners sentenced under the old Criminal Code (code of 1973): "less than one month" (33); "one month to less than six months" (74); "six months to less than six years" (1 410); "six years to less than twelve years" (937); "twelve years to less than twenty years" (764); "twenty years to thirty years" (862). Total: 4 080.
- Prisoners sentenced under the new Criminal Code (code of 1995): "six months to less than three years" (13 670); "three years to less than eight years" (15 918); "eight years to less than fifteen years" (6 500); "fifteen to less than twenty years" (1 229); "twenty years to thirty years" (543). Subtotal: 37 860.

Weekend arrest (419); security measures (for persons not criminally responsible) (618). Subtotal: 1 037. Total: 38 897.

**Sweden:**

- Data relate to 1 October 2003 instead of 1 September 2003.
- The breakdown of sentenced prisoners by the length of the sentence concerns a total of 5 314 sentenced prisoners instead of the 5 320 under heading (d) of Table 4 because there are six prisoners whose length of sentence is unknown.

**Ukraine:**

- The breakdown of sentenced prisoners by the length of the sentence concerns a total of 152 764 sentenced prisoners instead of the 151 883 under heading (d) of Table 4.
- There is a moratorium for prisoners sentenced to death.

**United Kingdom – England and Wales:**

- The breakdown of sentenced prisoners by the length of the sentence concerns a total of 58 737 sentenced prisoners instead of the 58 780 under heading (d) of Table 4 because no breakdown is available for the 43 fine defaulters included in the total number of sentenced prisoners.
- The 28 750 prisoners in the category "three years to less than ten years" are broken down as follows:
  - three years to less than four years: 8 397
  - four years to less than ten years: 20 353
- The category "ten years and more" is in fact "ten years to less than life imprisonment".

**United Kingdom – Scotland:** The breakdown of sentenced prisoners by the length of the sentence concerns a total of 5 091 sentenced prisoners instead of the 5 402 under heading (d) of Table 4.

**Notes – Table 9**

See also Notes on Table 8.

**Belgium:** Totals do not add up to 100% because no data are available for some categories (see Notes on Table 8).

**Moldova:** Totals do not add up to 100% because no data are available for some categories (see Notes on Table 8).

**Russian Federation:** Totals do not add up to 100% because no data are available for some categories (see Notes on Table 8).

**Notes – Table 10: See Notes on Tables 8 and 9**

**Notes – Table 12**

**Armenia:** Data seem unreliable as the number of entries to penal institutions before final sentence is higher than the total number of entries to penal institutions.

**Bosnia and Herzegovina:** Demographic data are estimates.

**France:** All data included in SPACE refer to the European territory of France (known as the *Métropole*) and the French overseas territories (Guadeloupe, Martinique, Guyane and Réunion, known as DOM or *Départements d’Outre-mer*). Demographic data are estimates by the *Institut National de la Statistique*, INSEE ([http://www.insee.fr/fr/ffc/pop\\_age.htm](http://www.insee.fr/fr/ffc/pop_age.htm)), and relate to 1 January 2004.

**Italy:** Demographic data relate to 1 January 2002.

**Serbia and Montenegro:** Demographic data are estimates.

**"The former Yugoslav Republic of Macedonia":** Demographic data relate to 1 January 2002.

**United Kingdom:** Demographic data for England and Wales, Northern Ireland and Scotland are estimates by National Statistics Online (<http://www.statistics.gov.uk/cci/nugget.asp?id=6>) concerning mid-2002.

**United Kingdom – England and Wales:** "Number of entries before final sentence" does not include appeal data (information not available).

**Notes – Table 13**

**General Notes:**

- The extremely low figures provided by some countries under heading (a) "total number of days spent in penal institutions" shows that this concept has not been understood in the same way by all respondents.
- As a consequence, the indicator of average length of imprisonment (in months) for Cyprus, Georgia and Ukraine has not been calculated.
- An alternative indicator of average length of imprisonment (in months) is provided in Table 13.1.

**Armenia:** See Notes on Table 12.

**Liechtenstein:** The total number of days spent in penal institutions in 2002 (including pre-trial detention) was 7 600 of which 5 068 in Liechtenstein prisons and 2 532 in Austrian prisons.

#### Notes – Table 13.1

**General note:** As some countries did not provide data regarding the total number of days spent in penal institutions in 2002 heading (a) of Table 13 ? and other countries provided figures that did not seem reliable (see Notes on Table 13), in Table 13.1 we have used the total number of prisoners on 1 September 2002 as an estimate of the average number of prisoners in that year (source: SPACE 2002).

**Armenia:** See Notes on Table 12.

**Liechtenstein:** In 2002, prisoners serving long-term sentences (in Austria) were not included in the statistics.

**San Marino:** In 2002, prisoners serving long-term sentences were not included in the statistics.

#### Notes – Table 14

**Austria:** (a) Number of escapes: four from closed penal institutions and four during administrative transfers. Total: eight.

**Denmark:**

(a) Number of escapes: 21 from closed penal institutions and 27 during administrative transfers (includes escapes from courts, hospitals, etc.) Total: 48.

(b) Other forms of escape: 199 from open penal institutions and 376 during authorised leaves.

**Hungary:** (a) Number of escapes: nine persons (during seven escape incidents).

**Latvia:** (a) Other forms of escape: 13 from open penal institutions and 20 during an authorised short-term absence or leave. Total: 33.

**Luxembourg:** (b) Other forms of escape include two persons that did not return after an authorised leave.

**Portugal:**

(a) Number of escapes: Includes escapes from closed and open penal institutions, but does not include escapes during authorised leaves.

(b) Other forms of escape: Refers to escapes during authorised leaves.

**Slovak Republic:** (b) Other forms of escape: one while in semi-detention, and seven during authorised short-term absence (or leave). Total: eight.

**Ukraine:** (b) Other forms of escape: 28 while in semi-detention, and three during authorised short-term absence (or leave). Total: 31.

#### Notes – Table 15

**United Kingdom – England and Wales:** Data on suicide refer to "self-inflicted death".

## Appendix

### Data concerning Canada

#### 1.1 Population of penal institutions (1 September 2003)

Total number of prisoners	13 110
Total capacity of penal institutions	14 040
Prison density per 100 places	93.4

#### Breakdown of prisoners by legal status

Number untried (i.e. no court decision yet reached)	***
Number convicted, but not yet sentenced	***
Number of sentenced prisoners who have appealed or who are within the statutory limit to do so	***
Number of sentenced prisoners (final sentence)	13 110
Other cases (Specify the make-up of the category "other cases")	0

#### Breakdown of sentenced prisoners by main offence

Homicide (including attempts)	3305	% homicide (including attempts)	25.2
Assault	1539	% assault	11.7
Rape	1365	% rape	10.4
Robbery	2637	% robbery	20.1
Other types of theft	195	% other types of theft	1.5
Drug offences	753	% drug offences	5.7
Other offences	3316	% other	25.3

#### Breakdown of sentenced prisoners by length of sentence

Less than one month	***	% less than one month	***
One month to less than three months	***	% one month to less than three months	***
Three months to less than six months	***	% three months to less than six months	***
Six months to less than one year	***	% six months to less than one year	***
One year to less than three years	3 152	% one year to less than three years	24.0
Three years to less than five years	2 776	% three years to less than five years	21.2
Five years to less than ten years	2 678	% five years to less than ten years	20.4
Ten years to less than twenty years	1 203	% ten years to less than twenty years	9.2
Twenty years and over	357	% twenty years and over	2.7
Life imprisonment	2 944	% life imprisonment	22.5
Death sentenced prisoners	***	% death sentenced prisoners	***

*1.2 Flow of entries, length of imprisonment, escapes and deaths in 2002*

Total number of entries in 2002	7 549		
Number of entries before final sentence, in 2002	***		
Total number of days spent in penal institutions / prisons, in 2002 (including pre-trial detention)	4 878 046	Indicator of average length of imprisonment, in months	21.2
Number of escapes, in 2002 from a closed penal institution or during administrative transfer	43	Escape rate per 10 000 prisoners	32.8
Other forms of escape in 2002	522		
Total number of deaths in penal institution in 2002 / prison	92	% of suicides among deaths in penal institutions	12.0
Number of suicides in penal institutions / prisons in 2002	11	Mortality rate per 10 000 prisoners	70.2
		Suicide rate per 10 000 prisoners	8.4

Note : Data relate to the federal system only.

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# Council of Europe Annual Penal Statistics

## SPACE I: 2004 Survey on prison populations

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The SPACE I data presented below were obtained by means of a revised questionnaire (Document PC-CP (2004) 11 final). The main goal of the revision was to include some questions in order to clarify precisely what is being counted in the statistics of each country. The answers to these questions are presented in Tables 1.5 and 15.2 and suggest that cross-national comparisons of prison population rates must be conducted cautiously as the categories included in the total number of prisoners vary from country to country. The same is true for cross-national comparisons of deaths and suicides in penal institutions as well as for staff working in penal institutions.

Prison population figures (stock) relate to the situation on 1 September 2004, while flow of entries, total number of days spent in penal institutions, and incidents (escapes, deaths and suicides) relate to the year 2003.

Thirty-six member states answered the 2004 SPACE I Survey. The answer from Andorra arrived after the final document was produced and therefore is not included. The following member states did not answer the survey: Albania, Austria, Belgium, Czech Republic, Georgia, Greece, Ireland, Malta, Portugal, Russian Federation and Serbia and Montenegro. For some of these countries we have included information about the situation of their penal institutions in an Appendix to Table 1.

### I. Prison populations

#### I.1. State of prison populations on 1 September 2004

The situation of prison populations on a given date, "stock statistics", is set out in 11 tables and four supplementary tables.

##### **Table 1. Situation of penal institutions on 1 September 2004**

- (a) Total number of prisoners (including pre-trial detainees).
- (b) Prison population rate per 100 000 inhabitants: number of prisoners (including pre-trial detainees) present on 1 September 2004 in relation to the number of inhabitants at the same date (in view of the information available, the figure actually used is the number of inhabitants on 1 January 2004). This indicator is sometimes referred to as "deten-

tion rate", or "prisoner rate", or "imprisonment rate", but these terms are ambiguous. Therefore the Council of Europe has adopted the term "prison population rate".

- (c) Capacity of penal institutions: number of places available in penal institutions.
- (d) Prison density per 100 places: number of prisoners (including pre-trial detainees) in relation to the number of places available in penal institutions.

As a complement to Table 1, we have included four supplementary tables:

##### **Table 1.2 Situation of penal institutions on 1 September 2004 by decreasing prison population rates**

In this table, countries are sorted according to their prison population rates on 1 September 2004.

##### **Table 1.3 Evolution of prison populations between 1999 and 2004**

This table presents the total number of prisoners (including pre-trial detainees) and the prison population rate per 100 000 inhabitants on 1 September 2000, 2001, 2003 and 2004. Data are taken from the corresponding surveys of SPACE I.

The table indicates also the evolution (in percentage) of prison populations rates between 2000 and 2004 as well as between 2003 and 2004.

##### **Table 1.4 Year-on-year rates of increase and decrease of prison population rates between 2003 and 2004**

This table shows the evolution of prison population rates between 2003 and 2004. Countries are classified in three categories according to the increase or decrease of their prison population rates between 1 September 2003 and 1 September 2004:

- (d) Increase of more than 5% ;
- (e) Between -5% and +5% ;
- (f) Decrease of more than 5%.

##### **Table 1.5 Categories included in the total number of prisoners**

The goal of this table is to clarify which categories of persons deprived of freedom are being counted in the total number of prisoners. The table includes the answers (yes or no) to the following questions:

Does the total number of prisoners include the following categories ?

1. PhD, Criminology. Associate Professor of Criminology at the University of Lausanne and at the Autonomous University of Barcelona.

- (a) Persons held in facilities that do not depend on the Prison Administration (police stations, non-Ministry of Justice facilities, police isolators or "sijos" or similar facilities);
- (b) Persons held in institutions for juvenile offenders;
- (c) Persons held in institutions for drug-addicted offenders;
- (d) Mentally ill prisoners held in psychiatric institutions or hospitals;
- (e) Asylum seekers or illegal aliens held for administrative reasons;
- (f) Persons serving their sentence under electronic surveillance.

Table 1.5 shows that the categories included in the total number of prisoners vary from country to country. As a consequence, international comparisons of prison population rates, as in Table 1.2, cannot be regarded as unproblematic, and this must be borne in mind when using the table.

**Table 2. Age structure of prison populations on 1 September 2004**

- (a) Median age of prison population (including pre-trial detainees) at the date of the statistics;
- (b) Mean (average) age of prison population (including pre-trial detainees) at the date of the statistics;
- (d) Prisoners under 18 years of age (including pre-trial detainees): number and percentage;
- (d) Prisoners between 18 and 21 years of age (including pre-trial detainees): number and percentage.

**Table 3. Female and foreign prisoners on 1 September 2004**

- (a) Female prisoners (including pre-trial detainees): number and percentage;
- (b) Foreign prisoners (including pre-trial detainees): number and percentage.

**Table 4. Legal status of prison populations on 1 September 2004 (numbers)**

- (a) Untried prisoners (no court decision yet reached);
- (b) Prisoners convicted but not yet sentenced;
- (c) Sentenced prisoners who have appealed or who are within the statutory time limit for doing so;
- (d) Sentenced prisoners (final sentence);
- (e) Other cases;
- (f) Total.

**Table 5. Legal status of prison populations on 1 September 2004 (percentages and rates)**

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

- (a) Percentage of prisoners not serving a final sentence on 1 September 2004 (often inaccurately referred to as the percentage of unconvicted prisoners): the number of prisoners whose sentence is not final, present at that date, expressed as a percentage of the total number of prisoners at the same date;

- (b) Rate of prisoners not serving a final sentence per 100 000 inhabitants on 1 September 2004: the number of prisoners whose sentence is not final, present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants.

In order to calculate indicators (a) and (b), the number of prisoners not serving a final sentence is obtained by adding headings (a), (b), (c) and (e) of Table 4. However, when there are no data available under heading (c) "sentenced prisoners who have appealed or who are within the statutory time limit for doing so" of Table 4, without any further information being provided, it is assumed that prisoners in that situation are included among those under heading (d) "sentenced prisoners, final sentence". In that case, both indicators are presented between brackets and must be interpreted cautiously.

- (c) Percentage of untried prisoners (no court decision yet reached) at 1 September 2004: the number of untried prisoners (not yet convicted), present at that date, expressed as a percentage of the total number of prisoners at the same date;
- (d) Rate of untried prisoners (no court decision yet reached) per 100 000 inhabitants on 1 September 2004: the number of untried prisoners (not yet convicted), present at that date, in relation to the number of inhabitants at the same date – expressed per 100 000 inhabitants.

In order to calculate indicators (c) and (d), only prisoners under heading (a) "untried prisoners (not yet convicted)" of Table 4 are taken into account. However, when there are no data available under heading (b) "prisoners convicted but not yet sentenced" of Table 4, without any further information being provided, it cannot be excluded that prisoners in that situation are included among those under heading (a) "untried prisoners (no court decision yet reached)". In that case, both indicators are presented between brackets and must be interpreted cautiously.

**Table 6. Breakdown of sentenced prisoners (final sentence) by main offence on 1 September 2004 (numbers)**

**Table 7. Breakdown of sentenced prisoners (final sentence) by main offence on 1 September 2004 (percentages)**

Tables 6 and 7 present the breakdown of prisoners with final sentence – those under heading (d) of Table 4 – according to the main offence for which they were convicted. The following breakdown is used:

- (h) Prisoners sentenced for homicide (including attempts);
- (i) Prisoners sentenced for assault;
- (j) Prisoners sentenced for rape;
- (k) Prisoners sentenced for robbery;
- (l) Prisoners sentenced for other types of theft;
- (m) Prisoners sentenced for drug offences;
- (n) Prisoners sentenced for other offences;
- (o) Total.

**Table 8. Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2004 (numbers)**

**Table 9. Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2004 (percentages)**

Tables 8 and 9 present the breakdown of prisoners with final sentence – those under heading (d) of Table 4 – according to the length of the sentence imposed to them. The following breakdown is used:

- (a) Prisoners sentenced to less than one month;
- (b) Prisoners sentenced to one month to less than three months;
- (c) Prisoners sentenced to three months to less than six months;
- (d) Prisoners sentenced to six months to less than one year;
- (e) Prisoners sentenced to one year to less than three years;
- (f) Prisoners sentenced to three years to less than five years;
- (g) Prisoners sentenced to five years to less than ten years;
- (h) Prisoners sentenced to ten years to less than twenty years;
- (i) Prisoners sentenced to more than twenty years;
- (j) Prisoners sentenced to life imprisonment;
- (k) Prisoners sentenced to death.

**Table 10. Breakdown of sentenced prisoners (final sentence) by length of the sentence on 1 September 2004 (cumulative percentages)**

This table presents the breakdown, expressed in cumulative percentages, of prisoners with final sentence ? those under heading (d) of Table 4 – according to the length of the sentence imposed to them. The following breakdown is used:

- (a) Percentage of prisoners sentenced to less than one year;
- (b) Percentage of prisoners sentenced to one year and over (fixed-term sentence);
- (c) Percentage of prisoners sentenced to three years and over (fixed-term sentence);
- (d) Percentage of prisoners sentenced to five years and over (fixed-term sentence);
- (e) Percentage of prisoners sentenced to ten years and more (fixed-term sentence);
- (f) Percentage of prisoners sentenced to fixed-term sentences;
- (f) Percentage of prisoners sentenced to life imprisonment;
- (g) Percentage of prisoners sentenced to death.

**Table 11. Breakdown of prisoners sentenced (final sentence) to less than one year, by length of the sentence on 1 September 2004 (percentages)**

This table presents the breakdown, expressed in percentages, of prisoners sentenced to less than one year according to the length of the sentence imposed to them. The following breakdown is used:

This table presents the breakdown of the sentences of less than one year imposed to convicted prisoners. Under each heading, we present the percentage of the prisoners (sentenced to less than one year) that were sentenced to:

- (a) Prisoners sentenced to less than one month;
- (b) Prisoners sentenced to one month to less than three months;
- (c) Prisoners sentenced to three months to less than six months;
- (d) Prisoners sentenced to six months to less than one year.

## **1.2. Flow of entries, length of imprisonment, escapes and deaths in 2003**

Tables 12 to 15.2 show the number of entries into prison (flow statistics), the length of imprisonment, and the number of escapes and deaths in penal institutions in the year 2003.

**Table 12. Flow of entries to penal institutions in 2003**

- (a) Total number of entries to penal institutions in 2003. This indicator is usually known as "flow of entries";
- (b) Rate of entries to penal institutions per 100 000 inhabitants: the number of entries for 2003, in relation to the average number of inhabitants during the same period (in view of the information available, the figure actually used is the number of inhabitants at 1 January 2004);
- (c) Entries before final sentence: number and percentage.

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

- Entry following transfer from one penal institution to another;
- Entry following the prisoner's removal from the institution in order to appear before a judicial authority (investigating judge, trial court, etc);
- Entry following prison leave or a period of authorised absence;
- Entry following an escape, after re-arrest by the police.

The figures do not relate to the number of individuals but to the number of events (entries). The same individual may enter prison several times in the same year for the same case. This applies, for instance, to an individual who is placed in pre-trial detention during year "n" (first entry), released by the investigating judge at the pre-trial investigation stage, tried without being

re-detained, convicted and sentenced to a term of imprisonment exceeding the period of pre-trial detention, and re-imprisoned during the same year "n" to serve the remainder of the sentence (second entry). A fortiori, the same individual may enter in prison several times in the same year for different cases.

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

**Table 13.1 Indicator of average length of imprisonment in 2003, based on the total number of days spent in penal institutions**

- (a) Total number of days spent in penal institutions in 2003;
- (b) Average number of prisoners in 2003:  $b = a / 365$ ;
- (c) Total number of entries to penal institutions in 2003 (flow of entries) = heading (a) of Table 12;
- (d) Indicator of average length of imprisonment (D) expressed in months: quotient of the average number of prisoners in 2003 (P) by the flow of entries during that period (E), multiplied by 12 (months):  
 $D = 12 (P / E)$

The figure under heading (a) corresponds to the total number of days spent in penal institutions by all persons placed in detention for at least one day during the reference year (2003). This may be time spent in pre-trial detention or time spent serving a prison sentence, or may even correspond to other circumstances (detention for failure to pay a fine, for instance). No distinction is made here between those categories. This kind of data is usually prepared by the departments responsible for prison budgets and is used to calculate the average daily cost of imprisonment.

By dividing the number of days of imprisonment by 365 (366 in leap years) we obtain the "average number of prisoners in the year" or the number of "prisoners-year" (b), which constitutes probably the best possible indicator of the average number of prisoners present in the year.

**Table 13.2 Indicator of average length of imprisonment in 2003, based on the total number of days spent in penal institutions**

As some countries did not provide data regarding the total number of days spent in penal institutions in 2003 – heading (a) of Table 13.1 – and other provided figures that did not seem reliable (see Notes to Table 13.1), we have added Table 13.2 (Indicator of average length of imprisonment in 2003, based on the total number of prisoners on 1 September 2003) in which we have used the total number of prisoners on 1 September 2003 as an estimate of the average number of prisoners in that year (source: SPACE 2003). We have also used this indicator to work out other figures pre-

sented in Tables 14 and 15 (escape rate, mortality rate and suicide rate).

**Table 14. Escapes of prisoners in 2003**

The table includes two types of escape:

- (a) Escapes by prisoners (convicted prisoners or pre-trial detainees under the supervision of the prison administration) from a closed penal institution or during an administrative transfer (for example, to or from a court, another penal institution or a hospital).

In the event of a group breakout, the number of escapes is equal to the number of inmates involved.

Relating the number of escapes to the total number of prisoners on 1 September 2003 (used here as an estimate of the average number of prisoners) provided in SPACE 2003 we obtain the rate of escapes per 10 000 prisoners:  $10\ 000 (a / \text{total number of prisoners on 1 September 2003})$ .

- (b) Other forms of escape (absconding or running off): Examples are escapes from open institutions (such as work farms) or from semi-detention, and escapes during an authorised short-term absence (or leave) from all kinds of institutions (including closed institutions).

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

**Table 15.1 Deaths in penal institutions in 2003 (including suicides)**

This table includes:

- (a) Total number of deaths in penal institutions in 2003;
- (b) Number of suicides in 2003;
- (c) Suicides as a percentage of total deaths:  $100 (b / a)$

Relating the total number of deaths in prison (a) and the number of suicides in prison (b) to the total number of prisoners on 1 September 2003 (used here as an estimate of the average number of prisoners) provided in SPACE 2003 we obtain respectively:

- (d) Mortality rate per 10 000 prisoners:  $10\ 000 (a / \text{total number of prisoners on 1 September 2003})$ ;
- (e) Suicide rate per 10 000 prisoners:  $10\ 000 (b / \text{total number of prisoners on 1 September 2003})$ .

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

**Table 15.2 Types of deaths and suicides included in Table 15.1**

The goal of this table is to clarify which types of suicides are being counted. The tables include the answers (yes or no) to the following questions:

- (a) Do data include detainees who died or committed suicide in hospital?

- (b) Do data include detainees who died or committed suicide outside prison?

## II. Prison staff

The situation of prison staff is set out in six tables:

**Table 16. Staff working full time in penal institutions**

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

**Table 18. Staff working full or part time in penal institutions: on the basis of full-time equivalents (numbers)**

**Table 19. Staff working full or part time in penal institutions: on the basis of full-time equivalents (percentage)**

In Tables 16 to 19 we are concerned with the situation of staff working in penal institutions on 1 September 2004. The staff is classified in the following categories:

- (a) Total
- (b) Management: Management staff;
- (c) Custodial: Custodial staff excluding staff already included in (b);
- (d) Treatment: Treatment staff (including medical staff, psychologists, social workers, teachers/educators, etc.), excluding staff already included in (b) or (c);
- (e) Workshops: Staff responsible for workshops or vocational training, excluding staff already included in (b), (c) or (d);
- (f) Administrative: Administration staff, excluding staff already included in (b), (c), (d) or (e).
- (g) Other staff

The goal of these tables is to count all staff working in penal institutions who are employed by the prison authorities. Respondents were asked to exclude persons working in penal institutions but not employed by

the prison authorities (in some countries this applies to doctors, teachers or perimeter guards). Such staff is included in Table 20. They were also asked to exclude staff members who do not work in penal institutions but in the central prison administration offices or regional offices, or in storage depots (facilities for storage of food and miscellaneous equipment). Such staff is also included in Table 20.

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

**Table 20. Other categories of staff**

Situation on 1 September 2004:

- (a) Staff working in central prison administration offices;
- (b) Staff working in regional offices;
- (c) Staff not working in penal institutions (e.g. at food or equipment storage depots);
- (d) Staff working in penal institutions but not employed by the prison authorities.

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

**Table 21. Supervision of prisoners**

- (a) Total number of prisoners on 1 September 2004: see Table 1.
- (b) Total number of custodial staff on 1 September 2004: see Table 19.
- (c) Rate of supervision of prisoners (number of prisoners per custodian):  $c = a / b$ .

## Presentation of the statistical data

*Conventions used*

***	The question is irrelevant; the item refers to a concept not found in the penal system country concerned.
0	The number is 0 but the concept exists in the penal system of the country concerned.
...	No figures available, but the concept exists in the penal system of the country concerned.
( )	When the data are shown in brackets this means that they are not strictly comparable with the data requested by SPACE. The divergences are explained in the notes to the relevant table. As a rule, this applies to items whose definition is not the same as the one used by SPACE.
	When the questionnaire box is left blank or a symbol is used whose meaning is not explicit (for example "/" or "-"), we leave the box blank.

## Measures of central tendency

In tables containing rates or percentages we have used the following measures to describe the distribution of the data:

- (a) Mean: the arithmetic mean is the sum of the data supplied divided by the number of countries supplying them. The mean is sensitive to very high or very low values, which is why the median is also used as a measure of central tendency.
- (b) Median: the median is the value that divides the data supplied by the countries concerned into two equal groups so that 50% of the countries are above the median and 50% are below it. The median is not influenced by very high or very low values.
- (c) Minimum: the lowest recorded value in the table
- (d) Maximum: the highest recorded value in the table

For reasons of accuracy we have calculated the mean and median values from the original database, which contains all the decimals not presented in the tables. Readers who rework the calculations from the data in the tables - which only contain one or two decimals - will therefore obtain slightly different results from ours.

## Demographic data

The rates of imprisonment have been calculated using demographic data on 1 January 2004 taken from "Recent demographic developments in Europe, 2004" (Strasbourg: Council of Europe Publications, 2005).

Exceptions: When no information was available for 1 January 2004, we have used the latest demographic data. When prison population data referred to a different territorial division than demographic data, we have used other sources (which are described below) for the latter.

These exceptions concern the following countries:

- Bosnia and Herzegovina (Federation of Bosnia and Herzegovina and Republika Srpska): Demographic data are estimates.
- Croatia: Demographic data relate to 1 January 2003.
- France: Demographic data are estimates by the *Institut National de la Statistique*, INSEE ([http://www.insee.fr/fr/ffc/pop\\_age.htm](http://www.insee.fr/fr/ffc/pop_age.htm)). They relate to 1 January 2004 and include the European territory of France (known as the *Métropole*) as well as the French overseas territories (Guadeloupe, Martinique, Guyana and Réunion, known as DOM or *Départements d'Outre-mer*).
- San Marino: Demographic data relate to 1 January 2003.
- Spain: Demographic data for Catalonia are estimates based on data from the Spanish National Institute of Statistics available at [www.ine.es](http://www.ine.es).
- United Kingdom: Demographic data for England and Wales, Northern Ireland and Scotland are estimates calculated by National Statistics Online

(<http://www.statistics.gov.uk/cci/nugget.asp?id=6>) and relate to the mid-2004 population.

## Data validation procedure

According to the authors of the *European Sourcebook of Crime and Criminal Justice Statistics* (Strasbourg, Council of Europe, 1999), "validation is often the most important – and in many cases the most forgotten – stage of the data collection process". Therefore, since the 2002 SPACE I survey, we have introduced a validation procedure for the data received. Such procedures substantially increase the workload of all the individuals and countries involved in the elaboration of SPACE. It also delays the publication of the data. However, we believe that the results obtained – in other words, the improvements to the quality of the data – justify its use.

As part of the validation procedure, we produced a preliminary version of SPACE and a series of control tables that revealed a number of inconsistencies in the data received from some countries. Those countries were contacted again by means of a personal letter – sent by e-mail or fax – setting out the specific problems encountered in their data. Many of them answered our request. In general they corrected their figures, sent new ones for certain parts of the questionnaire, or indicated the reasons for the divergences identified. Such divergences are mainly due to differences in the national prison statistics systems as well as in criminal justice systems across Europe and are explained in the notes to the relevant tables.

A second preliminary version of SPACE was then produced and sent to the members of the PC-CP as well as to our colleague Roy Walmsley. We would like to thank all of them for their helpful comments and suggestions which have been incorporated into the final version of SPACE.

Nevertheless, despite our efforts to identify errors and inconsistencies, some of them may still remain and others may have been introduced involuntarily during the data processing. Moreover, it has not always been possible to correct the inconsistencies discovered in a totally satisfactory way. In that context, any readers' comments, notes or criticisms are welcomed.

## Statistical tables

### *1.1 Prison populations State of prison populations on 1 September 2004*

General Notes (including legislative or other measures which directly influence trends in the number of prisoners)

**Azerbaijan:** Four collective pardon acts.

**Bosnia and Herzegovina – Federation of Bosnia and Herzegovina:**

- Individual pardons
- Conditional release (parole)
- Fines replaced by imprisonment

**Bosnia and Herzegovina – Republic Srpska:** 474 pardons and conditional releases.

**Bulgaria:** Namely probation and conditional early release.

**Cyprus:** 74 suspensions of sentence.

**Denmark:**

- Data relate to 31 August 2004 instead of 1 September 2004.
- Amendment of the Danish Penal Code and the Danish Act on Enforcement of Sentences, etc. (Act No. 219 of 31 March 2004):

The amendment allows certain inmates to be granted release on parole after having served one half (but no less than four months) of the term of imprisonment (early release on parole). In order to qualify for early release on parole an inmate must either make a special effort while imprisoned to reduce the risk of committing new crime after the release or have such favourable personal conditions that further imprisonment is deemed unnecessary if the inmate agrees to community service as an alternative to serving the remaining part of the sentence in prison. An example of a special effort is participation in a drugs – or alcohol rehabilitation programme or commencement of education or further education while imprisoned. To meet the condition regarding favourable personal conditions the inmate must have no prior prison sentences, must have an employment offer (job or education) at the time of the release, must have reasonable accommodation and favourable social relations and have no drugs or alcohol abuse. The possibility for early release on parole does not apply to inmates who display negative or criminal behaviour during the imprisonment and it is a precondition that the imprisonment has been unproblematic. Extreme caution is taken when considering early release on parole of inmates who have been sentenced to prison as a result of very serious crime. During the first year early release on parole has freed cell capacity to the equivalent of 26 prison cells to be used for accommodating convicted persons awaiting imprisonment. It is expected that early release on parole has the potential of freeing cell capacity to the equivalent of 70 prison cells per year.

- Amendment of the Danish Penal Code (Act No. 218 of 31 March 2004): Section 33(3), which states that the penalty cannot exceed eight years of imprisonment if the accused is less than 18 years old when the crime is committed.
- Amendment of the Danish Penal Code (Act No. 352 of 19 May 2004): Regarding the penalty for crimes related to computer technology etc.

**Estonia:** No measures (legislative or other) influencing directly the trends in the number of prisoners have been taken during the last twelve months.

**France:**

- Data relate to the European territory of France (known as the *Métropole*) as well as the French overseas territories (Guadeloupe, Martinique,

Guyana and Réunion, known as DOM or Départements d'Outre-mer).

- The collective pardon decree of 9 July 2004 granted some convicted persons an exceptional reduction of sentence.

**Germany:** No measures (legislative or other) influencing directly the trends in the number of prisoners have been taken during the last twelve months.

**Hungary:** Since 1 January 2005, remand custody can exclusively be enforced in institutions belonging to the prison service.

**Italy:**

- Data do not include minors.
- Law No. 207 of 1 August 2003 on conditional suspension of the sentence: 3 864 prisoners took advantage of this law from its entry into force until the end of 2003.

**Liechtenstein:**

- There have been two amnesties by the ruling Prince of Liechtenstein.
- According to a treaty between Liechtenstein and Austria, long-term prisoners usually serve their sentences in Austrian penal institutions.

**Moldova:**

- Law No. 278-XV of 16 July 2004 introducing an amnesty in connection with the 10th anniversary of the adoption of the Constitution of the Republic of Moldova.

**“The former Yugoslav Republic of Macedonia”:**

- Collective pardons: 14
- Individual pardons: 10
- Conditional release (pardon): 512
- Released by a court decision: 249

**Netherlands**

- In Tables 1 to 1.5, figures refer to the total number of prisoners: 20 075 (see the breakdown of this general category in the notes to Table 1). In the rest of the Tables, figures refer only to prisoners held in penal institutions for adults (16 173).
- Because of a lack of places in penal institutions, more than 5 000 convicted prisoners were released earlier.
- Because of a lack of places in penal institutions, more than 6 000 persons were not committed to penal institutions but were released by the police subject to the obligation to return later to serve their sentences.

**Romania**

- Law No. 543 of 4 October 2002, concerning the pardoning of some penalties and the dismissing of some sanctions and measures.
- Government Emergency Ordinance No. 18 of 2 April 2003 modifying Article 8 of Law No. 543 of 4 October 2002, concerning the pardoning of some

penalties and the dismissing of some sanctions and measures.

- Government Emergency Ordinance No. 108 of 29 October 2003 abolishing the detention for contraventions.
- Successive alterations of the Penal Procedure Code.
- Law No. 429 of 29 October 2003 introducing an amendment of the constitution, approved by referendum.

**San Marino:** Under the Criminal Code (Art. 99), any person serving a punishment of at least six months' imprisonment in San Marino may be transferred to a "foreign penal institution", if the competent judge so decides and if there is a relevant international agreement. These prisoners are not included in San Marino statistics.

**Slovak Republic:** No measures (legislative or other) influencing directly the trends in the number of prisoners have been taken during the last twelve months.

**Spain:**

- In order to assure the continuity of the SPACE I time series initiated in 1983, in Tables 1.1 to 1.4 the expert has added the data from Catalonia to the data from the rest of Spain. In the rest of the survey data are presented in a separate way as the Autonomous Community of Catalonia has its own prison administration.
- Several laws contributed to the increase of the prison population:

Law 7/2003 introducing reforms in order to assure that prisoners serve the full length of their sentences.

Law 15/2003 introducing a major revision of the Penal Code.

Law 1/2004 regarding violence against women.

**Sweden:** Data relate to 1 October 2004 instead of 1 September 2004.

**Switzerland:** All institutions holding persons deprived of their liberty are, in principle, included. Police stations in cantons where custody may last for more than twenty-four hours are also included if the detention institutions in the cantons in question are subject to the police and justice department. Institutions where persons are committed on account of mental disorder or alcohol or drug dependence are not necessarily included. Young persons under age in the care of cantonal education departments, for whom there are no national statistics, are not included; however, those committed to the aforementioned detention institutions have been counted.

**Turkey:** The new Turkish Penal Code (No. 5237) was accepted on 26 August 2004 by the Turkish National Grand Assembly. In total, 11 928 prisons took advantage of the new code and their sentences were suspended according to article 401 of the Code of Criminal Procedure.

**UK – Scotland:** No measures (legislative or other) influencing directly the trends in the number of prisoners have been taken during the last twelve months.



Table 1. Situation of penal institutions on 1 September 2004

Reference: Council of Europe, SPACE 2004.1  
For notes, see p. 94

	Country population (in thousands)	Total number of prisoners (including pre-trial detainees)	Prison population rate per 100 000 inhabitants	Capacity of penal institutions	Prison density (per 100 places)
Armenia	3 212.2	2 727	84.9	6 090	44.8
Azerbaijan	8 265.7	18 259	220.9	24 520	74.5
BH: Federation BH	2 600	1 247	48.0	1 430	87.2
BH: Republic Srpska	1 400	977	69.8	1 020	95.8
Bulgaria	7 801.3	10 935	140.2	8 904	122.8
Croatia	4 442.2	2 846	64.1	3 117	91.3
Cyprus	818.2	546	(66.7)	340	160.6
Denmark	5 397.6	3 762	69.7	3 935	95.6
Estonia	1 351	4 565	337.9	4 800	95.1
Finland	5 219.7	3 446	66.0	3 479	99.1
France	6 217.7	56 271	90.5	49 595	113.5
Germany	82 531.7	79 676	96.5	79 204	100.6
Hungary	10 116.7	16 410	162.2	11 322	144.9
Iceland	290.6	115	39.6	137	83.9
Italy	57 888.2	56 090	96.9	42 656	131.5
Latvia	2 319.2	7 731	333.3	9 096	85.0
Liechtenstein	34.3	(7)	(20.4)	22	(31.8)
Lithuania	3 445.9	7 827	227.1	9 718	80.5
Luxembourg	451.6	548	121.3	683	80.2
Moldova	3 607.4	10 383	287.8	12 490	83.1
Netherlands	16 258	20 075	123.5	21 684	92.6
Norway	4 577.5	2 975	65.0	3 118	95.4
Poland	38 190.6	79 344	207.8	69 573	114.0
Romania	21 711.3	40 085	184.6	38 539	104.0
San Marino	28.8	(0)	(0)	15	(0)
Slovak Republic	5 380.1	9 504	176.7	9 601	99.0
Slovenia	1 996.4	1 126	56.4	1 103	102.1
Spain: Catalonia	6 600	7 922	120.0	6 922	114.4
Spain: Rest of Spain	35 597.9	51 302	144.1	38 811	132.2
Spain: Total	42 197.9	59 224	140.3	45 733	129.5
Sweden	8 975.7	7 332	81.7	7 099	103.3
Switzerland	7 364.1	6 021	81.8	6 584	91.4
"The former Yugoslav Republic of Macedonia"	2 029.9	1 747	86.1	2 225	78.5
Turkey	71 254	71 148	99.9	68 622	103.7
Ukraine	47 622.4	193 489	406.3	158 600	122.0
UK: England and Wales	53 046.3	74 488	140.4	77 927	95.6
UK: Northern Ireland	1 710.3	1 295	75.7	1 489	87.0
UK: Scotland	5 078.4	6 885	135.6	6 376	108.0
<i>Mean</i>			137.0		101.3
<i>Median</i>			109.9		97.4
<i>Minimum</i>			39.6		44.8
<i>Maximum</i>			406.3		160.6

**Appendix to Table 1. Situation of penal institutions for selected countries that did not answer the 2004 SPACE I Survey**

*Source: World Prison Brief (International Centre for Prison Studies) at [www.prisonstudies.org](http://www.prisonstudies.org)*

	Country population (in thousands)	Total number of prisoners (including pre-trial detainees)	Date of reference	Prison population rate per 100 000 inhabitants	Capacity of penal institutions	Prison density per 100 places
Austria	8 180	8 700	1.2.05	106	8 022*	101.1*
Belgium	10 490	9 245	1.3.04	88	8 092*	113.0*
Czech Republic	10 220	18 160	31.8.04	178	15 689*	115.6*
Georgia	4 300	7 091	18.8.04	165	8 317	85.3
Greece	10 650	8 760	16.12.04	82	5 584	156.9
Ireland	4 030	3 174*	30.9.04	79	3 359	94.5
Portugal	10 520	13 563	15.8.04	129	12 435	109.1
Russian Federation	143 700	787 900	1.8.04	548	960 066*	79.5*
Serbia & Montenegro:						
Serbia	8 100	7 556	31.10.04	93	8 937	84.5

**Notes – Appendix to Table 1**

- Demographic data are estimated from Council of Europe figures.
- \* Austria: Capacity and density on 10 November 2003.
- \* Belgium: Capacity and density on 25 November 2003.
- \* Czech Republic: Capacity and density on 18 June 2004.
- \* Russian Federation: Capacity and density on 31 December 2004.
- \* Ireland: Total does not include 243 prisoners on temporary release.

**Table 1.1 Situation of penal institutions on 1 September 2004 by decreasing prison population rates**

*Reference : Council of Europe, SPACE 2004.1.2*

	Total number of prisoners (including pre-trial detainees)	Prison population rate per 100 000 inhabitants
Ukraine	193 489	406.3
Estonia	4 565	337.9
Latvia	7 731	333.3
Moldova	10 383	287.8
Lithuania	7 827	227.1
Azerbaijan	18 259	220.9
Poland	79 344	207.8
Romania	40 085	184.6
Slovak Republic	9 504	176.7
Hungary	16 410	162.2
UK: England and Wales	74 488	140.4
Spain	59 224	140.3
Bulgaria	10 935	140.2
UK: Scotland	6 885	135.6
Netherlands	20 075	123.5
Luxembourg	548	121.3
Turkey	71 148	99.9
Italy	56 090	96.9
Germany	79 676	96.5
France	56 271	90.5
"The former Yugoslav Republic of Macedonia"	1 747	86.1
Armenia	2 727	84.9
Switzerland	6 021	81.8
Sweden	7 332	81.7
UK: Northern Ireland	1 295	75.7
BH: Republic Srpska	977	69.8
Denmark	3 762	69.7
Cyprus	546	66.7
Finland	3 446	66.0
Norway	2 975	65.0
Croatia	2 846	64.1
Slovenia	1 126	56.4
BH: Federation BH	1 247	48.0
Iceland	115	39.6

**Table 1.2 Evolution of prison populations between 2000 and 2004**

(a) Total number of prisoners (including pre-trial detainees) on 1 September of each year (source : SPACE)

(b) Prison population rate per 100 000 inhabitants on 1 September of each year (source : SPACE)

% Change 1999-2004= Evolution (in percentage) of prison population rates between 2000 and 2004

% Change 2003-2004= Evolution (in percentage) of prison population rates between 2003 and 2004

Reference : Council of Europe, *SPACE 2004.1.3*

For notes, see p. 94

For (a) and (b), see above	2000		2001		2002		2003		2004		% change 2000-2004	% change 2003-2004
	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)		
Albania	1 467	43.5	1 635	48.1	1 785	52.5	...	...	...	...	...	...
Andorra	...	...	48	72.5	55	82.9	61	90.8	...	...	...	...
Armenia	...	...	4 213	111	5 624	148	3 429	106.8	2 727	84.9	...	-20.5
Austria	6 896	83.1	6 915	85.1	7 511	92.3	7 816	96.9	...	...	...	...
Azerbaijan	...	...	...	...	18 321	225	16 345	199.3	18 259	220.9	...	10.8
Belgium	8 671	84.7	8 764	85.4	9 253	90.2	8 688	83.9	...	...	...	...
BH : Federation BH	...	...	...	...	1 293	49.7	1 265	48.7	1 247	48.0	...	-1.5
BH : Republika Srpska	...	...	...	...	816	58.3	892	63.7	977	69.8	...	9.6
Bulgaria	9 424	115	9 283	114	9 607	121.7	10 056	128.2	10 935	140.2	21.9	9.3
Croatia	2 027	44.4	2 623	59.9	2 584	58.2	2 594	58.4	2 846	64.1	44.3	9.7
Cyprus	...	...	369	(48.6)	345	(45.1)	355	(44.2)	546	(66.7)	...	51.0
Czech Republic	22 489	219	21 206	207	16 861	164.2	17 053	167.1	...	...	...	...
Denmark	3 279	61.5	3 150	58.9	3 439	64.1	3 577	66.4	3 762	69.7	13.3	5.0
Estonia	4 720	328	4 789	350	4 640	340.9	4 797	353.8	4 565	337.9	3.0	-4.5
Finland	2 703	52.3	3 040	58.7	3 466	66.7	3 437	66	3 446	66.0	26.2	0.0
France	48 835	80.1	47 005	77.1	53 463	87.6	57 440	93.1	56 271	90.5	13.0	-2.8
Georgia	...	...	...	...	7 343	186	6 406	147.5	...	...	...	...
Germany	...	...	78 707	95.8	78 506	95.2	79 567	96.4	79 676	96.5	...	0.1
Greece	8 038	76.2	8 343	79	8 284	78.4	8 555	81	...	...	...	...
Hungary	15 821	158	17 119	171	18 054	177.4	17 012	167.7	16 410	162.2	2.7	-3.3
Iceland	82	29	110	38.8	107	37.3	112	38.8	115	39.6	36.5	2.0
Ireland	2 887	76.4	3 025	80	3 028	78	2 986	75.3	...	...	...	...
Italy	53 481	92.7	55 136	95.3	56 200	99.8	57 238	101.7	56 090	96.9	4.5	(-4.7)
Latvia	8 555	353	8 617	364	8 517	363.1	8 135	348.9	7 731	333.3	-5.6	-4.5
Liechtenstein	...	...	...	...	(17)	...	(18)	...	(7)	...	...	...
Lithuania	8 867	240	10 750	291	11 345	326.4	9 958	287.6	7 827	227.1	-5.4	-21.0
Luxembourg	394	90.4	357	80.9	380	85.6	498	111.1	548	121.3	34.2	9.2
Malta	...	...	257	67.2	283	71.7	278	71.9	...	...	...	...
Moldova	9 754	...	10 679	250	10 532	290.4	10 729	296.5	10 383	287.8	...	-2.9
Netherlands	13 847	90.1	15 246	95.4	16 239	100.8	18 242	112.7	20 075	123.5	37.0	9.6
Norway	2 643	59	2 666	59.2	2 662	58.8	2 914	64	2 975	65.0	10.2	1.5
Poland	65 336	169	80 004	207	80 610	208.7	80 692	211.1	79 344	207.8	22.9	-1.6
Portugal	...	...	13 500	132	13 730	132.8	14 232	136.7	...	...	...	...
Romania	49 682	221	50 370	225	51 476	229.5	45 337	208.2	40 085	184.6	-16.5	-11.3
Russian Federation	...	...	971 496	671	919 330	638.6	860 640	601.4	...	...	...	...
San Marino	...	...	...	...	(1)	...	(0)	...	(0)	...	...	...
SM : Montenegro	...	...	...	...	...	...	734	104.9	...	...	...	...
SM : Serbia	...	...	...	...	...	...	7 487	74.9	...	...	...	...
Slovak Republic	7 128	297	7 509	139	7 849	145.9	8 829	164.1	9 504	176.7	-40.5	7.6
Slovenia	1 136	57.3	1 155	58	1 120	56.2	1 099	55.1	1 126	56.4	-1.6	2.4
Spain	45 044	114	46 962	117	50 994	126.2	55 244	135.8	59 224	140.3	23.1	3.3
Sweden	5 678	64.1	6 089	68.5	6 506	73	6 755	75.6	7 332	81.7	27.4	8.1
Switzerland	6 390	89.2	5 160	71.6	4 987	68.7	5 266	72	6 021	81.8	-8.3	13.6
"The former Yugoslav Republic of Macedonia"	1 394	69	1 413	69.9	1 248	61.2	1 598	78.4	1 747	86.1	24.7	9.8
Turkey	71 860	110	61 336	93.2	60 091	86.7	64 051	92	71 148	99.9	-9.2	8.5
Ukraine	...	...	198 885	406	198 946	405.7	198 386	413.3	193 489	406.3	...	-1.7
UK : England and Wales	65 666	124	67 056	126	71 324	137.1	72 992	139.1	74 488	140.4	13.2	0.9
UK : Northern Ireland	980	...	877	51.6	1 076	63.8	1 185	69.8	1 295	75.7	...	8.5
UK : Scotland	5 855	...	...	...	6 513	128.7	6 642	131.4	6 885	135.6	...	3.2

**Table 1.3 Year-on-year rates of increase and decrease of prison population rates between 2002 and 2003**

*Reference: Council of Europe, SPACE 2004.1.4*

Increase of more than 5%		Between -5% and +5%		Decrease of more than 5%	
Cyprus	51.0	Denmark	5.0	Romania	-11.3
Switzerland	13.6	Spain	3.3	Armenia	-20.5
Azerbaijan	10.8	UK: Scotland	3.2	Lithuania	-21.0
"The former Yugoslav Republic of Macedonia"	9.8	Slovenia	2.4		
Croatia	9.7	Iceland	2.0		
Netherlands	9.6	Norway	1.5		
BH: Republic Srpska	9.6	UK: England and Wales	0.9		
Bulgaria	9.3	Germany	0.1		
Luxembourg	9.2	Finland	0.0		
Turkey	8.5	BH: Federation BH	-1.5		
UK: Northern Ireland	8.5	Poland	-1.6		
Sweden	8.1	Ukraine	-1.7		
Slovak Republic	7.6	France	-2.8		
		Moldova	-2.9		
		Hungary	-3.3		
		Latvia	-4.5		
		Estonia	-4.5		
		Italy	(-4.7)		

**Notes – Table 1.4**

**Italy:** Data for 2004 are not comparable to data for 2003 because the prison population figures for 2003 include minors, and in 2004 they are not included.

Table 1.4 Categories included in the total number of prisoners

Reference : Council of Europe, SPACE 2004.1.5  
For notes, see p. 95

	Total number of prisoners (including pre-trial detainees) (Table 1.1)	Does the total number of prisoners include the following categories ?					
		Facilities that do not depend on the Prison Administration	Institutions for juvenile offenders	Institutions for drug-addict offenders	Psychiatric institutions or hospitals	Asylum seekers or illegal aliens held for administrative reasons	Persons under electronic surveillance
Armenia	2 727	No	Yes	Yes	Yes	***	***
Azerbaijan	18 259						
BH: Federation BH	1 247	No	No	No	No	No	No
BH: Republic Srpska	977	***	***	***	***	***	***
Bulgaria	10 935	No	Yes	No	Yes (64)	No	...
Croatia	2 846	No	Yes	***	No	Yes	***
Cyprus	546	***	***	***	Yes	No	No
Denmark	3 762	No	No	No	No	No	Yes
Estonia	4 565	No	Yes	***	Yes	Yes	***
Finland	3 446	No	Yes	Yes	Yes	No	***
France	56 271	No	No	Yes	No	No	Yes
Germany	79 676	No	Yes	No	No	No	No
Hungary	16 410	No	Yes	No	No	Yes	***
Iceland	115	No	No	No	No	No	***
Italy	56 090						
Latvia	7 731	No	Yes	No	No	No	***
Liechtenstein	7	No	No	No	Yes	Yes	***
Lithuania	7 827	No	Yes	No	No	No	***
Luxembourg	548	No	No	No	No	Yes	No
Moldova	10 383	No	Yes	No	No	No	No
Netherlands	20 075	No	Yes (2 362)	Yes	Yes (1 375)	Yes	Yes
Norway	2 975	No	***	No	No	No	Yes
Poland	79 344	No	No	No	No	No	No
Romania	40 085	No	Yes	No	No	No	No
San Marino	0	No	No	No	No	No	No
Slovak Republic	9 504	No	No	No	No	No	No
Slovenia	1 126	No	Yes	No	No	No	No
Spain: Catalonia	7 922	No	Yes	Yes	Yes	No	Yes
Spain: rest of Spain	51 302						Yes (436)
Sweden	7 332	No	No	Yes	Yes	Yes	No
Switzerland	6 021	Yes	No	No	No	Yes	No
"The former Yugoslav Republic of Macedonia"	1 747	No	Yes	No	No	No	***
Turkey	71 148	No	Yes	Yes	Yes	No	No
Ukraine	193 489						
UK: England and Wales	74 488	No	No	No	No	No	No
UK: Northern Ireland	1 295	No	Yes	No	No	Yes	No
UK: Scotland	6 885	No	No	No	No	No	No

**Table 2. Age structure of prison populations on 1 September 2004: median age, mean (average) age, minors and persons between 18 and 21 years of age**

Reference: Council of Europe, SPACE 2004.2  
For notes, see p. 95

	Median age	Mean (average) age	Prisoners under 18 years of age		Prisoners 18 to less than 21 years	
			Number	%	Number	%
Armenia	...	40	51	1.9	...	...
Azerbaijan	38	...	60	0.3	650	3.6
BH: Federation BH	42	38.9	0	0.0	48	3.8
BH: Republic Srpska	...	37	2	0.2	21	2.1
Bulgaria	34.1	...	144	1.3	505	4.6
Croatia	36	34	45	1.6	133	4.7
Cyprus	...	...	...	...	43	7.9
Denmark	30.5	32.8	24	0.6	192	5.1
Estonia	...	31.7	55	1.2	435	9.5
Finland	33.7	35.4	9	0.3	98	2.8
France	32.3	34.7	628	1.1	4 224	7.5
Germany	...	...	1 456	1.8	5 443	6.8
Hungary	...	34	180	1.1	1 261	7.7
Iceland	32	33.6	0	0.0	8	7.0
Italy	35	36.8	***	***	1 329	2.4
Latvia	...	35	206	2.7	620	8.0
Liechtenstein	41.5	...	0	***	0	***
Lithuania	...	31.5	182	2.3	621	7.9
Luxembourg	...	28	7	1.3	19	3.5
Moldova	32	...	122	1.2	823	7.9
Netherlands	32	33	73	0.4	1 269	6.3
Norway	...	33.6	9	0.3	163	5.5
Poland	...	...	***	***	...	...
Romania	...	32.5	811	2.0	3 061	7.6
San Marino	***	***	***	***	***	***
Slovak Republic	...	36	128	1.3	631	6.6
Slovenia	33	34.8	15	1.3	58	5.2
Spain: Catalonia	...	35	219	2.8	196	2.5
Spain: Rest of Spain	33	34.7			1 296	2.5
Sweden	34	36	25	0.3	231	3.2
Switzerland	...	...	86	1.4	...	...
"The former Yugoslav Republic of Macedonia"	33	29.7	24	1.4	287	16.4
Turkey	...	33	2 672	3.8	8 397	11.8
Ukraine	...	...	4 639	2.4	...	...
UK: England and Wales	29	32	2 274	3.1	8 514	11.4
UK: Northern Ireland	29.3	31.2	67	5.2	166	12.8
UK: Scotland	30	32	180	2.6	652	9.5
<i>Mean</i>	33.7	34.0		1.5		6.6
<i>Median</i>	33.0	34.0		1.3		6.6
<i>Minimum</i>	29.0	28.0		0.0		2.1
<i>Maximum</i>	42.0	40.0		5.2		16.4

Table 3. Structure of prison populations on 1 September 2004: female prisoners and foreign prisoners

Reference : Council of Europe, SPACE 2004.3

For notes, see p.95

	Female prisoners		Foreign prisoners	
	Number	%	Number	%
Armenia	73	2.7	30	1.1
Azerbaijan	262	1.4	452	2.5
BH: Federation BH	34	2.7	44	3.5
BH: Republic Srpska	16	1.6	62	6.3
Bulgaria	339	3.1	217	2.0
Croatia	124	4.4	170	6.0
Cyprus	19	3.5	264	48.4
Denmark	175	4.7	621	16.5
Estonia	155	3.4	1 456	31.9
Finland	195	5.7	264	7.7
France	2 205	3.9	12 307	21.9
Germany	3 972	5.0	22 474	28.2
Hungary	1 004	6.1	647	3.9
Iceland	7	6.1	8	7.0
Italy	2 645	4.7	17 642	31.5
Latvia	426	5.5	40	0.5
Liechtenstein	0	***	5	***
Lithuania	263	3.4	55	0.7
Luxembourg	19	3.5	409	74.6
Moldova	526	5.1	142	1.4
Netherlands	1 061	5.3	5 466	27.2
Norway	154	5.2	572	19.2
Poland	2 217	2.8	1 026	1.3
Romania	1 886	4.7	312	0.8
San Marino	***	***	***	***
Slovak Republic	403	4.2	211	2.2
Slovenia	47	4.2	149	13.2
Spain : Catalonia	553	7.0	2 508	31.7
Spain : Rest of Spain	3 965	7.7	14 119	27.5
Sweden	456	6.2	1 460	19.9
Switzerland	373	6.2	4 245	70.5
"The former Yugoslav Republic of Macedonia"	41	2.3	113	6.5
Turkey	2 419	3.4	1 223	1.7
Ukraine	11 832	6.1	3 215	1.7
UK : England and Wales	4 452	6.0	8 941	12.0
UK : Northern Ireland	30	2.3	10	0.8
UK : Scotland	342	5.0	90	1.3
<i>Mean</i>		4.4		15.2
<i>Median</i>		4.7		6.5
<i>Minimum</i>		1.4		0.5
<i>Maximum</i>		7.7		74.6



**Table 4. Legal status of prison populations on 1 September 2004 (numbers)**

- (a) Untried prisoners (no court decision yet reached)
- (b) Prisoners convicted but not yet sentenced
- (c) Sentenced prisoners who have appealed or who are within the statutory time limit for doing so
- (d) Sentenced prisoners (final sentence)
- (e) Other cases
- (f) Total

Reference: Council of Europe, *SPACE 2004.4*  
For notes, see pp. 95-6

For (a) to (f), see above	(a)	(b)	(c)	(d)	(e)	(f)
Armenia	313	341	225	1 848	0	2 727
Azerbaijan	(18 259)	(170)	(850)	(180)	(140)	19 599
BH: Federation BH	241	***	81	925	0	1 247
BH: Republic Srpska	121	51	16	806	9	1 003
Bulgaria	1 928			9 007	0	10 935
Croatia	911	...	...	1 787	148	2 846
Cyprus	96	...	...	450	***	546
Denmark	865	225	2 641	31	3 762	
Estonia	1 096	***	...	3 469	***	4 565
Finland	427			3 107	0	3 534
France	18 102	***	1 658	36 491	20	56 271
Germany	15 999	63 373	304	79 676		
Hungary	3 023	0	...	12 350	1 037	16 410
Iceland	8	***	...	106	1	115
Italy	11 497	***	8 388	35 100	1 105	56 090
Latvia	343	920	865	4 954	649	7 731
Liechtenstein	0	(5)	1	1	0	7
Lithuania	1 175	42	366	6 244	0	7 827
Luxembourg	234	***	44	228	42	548
Moldova	1 270	123	625	8 033	332	10 383
Netherlands	5 239	...	1 171	7 879	1 884	16 173
Norway	612	...	...	2 250	113	2 975
Poland	15 874	...	...	63 152	318	79 344
Romania	3 335	2 658	...	34 092	0	40 085
San Marino	***	***	***	***	***	***
Slovak Republic	3 070	...	...	6 434	0	9 504
Slovenia	181	99	52	737	57	1 126
Spain: Catalonia	1 521	***	...	6 401	0	7 922
Spain: Rest of Spain	11 167	***	...	39 133	1 002	51 302
Sweden	1 561	5 722	49	7 332		
Switzerland	1 865	(591)	...	3 051	514	6 021
"The former Yugoslav Republic of Macedonia"	91	82	127	1 444	3	1 747
Turkey	25 906	5 403	3 678	37 061	***	72 048
Ukraine	17 033	6 916	9 160	149 867	10 513	193 489
UK: England and Wales	7 716	4 779	...	60 924	1 069	74 488
UK: Northern Ireland	512	...	...	751	32	1 295
UK: Scotland	1 095	189	...	5 590	11	6 885

**Table 5. Legal status of prison populations on 1 September 2004 (percentages and rates)**

- (a) Percentage of prisoners not serving a final sentence  
 (b) Rate of prisoners not serving a final sentence per 100 000 inhabitants  
 (c) Percentage of untried prisoners (no court decision yet reached)  
 (d) Rate of untried prisoners (no court decision yet reached) per 100 000 inhabitants

Reference: Council of Europe, SPACE 2003.5  
 For notes, see p. 96

For (a) to (d), see above	(a)	(b)	(c)	(d)
Armenia	32.2	27.4	11.5	9.7
Azerbaijan	(99.1)	(234.9)	(93.2)	(220.9)
BH: Federation BH	25.8	12.4	19.3	9.3
BH: Republic Srpska	19.6	14.1	12.1	8.6
Bulgaria	(17.6)	(24.7)	(17.6)	(24.7)
Croatia	(37.2)	(23.8)	(32.0)	(20.5)
Cyprus	(17.6)	(11.7)	(17.6)	(11.7)
Denmark	29.8	20.8	23.0	16.0
Estonia	(24.0)	(81.1)	24.0	81.1
Finland	(12.1)	(8.2)	(12.1)	(8.2)
France	35.2	31.8	32.2	29.1
Germany	20.5	19.8	...	...
Hungary	(24.7)	(40.1)	18.4	29.9
Iceland	(7.8)	(3.1)	7.0	2.8
Italy	37.4	36.3	20.5	19.9
Latvia	35.9	119.7	4.4	14.8
Liechtenstein	***	***	***	***
Lithuania	20.2	45.9	15.0	34.1
Luxembourg	58.4	70.9	42.7	51.8
Moldova	22.6	65.1	12.2	35.2
Netherlands	51.3	51.0	(32.4)	(32.2)
Norway	(24.4)	(15.8)	(20.6)	(13.4)
Poland	(20.4)	(42.4)	(20.0)	(41.6)
Romania	15.0	27.6	8.3	15.4
San Marino	***	***	***	***
Slovak Republic	(32.3)	(57.1)	(32.3)	(57.1)
Slovenia	34.5	19.5	16.1	9.1
Spain: Catalonia	(19.2)	(23.0)	19.2	23.0
Spain: Rest of Spain	(23.7)	(34.2)	21.8	31.4
Sweden	22.0	17.9	...	...
Switzerland	(49.3)	(40.3)	31.0	25.3
"The former Yugoslav Republic of Macedonia"	17.3	14.9	5.2	4.5
Turkey	48.6	49.1	36.0	36.4
Ukraine	22.5	91.6	8.8	35.8
UK: England and Wales	(18.2)	(25.6)	10.4	14.5
UK: Northern Ireland	(42.0)	(31.8)	(39.5)	(29.9)
UK: Scotland	(18.8)	(25.5)	15.9	21.6
<i>Mean</i>	29.6	41.7	22.2	30.9
<i>Median</i>	24.0	27.6	19.2	23.0
<i>Minimum</i>	7.8	3.1	4.4	2.8
<i>Maximum</i>	99.1	234.9	93.2	220.9

Table 6. Breakdown of sentenced prisoners (final sentence) by main offence on 1 September 2004 (numbers)

Reference: Council of Europe, SPACE 2004.6

For notes, see pp. 96-7

	Homicide	Assaults	Rape	Robbery	Other types of theft	Drug offences	Other offences	Total
Armenia	...	...	...	...	...	...	...	...
Azerbaijan	1 850	1 670	280	2 240	2 650	1 400	5 971	16 061
BH: Federation BH	325	43	86	210	74	55	132	925
BH: Republic Srpska	299	56	20	132	129	37	133	806
Bulgaria	1 079	209	517	1 452	6 493	...	0	9 750
Croatia	528	28	114	149	268	221	479	1 787
Cyprus	5	60	27	15	100	66	177	450
Denmark	169	617	72	355	412	550	392	2 567
Estonia	828	***	128	780	1 468	291	3 046	6 541
Finland	563	534	74	223	661	556	496	3 107
France	3 468	6 350	8 538	3 144	2 662	5 744	6 585	36 491
Germany	4 613	6 486	4 578	7 959	14 112	9 221	16 404	63 373
Hungary	1 500	938	373	2 428	3 485	215	3 411	12 350
Iceland	11	4	6	7	17	24	37	106
Italy	6 356	94	1 282	4 911	1 829	12 420	8 208	35 100
Latvia	702	516	154	1 151	1 395	421	615	4 954
Liechtenstein	0	0	0	1	0	0	0	0
Lithuania	1 379	236	393	1 745	1 764	317	818	6 652
Luxembourg	34	11	23	20	62	51	27	228
Moldova	1 447	438	421	1 424	3 297	308	698	8 033
Netherlands	1 193	479	279	1 180	1 581	1 772	1 395	7 879
Norway	119	233	78	124	257	694	745	2 250
Poland	...	...	...	...	...	...	...	...
Romania	7 048	680	2 087	6 192	13 346	535	4 204	34 092
San Marino	***	***	***	***	***	***	***	***
Slovak Republic	546	351	180	736	1 892	193	2 536	6 434
Slovenia	82	42	80	90	166	81	196	737
Spain: Catalonia	562	686	541	14 136	2 609	7 301	25 835	
Spain: Rest of Spain	1 929	1 440	2 002	17 239	1 484	11 328	3 711	39 133
Sweden	452	756	184	564	665	1 321	1 780	5 722
Switzerland	...	...	...	...	...	...	...	...
"The former Yugoslav Republic of Macedonia"	179	18	35	151	490	219	352	1 444
Turkey	5 517	1 650	2 493	3 828	5 656	3 066	14 851	37 061
Ukraine	20 370	16 372	3 564	13 681	57 122	19 103	19 655	149 867
UK: England and Wales	5 779	900	3 173	8 448	13 047	10 486	19 091	60 924
UK: Northern Ireland	180	69	45	115	72	59	211	751
UK: Scotland	726	975	167	553	705	851	1 613	5 590

Table 7. Breakdown of sentenced prisoners (final sentence) by main offence on 1 September 2004 (percentages)

Reference: Council of Europe, SPACE 2004.7  
For notes, see p. 97

	Homicide	Assault	Rape	Robbery	Other types of theft	Drug offences	Other offences
Armenia	...	...	...	...	...	...	...
Azerbaijan	11.5	10.4	1.7	13.9	16.5	8.7	37.2
BH: Federation BH	35.1	4.6	9.3	22.7	8.0	5.9	14.3
BH: Republic Srpska	37.1	6.9	2.5	16.4	16.0	4.6	16.5
Bulgaria	11.1	2.1	5.3	14.9	66.6	...	...
Croatia	29.5	1.6	6.4	8.3	15.0	12.4	26.8
Cyprus	1.1	13.3	6.0	3.3	22.2	14.7	39.3
Denmark	6.6	24.0	2.8	13.8	16.0	21.4	15.3
Estonia	12.7	***	2.0	11.9	22.4	4.4	46.6
Finland	18.1	17.2	2.4	7.2	21.3	17.9	16.0
France	9.5	17.4	23.4	8.6	7.3	15.7	18.0
Germany	7.3	10.2	7.2	12.6	22.3	14.6	25.9
Hungary	12.1	7.6	3.0	19.7	28.2	1.7	27.6
Iceland	10.4	3.8	5.7	6.6	16.0	22.6	34.9
Italy	18.1	0.3	3.7	14.0	5.2	35.4	23.4
Latvia	14.2	10.4	3.1	23.2	28.2	8.5	12.4
Liechtenstein	***	***	***	***	***	***	***
Lithuania	20.7	3.5	5.9	26.2	26.5	4.8	12.3
Luxembourg	14.9	4.8	10.1	8.8	27.2	22.4	11.8
Moldova	18.0	5.5	5.2	17.7	41.0	3.8	8.7
Netherlands	15.1	6.1	3.5	15.0	20.1	22.5	17.7
Norway	5.3	10.4	3.5	5.5	11.4	30.8	33.1
Poland	...	...	...	...	...	...	...
Romania	20.7	2.0	6.1	18.2	39.1	1.6	12.3
San Marino	***	***	***	***	***	***	***
Slovak Republic	8.5	5.5	2.8	11.4	29.4	3.0	39.4
Slovenia	11.1	5.7	10.9	12.2	22.5	11.0	26.6
Spain: Catalonia	2.2	2.7	2.1	54.7	10.1	28.3	
Spain: Rest of Spain	4.9	3.7	5.1	44.1	3.8	28.9	9.5
Sweden	7.9	13.2	3.2	9.9	11.6	23.1	31.1
Switzerland	...	...	...	...	...	...	...
"The former Yugoslav Republic of Macedonia"	12.4	1.2	2.4	10.5	33.9	15.2	24.4
Turkey	14.9	4.5	6.7	10.3	15.3	8.3	40.1
Ukraine	13.6	10.9	2.4	9.1	38.1	12.7	13.1
UK: England and Wales	9.5	1.5	5.2	13.9	21.4	17.2	31.3
UK: Northern Ireland	24.0	9.2	6.0	15.3	9.6	7.9	28.1
UK: Scotland	13.0	17.4	3.0	9.9	12.6	15.2	28.9
<i>Mean</i>	14.1	7.7	5.3	14.0	21.8	13.8	24.2
<i>Median</i>	12.5	5.7	4.4	12.6	21.3	12.7	25.9
<i>Minimum</i>	1.1	0.3	1.7	3.3	3.8	1.6	8.7
<i>Maximum</i>	37.1	24.0	23.4	44.1	66.6	35.4	46.6

**Table 8. Breakdown of sentenced prisoners (final sentence) by length of sentence on 1 September 2003 (numbers)**

(a) Less than 1 month (e) 1 year to less than 3 years (i) 20 years and over  
 (b) 1 month to less than 3 months (f) 3 years to less than 5 years (j) Life imprisonment  
 (c) 3 months to less than 6 months (g) 5 years to less than 10 years (k) Death-sentence prisoners  
 (d) 6 months to less than 1 year (h) 10 years to less than 20 years (l) Unknown or not available

Reference: Council of Europe, SPACE 2003.8

For (a) to (l), see above	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
Armenia	***	***	***	38	404	501	545	304	***	56	***	0
Azerbaijan	***	***	58	102	2 370	5 200	5 679	2 340	0	201	***	0
BH: Federation BH	15	16	51	107	222	135	196	152	31	***	***	0
BH: Republic Srpska	6	16	35	85	201	118	155	168	22	***	***	0
Bulgaria		414	769	1 601	3 039	1 095	812	1 140	44	93	***	0
Croatia	8	33	68	166	545	282	383	247	55	***	***	0
Cyprus	...	...	...	...	...	...	...	6	...	17	***	427
Denmark	34	265	243	394	766	324	327	169	***	17	***	102
Estonia		425			970	696	910	413	23	32	***	0
Finland		275	382	516	(695)	(609)	(409)		157		***	64
France		4 348		5 047	8 915	4 455	5 209	6 676	1 307	533	***	1
Germany	840	5 016	7 908	13 239	12 546	15 713	5 266	1 051	***	1 794	***	0
Hungary	19	89	247	1 690	4 154	2 380	2 606	939	219	7	***	0
Iceland	3	2	15	17	41	8	10	9	1	0	***	0
Italy	61	236	770	2 001	7 503	7 991	8 203	4 916	2 240	1 179	***	0
Latvia	0	***	30	165	1 374	1 174	1 705	471	1	26	***	8
Liechtenstein	0	0	0	0	1	0	0	0	0	0	***	0
Lithuania	17	77	204	384	2 084	1 509	1 580	704	11	82	***	0
Luxembourg	0	0	10	20	65	33	37	35	14	14	***	0
Moldova	***	***	***	27	659	1 589	3 683	1 403	606	66	***	0
Netherlands	575	823	818	971	2 030	1 128	897	371	21	15	***	230
Norway	100	317	161	329	683	278	222	141	18	***	***	1
Poland	...	...	...	...	...	...	...	...	...	...	***	...
Romania	0	248	186	815	6 882	10 312	9 440	5 297	793	119	***	0
San Marino	***	***	***	***	***	***	***	***	***	***	***	***
Slovak Republic		409		1 113	2 393	956	1 002	534	***	18	***	9
Slovenia	0	9	41	98	237	127	151	68	6	***	***	0
Spain: Catalonia	***	***	***	275	1 071	988	2 473	1 176	413	***	***	5
Spain: Rest of Spain	***	***	***	14 148	(15 755)	(6 676)	(2 014)	540	***	***	***	0
Sweden	18	283	423	860	1 920	892	899	298	5	124	***	0
Switzerland	...	...	...	...	...	...	...	...	...	...	***	0
"The former Yugoslav Republic of Macedonia"	24	17	80	199	484	298	194	140	***	8	***	0
Turkey	1 405	1 066	1 215	1 908	7 605	4 301	5 692	8 780	3 198	1 891	***	0
Ukraine	***	***	***	1 763	31 637	53 953	48 438	12 244	769	1 063	***	0
UK: England and Wales	191	908	3 148	3 807	12 840	15 673	14 275	4 257	228	5 594	***	3
UK: Northern Ireland	3	5	38	85	185	114	125	71	1	124	***	0
UK: Scotland	70	82	451	522	1 107	880	1 264	238	7	626	***	343

**Table 9. Breakdown of sentenced prisoners (final sentence) by length of sentence on 1 September 2004 (percentages)**

- (a) Less than 1 month (e) 1 year to less than 3 years (i) 20 years and over  
 (b) 1 month to less than 3 months (f) 3 years to less than 5 years (j) Life imprisonment  
 (c) 3 months to less than 6 months (g) 5 years to less than 10 years (k) Death-sentence prisoners  
 (d) 6 months to less than 1 year (h) 10 years to less than 20 years (l) Unknown or not available

Reference: Council of Europe, SPACE 2004.9  
 For notes, see p. 97

For (a) to (l), see above	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)
Armenia	...	...	...	2.1	21.9	27.1	29.5	16.5	...	3.0	***	0
Azerbaijan	...	...	0.4	0.6	14.9	32.6	35.6	14.7	0.0	1.3	***	0
BH: Federation BH	1.6	1.7	5.5	11.6	24.0	14.6	21.2	16.4	3.4	***	***	0
BH: Republic Srpska	0.7	2.0	4.3	10.5	24.9	14.6	19.2	20.8	2.7	***	***	0
Bulgaria	...	4.6	8.5	17.8	33.7	12.2	9.0	12.7	0.5	1.0	***	0
Croatia	0.4	1.8	3.8	9.3	30.5	15.8	21.4	13.8	3.1	***	***	0
Cyprus	...	...	...	...	...	...	...	1.3	...	3.8	***	94.9
Denmark	1.3	10.0	9.2	14.9	29.0	12.3	12.4	6.4	***	0.6	***	3.9
Estonia		12.3			28.0	20.1	26.2	11.9	0.7	0.9	***	0
Finland		8.9	12.3	16.6	(22.4)	(19.6)	(13.2)		(5.1)		***	2.1
France		11.9		13.8	24.4	12.2	14.3	18.3	3.6	1.5	***	0.0
Germany	1.3	7.9	12.5	20.9	19.8	24.8	8.3	1.7	***	2.8	***	0
Hungary	0.2	0.7	2.0	13.7	33.6	19.3	21.1	7.6	1.8	0.1	***	0
Iceland	2.8	1.9	14.2	16.0	38.7	7.5	9.4	8.5	0.9	0.0	***	0
Italy	0.2	0.7	2.2	5.7	21.4	22.8	23.4	14.0	6.4	3.4	***	0
Latvia	0.0	***	0.6	3.3	27.7	23.7	34.4	9.5	0.0	0.5	***	0.2
Liechtenstein	***	***	***	***	***	***	***	***	***	***	***	***
Lithuania	0.3	1.2	3.1	5.8	31.3	22.7	23.8	10.6	0.2	1.2	***	0
Luxembourg	0.0	0.0	4.4	8.8	28.5	14.5	16.2	15.4	6.1	6.1	***	0
Moldova	***	***	***	0.3	8.2	19.8	45.8	17.5	7.5	0.8	***	0
Netherlands	7.3	10.4	10.4	12.3	25.8	14.3	11.4	4.7	0.3	0.2	***	2.9
Norway	4.4	14.1	7.2	14.6	30.4	12.4	9.9	6.3	0.8	***	***	0
Poland	...	...	...	...	...	...	...	...	...	...	***	...
Romania	0.0	0.7	0.5	2.4	20.2	30.2	27.7	15.5	2.3	0.3	***	0
San Marino	***	***	***	***	***	***	***	***	***	***	***	***
Slovak Republic		6.4		17.3	37.2	14.9	15.6	8.3	***	0.3	***	0.1
Slovenia	0.0	1.2	5.6	13.3	32.2	17.2	20.5	9.2	0.8	***	***	0
Spain: Catalonia	***	***	***	4.3	16.7	15.4	38.6	18.4	6.5	***	***	0.1
Spain: Rest of Spain	***	***	***	36.2	(40.3)	(17.1)	(5.1)	1.4	***	***	***	0
Sweden	0.3	4.9	7.4	15.0	33.6	15.6	15.7	5.2	0.1	2.2	***	0
Switzerland	...	...	...	...	...	...	...	...	...	...	***	...
"The former Yugoslav Republic of Macedonia"	1.7	1.2	5.5	13.8	33.5	20.6	13.4	9.7	...	0.6	***	0
Turkey	3.8	2.9	3.3	5.1	20.5	11.6	15.4	23.7	8.6	5.1	***	0
Ukraine	***	***	***	1.2	21.1	36.0	32.3	8.2	0.5	0.7	***	0
UK: England and Wales	0.3	1.5	5.2	6.2	21.1	25.7	23.4	7.0	0.4	9.2	***	0
UK: Northern Ireland	0.4	0.7	5.1	11.3	24.6	15.2	16.6	9.5	0.1	16.5	***	0
UK: Scotland	1.3	1.5	8.1	9.3	19.8	15.7	22.6	4.3	0.1	11.2	***	6.1
Mean	1.3	3.7	5.9	9.9	25.9	18.7	21.1	11.2	2.3	2.9	***	3.3
Median	0.4	1.8	5.4	10.9	25.4	15.8	20.8	9.7	0.9	1.2	***	0
Minimum	0.0	0.0	0.4	0.3	8.2	7.5	8.3	1.3	0.0	0.0	***	0
Maximum	7.3	14.1	14.2	20.9	38.7	36.0	45.8	23.7	8.6	16.5	***	94.9

**Table 10. Breakdown of sentenced prisoners (final sentence) by length of sentence on 1 September 2003 (cumulative percentages)**

Reference: Council of Europe, *SPACE 2003.10*

For notes, see p. 97

	Less than 1 year	1 year and over (fixed-term sentence)	3 years and over (fixed-term sentence)	5 years and over (fixed-term sentence)	10 years and over (fixed-term sentence)	Total fixed-term sentences	Life imprisonment (Table 9)	Unknown or not available
Armenia	2.1	94.9	73.1	45.9	16.5	97.0	3.0	0
Azerbaijan	1.0	97.7	82.9	50.3	14.7	98.7	1.3	0
BH : Federation BH	20.4	79.6	55.6	41.0	19.8	100.0	***	0
BH : Republic Srpska	17.6	82.4	57.4	42.8	23.6	100.0	***	0
Bulgaria	30.9	68.1	34.3	22.2	13.1	99.0	1.0	0
Croatia	15.4	84.6	54.1	38.3	16.9	100.0	***	0
Cyprus	...	...	...	...	...	...	...	...
Denmark	35.4	60.1	31.0	18.8	6.4	95.5	0.6	3.9
Estonia	12.3	86.8	58.9	38.8	12.6	99.1	0.9	0
Finland	37.8	60.2	37.8	18.2	5.1	97.9		2.1
France	15.7	82.6	54.9	41.0	24.8	98.3	1.7	0.0
Germany	42.6	54.6	34.8	10.0	1.7	97.2	2.8	0
Hungary	16.6	83.4	49.7	30.5	9.4	99.9	0.1	0
Iceland	34.9	65.1	26.4	18.9	9.4	100.0	0.0	0
Italy	8.7	87.9	66.5	43.8	20.4	96.6	3.4	0
Latvia	3.9	95.4	67.6	43.9	9.5	99.3	0.5	0.2
Liechtenstein	***	***	***	***	***	***	***	***
Lithuania	10.3	88.5	57.2	34.5	10.7	98.8	1.2	0
Luxembourg	13.2	80.7	52.2	37.7	21.5	93.9	6.1	0
Moldova	0.3	98.8	90.6	70.9	25.0	99.2	0.8	0
Netherlands	40.4	56.4	30.7	16.4	5.0	96.9	0.2	2.9
Norway	40.3	59.6	29.3	16.9	7.1	100.0	***	0
Poland	...	...	...	...	...	...	...	...
Romania	3.7	96.0	75.8	45.6	17.9	99.7	0.3	0
San Marino	***	***	***	***	***	***	***	***
Slovak Republic	18.5	81.1	41.4	25.5	8.9	99.6	0.3	0.1
Slovenia	20.1	79.9	47.8	30.5	10.0	100.0	***	0
Spain : Catalonia	4.3	95.6	78.9	63.5	24.8	99.9	***	0.1
Spain : Rest of Spain	***	***	63.8	23.6	6.5	100.0	***	0
Sweden	27.7	70.2	36.6	21.0	5.3	97.8	2.2	0
Switzerland	...	...	...	...	...	...	...	...
"The former Yugoslav Republic of Macedonia"	22.2	77.3	43.8	23.1	9.7	99.4	0.6	0
Turkey	15.1	79.8	59.3	47.7	32.3	94.9	5.1	0
Ukraine	1.2	98.1	77.0	41.0	8.7	99.3	0.7	0
UK : England and Wales	13.2	77.6	56.5	30.8	7.4	90.8	9.2	0
UK : Northern Ireland	17.4	66.0	41.4	26.2	9.6	83.5	16.5	0
UK : Scotland	20.1	62.5	42.7	27.0	4.4	82.7	11.2	6.1
<i>Mean</i>	18.2	79.1	53.4	33.9	13.1	97.3	2.9	0.5
<i>Median</i>	16.6	80.7	54.5	32.6	9.9	99.0	1.1	0
<i>Minimum</i>	0.3	54.6	26.4	10.0	1.7	82.7	0.0	0
<i>Maximum</i>	42.6	98.8	90.6	70.9	32.3	100.0	16.5	6.1

Table 11. Breakdown of prisoners sentenced (final sentence) to less than one year, by length of sentence on 1 September 2004 (percentages)

Reference: Council of Europe, SPACE 2004.11  
For notes, see p. 97

	Less than 1 month	1 month to less than 3 months	3 months to less than 6 months	6 months to less than 1 year	Total less than 1 year
Armenia	***	***	***	100.0	100
Azerbaijan	***	***	36.3	63.8	100
BH: Federation BH	7.9	8.5	27.0	56.6	100
BH: Republic Srpska	4.2	11.3	24.6	59.9	100
Bulgaria		14.9	27.6	57.5	100
Croatia	2.9	12.0	24.7	60.4	100
Cyprus	...	...	...	...	...
Denmark	3.6	28.3	26.0	42.1	100
Estonia			100.0		100
Finland		23.4	32.6	44.0	100
France		46.3		53.7	100
Germany	3.1	18.6	29.3	49.0	100
Hungary	0.9	4.4	12.1	82.6	100
Iceland	8.1	5.4	40.5	45.9	100
Italy	2.0	7.7	25.1	65.2	100
Latvia	0.0	***	15.4	84.6	100
Liechtenstein	***	***	***	***	***
Lithuania	2.5	11.3	29.9	56.3	100
Luxembourg	0.0	0.0	33.3	66.7	100
Moldova	***	***	***	100.0	100
Netherlands	18.0	25.8	25.7	30.5	100
Norway	11.0	35.0	17.8	36.3	100
Poland	...	...	...	...	...
Romania	0.0	19.9	14.9	65.3	100
San Marino	***	***	***	***	***
Slovak Republic		26.9		73.1	100
Slovenia	0.0	6.1	27.7	66.2	100
Spain: Catalonia	***	***	***	100.0	100
Spain: Rest of Spain	***	***	***	...	...
Sweden	1.1	17.9	26.7	54.3	100
Switzerland	...	...	...	...	...
"The former Yugoslav Republic of Macedonia"	7.5	5.3	25.0	62.2	100
Turkey	25.1	19.1	21.7	34.1	100
Ukraine	***	***	***	100.0	100
UK: England and Wales	2.4	11.3	39.1	47.3	100
UK: Northern Ireland	2.3	3.8	29.0	64.9	100
UK: Scotland	6.2	7.3	40.1	46.4	100
<i>Mean</i>	5.2	13.5	27.2	62.3	
<i>Median</i>	2.9	11.3	26.8	60.1	
<i>Minimum</i>	0.0	0.0	12.1	30.5	
<i>Maximum</i>	25.1	35.0	40.5	100.0	



## I.2 Prison populations

### Flow of entries, length of imprisonment, escapes and deaths in 2003

Table 12. Flow of entries to penal institutions in 2003

Reference: Council of Europe, SPACE 2004.12  
For notes, see pp. 97-8

	Entries to penal institutions	Rate of entries to penal institutions per 100 000 inhab.	Entries before final sentence	
			Number	%
Armenia	...	...	...	...
Azerbaijan	***	***	***	***
BH: Federation BH	7 959	306.1	842	10.6
BH: Republic Srpska	2 233	159.5	840	37.6
Bulgaria	6 328	81.1	2 977	47.0
Croatia	12 592	283.5	...	...
Cyprus	1 313	160.5	653	49.7
Denmark	18 529	343.3	...	...
Estonia	5 488	406.2	3 388	61.7
Finland	5 743	110.0	1 911	33.3
France	81 905	131.7	59 348	72.5
Germany	135 002	163.6	59 942	44.4
Hungary	20 516	202.8	6 115	29.8
Iceland	315	108.4	118	37.5
Italy	81 790	141.3	71 532	87.5
Latvia	...	...	5 115	...
Liechtenstein	160	(466.5)	159	(99.4)
Lithuania	11 947	346.7	6 969	58.3
Luxembourg	1 152	255.1	480	41.7
Moldova	22 454	622.4	19 639	87.5
Netherlands	37 750	232.2	23 423	62.0
Norway	11 090	242.3	3 528	31.8
Poland	90 478	236.9	44 789	49.5
Romania	24 324	112.0	...	...
San Marino	17	(59.0)	17	(100.0)
Slovak Republic	9 956	185.1	4 625	46.5
Slovenia	3 626	181.6	873	24.1
Spain: Catalonia	5 795	87.8	4 603	79.4
Spain: Rest of Spain	34 869	98.0	...	...
Sweden	...	...	...	...
Switzerland	53 878	731.6	28 765	53.4
"The former Yugoslav Republic of Macedonia"	6 642	327.2	1 091	16.4
Turkey	101 325	142.2	26 671	26.3
Ukraine	515 321	1 082.1	75 282	14.6
UK: England and Wales	135 042	254.6	91 188	67.5
UK: Northern Ireland	5 309	310.4	2 439	45.9
UK: Scotland	37 773	743.8	18 892	50.0
<i>Mean</i>		283.5		46.9
<i>Median</i>		232.2		46.5
<i>Minimum</i>		81.1		10.6
<i>Maximum</i>		1 082.1		87.5

**Table 13.1 Indicator of average length of imprisonment in 2003, based on the total number of days spent in penal institutions**

Reference: Council of Europe, SPACE 2004.13.1  
For notes, see p. 98

	Total number of days spent in penal institutions in 2003	Average number of prisoners in 2003	Total number of entries to penal institutions in 2003 (Table 12)	Indicator of average length of imprisonment (in months)
	a	b = a/365	c	d = 12 (b/c)
Armenia	...	...	...	...
Azerbaijan	...	...	...	...
BH: Federation BH	474 556	1 300	7 959	2.0
BH: Republic Srpska	342 336	938	2 233	5.0
Bulgaria	...	...	6 328	...
Croatia	...	...	12 592	...
Cyprus	(361)	(1)	1 313	(0.0)
Denmark	1 332 606	3 651	18 529	2.4
Estonia	...	...	5 488	...
Finland	1 297 250	3 554	5 743	7.4
France	21 450 427	58 768	81 905	8.6
Germany	...	...	135 002	...
Hungary	...	...	20 516	...
Iceland	42 225	116	315	4.4
Italy	...	...	81 790	...
Latvia	...	...	...	...
Liechtenstein	(2 650)	(7)	160	(0.5)
Lithuania	3 516 410	9 634	11 947	9.7
Luxembourg	157 596	432	1 152	4.5
Moldova	...	...	22 454	...
Netherlands	5 263 665	14 421	37 750	4.6
Norway	1 083 334	2 968	11 090	3.2
Poland	29 682 165	81 321	90 478	10.8
Romania	16 871 760	46 224	24 324	22.8
San Marino	(230)	(1)	17	(0.4)
Slovak Republic	3 468 960	9 504	9 956	11.5
Slovenia	408 800	1 120	3 626	3.7
Spain: Catalonia	...	...	5 795	...
Spain: Rest of Spain	17 230 555	47 207	34 869	16.2
Sweden	2 437 271	6 677	...	...
Switzerland	1 932 087	5 293	53 878	1.2
"The former Yugoslav Republic of Macedonia"	593 209	1 625	6 642	2.9
Turkey	26 026 946	71 307	101 325	8.4
Ukraine	...	...	515 321	...
UK: England and Wales	...	...	135 042	...
UK: Northern Ireland	...	...	5 309	...
UK: Scotland	2 381 260	6 524	37 773	2.1
<i>Mean</i>				6.0
<i>Median</i>				4.5
<i>Minimum</i>				0.0
<i>Maximum</i>				22.8

Table 13.2 Indicator of average length of imprisonment in 2003, based on the total number of prisoners on 1 September 2003

Reference: Council of Europe, SPACE 2004.13.2  
For notes, see p. 98

	Total number of prisoners on 1 September 2003 (SPACE 2003)	Total number of entries to penal institutions (Table 12)	Indicator of average length of imprisonment (in months)
	a	b	c = 12 (a/b)
Armenia	3 429	...	...
Azerbaijan	16 345	***	***
BH: Federation BH	1 265	7 959	1.9
BH: Republic Srpska	892	2 233	4.8
Bulgaria	10 056	6 328	19.1
Croatia	2 594	12 592	2.5
Cyprus	355	1 313	3.2
Denmark	3 577	18 529	2.3
Estonia	4 797	5 488	10.5
Finland	3 437	5 743	7.2
France	57 440	81 905	8.4
Germany	79 567	135 002	7.1
Hungary	17 012	20 516	10.0
Iceland	112	315	4.3
Italy	57 238	81 790	8.4
Latvia	8 135	...	...
Liechtenstein	18	160	1.4
Lithuania	9 958	11 947	10.0
Luxembourg	498	1 152	5.2
Moldova	10 729	22 454	5.7
Netherlands	18 242	37 750	5.8
Norway	2 914	11 090	3.2
Poland	80 692	90 478	10.7
Romania	45 337	24 324	22.4
San Marino	...	17	...
Slovak Republic	8 829	9 956	10.6
Slovenia	1 099	3 626	3.6
Spain: Catalonia	...	5 795	...
Spain: Rest of Spain	...	34 869	...
Spain: Total	55 244	40 664	16.3
Sweden	6 755	...	...
Switzerland	5 266	53 878	1.2
"The former Yugoslav Republic of Macedonia"	1 598	6 642	2.9
Turkey	64 051	101 325	7.6
Ukraine	198 386	515 321	4.6
UK: England and Wales	72 992	135 042	6.5
UK: Northern Ireland	1 185	5 309	2.7
UK: Scotland	6 642	37 773	2.1
<i>Mean</i>			6.8
<i>Median</i>			5.7
<i>Minimum</i>			1.2
<i>Maximum</i>			22.4

**Table 14. Escapes of prisoners in 2003**

- (a) Escapes by prisoners (pre-trial detainees or convicted prisoners) from a closed penal institution or during administrative transfer (2003)
- (b) Other forms of escape (from an open penal institution – agricultural colony or other – from semi-detention, or during an authorised short-term absence or leave, etc.) in 2003

Reference: Council of Europe, *SPACE 2004.14*  
For notes, see p. 98

	(a) Number of escapes by prisoners	Total number of prisoners on 1 September 2003 (SPACE 2003)	Rate of escape per 10 000 prisoners	(b) Other forms of escape
Armenia	...	3 429	...	...
Azerbaijan	1	16 345	0.6	8
BH: Federation BH	3	1 265	23.7	78
BH: Republic Srpska	15	892	168.2	11
Bulgaria	21	10 056	20.9	53
Croatia	2	2 594	7.7	84
Cyprus	0	355	0.0	0
Denmark	22	3 577	61.5	486
Estonia	2	4 797	4.2	10
Finland	29	3 437	84.4	29
France	18	57 440	3.1	150
Germany	24	79 567	3.0	551
Hungary	21	17 012	12.3	12
Iceland	0	112	0.0	6
Italy	22	57 238	3.8	262
Latvia	0	8 135	0.0	24
Liechtenstein	0	18	0.0	0
Lithuania	0	9 958	0.0	18
Luxembourg	...	498	...	...
Moldova	7	10 729	6.5	457
Netherlands	15	18 242	8.2	921
Norway	14	2 914	48.0	148
Poland	4	80 692	0.5	410
Romania	1	45 337	0.2	6
San Marino	0	...	...	0
Slovak Republic	0	8 829	0.0	8
Slovenia	12	1 099	109.2	63
Spain: Catalonia	1	...	...	204
Spain: Rest of Spain	42	...	...	173
Spain: Total	43	55 244	7.8	377
Sweden	45	6 755	66.6	465
Switzerland	...	5 266	...	...
"The former Yugoslav Republic of Macedonia"	10	1 598	62.6	103
Turkey	14	64 051	2.2	374
Ukraine	4	198 386	0.2	34
UK: England and Wales	78	72 992	10.7	1 306
UK: Northern Ireland	0	1 185	0.0	6
UK: Scotland	2	6 642	3.0	60

Table 15.1 Deaths in penal institutions in 2003 (including suicides)

Reference: Council of Europe, SPACE 2004.15

	Total number of deaths	Number of suicides	Suicides as a percentage of total deaths	Total number of prisoners on 1 September 2003 (SPACE 2003)	Mortality rate per 10 000 prisoners	Suicide rate per 10 000 prisoners
Armenia	15	....	....	3 429	43.7	....
Azerbaijan	208	6	2.9	16 345	127.3	3.7
BH: Federation BH	2	....	....	1 265	15.8	....
BH: Republic Srpska	1	0	0.0	892	11.2	0.0
Bulgaria	44	3	6.8	10 056	43.8	3.0
Croatia	....	....	....	2 594	....	....
Cyprus	0	0	***	355	0.0	0.0
Denmark	19	6	31.6	3 577	53.1	16.8
Estonia	10	3	30.0	4 797	20.8	6.3
Finland	10	3	30.0	3 437	29.1	8.7
France	230	120	52.2	57 440	40.0	20.9
Germany	150	80	53.3	79 567	18.9	10.1
Hungary	50	9	18.0	17 012	29.4	5.3
Iceland	0	0	***	112	0.0	0.0
Italy	157	57	36.3	57 238	27.4	10.0
Latvia	31	6	19.4	8 135	38.1	7.4
Liechtenstein	0	0	***	18	0.0	0.0
Lithuania	33	14	42.4	9 958	33.1	14.1
Luxembourg	...	...	...	498	...	...
Moldova	79	6	7.6	10 729	73.6	5.6
Netherlands	...	13	...	18 242	...	7.1
Norway	19	7	36.8	2 914	65.2	24.0
Poland	127	37	29.1	80 692	15.7	4.6
Romania	125	7	5.6	45 337	27.6	1.5
San Marino	0	0	***	***	***	***
Slovak Republic	15	4	26.7	8 829	17.0	4.5
Slovenia	4	3	75.0	1 099	36.4	27.3
Spain: Catalonia	14	8	57.1	...	...	...
Spain: Rest of Spain	160	28	17.5	...	...	...
Spain: Total	174	36	20.7	55 244	31.5	6.5
Sweden	15	8	53.3	6 755	22.2	11.8
Switzerland	16	8	50.0	5 266	30.4	15.2
"The former Yugoslav Republic of Macedonia"	1	1	100.0	1 598	6.3	6.3
Turkey	152	34	22.4	64 051	23.7	5.3
Ukraine	972	41	4.2	198 386	49.0	2.1
UK: England and Wales	...	...	...	72 992	...	...
UK: Northern Ireland	3	3	100.0	1 185	25.3	25.3
UK: Scotland	15	8	53.3	6 642	22.6	12.0
<i>Mean</i>			35.1		31.6	8.8
<i>Median</i>			30.0		27.6	6.4
<i>Minimum</i>			0.0		0.0	0.0
<i>Maximum</i>			100.0		127.3	27.3

Table 15.2 Types of deaths and suicides included in Table 15.1

Reference: Council of Europe, SPACE 2004.15.2

	Do data include detainees who died or committed suicide in hospital?	Do data include detainees who died or committed suicide outside prison?
Armenia	Yes	Yes
Azerbaijan	Yes	Yes
BH: Federation BH	Yes	Yes
BH: Republic Srpska	Yes (0 cases)	Yes (one case)
Bulgaria	No	Yes (seven cases)
Croatia	Yes	Yes
Cyprus	No	No
Denmark	Yes	Yes
Estonia	Yes	Yes
Finland	Yes	Yes
France	Yes	Yes
Germany	Yes	Yes
Hungary	Yes	Yes
Iceland	Yes	Yes
Italy	Yes	No
Latvia	Yes	Yes
Liechtenstein	Yes	Yes
Lithuania	Yes	Yes
Luxembourg		
Moldova	Yes	Yes
Netherlands		
Norway	Yes	Yes
Poland	Yes	No
Romania	Yes	No
San Marino	No	No
Slovak Republic	Yes	No
Slovenia	Yes	Yes
Spain: Catalonia	No	No
Spain: Rest of Spain	Yes	No (there were 19 deaths and 3 suicides under such circumstances)
Sweden	Yes	Yes
Switzerland	Yes	Yes
"The former Yugoslav Republic of Macedonia"	Yes	Yes
Turkey	Yes	No
Ukraine		
UK: England and Wales		
UK: Northern Ireland	Yes	Yes
UK: Scotland	Yes	No

## II. Prison Staff

Table 16. Full-time staff working in penal institutions on 1 September 2004

Reference: Council of Europe, SPACE 2004.7  
For notes, see p. 98-9

	Total	Management	Custodial	Treatment	Workshops	Adminis- tration	Other
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Armenia	947	66	881	***	***	***	***
Azerbaijan	5 595	68	183	96	***	3	5 245
BH: Federation BH	656	34	494	56	25	47	***
BH: Republic Srpska	589	28	302	40	132	87	***
Bulgaria	3 115	90	1 966	376	223	407	53
Croatia	2 310	104	1 298	245	289	374	***
Cyprus	352	9	306	3	20	14	***
Denmark	3 619	56	2 487	274	405	261	136
Estonia	1 705	20	1 232	212	0	266	***
Finland	2 783	57	1 562	406	275	253	230
France	24 927	271	21 109	1 486	509	1 552	***
Germany	37 956	474	28 194	2 730	2 123	4 435	***
Hungary	6 545	392	3 061	715	***	419	1 958
Iceland	86	6	63	2	13	3	***
Italy	42 201	325	40 130	1 519	863	2 901	***
Latvia	3 126	728	2 030	356	12	0	***
Liechtenstein	5	1	4	0	0	0	***
Lithuania	3 458	58	1 918	499	280	703	***
Luxembourg	310	7	216	28	36	15	8
Moldova	3 077	99	1 756	404	213	605	***
Netherlands	10 903	209	7 528	312	1 003	1 851	***
Norway	2 858	...	...	***	...	...	***
Poland	23 167	1 473	13 410	3 317	592	4 375	***
Romania	12 426	146	7 963	1 374	76	2 867	***
San Marino	5	1	0	1	0	0	3
Slovak Republic	4 616	94	3 109	486	0	927	***
Slovenia	767	46	451	83	109	78	***
Spain: Catalonia	3 243	52	1 970	530	60	298	333
Spain: Rest of Spain	19 543	364	13 886	2 464	344	2 485	***
Sweden	6 405	225	4 725	275	325	490	365
Switzerland	3 052	88	2 964	...	...	...	***
"The former Yugoslav Republic of Macedonia"	448	23	250	55	51	69	***
Turkey	24 202	1 651	20 004	642	***	1 905	***
Ukraine	43 278	922	23 912	11 987	6 457	***	***
UK: England and Wales	44 817	3 092	30 633	1 805	4 488	4 799	***
UK: Northern Ireland	1 722	250	1 171	86	74	81	60
UK: Scotland	4 502.3	0.0	3 221.0	0.0	0.0	909.0	372.3

Table 17. Part-time staff working in penal institutions on 1 September 2004 (on the basis of full-time equivalents)

Reference: Council of Europe, SPACE 2004.17

For notes, see p. 99

	Total	Management	Custodial	Treatment	Workshops	Adminis- tration	Other
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Armenia	345	***	299	46	***	***	***
Azerbaijan	...	...	...	...	...	...	...
BH: Federation BH	0	0	0	0	0	0	***
BH: Republic Srpska	***	***	***	***	***	***	***
Bulgaria	8	0	0	7	1	0	***
Croatia	...	...	...	...	...	...	***
Cyprus	***	***	***	***	***	***	***
Denmark	109	0	31	36	2	32	8
Estonia	13	0	0.25	12.75	0	0	***
Finland	73	...	....	....	....	...	73
France	839.3	4.5	173.8	314.6	8.1	338.3	***
Germany	***	***	***	***	***	***	***
Hungary	137	...	...	...	...	...	137
Iceland	0	0	0	0	0	0	***
Italy	316	5	***	164	36	111	***
Latvia	26.2	0	0	26.2	0	0	***
Liechtenstein	15	0	7	5	1	2	***
Lithuania	112	0	0	79	3	30	***
Luxembourg	1.5	0	0	0.5	1	0	***
Moldova	62	0	0	40	5	18	***
Netherlands	2 191	8	751	523	153	756	***
Norway	...	...	...	...	...	...	...
Poland	620	39	***	505	9.8	66.2	***
Romania	2.5	...	...	2.5	...	...	***
San Marino	1	0.5	0	0.5	0	0	***
Slovak Republic	***	***	***	***	***	***	***
Slovenia	***	***	***	***	***	***	***
Spain: Catalonia	55	0	0	0	55	0	0
Spain: Rest of Spain	...	...	...	...	...	...	...
Sweden	...	...	...	...	...	...	...
Switzerland	591	0	591	...	...	...	***
"The former Yugoslav Republic of Macedonia"	6	0	4	0	0	2	***
Turkey	***	***	***	***	***	***	***
Ukraine	309	0	0	309	0	0	***
UK: England and Wales	1 824	59.5	611.3	176.7	236.7	739.5	0.3
UK: Northern Ireland	11.5	4.5	1	1.5	0	2	2.5
UK: Scotland	...	...	...	...	...	...	...



**Table 18. Full-time and part-time staff working in penal institutions on 1 September 2004 – on the basis of full-time equivalents (numbers)**

Reference: Council of Europe, *SPACE 2004.18*  
For notes, see p. 99

	Total	Management	Custodial	Treatment	Workshops	Adminis- tration	Other
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Armenia	1 292	66	1 180	46	0	0	0
Azerbaijan	5 595	68	183	96	0	3	5 245
BH: Federation BH	656	34	494	56	25	47	0
BH: Republic Srpska	589	28	302	40	132	87	0
Bulgaria	3 123	90	1 966	383	224	407	53
Croatia	2 310	104	1 298	245	289	374	0
Cyprus	352	9	306	3	20	14	0
Denmark	3 728	56	2 518	310	407	293	144
Estonia	1 718 (1 743)	20	1 232	225	0	266	0
Finland	2 856	57	1 562	406	275	253	303
France	25 766	276	21 283	1 801	517	1 890	0
Germany	37 956	474	28 194	2 730	2 123	4 435	0
Hungary	6 682	392	3 061	715	0	419	2 095
Iceland	86 (87)	6	63	2	13	3	0
Italy	42 517 (46 054)	330	40 130	1 683	899	3 012	0
Latvia	3 152	728	2 030	382	12	0	0
Liechtenstein	20	1	11	5	1	2	0
Lithuania	3 570	58	1 918	578	283	733	0
Luxembourg	312	7	216	29	37	15	8
Moldova	3 139 (3 140)	99	1 756	444	218	623	0
Netherlands	13 094	217	8 279	835	1 156	2 607	0
Norway	2 858	0	0	0	0	0	0
Poland	23 787	1 512	13 410	3 822	602	4 441	0
Romania	12 429	146	7 963	1 377	76	2 867	0
San Marino	6	2	0	2	0	0	3
Slovak Republic	4 616	94	3 109	486	0	927	0
Slovenia	767	46	451	83	109	78	0
Spain: Catalonia	3 298	52	1 970	530	115	298	333
Spain: Rest of Spain	19 543	364	13 886	2 464	344	2 485	0
Sweden	6 405	225	4 725	275	325	490	365
Switzerland	3 643	88	3 555	0	0	0	0
"The former Yugoslav Republic of Macedonia"	454	23	254	55	51	71	0
Turkey	24 202	1 651	20 004	642	0	1 905	0
Ukraine	43 587	922	23 912	12 296	6 457	0	0
UK: England and Wales	46 641	3 152	31 244	1 982	4 725	5 539	0
UK: Northern Ireland	1 734	255	1 172	88	74	83	63
UK: Scotland	4 502.3	0.0	3 221.0	0.0	0.0	909.0	372.3

Table 19. Full-time and part-time staff working in penal institutions on 1 September 2004 – on the basis of full-time equivalents (percentages)

Reference: Council of Europe, *SPACE 2004.19*  
For notes, see p. 99

	Management	Custodial	Treatment	Workshops	Adminis- tration	Other	Total
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Armenia	5.1	91.3	3.6	0.0	0.0	0.0	100.0
Azerbaijan	1.2	3.3	1.7	0.0	0.1	93.7	100.0
BH: Federation BH	5.2	75.3	8.5	3.8	7.2	0.0	100.0
BH: Republic Srpska	4.8	51.3	6.8	22.4	14.8	0.0	100.0
Bulgaria	2.9	63.0	12.3	7.2	13.0	1.7	100.0
Croatia	4.5	56.2	10.6	12.5	16.2	0.0	100.0
Cyprus	2.6	86.9	0.9	5.7	4.0	0.0	100.0
Denmark	1.5	67.5	8.3	10.9	7.9	3.9	100.0
Estonia	1.1	70.7	12.9	0.0	15.3	0.0	100.0
Finland	2.0	54.7	14.2	9.6	8.9	10.6	100.0
France	1.1	82.6	7.0	2.0	7.3	0.0	100.0
Germany	1.2	74.3	7.2	5.6	11.7	0.0	100.0
Hungary	5.9	45.8	10.7	0.0	6.3	31.4	100.0
Iceland	6.9	72.4	2.3	14.9	3.4	0.0	100.0
Italy	0.7	87.1	3.7	2.0	6.5	0.0	100.0
Latvia	23.1	64.4	12.1	0.4	0.0	0.0	100.0
Liechtenstein	5.0	55.0	25.0	5.0	10.0	0.0	100.0
Lithuania	1.6	53.7	16.2	7.9	20.5	0.0	100.0
Luxembourg	2.2	69.3	9.1	11.9	4.8	2.6	100.0
Moldova	3.2	55.9	14.1	6.9	19.8	0.0	100.0
Netherlands	1.7	63.2	6.4	8.8	19.9	0.0	100.0
Norway	...	...	...	...	...	...	...
Poland	6.4	56.4	16.1	2.5	18.7	0.0	100.0
Romania	1.2	64.1	11.1	0.6	23.1	0.0	100.0
San Marino	25.0	0.0	25.0	0.0	0.0	50.0	100.0
Slovak Republic	2.0	67.4	10.5	0.0	20.1	0.0	100.0
Slovenia	6.0	58.8	10.8	14.2	10.2	0.0	100.0
Spain: Catalonia	1.6	59.7	16.1	3.5	9.0	10.1	100.0
Spain: Rest of Spain	1.9	71.1	12.6	1.8	12.7	0.0	100.0
Sweden	3.5	73.8	4.3	5.1	7.7	5.7	100.0
Switzerland	2.4	97.6	0.0	0.0	0.0	0.0	100.0
"The former Yugoslav Republic of Macedonia"	5.1	55.9	12.1	11.2	15.6	0.0	100.0
Turkey	6.8	82.7	2.7	0.0	7.9	0.0	100.0
Ukraine	2.1	54.9	28.2	14.8	0.0	0.0	100.0
UK: England and Wales	6.8	67.0	4.2	10.1	11.9	0.0	100.0
UK: Northern Ireland	14.7	67.6	5.0	4.3	4.8	3.6	100.0
UK: Scotland	0.0	71.5	0.0	0.0	20.2	8.3	100.0
<i>Mean</i>	4.7	63.7	9.8	5.7	10.0	6.2	
<i>Median</i>	2.7	65.7	9.8	4.6	8.9	0.0	
<i>Minimum</i>	0.0	0.0	0.0	0.0	0.0	0.0	
<i>Maximum</i>	25.0	97.6	28.2	22.4	23.1	93.7	

**Table 20. Other categories of staff on 1 September 2004**

- (a) Staff working at the National Prison Administration
- (b) Staff working at the Regional Prison Administrations
- (c) Staff not working in penal institutions
- (d) Staff working in penal institutions, but not employed by the prison administration

Reference: Council of Europe, *SPACE 2004.20*  
For notes, see p. 100

For (a) to (d), see above	(a)	(b)	(c)	(d)
Armenia	127	***	***	655
Azerbaijan	***	***	43	2 058
BH: Federation BH	***	***	***	4
BH: Republic Srpska	7	***	***	***
Bulgaria	2	32	0	0
Croatia	35	***	***	57
Cyprus	***	***	***	6
Denmark	185	***	***	***
Estonia	28	***	***	
Finland	119		65	
France	262	839		2 451.25
Germany	***	...	...	...
Hungary	199	...	1 062	***
Iceland	14	***	***	6.35
Italy	1 059	1 171	30	2 056
Latvia	79.5	0	0	91
Liechtenstein	***	0	0	8
Lithuania	79	***	190	151
Luxembourg	0	0	0	64
Moldova	0	0	27	41
Netherlands	95	...	...	***
Norway	36	88	***	...
Poland	317.95	316	***	***
Romania	209	***	169	203
San Marino	***	***	***	0
Slovak Republic	***	***	***	***
Slovenia	25	***	***	51
Spain: Catalonia	120	115	0	110
Spain: Rest of Spain	407			...
Sweden	270	***	...	
Switzerland	0	3	***	...
"The former Yugoslav Republic of Macedonia"	5	***	***	***
Turkey	201	***	***	...
Ukraine	320	1 359	88	1 331
UK: England and Wales	1 396	592		...
UK: Northern Ireland	255	***	***	
UK: Scotland	406.3	...	...	

Table 21. Rate of supervision of prisoners by custodial staff on 1 September 2004

Reference: Council of Europe, SPACE 2004.21  
For notes, see p. 100

	Total number of prisoners	Total number of custodial staff	Rate of supervision of prisoners by custodial staff (number of prisoners per custodian)
	(a)	(b)	(c) = a/b
Armenia	2 727	91.3	29.9
Azerbaijan	18 259	(3.3)	...
BH: Federation BH	1 247	75.3	16.6
BH: Republic Srpska	977	51.3	19.1
Bulgaria	10 935	63.0	173.7
Croatia	2 846	56.2	50.6
Cyprus	546	86.9	6.3
Denmark	3 762	67.5	55.7
Estonia	4 565	70.7	64.6
Finland	3 446	54.7	63.0
France	56 271	82.6	681.3
Germany	79 676	74.3	1 072.6
Hungary	16 410	45.8	358.2
Iceland	115	72.4	1.6
Italy	56 090	87.1	643.7
Latvia	7 731	64.4	120.0
Liechtenstein	7	55.0	0.1
Lithuania	7 827	53.7	145.7
Luxembourg	548	69.3	7.9
Moldova	10 383	55.9	185.7
Netherlands	20 075	63.2	317.5
Norway	2 975	...	...
Poland	79 344	56.4	1 407.4
Romania	40 085	64.1	625.6
San Marino	...	...	...
Slovak Republic	9 504	67.4	141.1
Slovenia	1 126	58.8	19.1
Spain: Catalonia	7 922	59.7	132.6
Spain: Rest of Spain	51 302	71.1	722.0
Sweden	7 332	73.8	99.4
Switzerland	6 021	97.6	61.7
"The former Yugoslav Republic of Macedonia"	1 747	55.9	31.2
Turkey	71 148	82.7	860.8
Ukraine	193 489	(54.9)	...
UK: England and Wales	74 488	67.0	1 111.9
UK: Northern Ireland	1 295	67.6	19.2
UK: Scotland	6 885	71.5	96.2
<i>Mean</i>			283.1
<i>Median</i>			99.4
<i>Minimum</i>			0.1
<i>Maximum</i>			1 407.4

## Notes – Table 1

**Bosnia and Herzegovina:** Demographic data are estimates.

**Bosnia and Herzegovina – Republic Srpska:** Capacity of penal institutions is calculated on the basis of four square metres per person.

**Croatia:** Demographic data relate to 1 January 2003.

**Cyprus:** Demographic data refer to the whole island, but prison population figures do not include prisoners held in the northern part of the island, which is not under control of the authorities of the Republic of Cyprus. Therefore, the prison population rate per 100 000 population is underestimated.

**Estonia:** Capacity of penal institutions includes prison hospitals.

### France:

- Data relate to the European territory of France (known as the *Métropole*) as well as the French overseas territories (Guadeloupe, Martinique, Guyana and Réunion, known as DOM or *Départements d'Outre-mer*). Demographic data are estimates by the *Institut National de la Statistique*, INSEE ([http://www.insee.fr/fr/ffc/pop\\_age.htm](http://www.insee.fr/fr/ffc/pop_age.htm)), and relate to 1 January 2004.
- Capacity of penal institutions refers to operational capacity.

**Germany:** Data relate to 31 March 2004 instead of 1 September 2004.

**Italy:** Data do not include minors.

**Liechtenstein:** According to a treaty between Liechtenstein and Austria, long-term prisoners usually serve their sentences in Austrian penal institutions. For this reason, rates are presented between brackets and they are not included in the calculations of the measures of central tendency.

### Netherlands:

- Capacity of penal institutions excludes extramural placement.
- Total number of prisoners (including pre-trial detainees): 20 075, of which:
  - 16 173 in Penal Institutions for Adults
  - 165 in Departure Centres
  - 2 362 in Juvenile Institutions
  - 1 375 in Custodial Clinics

### San Marino:

- Demographic data relate to 1 January 2003.
- Under the Criminal Code (Art. 99), a person serving a punishment of at least six months' imprisonment in San Marino may be transferred to a "foreign penal institution", if the competent judge so decides and if there is a relevant international agreement. These prisoners are not included in the San Marino statistics. For this reason, rates are presented between brackets and they are not included in the calculations of the measures of central tendency.

**Spain:** Demographic data for Catalonia are estimates based on data from the Spanish National Institute of Statistics available at [www.ine.es](http://www.ine.es).

### Sweden:

- Data relate to 1 October 2004 instead of 1 September 2004.
- The total number of prisoners includes prisoners in remand prisons. It also includes persons serving their sentence outside prison in institutions for the treatment of drug addicts, hospitalised prisoners and escapees.

**Switzerland:** Total capacity of penal institutions includes custody in police stations for more than twenty-four hours (see General Notes).

**Ukraine:** The total capacity of penal institutions went down from 220 387 to 158 600 because the norm of space per one person was increased according to the New Penal Executive Code of Ukraine which came into force on 1 January 2004).

**United Kingdom:** Demographic data for England and Wales, Northern Ireland and Scotland are estimates calculated by National Statistics Online (<http://www.statistics.gov.uk/cci/nugget.asp?id=6>) and relate to the mid-2004 population.

## Notes – Table 1.2

**Albania:** Figures are only those for Ministry of Justice prisons, and a number of additional prisoners, including sentenced persons, are held in police facilities. In November 2003 there were 2 271 in Ministry of Justice prisons and 1 507 in Ministry of Public Order police facilities, the total of 3 778 giving a prison population rate of 105 (source: World Prison Brief [International Centre for Prison Studies] at [www.prisonstudies.org](http://www.prisonstudies.org))

**Italy:** Data for 2004 are not comparable to data for 2003 because the prison population figures for 2003 include minors and in 2004 they are not included.

## Notes – Table 1.3

**Italy:** Data for 2004 are not comparable to data for 2003 because the prison population figures for 2003 include minors and in 2004 they are not included.

## Notes – Table 1.4

- Whenever a country indicated the number of prisoners included under each category, that number is indicated in this table between brackets.
- Please note that some countries have more than one type of institution for juvenile offenders as well as for drug addicts and other categories included in this table. If some of these institutions are run by the prison administration and others are not, the total number of prisoners may include only persons held in institutions run by the prison administration. Thus, the interpretation of this table is not as straightforward as it may seem. Indeed, for some countries the answer could be that some juveniles, drug addicts, etc. are in penal institutions and thus

are included in the prison population whereas others are in institutions under a different authority and are not included in the total.

**Bulgaria:** Psychiatric institutions or hospitals: 64 persons under treatment in psychiatric hospital in Lovech prison.

**Moldova:** Persons held in institutions for juvenile offenders: Includes only persons held in the specialised educational colony for minors and minors under investigation and under trial held in pre-trial detention isolators.

**Sweden:** Persons held in institutions for drug-addicted offenders are included if they are sentenced to imprisonment.

#### Notes – Table 2

**Estonia:** Data are only available for sentenced prisoners (i.e. excluding pre-trial detainees).

**Germany:** Data relate to 31 March 2004 instead of 1 September 2004.

**Italy:** Data do not include minors.

**Moldova:** Data are only available for sentenced prisoners (i.e. excluding pre-trial detainees).

**Netherlands:** Data are only available for the population held in penal institutions (see general notes).

#### Spain – Catalonia:

- Prisoners under 18 and prisoners aged 18-21: Data relate to June 2004 instead of 1 September 2004.
- Prisoners under 18 are held in special centres (not in prisons).

**Spain – rest of Spain:** Prisoners aged 18 to 21: This category does not include prisoners serving security measures or weekend arrest, and fine defaulters.

#### Sweden:

- Data relate to 1 October 2004 instead of 1 September 2004.
- Median age, mean age, and prisoners aged 18 to 21: Data are only available for sentenced prisoners (i.e. excluding pre-trial detainees).

#### Notes – Table 3

##### Estonia:

- Data are only available for sentenced prisoners (i.e. excluding pre-trial detainees).
- Foreign prisoners: Includes 1 292 prisoners with unspecified citizenship and 164 with foreign citizenship.

**Germany:** Data relate to 31 March 2004 instead of 1 September 2004.

**Netherlands:** Data are only available for the population held in penal institutions (see general notes).

##### Sweden:

- Data relate to 1 October 2004 instead of 1 September 2004.

- Foreign prisoners: Data are only available for sentenced prisoners (i.e. excluding pre-trial detainees).

#### Notes – Table 4

**Azerbaijan:** The breakdown of prisoners by legal status concerns a total of 19 599 prisoners instead of the 18 259 indicated under column 4 of Table 1. In any case, figures should be used cautiously as the distribution is completely different from the one provided for the 2003 SPACE I Survey (i.e. 6.4% untried; 3.2% convicted but not yet sentenced; 1.2% sentence not yet confirmed).

#### Bosnia and Herzegovina – Republic Srpska:

- The breakdown of prisoners by legal status concerns a total of 1 003 prisoners instead of the 977 indicated under column 4 of Table 1.
- (e) Former pre-trial detainees.

**Bulgaria:** (a) Includes 360 accused persons and 1 568 prisoners at the bar. Total: 1 928.

#### Denmark:

- Data relate to 31 August 2004 instead of 1 September 2004.
- (b) (c): It is not possible to keep these groups apart in the statistics.
- (e) Detainees under the Aliens Act.

**Finland:** The breakdown of prisoners by legal status concerns a total of 3 534 prisoners instead of the 3 446 indicated under column 4 of Table 1.

#### France:

- (c) At appeal or within the statutory time limit to appeal.
- (d) Cases of enforcement against the person.

#### Germany:

- Data relate to 31 March 2004 instead of 1 September 2004.
- (a) (b) (c): It is not possible to keep these groups apart in the statistics.
- (e) Prisoners in preventive detention.

**Italy:** (e) Internees, that is persons subject to personal security measures, held in special penal institutions.

**Latvia:** (e) Persons awaiting enforcement of their sentence: 423; persons in a remand prison in accordance with the Penal Code (Sections 16 and 20): 26; persons awaiting transport from a remand prison to prison: 71; persons in transit: 13; persons in a prison hospital: 116. Total: 649.

**Moldova:** (e) Persons escorted from one institution to another.

#### Netherlands:

- The breakdown of prisoners by legal status concerns the 16 173 prisoners held in penal institutions for adults (see Notes to Table 1).
- (e) Illegal aliens: 1 551; fine default: 188; extradition: 32; unknown: 113. Total: 1 884.

**Norway:** (e) 66 security sentence and preventive detention and 47 serving in default of fine payment.

**Poland:**

- (d): Includes category (c).
- (e): Punished offenders.

**Sweden:**

- Data relate to 1 October 2004 instead of 1 September 2004.
- (a) (b) (c): It is not possible to keep these groups apart in the statistics.
- (e) Includes prisoners who are drug addicts, illegal immigrants awaiting deportation, persons awaiting placement in psychiatric institutions and persons who have broken probation rules.

**Turkey:** The breakdown of prisoners by legal status concerns a total of 72 048 prisoners instead of the 71 148 indicated under column 4 of Table 1.

**Spain – rest of Spain:** (e) Security measures: 488; week-end imprisonment: 310; fine defaulters: 86; transit: 118. Total: 1 002.

**Switzerland:** (e) Other cases include: detention by order of the police, confinement for purposes of assistance within the meaning of Articles 314a and 397 of the Civil Code, detention in order to proceed to the expulsion or extradition of the person, prisoners awaiting transfer or movement, military arrest and detention of minors on grounds of safety.

**Notes – Table 5**

- See Notes on Table 4.
- In Table 4, when no data have been made available under heading (c) "sentenced prisoners who have appealed or who are within the statutory time limit for doing so" and no further information has been provided, it is assumed that prisoners in that situation are included among those under heading (d) "sentenced prisoners (final sentence)". In that case, rate (a) "percentage of prisoners not serving a final sentence" and rate (b) "prisoners not serving a final sentence per 100 000 inhabitants" of Table 5 are presented between brackets and must be used with caution.
- In Table 4, when no data have been made available under heading (b) "prisoners convicted but not yet sentenced" and no further information has been provided, it cannot be excluded that prisoners in that situation are included among those under heading (a) "untried prisoners (not yet convicted)". In that case, rate (c) "proportion of untried prisoners (not yet convicted), as a percentage" and rate (d) "untried prisoners (not yet convicted) per 100 000 inhabitants" of Table 5 are presented between brackets and must be used with caution.

**Notes – Table 6**

**Azerbaijan:** The breakdown of sentenced prisoners by main offence concerns a total of 16 061 sentenced prisoners instead of the 180 indicated under heading (d) of Table 4.

**Bulgaria:** The breakdown of sentenced prisoners by main offence concerns a total of 9 750 sentenced prisoners instead of the 9 007 indicated under heading (d) of Table 4.

**Denmark:**

- Data relate to 31 August 2004 instead of 1 September 2004.
- The breakdown of sentenced prisoners by main offence concerns a total of 2 567 sentenced prisoners instead of the 2 641 indicated under heading (d) of Table 4.
- Homicide includes particularly grievous assault.

**Estonia:** The breakdown of sentenced prisoners by main offence concerns a total of 6 541 sentenced prisoners instead of the 3 469 indicated under heading (d) of Table 4. The reason is that the statistical system does not allow for the breakdown of prisoners by main offence; therefore each prisoner is counted once for each offence for which s/he has been sentenced (i.e. the counting unit is the offence, not the person).

**France:** Rape includes rape and indecent assault.

**Germany:** Data relate to 31 March 2004 instead of 1 September 2004.

**Lithuania:** The breakdown of sentenced prisoners by main offence concerns a total of 6 652 sentenced prisoners instead of the 6 244 indicated under heading (d) of Table 4. The reason is that, in accordance with the provisions of the Criminal Procedure Code of the Republic of Lithuania, the sentenced persons after having handed in their consent in written form can start serving their sentence prior to their case investigation in the appeal court. For that reason the number of sentenced prisoners who have appealed or who are within the statutory limit for doing so (heading c of Table 4), as well as the number of convicted, but not yet sentenced persons (heading b of Table 4) are statistically accounted for together with the sentenced persons (final sentence) and are serving their sentence.

**Spain – Catalonia:**

- Data relate to June 2004 instead of 1 September 2004.
- The breakdown of sentenced prisoners by main offence concerns a total of 25 835 sentenced prisoners instead of the 6 401 indicated under heading (d) of Table 4. The reason is that the statistical system does not allow for the breakdown of prisoners by main offence; therefore each prisoner is counted once for each offence for which s/he has been sentenced (i.e. the counting unit is the offence, not the person).
- Robbery and other types of theft: Includes all types of theft. In fact, under the Spanish Penal Code robbery is considered a subtype of theft and is defined as theft with violence or intimidation against persons.
- Assault: In Spain there are prisoners convicted under the Penal Code of 1983 and under the Penal Code of 1995. In this table, under the heading assault there are 165 persons convicted according to the Penal Code of 1983 for offences against the

person. Some of these persons may have been authors of homicide, but it is not possible to identify them.

#### **Spain – Rest of Spain:**

- Rape includes all offences against sexual liberty.
- Robbery includes theft with violence against property or against persons as well as vehicle theft.
- Other types of theft include the rest of offences against the property and the socioeconomic order.
- Figures for robbery are quite high because, according to the Penal Code, theft with violence (i.e. robbery according to other legislations) includes all kinds of burglary.

**Sweden:** Data relate to 1 October 2004 instead of 1 September 2004.

#### **UK – England & Wales:**

- Homicide includes manslaughter.
- Other types of theft includes burglary

**Notes – Table 7:** See Notes on Table 6

#### **Notes – Table 8**

**Azerbaijan:** The breakdown of sentenced prisoners by length of sentence concerns a total of 15 950 sentenced prisoners instead of the 180 indicated under heading (d) of Table 4.

**Denmark:** Data relate to 27 December 2004 instead of 1 September 2004.

**Finland:** There are differences in the lower and upper limits of categories (e), (f), (g), (h), and (i). These are the limits that have been used:

- (e) One year to less than two years (instead of one year to less than three years)
- (f) Two years to less than four years (instead of three years to less than five years)
- (g) Four years to less than eight years (instead of five years to less than ten years)
- (h) (i) Eight years and over (instead of ten years to less than twenty years and over twenty years)

#### **Germany:**

- Data relate to 31 March 2004 instead of 1 September 2004.
- There are differences in the lower and upper limits of categories (d), (e), (f), (g) and (h). These are the limits that have been used:
- (d) Six months to one year (instead of six months to less than one year)
- (e) More than one year to two years (instead of one year to less than three years)
- (f) More than two years to five years (instead of three years to less than five years)
- (g) More than five years to ten years (instead of five years to less than ten years)
- (h) More than ten years to fifteen years (instead of ten years to less than twenty years)

**Latvia:** (l) Eight persons for whom a sentence of fines or public work was changed for a few days of detention.

**Lithuania:** The breakdown of sentenced prisoners by length of sentence concerns a total of 6 652 sentenced prisoners instead of the 6 244 indicated under heading (d) of Table 4. The reason is that, in accordance with the provisions of the Criminal Procedure Code of the Republic of Lithuania, the sentenced persons after having handed in their consent in written form can start serving their sentence prior to their case investigation in the appeal court. For that reason the number of sentenced prisoners who have appealed or who are within the statutory limit for doing so (heading c of Table 4), as well as the number of convicted, but not yet sentenced persons (heading b of Table 4) are statistically accounted for together with the sentenced persons (final sentence) and are serving their sentence.

**Norway:** Data are estimates.

**Spain – rest of Spain:** There are differences in the lower and upper limits of categories (f), (g) and (h). These are the limits that have been used:

- (f) Three years to less than eight years (instead of three years to less than five years)
- (g) Eight years to less than fifteen years (instead of five years to less than ten years)
- (h) Fifteen years to less than twenty years (instead of ten years to less than twenty years)

**Sweden:** Data relate to 1 October 2004 instead of 1 September 2004.

**Notes – Table 9:** See Notes on Table 8

**Notes – Table 10:** See Notes on Tables 8 and 9

**Notes – Table 11:** See Notes on Tables 8 and 9

#### **Notes – Table 12**

**Bosnia and Herzegovina:** Demographic data are estimates.

**Croatia:** Demographic data relate to 1 January 2003.

**Cyprus:** Demographic data refer to the whole island, but prison population figures do not include prisoners held in the northern part of the island, which is not under the control of the authorities of the Republic of Cyprus. Therefore, the rate of entries into prison per 100 000 inhabitants is underestimated.

**Denmark:** Data relate to 2004 instead of 2003.

**Estonia:** Capacity of penal institutions includes prison hospitals.

#### **France:**

- Data relate to the European territory of France (known as the *Métropole*) as well as the French overseas territories (Guadeloupe, Martinique, Guyana and Réunion, known as DOM or *Départements d’Outre-mer*). Demographic data are estimates by the *Institut National de la Statistique*, INSEE ([http://www.insee.fr/fr/ffc/pop\\_age.htm](http://www.insee.fr/fr/ffc/pop_age.htm)), and relate to 1 January 2004.



**Latvia:** Number of entries before final sentence corresponds to number of entries into pre-trial detention prisons.

**Liechtenstein:** According to a treaty between Liechtenstein and Austria, long-term prisoners usually serve their sentences in Austrian penal institutions. For this reason, rates are presented between brackets and they are not included in the calculations of the measures of central tendency.

**San Marino:**

- Demographic data relate to 1 January 2003.
- Under the Criminal Code (Art. 99), a person serving a punishment of at least six months' imprisonment in San Marino may be transferred to a "foreign penal institution", if the competent judge so decides and if there is a relevant international agreement. These prisoners are not included in the San Marino statistics. For this reason, rates are presented between brackets and they are not included in the calculations of the measures of central tendency.

**Spain:** Demographic data for Catalonia are estimates based on data from the Spanish National Institute of Statistics available at [www.ine.es](http://www.ine.es).

**United Kingdom:** Demographic data for England and Wales, Northern Ireland and Scotland are estimates calculated by National Statistics Online (<http://www.statistics.gov.uk/cci/nugget.asp?id=6>) and relate to the mid-2004 population.

**Notes – Table 13.1**

- The extremely low figures provided by some countries under heading (a) "total number of days spent in penal institutions" show that this concept has not been understood in the same way by all respondents.
- An alternative indicator of average length of imprisonment (in months) is provided in Table 13.2.

**Liechtenstein:** See general notes.

**San Marino:** See general notes

**Notes – Table 13.2**

- As some countries did not provide data regarding the total number of days spent in penal institutions in 2003 – heading (a) of Table 13.1 – and other countries provided figures that did not seem reliable (see Notes on Table 13.1), in Table 13.2 we have used the total number of prisoners on 1 September 2003 as an estimate of the average number of prisoners in that year (source: SPACE 2003).
- See Notes on Table 12.

**Notes – Table 14**

**Bulgaria:** (b) Other forms of escape: 5 from open penal institutions and 48 during an authorised short-term absence or leave. Total: 53.

**Denmark:**

(a) Escapes: Includes 9 escapes from closed institutions (of which 8 from local prisons and one from a closed prison) and 13 escapes during transfer, e.g. escapes

from courts, hospitals (of which 8 during transfers from local prisons and 5 during transfers from a closed prison).

(b) Other forms of escape: 109 from open penal institutions and 377 during an authorised short-term absence or leave. Total: 486.

**France:** (b) Other forms of escape: 40 from psychiatric hospitals, 96 during an authorised short-term absence or leave and 14 during transfers to hospitals or courts. Total: 150.

**Latvia:** (b) Other forms of escape: nine from open institutions and 15 during authorised short term absence or leave.

**Norway:**

(a) Escapes: Includes 1 escape from prison and 13 from various forms of escorted absence. Total: 14

(b) Other forms of escape: 44 from open institutions and 104 during authorised short-term absence or leave.

**Poland:** (b) Other forms of escape: 39 prisoners from open institutions, 3 prisoners in semi-detention and 368 during authorised short-term absence or leave.

**Slovak Republic:** (b) Other forms of escape: six prisoners from open institutions and two during authorised short-term absence or leave.

**Spain – Rest of Spain:**

(a) Escapes: Includes 2 escapes from closed prison, 12 from open prisons, 7 from hospitals, 1 from court, and 20 from extra-penitentiary institutions. Total: 42.

(b) Other forms of escape: 21 during authorised leave in order to go to work, 146 during authorised short term absence or leave, five persons did not return to the penal institution after expulsion from an extra-penitentiary institution, and one person did not respect the electronic surveillance.

**Ukraine:** (b) Other forms of escape: 31 prisoners from open institutions and 3 during authorised short-term absence or leave.

**Notes – Table 16**

**Azerbaijan:** Data include part-time staff.

**Denmark:** (g) "Other" full-time staff includes service assistants, prison chaplains, etc. Total: 136.

**Estonia:** The breakdown of full-time staff concerns a total of 1 730 persons instead of the 1 705 indicated under the column "Total".

**Finland:** (g) "Other" full-time staff includes 165 household workers (for example, people working in prison kitchens) and 65 maintenance personnel. Total: 230.

**France:**

(d) Treatment: Includes only socioeducational staff.

(e) Workshops: Includes only technical staff.

**Germany:** Data include part-time staff.

**Iceland:** The breakdown of full-time staff concerns a total of 87 persons instead of the 86 indicated under

the column "Total". This is because one of the two psychologists included in the category "treatment staff" (e) is situated at the National Prison and Probation Administration.

**Italy:** The breakdown of full-time staff concerns a total of 45 738 persons instead of the 42 201 indicated under the column "Total".

**Luxembourg:** (g) "Other" full-time staff includes eight technical staff members.

**Netherlands:** Data relate to the prison service only. Therefore it excludes youth and custodial clinics staff as well as staff working in departure centres.

**Norway:**

- Data include part-time staff.
- It is impossible to give an exact differentiation between management and administrative staff for four reasons:
  1. The terms management and administration are not exactly defined terms.
  2. Administrative and management functions may be executed by the same person.
  3. Professional titles do not always reflect job descriptions.
  4. Security staff can also have administrative functions.

**Poland:** Data relate to 30 September 2004 instead of 1 September 2004.

**Spain – Catalonia:**

- Data relate to June 2004 instead of 1 September 2004.
- (g) "Other" full-time staff includes 333 persons working in other services such as general maintenance staff, drivers, kitchen staff, etc.

**Spain – Rest of Spain:** Data include part-time staff.

**Sweden:**

- Data are estimates.
- Data include part-time staff.
- (b) Custodial staff: Most of the custodial staff members are also working with treatment programmes.
- (g) "Other" full-time staff includes kitchen staff, cleaners, staff working with stores and staff working with maintenance of the prison buildings are included. Total: 365.

**UK – Northern Ireland:** (g) "Other" full-time staff refers to industrial staff, including assistant cooks, boilermen, cleaners, etc. Total: 60.

**UK – Scotland:** Data include part-time staff.

**Notes – Table 17**

**Azerbaijan:** Part-time staff is included in Table 16.

**Denmark:** (g) "Other" part-time staff includes service assistants, prison chaplains, etc. Total: eight.

**France:**

- (d) Treatment: Includes only socioeducational staff.
- (e) Workshops: Includes only technical staff.

**Germany:** Part-time staff is included in Table 16.

**Liechtenstein:** (f) Administration: Includes one book-keeper and one secretary as part of the police department.

**Moldova:** The breakdown of part-time staff concerns a total of 63 persons instead of the 62 indicated under the column "Total".

**Netherlands:** Data relate to the prison service only. Therefore it excludes youth and custodial clinics staff as well as staff working in departure centres.

**Norway:** Part-time staff is included in Table 16 (see also the Notes to Table 16).

**Poland:** Data relate to 30 September 2004 instead of 1 September 2004.

**Spain – Catalonia:** Data relate to June 2004 instead of 1 September 2004.

**Spain – Rest of Spain:** Part-time staff is included in Table 16.

**Sweden:** Part-time staff is included in Table 16.

**UK – Northern Ireland:** (g) "Other" full-time staff refers to industrial staff, including assistant cooks, boilermen, cleaners, etc. Total: 2.5.

**UK – Scotland:** Part-time staff is included in Table 16.

**Notes – Table 18**

See notes on Tables 16 and 17 (Table 18 is a combination of those two tables).

**Estonia, Iceland, Italy and Moldova:** As the sum of the different categories of staff gives a total that is greater than the total number of staff indicated by the country, we have calculated a new total that only takes account of the persons indicated by the country for each category of staff. This new total is indicated between brackets.

**Notes – Table 19**

See notes on Tables 16, 17 and 18.

**Estonia, Iceland, Italy and Moldova:** As the sum of the different categories of staff gives a total that is greater than the total number of staff indicated by the country (i.e. more than 100%), in Table 18 we have calculated a new total that only takes account of the persons indicated by the country for each category of staff. That new total is indicated between brackets in Table 18 and has been used to calculate the percentages in Table 19.

**Notes – Table 20**

**Armenia:** (d) Staff working in penal institutions, but not employed by the prison administration: 76 doctors, 9 teachers, and 570 perimeter guards. Total: 655.

**Azerbaijan:** (d) Staff working in penal institutions, but not employed by the prison administration: 338 doctors, 10 teachers, and 1 710 perimeter guards. Total: 2 058.

**Bosnia and Herzegovina – Federation of Bosnia and Herzegovina:** (d) Staff working in penal institutions,

but not employed by the prison administration: four doctors.

**Croatia:** (d) Staff working in penal institutions, but not employed by the prison administration: 10 doctors, 3 teachers, and 44 technical staff. Total: 57.

**Cyprus:** (d) Staff working in penal institutions, but not employed by the prison administration: two doctors, one teacher, one social worker, and one psychologist. Total: six.

**France:** (d) Staff working in penal institutions, but not employed by the prison administration: 2 048.25 medical and paramedical staff (of which 452.60 medical and 1 595.60 non-medical) and 403 teachers (plus 3 897 extra hours of work of teachers). Total 2 451.25 (plus 3 897 extra hours of work)

**Iceland:**

(a) National Prison Administration: Includes one psychologist already included in Table 16 (see the Notes on Table 16). This psychologist is employed by the National Prison and Probation Administration, but works mostly in the prisons.

(d) Staff working in penal institutions, but not employed by the prison administration: 1.35 doctors, four teachers, and one nurse. Total: 6.35.

**Italy:** (d) Staff working in penal institutions, but not employed by the prison administration: 1 081 doctors, 247 teachers and 728 nurses. Total: 2 056.

**Latvia:** (d) Staff working in penal institutions, but not employed by the prison administration: 65 teachers, and 26 vocational trainers. Total: 91.

**Liechtenstein:** (d) Staff working in penal institutions, but not employed by the prison administration: three doctors (they decide about the treatment and contact other specialists), and five (or more if it is asked for) social trainers, psychiatrists and psychologists. Total: 8.

**Lithuania:**

(c) Staff not working in penal institutions: 163 staff of Regional Correction Inspections responsible for execution of alternative punishments and supervision of persons released on parole, and 27 staff of the Training Centre of the Prison Department. Total: 190.

(d) Staff working in penal institutions, but not employed by the prison administration: 124 teachers, 4 vocational trainers, and 23 technical staff. Total: 151.

**Luxembourg:** (d) Staff working in penal institutions, but not employed by the prison administration: 28 health staff, 9 teachers, 26 unemployed persons, and 1 technical staff member. Total: 64.

**Moldova:** (d) Staff working in penal institutions, but not employed by the prison administration: 41 teachers.

**Netherlands:** Data relate to the prison service only.

**Norway:**

(a) Staff working at the National Prison Administration: The Department of Corrections at The Ministry of Justice has 45 positions but these, collectively, administer both prison and probation services. Some tasks will be exclusively prison or probation whilst others will relate to both services. It is therefore impossible to measure how much time each employee spends in either service but a very rough estimate indicates that 75% (of 47=33.5) of their time is used on prison matters.

(b) Staff working at the regional prison administrations: Similar to (a). There are 110 positions but estimated at 80% = 88.

(d) The "import model" is employed consistently and all health, teaching services, etc., are supplied by the relevant authority. The number of persons involved varies greatly from time to time and the prison administration does not collect such statistics.

**Poland:** Data relate to 30 September 2004 instead of 1 September 2004.

**Romania:** (d) Staff working in penal institutions, but not employed by the prison administration: 203 teachers.

**Slovenia:** (d) Staff working in penal institutions, but not employed by the prison administration: 40 doctors, one teacher, one psychologist and nine nurses. Total: 51.

**Spain – Catalonia:**

- Data relate to June 2004 instead of 1 September 2004.
- (d) Staff working in penal institutions, but not employed by the prison administration: 110 doctors.

**Spain – Rest of Spain:** (d) Staff working in penal institutions, but not employed by the prison administration: Data do not include teachers that work in the penal institutions of the Autonomous Communities. Data do not include staff of the Security Forces (Police and Civil Guard) that work as perimeter guards.

**Ukraine:** (d) Staff working in penal institutions, but not employed by the prison administration: 682 teachers, and 649 vocational trainers. Total: 1 331.

**Notes – Table 21**

**Azerbaijan and Ukraine:** The extremely low figures for these countries suggest that the concept was understood in a different way than in the rest of the countries. Therefore the rates have not been calculated.

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