



Bilingual/Bilingue

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16th Conference
of
Directors of Prison Administration
with the participation of
Directors of Probation Services

“Working together to promote the social reintegration of prisoners”

16^e Conférence
des Directeurs d'administration pénitentiaire
avec la participation
des Directeurs des services de probation

«Travaillons ensemble pour promouvoir la réinsertion sociale des détenus »

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**COMPILATION OF THE REPLIES TO THE QUESTIONNAIRE REGARDING
THE IMPLEMENTATION OF THE MOST RECENT COUNCIL OF EUROPE
STANDARDS RELATED TO THE TREATMENT OF OFFENDERS WHILE IN
CUSTODY AS WELL AS IN THE COMMUNITY**

**COMPILATION DES REPONSES AU QUESTIONNAIRE RELATIF A LA MISE
EN OEUVRE DE NORMES LES PLUS RECENTES DU CONSEIL DE
L'EUROPE CONCERNANT LA PRISE EN CHARGE DES DELINQUANTS EN
MILIEU FERME ET DANS LA COMMUNAUTE**

I. THE COMMITTEE OF MINISTERS RECOMMENDATION REC(2006)2 ON THE EUROPEAN PRISON RULES 16

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18. As regards the countries concerned, has Recommendation Rec(2010)1 of the Committee of Ministers on the Council of Europe probation Rules been translated into your national language? (if so, please send an electronic version of the text) (currently the text of CoEProbR may be consulted on the Council of Europe web site in 4 different linguistic versions (www.coe.int/prison))...... 110

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I. THE COMMITTEE OF MINISTERS RECOMMENDATION REC(2006)2 ON THE EUROPEAN PRISON RULES

I. LA RECOMMANDATION REC(2006)2 DU COMITE DES MINISTRES SUR LES REGLES PENITENTIAIRES EUROPEENNES

1. Have your national legislation, standards and practices been reviewed since 2006 in order to bring them in line with the EPR - if needed - or is it envisaged to do so in the near future?

Depuis 2006, votre législation, vos normes et pratiques nationales ont-elles été revues afin de les mettre en conformité avec les RPE - si pertinent - ou cela est-il envisagé dans un futur proche ?

Albania/Albanie

The Albanian Penitentiary System, based on the European Convention of Human Rights and on the practices of the European Court of Human Rights, has made consistent efforts for the implementation and the application of the recommendations of the European Council of Ministers, regarding the European Prisons Rules. These recommendations have been incorporated into the legal acts of the Albanian Penitentiary System. The incorporation of such recommendations into the legal acts have been ensured and at the same time are serving as basis for the reduction and the prevention of discrimination toward those detained.

For the preservation of human dignity, without discrimination because of sex, nationality, race, economic and social, political and religious views, the Albanian legislation in accordance with international agreements has designated in its legal articles a number of provisions. In particular, such provisions deal with the treatment of prisoners and detainees and functional responsibilities of the respective state institutions related to the rigorous implementation of all obligations deriving from the existing legal framework. Since 2006, the national legislations that have been reviewed, regarding the penitentiary system, are as follows:

- Law no. 8328, dated 16/04/1998 "For the rights and treatment of pre-trial detainees and the convicted offenders", amended.
- Decision of Council of Ministers no. 303, dated 25/03/2009, "On the approval of the General Regulation of Prisons".
- Amendments on the law no. 8331, dated 21/04/1998 "On the enforcement of the penal decisions"
- Law no. 9397, dated 12/05/2005, "For the Internal Service Control of the Penitentiary System".
- Amendments on the Penal Code on Law no. 10032, dated 27/11/2008 "For the Probation Service".
- Approval by the Minister of Justice of Internal Prisons Regulations for 21 institutions.
- Order no. 329, dated 15/01/2009 of Minister of Justice "For the categorization of the Institutions of Enforcements of Penal Decisions".

Armenia/Arménie

During 2006-2011 the national legislation on criminal executive law has undergone certain changes aimed at improving the legal protection of prisoners as well as at regulating the existing problems which are certainly consistent with the European principles of prison rules.

Thus, amendments and supplement were made in 2006 to the Criminal Executive Code of the Republic of Armenia by law չ 0-120-Ն, adopted on 1 June, by law չ 0-66-Ն, adopted on 13 June and by law չ 0-182-Ն, adopted on 15 November. By these changes the rights and responsibilities of the person convicted to the correctional labor were completed. In addition, the procedure of the exemption from punishment on parole or the replacement of the not served part of the punishment with a mild punishment has been changed, determined the performance of fine, the impossibility of paying the fine and its consequences, not paying and its consequences, etc.

On 8 April 2008, Article 22 of the Criminal Executive Code of the Republic of Armenia was completed by law չ 0-15-Ն, which determine the right of free access to the place of incurring a penalty for any person without a special permission, which does not influence on the number of visits to the convict, which corresponds to articles 24.3 and 24.5 of the European Prison Rules (EPR).

The amendment made in Article 92 of the criminal executive code by չ 0-182-Ն law adopted on 15 November 2006 which also correspond to the article 24.4 of the EPR. This amendment determines the

right of a convict to have a long-term meeting with a person with whom they have a common child but are not officially married.

By the law of the Republic of Armenia «On Amendments and Supplements in the Law on Treatment of Arrestees and Detainees» adopted on 15 November 2006 by the RA National Assembly, changes were made to article 32 which determines the new procedure of notifying about the place of arrest or detention which corresponds to points 24.8 of the EPR.

By the law of the Republic of Armenia «On Amendments to the Law on Criminal Executive Service» adopted on 7 April 2009, changes were made to para. 3 of Article 51 which determines the liabilities of the criminal executive servant as well as the head of the criminal executive department or his substitute in cases of implementation of physical force, special means and weapons which additionally provided the compliance to 53.1-53.7 points on Special high security or safety measures of the EPR.

Austria/Autriche

The Austrian national legislation, standards and practices in the prison field have been reviewed since 2006 as follows:

The Code of Penal Execution and the Criminal Code were amended in order to reduce the prison population (so called “Legal package to reduce the prison population” 1.1.2008). It contains a reform of the system of parole (conditional release), community service as an alternative to imprisonment for unpaid fines and introduced a provision in the Code of Penal Execution, namely early release of non integrated foreigners in case of residence ban. (§ 133a).

Furthermore the Austrian Code of Penal Execution was amended in the following way:

According to § 43 leg.cit. prisoners are entitled (have the right) of at least one hour of exercise every day in open air. This period should be extended as much as possible. Exercise in the open air is including sport activities and is by far not limited to only walking around.

According to § 39 leg.cit. also sentenced prisoners (not only prisoners on remand) are entitled to wear their own clothing (including underwear), if cleanliness is ensured and the clothing doesn't pose any risk to security, safety and good order in the institution.

As of 1 September 2010 electronic monitoring (house arrest) as an alternative measure of imprisonment was introduced in Austria (front door, back door as well as an alternative to remand in custody). In the case of sentenced persons the sentence must not exceed 12 months (front door) or the time to be served must not be more than 12 months (back door).

Azerbaijan/Azerbaïdjan

Consistent measures have been taken in Azerbaijan to further improve the functioning of the Penitentiary service. The law on amendments to the Criminal Procedural Code and Code of execution of penalties was enacted on 24 June 2008. The amendments are fully in line with the European Prison Rules. These amendments are aimed at enhancing the scope of the rights and freedoms of the prisoners.

The amendments to the legislation which were introduced during 2008-2010 envisage wide range of extensive rights to the prisoners in line with European Prison Rules. They envisage among others the following privileges:

- Seeking psychological aid;
- Provision of information on the place of the execution of the penalty;
- Increase of telephone talks;
- Increase of the encouraging measures;
- Enhanced opportunities for the employment of the prisoners;
- Sport and leisure activities, etc.

Belgium/Belgique

De manière générale, les Règles pénitentiaires (quelles soient de l'ONU ou du Conseil de l'Europe) sont intégrés dans la loi de principes (12/01/2005) dont l'essentiel des dispositions qui ont trait au régime de détention est entrée en vigueur au 1er septembre.

En attendant, les pratiques et réglementations actuelles sont déjà fortement inspirées par ces règles (ainsi que par la CEDH), même si, dans la pratique, nous devons reconnaître que ce n'est pas toujours évident vu les problèmes de surpopulation et d'infrastructures déficientes.

Bulgaria/Bulgarie

The changes and appendices to the Law on Execution of Sentences and Detention (ZINZS) and the Rules implementing the Law on Execution of Sentences and Detention, effective since 01.06.2009, are part of the reform of the Bulgarian penitentiary legislation. The aim of this reform is to bring the Bulgarian legislation into conformity with the European Prison Rules. Based on the established standards by the United Nations and the Council of Europe, the execution of imprisonment and the judicial remedy of detention are almost entirely in conformity with the European requirements.

Croatia/Croatie

Further to the Committee of Ministers Recommendation Rec (2006)2 on the European Prison Rules as was adopted on 11 January 2006, the Croatian national legislation on enforcement of prison sentence sustained extensive amendments and changes in July 2007 and in August 2009. The Amendments of the Enforcement of Prison Sentence Law (hereinafter: the Law) involved the following:

- Specifying procedure for complaints of inmates and judicial protection of rights guaranteed to inmates by the Law,
- Extending the jurisdiction of enforcement judge,
- Procedures for passing commitment order by enforcement judge in some specific cases,
- Procedures for obtaining specific personal data from inmates (including samples of biological origin),
- Procedures for preparation of individual programme for enforcing prison sentence (hereinafter: the individual programme),
- Extending the possibility to approve an inmate continuation of work with the employer, or conduct of one's own business activities while serving prison sentence,
- Health protection of inmates and procedures with mentally disordered inmates, as well as right of inmates to access and acquire copy of one's own medical record,
- Visitation of appointed representatives of national or international bodies to penal institutions
- Procedures and conditions for approving incentives and privileges to inmates and co-operation of penal institutions with field Probation Office(s)
- Specifying authority of prison staff and physicians for conducting specific forms of body search of inmates,
- Specifying procedures for enforcing specific measures of order and security, and legal conditions to enforce such measures on pre-trial detainees,
- Specifying procedures and legal conditions to intervene with means of coercion towards inmates and/or pre-trial detainees, as well as introducing the two new less harmful means of coercion (vaporiser with non-aggressive substances and electrical-fasers),
- Further specifying of disciplinary offences of inmates, as to ensure legal certainty of inmates and prevent disciplinary sanctioning for non-stipulated disciplinary offence,
- Intervention in enforcement of solitary confinement,
- Sole authority of the Head Office of Prison Directorate to decide upon transfer of inmate to another penal institution and other issues related to transfer of inmates,
- Stipulations related to conditional release of inmates,
- Stipulations related to enforcement of prison sentence imposed in misdemeanour procedure or fine imposed in such procedure and substituted with prison sentence.

Cyprus/Chypre

National legislation hasn't been reviewed since 2006 in order to bring them inline with the European Prison Rules (EPR). It is envisaged to do so in the near future. Only a few amendments are needed in order to comply with the EPR.

Czech Republic/République tchèque

The Prison Service of the Czech Republic (PSCR) prepared a comparative material of our national legislation and the EPR in order to see what changes of the legislation are necessary to be made.

Denmark/Danemark

Denmark finds the Danish rules of enforcement of sentences overall in keeping with EPR. A few of the European Prison rules has led to changes in the Danish rules.

Among these is rule 54 concerning the fact that searches leading to undressing prisoners may only be done by staff of the same gender. This has resulted in an alteration of the act of enforcement of sentences, section 65, subsection 5, because the law previously contained a narrow exception to the rule. The search order has also been altered accordingly.

Rule 26.11 concerning the possibility for the prisoners to give away a part of their salary to family has further led to more exactly stated Danish administrative rules regarding prisoners and their access to sent out money.

Denmark has, as known, chosen to take reservations concerning rule 43.2. The rule states that the medical practitioner or a qualified nurse reporting to such a medical practitioner shall pay particular attention to the health of prisoners held under conditions of solitary confinement, shall visit such prisoners daily, and shall provide them with prompt medical assistance and treatment at the request of such prisoners or the prison staff. The reservation is based on the fact that Danish medical practitioners consider it as being incompatible with medical ethics and therefore will not carry out inspection by routine with prisoners held under measures by force. Even though the commentary expressly determines that it is not the medical practitioners' job to guarantee that the prisoner can in fact endure the measures, it could easily be interpreted by the prisoner as a medical acceptance of the measure and therefore leave doubt within the field of responsibility between the medical practitioner and the prison management.

Estonia/Estonie

The Imprisonment Act of Estonia has been reviewed since 2006 several times. The EPR has been taken into account, whenever possible. For example: before there was no possibility for female and male prisoners to take part in the same cultural or educational activities; however, now this possibility exists as recommended by the EPR.

Finland/Finlande

Yes, national legislation (Act on Imprisonment, 2006) is in line with EPR. While the reform of 2006 was prepared, the old version of EPR was used. The starting point at the time was to take to the law level all matters which referred to prisoner's rights and obligations. At the general level the legislation follows quite well the recommendation of 2006. At the moment, the Imprisonment Act in Finland is being revised and this process is also done in the light of the renewed EPR.

France

Dès 2006, la direction de l'administration pénitentiaire a entrepris de mettre en conformité les pratiques et procédures professionnelles des personnels pénitentiaires avec les règles pénitentiaires européennes (RPE).

1) L'analyse

Pour ce faire, une analyse a été menée en 2006 tant sous l'angle strictement juridique que sous celui des pratiques professionnelles, laquelle a permis de constater que la réglementation française était très proche des exigences posées par le conseil de l'Europe.

Cependant, il est apparu d'une part que quelques règles nécessitaient des aménagements législatifs ou réglementaires.

Dans cette perspective et bien au-delà des simples aménagements évoqués, la loi du 30 octobre 2007 instituant un contrôleur général des lieux de privation de liberté puis la loi pénitentiaire du 24 novembre 2009 sont venues consacrer la plupart de ces règles.

D'autre part, la mise en œuvre de plusieurs règles nécessitait également de faire évoluer certaines pratiques professionnelles en vigueur.

2) L'expérimentation

Deux démarches volontaristes ont alors été engagées de manière concomitante : une expérimentation dans 28 sites pilotes de 8 règles à enjeux forts et portant notamment sur l'accueil, l'affectation et l'orientation des personnes détenues, l'élaboration d'un parcours d'exécution de peine (PEP), le traitement des requêtes des personnes détenues, le respect d'un cadre éthique pour les personnels et la nécessaire information du public ;

la rédaction d'un référentiel qualité portant application de l'ensemble des recommandations des RPE dans le droit pénitentiaire français. Une large réflexion a été menée en services déconcentrés et à l'administration centrale dans le cadre de groupes de travail. Les directions interrégionales, les établissements pénitentiaires, les services pénitentiaires d'insertion et de probation ainsi que de nombreux partenaires institutionnels ont été en effet étroitement associés à la rédaction de ce référentiel. Le recensement des bonnes pratiques ainsi que des actions innovantes initiées à la faveur de la démarche d'expérimentation des RPE dans les 28 sites pilotes a été déterminant dans la construction de ce projet. Le référentiel finalisé de principes et de pratiques professionnelles a été diffusé en septembre 2008. La version 3 (juin 2011) est actuellement en vigueur.

3) La mise en œuvre

3.1 Le référentiel

Décliné sous la forme d'engagements de services concrets et mesurables, ce référentiel constitue désormais la charte d'action du service public pénitentiaire d'application des RPE et participe ainsi à l'harmonisation actuelle et future des pratiques professionnelles.

Instrument de pilotage et de management pour les établissements pénitentiaires, il permet, pour chaque engagement du référentiel, de connaître les modalités pratiques de mise en œuvre, les éléments de contrôle et de preuve et les responsables opérationnels.

Il fait l'objet d'une mise à jour au regard des évolutions réglementaires et légales ainsi que des bonnes pratiques expérimentées et validées au niveau déconcentré.

Le référentiel est structuré en 7 parties distinctes :

1. Prise en charge et accompagnement de la personne détenue durant la phase d'accueil (accueil, observation, prise en charge pluridisciplinaire)
2. Prise en charge et accompagnement de la personne détenue durant la détention (parcours d'exécution de peines, adaptation du régime de détention)
3. Vie en détention (conditions de détention, alimentation, santé, prise en charge des publics spécifiques, maintien des liens avec l'extérieur, traitement des requêtes, exercice du culte)
4. Sécurité (maintien de l'ordre et de la discipline, sécurité passive et active)
5. Professionnalisation des agents (cadre éthique, organisation et contenu des formations, validation des acquis, capitalisation des bonnes pratiques, programme de recherche)

Contrôle des établissements interne et externe

Information du public (communication au public sur les missions de l'administration pénitentiaire, intervention de la société civile dans les structures pénitentiaires)

3.2 La labellisation

Dès 2008, l'administration pénitentiaire s'est engagée dans une procédure de labellisation. C'est sur la première partie du référentiel intitulée « prise en charge et accompagnement de la personne détenue durant la phase d'accueil » que se fonde cette démarche qualité.

Cette partie du référentiel se caractérise notamment par :

- la création ou la rénovation de locaux arrivants spécifiques et adaptés,
- le respect d'une véritable procédure d'accueil formalisée et conduite par des personnels formés à cet égard,
- une prise en charge pluridisciplinaire de la personne détenue dès les premiers temps de son incarcération permettant de déterminer son profil et ses besoins sur le plan sanitaire, psychologique, social ou matériel. Cette mise en cohérence des interventions des différents partenaires (pénitentiaires, médicaux, enseignants, travail...) permet une orientation interne, fondée sur un véritable bilan individualisé à l'issue de la phase d'accueil. Elle permet d'identifier et de gérer rapidement les caractéristiques de chaque individu (dangerosité, vulnérabilité, risques suicidaires...). Elle se concrétise par l'ouverture d'un livret de suivi individuel de la personne détenue qui accompagnera celle-ci durant toute sa détention.
- l'amélioration de la prise en charge de l'arrivant dès son écrou avec la garantie de jour comme de nuit de modalités telles que la distribution d'un repas chaud, la possibilité de prendre une douche, ou encore la remise d'un guide expliquant les droits et obligations de la personne détenue.

La démarche de labellisation est conduite par un organisme certificateur reconnu : Bureau VERITAS. L'audit sur site est réalisé par un évaluateur mandaté et a pour but de vérifier la conformité des pratiques avec le cahier des charges que constitue la première partie du référentiel de l'administration pénitentiaire. A l'heure actuelle 83 établissements ont obtenu le label qualité RPE.

Les bénéfices tirés de la mise en œuvre du référentiel en matière du parcours arrivant, que ce soit pour les agents intervenant en détention (professionnalisation accrue des méthodes de travail, sentiment de reconnaissance et de valorisation du travail effectué, meilleure compréhension du travail des différents intervenants, etc.) ou pour la personne détenue (amélioration de la prise en charge dès l'accueil dans le cadre d'un suivi pluridisciplinaire, atténuation du choc carcéral, etc.), sont réels.

3.3 La circulaire du 14 janvier 2009 et la loi pénitentiaire du 24 novembre 2009

En 2009, la généralisation des actions entreprises à titre expérimental en application du référentiel RPE est privilégiée afin d'harmoniser la mise en œuvre des RPE au plan local et éviter ainsi que des établissements soit écartés de cette dynamique.

Les avancées concrètes initiées à la faveur de l'expérimentation sont donc étendues à tous les sites.

La loi pénitentiaire du 24 novembre 2009 a validé et inscrit dans le droit interne la grande majorité des règles pénitentiaires européennes (circuit arrivant, travail pluridisciplinaire, téléphonie, etc.). Le travail de mise en œuvre des RPE se poursuit donc dans ce cadre législatif.

Georgia/Géorgie

Government of Georgia is committed to the reforms within penitentiary system while respecting the human rights of persons deprived of liberty in line with the United Nations Standard Minimum Rule for the Treatment of Prisoners and the European Prison Rules. The new Code on Imprisonment of Georgia, which is the basic guidance for the penitentiary system staff and inmates, was elaborated by the Working Group under the Interagency Coordination Council and was enforced on the 1st of October, 2010. It was twice sent to the Council of Europe for expertise. Most of the recommendations of CoE were accepted by the Georgian government.

The code addresses the issues pertinent to development of strong conditional release system, promotion of the community work and development of the proper infrastructure. The Code on Imprisonment establishes a new approach to disciplinary proceedings, appeal procedures and allocation of prisoners in the establishments. It creates additional human rights protection guarantees for prisoners.

Germany/Allemagne

En septembre 2006, la compétence de légiférer en matière de l'exécution des peines et de l'exécution de la détention préventive a été transférée du Bund (la Fédération) aux Länder fédéraux. Depuis, tous les 16 Länder fédéraux ont élaboré de propres lois relatives au régime pénitentiaire pour mineurs et 5 Länder ont déjà leur propre lois relative au régime pénitentiaire (pour adultes). L'ensemble des lois est en conformité avec les règles pénitentiaires européennes (RPE).

Tel est également le cas des projets de lois relatives au régime pénitentiaire devant être adoptées dans les Länder fédéraux dans lesquels le régime de la détention préventive n'a actuellement pas encore reçu une réglementation législative et dans lesquels la Loi fédérale sur l'exécution des peines est toujours applicable.

Iceland/Islande

No, the Icelandic legislation has not been reviewed since 2006. However, it is to a large extent in line with the European prison rules. It should be mentioned that the execution of the Icelandic Sentences Act No. 49/2005 is under review with regards to the European prison rules.

Italy/Italie

The Italian Penitentiary Act, which entered into force in 1975, is acknowledged as one of the most advanced legislative instruments in the penitentiary field in Europe. Therefore, it was not necessary to bring it in line with the new European Prison rules, since all the principles and the provisions contained in the Rec R(2006)2 are already explicitly represented in it. Indeed, in the publication of the Italian translation of the 2006 Rules, a synoptic table was included, making a comparison between the Penitentiary Act provisions and the European Prison Rules, thus demonstrating that there is a substantial correspondence between the national norm and the European norm.

Lithuania/Lituanie

Since 2006, national legislation, standards and practices have been reviewing on regular basis to keep them in compliance with the ERP. In 2009, the Government of the Republic of Lithuania approved the Strategy on Modernization of Custodial Facilities (Official Gazette Žin., 2009, 121-5216). By 2018, 5 new custodial facilities are planned to be built and 5 outdated ones (out of 11) to be closed (the remaining institutions to be reconstructed) within the framework of implementation of the Strategy.

Luxembourg

No reply provided.

Moldova/Moldavie

From 24 December 2004, our prison rules are particularly regulated by Enforcement Code No.443, which was drawn up to a great extent in line with the EPR bill and at the time of its adoption was in a legal expertise process. Thus, provision(s) of the Enforcement Code have substantially changed previous procedures and conditions of enforcing detention. Substantially, there have been adopted new provisions concerning the following:

- types of institutions for the detention of the convicts;
- provisions determining the detention regimes: initial, common and resocialisation;
- the inmates' rights sphere has been enlarged, particularly the right to be informed regarding all conditions of serving the sentence and administration's duty to inform them on the existent rights;
- there has been established authorities and independent mechanisms, as well as their access in prisons (Ombudsmen and Centre for Human Rights);
- assurance of conscience and religious freedom;
- there has been forbidden the censorship of correspondence with the lawyer, ombudsman, bodies of penal investigation, prosecutor's office, court and other public administration authorities, as well as international governmental organisations, in order to ensure the protection of fundamental human rights and freedoms;
- mandatory medical examination when entering the prison, as well as periodic ones and upon request;
- inmates' consent on prison labour, as well as the assurance of compliance of the labour, payment and protection conditions with provisions in the field;
- the inmates' right to receive their pension (in case of those who benefit from it) in line with their personal necessities, while being imprisoned, as well as administration's obligation to assist the envisaged inmates who have the right to benefit from it in their administrative steps in case prior to imprisonment the same have not filed the required demands in order to benefit from it;
- the administration's obligation to create conditions for the secondary general education and for secondary professional education within the prisons has been introduced;

- the planning (individualisation) of serving a sentence has been institutionalised;
- a new institution of penitentiary probation has been introduced, which is in charge of monitoring person's evolution in the prison and of granting psychological, juridical and other type of assistance aiming at social reintegration of the inmate;
- aiming at avoiding abuses, the procedure of applying disciplinary sanctions and the procedures of appealing the decision of applying such sanctions have been reviewed. Thus, the new law regulates the existent disciplinary sanctions. The right for pronouncing a decision is under the prison governor's competence and a positive medical report in cases of incarceration of a person is mandatory.

In addition, prior to the adoption of REC (2006)², (aiming at complying of the local regulations with the Council of Europe's standards), a number of normative and legislative acts have also been adopted:

1. Law No.15 – XVI from 15.02.2008 (gazette of the Republic of Moldova, 2008, No.57-60 from 21.03.2008, art. 187) on the modification and amendment of the Law on penitentiary system No.1036-XII from 17.12.1996;
2. Law No. 235-XVI from 13th of November 2008 on civil control of human rights in the institutions ensuring persons' detention (gazette of the Republic of Moldova, 2008, No.226-229, art.826);
3. Law No. 229-XVI from 25.12.2008 on the modification and amendment of the Enforcement Code of the Republic of Moldova No.443-XV from 24th of December 2004, drawn up with the aim of exclusion certain lacks related to the impossibility of carrying out the right to work, including out of the prison, of some categories of convicts;
4. Law No. 188 from 10.07.2008 on the amnesty related to the declaration of 2008, namely Year of Youth (published in the gazette of the Republic of Moldova No.127-130, art. 516), which granted a number of advantages and facilities to this category of citizens, including the field of enforcing of deprivation of liberty. This law has been issued in order to implement CPT's recommendations on reducing overcrowding in prisons;
5. Statute of Serving the Sentence by the convicts approved by the Governmental Decision No.583 from 26.05.2006;
6. Governmental Decision No. 609 from 29.05.2006 on the approval of minimal norms of daily nutrition of the inmates and of delivering washing powder. By this act, drawn up jointly with Health and Social Protection Ministry, there has been pursued the objective of a qualitative and quantitative improvement of the daily nutrition ratio of the inmates, enhancing the value of calorie within the limits of physical nutrition necessities of different categories of the inmates. Also, this normative act has been reviewed by the Governmental Decision No. 1054 from 15.06.2008 in order to bring the national legislation in line with the provision 19.6 of the EPR from 11.01.2006, which states that the state shall provide the support in ensuring the inmates with toiletries and general cleaning implements and materials. The above mentioned modifications include granting the inmates, depending on their gender, soap, toothpaste and toothbrushes, toilet paper, one time use razors, absorbents for female inmates and napkins for children.

Monaco

Un projet d'ordonnance souveraine a été initié principalement pour répondre aux RPE (2006) et aux REC (2010). Ce nouveau texte a clairement pour objectif d'harmoniser la politique pénitentiaire monégasque sur celle des Etats membres du Conseil de l'Europe afin de faire adopter des pratiques et des normes communes. Ce projet comprend des dispositions novatrices afin de se conformer, dans la mesure du possible, aux standards européens édictés par les REC et REP.

Montenegro/Monténégro

The amendments concern the area of parole of convicted persons from the Article 66 of the Law on the Execution of Criminal Sanctions (LECS) from the competence of the Parole Commission.

- The amendments of this article are related to the fact that the Decision on Parole is submitted to the Parole Board which subsequently informs the Social Welfare Centre, the Employment Agency and if necessary also the appropriate healthcare institution.
- Then, in the part of the conditions for the interruption of the prison sentence, the reasons are extended for which the interruption can be requested.

The Law has been amended by introducing a new institute - "Probation" during the period of release of a convict – parole, suspended sentence, suspended sentence with protective supervision, community service and other measures stipulated in the law.

Protective supervision is entrusted to a special newly established unit of the Ministry of Justice: Suspended Sentence Section.

Poland/Pologne

Current provisions on the preventive prison measures remain in accordance with the European and international standard, including the European Prison Rules.

Portugal

Notre législation, nos normes et pratiques nationales ont effectivement changé, après la publication de la Loi 115/2009 du 12 octobre se référant au « Código da Execução das Penas e Medidas Privativas da Liberdade », législation concernant l'application des règles pénitentiaires plus conformes à la Recommandation REC (2006)2.

Fondé sur le principe du respect des droits de l'Homme et du traitement pénitentiaire, on signalera le renforcement de l'implication et de la commande des juges du tribunal de l'application des peines (TEP), concernant les décisions sur les personnes emprisonnées.

On souligne, entre autres, les changements suivants :

1. Sur les principes fondamentaux la nouvelle loi prévoit que les personnes privées de liberté conservent tous les droits qui ne leur ont pas été retirés selon la loi par la décision les condamnant à une peine d'emprisonnement ou les plaçant en détention provisoire ; chaque détention est gérée de manière à faciliter la réintégration dans la société libre des personnes privées de liberté et on renforce aussi la coopération avec les services sociaux externes et, autant que possible, la participation de la société civile à la vie pénitentiaire.
2. En ce qui concerne les conditions de détention on signalera l'effort entamé pour que chaque personne fasse l'objet d'une évaluation rapide au moment de la détention, qui tient compte du respect pour des aspects de sa personnalité, ses besoins, ses droits et ses intérêts juridiques.
3. Dans le régime pénitentiaire on signale l'introduction de la garantie de travail rémunéré, des droits à la sécurité sociale et à l'accès à la culture et au respect intégral de la personnalité.
4. La participation de la personne détenue dans son processus de réinsertion sociale et la protection de la victime sont des aspects à tenir en compte quand on prépare le projet de libération conditionnelle.

Romania/Roumanie

Depuis 2006, la législation de Roumanie, a adopté :

- la loi Nr. 275 de 4 juillet 2006 concernant l'exécution des peines et des mesures disposées par les organes judiciaires au long du processus pénal modifiée et complétée par la loi Nr. 83 de 13 mai 2010.
- la décision ministérielle nr. 1897 de 21 décembre 2006 pour approuver le Règlement d'application de la loi nr. 275/2006 sur l'exécution des peines et des mesures modifiée et complétée par l'arrêt nr. 1113 de 3 novembre 2010 pour modifier et compléter le règlement d'application de la loi nr. 275/2006 concernant l'exécution des peines et des mesures disposées par les organes judiciaires au long du processus approuvé par la décision de gouvernement nr. 1.897/2006.
- d'autres actes normatifs, des ordres du ministre de la justice, des décisions du directeur général de l'Administration Nationale des Pénitentiaires émises à la base des dispositions mentionnées au-dessus.
- il doit être approuvé une nouvelle loi d'application des peines, suite au paquet législatif concernant la « Reforme en justice ».

Russian Federation/Russie

The work is being done on amendments to the Russian legislation, standards and practices of the penitentiary system on the European Standards for the Treatment of Prisoners including the European Prison Rules adopted by the Guidelines Committee of Ministers № R (87) 3 and Rec (2006) 2, by the adoption of the concluding number 193 (1996) of the Parliamentary Assembly of the Council of Europe on Russia's bid to join Council of Europe.

In early 1994, Recommendation № R (87) 3 of the Committee of Ministers "Concerning the European Prison Rules" has been translated into Russian and distributed in the Main Department of Russian Penal

Service. The Russian version of this document was given to the delegation of the Council of Europe in Moscow, Ms. Margaret Eckert, as the confirmation of the desire to achieve compliance with the universally recognized human rights standards.

To date, 48 federal laws are accepted, including 31 since 2006, amending the Penal Code of the Russian Federation of 08.01.1997 № 1-FZ (Federal Law), 17 federal laws, including 6 since 2006, amending the Federal Law of 15.07.1995 № 103-FZ (Federal Law) "On the detention of suspects and defendants", 22 federal laws, including 11 since 2006, amending the Federal Law of 21.07.1993 № 5473-I "On the institutions and bodies, enforcing criminal penalties of imprisonment."

Starting from October 13, 2004 - date of creation of the Federal Penitentiary Service, all departmental regulations of the Russian Ministry of Justice concerning the activities of the correctional system have been revised.

Annually FSIN of Russia publishes 20-30 orders to correct the enforcement of penal imprisonment and detention, taking into account the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the conclusions of the European Court of Human Rights, cited in its rulings.

In order to integrate Russia into the international legal field and the use of international standards for the treatment of prisoners the Federal Government has launched the Concept of development of the penal system of the Russian Federation to 2020 (hereinafter - the Concept), which provides an increase in efficiency of the penal institutions and agencies, to the level of European standards of treatment. The first stage of the Concept (2010 - 2012 period) includes the development of normative legal acts aimed at the implementation of the Concept, as well as the development and adjustment of federal programs according to the main goals of the Concept.

In this regard, in 2010, public authorities of the Russian Federation adopted 10 federal laws, 3 Decrees of the President of the Russian Federation, 5 decrees of the Government of the Russian Federation aimed at improving and developing Penal service.

Over the past period with the participation of the FSIN of Russia 8 federal laws affecting the activity of the Penal service have been accepted, a decree of the President of the Russian Federation signed, 3 Resolutions of the Government of the Russian Federation adopted to improve the correctional system. Currently in the state of the Russian Federation 25 projects of federal laws are pending aimed at addressing issues of reforming the penal system and the implementation of the conceptual issues of development, 14 of them – are under consideration in the State Duma of the Russian Federation. A proposal on the need to improve public policy in the penal sphere and detention for the implementation of the European Court of Human Rights decisions and the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, based on the European Prison Rules, 03/28/2011 are submitted to the Department of Regulatory Affairs, analysis and control of the Russian Ministry of Justice.

In June 2011 FSIN of Russia prepared and sent to the Russian Ministry of Justice a proposal to amend the draft federal law "On Amendments to the Criminal Code of the Russian Federation, the Criminal-Executive Code of the Russian Federation and other legislative acts of the Russian Federation" to add supplements relating to European standards for the treatment of prisoners.

Subject to the provisions of the Concept adjustment the federal target program "Development of the correctional system (2007 - 2016 years)" is being is carried out.

San Marino/Saint Marin

Cela est envisagé dans un futur proche, avec la revision du Cp et du CPP

Serbia/Serbie

New Law on Enforcement of Penal Sanctions (ZIKS) came into force on January the 1st 2006 and it was written with total respect and in accordance with the EPR from 1987. The Law was so far changed twice (in 2009 and in 2011) and each time it was additionally set in line with standards prescribed by EPR from 2006.

Slovak Republic/Slovaquie

Yes.

Slovenia/Slovénie

Yes, they have been reviewed.

Spain/Espagne

No, because our prison legislation already contains the EPR Recommendations, and it is not necessary a new legal modification.

Spain (Catalonia)/ Espagne (Catalogne)

Le droit pénal et pénitentiaire n'a pas été modifié suite à l'approbation expresse des règles pénitentiaires européennes. Pourtant, l'administration pénitentiaire de Catalogne, à l'occasion du Congrès international d'administration pénitentiaire de Barcelone, en 2006, a fait un travail important de propagation de la RPE entre tous les participants dans le congrès. En outre, l'EPR ont été prises en compte lors de l'approbation du règlement sur l'organisation et le fonctionnement des services d'exécution des peines en Catalogne, en Septembre 2006.

Sweden/Suède

On 1 April 2011, the Act on Imprisonment and the Act on Detention entered into force, replacing the Prison Treatment Act from 1974 and the Act on the Treatment of Detained and Arrested Persons Etc from 1976. The new acts have been designed to meet Sweden's international commitments, including the EPR.

The EPR have also been considered within the Prison and Probation Service's regular work on revising standards and practices.

Switzerland/Suisse

La partie générale du Code pénal (CP) a été révisée; elle est entrée en vigueur le 1er janvier 2007. De nouvelles prescriptions y ont été introduites, lesquelles étaient déjà consignées dans la REC(87)3 et intégrées dans la REC(2006)2. Les principes en matière d'exécution des peines ont été résumés sous la forme d'une législation cadre et adaptés en fonction de la jurisprudence du Tribunal fédéral et de la Cour européenne des droits de l'homme. Les principales nouveautés inscrites dans le Code pénal (art. 74 à 92) comprennent entre autres:

- a. les principes de l'exécution
- b. la resocialisation comme point central
- c. l'obligation d'établir un plan d'exécution individuel
 - le travail externe et le logement externe en tant que phase de progression
 - la semi-détention possible pour une peine de 6 à 12 mois
 - les relations avec le monde extérieur sont précisées
 - les contrôles et inspections sont réglés
 - le règlement cadre pour le droit disciplinaire

Turkey/Turquie

The New Penal Code, the Penal Procedural Code, the Penal Enforcement Code, and new Child Protection Act were entirely revised and enacted in year 2005 by Turkish Grand National Assembly. These new codes, which are the results of the judicial reform process in Turkey, provide the statutory framework for a range of new penal measures and practices. Within the project of the Judicial Modernization and Penal Reform in Turkey a huge number of Acts, Rules, Regulations and Circulars have been revised, renewed or changed. In 2007, 3 articles of the Act on Prisons and Detention Houses Monitoring Boards have been changed to meet the growing demands. External Security Draft Act on Prison Services has been revised by the committee from General Directorate of Prison and Detention Houses and approved by the Sub-commission of Justice Commission. Draft Law on security service of penal institutions is on the Justice Commission's agenda. Some articles of the Regulation on Visits of the Convicts and Detainees have been renewed in 2009. Some articles of the Regulations on Staff Training Centers of Prisons and Detention Houses Establishment, Duties and Labour have been revised and inured in 2009.

UK: England and Wales/RU : Angleterre et Pays de Galles

No. The European Prison Rules are very much mirrored by our own Prison Rules within England and Wales, which already are legally binding and which therefore provide the necessary protection for our prisoners.

It has never been the position that the European Prison Rules, UN Minimum Standard Rules or any of our international obligations are identified within our own domestic legislation or included in our staff training, but rather that our own domestic legislation covers all our international obligations. The policy leads for the Prison Service are aware of the need to ensure that our policies conform to international standards and the responsibility to ensure Prison Rules continue to reflect our obligations.

2. Were other measures taken to implement the EPR and to sensitize the national authorities and the general public?

D'autres mesures ont-elles été prises pour mettre en œuvre les RPE et sensibiliser les autorités nationales et le grand public ?

Albania/Albanie

European Prisons Rules are translated into the Albanian language and they are distributed in all the penitentiary institutions. During 2010, a Summary of the Legislative Acts was published in which the national legislative acts, EPR and United Nations Rules especially regarding the minors protections during the sentence are included. A training program on EPR has been introduced among the measures aiming at implementing EPR and at sensitizing the public about these rules. During the final test of training program, several questions refer to EPR.

EPR are seen as the basis of drafting and amending laws and decisions regarding the prisoners' treatment. The whole legislation is based upon these principles, reflecting the standards of European countries.

The prisoners themselves are aware about these rules. In the libraries established in prisons facilities, a number of copies of these rules are available, so (the persons deprived of their liberty)(detainees) could learn about the standards of their treatment.

Armenia/Arménie

Other special measures for the implementation of EPR rules or sensitization of national authorities and the general public are not taken.

Austria/Autriche

See question 1.

Azerbaijan/Azerbaïdjan

Joint program of the Council of Europe and European Union on the reforms of the penitentiary service in Azerbaijan has been initiated.

In accordance with the new legislation which is in line with the European Prison Rules, Internal Disciplinary Rules of the penitentiary facilities were approved in November, 2010. These Rules envisage: better protection of the safety of prisoners; compliance with the detention conditions with international standards; improvement of correction works and better organization of leisure time of the prisoners.

The conditions of the penitentiary institutions have also been upgraded in order to meet the international standards. Schools of vocational education function in the majority of penitentiary facilities, where the prisoners have an opportunity to improve their language and computer skills. All necessary conditions have been established to ensure that the prisoners could engage themselves with individual labour. Fitness facilities have also been improved in many of the penitentiary institutions.

Belgium/Belgique

Néant

Bulgaria/Bulgarie

No reply provided.

Croatia/Croatie

The Croatian authorities have been investing huge efforts to implement EPR and to sensitize the national authorities and the general public about purposes of enforcing prison sentences in conditions respecting fundamental human rights. Those efforts have been targeting in particular conditions of accommodation of inmates, their work, education and vocational training, contacts with outside world, nourishment, legal assistance, personal safety as well as other issues.

The activities resulted with an Action Plan for Reform of Prison System focusing on three large investment projects for Penitentiary in Glina, Annex-Building to Prison in Zagreb and new Penitentiary and Prison in Šibenik.

The Council of Europe Development Bank (CEB) recognized commitment and dedication of Croatian authorities and provided full support.

The 2008 Report on conditions and work of penitentiaries, prisons and correctional institutions together with the Action Plan for Improving the Prison System 2009 – 2014, adopted by the Croatian Government, and enacted by the Croatian Parliament on 3 July 2009, foresees building of Penitentiary and Prison in Šibenik for allocation of 1270 prisoners and additional accommodation capacities for 382 prisoners in Zagreb Prison.

The Draft Project for building Penitentiary and Prison in Šibenik for allocation of 1270 prisoners was presented to the Council of Europe Development Bank (CEB) on 16 March 2009 in order to explore possibilities for co-financing.

In June 2009, the managers of CEB reviewed the Draft Project and assessed it adequate through including it on list of Draft Projects (pipeline) for financing by CEB. That decision opened the second phase in preparing the Project.

The CEB representatives visited Republic of Croatia from 21 to 25 September 2009 in technical mission aimed to assess necessities in building prisons' infrastructure. This was opportunity to hold coordination and technical meetings with representatives of Ministry of Justice, Prison Directorate and Directorate for Financial and Commercial Activities, as well as with Treasury Department, Directorate for European Integrations and International Financial Institutions. Following the scrutinizing discussion related to necessity of enlarging the prison system capacities, the representatives of CEB expressed the support to preparations of the Project and pointed out the need to prepare appropriate documentation for submitting the request for loan.

Expressing the interest for co-financing of the Project, CEB supported the application of the Project for technical assistance to Ministry of Justice provided from infrastructure Projects Facility (IPF) The request made for assistance amounting to EUR 800.000,00 was approved by Western Balkans Investment Framework (WBIF) Steering Committee in early December 2009. This enabled the European Commission to engage a consulting company to prepare the necessary documents. In process of preparing the documentation, the direct cooperation with CEB representatives and consultants was established, thus resulting in exchange of questions and suggestions by e-mail, as well as in holding a number of meetings. Currently, the Loan Agreement for Annex-Building to Prison in Zagreb is fully prepared for legislative procedure, and the finalised documents for Penitentiary and Prison in Šibenik were delivered to CEB on 29 September 2011 for further decision procedure of Administrative Council.

In addition, Prison Directorate of the Ministry of Justice conducted procedures for employing new staff in all areas of enforcing prison sentence and provided for their training.

All other activities related to improving daily living conditions of inmates are also in place.

The general public is continuously informed about all actions and measures through news-bulletins published on official web-site of the Ministry of Justice and in other public media.

Cyprus/Chypre

The Prison Administration through senior staff supervises the implementation of EPR. Exhibitions of prisoners handicrafts and paintings as well as theatrical performances with prisoners are organised frequently in order to sensitize national authorities and the general public.

Czech Republic/République tchèque

The internal rules of the PSCR have been adopted to correspond with the EPR. This influenced the general conception of the PSCR development to 2015.

Denmark/Danemark

When the European Prison Rules was adopted in 2006, the magazine of the Prison and Probation Service "Nyt fra Kriminalforsorgen" carried an article about the rules. The article gave an overview of the rules and referred to the rules and commentary on the Council of Europe's website.

After translation into Danish, the European Prison Rules was sent to all places of employment of the Prison and Probation Service to make sure, that both the staff and the prisoners was informed about the rules. At the same time, a note with the essential changes in the European Prison Rules was sent out. The note also stated the changes in the Danish rules that the European Prison Rules had caused.

The European Prison Rules is contained in a collection of regulations, published as a book and further available on the intranet in both Danish and English.

Estonia/Estonie

The study of the EPR is part of the curriculum for future correctional officers in the Estonian Academy of Security Sciences. In addition, in 2010 Ministry of Justice published a book to support the human rights teachings in the prison system in Estonia - "Human and Fundamental Rights of Prisoners. The Principals of European Prison Law". The book analyzes the jurisprudence of the ECtHR, but the relevant recommendations of the EPR are underlined as well. In addition, the text of the EPR is available in all prison libraries so that the prisoners have access to it.

Finland/Finlande

No special measures has been taken, except the booklet of EPR in Finnish language has been dealt out widely. There was more sensitization of general public at the point when the Act on Imprisonment was adopted in 2006. However, the Criminal Sanctions Agency has introduced a new strategy paper in 2011 which emphasises some articles in the EPR, e.g. the use of community sanctions, gradual release, co-operation with other authorities and other partners.

France

Les principales actions en matière de communication dans le cadre des RPE sont les suivantes :

- informations spécifiques auprès des partenaires, sous forme de transmission de plaquettes ou de notes, ou sous forme de réunions (parlementaires, autres administrations, préfectures, services judiciaires, associations, avocats...); information sur la labellisation via le site internet du ministère de la justice et des libertés ;
- informations réalisées à l'occasion des actions de communication habituelles liées à l'activité locale des établissements.

Georgia/Géorgie

Numerous conferences, workshops, trainings, interagency coordination meetings and press conferences were held on the EPR in order to raise awareness of the national authorities and the general public.

Germany/Allemagne

Au delà des mesures législatives on attache une importance particulière à une application des RPE également et plus particulièrement dans la pratique de l'exécution des peines à travers une sensibilisation appropriée tant des directions des établissements pénitentiaires que de l'ensemble du personnel pénitentiaire dans l'objectif de renforcer le plus possible leur efficacité. Pour cette raison, les RPE font partie de la formation initiale et de la formation continue du personnel pénitentiaire. En raison de ces mesures, la majorité du personnel des autorités pénitentiaires a entre-temps pris connaissance du contenu (essentiel) des RPE et en tient, bien entendu, compte, dans le cadre de l'exercice de ses fonctions conformément à la législation et autres réglementations nationales.

Dans la mesure où, dans les médias, les autorités pénitentiaires se prononcent sur des questions et problèmes du système pénitentiaire, l'attention est également attirée sur les RPE, si le sujet s'y prête, afin de communiquer au public que le système de l'exécution des peines est aussi lié par ces règles.

Iceland/Islande

No.

Italy/Italie

The efforts of the Italian Penitentiary Administration have always aimed at ensuring the protection of the dignity and of the basic and inalienable rights of the detained persons. Under that perspective, every instruction given by the Headquarters of our Administration to the local structures is characterised by an increasing respect of prisoners' rights. In particular, mention can be made of the recent provisions relevant to the suicide prevention in prisons, aiming at widening and facilitating the possibility for the prisoners of establishing and maintaining contacts with the outside world, in particular with their relatives, but also with volunteers and with the community, since the very beginning of their detention. Moreover, a very recent circular letter of the Head of Department of Penitentiary Administration, dated 28th July 2011 and named "Improvement of the protection of prisoners' dignity", reaffirms the need of constantly adopting all those solutions able to improve, in any way, the prisoners' quality of life; the Head of Department is sure that the staff will comply with those provisions with readiness, efficiency, great care and full commitment.

As for specific actions to sensitize the national authorities and the general public, the 2006 Rules were translated into Italian, disseminated in 2007 through the Regional Directorates of the Department of Penitentiary Administration and published on the website of the scientific review "Rassegna Penitenziaria e criminologica", where they are still available for consultation (www.rassegnapenitenziaria.it).

Lithuania/Lituanie

Other measures taken to implement the EPR: implementation of advanced and worldwide acknowledged behavioral-cognitive programs and risk assessment programs for inmates; modern digital information system for services in charge of inmates' health, probation, data registration and exchange with other institutions. The above mentioned measures allow the staff members to allocate more time to inmates' healthcare, social rehabilitation and preparation for release.

Luxembourg

No reply provided.

Moldova/Moldavie

Aiming at both sensitizing national authorities and the general public on the EPR and aiming at taking measures to their implementation, the latest training program has been attended by the prison staff and other authorities as: Education Ministry, Labour, Social Protection and Family Ministry, Youth and Sports Ministry etc. The training program has been carried on 13-14 April 2011 in cooperation with CoE and media follow up on local and national channels.

Thus, a number of national authorities have been most recently informed on the EPR. Additionally, other measures have been undertaken in order to inform the general public on the reformation process of local penitentiary regulations to the European ones: TV talk shows, radio programmes and press releases displayed on our web page: www.penitenciar.gov.md.

Monaco

D'autres mesures ont effectivement été prises comme un projet d'arrêté et de règlement intérieur. Ces textes normatifs trouvent leur fondement dans le projet d'ordonnance souveraine sus-visée et tiennent compte des « règles minima » des Nations Unis que les recommandations du Conseil de l'Europe et du Parlement européen incitent les pays signataires à les intégrer dans leur législation nationale.

Les dispositions nouvelles portent essentiellement sur :

- les dispositions générales (régime cellulaire dans la mesure du possible) ;
- les conditions de détention (coursive inculpée ; coursive condamnée dans la mesure du possible) ;
- les contacts avec l'extérieur (téléphone une fois tous les 15 jours) ;
- la mise en place d'une cellule sécurisée mère/enfant ;
- un accès pour les handicapés ;
- la santé des détenus (introduction de la psychologue dans le circuit des détenus arrivants) ;
- le bon ordre (hiérarchie des fautes et des sanctions disciplinaires) ;

- les activités des mineurs (multiplication des visiteurs de prison) ;
- la formation du personnel (souci de professionnalisation).

Montenegro/Monténégro

In July this year, following the prior approval of the Minister of Justice, the Director of the Institute for the Execution of Criminal Sanctions (hereinafter referred to as the Penitentiary) passed the Rules of Procedure amending the Rules of Procedure on House Rules which is fully compliant with the European Prison Rules (hereinafter referred to as EPR), as well as other international acts and standards.

In cooperation with the European Commission office to Montenegro, whose experts carry out the monitoring of prison system starting from the month of June 2010 (which is on-going), the work is being undertaken on the drafting of the joint Plan for the development of the prison system of Montenegro in the next 5 years. Common objective of this development plan is further fostering and application of future European prison rules and standards. It is a common assessment that the EC mission to Montenegro together with its experts has offered considerable assistance to the prison system of Montenegro, thus in the forthcoming period we intend to continue with our cooperation.

All measures are being continuously undertaken in the Penitentiary on the implementation of the EPR, raising the security to the highest level possible, expanding the accommodation facilities, improving the conditions for the lodging and stay of the inmates, complying with the rules stipulated in the law and other regulations, respecting the dignity of the inmates, their working engagements, improvement of the inmates' healthcare, the training of inmates through various workshops, all with the support of the Ministry of Justice and the Government of Montenegro.

There is a good cooperation with the NGO sector (4 NGOs, which have implemented a series of projects in the Penitentiary for quite a few years now, signed the agreements on cooperation).

Also, public is acquainted with all important events and activities going on in the Penitentiary, via media the cooperation with which is at a good level.

Poland/Pologne

National authorities recognize the significance of the EPR as the measure of setting fundamental standards concerning a prison system.

One of the measures which will contribute to a better protection of standards set by the EPR was the adoption of the Act on enforcement of imprisonment outside prison within the electronic surveillance system, which came into force on September 1, 2009. By May 2011, the system involved 1185 convicted and the number of sentenced involved in the system is still growing; until 2014, this number is expected to grow to 7,500. For this reason the system must be considered as the helpful one in the process of decreasing a population density in prisons.

Recently, the population of residential units in the detention centers and prisons have significantly improved. At the same time, the number of convicted in prisons and detention centers has not exceeded the nationwide total capacity of the prison system. The latest statistic data (from July 22, 2011) shows that there is no overcrowding in Polish prisons and detention centers: a population density there amounts 97.6%. Since December 2008, prison population density has been below 100%, which means that overcrowding has not occurred for almost last 2 years (e.g. in the years 2006-2007 prison population density amounted about 120%).

Portugal

La Direcção-Geral de Reinserção Social (DGRS) a conçu un guide de procédure adapté à la nouvelle loi, avec de nouvelles orientations dans tous les domaines où des professionnels de la probation sont appelés à se prononcer, notamment devant les juges d'application des peines, dans toutes les mesures de flexibilisation de l'exécution des peines de prison (Guia de Procedimentos de Assessoria ao TEP no âmbito do Código de Execução das Penas e Medidas Privativas de Liberdade).

Romania/Roumanie

Du point de vue juridique le cadre normatif d'exécution pénale déjà existant a été révisé, et au présent, il se trouve au débat public un nouveau paquet législatif sur le Code Pénal et le Code de Procédure Pénale et la loi d'exécution des peines et des mesures privatives de liberté.

Nous avons aussi organisé des séances de travail avec les autorités locales et nationales dans le cadre desquelles, nous avons mis au débat l'importance de l'obligation de respecter les droits des détenus, la nécessité d'accroître leurs chances de réinsertion sociale. En ce sens la Direction de Réinsertion Sociale de l'Administration Nationale des Pénitentiaires a élaboré un standard minimum de programmes d'éducation et d'assistance psychosociale pour les détenus, elle a réglementé le cadre normatif concernant l'activité de volontariat et elle a fait des démarches pour mettre au point une Stratégie Nationale de Réinsertion Sociale pour les détenus.

Pour sensibiliser le grand public, les autres autorités et aussi les organisations non gouvernementales au processus de réinsertion sociale des détenus, l'Administration Nationale des Pénitentiaires a encouragé le développement d'activités avec les détenus, dans la communauté locale (spectacles artistiques, actions de volontariat, sportives et écologiques), l'accès des volontiers dans les établissements pénitentiaires pour réaliser des programmes avec les détenus (de cette façon un grand nombre de détenus a fait partie de films qui ont gagné des prix reconnus au plan européen, l'exemple le plus récent est le film « Quand je veux siffler, je siffle »). Aussi, depuis deux ans, l'administration organise un festival de théâtre pour les détenus, qui jouit d'une très grande médiatisation. On doit préciser qu'en Roumanie, chaque établissement a un porte-parole qui assure la relation avec les médias. En plus, grâce aux programmes financés par l'Union Européenne nous avons réussi à organiser la Bourse des places de travail, où nous avons invité les employeurs à discuter avec les détenus, le programme « Une journée en prison » et beaucoup d'autres programmes d'intérêt, médiatisés.

Russian Federation/Russie

According to the order of the FSIN of Russia from 22.01.2007 a series of agency staff trainings of the Penal Service were hosted with attendance representatives of the Prosecutor's Office for the Study of the European Prison Rules, the approved recommendations of the Committee of Ministers Rec (2006) 2, and their implementation in territorial bodies of the FSIN of Russia.

Educational training programs for the correctional system, implemented in educational institutions of higher education of the FSIN of Russia include the study of such subjects as: "Ensuring the human rights of law-enforcement agencies" (72 hours), "International standards in the execution of criminal penalties" (108 hours).

In the penal educational institutions close attention is paid to the study of human rights issues through training, retraining and skills upgrading, as well as in-service training system. The curricula and study programs include rules for the treatment of prisoners, the legal basis of physical force and special means (from 4 to 12 hours) depending on the job categories of students. Particular attention is paid to the European Convention on Human Rights and Fundamental Freedoms, the Standard Minimum Rules for the Treatment of Prisoners, the European Prison Rules.

Issues of implementing the activities of agencies and bodies of the European Prison Rules are systematically examined at colleges of the Russian Ministry of Justice (e.g., order of the Ministry of Justice of Russia of 31.12.2010 № 418 "On the announcement of the board of the Ministry of Justice of the Russian Federation" On human rights institutions in the Federal Penitentiary Service of Russia) and FSIN of Russia. They are conducted with the participation of members of the public and human rights organizations, as well as widely reported in the media, including the Penal magazine's "Crime and Punishment", Journal of the penal system and the Bulletin of the Ministry of Justice of the Russian Federation.

San Marino/Saint Marin

Un cours de formation a été organisé pour les professionnels, mais pas pour le grand public.

Serbia/Serbie

In addition, to having been completely incorporated in ZIKS, standards and principles prescribed by EPR are more closely and more precisely elaborated in several bylaws as Set of House Rules of Penal-correctional Institutions and District Prisons, Set of Rules on Treatment and Classification of

Convicts, Set of Rules on Use of Means of Coercion, Set of Rules on Disciplinary Procedure and Offences of Convicts etc. The fact that the standards prescribed by EPR became constitutive part of national legislation secures the most effective way of implementation and monitoring of implementation of relevant standards.

Slovak Republic/Slovaquie

We do not know about any measures prior to October 2010; any such measures have been taken after this date.

Slovenia/Slovénie

As special oriented measures no.

Spain/Espagne

The European Prison Rules are published in the website of the Spanish Prison Administration (www.institucionpenitenciaria.es), for search of the general public and the prison staff.

Spain (Catalonia)/ Espagne (Catalogne)

Avec la résolution JUS/3689/2008 du 2 Décembre, le ministère de la Justice de la Generalitat de Catalogne a créé le comité de rédaction du document de base pour l'élaboration d'un code d'éthique pour les professionnels de l'exécution pénale en Catalogne. Ce texte inclut dans son préambule, le paragraphe 1.5. "En outre, il est intéressant de mentionner les Règles pénitentiaires européennes, adoptées par le Comité des Ministres du Conseil de l'Europe le 11 Janvier 2006 [Rec (2006) 2], qui comprend un ensemble de principes communs relatifs à la l'exécution des peines d'emprisonnement et le traitement des prisonniers, de sorte que ces principes ont une influence directe sur des options différentes de politique pénitentiaire. "

Sweden/Suède

None other than the Service's regular work with developing standards for prison work.

Switzerland/Suisse

La Rec(2006)2 est publiée sur le site web de l'Office fédéral de la justice, ainsi que les autres recommandations du Conseil de l'Europe. Le bulletin info, une revue éditée par l'Office fédéral de la justice sur l'exécution des peines et mesures, a consacré son numéro de 2007 à la Rec(2006)2. Cette revue est adressée gratuitement à l'ensemble des acteurs du monde de l'exécution des peines et mesures en Suisse.

Suite à la ratification par la Suisse du protocole facultatif OP-CAT de l'ONU, un mécanisme national de prévention de la torture a été instauré dans notre pays: il s'agit de la Commission nationale de prévention de la torture dont l'entrée en fonction date du 1er janvier 2010. Cette commission exerce ses activités de façon indépendante et se compose de douze membres experts dans les domaines de la médecine, de la psychiatrie, du droit, de la police et de l'exécution des peines. Elle effectue des visites régulières dans les lieux de privation de liberté sur l'ensemble du territoire helvétique. Suite à ces visites, des rapports sont établis et publiés sur l'internet.

Turkey/Turquie

Within the project of the Dissemination of Model Prison Practices and Promotion of the Prison Reform in Turkey, non-governmental organization strategy was drafted and two workshops on the General Directorate Prison and Detention House's strategy were organised to increase the activities of civil society in the prisons. These workshops provided important opinions on how to develop an NGO Strategy for the DGPDH. In May 2011, 3 seminars were held in order to strengthen the co-operation with NGOs in Izmir, Ankara and Istanbul. Under the concept of the same project, demonstration of documentary film, and distribution of booklets and brochures were planned to be produced in 2012 for raising awareness in the community.

UK: England and Wales/RU : Angleterre et Pays de Galles

No.

3. **Have your national authorities specific suggestions regarding the practical implementation of the EPR (examples of good practices or specific difficulties)? Please share your experience and concerns in order to be able to discuss these issues in greater details at the 16th CDAP.**

Vos autorités nationales ont-elles des propositions spécifiques concernant la mise en œuvre pratique des RPE (exemples de bonnes pratiques ou de difficultés particulières) ? Merci de partager avec nous vos expériences et soucis afin de pouvoir discuter de ces questions lors de la 16^e CDAP.

Albania/Albanie

A considerable work has been done for a continuous improvement of legal acts, whose implementation provides a human treatment of convicts and detainees, emphasizing here the re-education of the convicts in these institutions and expansion of the concept for non discrimination of the convicts and detainees. The amended law "On the rights and treatment of those sentenced to imprisonment and in pre-trial detention" came into power in April 2008. The Prison Police Law entered into force in December 2008, and the "General regulation of Prisons" was adopted in March 2009. During 2010, internal regulations in 21 penal institutions were approved.

The approval of the General Regulation of Prisons on March 2009 defined the employment relations between convicts and the penitentiary institutions. The Commission for the Appraisal of the Detainees and Convicts' Work composed of representatives of the Directorate General of Prisons and Ministry of Justice has prepared the employment organigrammes for 606 detainees, which are in process of approval by the Ministry of Justice. The organigramme gives a detailed description of the posts for employment of convicts and detainees. Furthermore, a draft budget was outlined foreseeing the inclusion of convicts in the social insurance scheme for year 2011.

Special Care Sections for people with mental disorder and dependency on narcotic substances was first applied in April 2010 as a pilot project initiated in Fushë-Krujë, Ali Demi, Lezhë, Peqin, Vlorë and Durrës. The programme of those sections includes mainly psycho-social service and intensive therapy, aiming at the rehabilitation of convicts with mental disorders and of those with dependence to narcotic substances. The 73 prisoners located in these sections do not have contact with the other convicts until they are deemed rehabilitated and may join the other category of the group.

Women are considered to be one of the most vulnerable categories in prisons. Therefore, it is necessary to compile special programmes in order to facilitate their stay in the penal institutions and at the same time to reduce the negative consequences that follow the imprisonment and stress. For that reason, during year 2011 various thematic and informative training for women convicts took place, aiming at the understanding of the symptoms of post-traumatic stress. A total of 60 female convicts attended the training. A nursery is established inside the internal regime, for female convicts – mothers of newborns, aiming to provide a harmless environment for children to grow up with their mothers. Children have assistance of social and health care personnel on a 24hour service and may stay with their mothers in prison up to the age of three years old.

During school year 2009 – 2010, 92 detainees in 4 institutions (Peqin, Korçë, Vaqarr, Fushë-Krujë), completed their 9 years education. First school was opened in Peqin in 2009, upon signature of Memorandum of Cooperation between Ministry of Justice and Ministry of Education. During year 2010, the 9 year education system was applied in the Institution for Juveniles in Kavaja, where 23 minors have started and attended the educational process.

Great importance has been given to the training of convicts and detainees in various vocational areas, such as cooking, sewing, gardening, foreign languages, computer studies, hairdresser etc. Initially, these training started as a pilot project in 2008 in Vlora and Fushë-Kruja with the support of the Spanish Agency for Development, which was then extended to other 11 institutions. In 2011, 445 convicts and detainees benefited from the abovementioned training and were provided with a certificate recognized by Ministry of Labor, Social Affairs and Equal Chances.

The health care personnel in prisons were reorganized during 2009 along with the provision of health care. The structure of a penitentiary institution consists of a doctor, a dentist, a pharmacist and it is a 24 hour service. Convicts and detainees are subject to health check-ups at the moment of arrival in the institution.

They are provided with a medical and dentistry file, which specifies the treatment to be followed and specialized medical assistance offered in the penitentiary institution.

Some specific difficulties regarding the implementation of the EPR refer to the recommendation about the overcrowding. Improvements have been done in this area. During 2008-2009, the funds of the European Commission and Albanian Government enabled the opening of 5 new institutions (Vlora, Fushe Kruja, Korca, Durres, Kavaja) amounting to EUR 30.7 million. Another important factor for the alleviation of this problem has been the approval of amendments to the Penal Code and Law "On execution of penal decisions" aiming at the establishment of the probation service. Even though, overpopulation of prisons remains still a challenge, up to the finalization of another EU program through IPA, the opening of three other new prisons is planned until 2012.

At the moment, the hottest debate referring the Albanian Penitentiary System regards the treatment of the persons declared by the court "irresponsible for their crime" (Compulsory Medication), who are held into the prisons. As to various recommendations by European bodies, this category of prisoners should be treated by specialized structures such as Ministry of Health.

Armenia/Arménie

No suggestions regarding the practical implementation of the EPR.

Austria/Autriche

See question 1.

Azerbaijan/Azerbaïdjan

See question 1 and 2.

Belgium/Belgique

Au niveau des "bonnes pratiques", nous pouvons à mon sens avancer deux choses:

- le système de visites en Belgique est extrêmement large et varié, et permet de maintenir au mieux les relations entre le détenu et ses proches.

De manière générale, les prévenus disposent d'un droit d'une heure de visite par jour au minimum, les condamnés de trois fois une heure par semaine. Mais la particularité est l'existence d'autres formes de visite plus spécifiques, comme les visites parents-enfant, organisées en collaboration avec des partenaires extérieurs. Il s'agit de visites où l'accent est totalement mis sur la relation entre le détenu et son/ses enfants, et qui d'ailleurs la plupart du temps sans que le partenaire soit présent. Autre visite particulière: la visite hors surveillance (VHS) qui, en Belgique, n'est pas spécialement perçue comme "visite conjugale". Ce type de visites est également utilisé pour des visites familiales et permet une rencontre entre le détenu et sa famille dans un cadre plus "intime" (càd sans la présence de personnel de surveillance)

- les accès à la bibliothèque: de plus en plus de prisons ont des accords de collaboration avec les bibliothèques communales, ce qui permet au détenu d'avoir une offre exactement équivalente à celle d'un citoyen libre. Cela se concrétise notamment par la possibilité de commander les livres via un catalogue internet. Un proje-pilote est également en matière d'"e-learning": Le détenu peut suivre une formation à distance via une connexion internet sécurisée.

Bulgaria/Bulgarie

No reply provided.

Croatia/Croatie

As recommended in EPR, Croatian Prison Directorate enhanced introducing numerous special treatment programmes for various groups of inmates targeting responsible parenthood, sex-offenders, inmates suffering from PTSD, violent offenders, inmates sentenced to imprisonment for committing offences in traffic, as well as for inmates serving long-term imprisonment. Implementation of those programmes indicated positive effects on targeted groups of inmates and impacts on their families, as well as on community where they will reside after release.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

No particular suggestions.

Denmark/Danemark

No further comments.

Estonia/Estonie

We have no specific suggestions.

Finland/Finlande

It has been the practice that in different development projects take in their work into account the EPR principles. During the years, many working practice have been developed, for example arranging activities which facilitate inmate's reintegration into society and leading life without crimes.

Another example is the agreement between the Criminal Sanctions Agency and the Finnish Police Government, and local agreements with prison and the local police for the cooperation. For example, in the units they practice for the exceptional situations both among themselves and with the cooperation authorities.

France

- l'élaboration d'un référentiel de pratiques professionnelles conformes aux RPE et sa diffusion auprès des personnels ;
- l'élaboration d'un cadre éthique issu des recommandations européennes et diffusé à chaque membre du personnel dans le but de guider son action au quotidien et dans le respect des personnes détenues ;
- une démarche de labellisation par un organisme extérieur de la conformité de certaines pratiques ;
- une capitalisation et une mutualisation des expériences et des bonnes pratiques locales pour leur diffusion au niveau national par un service identifié, en l'occurrence mission spécifique de la DAP en lien avec l'Ecole nationale d'administration pénitentiaire ;
- la désignation de référents au niveau déconcentré chargés d'appuyer les établissements dans la mise en œuvre de ces pratiques et de contrôler l'effectivité de cette mise en œuvre.

Georgia/Géorgie

The good practices in implementing the EPR include:

- Incorporation of high standards of disciplinary and appeal proceedings to Georgian legislation (New Imprisonment Code); Implementation of aforementioned standards;
- Promoting the connection of prisoners with outside world, by introducing long term visits and video-conferencing to the penitentiary system;
- Creation of conditional release councils within the Ministry of Corrections and Legal Assistance. There are three Councils for Early Conditional Release – the Council for the penitentiary establishments in Western Georgia, the Council for the penitentiary establishments in Eastern Georgia and the Council for Juvenile convicts. The MCLA is certain that decentralization of conditional release system will make it more effective;
- Improvement of living conditions for prisoners, therefore improvement of infrastructure. 9 new penitentiary establishments were opened and others renovated.

The bad practices while implementation of the EPR includes: the lack of resources

Germany/Allemagne

Les Règles pénitentiaires européennes servent de critère aux réflexions des juridictions allemandes lors de l'appréciation de litiges relatifs aux mesures pénitentiaires et de mesures portant sur l'organisation de l'exécution des peines et de la détention provisoire bien que ces Règles ne comportent aucune obligation juridique. Dans cette mesure, la pratique est déjà largement soutenue par la jurisprudence dans ses efforts visant à améliorer les conditions de détention.

Par ailleurs, il est considéré comme essentiel que les Etats membres de l'Union européenne ou du Conseil de l'Europe procèdent à un échange intense en matière pénitentiaire non seulement au sein des organismes spécialisés tels que le PCCP et le CDAP mais que cet échange d'informations et d'expériences intègre également les praticiens. Selon les expériences faites ici dans le cadre des projets Twinning, les jumelages entre établissements pénitentiaires et des projets transnationaux portant sur des sujets spécifiques tels que la formation et la formation continue des détenus, les soins médicaux en prison ou le suivi de détenus libérés sont extrêmement motivants et utiles pour tous les partenaires.

Parallèlement à ces initiatives bienvenues, n'apportant cependant un profit direct qu'à relativement peu d'établissements, il est également indiqué de procéder à un vaste échange d'informations entre les groupes professionnels chargés dans le domaine pénitentiaire en premier lieu de transposer les RPE, de les mettre en œuvre et de les développer. En effet, notamment à l'occasion de visites effectuées dans des établissements pénitentiaires d'autres États membres du Conseil de l'Europe, il s'est montré à maintes reprises que l'on y pratique des modèles suivant de près la conception des RPE et susceptibles de convenir au moins à une expérimentation au niveau interne. Ceci est le cas tant pour les conceptions relatives aux bâtiments et à l'infrastructure technique que pour les matériaux portant sur la formation et la mise en place du personnel ainsi que sur l'organisation au sein de l'établissement et – non pas en dernier lieu – pour de nombreuses mesures longuement éprouvées dans la pratique portant sur une organisation judicieuse du régime pénitentiaire orienté sur la réinsertion des détenus dans la société.

Iceland/Islande

Good practices/Access to the internet.

One of the basic principles of the European Prison Rules is that life in prison should approximate as closely as possible the positive aspects of life in the community. The EPR also stresses the importance of contact to the outside world for prisoners.

In Iceland's open prisons all prisoners are connected to the internet and this way they are able to communicate more with their families.

Access to the internet is also of great importance for prisoners' education and even prison work. Within Iceland's closed prisons access to the internet is limited to prisoner education and all internet activity is done under the surveillance of a teacher.

As it stands today about 35% of Icelandic prisoners partake in education whilst serving their sentence.

Italy/Italie

Concerns:

- the problems of overcrowding and the contextual lack of resources and staff both of treatment and of Penitentiary Police;
- of the very high percentage of not finally sentenced prisoners – due to the possibility, for every accused and remand prisoner, of accessing three levels of judgement before receiving a final sentence;
- of the "revolving doors" – that is the very high number of entries and releases of prisoners who are held in our establishments for a very few days.

Good practices: in order to solve some of the above-mentioned problems, the Italian Government worked out what follows:

- the so-called "Prisons Plan" ("Piano Carceri"), an extraordinary national plan of action aiming, on the one hand, at increasing the capacity of the Italian prison system, by building new prison wings and new prisons. Moreover, instructions were given to improve life conditions in the prisons, allowing more hours to be spent outside the cells and a higher frequency in the relationships with family members and with workers and volunteers, thus improving the links with the local community in order to offer more opportunities of work and diversion.
- In order to decrease the number of prisoners, a new Law was passed, nr. 199 of 26th November 2010, allowing sentenced persons to serve at their home a remaining part of sentence up to one year, under a

special form of “home detention”. As of 30th September 2011, 3,446 persons benefited from that measure. And, as of 6th October 2011, 3,489 persons

- As far as female prisoners are concerned, the Law nr. 62/2011 was passed for the protection of the relations between imprisoned mothers and children, which will lead to the solution of the problem of children under the age of three who stay in prisons with their mothers, through the establishment of specific structures named ICAM, Istituti a Custodia Attenuata per Madri (Low-security prisons for mothers), in the cases where the mother does not want to be separated from her child and it is not possible to grant her the alternative measure of Home Detention. Moreover, in the Internal regulations of the prisons for women, some measures were introduced keeping into account the specific needs of women.

Lithuania/Lituanie

Examples of good practices: inmates have access not only to vocational training programs but also to university education – this year two inmates graduated a university. Currently 9 inmates study in universities.

Luxembourg

No reply provided.

Moldova/Moldavie

Concerning the implementation of the EPR, we are facing challenges on the security issue.

One more concern is the local legal framework which provides that the court shall define the type of penitentiary the inmate must be allocated to for serving the sentence (the court only considers the crime severity and the term provided by the Criminal Code). If this allocation would have been under the prison service, it would have been possible to individualise the sentence. Following to the Twinning project, within the penitentiary No. 13 there has been launched a pilot project on diagnosis and sentence serving planning, aiming at establishing the inmates' risk of recidivism, level of dangerousness both in prison and community. In this context, a shift in national legal framework would generate better results of this project related to the individualisation of punishment.

Monaco

Difficulté et bonne pratique concernant les propositions

Difficultés :

Le travail des détenus se heurte à deux problèmes :

- les employeurs de la Principauté sont peu enthousiastes à proposer des activités compatibles avec l'organisation et le fonctionnement de la vie en détention au motif notamment de l'obligation de se conformer à une rémunération sur la base d'une activité professionnelle analogue ;
- la topologie des lieux (petit établissement qui à la base était une forteresse ; exigüité des lieux ; impossibilité d'implanter des ateliers professionnels...).

Bonnes pratiques :

- Mise en place d'un partenariat avec l'Education NATIONALE Monégasque pour d'une part favoriser le suivi scolaire des mineurs(e)s et d'autre part détecter l'illettrisme dans cette catégorie.
- Pour rappel l'éducation pour les mineurs de moins de 16 ans est obligatoire.

Montenegro/Monténégro

The Ministry of Justice is competent for the oversight over the legality of the execution of criminal sanctions through its authorized clerk, and the Minister of Justice often participates in resolving and proposing solutions to certain problem or situation that might arise.

Also, the work of the Penitentiary is monitored by the Government of Montenegro through periodic and annual reports, as well as other acts, which we are obliged to submit in the way of the joint response to international organizations (European Human Rights Commission, Committee Against Torture etc.) or other acts to which the Government issues its approval or opinion (for instance, internal organization).

Poland/Pologne

The national authorities do not have specific suggestions regarding the practical implementation of the EPR.

Portugal

En ce qui concerne la DGRS, on n'a pas encore fait l'évaluation de la mise en pratique de la nouvelle loi.

Romania/Roumanie

Concernant la mise en œuvre des RPE le système pénitentiaire roumain voudrait nominaliser comme bonnes pratiques :

- Elaboration du Manuel de la gestion des incidents (Vol. I – La Gestion des incidents opérationnels et Vol. II – La Gestion des incidents critiques) et Le Manuel des Procédures utilisées par les négociateurs dans le cadre de la gestion des incidents critiques.
- l'élaboration et le pilotage du Système d'octroi de crédits aux détenus participants aux activités de réinsertion et de travail, qui puisse permettre la quantification des comportements, mais aussi conférer plus de responsabilité aux détenus en rapport avec la conduite adoptée.
- La spécialisation des établissements selon la catégorie des détenus et le régime d'exécution de la peine ; ainsi il y a aujourd'hui 4 établissements pour les jeunes adultes (18-21 ans) et mineurs et deux centres de rééducation, ce qui permet l'individualisation de l'intervention.

Comme difficultés à rappeler :

- Des difficultés à adapter l'architecture des établissements aux besoins des détenus ;
- Assurer les conditions matérielles d'hébergement aux standards européens ;
- Garder un rapport optimal concernant le nombre de spécialistes et le nombre de détenus.

En conclusion, pour élaborer des politiques visant le domaine d'exécution pénal, on doit envisager :

- L'orientation des efforts européens vers des pratiques positives et de changement, leur intégration dans une stratégie développée dans un plan transnational ;
- Identifier des opportunités concrètes pour mettre en œuvre et financer des stratégies concernant la problématique des personnes sous main de la justice tout en impliquant le Fond Social Européen ;
- Préoccupation accrue pour le traitement des mineurs et les jeunes, pour leur réinsertion sociale, un facteur très important pour la prévention de la récidive ;
- L'implication des réseaux de support social dans la réinsertion d'ex-condamnés et assurer la continuité de l'intervention sociale, dans des conditions capables de réaliser une transition facile de l'hébergement vers l'éducation et travail ;
- Stimuler les employeurs en vue de maintenir les ex-détenus dans le domaine professionnel actif ;
- Intensifier la connaissance des détenus étrangers (émigrants, minorités, les condamnés pour terrorisme), pour assurer la sécurité de la détention et connaître mieux la nécessité de développer des projets spéciaux pour ces détenus.

Russian Federation/Russie

It is necessary to provide the opportunity for convicted mothers together with children under a certain age. This practice was first used in the Republic of Mordovia.

In addition, extended visits by family members and other persons should be provided in places of detention. This practice has worked well and has a quite a long history in the Russian Federation. Long visits allow convicts to maintain their families while serving their sentence, and more successfully adapt to life after release, thus reduces the aggressiveness of prisoners due to lack of family relations. To ensure the rights and legitimate interests of suspects and accused persons convicted and prison staff, there is a department of human rights which currently belongs to the legal department of the Federal Penitentiary Service of Russia.

The department of human rights in jail and prisons was firstly introduced on 18.12.2001 which was in was briefed by experts of the Council of Europe in Strasbourg.

Employees of the department of human rights in prisons (in the present - of the organization of international legal rights and the legitimate interests of convicts and persons held in custody) and assistant chiefs of the territorial bodies of the FSIN of Russia on human rights in prisons are involved in a broad spectrum of issues regarding human rights in prisons.

Over the years, they are involved in monitoring human rights in prisons, provide in-depth review of the most significant complaints of suspects, accused and convicted, organize the official investigations into affairs of the European Court of Human Rights, arrange visits of delegations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter - CPT) and the compilation of comments FSIN of Russia to the CPT's reports, provide interaction with the staff of the Ombudsman in the Russian Federation, regional commissioners positively proven human rights organizations that monitor places of detention, including international ones.

The most experienced assistant chief of the territorial bodies of the FSIN of Russia on human rights in prisons are engaged in work in inspections in other parts of the country.

San Marino/Saint Marin

Pas de réponse.

Serbia/Serbie

Specific difficulty in implementation of EPR presents the overcrowding of housing capacities in institutions for enforcement of penal sanctions. Therefore, in 2010, the Republic of Serbia brought a strategy for the reducing of overcrowding, containing comprehensive measures related to larger implementation of alternative sanctions and measures. These are namely: conditional release and early release; introduction of a special judge for enforcement of penal sanctions; development of probation officers service turning into probation service; enlargement of housing capacities and improvement of conditions in prisons; improvement of professional capacities in Prison Administration; amnesty and introduction of unique information system. Application of measures foreseen by this Strategy is planned for period between 2010 and 2015.

Slovak Republic/Slovaquie

Specific problematic areas will be defined until the end of 2011 (see also reply to point 7).

Slovenia/Slovénie

Yes, EPR we use as guidelines for our work.

Spain/Espagne

No reply provided.

Spain (Catalonia)/ Espagne (Catalogne)

Il y a un certain nombre d'activités et de services qui sont particulièrement pertinents en termes de promotion et de garantie des droits des détenus, dont certains exemples sont :

En termes de nourriture: Toutes les prisons doivent préparer les menus quotidiens en conformité avec les exigences des types d'aliments (différents régimes) et/ou détenus culturelles/religieuses. Chaque établissement produit quotidiennement une moyenne de 7 différents menus.

La liberté religieuse: permettre dans tous les établissements et services des lieux pour la pratique des différentes confessions religieuses existant dans chaque centre.

La diversité culturelle: tous les établissements ont un médiateur culturel dont la mission est de combler le fossé entre les détenus étrangers et l'équipe multidisciplinaire du centre ainsi que la promotion des activités qui favorisent l'intégration sociale et la coexistence.

Information: On travaille le droit à l'information de plusieurs manières, d'abord les informations concernant le statut pénal et pénitentiaire des détenus et, par la suite les besoins d'ordre social et/ou la culture. En ce qui concerne les détenus judiciaires et pénitentiaires ont droit à :

- Recevoir au moment de son admission au centre, une brochure d'information (catalan, espagnol, anglais, français, arabe) sur les caractéristiques et les règles de fonctionnement des centres.
- Chaque prisonnier est assigné à un juriste de l'équipe multidisciplinaire qui doit informer et orienter les détenus sur des aspects clés tels que la classification, les permissions d'accès.

- Tous les détenus peuvent également demander une assistance juridique auprès du Service d'orientation juridique qui fonctionne sur un accord avec les associations du barreau de la Catalogne qui facilitent la fréquentation des centres pénitentiaires par les avocats en service de permanence.
- Tous les détenus peuvent bénéficier d'un accès à l'information sur les règlements judiciaires et pénitentiaires dans les bibliothèques centrales et les bibliothèques des quartiers pénitentiaires.
- Tous les détenus peuvent volontairement participer aux séances d'information quand se produisent des réformes des lois pénales et pénitentiaires.
- Les prisons de la Catalogne, à travers leurs bibliothèques centrales, offrent aux détenus la presse nationale de leurs pays d'origine à travers de licences "Daily World" de journaux par satellite, de sorte que les détenus puissent être informés de l'actualité dans leurs pays respectifs.

Sweden/Suède

No reply provided.

Switzerland/Suisse

R 18 Détention

En Suisse, les détenus sont généralement incarcérés dans une cellule individuelle. Il existe, en outre, quelques cellules à deux ou trois détenus qui servent à l'incarcération de personnes souffrant de graves troubles psychiques ou ayant une tendance suicidaire. A noter que, dans quelques établissements anciens, ces cellules servent aussi à l'exécution normale de la détention. La surface des cellules obéit aux normes minimales suivantes: cellule individuelle, y compris la partie des sanitaires = 12 m² ; cellules pour 2 et 3 détenus = 18 m² et 24 m². L'éclairage, l'aération, le chauffage et les installations sanitaires sont aussi soumis à des standards. A noter que toutes ces normes s'inspirent de celles qui sont en vigueur en matière de construction de logements.

Les règles concernant la séparation des détenus sont toujours respectées.

R 26 Travail

Le code pénal (CP) dispose que le détenu est astreint au travail. Par ailleurs, « ce travail doit correspondre, autant que possible, à ses aptitudes, à sa formation et à ses intérêts » (art. 81, al. 1, CP). Par voie de conséquence, les établissements pénitentiaires de Suisse sont tenus d'offrir un nombre de places de travail suffisant pour occuper tous les détenus. En général, ces établissements connaissent le plein-emploi.

« Le détenu reçoit pour son travail une rémunération en rapport avec ses prestations et adaptée aux circonstances » (art. 83, al. 1, CP). La rémunération moyenne se monte actuellement à 26 francs par jour de travail. A noter que les détenus ont également droit à une indemnité équitable lorsqu'ils participent à des cours de formation et de perfectionnement que le plan d'exécution prévoit à la place d'un travail (art. 83, al. 3, CP).

R 28 Education

Le nouveau droit pénal, met sur le même pied travail en détention et participation à des cours de formation et de perfectionnement. Ainsi, à la faveur d'un vaste projet pilote, la formation de base a été introduite ces dernières années. Elle consiste à dispenser à des petits groupes de six participants au maximum des contenus éducatifs essentiellement pratiques. Selon les projections, un tiers au moins de l'ensemble des détenus devrait bénéficier de cette formation d'ici à 2015.

R 81 Formation du personnel pénitentiaire

La formation de base dispensée au Centre suisse de formation pour le personnel pénitentiaire est la formation commune à tous les collaboratrices et collaborateurs des établissements des privations de liberté suisses. Il s'adresse aux collaboratrices et collaborateurs du domaine de la détention avant jugement, de l'exécution des sanctions ainsi que de la détention administrative. Les collaboratrices et collaborateurs des établissements de privations de liberté assument, d'une part, des tâches de surveillance, d'ordre, de conduite et de sécurité et, d'autre part, des tâches d'accompagnement et d'encadrement. Les exigences actuelles nécessitent de leur part un niveau élevé de maturité personnelle. Il est également indispensable de maintenir une relation professionnelle avec les détenus, de savoir évaluer correctement les situations les plus diverses, de savoir communiquer et de travailler en équipe de manière interdisciplinaire. L'objectif de la formation de base consiste à donner aux collaboratrices et collaborateurs des privations de liberté les connaissances et compétences professionnelles, personnelles et sociales nécessaires pour exercer leurs tâches de façon adéquate.

Les exigences actuelles nécessitent de la part des collaboratrices et collaborateurs des privations de liberté un niveau élevé de maturité. Il est également indispensable de garder une relation professionnelle avec les détenus, de savoir évaluer correctement les situations les plus diverses, de savoir communiquer et agir de manière appropriée.

Les collaboratrices et collaborateurs des privations de liberté sont recrutés par les cantons et les établissements et reçoivent pendant la première année une formation pratique au sein de leur établissement. Ensuite, ils suivent 15 semaines de formation de base à Fribourg, répartie sur 2 ans.

La formation est conclue par l'examen professionnel fédéral. Les candidats ayant réussi leurs épreuves sont autorisés à porter le titre « agent/agent de détention avec brevet fédéral ».

R 101.4 Application du régime des détenus condamnés

Dans le cadre de la révision de la partie générale du CP, une nouveauté introduite à l'art. 75, al. 3 a profondément bouleversé les habitudes des praticiens de l'exécution des peines: l'obligation d'établir un plan individuel d'exécution des sanctions pour chaque détenu. Cet impératif s'ajoute à toute une série d'exigences, dont certaines ont été érigées en principe de l'exécution des peines et des mesures par le législateur. Ces principes sont l'amélioration du comportement social de l'individu, la création de conditions d'existence se rapprochant le plus possible de celles de la vie ordinaire, la fourniture de l'assistance nécessaire au détenu ainsi que la protection de la collectivité, du personnel et des codétenus.

L'élaboration, le réexamen et l'amélioration du plan individuel d'exécution incombent dans une large mesure aux établissements d'exécution. Conformément à l'art. 75, al. 3, CP, ce plan porte notamment sur l'assistance offerte, sur la possibilité de travailler et d'acquérir une formation ou un perfectionnement, sur la réparation du dommage, sur les relations avec le monde extérieur et sur la préparation de la libération. Les différents domaines de vie du détenu se trouvent ainsi réglés grâce à cet instrument de planification, qui s'avère être un outil de travail vraiment dynamique. Il faut cependant revoir régulièrement les objectifs définis ainsi que les mesures planifiées, et effectuer les modifications qui s'imposent. Le plan d'exécution a pour but de concrétiser pour chacun des détenus l'objectif de resocialisation prévu par la loi durant la période de l'exécution. L'évaluation par un professionnel des spécificités et des besoins, mais aussi des forces et des faiblesses du détenu, doit aboutir à la formulation de propositions concrètes de mesures d'encouragement et de soutien dans le plan d'exécution. La durée du séjour dans l'établissement joue là un rôle qui n'est pas des moindres. La loi prévoit par ailleurs que le détenu doit participer activement aux efforts de resocialisation mis en œuvre.

La Suisse prendra part à la 16e CDAP à Strasbourg. A cette occasion, les représentants suisses pourront, lors des workshops, relater les expériences positives ou les difficultés rencontrées dans les domaines touchant aux RPE.

Turkey/Turquie

Strategic international cooperation projects and their effective implementations may enable sharing good practices and solutions to specific difficulties. Carrying out similar projects with co-operative and supportive acts may also foster the implementation of the EPR. International seminars and conferences, study visits, internship programmes may also help sharing the best practices between the countries.

UK: England and Wales/RU : Angleterre et Pays de Galles

Not applicable.

4. **As regards the countries concerned, has Recommendation Rec (2006)2 of the Committee of Ministers on the European Prison Rules been translated into your national language? (if so, please send an electronic version of the text) (currently the text of EPR may be consulted on the Council of Europe web site in 27 different linguistic versions (www.coe.int/prison)).**

S'agissant des pays concernés, la Recommandation Rec(2006)2 du Comité des Ministres sur les Règles pénitentiaires européennes a-t-elle été traduite dans votre langue nationale ? (dans l'affirmative, veuillez nous envoyer une version électronique du texte) (à l'heure actuelle, les RPE sont consultables en 27 versions linguistiques différentes sur le site du Conseil de l'Europe (www.coe.int/prison)).

Albania/Albanie

European Prisons Rules have been translated into Albanian by the support of EURALIUS II (European Mission Assistance for the Albanian Judicial System), through the CARD program. As mentioned above these rules are distributed in all the penal facilities. The text of the EPR has been attached to other international acts such as: Children Rights Convent; the prevention of the criminality at the young people; promotion of diversion from the judicial process; the age definition for penal responsibility; guaranteeing a right procedural judgment; United Nations Rules for the minors protection during their sentence; etc.

The General Directorate of Prisons is in posses of the hard copy of the text. As mentioned above the translation has been made by EURALIUS. So, they are the ones that may send a printed version of this text.

Armenia/Arménie

The Armenian language text of the EPR is available on the Council of Europe web site in 27 different linguistic versions. (http://www.coe.int/t/dghl/standardsetting/prisons/ERP/REP_Armenian.pdf)

Austria/Autriche

Yes, Recommendation Rec (2006) 2 of the Committee of Ministers on the European Prison Rules was translated into German language. This work was performed in cooperation of the German, the Swiss and the Austrian authorities. The text (electronic version) was already sent to Council of Europe.

Azerbaijan/Azerbaïdjan

European Prison Rules were translated into Azerbaijani language and posted on the website of the Council of Europe (www.coe.int/prison) and the website of the Ministry of Justice of the Republic of Azerbaijan.

Belgium/Belgique

En français

Bulgaria/Bulgarie

The Recommendation Rec(2006)2 of the Committee of Ministers on the European Prison Rules has been translated into Bulgarian.

Croatia/Croatie

The Recommendation Rec(2006) 2 of the Committee of Ministers on the European Prison Rules and the Comments have been translated on the Croatian language.

Cyprus/Chypre

Yes, the Recommendation Rec(2006) 2 of the committee of Ministers on the EPR has been translated into our national language.

Czech Republic/République tchèque

Yes, it has.

Denmark/Danemark

The European Prison Rules has been translated into Danish and sent to CDPC via email on the 16th of May 2007.

The commentary is now available in Danish and is to be found attached.

A Danish version of the European Prison Rules are also to be found attached, due to a few alterations in the Danish translation.

Estonia/Estonie

The EPR has been translated into Estonian language.

Finland/Finlande

It has been translated into Finnish language and printed as a booklet. It can also be found in the website of CoE.

France

Oui (document joint).

Georgia/Géorgie

The EPR was translated into Georgian and it is available at Council of Europe web site. (<http://www.coe.int/t/DGHL/STANDARDSETTING/PRISONS/EPR/EPRGeorgian.pdf>).

Germany/Allemagne

Oui. Toutes les recommandations du Conseil de l'Europe sont traduites en langue allemande conjointement par l'Autriche, la Suisse et l'Allemagne; le Conseil de l'Europe dispose de ces traductions.

Iceland/Islande

No, not the latest one but an older version has been translated into Icelandic.

Italy/Italie

As already underlined, the EPR were translated into Italian and an electronic version of that translation was sent to the Council of Europe.

Lithuania/Lituanie

Recommendation Rec(2006)2 of the Committee of Ministers on the European Prison Rules has been translated into Lithuanian. Please, find attached the electronic version of the text.

Luxembourg

No reply provided.

Moldova/Moldavie

Yes, the Rec (2006)2 has been translated into our national language, the file being enclosed to this questionnaire.

Monaco

Tous les règles et les recommandations sont traduites en français.

Montenegro/Monténégro

Since the EPR have not been translated into Montenegrin we use the Croatian translation.

Poland/Pologne

Text of Recommendation Rec (2006)2 of the Committee of Ministers on the European Prison Rules has been translated into Polish (electronic version of the text attached).

Portugal

Il existe une traduction de la Recommandation Rec (2006)2 du Comité des Ministres sur les règles pénitentiaires européennes qu'on joint : Regras Penitenciarias europeias – Tradução de Maria José Matos e Jorge de Castilho Pimentel.

Romania/Roumanie

Oui, le texte RPE est traduit en langue roumaine, il se trouve aussi sur le site du Conseil de l'Europe.

Russian Federation/Russie

The text of the European Prison Rules, the approved recommendations of the Committee of Ministers Rec (2006) 2, taken from the Internet site, was first informally adjusted by members of the FSIN of Russia in accordance with the requirements of the Russian language and directed to the heads of the FPS of Russia federal district, heads of local government and educational institutions FSIN of Russia requested by the FSIN of Russia from 20.04.2007 № 10/1-1139.

Further educational institutions FSIN of Russia used it in their work independently improved the translation of the document for use in their work.

In our opinion the official text of these documents in Russian must be sent officially to the Russian Federation.

San Marino/Saint Marin

Oui, nous avons le texte en langue italienne, mais pas une version électronique.

Serbia/Serbie

Thanks to the OESCE Mission in Serbia and Council of Europe Office in Belgrade, EPR were translated into Serbian in 2006 (Please look for a copy of it enclosed in attachment).

Slovak Republic/Slovaquie

Yes.

Slovenia/Slovénie

Yes, EPR have been translated into Slovenian language.

Spain/Espagne

Yes, you can find a Spanish translation of the European Prison Rules in the website <http://www.institucionpenitenciaria.es/web/portal/documentos/normativa/>

Spain (Catalonia)/ Espagne (Catalogne)

Les Règles pénitentiaires européennes ont été traduites en catalan (ci-joint la version électronique).

Sweden/Suède

Yes, the EPR have been translated into Swedish. The translation is available on the web-site of the Council of Europe.

Switzerland/Suisse

La Suisse a étroitement collaboré avec l'Allemagne et l'Autriche pour mettre sur pied une version allemande qui, par ailleurs, a été publiée sous la forme d'une brochure gratuite à l'attention de tous les acteurs du monde de la privation de liberté. Ce fascicule peut être commandé en tout temps auprès du Forum Verlag Godesberg (ISBN 978-3-936999-29-7).

Turkey/Turquie

The recommendation Rec(2006)2 of the Committee of Ministers on the European Prison Rules has been translated into Turkish and published in the year 2007. Additionally, 20000 books on European Prison Rules were published and delivered to all the prisons in Turkey under the concept of an activity of "Dissemination of Model Prison Practices and Promotion of the Prison Reform in Turkey" Project in 2011. Delivery of these books to the prisons will be completed when the training of 15000 prison staff on EPR ends by the June 2012.

UK: England and Wales/RU : Angleterre et Pays de Galles

Not applicable – they are already available in English.

5. Is initial and/or ongoing training provided to prison staff on the EPR? If so, to what extent and what type of target?

Une formation initiale et/ou continue relative aux RPE est-elle assurée au profit du personnel pénitentiaire ? Si oui, dans quelle mesure et au profit de quelles cibles ?

Albania/Albanie

EPR are included in the training modules for the prison staff, depending on the different topics discussed. In the training module regarding the "Policies and Procedures of Imprisonment", in addition to the national legislative acts are incorporated also the EPR. At page 28 of the training module, the chapter of EPR regarding the Enforcement of the penal decision is included; at page number 30, the chapter about the Prisoners reception is included; at page number 35, the chapter on Activities and Performances is included. Also, in all the topics discussed, the EPR are taken as the standard basis of operation of a prison system. At the annex of the module is listed the full summary of the EPR.

Armenia/Arménie

Ongoing trainings for the criminal executive servants have been periodically organized by the Law Institute of the Ministry of Justice during which the corresponding information on the EPR, European Rules for Juvenile Offenders Subject to Sanctions or Measure, as well as Council of Europe Probation Rules have been provided. It is planned to organize training provided to criminal executive servants and prison staff especially on the EPR, ERJO and CoEProbR in 2012.

Austria/Autriche

Yes, the Recommendation on the European Prison Rules is part of the curricula of the Austrian Prison Academy.

The text of this recommendation is available to all staff members, to prisoners on request.

Azerbaijan/Azerbaïdjan

European Prison Rules along with the Probation Rules and European Rules for juvenile offenders have all been incorporated to the preliminary study courses of the training centers of the Justice Academy and training center of the Penitentiary service.

Belgium/Belgique

Les nouveaux modules de formation de base insèrent désormais les grands principes des RPE, notamment via l'apprentissage de la loi de principes.

Bulgaria/Bulgarie

The initial training of the prison staff takes place at schools, while the subsequent training materialises depending on the needs and the financial resources.

Croatia/Croatie

All prison staff was introduced with EPR. In addition, the basic course for judicial police trainees includes training in International legal framework for protection of rights of inmates. The training is designed to last sixteen school-hours and provides thorough education on European Convention of Human Rights and Fundamental Freedoms (with additional Protocols), European Convention for Prevention of Torture, Inhuman or Degrading Treatment or Punishment, case-law of European Court of Human Rights, European Prison Rules and other relevant international documents. The trainees are requested to pass written and oral exam or cannot become civil servants (judicial police) in Prison Directorate.

Cyprus/Chypre

Initially as well as ongoing training is provided to prison staff and it includes the EPR.

Czech Republic/République tchèque

It is included in initial training. The newcomers have lessons on execution of serving the sentence, execution of pre-trial detention and professional ethics that contain information on the EPR set in the Czech legal frame. The target is to make them be able to apply the EPR into daily practice.

Denmark/Danemark

The training of prison staff is built on learning the basic principles of enforcement of sentences - among these are the Danish rules of enforcement and also the basic principles in international conventions and the European Prison Rules.

Estonia/Estonie

The study of the EPR is part of the curriculum for future correctional officers in the Estonian Academy of Security Sciences. Therefore it is mostly part of an initial training.

Finland/Finlande

The EPR are dealt during the basic training period of prison officers. EPR-booklet (in Finnish) is given out for the students. While they are studying our own prison legislation, they become acquainted with the EPR principles. For example, during the basic training period of prison officer students work in groups, and they compare how the EPR can be seen in the national legislation, as well as in practical situations during their in-job training periods. EPR are also used in teaching while it is estimated how the basic rights of prisoners' are respected in Finnish prison system. Also other staff groups are studying EPR as a part of their continuous training. At the moment, the prison personnel training system is being reformed. During the process, international agreements and basic rights perspective will most probably play even more important role than earlier.

France

La **formation initiale** des personnels pénitentiaires est assurée par l'école nationale d'administration pénitentiaire (ENAP), leur formation continue est dispensée soit à l'ENAP soit en services déconcentrés.

Depuis 1999/2000, les formations de l'école programmaient un enseignement juridique permettant l'appréhension, d'un point de vue théorique, des dispositifs de protection des droits de l'homme. Par ailleurs, la formation des personnels pénitentiaires, à caractère professionnalisant, intégrait évidemment le respect de ces droits fondamentaux dans chacun des enseignements théoriques ou pratiques, sans toutefois les identifier de manière spécifique.

A compter du lancement de la phase d'expérimentation puis de déploiement des RPE comme charte d'action de l'administration pénitentiaire (début 2007), l'ENAP s'est engagée dans une politique volontariste de formation, destinée à accompagner, relayer et développer ce mouvement. Des modules spécifiques, intégrant la protection européenne des droits de l'homme et l'approche concrète, managériale et opérationnelle des RPE et de la labellisation, ont été instaurés dans le programme de chacune des formations initiales (cf. tableau 1). En conformité avec le référentiel d'engagements de l'administration pénitentiaire, ces modules de formation font qui plus est l'objet d'une validation spécifique, sous forme de

test et d'attestation, destinée à garantir la formation des personnels qui rejoignent un établissement pénitentiaire engagé dans une démarche de labellisation de son processus arrivant.

En outre, depuis 2008, l'ensemble des fiches pédagogiques référence la ou les RPE concernées par l'enseignement visé et, pour chacune des formations, les objectifs de stage découverte ou de mise en situation comprennent des items directement rattachés aux RPE et à la démarche de labellisation.

De manière décisive, enfin, l'ENAP a créé une structure spécifique, aujourd'hui installée auprès de la direction de la formation continue. Chargée de l'accompagnement administratif, technique, pédagogique et financier, cette cellule coordonne le projet de labellisation des établissements pénitentiaires sous la conduite stratégique de la DAP.

Ce service, au cœur du déploiement opérationnel des RPE et du référentiel d'engagements de l'AP, développe par ailleurs une importante activité de **formation continue**, en assurant chaque année la tenue d'un séminaire RPE qui permet à l'ensemble des acteurs du processus de labellisation (établissements, services d'insertion et directions interrégionales), experts ou débutants, d'acquérir ou renforcer leurs compétences au service de la démarche qualité de l'administration pénitentiaire (cf. tableau 2).

Tableau n°1 : Formation initiale des personnels – RPE/ Labellisation

Formation initiale	2008		2009		2010		2011	
	Nb d'heures	Attestation RPE	Nb d'heures	Attestation RPE	Nb d'heures	Attestation RPE	Nb d'heures	Attestation RPE
Directeurs des services pénitentiaires	3h + 15h	Oui	3h + 15h	Oui	6h + 12h	Oui	6h + 12h	Oui
Directeurs d'insertion et de probation	pas de promotion		3h + 12h	Oui	6h + 9h	Oui	6h + 9h	Oui
Lieutenants pénitentiaires	3h + 9h	Oui	3h + 9h	Oui	6h + 6h	Oui	6h + 6h	Oui
Premiers surveillants	2h + 9h	Oui	2h + 9h	Oui	3h + 3h	Oui	3h + 3h	Oui
Surveillants	2h + 2h	Non	2h + 2h	Oui	2h + 2h	Oui	2h + 2h	Oui
Conseillers d'insertion et de probation	3 h + 9h	Non	9h	promotion sortie	3h + 6h	Oui	3h + 6h	Oui
Techniciens	pas de promotion	Non	2h	Oui	3h + 3h	Oui	3h + 3h	Oui
Adjoints techniques			2h	Oui	3h + 3h	Oui	3h + 3h	Oui
Secrétaires administratifs	2h	Oui	2h	Oui	3 h	Oui	3 h	Oui
Adjoints administratifs	2h	Oui	2h	Oui	3h	Oui	3h	Oui
Enseignants en milieu pénitentiaire	pas de promotion		2h	Non	3h	Non	3h	Non
Formateurs des personnels	3h	Non	6h	Oui	6 h	Oui	3h	Oui
Total Formation initiale	64 heures		84 heures		90heures		88 heures	

Tableau n°2 : Formation continue des personnels – Séminaires RPE/ Labellisation

Formation - Projet labellisation RPE (à l'ENAP)	2008	2009	2010	2011

	Nb d'heures	Attestation RPE	Nb d'heures	Attestation RPE	Nb d'heures	Attestation RPE	Nb d'heures	Attestation RPE
Direction de l'administration pénitentiaire (DAP), Directeurs interrégionaux	Non envisagée par la DAP en première année		Evaluation informatisée 1h30		Oui			
	mars-08		mars-09		mars-10		mai-11	
Chefs de projet RPE et référents labellisation Chefs d'établissements et/ou adjoints Services d'insertion	50 personnes 18 heures	Oui	180 personnes 27 heures		260 personnes 27 heures + 40 acteurs de formation de l'ENAP	Oui	60 personnes 16 heures	Oui
Responsables d'unité formation en direction interrégionale								
Formateurs des personnels en établissement								

Georgia/Géorgie

The initial basic trainings on EPR are provided to the entire penitentiary system staff.

Germany/Allemagne

Dans le domaine pénitentiaire, les sujets « droits de l'homme » et « traitement des personnes détenues dans le respect de la dignité » font impérativement partie de la formation du personnel pénitentiaire. L'information sur l'importance du droit supranational et international en fait également partie.

La version allemande du texte des RPE a été distribuée dans une grande envergure aux Länder fédéraux qui l'ont transmise aux établissements pénitentiaires. Outre cela, la version allemande peut être consultée, à tout moment, sur internet via le site du Ministère fédéral de la justice. Dans le cadre de leur formation et lors des nombreuses formations continues et d'autres manifestations instructives tout le personnel pénitentiaire est familiarisé avec les RPE. Ainsi, les déficits d'informations susceptibles d'exister encore seront écartés le plus rapidement possible.

Iceland/Islande

No, not on the latest version of the EPR, but as said the Icelandic legislation is to large extent in line with EPR and staff receive initial training on the Icelandic legislation.

Italy/Italie

The initial and ongoing training of staff belonging to all the professions and ranks of the Italian Penitentiary Administration include courses on the meaning and the scope of the European Prison Rules, along with other European and international instruments for the protection of Human Rights.

Lithuania/Lituanie

Initial training (540 academic hours duration) is mandatory to prison system staff (staff with specialized education excluded), of which 14 academic hours are allocated for studies of international legal acts (the EPR included). The aim of the trainings is preparation of qualified and professional officers. Staff qualification upgrading is an ongoing process.

Luxembourg

No reply provided.

Moldova/Moldavie

Yes, our staff benefits from ongoing and initial training on the EPR: the training targets all categories of the penitentiary system's staff members, with a 2 hours length.

Monaco

Il existe des formations juridiques initiales et continues pour le personnel pénitentiaire relatives aux RPE et aux RCE. Ces formations sont assurées par la Direction de l'établissement et par des professionnels tels que la police, psychiatres. Elles ont pour but de professionnaliser et de sensibiliser les personnels et de leur fournir un haut niveau de prise en charge des personnes détenues.

Montenegro/Monténégro

The Training Centre organizes various kinds of training sessions for the employees of the Penitentiary, as follows: introductory course which is organized for all newly employed. The course lasts for five days and its aim is that the employees become familiar with the activity of the Penitentiary and the scope of tasks they are going to perform. Then, there are courses for other members of the Security Section, from the area of service rules and human rights, the EPR with the emphasis on the treatment of the convicted and imprisoned individuals.

The employees of the prison system undergo the following training:

- Legal sciences (Penitentiary, Penal Code, Criminal Procedure Code, Human Rights in Prison)
- Group of subjects related to penology, andragogy and psychology
- Service rules (the performance of security service, target practice instruction)

Besides the stated forms of training organized in the Training Centre, there are other forms of instruction offered to the employees of the prison system.

In cooperation with the Police Academy at Danilovgrad and the Head of the OSCE Training team, at the beginning of the academic year 2010/2011, the first generation was enrolled of future "Prison Police Officers".

The students of the Academy acquire Vocational Education, and upon graduation, the opportunity to enrol the Third year of the Law School.

We also prepared the curriculum of remedial training for the title of Prison Police Officer (either vocational education or professional development) intended for the civil servants and public employees within the Security Section of the Penitentiary who are employed for indefinite or definite period of time without having passed any sort of training for the tasks they perform and which they encounter for the first time.

The remedial training for the above civil servants and public employees started in September 2010.

Various forms of training for the application of the EPR covered around 90% of the employees of the Penitentiary. The training is conducted in a continuous manner, so that the remaining 10% are soon to attend the basic course for this area.

Poland/Pologne

Each officer of the Prison Service learns EPR at each stage of education: during initial training as well as during further officers training.

Portugal

Pas de réponse.

Romania/Roumanie

Oui, le personnel pénitentiaire de Roumanie a suivi une formation initiale et continue relative aux R.P.E. Les 45 établissements pénitentiaires ont suivi pendant les cours de formation continue des sujets concernant les R.P.E. Depuis 2006, tout le personnel a passé ce type de formation (personnel de surveillance, de réinsertion, médical, administratif).

En ce qui concerne la formation initiale nous assurons le RPE dans le cadre de la formation des étudiants de l'Académie de Police "Alexandru Ioan Cuza" – section pénitentiaires et les RPE font aussi partie de la formation de l'Ecole Nationale des surveillants pénitentiaires de Tîrgu Ocna.

Russian Federation/Russie

In our opinion the primary and / or further professional education of employees of the correctional system complies with European prison standards.

Educational training programs for the correctional system, implemented in educational institutions of higher education of the FSIN of Russia include the study of such subjects as: "Ensuring the human rights of law-enforcement agencies" in 72 hours, "International standards in the execution of criminal penalties" in volume of 108 hours.

Educational institutions FSIN of Russia paid close attention to the study of human rights issues through training, retraining and skills upgrading, as well as in-service training system. The curricula and programs of work included the study of issues rules for the treatment of prisoners, the legal basis of physical force and special means in the proper size (ranging from 4 to 12 hours), depending on the job categories of students. Particular attention is paid to the European Convention on Human Rights and Fundamental Freedoms, the Standard Minimum Rules for the Treatment of Prisoners, the European Prison Rules. Beginning in 2009, routinely provides training for program staff training job category of "assistant chief of the territorial bodies of the FSIN of Russia on human rights."

Training and Continuing Professional Education are implemented in the St. Petersburg Institute for Advanced Training of the FSIN of Russia, higher academic courses, the Academy of Kirov branch of the FSIN of Russia, 7 faculty professional development of educational institutions of higher education, Tomsk Branch of the Kuzbass Institute FSIN of Russia, as well as 52 training centers 24 training points and the territorial bodies of the FSIN of Russia.

Each year, more than 39 thousand employees are trained in these educational institutions in 468 job categories, including vocational training - more than 21 thousand people are retrained about 100 people., advanced training - about 18 thousand people.

Educational institutions FSIN of Russia pay close attention to the study of human rights issues and civil rights through training, retraining, advanced training.

The purpose of education is the acquisition of theoretical knowledge needed for professional work and meeting European requirements, the development of sustainable skills to serve in the typical ways of law enforcement, the formation of motivational and holistic attitude to the profession, providing professional installation on personal development, self development, self-determination and self-education. Thus, in the framework of paragraph 81.4 of Part V of the European Prison Rules vocational training programs, retraining and job categories of all prison staff provided training on international and regional instruments and norms of human rights in the amount of from 2 to 12 hours of study. Particular attention is paid to the study of international legal acts in the execution of criminal penalties, compliance with provisions of the European Convention on Human Rights and Fundamental Freedoms, against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Standard Minimum Rules for the Treatment of Prisoners, European Prison rules, European rules for juvenile offenders and probation rules of the Council of Europe.

In teaching and thematic plans and programs of Continuing Professional Education of St. Petersburg Institute for Advanced Training FSIN of Russia the standard the Council of Europe implemented during training in the disciplines "Criminal enforcement law" and "legal training".

Committee of Ministers Recommendation Rec (2008) 11 on the European Rules for juvenile offenders sentenced to punishments and measures under criminal law are studied members of the correctional system for lectures and seminars.

The Russian Federation has the function of the Probation Service, to some extent, carried out the criminal executive inspection of the FSIN of Russia.

In the framework of paragraphs 24-26, the recommendations of the Committee of Ministers CM / Rec (2010) 1 on the rules of probation Council of Europe, members of UII was first taken to the office, are required for their activities legal knowledge on training courses on subjects' legal training ;' penal law "," criminal law "," criminal procedure ", under which a study, including the theme" The legal status of convicts, suspects and accused, "" International legal instruments and standards governing the punishment without isolation from society ".

In order to contribute their knowledge and skills in the training program training great emphasis on ethics, psychology and teaching the basics of educational work with convicted to punishment without isolation from society. In teaching and thematic plans included topic: "Psychological characteristics of different categories of prisoners and the use of psycho program" Reducing aggression in individuals convicted of violent crimes by non-custodial sentence "in the activities of criminal executive inspections."

San Marino/Saint Marin

Une formation initiale a été prévue pour tous les corps de police et pour le personnel pénitentiaire.

Serbia/Serbie

From June 2006 until June 2009, Council of Europe Office in Belgrade organized dozens of trainings for various officials in Administration (for prison governors, security service, treatment service and officials of Administration headquarters). In addition, EPR make part of obligatory education plan realized by the Training Centre for the employees of Prison Administration.

Slovak Republic/Slovaquie

All newly engaged prison officers take part in the basic expert education on the topic of "International legal documents on treatment of inmates (Standard Minimum Rules for Treatment of Prisoners, EPR, The Istanbul Protocol) and foreign prison systems". It is a part of this education.

Extent: two lessons

Aim: to familiarize the staff with the structure and content of these documents

Recommendations of these documents are applied also in other topics, mainly in Penology – execution of pre-trial detention and prison sentence.

Slovenia/Slovénie

EPR have the main material beside national legislation, rules and instructions for participants who have included in initial training.

Spain/Espagne

Yes, our prison school gives specific education on the EPR both to new employees and to current employees who have changed their position due to internal promotion (guards, social workers, doctors, nurses, psychologists, lawyers, etc.).

Spain (Catalonia)/ Espagne (Catalogne)

Depuis 2008, la connaissance des règles pénitentiaires européennes a été intégrée dans le programme de formation initiale des spécialistes de l'administration pénitentiaire de Catalogne.

En outre, depuis 2009, l'ensemble du personnel de l'administration pénitentiaire en Catalogne peut accéder au cours Droits de l'Homme et Institutions et de Contrôle qui comprend aussi l'EPR.

Sweden/Suède

All prison staff working close to prisoners have to undergo initial as well as ongoing training, including training on laws and other statutes governing the Service's actions. A prison officer starts his/her employment with the Service with a course of 20 weeks, together with probation officers.

Switzerland/Suisse

Dans le cadre de la formation de base proposée au Centre suisse de formation du personnel pénitentiaire (www.prison.ch), les principes de l'exécution des peines constituent une partie importante du programme des cours. Chaque personne active dans la privation de liberté, et qui suit des cours auprès dudit Centre, reçoit une formation appropriée en la matière.

Turkey/Turquie

National trainers including prison governors, prison teachers, psychosocial services staff and training center personnel were trained on the «the new penal enforcement codes, legislation and the 2006 European Prison Rules.» Officials of the Directorate General of Prisons and Detention Houses of the Turkish Ministry of Justice took part in two seminars on "The new penal enforcement system and legislation, the EPR and the CPT standards" in 2009. Commanders of Gendermerie and 79 Prison Prosecutors attended the Seminars on "the penal enforcement system, the European Prison Rules and the recommendations of the CPT " in 2010. Also cascade trainings on the EPR are still continuing in the 90 model prisons within the project of the Dissemination of Model Prison Practices and Promotion of the Prison Reform in Turkey. As part of this project, 15000 prison staff will be trained on the EPR by the June 2012.

UK: England and Wales/RU : Angleterre et Pays de Galles

See question 1.

6. Is the text of the European Prison Rules readily available to prison staff and prisoners (please specify) ?

Est-ce que le texte des Règles pénitentiaires européennes est facilement accessible au personnel pénitentiaire et aux détenus (merci de préciser) ?

Albania/Albanie

As explained above, the EPR are readily available to the prison staff and prisoners. Also, these rules have been incorporated into the national legislative acts such as:

- Law no. 8328, dated 16/04/1998 "For the rights and treatment of pre-trial detainees and the convicted offenders", amended.
- Decision of Council of Ministers no. 303, dated 25/03/2009, "On the approval of the General Regulation of Prisons".
- Amendments on the law no. 8331, dated 21/04/1998 "On the enforcement of the penal decisions".
- Law no. 9397, dated 12/05/2005, "For the Internal Service Control of the Penitentiary System".
- Amendments on the Penal Code on Law no. 10032, dated 27/11/2008 "For the Probation Service".
- Approval by the Minister of Justice of Internal Prisons Regulations for 21 institutions.
- Order no. 329, dated 15/01/2009 of Minister of Justice "For the categorization of the Institutions of Enforcements of Penal Decisions".

Armenia/Arménie

Either the EPR or European rules for Juvenile offenders subject to sanctions or measures, as well as Europe Probation rules have not been published in separate collection, so they are not readily available to prison staff and prisoners.

Austria/Autriche

See question 5.

Azerbaijan/Azerbaïdjan

The libraries of the penitentiary facilities have also been provided with the European Prison Rules in order to enable the prisoners to familiarize themselves with them.

Belgium/Belgique

Non

Bulgaria/Bulgarie

The text of the European Prison Rules is readily available to prison staff and prisoners.

Croatia/Croatie

The translated text of EPR and the Commentary thereto are available to prisoners and prison staff. Many prisoners submit complaints to national authorities and European Court of Human Rights, as well as other non-governmental organizations (like Amnesty International) or to national Ombudsman and request protection of rights as set forth in EPR.

Cyprus/Chypre

The text of the EPR is readily available for prison staff-Regarding the prisoners the text of the EPR is made available when asked.

Czech Republic/République tchèque

Yes, it is.

- included in the study material of the initial training,
- published in the professional magazine in 2006,
- on web page of the PSCR,
- available in each prison.

Denmark/Danemark

No reply provided.

Estonia/Estonie

The text is available to all prison staff and they are encouraged to use it. And as mentioned, prisoners can access it from the prison library.

Finland/Finlande

Yes, it is available for the prison staff in public premises of the prison, for example in the prison's library.

France

Le texte des RPE a été diffusé auprès des personnels pénitentiaires de l'ensemble des établissements en 2006 puis en 2008.

Une version dématérialisée du texte des RPE est disponible sur l'outil informatique de gestion des personnes détenues utilisé quotidiennement par le personnel.

Le document est également accessible sur le site intranet de la direction de l'administration pénitentiaire. S'agissant des personnes détenues, la version 2 du référentiel d'application des règles pénitentiaires européennes est venue préciser que ce document devait être mis à disposition dans des locaux accessibles (ex : bibliothèque, salle d'activité). La conformité des pratiques des établissements avec cette exigence est vérifiée par les auditeurs externes lors des audits de labellisation.

Georgia/Géorgie

The prisoners can access the European Prison Rules in the Prison libraries. The EPR is also available for entire prison staff, since following the trainings in the Penitentiary and Probation training center the ministry provides the legislation handbooks to the re-trained employees.

Germany/Allemagne

Cf. la réponse à la question 5. Les textes sont accessibles aux détenus dans les bibliothèques des établissements pénitentiaires. Outre cela, le personnel du service pédagogique familiarise les détenus avec les RPE en les expliquant pendant des cours d'enseignement appropriés.

Iceland/Islande

The text of the European Prison Rules is available in English in prisons library.

Italy/Italie

The Italian translation of the European Prison Rules can be found:

- in the libraries of the Training Schools for Staff and of the Higher Institute of Penitentiary Studies;
- in the Regional Directorates of the Penitentiary Administration;
- in the libraries of all the prisons;
- in the local Offices of the Execution of Sentences in the Community (probation offices);
- on the website www.rassegnapenitenziaria.it, scientific publication of the Department of Penitentiary Administration, where it can be consulted on-line also by the general public.

Lithuania/Lituanie

The text of the EPR is readily available both for prison staff (in paper or electronic versions) and inmates (in the libraries of penitentiary institutions).

Luxembourg

No reply provided.

Moldova/Moldavie

Both prisoners and staff under the Department's jurisdiction, except those from Bender prisons No. 8 and 12, have access to EPR. Its text is readily available within the prison libraries as well as in the offices of the educational services' heads. The EPR text is included within a list of normative acts published by the Institute for Penal Reforms from Moldova. The Department of Penitentiary Institutions is soon going to provide the prisons No.8 and No.12 with copies of the EPR text.

Monaco

En ce qui concerne les surveillants, un « livret de conduite » indiquant leurs missions, droits et obligations leur est remis. Ce dernier est régulièrement mis à jour.

En ce qui concerne les détenus les RPE de 2006, les RCE de 2008 et les RCE de 2010 sont consultables à la bibliothèque dans cinq langues. De même les textes juridiques de base sont consultables dans les mêmes conditions (convention de transfert, d'extradition, le CESDH....).

Montenegro/Monténégro

Yes

Poland/Pologne

The EPR in Polish are available on the website of the Ministry of Justice and can be used by everyone interested, including prison staff and prisoners, who can get the document printed. In 2011 r. Prison

Service is going to issue a special edition of the "Polish Penology Review" focusing on the European standards for the treatment of prisoners, as well as resolutions, conventions and other documents of the Council of Europe and reviews and comments of Polish lawyers.

Portugal

Pas de réponse.

Romania/Roumanie

Oui, le texte des RPE est facilement accessible au personnel, il est aussi publié sur le site de l'Administration Nationale des Pénitentiaires, il se trouve dans le programme électronique LEX 2000 et il est mis à la disposition des détenus dans les brochures de chaque chambre de détention, dans les bibliothèques des détenus, dans une variante écrite. (Le site de l'Administration est <http://www.anp-just.ro/>).

Russian Federation/Russie

The text of the European Prison Rules, the approved recommendations of the Committee of Ministers Rec (2006) 2, was directed to the heads of the Penal service of Russia in regions, heads of local government and educational institutions FSIN of Russia to be included in the work of agencies and bodies in the penal system as an application to the instructions of the FSIN of Russia from 20.04.2007 № 10/1-1139.

San Marino/Saint Marin

Oui, le texte des Règles est accessible au personnel pénitentiaire et également aux détenus.

Serbia/Serbie

Yes, the EPR have been distributed in paper form both to convicted persons and to prison staff on several occasions. Copies of it can be found in legal libraries which exist in every prison.

Slovak Republic/Slovaquie

Yes, both to staff and inmates. The document is available in each prison and has also been published as the enclosure of the departmental magazine Zvesti.

For inmates it is available in prison library, that is in each prison, and also upon request.

Slovenia/Slovénie

Yes, it is available.

Spain/Espagne

Yes, you can have the EPR text both in digital format (if you visit our website) and printed, if the inmate go to the prison library.

Spain (Catalonia)/ Espagne (Catalogne)

Tout le personnel de l'administration pénitentiaire catalane peut accéder au texte de l'EPR sur le site Web du CEJFE (Centre d'Études et de Formation Juridiques) du ministère de la Justice.

Sweden/Suède

It is available to prison staff on the Service's intranet. Thus, it can be printed and handed over to prisoners on demand.

Switzerland/Suisse

L'accès via internet (site de l'Office fédéral de la justice) est toujours possible. Par ailleurs, le fascicule est disponible dans chaque établissement de privation de liberté.

Turkey/Turquie

The European Prison Rules were translated to Turkish in 2007. Right after that the document was publicized and shared with the prison staff in the trainings delivered by Prison Staff Training Centers. Additionally, 20000 books on European Prison Rules were published and delivered to all the prisons in Turkey under the concept of an activity of "Dissemination of Model Prison Practices and Promotion of the Prison Reform in Turkey" Project in 2011. Turkey is very much keen on to raise staff's awareness on European Prison Rules.

UK: England and Wales/RU : Angleterre et Pays de Galles

Available via the internet from the Council of Europe website if required.

7. What action has been taken to monitor the implementation of these Rules ?

Quelle action a été entreprise pour assuré le suivi de la mise en œuvre de ces Règles ?

Albania/Albanie

Existing national legal frameworks are defined in accordance to EPR, for the perpetuation of the human rights and fundamental freedoms, social, individualization of treatment and the principle of legality.

Other measures taken for the protection of fundamental rights of prisoners and implementation of these rules include the implementation of periodic inspection to the penitentiary institutions. During September 2010 - April 2011, 20 inspections were organized by the Division of Social Problems; 12 inspections by the Department of Health, 17 inspections by the Legal Sector; 6 inspections by the Division of Human Resources and 7 inspections by the Department of Logistics. The main objective of the inspections has been the implementation of the recommendations and the adherence of the rights of prisoners, protection of human dignity by the prison administration.

Armenia/Arménie

There have not been maintained special monitoring programs for the implementation of neither the EPR, Juvenile Offenders Subject to Sanctions nor Measures and Europe Probation Rules.

Austria/Autriche

See question 5.

Azerbaijan/Azerbaïdjan

No reply provided.

Belgium/Belgique

S'agissant d'une opérationnalisation via la loi, un contrôle judiciaire est possible.

Bulgaria/Bulgarie

The monitoring of the implementation of the European Prison Rules is undertaken by the national authorities, organisations and NGOs. The national and local authorities play a significant role for the realisation of the aims of penalties, while the monitoring of the legacy is exercised by the Prosecution.

Croatia/Croatie

Croatian authorities refer to EPR in all formal documents (legal drafts, Action Plans and other) aiming to improve prison system.

Cyprus/Chypre

The Administration of the Prison Department as well as the commissioner for human Rights, the Ombudswoman, the Prison Board and other, relevant institutions are Monitoring the implementation of these Rules.

Czech Republic/République tchèque

The PSCR assists the CPT with their visits. The PCSR's reports are considered relevant and recommendations may be taken. The monitoring is dealt by the department of control of the PSCR.

Denmark/Danemark

No reply provided.

Estonia/Estonie

The EPR is actively used by the administrative judges who review the complaints made by prisoners in the administrative courts.

Finland/Finlande

The Criminal Sanctions Agency is monitoring the national legislation and in the same process monitors the implementation of the EPR.

France

Le suivi de la mise en œuvre de ces règles est assuré par une mission spécifique au sein de la direction de l'administration.

Cette dernière est chargée :

- du pilotage de la démarche de labellisation (contrôle des prestations des organismes certificateurs et accompagnement de l'Ecole nationale d'administration pénitentiaire ; création d'outils nationaux garantissant la cohérence et l'harmonisation des pratiques professionnelles à l'ensemble des personnels engagés dans ce processus ; recensements relatifs à ces différentes thématiques) ;
- de l'accompagnement métier des acteurs de terrain (actualisation du référentiel au regard des évolutions réglementaires et légales et des pratiques expérimentées et validées au niveau déconcentré ; animation d'un réseau de référents).

L'école nationale d'administration pénitentiaire est également chargée du suivi technique, pédagogique, administratif et financier du dispositif de labellisation.

Georgia/Géorgie

There are internal and external monitoring bodies of the penitentiary system in Georgia which monitor the implementation of the national and international legislation, including EPR.

Internal monitoring bodies - General Inspection and Human Rights Unit of the Ministry of Corrections and Legal Assistance.

External monitoring bodies - Public Defender of Georgia (National Preventive Mechanism), International Organizations, non-governmental organizations.

Germany/Allemagne

Cf. la réponse à la question 3. La jurisprudence allemande tient compte des critères établis par les RPE lors de son appréciation des litiges dans le domaine pénitentiaire. Outre cela, sur la base du Protocole facultatif à la Convention des Nations Unies contre la torture, un service national indépendant pour la prévention de la torture a été créé et a commencé ses travaux en 2009. Ce service de contrôle s'inspire également des critères établis par les RPE.

Enfin, les conseils consultatifs des établissements pénitentiaires, les membres des commissions des pétitions, les autorités de surveillance et les directions des établissements elles-mêmes tiennent compte

des principes et des règles consacrés dans les RPE lors de leurs contrôles et réflexions, planifications et mesures portant sur l'organisation du système pénitentiaire.

Iceland/Islande

Ministry of the Interior monitors the implementation of these Rules along with the Prison and probation administration. The Althing Ombudsman also monitors the administration of the State and local authorities and safeguards the rights of the citizens vis-a-vis the authorities. The Ombudsman has the task to ensure that the principle of equality is observed and that administration is in other respects conducted in conformity with the law, including the committee of minister recommendations, and good administrative practice.

Italy/Italie

The monitoring is usually carried out through:

- the coordination and inspection activity made by the Regional Directors of the Penitentiary Administration, also to ensure a homogeneous enforcement of the Rules throughout the Country;
- the Supervisory Magistracy, carrying out a function of supervision on the organisation of the prisons and for the development of the services necessary to the offenders' rehabilitation treatment;
- the recently established prisoners' ombudspersons, who carry out also a monitoring activity in the prisons;
- a statistics activity of data collection and processing, carried out by the Data Processing Centre of the Department of Penitentiary Administration, about the trend of detention and about other relevant aspects of the penitentiary system (foreign prisoners, female prisoners, judicial status, critical events, penitentiary work, and so on)

Lithuania/Lituanie

The implementation of these Rules is monitored by carrying out inspections in penitentiary institutions, handling inmates' complains and motions, by regular visits of representatives from institutions concerned, public organizations and NGOs as well as from international organizations, carrying out annual performance evaluation for officers, etc.

Luxembourg

No reply provided.

Moldova/Moldavie

Penitentiary system's administration has taken specific measures, on a regular basis, in order to monitor the implementation of these Rules:

- Coordination of the job activity planning process within the penitentiary system;
- Controlling whether the reality of administration activity of the prisons are in compliance with the planned measures
- Inspections:
 - Full inspection – every 3 years;
 - Follow up inspection – at least 6 months in the aftermath of the full inspection;
 - Ad-hoc inspection – anytime is required by the situation or on the demand of the higher ranking administration officials;
- Carrying out assessments followed by relevant notifications.

Monaco

Le suivi de la mise en œuvre des RPE et des RCE est assuré par le Bureau de l'administration pénitentiaire. Ce dernier est consulté sur toutes les questions intéressant l'organisation, le fonctionnement et les conditions de travail de l'établissement (dont le suivi de la mise en œuvre des RPE et RCE).

Montenegro/Monténégro

The application of the EPR is overseen from several levels:

Level One - internal control of the Penitentiary

Level Two - non-Penitentiary institutions: Ministry of justice, courts in case prisoners are involved, the Ombudsperson, the Public Health Institute of Montenegro, NGO sector.

Level Three - international organizations through their missions to Montenegro:

Council of Europe,
European Commission,
European Human Rights Committee,
Committee Against Torture,
International Red Cross

Poland/Pologne

There is no specific action taken to monitor the implementation of these Rules, but supervision exercised by the Prison Administration provides ongoing control over issues relating to the EPR.

Portugal

Pas de réponse.

Romania/Roumanie

La Direction de l'Inspection Pénitentiaire de l'Administration Nationale des Pénitentiaires développe des missions de contrôle qui vérifient le suivi de la mise en œuvre des RPE. Aussi, à la suite des visites des organisations ayant comme objet d'inspection les droits des détenus, on reçoit un rapport détaillé des évaluations effectuées, remis aux directions des spécialités pour analyser et intervenir, selon le cas, sur les aspects évalués pour enrichir les activités déroulées dans les établissements pénitentiaires.

Russian Federation/Russie

Deputy heads of territorial bodies of the FSIN of Russia on human rights in prisons were introduced in regions of the Russian Federation in order to monitor the implementation of of the European Prison Rules by the agencies and bodies of the correctional system of the FSIN of Russia. For the same purpose a department of the international legal rights and legitimate interests of convicts and detainees was created. Order of Russian Ministry of Justice of 10.11.2006 № 326 approved the form of statistical reports of the FSIN of Russia "Summary about the state of law and human rights in the penal system." The results of monitoring the implementation of the activities of agencies, bodies and the penitentiary system of the European Prison Rules are systematically examined at colleges of the Russian Ministry of Justice (eg, the order of Ministry of Justice of Russia of 31.12.2010 № 418 "On Declaring the decision board of the Ministry of Justice" On human rights institutions in the Federal Penitentiary Service of Russia) and the FSIN of Russia.

San Marino/Saint Marin

Il revient au juge de l'exécution pénale d'assurer la mise en oeuvre des règles, à travers des entretiens et des visites dans la prison.

Serbia/Serbie

Supervision Department in Administration for Enforcement of Penal Sanctions, as internal control, expert Supervision by Ministry of health and Ombudsman of Republic of Serbia, Ombudsman of Autonomous province of Vojvodina and various NGO's (as external control) continuously monitor situation in prisons and give their recommendations for improvements in line with standards prescribed by the EPR.

Slovak Republic/Slovaquie

We monitor the accordance of the Rules with the Act on pre-trial Detention and Act on Prison Sentence Execution. Currently we are re-evaluating the state of its implementation with the aim to take other measures, if it is necessary.

Slovenia/Slovénie

There has been taken action for monitor national legislation, instructions, programs and practice and there has not been taken special action for monitor EPR. The Prison Administration of Republic of Slovenia, specially the Head Office – expert from the treatment department monitors the practice in prisons. Ombudsman use EPR when he monitors prisons.

Spain/Espagne

No reply provided.

Spain (Catalonia)/ Espagne (Catalogne)

Le règlement sur l'organisation et le fonctionnement des services d'exécution pénale de la Catalogne, approuvé en Septembre 2006 a créé le poste de secrétaire technique du droit qui fait partie des instances dirigeantes de chaque prison avec pour mission de s'assurer que toutes les actions menées dans les prisons sont conformes au droit national et international et, plus particulièrement, aux traités généraux du droit et de la prison, aux conventions et recommandations (y compris les RPE) en relation avec les organisations internationales, les droits des personnes privées de liberté et le fonctionnement des établissements pénitentiaires.

En outre, tant le service d'inspection de l'administration pénitentiaire catalane lui-même, comme le Ombudsman et les juges de surveillance des prisons, étant indépendants les uns des autres, sont des mécanismes pour garantir la conformité avec la loi et à promouvoir et à respecter les droits des personnes privées de liberté.

Sweden/Suède

In addition to the supervision carried out by the Service itself, the Ombudsman for Justice (JO) continuously ensure that public authorities and their staff comply with the laws and other statutes governing their actions. JO exercise this supervision by evaluating and investigation complaints from the general public, by making inspections of the various authorities and by conducting other forms of inquiry that they initiate themselves. Every now and then, JO refer to the EPR in decisions etc.

Switzerland/Suisse

Il est avant tout du ressort de la *Commission nationale de prévention de la torture* d'examiner sur l'ensemble du territoire suisse si les principes de l'exécution des peines sont bel et bien mis en œuvre correctement.

Turkey/Turquie

No specific action was taken for monitoring the implementation of European Prison Rules. Monitoring Boards and Inspecting Boards are responsible for controlling the management of prisons and implementations done. For raising the awareness of the members of these boards on the issue seminars were planned. Within the context of Dissemination of Model Prison Practices and Promotion of the Prison Reform in Turkey Project, 9 regional seminars for monitoring board members about their role, duties and responsibilities on European Prison Rules will be held in October 2011.

UK: England and Wales/RU : Angleterre et Pays de Galles

None.

II. THE COMMITTEE OF MINISTERS RECOMMENDATION REC(2008)11 ON THE EUROPEAN RULES FOR JUVENILE OFFENDERS SUBJECT TO SANCTIONS OR MEASURES (ERJO)

II. LA RECOMMANDATION REC(2008)11 DU COMITE DES MINISTRES SUR LES REGLES EUROPEENNES POUR LES DELINQUANTS MINEURS FAISANT L'OBJET DE SANCTIONS OU DE MESURES (REDM)

8. Have your national legislation, standards and practices been reviewed since 2008 in order to bring them in line with the ERJO - if needed - or is it envisaged to do so in the near future?

Depuis 2008, votre législation, vos normes et pratiques nationales ont-elles été revues afin de les mettre en conformité avec les REDM - si pertinent - ou cela est-il envisagé dans un futur proche ?

Albania/Albanie

As mentioned above, the national legislation, standards and practices have been reviewed, including the recommendations on juvenile treatment. These recommendations are incorporated into the legislative acts.

Armenia/Arménie

Since 2008, the national legislation has not been reviewed concerning the Juvenile offenders.

Austria/Autriche

The Austrian Juvenile Justice Code dates from 1988 and was amended several times, at last in 2010. According to this law a juvenile is a person between 14 and 18 years of age. Sanctions and measures, imposed on juveniles are based on the principles of social integration, education, training and prevention of re-offending. Legislation, standards and practices are in line with Recommendation Rec (2008) on the European Rules for juvenile offenders subject to sanctions measures.

Azerbaijan/Azerbaïdjan

The recent amendments to the legislation of Azerbaijan also contain elements relevant to the prison conditions and the treatment of the juvenile offenders.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

A reform of the Bulgarian penitentiary legislation, in particular the Law on Execution of Sentences and Detention (ZINZS) and the Rules implementing the Law on Execution of Sentences and Detention, has taken place in 2009 and 2010. By their implementation, the realization of the human rights of the juvenile offenders is guaranteed. Supplemented by National strategies for their protection, the legislation in this field can be said to be in conformity with European and international standards.

Croatia/Croatie

The Croatian national legislation concerning juvenile offenders sustained thorough changes since 2008 in order to comply with the ERJO. The new Law on Enforcement of Sanctions Imposed to Juveniles for Criminal Offences and Misdemeanours was passed in Croatian Parliament in December 2009 (hereinafter: the Law). The necessary By-law on Enforcement of Institutional Measure of Committing to Correctional Institution followed in August 2011, as well as new Law on Juvenile Courts.

Cyprus/Chypre

National legislation hasn't been reviewed since 2008 in order to bring them in line with the ERJO. It is envisaged to do so in the near future.

Czech Republic/République tchèque

It is being prepared.

Denmark/Danemark

Denmark finds the Danish rules on enforcement of sentences to be generally in line with the ERJO. A few of the ERJO rules have resulted in amendment of the Danish rules.

Among these is Rule 81 stipulating that all juveniles deprived of their liberty must be allowed to exercise regularly for at least two hours every day, of which at least one hour must be in the open air, if the weather permits. This rule has resulted in amendment of the Danish administrative rules regarding the juveniles' access to exercise.

Rule 91.4 concerning isolation in a calming down cell has further resulted in amendments to the Danish administrative rules regarding the summoning of a doctor and reporting in cases when a juvenile offender is exceptionally placed in a security cell.

As regards Rule 62.5 on medical examination on admission, the institution must give the inmate a general briefing on the health arrangements in the institution as soon as possible following admission and orally offer the inmate a consultation with the doctor or nurse of the institution, unless the inmate's stay is presumed to be quite brief or the inmate has been transferred from another institution of the Prison and Probation Service which has offered the inmate a consultation with a doctor or nurse. If the inmate wants a consultation with a doctor or nurse, such consultation must take place as soon as possible.

In 2011, the Prison and Probation Service will launch a pilot project implying somatic screening of inmates. When the results from the screening project are available, the Prison and Probation Service will consider the possibility of setting up a rapid screening procedure for juveniles in line with the recommendation of Rule 62.5.

Estonia/Estonie

Estonian legislation is in line with ERJO, but also several documents and legislation related to juvenile delinquency have been reviewed recently:

- In March of 2010, the rules concerning the way police deals with juvenile offenders and victims were updated by Police and Border Guard Board;
- In April of 2010, Development Plan for Reducing Violence for years 2010-2014 was adopted by Estonian Government; development plan also covers topics such as violence against children, peer violence and domestic violence;
- In October of 2010, Guidelines for Development of Criminal Policy until 2018 were adopted by the Parliament, it sets out that one of the primary objectives of criminal policy is prevention of juvenile delinquency.
- In September of 2011, changes in the Code of Criminal Procedure concerning hearing of child-witnesses came into force.

Furthermore, the Ministry of Education and Research has started to renew the Juvenile Sanction Act in 2011.

Finland/Finlande

Yes, this has been done through the national legislation.

France

Eléments de contexte et de perspective :

- Dans le cadre de son Projet Stratégique National 2008-2011, la Protection judiciaire de la jeunesse a recentré son activité sur la prise en charge des mineurs délinquants en intégrant les objectifs des REDM.
- La loi pénitentiaire n° 2009-1436 du 24 novembre 2009 est venue porter adaptation du droit en conformité avec les RPE et REDM.

L'ensemble des textes cités ci-après ont été portés par la Direction de la Protection Judiciaire de la Jeunesse (DPJJ) en vue d'une meilleure adaptation de nos pratiques aux règles européennes.

Thématiques :

I. Partenariat et politiques publiques

Circulaire du 2 septembre 2010 : elle précise la participation de la PJJ dans les politiques publiques interministérielles de santé publique, d'insertion, d'emploi, de formation, de sports, de loisirs, de culture, de cohésion sociale et de prévention de la délinquance. Elle vise à diversifier les actions d'éducation menées auprès des mineurs, elle renforce la prise en compte de leurs besoins spécifiques dans l'action publique des autres ministères et des collectivités territoriales (*Règle N°15*).

Note du 28 juillet 2009 : elle vise à promouvoir l'initiation de projets locaux destinés à accueillir des mineurs dans le cadre d'activités agricoles ou liées à la ferme (*Règles N°23.1 et 23.2*).

Note du 27 juillet 2009 : mise en œuvre par les directions inter régionales de la PJJ d'un protocole prenant en compte les évolutions des normes légales et réglementaires nationales et internationales (loi contre les exclusions de 1998, Convention de l'UNESCO sur la diversité culturelle, règles pénitentiaires européennes, REDM...).

II. Coordination judiciaire

Convention du 8 juillet 2011 : conclue avec le Conseil national des barreaux, elle vise à renforcer la défense personnalisée des mineurs en matière pénale. Elle prévoit notamment la désignation du même avocat pour le même mineur dans toutes les procédures pénales qui le concernent (*Règles N° 120.1 et 120*).

Circulaires du 22 juillet 2010 et du 30 juin 2011 : création d'une instance locale de coordination et de concertation à l'égard des mineurs multi-réitérants associant le juge des enfants, le procureur de la République et le directeur de service de la PJJ en milieu ouvert (*Règle N°15*).

Note du 27 octobre 2009 : elle organise un plan national de prévention de la délinquance et crée un trinôme judiciaire qui est une instance de concertation tripartite entre la PJJ, la juridiction des enfants et le Parquet (*Règle N°15*).

La loi du 10 août 2011 sur la participation des citoyens au fonctionnement de la justice pénale et le jugement des mineurs. S'agissant de la justice des mineurs, création d'un dossier unique de personnalité permettant d'améliorer l'information de l'ensemble des professionnels (*Règle N°5*).

III. Missions de protection judiciaire et éducative

Guide DPJJ méthodologique de l'usage des activités physiques et sportives dans l'action d'éducation, 2010 (*Règle N°23.1*).

Circulaire du 19 mai 2011 : relative au travail d'intérêt général, elle permet de renforcer l'action partenariale avec les acteurs de la société civile (*Règle N°23.2*).

Circulaire d'orientation du 31 décembre 2010 : elle précise les modalités de réalisation d'une investigation éducative dans le cadre des procédures civiles ou pénales pour mineurs par les services de la PJJ, et par le secteur public ou associatif habilité. Les principes posés sont guidés par le principe de l'intérêt supérieur de l'enfant et le respect du cadre posé par la décision judiciaire (*Règles N°18 et 38*).

Circulaire d'orientation du 2 février 2010 : relative à l'action d'éducation dans le cadre pénal, elle renforce les principes de continuité du parcours du mineur et d'individualisation de la prise en charge des mineurs, y compris en détention (*Règle N°31.1, 38 et 39.1*).

Circulaire d'orientation du 25 février 2009 : elle formalise et structure l'action d'éducation menée par la PJJ auprès des mineurs confiés au pénal à partir des activités exercées dans la communauté. Elle vise à favoriser l'intégration sociale des mineurs par l'insertion scolaire et professionnelle (*Règle N°31.1, 38 et 39.1*).

Loi du 10 mars 2010 : elle vise à lutter contre la récidive (*Règles N°2 et 27*).

IV. Détention des mineurs et développement des alternatives à l'incarcération

Circulaire du 2 août 2011 (en association avec l'administration pénitentiaire) : elle vise la prévention du risque suicidaire en détention en améliorant le repérage et la prise en charge des personnes présentant un tel risque (*Règle N°52.1*).

Circulaire du 3 décembre 2010 et circulaire du 18 mai 2010 : relatives à la surveillance électronique de fin de peine et à l'assignation à résidence sous surveillance électronique, elles énoncent le cadre, les principes d'organisation et la mise en œuvre de ces mesures qui favorisent l'alternative à la détention (*Règles N°10, 27 et 49.2*).

V. Organisation, structuration et évaluation des services et établissements

Circulaire du 2 décembre 2010 : elle réforme et améliore les principes présidant à l'habilitation des établissements, des services et lieux de vie et d'accueil. Elle précise les modalités de la procédure d'appel à projet créée par la loi du 21 juillet 2009 relative aux établissements et services sociaux et médico-sociaux, pour garantir une sélection transparente et objective des projets et pose de nouvelles modalités de contrôles et d'évaluations (*Règle N°125*).

Circulaire du 5 novembre 2009 : relative à la mise en œuvre de l'audit territorial, elle précise les modalités et le périmètre de l'audit (mené par la PJJ) auprès de l'ensemble des services et établissements des secteurs publics et associatifs habilités qui mettent en œuvre les décisions judiciaires concernant les mineurs. L'audit a été créé en 2008 au sein de la DPJJ afin d'améliorer la qualité du pilotage des politiques éducatives et de l'action des services et établissements auprès des mineurs (*Règle N°125*).

Note du 24 juillet 2009 : relative au cahier des charges des structures éducatives d'activités de jour (milieu ouvert), elle organise le cadre institutionnel, organisationnel et pédagogique de la prise en charge éducative structurée par des activités.

Note du 19 janvier 2009 : relative à la mise en œuvre de l'évaluation interne des services, elle définit le cadre et les principes d'organisation de l'évaluation des services et établissements de la PJJ. Elle utilise les recommandations de l'Agence nationale de l'évaluation et de la qualité des établissements sociaux et médico-sociaux comme outils de méthodologie et de référence de l'évaluation (*Règle N°125*).

VI. Travaux en cours à La DPJJ dans le cadre de la prise en charge des mineurs détenus

Actualisation d'une circulaire commune (DPJJ et Administration pénitentiaire) du 8 juin 2007 relative au régime de détention des mineurs ainsi que du guide méthodologique des établissements pénitentiaires pour mineurs (EPM), permettant une plus forte identification des sujets spécifiquement liés aux mineurs.

Ces directions ont également engagé un travail de réécriture de la circulaire du 23 décembre 2005 relative à la surveillance électronique afin de l'adapter aux spécificités du public « mineur ». Il est prévu un renforcement de la dimension éducative de la surveillance électronique, par la présence systématique des éducateurs à toutes les étapes de la mise en œuvre et de l'exécution, l'objectif étant de favoriser l'appropriation et l'importance de cette mesure par un soutien efficace du mineur et de ses parents.

Avec le ministère de la santé est engagé un travail d'actualisation du guide « santé de la personne détenue » de 2004 qui doit contenir un cahier spécifique destiné au « mineur ».

VII. Délinquants mineurs faisant l'objet de sanctions ou de mesures

La loi du 02 mars 2010 précise que les sanctions éducatives sont exécutées dans un délai ne pouvant excéder trois mois à compter du jugement (*Règle N°9*).

La loi du 10 août 2011 permet un jugement plus rapide du mineur tout en respectant le temps nécessaire au juge pour recueillir les éléments de personnalité (*Règles N°5 et 9*).

VIII. Conventions de partenariat signées par la DPJJ

La DPJJ a signé un nombre important de conventions de collaboration avec différents ministères (Ministère de la Culture, de la santé et des sports, de l'agriculture, de la pêche), avec des services publics

(SNCF, LA POSTE), le milieu associatif (associations sportives et fédérations nationales) et des ONG (Croix Rouge française).

Ces partenariats ont permis de renforcer et de diversifier les actions d'éducation menées auprès des mineurs dans le cadre pénal, en offrant une meilleure intervention auprès des mineurs et en favorisant leur intégration sociale.

Ces initiatives s'inscrivent dans un meilleur respect des règles européennes pour les délinquants mineurs faisant l'objet de sanctions ou de mesures (Règle N°15).

Georgia/Géorgie

Penitentiary: the new standards were established with regard to treatment of the juvenile offenders. They are envisaged in the New Imprisonment Code which is the basic guidance for the penitentiary system staff and inmates. It was elaborated by the Working Group under the Interagency Coordination Council and was enforced on the 1st of October, 2010. It was twice sent to the Council of Europe for expertise. Most of the recommendations of CoE were accepted by the Georgian government. The Code was brought in line with the EPR, ERJO, United Nations Standard Minimum Rule for the Treatment of Prisoners, United Nations Standard Minimum Rules for the Administration of Juvenile Justice and United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

Moreover, the interagency coordination council elaborated new Juvenile Justice Strategy and Action Plan.

Probation: There are special probation officers who work on Juvenile cases and they have special approaches with juvenile offenders. Also National Probation Agency has social workers and psychologist who help them with their problems.

Germany/Allemagne

En ce qui concerne le domaine pénitentiaire, cela se réfère à la réponse à la première question.

Dans la mesure où il s'agit de la mise en œuvre des Recommandations par les Länder fédéraux, une révision explicite n'a pas eu lieu depuis l'année 2008. Les réglementations existantes sont cependant en conformité avec les REDM.

Iceland/Islande

No, the Icelandic legislation has not been reviewed since 2006. However, it is to a large extent in line with the European prison rules. It should be mentioned that the execution of the Icelandic Sentences Act No. 49/2005 is under review with regards to the European prison rules. However, young offenders are a priority for various measures such as psychological services within the prison system and the execution of sentences outside of prisons.

Italy/Italie

From 2008 till today, there has been no specific intervention of the legislature on juvenile criminal justice, but we must also point out that in Italy there is a specific Department of Juvenile Justice which complies with the basic principles and the areas of application contained in Rec (2008) 11. In addition, guidelines for the training working system addressed towards minors and juveniles subjected to measures from the 'judicial authority have been developed .

Lithuania/Lituanie

Since 2008, national legislation, standards and practices have been reviewing on regular basis to keep them in compliance with the ERJO.

Luxembourg

No reply provided.

Moldova/Moldavie

It is envisaged to review the national legal framework, standards and practices once Rec(2008)11 is available in Romanian language.

Monaco

Un projet d'ordonnance souveraine a été initié principalement pour répondre aux RPE(2006) et aux REC(2010). Ce nouveau texte a clairement pour objectif d'harmoniser la politique pénitentiaire monégasque sur celle des Etats membres du Conseil de l'Europe afin de faire adopter des pratiques et des normes communes. Ce projet comprend des dispositions novatrices afin de se conformer, dans la mesure du possible, aux standards européens édictés par les REC et REP.

Montenegro/Monténégro

Currently, there are no juveniles serving prison sentence. There is one detained juvenile person. Juveniles are subject to the provisions on the treatment of juveniles from the Penal Code of Montenegro, as well as from the EPR which treat them as a special, vulnerable category of individuals deprived of their liberty.

The Law on Juvenile Justice, which is about to be enacted, is going to comply with all international standards.

Poland/Pologne

The ERJO have been implemented in the Polish legislation since 2008; the Ministry of Justice has analyzed national legislation and has taken legislative action to provide even more effective and wider implementation of the rules. In particular, the legislative actions concern the amendment of Act of 26 October 1982 on proceedings in juvenile offenders cases and Family and Guardianship Code of 25 February 1964. Legislative changes aim at streamlining and shortening the procedure; increasing role of mediation; the extension of rehabilitation forms, including creation of the hostel forms of rehabilitation and reintegration of minors; involvement of NGOs in work with juvenile offenders.

Portugal

The Portuguese juvenile act (Lei Tutelar Educativa, 1999, intake force in 2001) is inspired in the international rules and in the basics aspects of the European Rules For Juvenile Offenders. Indeed, the government established team of experts to present a revised proposal of Portuguese juvenile act. This team presented the conclusion in 2010. In May, 2011, the government presented to the Portuguese parliament a new proposal that is waiting for the decision of the new government that took office last June.

We are presenting some aspects that need to be improved, according ERJO:

Point 12 – The restorative justice, including the mediation process is now object of a legal regulation to be provided outside of Portuguese probation service, the General Directorate of Social Reinsertion (Direcção-Geral de Reinserção Social). In Portugal, another governmental agency (Gabinete para a Resolução Alternativa de litígios) is responsible for all mediation process: labor, families, criminal...). The mediation process with the young offender will be one of them.

Point 14 – In the Portuguese Law, the participation of parents and legal guardians in the execution of measure is not compulsory, in any moment.

Point 43.2 and 43.3 – We do not have a regulation to cooperate with services in other countries if the court decide to transfer the execution of community sanctions to the origin country. We have some difficulties in establishing the relation with agencies in other countries when a youth returns to their country of origin at the end of the measure.

Point 51 – We have some difficulties in an effective share of information with others agencies, namely, welfare, education, health. The probation service tries in each case a close relation with other agencies but the outcome usually is not enough to respond to the needs of juveniles. We think that we will need some legal rules to define the competencies of all involved in different agencies to guarantee the continuity of care to the youths.

Point 53 - The management of places in Education Center (the Portuguese place to the compliance of the deprivation of liberty measure) at a national level, sometimes does not allow the placement of a juvenile near of their home and family.

Point 57 – Portugal has a lack of community recourses to answer to the needs of juveniles offenders with mental health problems. Usually the Educational Centers try the public services or request the support of the private professional in psychiatry. Because this lacks of an effective answer in the community to this problematic, the DGRS has a co-financed program by the European Commission to study this issue during the next two years.

Point 63.1 – The Portuguese rules do not specify the conditions of accommodation.

Point 63.2 – The majority of the Portuguese Educational Center has individual accommodation to the youths. Only two Educational Center, from a total of eight, have collective rooms in the semi-open system.

Point 70.2 – DGRS has an objective for this year: to develop a prevention program to the risk of suicide.

Point 78.5 – The Educational Centers have the same kind of scholar and vocational training that are available in the community. However, when the youth returns home, sometimes is not easy to find an appropriated solution in the local community. The Educational Center and the community-based team of DGRS explore the best answer to each case.

Romania/Roumanie

Depuis 2008, la législation de Roumanie, les normes et les pratiques concernant les activités avec les mineurs ont été enrichis par la loi *nr. 83/2010* qui modifie et complète la loi *nr. 275/2006* concernant l'exécution des peines et des mesures disposées par les organes judiciaires tout au long du processus pénal et le règlement de son application.

En plus, les activités de réinsertion sociale développées avec les mineurs ont été réglementées par des dispositions, des méthodologies et des procédures de travail en suivant le REDM.

Russian Federation/Russie

In the period from 2008 no changes were made to the normative legal acts of the Russian Federation in order to bring them into line with Rules in connection with the fact that they included provisions set forth in the Rules.

Currently in the Concept of Development of the correctional system by 2020 based on five educational colonies conducted an experiment to create educational centers for offenders under age, taking into account the European experience in the execution of sentences of imprisonment for juveniles. Prior to 2015, all educational colonies will be converted into educational centers. In this regard, it is expected to make changes to the legislation of the Russian Federation in view of Part III of the Rules.

San Marino/Saint Marin

Cela est envisagé dans un futur proche.

Serbia/Serbie

Ministry of Justice formed a working group which was to draw up a Draft Law on amendments of the Law on juvenile offenders and legal protection of juveniles (further Law on Juvenile offenders – in force since January 2006), with the main task to bring in line the Law on Juvenile offenders with the Committee of Ministers Recommendation REC (2008)11 on the European Rules for Juvenile Offenders subject to sanctions or Measures (ERJO). Recommendation REC (2008)11 and amendments of the Law had been incorporated in the Draft Law. National Assembly is expected to adopt Amendments of the Law on Juvenile offenders by the end of 2011.

Slovak Republic/Slovaquie

It is envisaged to do so in the near future.

Slovenia/Slovénie

No, they have not been reviewed.

Spain/Espagne

No reply provided.

Spain (Catalonia)/ Espagne (Catalogne)

When the European Rules for Juveniles were approved, our own legislation, either Spanish or Catalan, already respected the contents of the international regulations that found these rules.

In this sense, when they were approved in 2008, our own legislation had already considered their basic principles and their general contents. Therefore, it was not necessary to make any specific performance to update the legislation nor to modify substantially the practices (the processes of improvement of the practices that reinforce the principles of the Rules are commented on point 3).

There are some very concrete aspects of the Rules that are not specifically named in our own legislation (for example: the specific mention to the situation of the foreign minors or the ethnic or linguistic minorities), but the practices that are followed in all cases are in the line of the Recommendation R(2008)11.

Sweden/Suède

No reply provided.

Switzerland/Suisse

La nouvelle loi fédérale régissant la condition pénale des mineurs est entrée en vigueur le 1^{er} janvier 2007. Elle règle le droit pénal des mineurs pour toute la Suisse. A son article 2, la loi prévoit les principes directeurs en la matière: la protection et l'éducation des jeunes. Ces principes sont à prendre en considération tout aussi bien pendant l'enquête que lors du jugement et de l'exécution des mesures.

Turkey/Turquie

Turkish national legislation, standards and practices have not been reviewed since 2008 for bringing them in line with ERJO. On the other hand, it was planned to be done at least in the circulars that needed revision.

UK: England and Wales/RU : Angleterre et Pays de Galles

No. The European Rules for Juvenile Offenders are very much mirrored by our own Prison Rules within England and Wales which already are legally binding and which therefore provide the necessary protection for our prisoners.

It has never been the position that the European Prison Rules, UN Minimum Standard Rules or any of our international obligations are identified within our own domestic legislation or included in our staff training, but rather that our own domestic legislation covers all our international obligations. The policy leads for the Prison Service are aware of the need to ensure that our policies conform to international standards and the responsibility to ensure Prison Rules continue to reflect our obligations.

9. Were other measures taken to implement the ERJO and to sensitize the national authorities and the general public?

D'autres mesures ont-elles été prises pour mettre en œuvre les REDM et sensibiliser les autorités nationales et le grand public ?

Albania/Albanie

Rec(2008)11 on the European rules for juvenile offenders subject to sanctions or measures has been introducing to the prison staff working with the juveniles by the Professional Training Centre in the General Directorate of Prisons. The introduction has been focused on: the principles of juvenile treatment, the

conditions on measurement implementations and penal sanctions, accommodation, regime, activities, discipline, violation prevention and their integration into society.

In collaboration with various NGO-s working in the human rights field especially oriented on juveniles such as UNICEF, Save the Children, CRCA, etc, many promotional activities are organized in order to sensitize national authorities and the general public about the juvenile rights.

Armenia/Arménie

Other special measures for the implementation of European rules for Juvenile offenders subject to sanctions or measures or sensitization of national authorities and the general public are not taken.

Austria/Autriche

See question 8.

Azerbaijan/Azerbaïdjan

No reply provided.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

Measures taken by the Bulgarian authorities in order to implement the ERJO include the enhanced right to correspondence and contact with the outside environment as well as the organisation of more cultural, sports and other events taking place outside.

Croatia/Croatie

The competent national authorities are involved in taking appropriate activities and measures to implement the new national legislation.

Cyprus/Chypre

The prison Administration and staff participate in many European projects regarding juveniles in prison in order to exchange experience and knowledge. The outcome of such projects and relevant suggestions are delivered to the national authorities.

Czech Republic/République tchèque

It is still in process of preparation.

Denmark/Danemark

The ERJO has been forwarded to all institutions of the Prison and Probation Service, and the Danish rules amended to comply with the Recommendation have been expressly mentioned. Additionally, the ERJO is available on the intranet of the Prison and Probation Service as the Recommendation is included in the body of rules electronically accessible to all members of staff.

The Department of Prisons and Probation has moreover prepared some guidelines for open prisons, closed prisons and local prisons, respectively, reviewing the main features of the rules on the placement and treatment of young 14-17-year-olds. The various guidelines are available on the intranet of the Prison and Probation Service and are thereby accessible to all its staff members.

Additionally, the rules on the treatment of 14-17-year-olds are accessible on the internet to other authorities and the general public as well.

Estonia/Estonie

- In 2010 special units were established in criminal police departments for dealing with juvenile and domestic violence cases.
- Rules concerning avoidance of delays in pre-trial investigation regarding criminal offences committed by juveniles and offences (violence) against juveniles have been set out and monitored by the Ministry of Justice.
- The community-based crime prevention project was launched by the Ministry of Justice in 2010 ("Märka ja hooli!") in cooperation with UNICEF of Estonia, the Ministry of Education and Research, and the Ministry of Social Affairs.

Finland/Finlande

Not any specific measures have been taken.

France

Le journal « Avenir », publication mensuelle de la direction de la protection judiciaire est un journal d'information (tirage 20 000 exemplaires) destiné à l'ensemble des services (secteurs public et associatif), des partenaires institutionnels et associatifs, des juridictions, des barreaux, des Conseils généraux ainsi qu'à la presse.

Un dossier relatif aux règles concernant les mineurs fera l'objet d'une prochaine publication.

Georgia/Géorgie

Penitentiary and Probation: Numerous conferences, workshops, trainings, interagency coordination meetings and press conferences were held on the ERJO in order to raise awareness of the national authorities and the general public.

Germany/Allemagne

En ce qui concerne le domaine pénitentiaire, cela se réfère à la réponse à la question 2. Aucune mesure particulière n'a été prise par ailleurs.

Iceland/Islande

No.

Italy/Italie

The Department of Juvenile Justice is present with the media and the national press and also organizes and participates at national and local conferences to promote a culture of juvenile justice oriented to the protection of rights and re-education and social reintegration. Each Center for Juvenile Justice at a regional level activates promotional initiatives and concrete activities of information. Through the website and the magazine www.giustiziaminorile.it "New Experience of Juvenile Justice", a good circulation of experiences, studies and knowledge can be done.

Lithuania/Lituanie

Humanization of rehabilitation environment for juvenile offenders to comply with the European standards is one of the priorities in the framework of activities of a juvenile correction house–remand prison. In 2009, a Social Reintegration Unit was opened at a juvenile correction house–remand prison, which aims to facilitate juveniles in resuming their social status and self esteem by educational means, training of social skills and formation of the new ones.

Luxembourg

No reply provided

Moldova/Moldavie

As a measure of implementing the ERJO and of sensitizing national authorities and raising the general public awareness, a seminar covering the provisions of Rec(2008)11 was carried out in April. Along with authorities closer related to prison service's activity, the training was attended by representatives of various other ministerial levels: educational, social protection, youth fields.

Monaco

Voir question 2.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

The draft mid-term government program "Effective State Strategy – 2011 - 2020" determining the most important problems in the field, inter alia, the functioning of the justice system and defining the main lines of action for the nearest decade, pointed out the need to carry out the necessary reforms of Act on proceedings in juvenile offenders cases.

The following actions have been taken so far to implement the ERJO:

- widening and deepening the cooperation of various competent ministries dealing with the minors and juveniles, in order to prevent depravity, criminality and social exclusion of juveniles (the Ministry of Justice, the Ministry of Education and the Ministry of Labor and Social Policy);
- promoting the idea of social responsibility of entrepreneurs, breaking stereotypes, preventing social stigmatization of juvenile offenders and engaging entrepreneurs in the reintegration of minors by providing professional qualifications and employment (Jonatan program);
- in 2011 r. the Ministry of Justice in cooperation with the Ministry of Education, the Ministry of Labor and Social Policy, Ombudsman and Children Ombudsman organized regional conferences with participation inter alia of the representatives of local government. They worked out the common principles and activities focused on the most effective rehabilitation of minors.

Portugal

We only know that we shared this information inside DGRS.

Romania/Roumanie

Par les dispositions et les méthodologies de travail spécifiques, on a accordé une attention spéciale à cette catégorie d'âge, tout en établissant un standard obligatoire d'activités développées avec ces détenus. Chaque mois on développe au niveau local et aussi national des activités avec les mineurs ayant comme objectif la sensibilisation des autorités et du grand public aux besoins spécifiques de cette catégorie. On organise aussi des activités de réinsertion, en partenariat avec les institutions et les associations qui peuvent influencer le processus de réinsertion sociale: des visites en communauté, manifestations artistiques, culturelles et sportives, camp de vacances.

Russian Federation/Russie

Between 25 to May 26, 2011 Vologda Institute of Law and Economics was visited by a delegation of experts of the Ministry of Justice of Switzerland. During the visit guests held training sessions with cadets Psychology Department of the Institute, during which described the organization of the penal system in Switzerland, and participated in the scientific seminar "Features of social work with juvenile inmates." The seminar discussed the organization of educational centers for persons who committed crimes as minors, as well as staff development department of social and educational work with convicted educational center. Swiss experts and faculty training institute shared their experiences working with inmates and prison staff. Representatives of the Swiss delegation noted the need for practical training of educational colonies in the experiment, in the form of internships in institutions for juvenile offenders in Switzerland. Internship provided the plans of the Russian-Swiss project.

Under the theme "The history of international cooperation on penal" discipline "Criminal enforcement law" in the Academy include the study of the FSIN of Russia and the European Rules for juvenile offenders (4:hours).

San Marino/Saint Marin

Non.

Serbia/Serbie

As part of the on-going training conducted by the Academy of Justice, various experts from relevant fields have been provided with certain segments of training regarding the Committee of Ministers Recommendation REC (2008)11 on the European Rules for Juvenile Offenders subject to Sanctions or Measures (ERJO). A two-years long project, conducted by IMG in the Republic of Serbia (which is in the faze of conducting the Study on de facto situation in custody units for Juvenile offenders or Juvenile correctional facilities), envisages training for all professional staff dealing with juvenile offenders in line with the Committee of Ministers Recommendation REC (2008)11 on the European Rules for Juvenile Offenders subject to Sanctions or Measures (ERJO). The intention of the project is also to improve living conditions in such facilities. Starting date of the initial training is set for September 2011.

Slovak Republic/Slovaquie

So far not.

Slovenia/Slovénie

Yes, institutions where juveniles are held use the ERJO as guidelines for their work.

Spain/Espagne

No reply provided.

Spain (Catalonia)/ Espagne (Catalogne)

As we commented in the former point, this was not necessary. The rules were distributed from the General Directorate to all the commands implied (directors of institutions and coordinators of community sanctions and measures).

Sweden/Suède

No reply provided.

Switzerland/Suisse

La REC(2008)11 est publiée sur le site web de l'Office fédéral de la justice, ainsi que les autres recommandations du Conseil de l'Europe. Dans le numéro de 2009 du bulletin info (cf. point 2), un article a été consacré à la REC(2008)11. Cette revue est adressée gratuitement à tous les acteurs du monde de la privation de liberté.

Suite à la ratification par la Suisse du protocole facultatif OP-CAT de l'ONU, un mécanisme national de prévention de la torture a été instauré dans notre pays: il s'agit de *la Commission nationale de prévention de la torture* dont l'entrée en fonction date du 1^{er} janvier 2010. Cette commission exerce ses activités de façon indépendante et se compose de douze membres experts dans les domaines de la médecine, de la psychiatrie, du droit, de la police et de l'exécution des peines. Elle effectue des visites régulières dans les lieux de privation de liberté sur l'ensemble du territoire helvétique, ce qui comprend également les établissements fermés pour mineurs. Suite à ces visites, des rapports sont établis et publiés sur l'internet.

De plus, l'Office fédéral de la justice soumet régulièrement sur place tous les établissements d'éducation reconnus à un examen visant à déterminer s'ils remplissent toujours les conditions posées à leur reconnaissance. Cet examen implique des aspects suivants: preuve du besoin sur la base d'une planification cantonale ou intercantonale; prise en charge globale, ouvert toute l'année (service de piquet

possible durant les vacances: au maximum 14 jours); l'effectif du personnel nécessaire dépend de la clientèle et de la taille de l'établissement; les ¾ du personnel éducatif disposent d'une formation reconnue (y.c. la direction et le personnel éducatif suivant une formation en cours d'emploi dans le travail social); la composition du personnel correspond aux besoins de la clientèle; la présence de 2 éducateurs est garantie durant les moments forts sur le plan pédagogique (soir, midi, week-end); le concept correspond à la clientèle, il est couché par écrit et renseigne sur les méthodes appliquées lors de la prise en charge et du traitement de la clientèle. L'OFJ examine en outre le concept et sa conformité au droit fédéral et aux conventions internationales. Il contrôle notamment le règlement interne, les règles en matière de vie communautaire, la procédure en cas de violation des règles et la procédure disciplinaire. Si la direction peut ordonner des placements dans des structures fermées, une base légale cantonale doit fonder cette possibilité, la réglementation à ce sujet doit être claire et la mesure se limiter à un minimum. L'enfermement et d'autres mesures analogues doivent découler clairement du mandat de l'établissement. Les locaux sécurisés doivent correspondre à un standard minimal qui répond de nouveau aux conventions internationales.

Turkey/Turquie

No specific action was taken especially for monitoring the implementation of ERJO, but seminars and workshops were held for the staff about the new penal enforcement system, legislation, and European Prison Rules (2006). 15000 prison staff training will be completed by the end of 2012. In addition, General Directorate is implementing Unicef Projects focusing on improving the conditions of juvenile offenders. The staff training centers are continuously implementing training programs for the juvenile prison staff. These activities have indirect effect on the conditions envisioned by the ERJO.

UK: England and Wales/RU : Angleterre et Pays de Galles

No.

- 10. Have your national authorities specific suggestions regarding the practical implementation of the ERJO (examples of good practices or specific difficulties)? Please share your experience and concerns in order to be able to discuss these issues in greater details at the 16th CDAP.**

Vos autorités nationales ont-elles des propositions spécifiques concernant la mise en œuvre pratique des REDM (exemples de bonnes pratiques ou de difficultés particulières) ? Merci de partager avec nous vos expériences et soucis afin de pouvoir discuter de ces questions lors de la 16^e CDAP.

Albania/Albanie

Implementation of probation services offered, created a real opportunity in terms of considering the detention as a last measure. This service has reduced the number of juvenile detainees in penitentiary institutions, which are currently under capacity. Besides this positive experience, the problem remains the extent of detention for juveniles in detention institutions.

Changes and amendments to Decision No. 303, 25.03.2009 "On approval of the General Regulation of Prisons", DCM No. 187, 17.03.2010 (as amended) article 78, have included drafting detention plans aiming at the individualization of treatment for each detainees. The aim is developing detailed plans of activities in cooperation with detainees based on their needs, trends, age, social and cultural education, personality, in order to modify their behavior and reintegration in society and family.

Kavaja Juvenile Institution, built by funds of the European Commission, is a first institution only for juveniles. At the same time, it is a remarkable example of the implementation of European standards for the treatment of juveniles. In this institution, there is adequate infrastructure that facilitates the organisation of a wide range of rehabilitation programs and activities (education and library service, professional training, employment as a method of education, mediation and conflict resolution, sports and creative activities etc.). As regard to discipline, the institution aims at minimising restrictions. As such, they have a multidisciplinary staff trained in handling juveniles. Furthermore, the institution cooperates with national and international organizations that provide services and promote the rights of minors in prisons, such as UNICEF, Save the Children, AHC, CRCA, QSHPLI, project KLM, etc. At the same time, such services are also offered to juveniles detainees accommodated in other penitentiary institutions and further attention is given to improving physical conditions and infrastructure of these institutions.

Young offenders (18-21 years of age) are part of another group of detainee category with specific needs. Their treatment aims at their accommodation into sectors / rooms, separate from adult prisoners, and the implementation of rehabilitation programs for reintegration. Because of the old infrastructure in some Penitentiary Institutions and overpopulation, the accommodation of young people in particular sectors remains a challenge for some institutions.

With the support of some international organization as Save the Children, UNICEF the second phase of the project "Supporting minors of Kavaja Juvenile Institute" is under implementation. This project aims at: providing services for further strengthening professional training activities; training of staff on conflict resolutions; supporting this institution to strengthen its capacity in networking in order to ensure the reintegration of minors. Among other activities intended to be implemented, there are providing social services, health and housing after release, as well as employment opportunities. In the future, another phase will follow this project in order to implement these services in other penitentiary institutions which accommodate juvenile detainees.

Other health services such as hygiene, acceptance in the institution, contact with the outside world, meetings with family members and correspondence, application-complaint handling, etc., are done in full accordance with the standards of the recommendations by European Prison Rules. These services comply also with recommendation of Rules for Minors in conflict with the law subject to sanctions and measures, by implementing the measures favoring the category of adults: such as disciplinary policy, increasing number of meetings with family members (Article 57 paragraph 1 of CMD no. Nr.303 dated 25.3.2009 as amended,) and increasing number of calls to family members (Article 61 of this CMD).

Armenia/Arménie

No suggestions regarding the practical implementation of the ERJO.

Austria/Autriche

See question 8.

Azerbaijan/Azerbaïdjan

No reply provided.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

The effect of the practical implementation of the ERJO has been strengthened by the implementation of the new ZINZS and the RIZINZS. Good practices include the presence of experts and psychiatrists, working on specialised group programmes for initial adaptation of the juvenile offenders. In addition, the continuation of the education of the juvenile offenders has been encouraged by the inclusion of day and night forms of studying. Furthermore, individual and group therapies were organized, as example of the latter includes programmes for practical and social skills, educational and training programmes, cultural-informational and sports programmes, and working programme. An example of specialised programme is the one taking place on the basis of the Bulgarian-Dutch project "Implementation of corrective and therapeutic programs for working with juvenile offenders in Boychinovci.

Croatia/Croatie

Specific difficulties appeared in implementing the principle of individualisation as set forth in ERJO and in national legislation. Juvenile offenders require intensified joint work of all available institutions, as well as additional specifically trained custodial staff.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

No particular suggestions.

Denmark/Danemark

As appears from the reply to question No. 8, Denmark finds that the Danish rules on enforcement of sentences are generally in line with the ERJO. Only a few of the ERJO rules have resulted in amendments to the Danish rules. Please see the reply to question No. 9 as concerns implementation.

Estonia/Estonie

Not explicitly regarding ERJO.

Finland/Finlande

No.

France

L'élaboration d'un « Référentiel métier » en conformité avec les REDM est en cours de réalisation. La décentralisation de la Direction de la protection judiciaire de la jeunesse est un moyen important d'accompagnement, permettant de diffuser au plus près des services les évolutions des pratiques.

Georgia/Géorgie

The good practices regarding practical implementation of the ERJO include:

Penitentiary: Individual approach system was established with regard to juvenile offenders. The targets are: rehabilitation, re-socialization and reintegration of juveniles into society as its full members. Nowadays, the special establishment for juveniles, based on the needs assessment mechanism, prepares individual approach for each juvenile who enters the establishment. The imprisonment period is thoroughly planned for each juvenile by coordinator, social worker and psychologist. The aims are to reduce actual risks and reoffending, and to prepare juvenile convicts for reintegration into the society.

Probation: there are also special probation officers who work on juveniles' cases. They have special approaches with regards to juvenile offenders. The work of the officer is based on special manual, which contains different needs, risks assessment and individual sentence planning. Several social workers and psychologists are involved in diversion program and help juveniles with their problems.

The bad practices regarding implementation of the ERJO include: the lack of resources.

Germany/Allemagne

Voir la réponse à la question 3 eu égard aux échanges intenses - jugés essentiels - d'informations et d'expériences également avec la pratique judiciaire et les procureurs.

Iceland/Islande

The number of juvenile offenders under the age of 18 in prisons is fortunately very low in Iceland or 0-2 each year. The Prison Administration has an agreement with the Government Agency for Child Protection to treat juvenile prisoners in their institutions. If this fails, we try to fulfill the special needs of those juveniles. However, we are not able to house them in separate institutions from the other prisoners.

Italy/Italie

In this regard, we consider very important to bring the attention of experts and of European leaders to the experience of the 'Observatory on the phenomenon of juvenile delinquency in Europe' of the Department of Juvenile Justice. With DM of the 16th of May 2007, it was possible to establish the "Office of Research, Studies and International Activities" which is attached to the European Center of Studies, Observatory and

database on the phenomenon of juvenile delinquency in Europe. This new office is under supervision of the Head of the Department of the Italian Juvenile Justice. The constitution of this new office is based on following assumptions:

- In the Economic and Social European Committee of March 15, 2006, entitled "prevention and treatment of juvenile delinquency and the role of juvenile justice in the European Union", it was declared that we should develop a Community policy in the field of juvenile delinquency and juvenile justice by the creation of a European Observatory on juvenile delinquency. This should not only be considered as a permanent study of the phenomenon, but also the dissemination of all the results and the efforts of these researches and the concrete knowledge and their use as instruments of advice and support to the authorities and institutions with decision-making responsibility to adopt policies and real strategies.
- In the European Parliament's resolution of June 21, 2007, entitled "Juvenile delinquency - role of women, family and society", it was recommended the Commission to urgently propose the creation of the Observatory of juvenile delinquency. Other measures for promotion and dissemination of experience and knowledge were proposed such as: collective research and dissemination of national policies; organization of seminars and forums with the participation of national experts; promotion of communication and information between the competent authorities and social actors thanks to Internet and to the creation of a website dedicated to these issues; establishment of an international center of excellence.
- In Rec (2008) 11 in the section related to the data collection, (it is suggested to) make comparisons at a statistical, legislative and operative level in order to exchange practices and disseminate knowledge. The European Center of Studies, Observatory and database on the phenomenon of juvenile crime in Europe is currently working on researching reports and projects on themes such as distress and deviance. Noteworthy in this regard, we would like to mention the international seminars held at our European Centre of Study of Nisida on the issues of probation and mediation with the exchange of good practices at national and European level.

Lithuania/Lituanie

One of examples of good practices is the launch of the above mentioned Social Reintegration Unit. Juveniles are settled in the Unit 3 months before release or conditional release. The Unit is situated outside the penitentiary institution and juveniles are allowed to prepare food for themselves, use computers for browsing information on labor demand and supply, train computer skills. Working therapy to juveniles is implemented in recreation and working areas of the unit. Juveniles may also leave to visit their place of residence accompanied by a Unit staff member thus preparing for life after release.

Luxembourg

No reply provided.

Moldova/Moldavie

We would appreciate the assistance in translating into Romanian of the Rec (2008)11, as we only use the English online version, which impedes its better implementation.

Monaco

Voir question 3.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

The examples of good practice in the practical implementation of the ERJO:

- rehabilitation of minors in hostels, where their autonomy helps them to improve skills of proper functioning in a society after leaving the correctional facility. The program also allows adaptation of minors in the new society without the stigma associated with staying in the facility and protects juveniles against going back to the original, inefficient and pathological family and social environment;
- development and educational programs for minors under the EU financed Operational Program "Human Capital", providing the minors with learning useful skills and qualifications, such as: driver's license,

professional qualifications, learning a foreign language (mainly English), the ability to move into the labor market and obtaining employment, interpersonal skills

- unhindered functioning of the group, teamwork, replacing other forms of aggression, self-expression;
- involvement of NGOs, foundations, associations and individuals in the process of rehabilitation of minors through their participation in voluntary work in orphanages, nursing homes and hospitals.

The Ministry of Justice has also undertaken wide-ranging cooperation with other ministries responsible for the family, minors and their social security.

Portugal

We shared this information with the directors and team coordinators inside the DGRS.

Romania/Roumanie

Voir la réponse à la question nr 3.

Russian Federation/Russie

As part of Part III of the European Rules for juvenile offenders schooling is provided for the young offenders. In order to improve the learning process together with the Non-profit charitable foundation to promote the social rehabilitation of prisoners and protection of personnel of the Penal Service, Russian Ministry of Justice and Ministry of Interior of Russia "Trustee" Juvenile is a contest "The best student school educational colonies penal system."

As part of physical training and sports Nationwide sporting events are held annually in conjunction with public-state organization "All-Russian Sports Society" Dinamo ".

In accordance with Articles m, n. 77 of the European Rules for juvenile offenders to enhance the cultural and moral education is organized and conducted National Festival of the band of educational colonies "Amnesty soul."

San Marino/Saint Marin

Le taux pour-cent de délinquants mineurs est très bas, mais dans le cas d'une sanction, la probation et la probation judiciaire sont toujours appliquées.

Serbia/Serbie

Through the established mechanism of Preventive Monitoring, the Ombudsman and certain NGO's conduct monitoring and give their recommendations with the goal to improve the implementation of the Recommendation REC (2008)11 on the European Rules for Juvenile Offenders subject to sanctions or Measures (ERJO).

Slovak Republic/Slovaquie

So far not.

Slovenia/Slovénie

They use ERJO as guidelines when they have prepared special regulations.

Spain/Espagne

No reply provided.

Spain (Catalonia)/Espagne (Catalogne)

During these years (2009-2011), in Catalonia some projects have been developed, having in mind the principles of this Recommendation, to improve the daily practice with juveniles. In particular:

The "Project of risk management": it promotes the structured clinical appraisal of the needs and potentialities of the juveniles, in order to build individualized plans of educational intervention focused in the priority goals and performances to favor the social integration and to avoid recidivism.

The "Limits Project": It is a voluntary project for families. Public staff work with the families of the juvenile offenders in order to give suitable educational models of intervention with their sons or daughters.

The "Protocol of release" that contemplates a list of compulsory performances that the professionals working in institutions, in coordination with outside professionals, have to do with all the juveniles to guarantee a good process of social inclusion at the moment of their release.

The "Project of cultural mediation" that incorporates cultural mediators (persons of North African origin) into the educational centers in order to favor the understanding of the young Maghreb juveniles of their situation and of their rights and duties. Also it promotes the understanding on the part of the staff on the specificity of these juveniles and their culture.

The "Assisted Home Project" addressed to offenders (boys) among 18 and 21 years, homeless and/ or without family, during a penal measure in open environment.

The youngsters live in a flat with other youngsters and with the collaboration of an educator (some hours a week) that offers them a socio-educational accompaniment to acquire personal autonomy and to find a work.

The "Project We Share": nets of professionals are built through internet and other resources. Through these nets, they share knowledge and good practices. There is an organized net in the area of the community measures and another that joins the professionals of educational centers (institutions for juveniles). Together they bring up daily problems of their work with juveniles and they construct shared answers.

To increase the use of the mediation as an alternative to the disciplinary procedure, in the institutions for juveniles specific training has been provided to the staff in mediation. This training and a planned action have meant a considerable decrease of the number of disciplinary reports.

Apart of these projects, there are some elements of our system, of more general character, that favor a lot the attainment of the principles of performance picked up in the R (2008)11:

- A centralized and computerized data base of all the juveniles (with all the requirements of data protection).
- A specialized institute for training and research (CEJFE) that guarantees the training of the staff working with juveniles and provides research to improve the services.
- Some agreements of collaboration with the Ministry of Education and the Ministry of Health that guarantee the attention to the youngsters deprived from freedom with the same quality than outside the institution. In the case of education, the qualifications the juveniles obtain are the same ones that they would obtain in a "regular" school.
- A specific organization that look after the professional training and the work insertion of the juveniles.

Main difficulties for the application of the Rules:

- Contextual threats: punitive tendency and movements in favor of the reduction of the age of penal responsibility (from 14 to 12). This has been translated during the last years into a revision of the measures towards a larger duration. The subject of reducing the penal age is something that periodically turns up with the support of many social sectors and mass media (for the time being has not progressed).
- Furthermore, it is necessary to mention the very difficult and complex economical context that makes possible, in any moment, the reduction of the important expense that implies the current attention to juveniles subjected to sanctions and measures.
- Young foreign offenders: the lack of roots and social net of these youngsters make still more difficult the processes of social inclusion. It is necessary to highlight the specific problem of the not accompanied minors (coming alone from abroad) and the problem of the organized criminal groups that use juveniles to commit crimes.

Sweden/Suède

No reply provided.

Switzerland/Suisse

Partie III - Privation de liberté

E.2 Structure institutionnelle et E.3 Placement

Le nouveau droit pénal des mineurs fixe comme suit les exigences auxquelles doivent satisfaire le placement en institution (art. 15) et la privation de liberté (art. 27) :

Art. 15 Placement

a. Contenu et conditions

1. Si l'éducation ou le traitement exigés par l'état du mineur ne peuvent être assurés autrement, l'autorité de jugement ordonne son placement. Ce placement s'effectue chez des particuliers ou dans un établissement d'éducation ou de traitement en mesure de fournir la prise en charge éducative ou thérapeutique requise.

Art. 27 c. Exécution

1. La privation de liberté qui ne dépasse pas un an peut être exécutée sous forme de semi-détention (art. 77b CP16). Celle qui ne dépasse pas un mois peut être exécutée sous forme de journées séparées (art. 79, al. 2, CP) ou sous forme de semi-détention.
2. La privation de liberté est exécutée dans un établissement pour mineurs qui doit assurer à chaque mineur une prise en charge éducative adaptée à sa personnalité et, notamment, un encadrement propre à préparer son intégration sociale après sa libération.
3. L'établissement doit être à même de favoriser le développement de la personnalité du mineur. Ce dernier doit avoir la possibilité d'y entreprendre, d'y poursuivre ou d'y terminer une formation ou d'y exercer une activité lucrative si la possibilité de fréquenter une école, de suivre un apprentissage ou d'exercer une activité lucrative en dehors de l'établissement ne peut être envisagée.

A l'heure actuelle, la Suisse ne dispose pas d'établissements pénitentiaires destinés aux seuls mineurs. Ainsi donc, les mineurs qui ont été condamnés à une peine privative de liberté sont placés principalement dans des établissements d'éducation. En application du système dualiste, le tribunal des mineurs est habilité à prononcer concurremment une mesure et une peine privative de liberté. L'exécution de la mesure prime toutefois celle de la peine.

E.10 Activités faisant partie du régime

Le fil conducteur dans l'application du droit pénal des mineurs est la protection et l'éducation de ceux-ci. La loi vise à protéger le développement du mineur de même que son épanouissement personnel et professionnel. Les mesures de protection qu'elle institue comprennent la prévention du danger que représente le mineur, la correction de carences éducatives et la création de conditions propices au développement du mineur. C'est dire que les établissements où sont placés les mineurs doivent disposer d'une infrastructure socio-pédagogique et thérapeutique appropriée et du personnel qualifié. En outre, ils doivent permettre aux mineurs de fréquenter l'école, de suivre une formation professionnelle et d'exercer une activité lucrative.

E.15 Préparation à la libération

La plupart des établissements d'exécution destinés aux mineurs ont adopté une approche systémique. Il en résulte que, durant toute la durée du placement, l'établissement veille à s'assurer la collaboration des répondants principaux du mineur et à mettre celle-ci concrètement en œuvre. Les travailleurs sociaux, les thérapeutes et les formateurs collaborent avec les autorités compétentes dans le contexte social du mineur, préparant ensemble activement l'intégration sociétale de celui-ci à l'issue de l'exécution d'une peine ou d'une mesure.

La Suisse prendra part à la 16e CDAP à Strasbourg. A cette occasion, les représentants suisses pourront, lors des workshops, relater les expériences positives ou les difficultés rencontrées dans les domaines touchant aux règles européennes pour les délinquants mineurs.

Turkey/Turquie

- ERJO should be translated into national language.
- The ERJO text should be published and sent to prisons throughout Turkey.
- Specific training programs should be planned and delivered to especially Juvenile Prison Staff.

UK: England and Wales/RU : Angleterre et Pays de Galles

Not applicable.

11. **As regards the countries concerned, has Recommendation Rec(2008)11 of the Committee of Ministers on the European Rules for juvenile offenders subject to sanctions or measures been translated into your national language? (if so, please send an electronic version of the text) (currently the text of ERJO may be consulted on the Council of Europe web site in 3 different linguistic versions (www.coe.int/prison)).**

S'agissant des pays concernés, la Recommandation Rec(2008)11 du Comité des Ministres sur les Règles européennes pour les délinquants mineurs faisant l'objet de sanctions ou de mesures a-t-elle été traduite dans votre langue nationale ? (dans l'affirmative, veuillez nous envoyer une version électronique du texte) (à l'heure actuelle, les REDM sont consultables en 3 versions linguistiques différentes sur le site du Conseil de l'Europe (www.coe.int/prison)).

Albania/Albanie

There is no official translation of the European Rules for juvenile offenders. The education staff working with juvenile has translated these rules on voluntary basis. Nevertheless, the ERJO have been incorporated into the national legislative acts for the Albanian Penitentiary System. These rules are regarded as the standard basis of juveniles' treatment.

Armenia/Arménie

The European rules for Juvenile offenders subject to sanctions or measures and Europe probation rules are not translated into Armenian yet. The Ministry of Justice of the Republic of Armenia has already undertaken the translations. Once such process will be completed, the translations will be provided to the Law Institute of the Ministry of Justice in order to use them during the trainings in 2012, as well as to the Council for Penological Co-operation in order to put them in the Council of Europe web site.

Austria/Autriche

Recommendation Rec (2008) 11 of the Committee of Ministers on the European Rules for juvenile offenders subject to sanctions or measures was translated into German language. This task was a joint project between Germany, Switzerland and Austria. The text (electronic version) was already transmitted to Council of Europe.

Azerbaijan/Azerbaïdjan

The Committee of Ministers Recommendation REC(2008) 11 on the European Rules for Juvenile offenders subject to sanctions or measures were also translated into Azerbaijani language and posted on the relevant website of the Council of Europe.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

Recommendation Rec(2008)11 of the Committee of Ministers on the European Rules for juvenile offenders subject to sanctions or measures has not been translated into Bulgarian. At the current moment the officers are familiar with the recommendation on the basis of translation from Russian.

Croatia/Croatie

The translation of the Recommendation Rec(2008)11 of the Committee of Ministers on the European Rules for juvenile offenders, as well as the Commentary thereto on the Croatian language is in process.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

Yes, it has.

Denmark/Danemark

No, the ERJO has not been translated into Danish.

Estonia/Estonie

Not to our knowledge.

Finland/Finlande

This has not been done yet, but the translation work is going on at the moment.

France

La traduction française est l'une des versions des REDM.

Georgia/Géorgie

Recommendation Rec(2008)11 of the Committee of Ministers on the European Rules for juvenile offenders subject to sanctions or measures was translated into Georgian. Please see attached the Georgian version of the document.

Germany/Allemagne

Voir la réponse à la question 4.

Iceland/Islande

No.

Italy/Italie

Unfortunately we do not have, at the moment, an Italian version of the REC (2008) 11, but it is in the process of being translated. However, we would like to attached the Italian versions of the REC (2006) 1, the REC(2010) 1 and the Guidelines of the Ministers Committee of the Council of Europe on a justice suitable for minors, (adopted by the Ministers Committee on November 17, 2010, during the 1098th meeting of the Ministers 'Deputies) that will be presented on the 10th and 11th of October in L' Aquila in an international seminar edited by the Research and Study Office of the Department of Juvenile Justice.

Lithuania/Lituanie

Text of unofficial translation of the Recommendation Rec(2008)11 of the Committee of Ministers on the European Rules for juvenile offenders subject to sanctions or measures is available in Lithuanian. Please, find attached the electronic version of the text.

Luxembourg

No reply provided.

Moldova/Moldavie

No, the Rec (2008)11 has not been translated into our national language.

Monaco

Voir question 4.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

Text of the recommendations has been partially translated into Polish. The translation process is being continued.

Portugal

At this moment we do not have translated the ERJO into Portuguese language, but we will do this in the next days.

Romania/Roumanie

La Recommandation Rec(2008)11 du Comité des Ministres sur les Règles européennes pour les délinquants mineurs faisant l'objet de sanctions ou de mesures n'a pas été encore traduite en roumain.

L'Administration Nationale des Pénitentiaires est en cours de traduire cette recommandation jusqu'au mois de septembre.

Russian Federation/Russie

Information not available.

San Marino/Saint Marin

Non, pour l'instant il y a le texte en français.

Serbia/Serbie

Serbian version is in works at the moment. Meanwhile, the Montenegrin version is being used for training purposes. Serbian version is expected to be issued by September 2011.

Slovak Republic/Slovaquie

The Slovak translation is being prepared.

Slovenia/Slovénie

Yes, it has been translated.

Spain/Espagne

No reply provided.

Spain (Catalonia)/ Espagne (Catalogne)

Yes, the Recommendation has been translated into the two official languages of Catalonia: the Spanish and the Catalan.

Sweden/Suède

No reply provided.

Switzerland/Suisse

La Suisse a étroitement collaboré avec l'Allemagne et l'Autriche pour mettre sur pied une version allemande qui, par ailleurs, a été publiée avec la Rec(2006)13 sous la forme d'une brochure gratuite à l'attention de tous les acteurs du monde de la privation de liberté. Ce fascicule peut être commandé en tout temps auprès du Forum Verlag Godesberg (ISBN 978-3-936999-66-2).

Turkey/Turquie

Recommendation Rec(2008)11 has not been translated into our national language yet. The translation process is in progress.

UK: England and Wales/RU: Angleterre et Pays de Galles

Not applicable – they are already available in English.

12. Is initial and/or ongoing training on the ERJO provided to staff dealing with juvenile offenders both in the community and in detention? If so, to what extent and what type of target?

Une formation initiale et/ou continue relative aux REDM est-elle assurée au profit du personnel prenant en charge des délinquants mineurs dans la communauté ou privés de liberté ? Si oui, dans quelle mesure et au profit de quelles cibles ?

Albania/Albanie

The Professional Training Centre in the prison system has organized specific training for the staff working with juveniles. During the recruitment process and before opening the new Institution of Juvenile in Kavaja, the whole staff has been trained. The training program lasted for 6 weeks. Also, the recruited staffs went through an internship program for about 1 month in institutions where juveniles were held such as Jordan Misja, Durres, Korça, Vlora and Lezhe.

The training program was organized in collaboration with UNICEF, CRCA, and Albanian Helsinki Committee. In the training module in spite of international text for the juveniles treatment, is specifically included the recommendation 2008 (11) and rec 2010, for a friendly justice system for the juveniles.

Armenia/Arménie

See the answer of 5th question.

Austria/Autriche

Yes, there is initial as well as ongoing training on the ERJO provided to staff dealing with juvenile offenders. The text of the ERJO is available to staff, to prisoners on request.

Azerbaijan/Azerbaïdjan

European Prison Rules along with the Probation Rules and European Rules for juvenile offenders have all been incorporated to the preliminary study courses of the training centers of the Justice Academy and training center of the Penitentiary service.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

Initial training of the staff dealing with juvenile offenders takes place in Pleven. Subsequent training takes place during an official study year as well as during seminars.

Croatia/Croatie

The Croatian Training Centre for Prison Staff has been designing plan for training prison staff and staff working in juvenile correctional institutions in ERJO and new national legislation and best practices.

Cyprus/Chypre

Regarding the initial training on aspects of the ERJO is provided to prison staff. The prison Department is not responsible for juvenile offenders in the community.

Czech Republic/République tchèque

It is included in initial training. The newcomers have lessons on execution of serving the sentence, execution of pre-trial detention and professional ethics, in which the trainers – teachers refer to the ERJO as an additional study material for those who will be working with juveniles. Some psychology lessons also deal with juvenile physical and psychological specifications. Juveniles treatment is in harmony with the Czech legal system.

Denmark/Danemark

The international recommendations and conventions relevant to prison work, including recommendations and rules on the treatment of juveniles, are incorporated into the prison officer training programme.

Estonia/Estonie

No specific trainings regarding ERJO have been carried out, but the main principals and recommendations of ERJO have been integrated into general trainings and roundtables of police and prosecutors.

Finland/Finlande

No.

France

L'Ecole Nationale de Protection Judiciaire de la jeunesse en charge de la formation initiale et continue des professionnels de la justice des mineurs sur l'ensemble du territoire intègre dans ses modules de formation l'ensemble des textes internationaux et européens intéressant la justice des mineurs.

Georgia/Géorgie

Penitentiary: The initial basic trainings on ERJO are provided to the penitentiary system employees who work with juveniles.

Probation: The several trainings were held for those probation officers who work on juvenile cases. The trainings mainly concerned: the work specifics with juvenile offenders; how to plan individual sentence for juveniles; training on communication skills.

Germany/Allemagne

En ce qui concerne le personnel pénitentiaire, voir la réponse à la question 5.

Iceland/Islande

No, not on ERJO but as said the Icelandic legislation is to a large extent in line with ERJO and staff receive initial training on the Icelandic legislation.

Italy/Italie

Periodic training is performed on the subjects contained in the Rec to all operators of Juvenile Justice Services such as educators, social workers, prison officers.

Lithuania/Lituanie

Initial training (540 academic hours duration) is mandatory to staff dealing with juvenile offenders both in the community and in detention (staff with specialized education excluded), 14 academic hours thereof are allocated for studying of international legal acts (the ERJO included). The trainings aim at preparation of qualified and professional officers. Staff qualification upgrading is an ongoing process.

Luxembourg

No reply provided.

Moldova/Moldavie

No, our staff does not benefit from ongoing neither initial training on the ERJO.

Monaco

Voir question question 5.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

The family judges and the employees working with minors have not attended any trainings concerning specifically the ERJO yet. However, staff of houses of correction and shelters for minors since 2008 has extended their skills and qualifications in working with minors, including the rules specified in the Rules through training, during postgraduate studies and complementary studies, carried out within EU Operational Program "Human Capital". Education focuses on pedagogy, social rehabilitation, psychology, which may be considered as the knowledge ensuring correct application of the Rules.

Trainings are addressed to the directors of correctional facilities, pedagogic and non-pedagogic staff (e.g. guards).

The Ministry of Justice is going to report further relevant proposals related directly with the Rules to schedule training of family judges at the National School for Judges and Prosecutors, which is responsible for organizing training of judicial personnel.

Portugal

The DGRS provide an initial training and ongoing training to the staffs in the most important issues according the ERJO. However, some improvements are needed to be closer of the recommendation.

Romania/Roumanie

Non, pas sur les REDM. Mais en ce qui concerne le travail avec les détenus mineurs chaque année on organise des cours de formation continue avec le personnel pénitentiaire qui travaille dans des établissements pour les mineurs.

Russian Federation/Russie

Information not available.

San Marino/Saint Marin

Une formation spécifique et continue est assurée pour le personnel des services pour les dépendances pathologiques, alcooliques, toxicomanes, dépendances du jeu, qui collaborent avec le service de probation.

Serbia/Serbie

A Study on de facto situation, which is to give precise information on present conditions and future needs is being conducted at the moment. It is planned for the initial and ongoing training to be applied in line with the results.

Slovak Republic/Slovaquie

The training is not specifically focused on this document.

Slovenia/Slovénie

Yes, all participants in initial training have lessons about content of ERJO.

Spain/Espagne

No reply provided.

Spain (Catalonia)/ Espagne (Catalogne)

There has not been specific training about this Recommendation since, how we have explained, its contents are fully included in our own legislation. The legal framework for the attention to young offenders in our country is part of the initial training of the professionals. There are also periodic editions to update the information as ongoing training organized and paid by the public administration. In these training the R(2008)11 is mentioned as part of the international legal framework that regulates the intervention with young offenders. This Recommendation, moreover, is part of the official program that the professionals have to study for passing their examinations to access to the public service (area of penal execution).

Sweden/Suède

No reply provided.

Switzerland/Suisse

Chaque année, des experts de l'Office fédéral de la justice examinent sur place quelque 40 établissements d'éducation stationnaires. Participent également à ces inspections les responsables des institutions ainsi que les autorités cantonales concernées. Lors de ces visites, il est régulièrement fait mention des règles Rec(2008)11. Celles-ci sont également examinées en détails. Une attention toute particulière est portée aux règles 94 et 95 (discipline et sanctions). En outre, ¾ du personnel éducatif (au minimum) doit bénéficier d'une formation adéquate de niveau tertiaire (haute école ou haute école spécialisée) dans le domaine du travail social (socio-éducateur, animateur socio-culturel, travail social). Dans le cadre de ces formations, les conventions internationales telles que les recommandations du Conseil de l'Europe en matière de droits de l'homme font partie du cursus.

Turkey/Turquie

Initial and/or ongoing trainings on the ERJO has not been started for the related staff. Right after the completion of the translation procedure, the training programmes will be planned and delivered to the related staff.

UK: England and Wales/RU : Angleterre et Pays de Galles

See question 1.

13. Is the text of the ERJO readily available to staff and to juvenile offenders (please specify) ?

Est-ce que le texte des REDM est facilement accessible au personnel et aux délinquants mineurs (merci de préciser) ?

Albania/Albanie

As mentioned above, there is no official translation of the European Rules for juvenile offenders. The education staff working with juvenile has translated these rules on voluntary basis. Nevertheless, the ERJO have been incorporated into the national legislative acts for the Albanian Penitentiary System. These rules are regarded as the standard basis of juveniles' treatment.

Armenia/Arménie

See the answer of 6th question.

Austria/Autriche

See question 12.

Azerbaijan/Azerbaïdjan

The libraries of the penitentiary facilities have also been provided with the European Rules for juvenile offenders in order to enable the prisoners to familiarize themselves with them.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

The text of the ERJO is readily available to the juvenile offenders, who also are able to access other enactments concerning the Bulgarian legislation.

Croatia/Croatie

The translated text of ERJO and the Commentary thereto will be available to staff and to juvenile offenders as soon as possible.

Cyprus/Chypre

The text of the ERJO is readily available for prison staff. Regarding the juvenile offenders the text of the ERJO is made available when asked.

Czech Republic/République tchèque

Yes, it is on the web page.

Denmark/Danemark

The ERJO is available on the intranet of the Prison and Probation Service, to which all members of staff have access. When admitted, inmates receive a booklet giving the most important rules for remand prisoners and inmates serving a sentence. The booklet also states that rules and legislative material can be borrowed from staff if inmates are interested in learning more.

Estonia/Estonie

It is available via internet.

Finland/Finlande

The text (in English) has been available to staff since the rules were adopted ; the staff has been encouraged to acquaint themselves with it and the Finnish translation has been promised to be available in due course.

France

Le texte des REDM ainsi qu'une analyse synthétique du document figurent sur le site Intranet de la Direction de la protection judiciaire de la jeunesse accessible à l'ensemble des personnels du ministère de la justice et des libertés. La diffusion des règles dans une présentation adaptée est actuellement à l'étude.

Georgia/Géorgie

Penitentiary: The prisoners can access the ERJO in the Prison libraries. The ERJO is also available for the prison staff, since following the trainings in the Penitentiary and Probation training center of the ministry provides the legislation handbooks to the re-trained employees.

Probation: The ERJO is available for Probation Agency employees who work with Juveniles. The Penitentiary and Probation training center of the ministry provides the legislation handbooks to the re-trained probation officers.

Germany/Allemagne

En ce qui concerne le personnel pénitentiaire et les délinquants mineurs détenus, voir la réponse à la question 6. Par ailleurs, la version allemande peut être consultée, à tout moment, sur internet via le site du Ministère fédéral de la Justice.

Iceland/Islande

The text of the European Prison Rules is available in prisons library in English.

Italy/Italie

The text is accessible but not in the National language, it should soon be translated.

Lithuania/Lituanie

The text of the ERJO is readily available both for staff and juvenile offenders (in the libraries of penitentiary institutions).

Luxembourg

No reply provided.

Moldova/Moldavie

Neither juvenile offenders either staff under the Department's jurisdiction have access to ERJO and its text is not readily available within the prison libraries as well as in the offices of the educational services' heads.

Monaco

Voir question 6.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

Currently the text of the ERJO is available on the Internet. Ministry of Justice is going to publish translation of the document on its website" www.ms.gov.pl and in its quarterly "Na wokandzie".

Portugal

We shared this information only with the directors and team coordinators inside the DGRS.

Romania/Roumanie

Le texte des REDM est accessible au personnel en anglais et français sur le site de l'Union Européenne.

Russian Federation/Russie

The text of the European rules for juvenile offenders is available for both staff educational colonies, and for juvenile offenders.

San Marino/Saint Marin

Non.

Serbia/Serbie

No reply provided.

Slovak Republic/Slovaquie

No. However, it will be made available as soon as the Slovak version exists.

Slovenia/Slovénie

Yes, it is readily available.

Spain/Espagne

No reply provided.

Spain (Catalonia)/Espagne (Catalogne)

The staff has access to translated versions of these Rules and also to other recommendations of the CoE from the web page of the Centre for Legal Studies and Specialized Training (www.gencat.cat/justicia/cejfe).

No specific diffusion has been made towards the juveniles.

Sweden/Suède

No reply provided.

Switzerland/Suisse

L'accès via internet (site de l'Office fédéral de la justice) est toujours possible. Par ailleurs, le fascicule est disponible dans chaque établissement de privation de liberté.

Turkey/Turquie

The printed text of the ERJO is not available for staff and juvenile offenders for the time being. After the finalisation of the translation step, the material will be published for the staff and the juveniles.

UK: England and Wales/RU : Angleterre et Pays de Galles

Available via the internet from the Council of Europe website if required.

14. **What action has been taken to monitor the implementation of these Rules ?**
Quelle action a été entreprise pour assuré le suivi de la mise en œuvre de ces Règles ?

Albania/Albanie

Existing national legal frameworks are defined in accordance to EPRJO, for the perpetuation of the human rights and fundamental freedoms, social, individualization of treatment and the principle of legality.

Other measures taken for the protection of fundamental rights of prisoners and implementation of these rules include the implementation of periodic inspection to the penitentiary institutions. During September 2010 - April 2011, 20 inspections were organized by the Division of Social Problems; 12 inspections by the Department of Health, 17 inspections by the Legal Sector; 6 inspections by the Division of Human Resources and 7 inspections by the Department of Logistics. The main objective of the inspections has been the implementation of the recommendations and the adherence of the rights of prisoners, protection of human dignity by the prison administration.

Armenia/Arménie

See the answer of 7th question.

Austria/Autriche

See question 12.

Azerbaijan/Azerbaïdjan

No reply provided.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

Systematic monitoring takes place under the auspices of the Regional Prosecutor in Montana in order to ensure the legitimacy of the actions during serving time. In addition, the Bulgarian Helsinki Committee carries out systematic monitoring in order to ensure that the rights of the juvenile offenders are respected.

Croatia/Croatie

Authorised public servants in Prison Directorate and other respective national authorities like judges for juveniles, the Ombudsman for Children, the Gender Equality Ombudsperson, Ministry of Health and Social Welfare, Ministry of Education and Sports and other governmental and non-governmental organizations monitor the implementation of the ERJO.

Cyprus/Chypre

The Administration of the Prison Department, as well as the Commissioner of Human Rights, the Commissioner for Children's Rights, the Ombudswoman, the Prison Board and other relevant institutions are monitoring the implementation of these Rules.

Czech Republic/République tchèque

The PSCR assists the CPT with their visits. The PSCR's reports are considered relevant and recommendation may be taken. The monitoring is dealt by the department of control of the PSCR.

Denmark/Danemark

The Department of Prisons and Probation is the authority issuing the rules applicable to the institutions, which are under an obligation to comply with the rules and the framework laid down. If the Department becomes aware of non-compliance with rules, for example through inmate complaints or the Ombudsman's regular inspections, the Department will follow up.

Estonia/Estonie

No reply provided.

Finland/Finlande

Consequently, not so many initiatives for monitoring has been taken so far.

France

La mise en œuvre récente (2009) d'un dispositif d'audit national, à la Direction de la protection judiciaire de la jeunesse, Ministère de la justice, vise à garantir l'audit de tous les établissements et services concourant aux dispositifs de protection judiciaire du mineur tant publics que privés. L'audit national contribue à vérifier leur fonctionnement et la qualité de la prise en charge éducative conformément aux textes référencés (nationaux et internationaux) régissant le cadre juridique et les modalités d'exercice des mesures judiciaires. A ce titre les REDM en tant que recommandations internationales sont intégrées à ce référentiel.

Georgia/Géorgie

Penitentiary: There are internal and external monitoring bodies of the penitentiary system in Georgia which monitor the implementation of the national and international legislation.

Internal monitoring bodies - General Inspection, Human Rights Unit;

External monitoring bodies - Public Defender of Georgia (National Preventive Mechanism), International Organizations, non-governmental organizations.

Probation: Adequate bodies monitor the implementation of the CoEProbR within National Probation Agency, in particular: General inspection of the Ministry of Corrections and Legal Assistance and Unit for control, statistics and analysis of the National Probation Agency.

Germany/Allemagne

Voir la réponse à la question 7.

Iceland/Islande

Ministry of the Interior monitors the implementation of these Rules along with the Prison and probation administration. The Althing Ombudsman also monitors the administration of the State and local authorities and safeguards the rights of the citizens vis-a-vis the authorities. The Ombudsman has the task to ensure that the principle of equality is observed and that administration is in other respects conducted in conformity with the law, including the committee of ministers recommendation, and good administrative practice.

Italy/Italie

The implementation and monitoring are ensured through regular meetings between the Head of the Department and the Leaders of the Regional Centres for Juvenile Justice and through the actual activity.

Lithuania/Lituanie

The implementation of these Rules is monitored by regular visits of representatives from institutions concerned, public organizations and NGOs as well as from international organizations for protection of

children's rights, by carrying out inspections in penitentiary institutions, handling juvenile offenders' complains and motions, etc.

Luxembourg

No reply provided.

Moldova/Moldavie

The implementation of these Rules is going to be monitored in the aftermath of their translation into Romanian and the necessary mechanisms of implementation are going to be established.

Monaco

Voir question 7.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

Monitoring the process of implementation is the part of the ongoing procedure of supervision exercised by the Ministry of Justice over the administration activities of courts on the basis of Article 9 of the Act of July 17, 2001 Law on Common Court. Besides all the houses of correction, shelters for minors and other institutions dealing with the minors, are also supervised by the Minister of Justice accordingly to applicable law.

Portugal

The DGRS produced last year a Guide of procedure in the juvenile justice area which was approved this year. It covers the most important issues from the ERJO. The DGRS' department that supervises the work of Educational Centers and community-based teams makes annually some meetings with directors and coordinators in order to verify the level of the practice according that Guide.

Romania/Roumanie

La Direction de l'Inspection Pénitentiaire de l'Administration Nationale des Pénitentiaires développe des missions de contrôle par le biais desquelles elle vérifie les activités organisées avec les mineurs et suit la mise en œuvre des REDM. Aussi, à la suite des visites des organisations ayant comme objet d'inspection les droits des détenus, on reçoit un rapport détaillé des évaluations effectuées, remis aux directions des spécialités en vue d'analyser et d'intervenir, selon le cas, sur les aspects évalués pour enrichir les activités déroulées dans les établissements pénitentiaires.

Russian Federation/Russie

Monitoring of the implementation was not done.

San Marino/Saint Marin

Pour l'instant aucune action n'a été prise.

Serbia/Serbie

The Study on de facto situation is to provide all necessary data for the Proposal for monitoring the implementation of the Rules.

Slovak Republic/Slovaquie

When the translation is done, we will monitor the accordance of the Rules with the Act on Pre-trial Detention and Act on Prison Sentence Execution.

Slovenia/Slovénie

There has been taken action for monitor national legislation, instructions, programs and practice and there has not been taken special action for monitor ERJO.

Spain/Espagne

No reply provided.

Spain (Catalonia)/ Espagne (Catalogne)

The Direction General of Community Sanctions and Juvenile Justice organizes its intervention across annual strategic plans that concrete goals and indicators of improvement. In the elaboration of these annual goals, the contents of these rules and of our own legislation that are susceptible of being improved in the practice are taken into account, and they are specified in the form of annual goals and are periodically evaluated.

Sweden/Suède

No reply provided.

Switzerland/Suisse

Il est avant tout du ressort de la *Commission nationale de prévention de la torture* d'examiner sur l'ensemble du territoire suisse si les principes de l'exécution des sanctions pour les mineurs sont bel et bien mis en œuvre correctement.

En outre, les examens réguliers des conditions de reconnaissance des plus de 170 établissements d'éducation reconnus par l'Office fédéral de la justice garantissent l'application de la REC(2008)11.

Turkey/Turquie

Monitoring the implementation of the rules is planned to be done by the Monitoring Boards in Turkey. Actually their inspection procedures cover very similar topics with the ERJO. There is no need for the formation of a completely new board and rules of applications for the rules.

UK: England and Wales/RU : Angleterre et Pays de Galles

None.

III. THE COMMITTEE OF MINISTERS RECOMMENDATION CM/REC (2010)1 ON THE COUNCIL OF EUROPE PROBATION RULES (CoEProbR)

III. LA RECOMMANDATION CM/ REC(2010)1 DU COMITE DES MINISTRES SUR LES REGLES DU CONSEIL DE L'EUROPE RELATIVES A LA PROBATION (RprobCdE)

15. Have your national legislation, standards and practices been reviewed since 2010 in order to bring them in line with the CoEProbR - if needed - or is it envisaged to do so in the near future?

Depuis 2010, votre législation, vos normes et pratiques nationales ont-elles été revues afin de les mettre en conformité avec les RprobCdE - si pertinent - ou cela est-il envisagé dans un futur proche ?

Albania/Albanie

Albanian legislation for the Probation Service has not undergone changes during the year 2010 and onwards. We emphasize that existing legislation was created in 2008-2009 and it is expected that future improvements will put forward changes to the "Criminal Code" and "Criminal Procedure Code", adding that work is underway by the Ministry of Justice to draft the law "On Electronic supervision of persons whose mobility rights have been limited by court decision", and drafting of the "National Strategy for Juveniles" as well as improvements of the "National Strategy on Drugs", etc ... These changes are expected to reform

the justice system, but are conditioned by current political reality in Albania. However the service standards and practices of the Albanian Probation Service are consistent with those outlined in the recommendations of the Council of Europe.

Armenia/Arménie

Since 2010, the national legislation has not been reviewed in relation with the Council of Europe Probation Rules.

Austria/Autriche

Presently an amendment to the Austrian Code of Probation is discussed which shall introduce a “Step by step system of treatment” in order to improve and facilitate the task of the probation service.

In September 2010, electronic monitoring (house arrest) was introduced in Austria. The implementation of this alternative measure of imprisonment may serve as an example of good practice (successful cooperation between prison and probation service).

Azerbaijan/Azerbaïdjan

A number of conferences and seminars has been held during recent years devoted to the subject of establishment of probation service in Azerbaijan. The practice of different countries is also being studied. The Council of Europe project on supporting prison reforms in Azerbaijan in 2008-2009 was implemented with aid of the Norwegian Government. This project also focused, as one of its priorities, on the necessity of setting up of a Probation service in Azerbaijan. The project was extremely useful in terms of studying international standards and practice in this field.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

The probation offices have been working on twinning projects together with British experts since 2002. The British tradition and experience in the sphere of probation are one of the leading in the sphere of European legislation and European rules of probation. The standards and practices of working with offenders sentenced for probation reflect the British ones as a result of which they have been brought into compliance with those at European level.

Croatia/Croatie

Our national legislation has not been reviewed since the end of 2009, when The Probation Act has become effective. In 2010 we started to create standard in practices in probation service in order to bring them in line with the CoEProbR.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

National professional standard of Czech Probation and Mediation Service are influenced by previous recommendation of Council of Europe as well by new European probation rules. Especially in the frame of providing restorative justice programs, National professional standard of Czech Probation and Mediation Service are influenced by implementation of risks assessment tools and counselling for victims.

Denmark/Danemark

Denmark finds that the Danish legislation, standards and practices regarding the Danish Probation Service to be fully in line with the CoEProbR, and the Recommendation has therefore not resulted in any amendments or revisions.

Estonia/Estonie

Estonian legislation regarding community sanctions and measures and its implementation by the probation officers is in line with CoE Probation Rules and does not need reviewing in terms of newly adopted Probation Rules. Necessary communication activities and consultations have taken place in the preparation phase of the rules as well as after its adoption. Estonian authorities have been aware of the preparation of these rules also through CEP and its member network.

Finland/Finlande

The Probation Rules have not been discussed yet in order to consider the need of that kind of review.

France

De manière générale, les normes et pratiques des services pénitentiaires d'insertion et de probation français se rapprochent des grandes orientations définies par les règles européennes de probation, tant au plan du cadre légal d'intervention, de la méthodologie de prise en charge des personnes placées sous main de justice que du recrutement et de la formation des personnels d'insertion et de probation.

Ainsi, l'action des agents de probation s'inscrit dans le respect des textes relatifs au droit des personnes, aux droits de l'homme et au respect de la dignité humaine.

La personne placée sous main de justice est au cœur de la prise en charge mise en œuvre par ces services. En effet, le cadre législatif axe la mission des professionnels de l'insertion et de la probation sur la prévention de la récidive, dans sa dimension criminologique et sociale. Il s'agit notamment de travailler sur l'insertion ou la réinsertion des personnes condamnées, le passage à l'acte et le sens de la peine et le contrôle du respect des obligations. Ce travail de prévention de la récidive est indissociable d'un travail d'évaluation des personnes placées sous main de justice afin que la prise en charge par le service pénitentiaire d'insertion et de probation soit individualisée et adaptée aux problématiques de celles-ci. C'est pourquoi, les conseillers pénitentiaires d'insertion et de probation ont été amenés à développer des compétences et une expertise propre en matière d'évaluation. Cette évaluation de la personne et de sa trajectoire singulière est en effet essentielle pour déterminer les axes de travail et les modalités d'accompagnement de la personne placée sous main de justice.

Certaines dispositions, récemment adoptées par le législateur, s'inscrivent pleinement dans l'esprit des préconisations des règles européennes de probation.

Ainsi, s'agissant de la prise en compte des victimes dans le domaine de l'exécution des peines, la loi du 10 août 2011 sur la participation des citoyens au fonctionnement de la justice pénale et le jugement des mineurs prévoit, sous certaines conditions, la possibilité pour le juge d'application des peines ou le service pénitentiaire d'insertion et de probation d'informer la victime de la fin de peine ou de la fin de mesure (articles 21 et 22 de la présente loi).

Un code de déontologie du service public pénitentiaire a également été rédigé en application de la loi pénitentiaire du 24 novembre 2009.

Par ailleurs, l'administration pénitentiaire s'emploie à assurer une meilleure adéquation des moyens, matériels et humains, avec les missions dévolues aux services pénitentiaires d'insertion et de probation. Ainsi, le nombre de personnels d'insertion et de probation a été sensiblement accru depuis plusieurs années.

Afin de répondre aux missions devenues plus complexes et diversifiées, les services pénitentiaires d'insertion et de probation, dans le cadre de leur réforme fonctionnelle et organisationnelle, doivent constituer des équipes pluridisciplinaires rassemblant les métiers correspondant aux secteurs d'intervention de chaque volet de prise en charge : psychologues, personnels administratifs, coordinateurs socioculturels, personnels de surveillance. Cette pluridisciplinarité est déjà engagée et doit encore s'amplifier.

De la même manière, les améliorations statutaires octroyées aux personnels d'insertion et de probation dans le cadre la réforme statutaire du 23 décembre 2010 répondent, pour partie, à la nécessaire reconnaissance de ces personnels.

Georgia/Géorgie

Georgian national legislation has been reviewed several times since 2010 and it has been partially brought in line with the CoEProbR. It was also sent to the Council of Europe for expertise. Most of the recommendations of CoE were accepted by the Georgian government. It is planned to make further amendments to the legislation and to bring it in full compliance with CoEProbR.

Germany/Allemagne

Voir la réponse à la première question. La réponse à la question 8 s'applique également aux RprobCdE.

Iceland/Islande

No, the Icelandic legislation has not been reviewed since 2006. However, it is to a large extent in line with the European prison rules. It should be mentioned that the execution of the Icelandic Sentences Act No. 49/2005 is under review with regards to the European prison rules.

Italy/Italie

The Italian legislation about the execution of sentences in the community is wide and rather complex, and it largely corresponds to the Rules of the Rec (2010)¹. Moreover, in 2010 in order to implement the community sanctions, as indicated by that Recommendation and by the previous ones, the following alternative measure and community sanction were introduced:

- the Law dated 26th November 2010, nr. 199, introduces the possibility of serving the prison sentences up to one year, even if remaining part of a longer sentence, at the sentenced person's domicile or in other adequate housing or healthcare structures. As of 6th October 2011, 3,489 persons benefited from such measure.
- the Law dated 27th July 2010, nr. 120, provides for the application of the sanction of community service (called "lavori di pubblica utilità") as a substitution of a sentence to imprisonment for persons convicted for driving vehicles under the influence of alcohol or drugs.

Moreover, it is to be underlined that a Bill is under examination at our Parliament, submitted by the former Minister of Justice, which provides for the suspension of the penal trial and for the probation, as it already exists in the Italian code of penal procedure for minors.

Lithuania/Lituanie

National legislation, standards and practices are being reviewed on regular basis to keep them in compliance with the CoEProbR. Currently the draft Law on Probation of the Republic of Lithuania is submitted to the Parliament for approval.

Luxembourg

Il n'y pas eu de changements législatifs en la matière. Par contre, le service de probation a analysé les recommandations à la lumière de ses pratiques et vice versa. Des pistes de réflexion ont été dégagées, des conclusions formulées et approuvées en interne qui devront être traduites en pratique.

Moldova/Moldavie

Department of Penitentiary Institutions of Moldova

Within the period 2010-2011, the national legislation has been reviewed and the standards of probation activity have been set up. For the end of 2011, there is planned to work out bills adjusted to the probation rules and setting up activity standards. These bills will be implemented already in 2012.

Probation

During the years 2010 - 2011, no changes were made to adjust national legislation as recommended by the CM / Rec (2010) a Committee of Ministers, referring to the rules of probation.

Also, we note that the Committee of Ministers Recommendation Probation discussed and analyzed European standards (CoEPRoBR) at national level in working groups lead by the Central Office as well as in international seminars organized with the support of the Council of Europe. These seminars were held

on 04.07.11 and 07.06.11 with probation professionals from Germany, Luxembourg and Greece. These professionals discussed probation law and gave some advice to change it.

In this way, we are interested in reviewing the legislation in order to bring it in line with the European standards. Noting that both the national and international experts praised the probation law, which was approved on 8/14/08, the present law is very good, but it is believed that it needs to implement the previous recommendations (COEPRoBR).

Monaco

Les normes et pratiques nationales n'ont pas été revues depuis 2010. En revanche, la recommandation est attentivement étudiée.

Montenegro/Monténégro

The Probation Rules are to be found under the item 1. "Protective Supervision"- the supervision of an offender during his/her parole, suspended sentence, suspended sentence with protective supervision, community service and other measures stipulated in the law.

The Law amending the Law on the Institute for Execution of Criminal Sanctions came into force at the beginning of August but its application will start 6 months later, until when the Ministry of Justice is obliged to pass the bylaws, the Rulebook on Internal Organization and Job Description, to employ personnel etc.

Poland/Pologne

The Ministry of Justice has reviewed national legislation, standards and practices which aims at, inter alia, to bring them in line with the CoEProbR.

The Ministry of Justice has prepared the proposal on the amendment of the Act on probation officers that has been the subject of the ongoing legislative procedure. The proposal generally aims at the reform of the internal probation system, accordingly to the standards established inter alia by the CoEProbR.

Portugal

La législation portugaise concernant les services de probation a été revue en 2007 avec une nouvelle Loi - Decreto - Lei nº 126/ 2007 du 27 Avril créant la DGRS – Direccção Geral de Reinserção Social. Cette législation est en conformité avec les normes prévues dans la RprobCdE.

Dans cette Loi on souligne les principes suivants, qui nous semblent être en accord avec la Recommandation CM/Rec(2010)1 du Comité des ministres aux Etats Membres:

1º Nos services de probation, leurs missions et leurs responsabilités, ainsi que leurs relations avec les pouvoirs publics et d'autres organismes, sont définis par le droit national. On est un service public du Ministère de la Justice consigné dans les fonctions directes de l'administration publique. La probation au Portugal reste de la responsabilité des pouvoirs publics.

2º Les services de probation sont tenus de respecter les droits fondamentaux des auteurs d'infraction. Les interventions des services de probation sont menées sans discrimination fondée notamment sur le sexe, la race, la couleur, la langue, la religion, le handicap, l'orientation sexuelle, les opinions politiques ou autres, l'origine nationale ou sociale, l'appartenance à un groupe ethnique minoritaire, la fortune, la naissance ou toute autre situation.

Toutes les activités et interventions des services de probation respectent les normes déontologiques et professionnelles nationales, étant donné que son personnel sont des fonctionnaires publiques. Les professionnels sont soumis aux codes des procédures de la fonction publique et ils ont d'autre part un Code de Conduite interne qui a été conçu dans la DGRS, pour bien définir l'intervention auprès des personnes suivies.

3º Toute intervention des services de probation auprès de quelqu'un est accomplie toujours sur l'ordonnance d'un juge. Les autorités judiciaires décisionnaires utilisent, si cela est approprié, les conseils

et le suivi professionnels des services de probation afin, d'une part, de réduire le risque de récidive, et, d'autre part, de développer l'usage des mesures alternatives à la privation de liberté.

Tant dans des interventions préalables à l'établissement de la culpabilité, par le biais des enquêtes de personnalité et des expertises de personnalité ou après la condamnation, les services de probation portugais élaborent des avis, des diagnostics et des plans de réinsertion sociale qui sont pris en compte par les juges.

4° Les services de probation tiennent pleinement compte des particularités, de la situation et des besoins individuels des auteurs d'infraction, de manière à ce que chaque cas soit traité avec justice et équité. Toute intervention est précédée d'une évaluation qui tient compte des besoins et capacités spécifiques de chaque personne et qui est nommée planification de la réinsertion sociale. Dans la mesure du possible, les services de probation recherchent le consentement éclairé et la coopération d'auteurs d'infraction pour toutes les interventions qui les concernent.

Des procédures accessibles, impartiales et efficaces de dépôt de plainte concernant la pratique probatoire sont établies, et chaque unité opérative où travaillent des professionnels de la DGRS, possède des formulaires de dépôt de plainte, qui est régie par un droit de réponse à l'intéressé, dans un délais au maximum de dix jours, qu'on nomme « Livro Amarelo »

5° Les services de probation coopèrent avec d'autres organismes publics ou privés et les communautés locales pour promouvoir l'insertion sociale des auteurs d'infraction. Un travail pluridisciplinaire et interorganisationnel, coordonné et complémentaire est nécessaire pour répondre aux besoins souvent complexes des auteurs d'infraction et renforcer la sécurité collective.

Les services de probation portugais coopèrent aussi avec des organismes internationaux et la DGRS fait partie de la CEP.

6° Le personnel des services de probation portugais de la DGRS a une qualification académique moyenne de niveau universitaire maîtrise et est recruté et sélectionné dans des concours publics et en fonction de critères approuvés qui relèvent de l'intégrité, des qualités humaines, des compétences professionnelles et des aptitudes personnelles nécessaires à la tâche complexe qui l'attend.

Romania/Roumanie

Depuis 2010 les normes et les pratiques nationales n'ont pas été revues.

Russian Federation/Russie

Information not available.

San Marino/Saint Marin

Cela est envisagé dans un futur proche.

Serbia/Serbie

The existing legislation has not been reviewed since 2010 in this part, but the existing legislation contains basic principles defined in: Recommendation No. R (92) 16 on the European rules on community sanctions and measures; Recommendation No. R (97) 12 on staff concerned with the implementation of sanctions or measures; Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation; Recommendation Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures; Recommendation Rec(2003)22 on conditional release (parole). There is an ongoing preparation of Strategy for postpenal admission of convicted persons. One of basic measures foreseen by the Strategy is bringing of a new independent Law on probation and of relevant bylaws which will be in line with CoEProbR.

Slovak Republic/Slovaquie

No.

Slovenia/Slovénie

It is envisaged to do so in the near future.

Spain/Espagne

Les normes qui règlent la probation en Espagne sont pleinement adaptées à la Recommandation 2010. Cependant, après la promulgation du code Pénal de 2010, nous avons approuvé le Décret 840/2011 avec quelques réformes. Elles ont été orientées à établir des procédures plus efficaces de gestion et à octroyer un plus grand rôle principal aux organismes publics et privés, la société civile et au bénévolat.

Spain (Catalonia)/Espagne (Catalogne)

There were not official reviews at national law level. All internal protocols made in Catalonia after 2010 are revised in order to ensure their concordance with REC (2010) 1.

Sweden/Suède

The Swedish government decided on 25 June 2009 to appoint a special investigator to conduct a review of penalties. The commission has adopted the name Criminal Sanctions Inquiry and is to review the entire system of criminal sanctions for both adults and young offenders (except imprisonment). It will also investigate the feasibility of developing new feature of sanctions consider whether it should establish a system of so-called conditional imprisonment. The commission will take the CoEProbR into consideration. The inquiry's report shall be submitted by 31 May 2012.

The CoEProbR have also been considered within the Service's regular work on revising standards and practices.

Switzerland/Suisse

La partie générale du Code pénal (CP) a été révisée; elle est entrée en vigueur le 1er janvier 2007. Les articles 93 à 96 se réfèrent à la probation.

Turkey/Turquie

National standards were developed on children and victim services under the project "Development of work with juveniles and victims by the Turkish Probation Service" that was completed in 2010. Short-term experts from Council of Europe members states worked on the preparation of these standards; recommendations of the Committee of Ministers of Council of Europe were taken into consideration by these short-term experts in the development of national standards.

On the other hand, Ministry of Justice worked on the drafts of both primary and secondary legislative amendments on probation service, which shall be finalised in due time. Not only the Council of Europe Probation Rules, but also the other recommendations of the Council were taken into account in these legislative works. For example, as mentioned in article eight of the relevant recommendation, the current legislation regulates duties and responsibilities of the probation service and its relations with other institutions. The new legislation brings forth more precise and applicable regulations with regard to the duties and responsibilities of the probation service.

Ministry of Justice is elaborating the use of electronic monitoring system in the scope of probation services for the next period. To this end, the Ministry has proposed a project entitled "The Strengthening of Probation Services' Institutional Capacity in Transition to Electronic Monitoring System". Besides the proposal on electronic monitoring system, another project proposal has been submitted to incorporate a risk assessment system into Turkish Probation Service, entitled as "Development of An Effective Risk Evaluation System for Children in Turkish Probation Services".

UK: England and Wales/RU : Angleterre et Pays de Galles

The National Standards for the management of offenders has recently been reviewed. Whilst the review was not undertaken with the CoEProbR in mind we believe the CoEProbR are reflected within these Standards.

16. Were other measures taken to implement the CoEProbR and to sensitize the national authorities and the general public?

D'autres mesures ont-elles été prises pour mettre en œuvre les RPE et sensibiliser les autorités nationales et le grand public ?

Albania/Albanie

In the framework of implementation of the CoE rules on raising public and national authorities awareness, various activities have been carried out such as round tables between relevant agencies, awareness raising meetings and publications (informative bulletin, statistical yearbook, leaflets, etc.) which are distributed to authorities, offenders and the public. This purpose is also served by representative appearances in the visual and written media by aiming to generally introducing the role, objective and mission of the Probation Service Institution. Also under development is the "Strategy for Public Relations" of the Probation Service which upon implementation will aim to inform and advise the criminal justice institutions, NGOs, local authorities and the public regarding the positive contributions provided by the Albanian Probation Service. This strategy is being developed as one of the components of the Twinning Project "Support to the Establishment of the Probation Service and Alternative Measures to Detention" of the Albanian Probation Service in cooperation with the United Kingdom Probation Service, a project that launched and started implementation in January 2011 and is funded by the EU.

Armenia/Arménie

No other special measures for the implementation of the Council of Europe Probation Rules or sensitization of national authorities and the general public have been taken.

Austria/Autriche

See question 15.

Azerbaijan/Azerbaïdjan

No reply provided.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

A series of projects since 2002, in which The General Directorate "Execution of Sentences" has taken part, in particular sector "Probation", have led to the popularization of the probation services in Bulgaria amongst public institutions as well as amongst legislative organs. One of the probation measures "Community Service" by its publicity, transparency and effectiveness, has convinced the public institutions and the nation organs of the importance of the punishment "Probation".

Croatia/Croatie

The competent national authorities are involved in taking appropriate activities and measures to implement the new national legislation.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

In the frame of qualification training courses, which are organised by Probation and mediation Service, there are probation trainees educated through new European probation rules as well as European prison rules.

Denmark/Danemark

The CoEProbR has been forwarded to all Probation Service offices. Additionally, the Recommendation and its Commentary are available on the intranet of the Prison and Probation Service.

Estonia/Estonie

No special measures or activities have been taken place due the abovementioned reasons.

Finland/Finlande

No such measures yet.

France

Un projet d'ouvrage relatif aux règles européennes de probation est actuellement à l'étude au sein de la direction de l'administration pénitentiaire.

Georgia/Géorgie

National Probation Agency of Georgia held numerous interagency cooperation meetings and meetings with authorities and journalists.

Germany/Allemagne

Voir la réponse à la question 2.

Iceland/Islande

Now we define young offenders as 21 years old and younger in accordance with European probation rules (from 2003), but before we defined them as 18 years old and younger.

Italy/Italie

The work of the probation staff in Italy has always been inspired to the same principles as those lying at the base of the new Probation Rules of the Council of Europe. Recently, in order to increase the recourse to community sanctions, and also to enforce the Rules of Rec(2010)1, the Directorate General for the Execution of Sentences in the Community of the Department of Penitentiary Administration issued the following circular letters:

- nr. 0016669 of 14th January 2010 and nr. 0146397 of 11th April 2011, giving instructions to the local Offices for the Execution of Sentences in the Community in matter of Community Service. In particular, the Offices were required to organise round tables with public and private local bodies and agencies, carrying out an activity of connection and development of the implementation of the new measure. They were also required to concretely identify, in agreement with Local Bodies and volunteers' associations, the opportunities and the contexts of employment of the sentenced persons undergoing that measure, entering in specific agreements with the Courts and the Local Bodies in order to concretely enforce that measure.
- Nr. 0515522 of 16th December 2010, issued on the occasion of the enforcement of the Law 199/2010. It gives instructions to the local Offices for the Execution of Sentences in the Community to do their best, in connection with local public and private services, and in particular in the areas where the number of foreign prisoners is higher, to increase the offer of adequate housing solutions, even in half-way houses or in community houses, with the purpose of enabling persons without domicile to benefit from the measure of home detention provided for by said law.
- Nr. 0115073 of 21st march 2011, giving directions in order to improve cooperation between the Offices, the local community and the volunteers' activities in managing the support, guidance and supervision of the persons serving their sentences in the community.

Lithuania/Lituanie

Probation services started to implement advanced and worldwide acknowledged behavioral-cognitive programs for inmates and risk assessment methodologies. In 2009, new recommendations for staff dealing with juvenile offenders upon whom sentences alternative to imprisonment are imposed were issued.

Luxembourg

Le service de probation a souligné l'importance de ces recommandations auprès du Ministère de la Justice et des autorités judiciaires.

Moldova/Moldavie

Department of Penitentiary Institutions of Moldova

Probation activity in Moldova is mostly reflected in the established rules of probation, but activity standards, still, are not defined and there is no standardized practice at national level. The discussions about Probation Rules of the Council of Europe has recently started. Currently, we are waiting for an assessment report on the Law on probation Expertise performed by a group of experts of the Council of Europe.

With regard to sensitizing the national authorities and the general public, the heads of Probation Offices have periodically taken different measures such as: publishing articles about certain aspects of probation activity or the activity in general; organizing seminars, round tables and inviting the social actors with who cooperate; giving interviews for local radio and TV channels,; distributing leaflets containing summaries about the services carried out by the respective institution.

Probation

These recommendations have been included in training probation officers at the National Institute of Justice. These recommendations were also developed and submitted for approval of the developed strategy of probation, including amending legislation and the recommendations of the Ministers with reference to rules Probation Europe (CoEPROBR).

Monaco

Non, pas à ce jour.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

The draft mid-term government program "Effective State Strategy – 2011 - 2020" addressing the most important problems in the field, inter alia, the functioning of the justice system and defining the main lines of action calculated to the nearest decade, pointed out the need to carry out the necessary reforms of a probation service. The proposed reforms, changing the model of this judicial service, involve inter alia the definition of the basic tasks of the probation service, in particular as regards the rights and duties of probation officers performing sanctions.

The following actions have been taken so far to implement the ERJO:

- in order to improve the quality of activities performed by probation officers, the Ministry of Justice started elaboration of a uniform documentation in so-called surveillance cases, constituting the essence of the work of a probation officer for adults. The Ministry of Justice developed guide "Methodology of documentation on matters concerning the supervision of a probation officer. A short guide to the designs and writings" with the of 23 different model forms used by probation officers since 2010, what increases the effectiveness and impacts of probation suitability of work as a probation officer;
- the Ministry of Justice in 2010 organized regional conferences with participation inter alia by the representatives of local government, journalists and the representatives of unions, where the issue of social work was discussed with the view to improve the enforcement of this punishment. The key role of

local government in the process of rehabilitation for offenders was emphasized as well as an alternative role of this sanction;

- the Ministry of Justice is going to publish the text of the EProbR in its quarterly "Na wokandzie", which is free of charge and popular among practitioners of justice (copies are transferred to common courts, libraries and other public and are available on the MoJ website www.ms.gov.pl/dzialanosc/broszury-i-publikacje/probacja).

Portugal

On fait régulièrement des protocoles de collaboration avec des entités de la communauté ou avec des partenaires d'autres organismes publics pour donner une réponse plus qualifiée aux besoins de réinsertion sociale des infracteurs, tel est le cas pour le travail d'intérêt général ou des programmes de réinsertion des agresseurs de violence domestique. Ces programmes ont eu de la visibilité publique dans des rencontres organisées avec des autorités judiciaires, des polices et d'autres organismes spécifiques concernés par ces problèmes.

Romania/Roumanie

Yes, the Probation Department and the National Authority for Penitentiaries took some joint actions in order to sensitive the national authorities and the general public, thorough some media campaigns within a Phare project. The key messages of those media campaigns were related to problems of the detainees during the imprisonment period and the necessity to ensure a proper intervention after release. The media campaigns highlighted the importance of collaboration between institutions and envisaged also to sensitive the general public or in other words, the community, to be open on this matter.

Russian Federation/Russie

Information not available.

San Marino/Saint Marin

Pour l'instant aucune action n'a été prise.

Serbia/Serbie

No.

Slovak Republic/Slovaquie

No.

Slovenia/Slovénie

No.

Spain/Espagne

D'habitude pour sensibiliser les autorités et le grand public et avec la finalité d'informer la société sur la nécessité de ces mesures, nous participons à des congrès et à des conférences, nous publions des dossiers informatifs dans les mass médias et mensuellement nous publions des statistiques sur les délits et sa gestion.

Spain (Catalonia)/Espagne (Catalogne)

At national and at international events where the members of the Justice Department take part, the rules are used as a tool to assess programmes or actions applied on probation in Catalonia.

Sweden/Suède

None other than the Service's regular work with developing standards for probation work.

Switzerland/Suisse

Les 26 cantons sont compétents en matière de probation. L'Association Suisse de Probation et de Travail Social dans la Justice (www.prosaj.ch) a adressé à l'ensemble des autorités cantonales responsables de la probation la Rec(2010)1.

Turkey/Turquie

After the publication of Council of Europe Probation Rules, the document was shared with the personnel working in the General Directorate of Prisons and Detention Houses- also responsible for Probation Services. The personnel working in 134 branches located in different cities of Turkey were also informed officially by the General Directorate. The recommendations are being cited and taken into consideration in the preparation of every information leaflet or official letter, making decisions or strategic plans. Additionally, an Action Plan is being prepared to communicate the recommendations with the public and prosecutors for the wide application in the field.

UK: England and Wales/RU : Angleterre et Pays de Galles

No.

17. **Have your national authorities specific suggestions regarding the practical implementation of the CoEProbR (examples of good practices or specific difficulties)? Please share your experience and concerns in order to be able to discuss these issues in greater details at the 16th CDAP.**

Vos autorités nationales ont-elles des propositions spécifiques concernant la mise en œuvre pratique des RprobCdE (exemples de bonnes pratiques ou de difficultés particulières) ? Merci de partager avec nous vos expériences et soucis afin de pouvoir discuter de ces questions lors de la 16^e CDAP.

Albania/Albanie

Regarding the practical implementation of CoE rules, an example of good practice is the Twinning Project which aims at obtaining best practices and support for the Albanian Agency provided by the Probation Service of the United Kingdom and also the initiative undertaken by the Ministry of Justice through drafting the law "On Electronic supervision of persons whose mobility rights have been limited by court decision " which provides electronic monitoring for offenders under probation. Authorities are supporting the extension of Probation Service by opening new offices and increasing local staff. Also a good practice is the collaboration with NGOs and Mediation Service under rules provisioned by regulation approved by the Minister of Justice.

Armenia/Arménie

No suggestions concerning the Council of Europe Probation Rules.

Austria/Autriche

See question 15.

Azerbaijan/Azerbaïdjan

No reply provided.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

At the present moment, the probation offices in Bulgaria have reorganized with the main aim of improving the quality and the working style of the staff working in them. Humanization is one of its main aims of the reorganization that has taken place and one of the main accents is the supervision as a mean of improving the quality of execution.

Croatia/Croatie

Our national authorities has not any specific suggestions regarding the practical implementation of the CoEProbR.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

No suggestions till this time.

Denmark/Danemark

Denmark has no specific suggestions.

Estonia/Estonie

We do not have any suggestions.

Finland/Finlande

Consequently no suggestions so far.

France

Dans le cadre de la réforme fonctionnelle et organisationnelle des services pénitentiaires d'insertion et de probation, il est apparu essentiel à la direction de l'administration pénitentiaire de finaliser et de développer de nouveaux outils et méthodologie de prise en charge dans l'intérêt non seulement des personnes prises en charge (équité de traitement, meilleure individualisation, meilleure adaptation du suivi,...) mais aussi des personnels d'insertion et de probation (harmonisation des pratiques, aide et support technique...).

Ainsi, dès le début de l'année 2008, dans le cadre de la réflexion sur les missions et les méthodes d'intervention des services pénitentiaires d'insertion et de probation, la direction de l'administration pénitentiaire décide d'engager un travail destiné à développer un outil commun d'évaluation des personnes placées sous main de justice. Il s'agit, ainsi, de doter les conseillers pénitentiaires d'insertion et de probation d'un support méthodologique de travail au service de l'évaluation. Le diagnostic à visée criminologique (DAVC) a pour objectif de répondre au besoin des conseillers pénitentiaires d'insertion et de probation de disposer d'un outil pour optimiser l'évaluation de la personne et de sa trajectoire singulière, tant dans sa dimension sociale que criminologique. Après une période d'expérimentation, l'outil diagnostic à visée criminologique (DAVC) est maintenant intégré dans l'application informatique dédiée à l'application des peines et doit être prochainement accessible aux personnels.

En outre, la réflexion sur la réforme organisationnelle et fonctionnelle des services pénitentiaires d'insertion et de probation a permis d'élaborer une nouvelle méthodologie de prise en charge différenciée des personnes placées sous main de justice, la segmentation. Il s'agit un cadre commun d'intervention, décliné en pratiques professionnelles et permettant une lisibilité auprès des intervenants judiciaires et des partenaires. Cette organisation doit permettre une équité de traitement des personnes suivies sur l'ensemble du territoire national. La segmentation est en cours d'expérimentation.

Enfin, afin d'enrichir la prise en charge individuelle des personnes placées sous main de justice, des programmes de prévention de récidive ont été instaurés. Ces programmes consistent en une prise en charge collective sous la forme de groupes de parole dont l'objectif est de travailler sur le passage à l'acte et les conditions de sa non réitération. Pour les années 2011/ 2012, cent quatre vingt dix (190) programmes de prévention de la récidive ont été ou vont être déployés sur soixante dix services pénitentiaires d'insertion et de probation (sur 103 au total).

Georgia/Géorgie

National Probation Agency is working on decreasing the number of cases per probation officer and is planning to assign only 200 cases per officer in 2014. Agency implements needs and risks assessment and individual sentence planning methodology from 2011.

Germany/Allemagne

Voir la réponse à la question 3 eu égard aux échanges intenses - jugés essentiels - d'informations et d'expériences également avec la pratique judiciaire et les procureurs.

Iceland/Islande

None.

Italy/Italie

Specific difficulties are connected mainly with the current lack of economic resources in relation with the extent and the complexity of the areas under the competence of some local Offices for the Execution of Sentences in the Community as well as with the lack of probation staff assigned to those Offices.

In order to rationalise the existing resources and to identify new resources, the following projects were started, after the issuing of the Rec(2010)1:

- Inter-regional agreement for "Interventions for improving the services for the employment and social inclusion of persons serving a sentence", having the objective of promoting an integrated strategy of interventions in order to improve the efficiency and the effectiveness of those services for the reinstatement of disadvantaged persons, with particular reference to persons serving a sentence, wishing that one day those measures will involve also minors under penal execution. The aim is to establish a homogeneous and efficient system of local services by involving economic actors, in order to prepare integrated and tailored paths leading to the subject's social and working reinstatement, as well as to identify one or more organisational models to be sustainable and exportable.
- Project "Mare Aperto", financed by the Fines Fund and confirmed for the year 2011, providing for that the local Offices for the Execution of Sentences in the Community avail themselves of the professional advice of 136 psychologists, who work in team with the institutional Officers in the activity of observation and treatment of the sentenced persons, as provided for by article 80 of the Penitentiary Act.
- Project "Master", recently approved by the Fines Fund and still under preparation, which will lead to enter into professional agreements with 100 experts in social service, who will support the institutional Officers in the management of the persons serving their sentences in the community and in the activity of social inquiries required by the institutional bodies within the procedures for granting alternative measures.

In order to improve the operational practices and the activities of offenders' management as well as to improve the possibilities of social reinstatement, the following plans of action were started:

- nr. 13/2007 (concluded in 2010), an assessment of the supervision of some types of offenders under alternative measures (sex offenders);
- nr. 67/2011, assessment of the risk levels of recidivism and of the needs of the sentenced persons asking for an alternative or a community measure, with the aim of establishing an operational assessment tool.

Lithuania/Lituanie

Examples of good practices: in October 2011 Offender Assessment System OASys was introduced for assessment of inmates and probationers.

Luxembourg

A ce stade, aucune proposition spécifique n'a été émise.

Ces recommandations insistent sur l'importance de la collaboration entre prison et probation, surtout lors du passage du milieu fermé vers le milieu ouvert. Le Luxembourg étant devant une importante réforme de l'administration pénitentiaire impliquant un changement majeur au niveau des arrangements institutionnels, organisationnels et des pratiques, un souci et enjeu majeurs (pour le service de probation) restent la préparation à la sortie, la réinsertion sociale et la prévention de la récidive.

Moldova/Moldavie

Department of Penitentiary Institutions of Moldova

Probation activity in Republic of Moldova is reflected in the European probation rules. The development of the probation field in Moldova faces difficulties such as: the indifference of the decision makers, the lack of cooperation with community actors, the lack of a wide range of social services specific to persons that are subject of probation, the lack of employees from the psychosocial field (the majority of them have legal education).

Probation

National authorities do not have a special suggestion regarding implementation of the recommendations (CoEPRoRB).

Monaco

A Monaco, la probation est régie par les articles 396 à 414 du Code pénal ainsi que par les disposition de l'ordonnance souveraine n° 3960 du 12 février 1968 sur le reclassement social des délinquants. Le juge de l'application des peines est chargé de l'exécution des mesures de obligations imposée aux condamnés. Il est assisté à cet effet par des agents de probation.

En pratique, le juge de l'application des peines désigne systématiquement l'assistante sociale de la Direction des Services Judiciaires dont le rôle est de veiller à l'exécution des obligations ordonnée dans le jugement mais aussi de proposer un accompagnement social visant l'insertion ou la réinsertion du condamné (emploi, logement, soins, démarches administratives, etc...).

Il est à noter que depuis quelques années le nombre de suivis de mesures de liberté d'épreuve ont augmenté alors que l'assistante sociale des services judiciaires a elle-même d'autres obligations à remplir (interventions en milieu fermé (Maison d'arrêt de Monaco) et enquêtes sociales à la demande des magistrats du siège et du parquet).

Montenegro/Monténégro

No reply provided.

Poland/Pologne

The main problem with the implementation of the EProbR is the great amount of offenders sentenced to deprivation of liberty with conditional suspension. The Ministry of Justice has been involved intensively in promoting sanctions which are alternative to deprivation of liberty and deprivation of liberty with conditional suspension. In addition, it is going to reform a probation service system by establishing comprehensive "personal diagnosis" and "criminological prognosis" of the convicts, and also by using modern and professional tools helping to influence them.

Portugal

Notre service de probation, la DGRS, désigne pour chaque année des macro-objectifs spécifiques et qui sont attachés aux buts du service: contribuer à la sécurité collective, à la définition de la politique criminelle et à la bonne administration de la justice ; contribuer à réduire la commission de nouvelles infractions, assurer le suivi (y compris un contrôle, le cas échéant) des infracteurs et favoriser la réussite de leur insertion sociale.

Pour l'année 2010 la DGRS a eu un total de 83.861 ordonnances judiciaires réparties entre 58.658 (70%) de demandes de rapports presentenciels et 25.203 (30%) de demandes de suivis de peines appliquées, surtout dans l'application du travail d'intérêt général, d'abandon conditionnel des poursuites et des peines avec sursis.

Cela signifie une augmentation de travail de 42% par rapport à l'année précédente.

Etant donné que la DGRS a 317 Techniciens de Probation qualifiés pour accomplir ces tâches, on comprend l'énorme effort que cela représente pour ces professionnels.

Cette difficulté majeure a obligé la DGRS à entreprendre des nouvelles stratégies pour maintenir la qualité du travail de probation, face à la grande quantité de travail, étant en conformité avec le principe 29 de la Recommandation CM/Rec(2010)1 du Comité des ministres aux Etats Membres : « Les effectifs des services de probation doivent être suffisants pour qu'ils puissent assurer pleinement leur mission. Le nombre de dossiers que chaque agent a à traiter doit lui permettre de surveiller, guider et assister efficacement les auteurs d'infraction, de manière humaine et, si cela est approprié, de travailler avec leur famille et, le cas échéant, les victimes. Si la demande est excessive, il est de la responsabilité de la direction de chercher des solutions et d'indiquer au personnel les tâches prioritaires ».

Ces nouvelles stratégies se situent à deux niveaux : 1er des orientations plus précises 2e des instruments de gestion du risque de récidive qui rend plus efficace le travail de réinsertion sociale du personnel de probation.

La DGRS développe deux instruments d'évaluation du risque de récidive le LSM/CMI – évaluation et gestion du risque de récidive et le SARA dans les cas d'agresseurs de violence domestique. On a créé une sorte diversifiée de réponses structurées de réinsertion pour les cas d'abandon conditionnel des poursuites et aussi sous la forme de programmes de réinsertion sociale pour le suivi des peines.

Finalement on développe des études scientifiques sur le taux de récidive des infracteurs.

De cette manière, la DGRS a cherché à produire pour chaque type d'intervention des guides et des procédures spécifiques qui sont adaptés à la tâche à accomplir.

Pour ce qui est de l'ordre des rapports présenticiels et des enquêtes de personnalité on a créé des guides d'orientation méthodologique pour aider le recueil et le traitement des données d'informations, destinées à des typologies criminelles spécifiques, comme c'est le cas des agresseurs sexuels, domestiques ou des infracteurs routiers (excès d'alcool et/ou sans permis de conduire).

Le personnel de probation possède des guides d'orientation avec des normes d'application des mesures de suivi, du travail d'intérêt général et de la surveillance électronique. Cette dernière a fait l'objet d'un processus de qualification certifiée qui lui a été attribuée. Ces guides et orientations spécifiques aident à mieux comprendre et mieux maîtriser les difficultés et les réponses du processus de réinsertion des infracteurs, un processus toujours complexe.

Romania/Roumanie

No reply provided

Russian Federation/Russie

Information not available.

San Marino/Saint Marin

Cela est envisagé dans un futur proche.

Serbia/Serbie

No.

Slovak Republic/Slovaquie

No, see the commentary.

Commentary: currently the system of regulation and performance of work of the probation of mediation officers is the subject of an audit; its result should be a conception of development of this system and support of prevention of criminality and re-offending.

Slovenia/Slovénia

Not yet. We have not itemized special suggestions regarding the practical implementation of CoEProbR.

Spain/Espagne

La législation espagnole est parfaitement adaptée à la Recommandation 2010 et propose un service public dans ce domaine très satisfaisant. Comme exemple de bonnes pratiques nous avons un site Web librement accessible au grand public où on peut consulter les chiffres, les dates, etc. De plus, nous réalisons des recherches dans le but d'une amélioration continue, nous collaborons avec des universités, nous avons beaucoup de conventions de collaboration avec des partenaires... En ce sens, nous sommes maintenant sur le point de rendre public les résultats d'une vaste investigation sur les délinquants reconnus coupables de violence domestique.

Spain (Catalonia)/Espagne (Catalogne)

A global suggestion to avoid any specific action that should be against the rules, and the demand to identify which new considerations and practices we need to introduce to get all the rules requirements.

Sweden/Suède

No reply provided.

Switzerland/Suisse

Aucune proposition spécifique à ce jour.

Turkey/Turquie

The measures given under probation is usually not given as a single punishment in Turkey. Generally these measures are given within the companionship of a prison sentence. This turns into a dilemma when the probation is perceived as a secondary punishment to prison. In 2009 and 2010, Progress Reports Turkey is criticized for low level of probation sentences due to this misperception. The implementation can be improved with annual meetings of the practitioners and high level of Burecrats (Director Generals) of Council of Europe Member States.

UK: England and Wales/RU : Angleterre et Pays de Galles

Not applicable.

18. **As regards the countries concerned, has Recommendation Rec(2010)1 of the Committee of Ministers on the Council of Europe probation Rules been translated into your national language? (if so, please send an electronic version of the text) (currently the text of CoEProbR may be consulted on the Council of Europe web site in 4 different linguistic versions (www.coe.int/prison)).**

S'agissant des pays concernés, la Recommandation Rec(2010)1 du Comité des Ministres sur les Règles du Conseil de l'Europe relatives à la probation a-t-elle été traduite dans votre langue nationale ? (dans l'affirmative, veuillez nous envoyer une version électronique du texte) (à l'heure actuelle, les RprobCdE sont consultables en 4 versions linguistiques différentes sur le site du Conseil de l'Europe (www.coe.int/prison)).

Albania/Albanie

Recommendation REC (2010) of the Committee of Ministers of the Council of Europe Probation Rules is not translated because the Albanian Probation Service does not have a translation sector in its structure, but regardless the document is familiar to the staff.

Armenia/Arménie

See the answer of 11th question.

Autriche/Austria

Recommendation Rec (2010) 1 of the Committee of Ministers on the Council of Europe probation Rules was translated into German language. This task was performed in cooperation of the German, Swiss and Austrian authorities. The text was already sent to Council of Europe.

Azerbaijan/Azerbaïdjan

As to the Committee of Ministers Recommendation CM/Res (2010) 1 on the Council of Europe Probation Rules, they have also been translated into Azerbaijani.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

No reply provided.

Croatia/Croatie

Recommendation Rec (2010)1 of the Committee of Ministers on the Council of Europe probation Rules has not been translated into Croatian language.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

Yes, at this time we are using draft of translation, (in the frame of training courses via previous paragraph). After finalising of language and professional review, we will use COEProbR for all activities of our service. (final version will to COE and final version is almost finished).

Denmark/Danemark

The Recommendation is being translated into Danish. At present, Denmark is unfortunately unable to allocate resources for a translation of the Commentary.

Estonia/Estonie

Not to our knowledge.

Finland/Finlande

The translation has been urged and will be soon completed.

France

Oui, l'administration utilise le lien avec le Conseil de l'Europe
Cf. le lien : <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1575801&Site=COE>

Georgia/Géorgie

Recommendation Rec(2010)1 of the Committee of Ministers on the Council of Europe probation Rules is translated in Georgian. Please see attached the electronic version of the document.

Germany/Allemagne

Voir la réponse à la question 4.

Iceland/Islande

No.

Italy/Italie

The text of the Council of Europe Probation Rules was translated into Italian and its dissemination throughout Italy has been started. Within the end of the current year the Italian version of the Rec(2010)1 is expected to be available for all the workers of the probation field and of the persons who, for various reasons, are entrusted to their care and supervision.

Lithuania/Lituanie

The text of Recommendation Rec(2010)1 of the Committee of Ministers on the Council of Europe probation Rules in Lithuanian will be available later this year.

Luxembourg

Le Luxembourg ayant trois langues officielles dont le Français et l'Allemand, les RprobCdE sont lues dans ces deux langues.

Moldova/Moldavie

Department of Penitentiary Institutions of Moldova

Yes, the Rec (2010) 1 has been translated and we are enclosing it to this questionnaire.

Monaco

La langue française étant langue officielle à Monaco, il n'a pas été nécessaire d'effectuer de traduction.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

The text of the recommendations has been partially translated into Polish. The translation process will be completed shortly.

Portugal

A notre connaissance il n'y a pas de traduction de la Recommandation Rec (2010)1 du Comité des Ministres sur les Règles du Conseil de l'Europe relatives sur les règles du Conseil de l'Europe relatives à la probation.

Romania/Roumanie

Non, le texte de la Recommandation Rec. (2010)1 du Comité des Ministres sur les Règles du Conseil de l'Europe relatives à la probation n'a pas encore été traduit en roumain.

Russian Federation/Russie

Information not available.

San Marino/Saint Marin

Non.

Serbia/Serbie

No.

Slovak Republic/Slovaquie

No.

Slovenia/Slovénie

Not yet.

Spain/Espagne

Oui, nous avons traduit la Recommandation.

Spain (Catalonia)/Espagne (Catalogne)

The rules are in process of translation. The document will be finished by 2012.

Sweden/Suède

It has not been translated into Swedish.

Switzerland/Suisse

La Suisse a étroitement collaboré avec l'Allemagne et l'Autriche pour mettre sur pied une version allemande.

Turkey/Turquie

The translation of the Recommendations has not been finalized yet. The studies are in progress.

UK: England and Wales/RU: Angleterre et Pays de Galles

Not applicable– they are already available in English.

19. Is initial and/or ongoing training provided to probation staff on the CoEProbR? If so, to what extent and what type of target?

Une formation initiale et/ou continue relative aux RprobCdE est-elle assurée au profit du personnel de probation ? Si oui, dans quelle mesure et au profit de quelles cibles ?

Albania/Albanie

The staff is provided with basic training, initial and ongoing. Basic training is carried in close cooperation with the OSCE presence in Albania. Also serving this purpose is the publication of two manuals by OSCE about Probation: "Manual for the Probation Officer" (printed in 2009), and "Manual for the Application of Alternatives to Detention" (printed in 2010). These trainings address almost all issues and concepts contained in the rules and recommendations of the CoE. Continuous learning and training curricula are also being developed within the Twinning Project "Support to the Establishment of the Probation Service and Alternative Measures to Detention".

Armenia/Arménie

See the answer of 5th question.

Austria/Autriche

Yes, initial and ongoing training is provided to probation staff on the Council of Europe Probation Rules. The text of the CoEProbR is available to all members of the Austrian Probation Service (association "Neustart").

Azerbaijan/Azerbaïdjan

European Prison Rules along with the Probation Rules and European Rules for juvenile offenders have all been incorporated to the preliminary study courses of the training centers of the Justice Academy and training center of the Penitentiary service.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

Fifty percent of the probation staff has taken part in training under twinning projects in conjunction with the British probation offices. The principle of this training is that every new officer at the end of the twinning projects takes part in two weeks training, in which the European rules for probation are grounded. In addition, after the end of the training the work of the particular officer is subject to the periodic supervision of a probation inspector.

Croatia/Croatie

We are in process of creating the different training programmes for our probation staff. One part of the programme will include the CoEProbR, but at the moment it is difficult to say to what extent.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

Via answer on question 16

Denmark/Danemark

Once translated into Danish, the Recommendation will be forwarded to the Staff Training Centre of the Danish Prison and Probation Service for incorporation into the compulsory initial training course for non-uniformed staff in order to increase staff knowledge of the Recommendation.

Estonia/Estonie

The principals of probation work are addressed at various in-service trainings and discussions as a routine.

Finland/Finlande

No.

France

Les personnels d'insertion et de probation (conseiller pénitentiaire d'insertion et de probation et directeur pénitentiaire des services pénitentiaires d'insertion et de probation) sont formés, dans le cadre de leur formation initiale, au sens strict du terme aux règles européennes de probation. Ces deux catégories de personnel suivent une séquence dispensée par le représentant français de la Conférence européenne de probation (CEP).

L'Ecole Nationale d'Administration Pénitentiaire est disposée, dans l'avenir, à accompagner le développement et le déploiement de la mise en œuvre des règles européennes de probation.

Georgia/Géorgie

Probation staff is involved in numerous trainings. The aim of those trainings is to raise qualification of the probation staff. The following types of trainings are available: needs and risks assessments and individual sentence planning, communication with offenders (for probation officers), case management, legislation, HR.

Germany/Allemagne

Voir la réponse à la question 5. La version allemande du texte des RprobCdE a été distribuée dans une grande envergure aux Länder fédéraux. Outre cela, la version allemande peut être consultée, à tout moment, sur internet via le site du Ministère fédéral de la justice et elle a été transmise à l'Association professionnelle allemande pour le travail social, le droit pénal et la politique criminelle, « L'aide allemande à la probation » (Fachverband für Soziale Arbeit, Strafrecht und Kriminalpolitik, die „Deutsche Bewährungshilfe e.V.). Dans le cadre de leur formation continue et lors d'autres manifestations instructives le personnel des services sociaux de la justice est familiarisé avec les RprobCdE. Ainsi, les déficits d'informations susceptibles d'exister encore seront écartés le plus rapidement possible.

Iceland/Islande

No, not on CoEProbR, but as said the Icelandic legislation is to a large extent in line with CoEProbR and staff receive initial training on the Icelandic legislation

Italy/Italie

As it happened for the European Prison Rules, also Rec(2010)1 will be included in the curricula of the initial and continuous training of the probation workers. Also the experts in social service who will work under agreements with the Offices for the Execution of Sentences in the Community, in terms of article 80 of the Penitentiary Act, within the above-mentioned "Master" project, will be adequately trained according to a training plan drafted by the Directorate General for the Execution of Sentences in the Community of the Department of Penitentiary Administration. That training plan will include also the Rec(2010)1.

Lithuania/Lituanie

Initial training of 72 academic hours duration is provided to probation staff (6 academic hours thereof are allocated for studying of international legal acts on probation). Probation staff qualification upgrading is an ongoing process. At least once a year probation officers are provided 6-8 academic hour duration trainings for introduction of best international practices in the area of probation.

Luxembourg

Suite à l'analyse des Rprob, une piste de réflexion est celle de les inclure dans la formation initiale des agents de probation stagiaires (durée du stage : 3 ans).

Moldova/Moldavie

Department of Penitentiary Institutions of Moldova

There has been provided ongoing training to a small number of our staff, though at the moment there is no training provided. Therefore, not all the staff members have been introduced to the probation rules. The latest occasion in which staff members found out about these rules was the round table organized by the Council of Europe and carried out on the 7th of June 2011. Even earlier, a number of our staff members had attended the training provided by a Twinning project ("Support to Moldova in Prison Systems Upgrading and Penal Reform"). In addition, we have periodically included seminars (an average of 1 training session in two months) on probation throughout the period Dec.2009-March 2012. Our probation staff working in the capital is invited to attend meetings at the Institute for Penal Reforms from Chişinău, in the occasion of a number of periodical events related to probation: assessments, periodical reports etc, as well as seminars carried out on probation activity.

Probation Service

In 2011, the 250 people employed in the probation service, 46 counselors were involved in various training, including two round tables. In these training courses, the recommendation (CoEPROBR) was

discussed and analyzed. It has to be mentioned that this subject is been included in staff training agenda on new employees probation counselors at the National Institute of Justice.

Monaco

Non, si ce n'est la formation initiale d'assistante sociale.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

The probation officers have not had any specific trainings concerning the EProbR yet. The Ministry of Justice is going to present further relevant proposals related directly to the Rules to schedule training of probation officers at the National School for Judges and Prosecutors, which is responsible for organizing such trainings.

Portugal

Oui. Elle est organisée dans une première étape sur la connaissance de la législation qui régit notre activité et puis il y a des formations régulières pour l'actualisation des connaissances et les échanges des pratiques et des difficultés.

Romania/Roumanie

Voir la réponse a la question nr 3.

Russian Federation/Russie

Information not available.

San Marino/Saint Marin

Non.

Serbia/Serbie

No. Trainings are provided for probators of the Administration, competent for implementation of alternative sanctions, and of judges and prosecutors, related to Recommendation No. R (92) 16 on the European rules on community sanctions and measures i Recommendation Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures.

Slovak Republic/Slovaquie

No.

Slovenia/Slovénie

Not yet.

Spain/Espagne

Tous les employés des Services de Gestion de Mesures Alternatives ont reçu une formation spécifique initiale et, en outre, ils reçoivent également une formation régulière.

Spain (Catalonia)/Espagne (Catalogne)

The rules are included in the content of the initial training provided to probation staff, which is delivered in conjunction with the University of Barcelona.

Sweden/Suède

All probation staff working close to clients have to undergo initial as well as ongoing training, including training on laws and other statutes governing the Service's actions. A probation officer starts his/hers employment with the Service with a course of 20 weeks, together with prison officers. We are now in the process of reforming the training and are specializing the areas focusing on issues that are mandatory for probation officers in their profession. Probation officers will have a separate part for about 4 weeks, to prepare them for their work as probation officers. The separate part is focusing on the diversified roles as coordinator of sentence planning, motivator and executer of alternative sanctions.

Switzerland/Suisse

Les personnes travaillant dans le domaine de la probation ne suivent à l'heure actuelle aucune formation spécifique en Suisse. La plupart des agents de probation bénéficie d'un diplôme en travail social (de niveau tertiaire).

Turkey/Turquie

A training program on European Probation Rules for the whole personnel working in the branches was planned. Under this concept, the curriculum for this staff (managers, experts and officers) was revised covering the newly accepted rules. The cascade trainings on the said topic are expected to start in 2012. The training topics of human rights, privacy of personal life, fair mindedness, non-discrimination principle, showing interest to the needs of offenders, expertise on special criminal groups, working with NGOs, supporting the active participation of offenders in supervision, providing assistance in academical and vocational training programmes, motivational interviewing and interventions, working with the families of juvenile offenders were also discussed under European Probations rules; so Turkey has been indirectly sharing the rules and the philosophy of CoEProb with the staff. Also within the newly finalized EU funded Twinning Project " Development of Victim and Juvenile Services in Turkish Probation Service"; the curriculum for the probation staff was enriched by producing new manuals with the experts who know European Probation Rules.

UK: England and Wales/RU : Angleterre et Pays de Galles

No.

20. **Is the text of the CoEProbR readily available to probation staff and to offenders (please specify) ?**
Est-ce que le texte des RprobCdE est facilement accessible au personnel de probation et aux délinquants (merci de préciser) ?

Albania/Albanie

No reply provided

Armenia/Arménie

See the answer of 6th question.

Austria/Autriche

See question 19.

Azerbaijan/Azerbaïdjan

No reply provided

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

The text of the CoEProbR is readily available to probation staff and to offenders.

Croatia/Croatie

The text of the CoEProbR is not yet readily available to probation staff and to offenders, but will be when translation will be provided.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

Via answer to question 18

Denmark/Danemark

Please see the reply to question No. 16.

When the Recommendation has been translated into Danish, it will also be forwarded to all Probation Service offices. Moreover, the Recommendation will become available on the intranet of the Prison and Probation Service.

Estonia/Estonie

It is accessible on the CoE webpage and also via CEP publications and web-page.

Finland/Finlande

The text (in English) has been available to probation staff since the rules were adopted ; the staff has been encouraged to acquaint themselves with it and the Finnish translation has been promised to be available in due course.

France

D'une part, les règles européennes de probation sont accessibles aux conseillers pénitentiaires d'insertion et de probation et aux directeurs pénitentiaires des services pénitentiaires d'insertion et de probation au cours de leur formation initiale à l'Ecole Nationale de l'Administration Pénitentiaire.

D'autre part, l'administration pénitentiaire s'emploiera prochainement à assurer plus largement l'accès des règles européennes de probation à l'ensemble des personnels d'insertion et de probation.

Georgia/Géorgie

The text of the Recommendation Rec(2010)1 of the Committee of Ministers on the Council of Europe probation Rules was translated to Georgian and is available for probation staff.

Germany/Allemagne

Voir la réponse à la question 6. Il n'est pas possible de rendre accessible une version du texte directement à l'ensemble des personnes en probation. Etant donné cependant que les délinquants (personnes en probation) sont en liberté, ils ont, de toute façon, la possibilité de prendre connaissance du contenu des RprobCdE.

Iceland/Islande

The text of the European Prison Rules is available in prisons library in English.

Italy/Italie

The dissemination of the European Probation Rules throughout Italy will follow the same route as the European Prison Rules, and namely:

- the libraries of the Training Schools for Staff and of the Higher Institute of Penitentiary Studies;
- the Regional Directorates of the Penitentiary Administration;
- the libraries of all the prisons;
- the local Offices of the Execution of Sentences in the Community (probation offices);
- the website www.rassegnapenitenziaria.it, scientific publication of the Department of Penitentiary Administration, where it will be consulted on-line also by the general public.

Lithuania/Lituanie

The text of Recommendation Rec(2010)1 of the Committee of Ministers on the Council of Europe probation Rules in Lithuanian will be available later this year.

Luxembourg

Le Luxembourg disposant d'un seul service de probation national, tous les agents de probation connaissent les Rprob.

Moldova/Moldavie

Department of Penitentiary Institutions of Moldova

No, there is only a limited availability of the text for our probation staff, neither for the offenders, who do not express interest in obtaining information on this Recommendation. Overall, about 20 probation counselors and representatives of Probation Central Office know about the respective text. Thus, it is available only for them and their colleagues from the office.

Probation Service

The Recommendation of Ministers Committee Probation referring to European standards (CoEPRoBR), are accessible to all probation officers and probation beneficiaries.

Monaco

Oui, pour le personnel de probation. Pour les délinquants, cela est possible s'il en fait la demande.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

The Ministry of Justice is going to publish the text of the EProbR in its quarterly "Na wokandzie", which is free of charge and popular among practitioners of justice (copies are transferred to common courts, libraries and other public and are available on the MoJ website www.ms.gov.pl/dzialanosc/broszury-i-publikacje/probacja) and on its website www.ms.gov.pl

Portugal

Oui et on pense qu'il est très complet, touchant tous les domaines de notre activité.

Romania/Roumanie

Le texte *RprobCdE* peut être consulté sur le site *The European Organisation for Probation*, en anglais, français et allemand.

Russian Federation/Russie

Information not available.

San Marino/Saint Marin

Non.

Serbia/Serbie

No.

Slovak Republic/Slovaquie

No.

Slovenia/Slovénie

Yes.

Spain/Espagne

Comme nous avons déjà dit, nous avons récemment traduit la Recommandation. Elle sera accessible au personnel de probation et, également, elle sera publiée sur le site web pour le grand public et, aussi, pour les délinquants.

Spain (Catalonia)/Espagne (Catalogne)

The text is available to probation staff (in Catalonia three non-profit organisations deliver the services, under the conditions of a public contract with the Justice Department, and all of them know the rules).

We are waiting for the final translation into Spanish (as said, by 2012) to offer a copy to offenders who want to have it, after been informed by his/her Probation Officer in the first meeting.

Sweden/Suède

It is available on the web-site of the Council of Europe. Thus, it can be printed and handed over to clients on demand. The Service will consider to make the CoEProbR available also on the intranet.

Switzerland/Suisse

L'accès via internet (site de l'Office fédéral de la justice) est toujours possible.

Turkey/Turquie

The European Probation Rules and other recommendations can be reached via the web site www.cte-dsm.adalet.gov.tr in English. After the completion of the translation Turkish versions can also be reached.

UK: England and Wales/RU : Angleterre et Pays de Galles

Available on the internet from the Council of Europe website if required.

21. **What action has been taken to monitor the implementation of these Rules ?**
Quelle action a été entreprise pour assuré le suivi de la mise en œuvre de ces Règles ?

Albania/Albanie

No reply provided

Armenia/Arménie

See the answer of 7th question.

Austria/Autriche

See question 19.

Azerbaijan/Azerbaïdjan

No reply provided.

Belgium/Belgique

Pas de réponse.

Bulgaria/Bulgarie

As far as the Bulgarian legislation is in compliance with the European legislation and the European normative base has been met, the European rules for probation are monitored, complied with and implemented in the Republic of Bulgaria.

Croatia/Croatie

We are beginning the establishing national probation service but we were aware of CoE recommendations on community sanctions and measures all the time. It will be the same in the future. Within creating the standards, procedures and legislation, in every next step we will act in order to bring them in line with the CoEProbR.

Cyprus/Chypre

No reply provided.

Czech Republic/République tchèque

We are implementing currently new system of monitoring of effective and best practice. European probation rules will be as well previous recommendation, (for example for mediation in penal matters) integral part of professional practice of Czech PMS and we will be monitoring practice regularly with the interest and pressure on best practice!

Denmark/Danemark

Please see the reply to questions Nos. 16 and 19.

Estonia/Estonie

We have not taken any specific actions to monitor the implementation of the rules, however the preparation of the publication at CEP web-page regarding probation system in Estonia includes detailed comparison of Estonian legislation with the rules.

Finland/Finlande

Not any so far.

France

Il convient de préciser qu'un bureau, au sein de l'administration pénitentiaire, chargé de définir les orientations, d'assurer le suivi et d'évaluer l'activité des services pénitentiaires d'insertion et de probation mène une réflexion sur les règles européennes de probation.

A cet égard, la réflexion de la direction de l'administration pénitentiaire s'articule autour, d'une part, de la question de la compréhension, de l'exploitation de ces règles et de leur retranscription en droit français et, d'autre part, de leur diffusion à l'ensemble des personnels.

Comme il a déjà été indiqué et développé plusieurs réformes méthodologique et d'organisation des services pénitentiaires d'insertion et de probation, réalisées ou en cours de réalisation (réforme statutaire, DAVC, prise en charge différenciée, PPR etc...), s'inscrivent pleinement dans l'esprit même des règles européennes de probation et constituent autant de manifestations du suivi de leur mise en œuvre.

Georgia/Géorgie

Adequate bodies monitor the implementation of the CoEProbR in particular: General inspection and Unit for control, statistics and analysis of the National Probation Agency.

Germany/Allemagne

Voir la réponse à la question 7. Il n'est pas nécessaire de surveiller la mise en œuvre des RprobCdE car les réglementations existantes sont déjà en conformité avec les RprobCdE.

Iceland/Islande

Ministry of the Interior monitors the implementation of these Rules along with the Prison and probation administration. The Althing Ombudsman also monitors the administration of the State and local authorities and safeguards the rights of the citizens vis-a-vis the authorities. The Ombudsman has the task to ensure that the principle of equality is observed and that administration is in other respects conducted in conformity with the law, including the committee of ministers recommendation, and good administrative practice.

Italy/Italie

The Directorate General for the Execution of Sentences in the Community of the Department of Penitentiary Administration has tasks of guidance and coordination of the activities carried out by the local Offices for the Execution of Sentences in the Community, constantly monitors the activity of those Offices and the development of alternative measures and makes analysis, planning, direction and control for the enforcement of the sentences, aiming at improving both organisation and operational practices. Within that context, the above-mentioned activities of services improvement and increase in the alternative measures were carried out, thus fulfilling the European directions on the probation systems management. The Directorate General, through the Regional Offices for the Execution of Sentences in the Community established at the Regional Directorates of the Penitentiary Administration, constantly monitors the uniformity of the application of the directions given to local structures.

Lithuania/Lituanie

The implementation of these Rules is monitored by carrying out inspections in probation services, handling probationers' complains and motions, carrying out annual performance evaluation for officers, etc.

Luxembourg

Le service de probation a établi un échancier pour transmettre en pratique les conclusions tirées de l'analyse de Rprob. A ce niveau, le service de probation reverra ses standards de qualité et ses lignes directrices.

Moldova/Moldavie

Department of Penitentiary Institutions of Moldova

Currently, there are no measures undertaken in order to monitor the implementation of these Rules.

Probation Service

The Central Offices of Probation is monitoring the weekly training hours of counselors, which includes studying and implementing the Recommendation of the committee of ministers with regard to European Probation rules (CoEPRoBR).

Monaco

Sans objet.

Montenegro/Monténégro

No reply provided.

Poland/Pologne

Monitoring the process of implementation is the part of ongoing procedure of supervision exercised by the Ministry of Justice over the administration activities according to applicable law.

The Ministry of Justice is going to present the issue of implementation of the EProbR to the Council of the Social Re-integration. The Council is an institution established to organize, initiate and support projects aimed at crime prevention and social re-integration of convicted and giving opinions on government and society actions taken in the field of crime prevention, enforcement and social rehabilitation, and assist convicted prisoners and their families.

Portugal

La DGRS n'a pas entamé une action particulière pour assurer la mise en œuvre de ces règles. Cependant, la DGRS a tout intérêt à savoir comment son action est perçue par ses destinataires. On a fait une enquête institutionnelle après des magistrats et de toutes les entités judiciaires qui travaillent avec nous pour connaître le degré de satisfaction de nos réponses de réinsertion sociale aux ordonnances des magistrats. Le résultat très favorable se chiffre dans un degré de 93% de satisfaction des magistrats envers notre travail.

Romania/Roumanie

Voir la réponse à la question no 14.

Russian Federation/Russie

Information not available.

San Marino/Saint Marin

Cela est envisagé dans un futur proche.

Serbia/Serbie

No.

Slovak Republic/Slovaquie

No action on this stage, see the commentary.

Commentary: Currently the system of regulation and performance of work of the probation of mediation officers is the subject of an audit; its result should be a conception of development of this system and support of prevention of criminality and re-offending.

Slovenia/Slovénie

There has not taken special action.

Spain/Espagne

Les normes espagnoles respectent, même auparavant de l'approbation des Recommandations 2010, tous les aspects de la même. En plus, nous avons un suivi permanent du fonctionnement des Services de Gestion de Mesures Alternatives.

Spain (Catalonia)/Espagne (Catalogne)

An internal staff group of the Justice Department is preparing a check-list for inspection available for any Probation Service, based on the Rules. A pilot will start on 2012.

Sweden/Suède

In addition to the supervision carried out by the Service itself, the JO continuously ensure that public authorities and their staff comply with the laws and other statutes governing their actions. JO exercise this supervision by evaluating and investigation complaints from the general public, by making inspections of the various authorities and by conducting other forms of inquiry that they initiate themselves.

Switzerland/Suisse

Aucune activité particulière à ce jour.

Turkey/Turquie

The probation staff have not received any training solely on European Probation Rules. After the delivery of the training programmes the evaluation of the practise can be done more efficiently.

UK: England and Wales/RU : Angleterre et Pays de Galles

None.