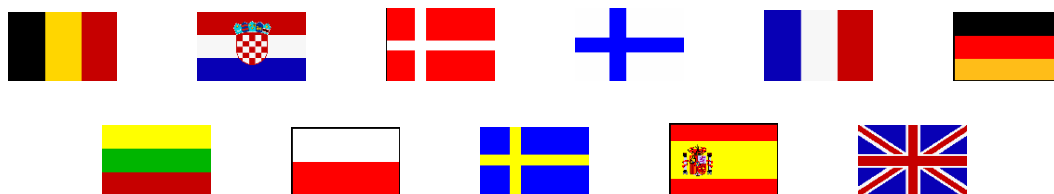


## Long-term Imprisonment and Human Rights

– Findings of an International Study –



Author: Kirstin Drenkhahn

Project Management:

Frieder Dünkel, Kirstin Drenkhahn and Manuela Dudeck (Universität Greifswald, DE)

International Partners:

Sonja Snacken and Hanne Tournel (Vrije Universiteit Brussel, BE)

Anette Storgaard (Aarhus Universitet, DK)

Esther Giménez-Salinas and Aïda C. Rodríguez (Universitat Ramon Llull, Barcelona, ES)

Tapio Lappi-Seppälä (Oikeuspoliittinen tutkimuslaitos, Helsinki, FI)

Pascal Décarpes (Université Marc Bloch, Strasbourg, FR)

Velinka Grozdanić and Ute Karlavaris-Bremer (*Sveučilište u Rijeci, HR*)

*Gintautas Sakalauskas (Teisės Institutas, Vilnius, LI)*

*Barbara Stańdo-Kawecka, Joanna Grzywa (Uniwersytet Jagielloński, Kraków, PL) and*

*Paweł Maciaszczyk (Uniwersytet Marii Skłodowskiej, Lublin, PL)*

Lena Roxell (Stockholms Universitet, SE)

Dirk van Zyl Smit and Fabienne Emmerich (University of Nottingham, UK)



With financial support by the AGIS Program  
European Commission – Directorate General Justice, Freedom and Security

## Table of Contents

1. Introduction.....	2
2. Data Collection and Methodology .....	5
3. The Sample .....	6
4. Accommodation .....	10
5. Activities .....	15
5.1 Education and Work .....	15
5.2 Recreation and Exercise.....	21
5.3 Contact with the Outside World .....	24
6. Conclusion .....	27
References.....	28

Translation (German – English): Kirstin Drenkhahn and Fabienne Emmerich

© 2009, University of Greifswald, Department of Criminology.

## 1. Introduction

Due to their nature, the execution of long prison sentences and similar sanctions raise numerous human rights concerns and this results in a particularly precarious area of imprisonment. Most prisoners are incarcerated for very serious offences and are often deemed to be dangerous. Therefore, they are facing increased negative labelling compared to prisoners in general. For instance, these prisoners might only be allowed to participate in rehabilitative measures in the widest sense at the end of their sentence or not at all because those efforts are thought to be futile due to their dangerousness and the length of their sentence in an early stage of the execution of the sentence anyway.<sup>1</sup> Added to this are the negative effects of imprisonment in the form of deprivations, inherent in every detention, that are experienced more intensely by prisoners serving very long sentences. As a result of this structural disadvantage, persons released after long-term imprisonment encounter greater barriers to re-integration in the community than other released prisoners. Where rehabilitative measures are open to long-term prisoners, additional problems arise in terms of providing continuity for their provision both throughout the life of the sentence and for any after-care, once the prisoner is released.

Within the supra-national framework of the European Union, these problems gain greater significance due to the inherent threat to our shared values and the particular nature of judicial cooperation in criminal matters. With the proclamation of the Charter of Fundamental Rights in 2000, the European Union explicitly recognised the validity of human rights as one of its cultural foundations. Although the Charter has just recently come into effect with the ratification of the Lisbon Treaty, there has already been a common, legally binding protection of human rights in the EU, but not by the EU. All member states of the European Union are also member states of the Council of Europe and have ratified its Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Convention compliance may be assessed before the European Court of Human Rights (ECtHR) in an individual application process. This is also the case for Poland and the United Kingdom where the application of the Charter at present is restricted to those rights that exist in national law.<sup>2</sup> Furthermore, the Recommendations by the Committee of Ministers to member states substantiate the Convention. These recommendations are non-binding, soft law, but the ECtHR refers to them when interpreting the Convention as well as national courts when interpreting domestic law (e. g. German Federal Constitutional Court, *Urt. v. 31.5.2006*, BVerfGE 116, 69 pp.; Swiss Federal Court, *Urt. v. 12.2.1992*, BGE 118 Ia, 64 pp.). Concerning long-term imprisonment, there are two recommendations of particular importance: Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners (below: Recommendation on long-term prisoners) and Rec(2006)2 on the European Prison Rules (below: EPR). However, there is a lack of internationally comparative research on the implementation of human rights in European prison systems.<sup>3</sup>

This seems questionable in the light of the main principles of judicial cooperation in criminal matters in the European Union. Legislation by the European Union in this field is based on the principle of mutual recognition of judicial decisions by member states. The implementation of European legal decisions requires the second principle of judicial cooperation, mutual confidence. This includes assurance in belonging to a common judicial culture and to have a

---

1 Cf. e. g. the reports on visits by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to France in 2003 (*CPT 2004*, §§ 33 pp.), to Italy in 2004 (*CPT 2006*, §§ 89 pp.) and to the Czech Republic in 2006 (*CPT 2007*, §§ 40 p.).

2 Protocol on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom, Official Journal of the EU 2007/C 306/01, 11/17/2007.

3 Cf. *Drenkhahn/Dudeck 2007*; *Diinkel 2009*, p. 180 pp.; *van Zyl Smit/Snacken 2009*, p. 27 p.

common, high level of protection for personal rights. Concerning custodial sanctions, there is a framework decision on the application of the principle of mutual recognition to the transfer of sentenced persons.<sup>4</sup> This framework decision that will be implemented until 5 December 2011 allows for the transfer of prisoners without their consent or that of the receiving state from the member state where he has been sentenced to the member state of his nationality for the purpose of executing the sentence.<sup>5</sup> The principle of mutual trust is only mentioned in the preamble of this decision that deals with the procedural rights in criminal proceedings, although it must also apply to the execution of a sentence if personal rights and freedoms are to be protected consistently. Considering that the true severity of a prison sentence does not only depend upon its length, but also on the conditions of its execution, the significance of this principle is self-evident for the protection of human rights in prison. In order to justify this mutual confidence we not only have to guarantee similar living conditions in prisons across the European Union, but also living conditions that are in line with the Union's common human rights standards.

There is a need for internationally comparative research to examine to what extent there are similar living conditions with a high level of human rights protection in prison systems across the EU. So far it seems that the only such studies have been carried out by an international group of researchers who are to a great extent part of the research group for this project, and were also co-ordinated by the Department of Criminology at the University of Greifswald.<sup>6</sup> The *Mare Balticum Prison Study* looked into closed institution for male prisoners in Estonia, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden.<sup>7</sup> The *International Study on Women's Imprisonment* surveyed living conditions of female prisoners in Croatia, Denmark, Germany, Greece, Lithuania, Poland, Russia, Slovenia and Spain.<sup>8</sup> Both projects showed that living conditions in prison still differed considerably across individual countries and there were still problems concerning the protection of human rights.

This project, *Long-term Imprisonment and the Issue of Human Rights in Member States of the European Union*, is the first attempt to study the level of compliance with human rights standards in regimes of long-term imprisonment of no less than five years in a number of EU member states. The project group comprises researchers from the EU member states Belgium, Denmark, England,<sup>9</sup> Finland, France, Germany, Lithuania, Poland, Spain and Sweden as well as from the candidate country Croatia. The study surveyed the living conditions, the institutional climate and rehabilitative measures widely defined, and also included the extent of psychiatric health care provision. Empirical data show psychiatric disorders in up to 95% of the examined sample irrespective of the length of incarceration.<sup>10</sup> A recent report by the German Central Institute of Mental Health in Mannheim has found that prisoners in Europe are a highly affected population with a prevalence of Axis I disorders of more than 90%.<sup>11</sup> Personality disorders have been found with a frequency of up to 50%.<sup>12</sup> Even the offence committed,

4 Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

5 Cf. *van Zyl Smit* 2008, p. 91 p.

6 Summary in *Dünkel* 2009.

7 *Dünkel* 2007; *Zolondek/Sakalauskas* 2005.

8 *Dünkel/Kestermann/Zolondek* 2006; *Zolondek* 2007; *Zolondek/Dünkel* 2007. Later on, surveys in the Netherlands, South Africa and Surinam followed and were added in part to the comparative analysis, cf. *Dünkel/Zolondek* 2009.

9 In the United Kingdom of Great Britain and Northern Ireland, there are three different prison systems: the Northern Irish, the Scottish and the English and Welsh. Only prisons from England participated in this study.

10 Review in *Drenkhahn/Dudeck* 2007; cf. *Fazel/Danesh* 2002.

11 *Salize et al.* 2007. According to the DMS-IV, Axis I disorders are mental disorders and other conditions that may be a focus of clinical attention with the exception of personality disorders, cf. *APA* 2000.

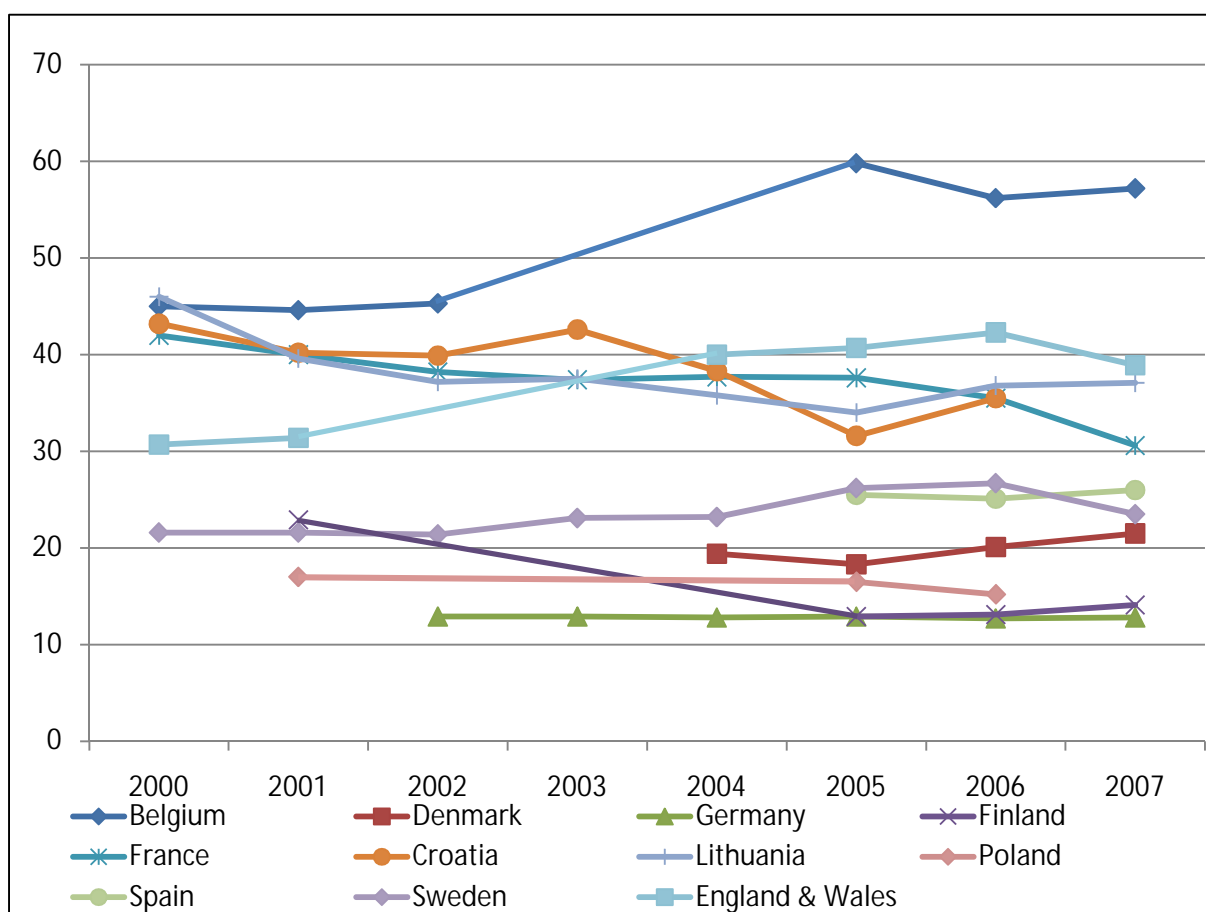
12 *Dudeck et al.* 2006; *Frädrich et al.* 2000.

which tends to be a serious offence, but also the conditions of confinement may have a traumatizing effect.<sup>13</sup> Variables that are considered to have a moderating effect are on the one hand the prisoner's individual characteristics such as personality traits, age or health, as well as attitudes towards the offence and the prison sentence, and on the other hand the living conditions in custody.

Concerning the proportion of long-term prisoners in the entire prison population across EU member states, there is no consistent picture (see for the countries participating in the project, Fig. 1). The percentage of this group in 2007 was less than 20% in three countries; in seven countries, it was more than 50% with Catalonia and Cyprus top of the list with 64% and 61% respectively.<sup>14</sup> In the rest of the member states the proportion was between 20% and 50%.

In recent years the proportion of this group of prisoners in the whole prison population has increased in seven countries; in some of these countries, there were increases of more than 10% from 2000 to 2007. In addition, the number of long-term prisoners has grown in 14 EU member states, in England and Wales, it has actually increased by 9,000 (2000: 16,399, 2007: 25,473, increase by 55%).

**Fig. 1: Percentage of long-term prisoners in the population of sentenced prisoners in participating countries, 2000-2007 on 1<sup>st</sup> September**



Source: SPACE I-Reports 2000-2007.

<sup>13</sup> Dudeck et al. 2007.

<sup>14</sup> The Spanish Autonomous Community of Catalonia has its own prison system and was included in SPACE I for the first time in 2007. Also in Greece the percentage of long-term prisoners is traditionally very high, but there are no data in SPACE I 2007.

## 2. Data Collection and Methodology

This report presents selected findings of a written survey amongst prisoners. Central to the research design of the project was that in each participating country the empirical study would be conducted in two prisons. This study would consider prisoners' individual situation and their perception thereof, as well as the general conditions of long-term imprisonment in the respective institutions. This data would be gathered through two separate questionnaires completed by prisoners and prison management. These questionnaires were designed following the framework set out in the Recommendation on long-term prisoners and the EPR. In addition, the prisoner questionnaire also contained questions aimed at gathering data on the prevalence of mental health issues amongst the prisoners and also focused in particular on traumatising. The Questionnaire for Prisoners comprises 23 pages in its English version, the one for prison managements 25. Furthermore, the researchers conducting the data collection would also visit the prisons to get their own impression.

The aim of the project was that data collection would be carried out in two prisons in each participating country, surveying both prison management and 50 male long-term prisoners per institution. Thus, with the eleven countries, 22 institutions and 1,100 prisoners would have been surveyed. The project defines a long-term prisoner – consistent with no. 1 of the Recommendation on long-term prisoners – as a prisoner serving one or more prison sentences totalling at least five years or a sentence of life imprisonment. The survey also included detainees serving a custodial sanction for public protection. The sample size was set at 50 prisoners per institution and 100 per country to provide for a number of cases that was sufficient for quantitative statistical analysis.

As female prisoners form just a small part of the prison population in the participating countries and as some of the countries had already taken part in the project on women's imprisonment, this research was limited to male prisoners. There were no other restrictions concerning the surveyed prisoners, in order to come as close to the target sample size in each country as possible.

The decision where to conduct the survey was left to the individual partner who was only asked to select a typical institution for long-term prisoners. Apart from that no further requirements were set due to the large disparity between the prison systems of the participating countries, which became evident during the planning stage of the project. Moreover, the survey could be extended to more than two prisons if the sample size of 100 prisoners per country could not be reached otherwise.

In a study like this the question arises whether the findings may be generalised. In this project, attention was paid to selecting prisons for the survey, which were typical for long-term imprisonment in each country. All interviewed prisoners participated voluntarily; every person interested in taking part could participate if there were no considerable security concerns. There was no selection of particularly well-meaning or cooperative prisoners by staff.<sup>15</sup> Yet, one has to keep in mind that prisons are a very diverse field of research. In Germany alone, there are 16 prison systems; Spain and the United Kingdom have several systems, too. Then there is the international dimension of this project. Furthermore, living conditions are not only influenced by the legal framework and prison administration, but also dependent on the infrastructure available to individual prisons and their social design.<sup>16</sup> Therefore, we assume that the findings may in principle be generalised, but may need interpretation in the light of national, regional or local particularities.

---

15 This also shows in the findings concerning questions about satisfactions with certain conditions, which are however not presented in this report.

16 Cf. for the relevance of relationships in prisons *Liebling/Arnold 2004; Liebling 2009*.

### 3. The Sample

The research group managed to survey 1,101 prisoners from 36 prisons. The data of 1,049 prisoners were included in the analysis, 52 participants were excluded because they either indicated a prison term that was too short or they answered less than half of the questions. Overall, the number of missing answers increases in the second half of the questionnaire. Any answers that are missing are only mentioned in this report if their number seems to require an explanation.

Tab. 1 shows the distribution of participants across countries and institutions.

**Tab. 1: Sample size**

Country	N	Prisons and number of participants
<b>Belgium</b>	42	Andenne (10); Ittre (6); Brugge (13); Leuven-Centraal (13)
<b>Denmark</b>	90	Vridsløse (13); Jyderup (13); Horserød (10); Sdr. Omme (12); Østjylland (23); Herstedvester (19)
<b>Germany</b>	98	Celle (22); Naumburg (23); Torgau (21); Lübeck (13); Luckau-Duben (9); Waldeck (10)
<b>England</b>	124	Gartree (52); Whatton (72)
<b>Finland</b>	52	Helsinki (25); Riihimäki (27)
<b>France</b>	92	St. Martin de Ré (30); Muret (40); Lannemezan (22)
<b>Croatia</b>	95	Lepoglava (57); Gospić (38)
<b>Lithuania</b>	207	Marijampole (107); Alytus (100)
<b>Poland</b>	106	Tarnów (55); Chelm (51)
<b>Sweden</b>	64	Norrtälje (17); Österåker (8); Hall (23); Kumla (16)
<b>Spain</b>	79	Brians I (33); Brians II (26); Quatre Camins (20)

Little can be said about how representative the sample is because a lot of the institutions did not indicate how many long-term prisoners they actually detained. There are as yet data from 34 of the 36 institutions on the number of prison places, including those for remand prisoners. The biggest of these institutions had 2,229 places at the time of data collection, the smallest 170. Most of the prisons, namely 13, had between 250 and 500 places, nine institutions had less than 250, six had between 500 and 1,000 places and another six had more than 1,000. The six biggest institutions are in Lithuania, Poland and Spain. In eight prisons, there were also female detainees.

Prison managers were asked if there are certain security precautions to prevent escape. Eight answers were provided: “prison wall”, “razor wire”, “barred windows”, “remote location”, “dogs”, “foot patrols”, “surveillance cameras”, and “an alarmed perimeter fence”. So far there are answers from 30 prisons. 21 (70%) had at least five of these security measures. There was still a third that named six or seven of eight possible answers, although five prisons stated that they had just two or three of the given security measures.

Yet, staff are primarily important for security and safety in the prison. Especially prison officers play an important role because they are usually the contact person for the prisoners on their wing. As we did not interview staff about their training and their attitudes and perceptions, there is only their number as an indicator, namely the number of full-time prison officers and supervisory staff per ten places for sentenced prisoners. Data from 25 institutions exist that indicates a median of about four full-time positions for ten places. The minimum is one position, the maximum 13.

Even these few findings show that the prisons are fairly different. This was expected because these are institutions from different prison systems that are each shaped by the policy and the traditions of their country or their regions. Again, one has to keep in mind that regardless of the differences, the rules of the Council of Europe apply to all of these institutions.

Tab. 2 presents selected characteristics of the participating prisoners. On average, they were just under 40 years old ( $SD = 11.2$ ) with the youngest participant aged 18 and the oldest aged 78. The age distribution in the national and prison sub-samples differs statistically significant ( $p < .001$ ), although the mean age of all sub-samples was at least 35 years. The vast majority of participants, 93.4%, are nationals of the state where they were surveyed. A little less (91%) were born there as well. These numbers do not permit a statement about the proportion of migrants, even less about those from a different language and/or cultural background. One may assume though that prisoners who did not have sufficient knowledge of the language or who had difficulties in reading and writing were less likely to participate in this written survey.

A little over one third of the participants were married or in a relationship at the time of the data collection. There are significant differences between the national samples ( $p = .05$ ) with the smallest percentage in Germany (28%) and the highest in Lithuania (44%). Half (Poland) to two thirds (England) of the participants had children.

The differences between the national samples concerning graduation and vocational training shown in Tab. 2 are due to differences in the respective systems of school and vocational education. Interestingly participants did not always consider qualifications, which they had attained during imprisonment when answering these questions. Therefore, these data only give an indication. The proportion of 100% of Croatian participants who graduated from school is due to the concerted effort to achieve the graduation of all pupils in the school system of the former Yugoslavia and today's Croatia.

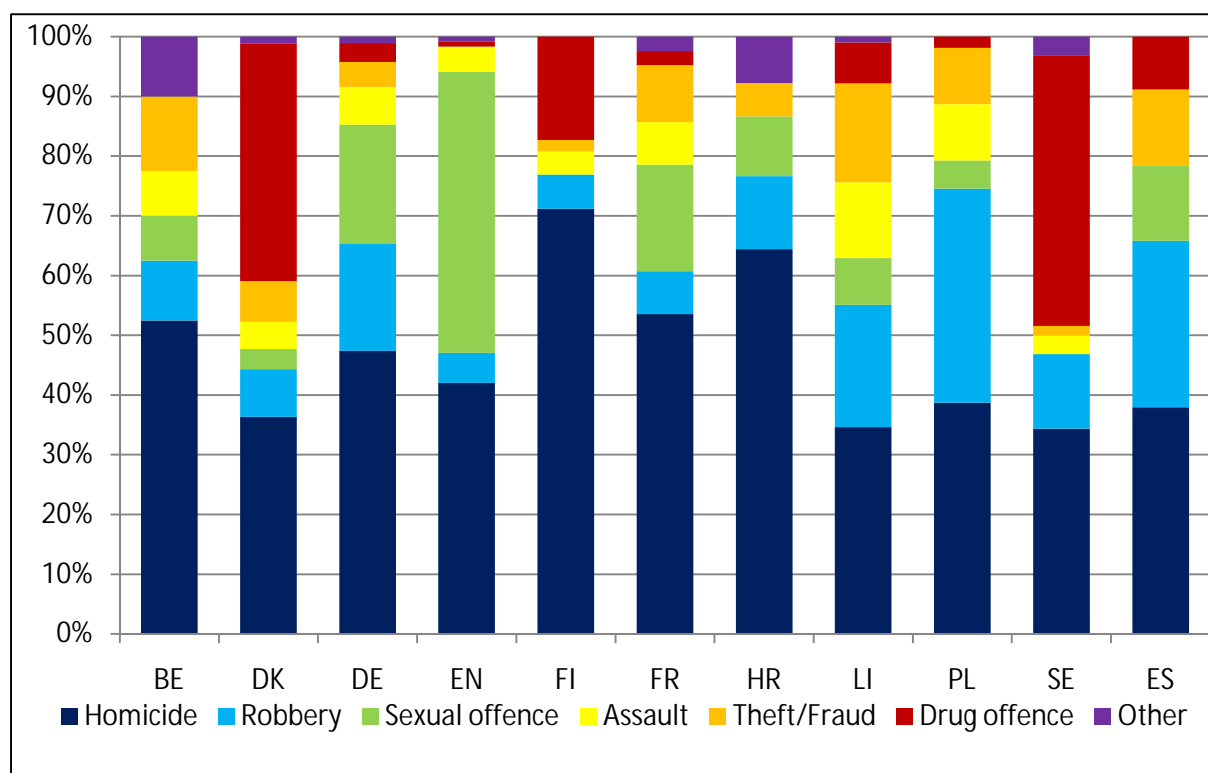
**Tab. 2: Selected characteristics of participating prisoners**

	Mean age (SD)	Domestic nationality (%)	Marriage/relationship (%)	Children (%)	Graduation (%)	Vocational training (%)
<b>Belgium</b>	39,7 (13,0)	75,6	39,0	56,1	82,9	62,5
<b>Denmark</b>	37,2 (10,6)	97,8	40,9	52,8	86,9	57,5
<b>Germany</b>	41,8 (11,1)	91,7	27,8	58,3	94,8	69,1
<b>England</b>	44,3 (13,2)	92,7	33,1	67,2	79,2	55,7
<b>Finland</b>	37,5 (9,1)	96,2	27,5	57,1	96,2	57,7
<b>France</b>	46,2 (11,8)	93,3	26,1	54,9	91,0	75,9
<b>Croatia</b>	41,7 (9,8)	93,5	42,6	57,9	100,0	73,2
<b>Lithuania</b>	35,2 (8,8)	95,0	43,9	53,4	88,8	75,3
<b>Poland</b>	37,9 (11,6)	100,0	28,3	50,0	98,1	70,8
<b>Sweden</b>	38,9 (9,8)	90,5	41,3	60,9	95,3	50,8
<b>Spain</b>	41,0 (9,0)	88,3	38,5	56,4	92,2	47,3
<b>Total</b>	39,9 (11,2)	93,4	36,0	56,6	91,1	65,2

In the question about the offences for which the prisoners were currently serving a sentence, they were asked to indicate all offences listed in the court judgment or judgments. Here, homicide dominated (44.2%) followed by robbery (19.7%) and property crimes (17.4%).

Concerning the most serious<sup>17</sup> offence for which they are currently serving their sentence, the proportion for the whole sample lies with 44.2% homicide, 16% robbery, 13.3% sexual offence, 6.3% bodily harm, 8.2% property crime and 10.7% drug offence. 1.4% named some other offence (Fig. 2).

**Fig. 2: Most serious of offence by country**

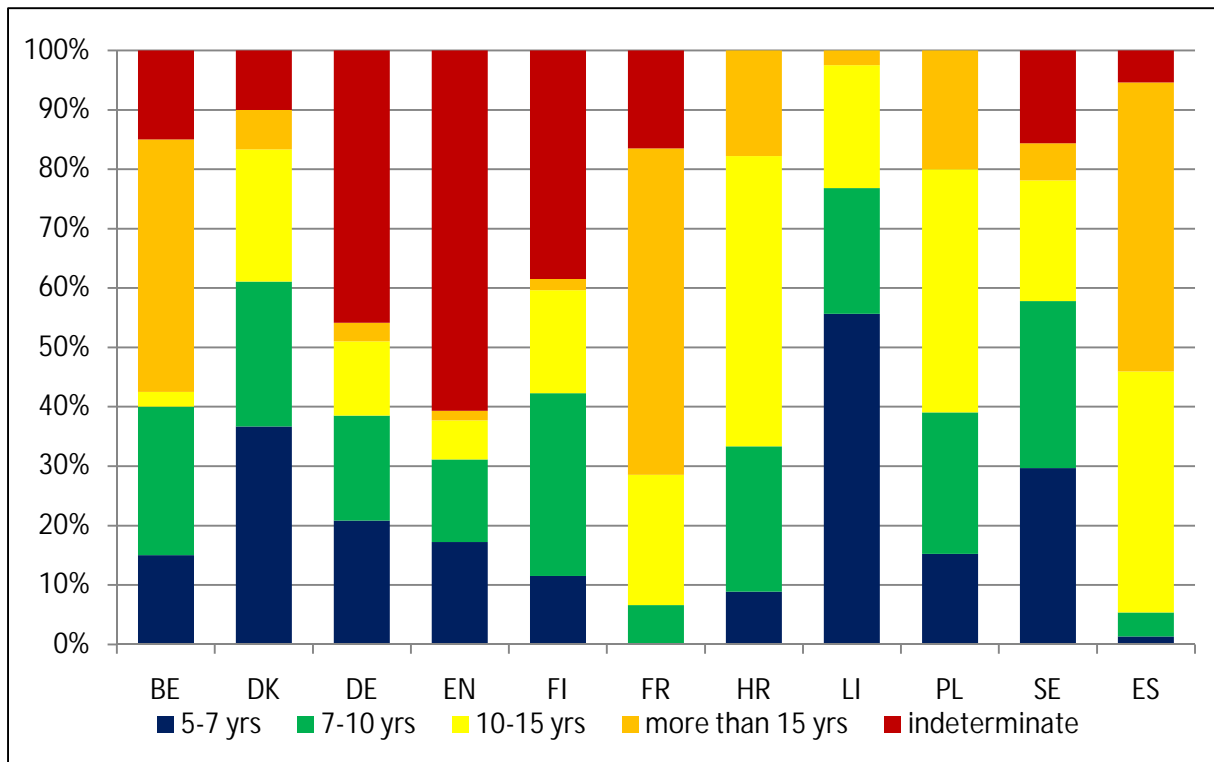


82.8% of the sample served a determinate sentence, 17.2% an indeterminate sanction, i. e. a life sentence or an indeterminate sentence for public protection. The average for determinate sentences was eleven years and ten months (see below Tab. 3). If sentences are arranged in groups according to length, this reveals the following picture for the whole sample: 23.8% served a sentence of five to seven years, 19.5% seven to ten years, 23.7% ten to 15 years, 15.7% a determinate sentence of more than 15 years and 17.4% an indeterminate sanction (Fig. 3).<sup>18</sup> As there are no indeterminate sanctions in Croatia and Spain and as there are very few lifers in Lithuanian and Polish prisons<sup>19</sup> because of the small numbers of life sentences, the sample does not include prisoners with an indeterminate sanction from these countries.

<sup>17</sup> Ranking: 1. Murder/manslaughter, 2. robbery, 3. sexual offence, 4. assault/bodily harm, 5. theft/fraud/ embezzlement or any other property crime, 6. drug offence, 7. drunk driving. Other offences were ranked on an individual basis.

<sup>18</sup> The difference in the proportion of indeterminate sentences is due to various missing values: There were only 13 prisoners who did not answer the question about the kind of sanction they were serving, but 26 who did not give the actual length of their prison term. Whether they fitted the long-term criterion, was decided with regard to the data on the time they had served and the expected end of their prison term.

<sup>19</sup> In 2006, there were 185 Polish prisoners with a life sentence (0.3% of all sentenced prisoners), in Lithuania in 2007, there were 101 (1.4%) (most recent figures from SPACE I)

**Fig. 3: Length of prison sentence by country**

Most of the prisoners in the sample (60%) had already been incarcerated before the current prison term.<sup>20</sup> The extremely high percentage of Lithuanian participants is due to the fact that both Lithuanian institutions are designated for prisoners who have previously served a prison term. 91.2% of the participants had been remanded in custody in the criminal proceedings that led to this sentence. The percentages in the national samples range between 81.3% in England and 97.8% in France. On average the prisoners had already served just over six years of the current sentence (Tab. 3). Here as well as for previous incarceration, there are significant differences between the national samples ( $p < .001$ ).

<sup>20</sup> Differences between the national samples may derive from the fact that prisoners did not consistently include or exclude remand in custody during the proceedings leading to the current sentence, which some comments on the questionnaires suggest. The data however do not allow for definitive statements.

**Tab. 3: Previous and current experiences of incarceration**

	<b>Current determinate prison term in months: Mean (SD)</b>	<b>Previous incarceration (%)</b>	<b>Time served of current sentence in months: Mean (SD)</b>
<b>Belgium</b>	202,7 (123,1)	58,5	86,9 (54,7)
<b>Denmark</b>	108,1 (43,6)	58,4	51,9 (41,4)
<b>Germany</b>	107,3 (44,0)	59,4	81,1 (67,1)
<b>England</b>	105,0 (47,5)	42,7	69,0 (61,8)
<b>Finland</b>	114,2 (32,2)	53,8	59,5 (41,0)
<b>France</b>	243,0 (92,1)	35,9	113,2 (67,5)
<b>Croatia</b>	157,8 (64,2)	23,4	76,7 (36,3)
<b>Lithuania</b>	99,9 (38,1)	98,0	58,0 (35,3)
<b>Poland</b>	156,4 (73,8)	56,6	81,7 (47,6)
<b>Sweden</b>	114,1 (46,3)	73,0	49,5 (35,1)
<b>Spain</b>	211,9 (83,6)	57,1	119,1 (70,1)
<b>Total</b>	142,4 (79,1)	59,6	75,0 (55,5)

## 4. Accommodation

The EPR contain detailed recommendations concerning prison accommodation in no. 18. Therefore, the Recommendation on long-term prisoners only holds very few details on accommodation and the prison regime in general.

Essentially humane accommodation should as far as possible protect the prisoner's privacy and fulfil the requirements of health and hygiene. Climatic conditions, the size of the cell, heating and ventilation are to be considered. Also windows have to be large enough for prisoners to be able to read with natural light and for fresh air to get in. If prisoners have to share cells, the rooms should be suitable for that purpose. In particular this means that they have to be large enough depending on the number of prisoners sharing the cell and the time they have to spend locked up.<sup>21</sup> In addition, no. 18.5 of the EPR sets out the rule for accommodation in single cells during the night. Shared cells should be the exception, if it is preferable for the prisoners. The commentary to this recommendation explains that "preferable" means that prisoners have to benefit from joint accommodation. Accommodation in large dormitories can never be preferable in this sense because any benefits for prisoners are outweighed by the inherent disadvantages.<sup>22</sup> In rules 18.6 and 18.7 of the EPR, it is pointed out that only those prisoners may be allocated to joint accommodation who are suitable to associate with one another. Furthermore, they shall be given the choice as far as possible whether they want to share their cell.

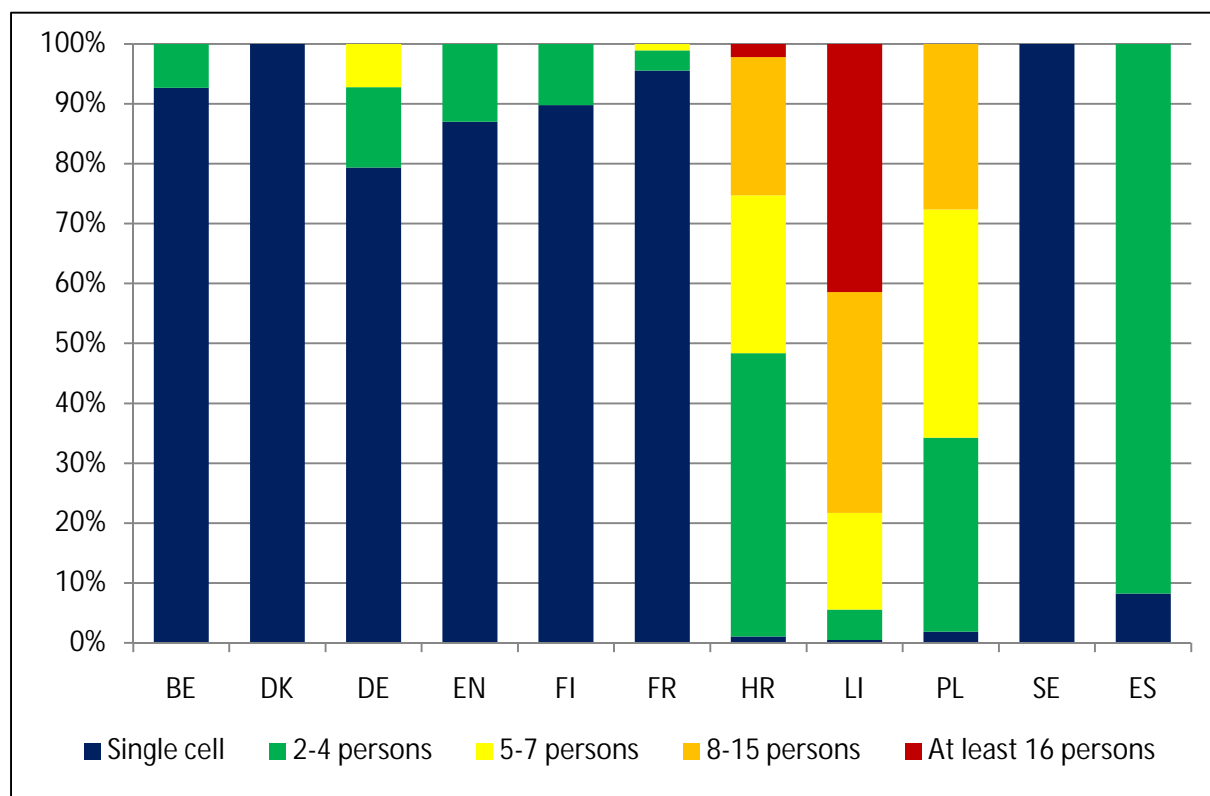
Half of the participants in our survey had a single cell. However, there is also accommodation in very large dormitories; the largest was a dormitory with a total of 43 occupants in Lithuania. Here as well, there are considerable differences between the national samples (Fig. 4). There are some countries where the principle of single cells has already been implemented or is strived towards. At the same time, larger units – still – seem to be the standard in the three

21 Commentary, Rule 18, p. 46.

22 Commentary, Rule 18, p. 47 p.

Eastern European countries Croatia, Lithuania and Poland. In the three Spanish prisons, double cells prevail. An explanation for the situation in Croatia, Lithuania and Poland is obvious: Prior to the fall of the Eastern Bloc in the 1980s and 1990s, prisoners were generally accommodated in dormitories. The amount of construction work that would be necessary to ensure nationwide single accommodation in prison would be a financial *tour de force* that is still very difficult for Eastern European countries because of their weaker economic power compared to Western Europe.

**Fig. 4: Number of prisoners per cell by country (%)**

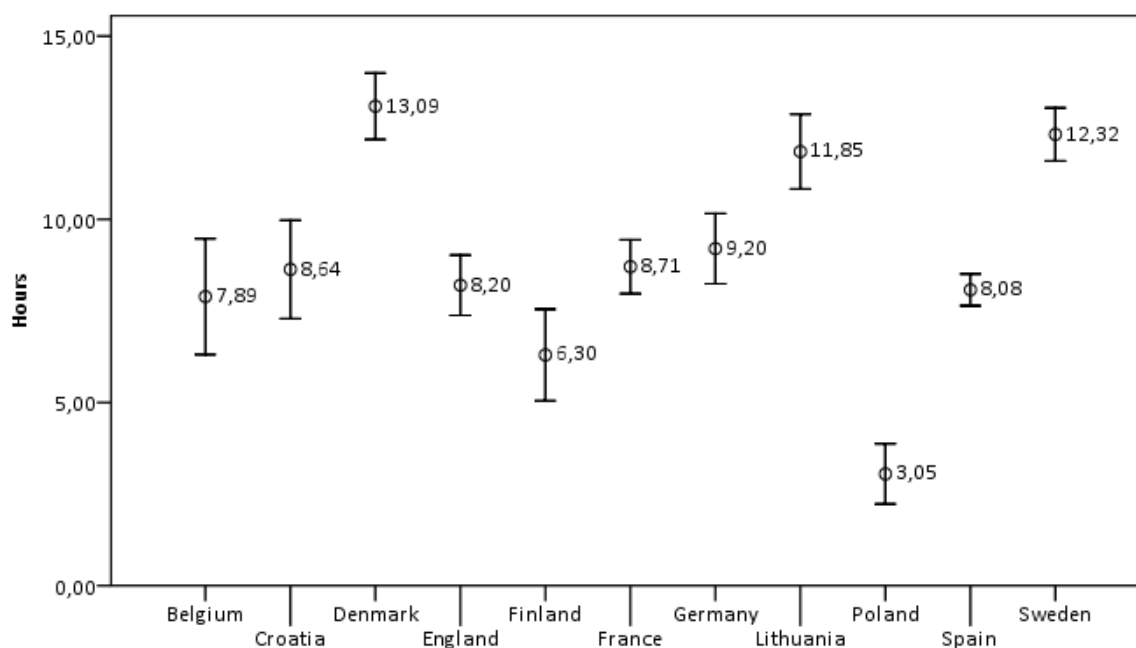


Prisoners were asked if they had enough space in their cell. In total, 43% said yes. It seems that although there is a significant correlation between the number of cellmates and the impression of space (the more cellmates, the less likely to have enough space), this correlation is weaker than one would guess ( $r = -.30$  or rather weighted by the size of the national samples  $r = -.33$ ;  $p < .001$ )<sup>23</sup>.

In this regard, another important influence seems to be the time that prisoners can spend out of their cells every day. In order to measure this criterion, prisoners were asked to indicate how many hours a day they were allowed to spend out of their cell. The means of the national samples are represented in Fig. 5. The national samples differ significantly in this characteristic ( $p < .001$ ). There is actually a correlation that is not very high, but significant between the time out of cell and the feeling of having enough space, indicating that prisoners with longer hours out of cell were more likely to feel they had enough space in their cells ( $r = .21$ , weighted:  $r = .25$ ;  $p < .001$ ).

<sup>23</sup> The correlation coefficient  $r$  ranges between the values of -1 and 1. The positive prefix describes parallel correlation, the negative one an inverse relationship.

**Fig. 5: Daily time out of cell: hours (mean, 95%-confidence interval<sup>24</sup>)**



Concerning the layout of the cell, it is also essential that there is sufficient natural light and that windows are not covered or have opaque glass.<sup>25</sup> Just under one third of the participants indicated that there was not enough natural light to read, the percentages range between 8% in Finland and 48% in Poland. When evaluating these findings, one has to consider that it may not always be possible to observe this rule of the EPR in Northern Europe due to the natural lighting conditions.<sup>26</sup>

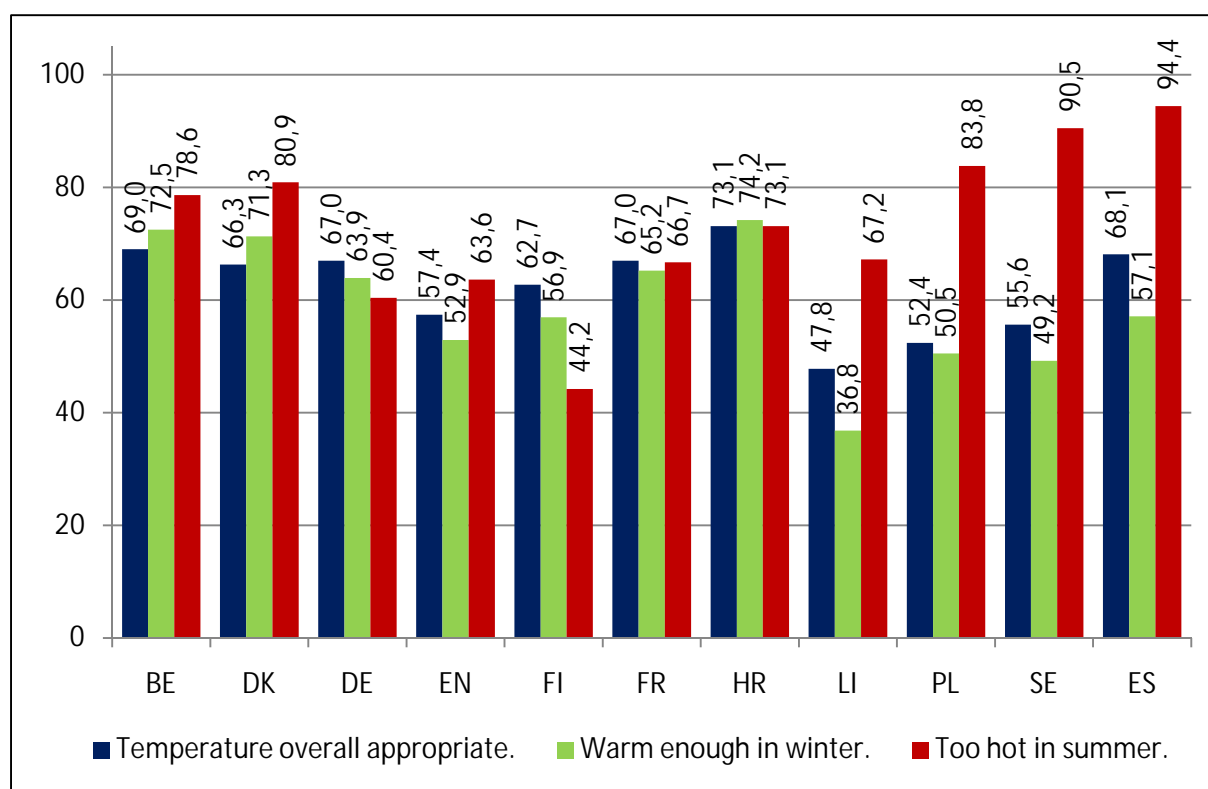
In addition, we wanted to know, if it was possible to look outside, which does not only mean that the windows are not covered, but also that they are not too high and that they are not concealed behind furniture in small cells. About one fifth of the sample could not see through the window into the yard; the percentages in the national sample range between 6% in Sweden and 62% in Poland.

In relation to climatic conditions, there were questions about the appropriateness of the temperature in general and whether it was warm enough in winter and not too hot in summer. The findings are shown in Fig. 6. One has to keep in mind that dormitories are aired quite often, especially if there are smokers, so that it may be too cold in winter, even if in principle there is sufficient heating for keeping the rooms warm. In summer, prisoners face a problem that many people in the community face: there is no air conditioning to adjust the temperature in hot weather. But in contrast to people in the community, prisoners have no other means of escaping the heat. Therefore, it might not only be the heat itself that stresses prisoners, but also the feeling of being at the mercy of the situation.

<sup>24</sup> The confidence interval for the mean is the range of values where the mean can be expected to be located with a given level of certainty.

<sup>25</sup> Commentary, Rule 18, p. 46.

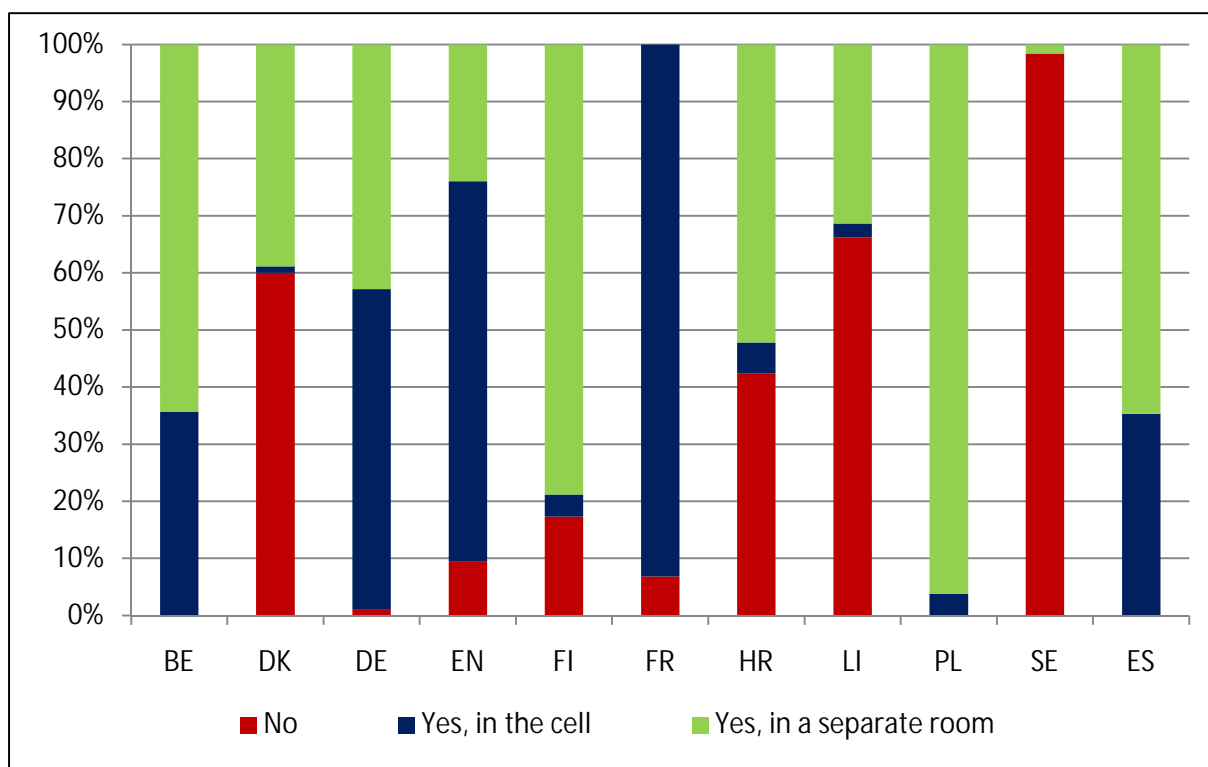
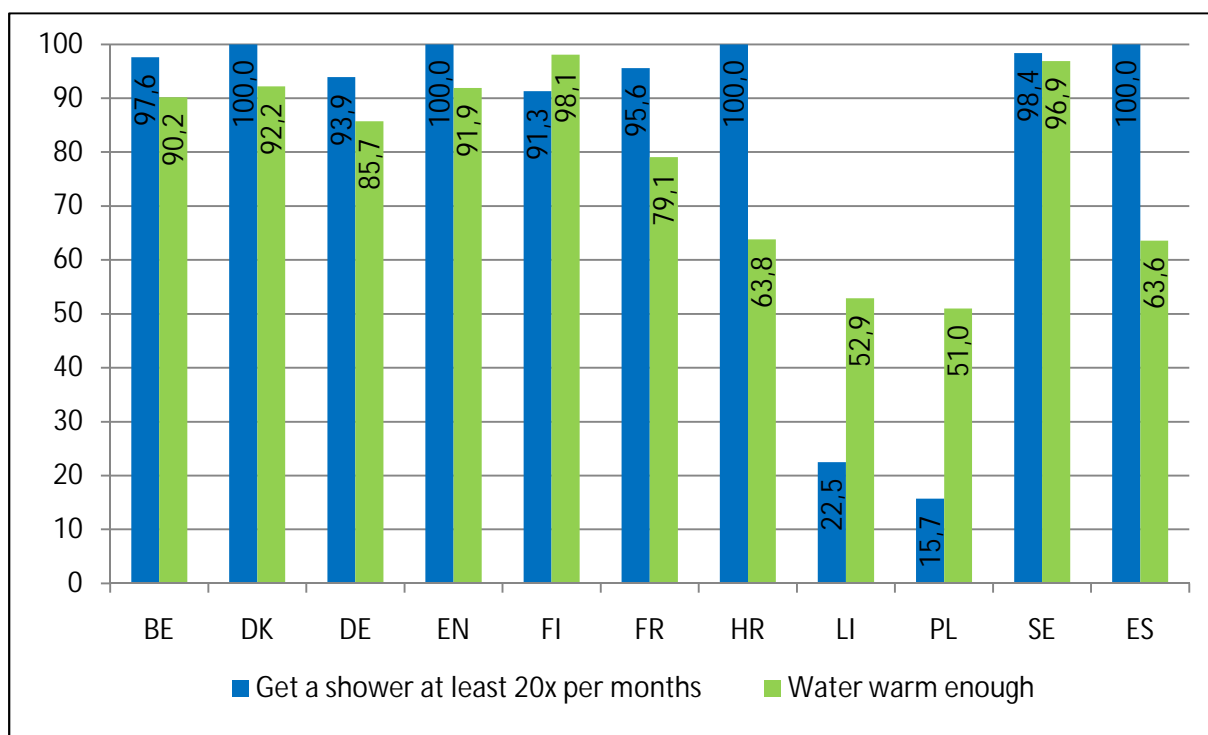
<sup>26</sup> Cf. Commentary, Rule 18, p. 46.

**Fig. 6: Temperature (%)**

Rules about sanitary conditions are set out in no. 19 of the EPR. It states that prisoners shall at all times have access to hygienic sanitary facilities, which respect privacy and that they shall be given the opportunity to take a shower or a bath in adequate facilities preferably daily, but at least two times a week.

Overall, 69.4% of the participants had a lavatory in or adjacent to their cell. 61.4% of these indicated that this toilet was in a separate room, the other 38.6% answered that it was in the cell itself. A quarter of the prisoners whose cell did not contain a lavatory indicated that they did not have ready access to a toilet. Fig. 7 shows that there are considerable differences between the national samples. In the light of the standards set in the EPR it is to be welcomed that a large part of the participants has got access to sanitary facilities in their cell. But one has to bear in mind that this arrangement may be problematic for prisoners in dormitories. Where there is only one toilet for a large dormitory, this may often be insufficient depending on the actual number of inhabitants. Thus, there is a possible source of conflict and controlling access to the lavatory may result in the bullying of cellmates.

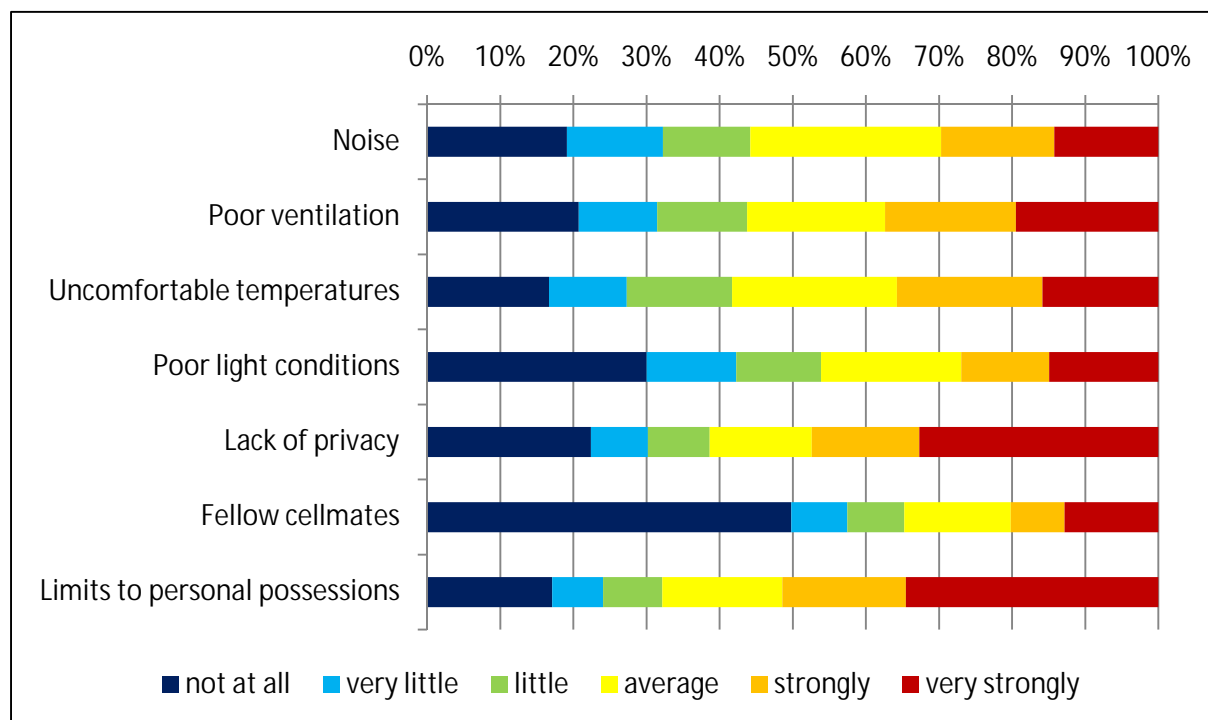
Concerning taking a shower or a bath, 74% of the sample stated that they could do this daily or at least as often as they wanted to. However, a fifth of the participants could only shower four times a month. The minimum was once a month and six prisoners stated this. It is crucial for prisoners who work to have access to a shower at least after work because most of their work is physically demanding. Based on 20 work days a month, three quarters of the sample had this possibility. Also about three quarters stated that they thought the water was warm enough (Fig. 8).

**Fig. 7: Do you have a lavatory in your cell? (%)****Fig. 8: Sanitary facilities (%)**

At the end of the section on accommodation, participants were asked to indicate how much they were stressed by certain features of their accommodation (6-point Likert scale, 1 = not at all, 2 = very little, 3 = little, 4 = average, 5 = strongly, 6 = very strongly). The results for the

whole sample are presented in Fig. 9. It should be kept in mind that there is a significant correlation between the stress caused by fellow cellmates and the number of cellmates ( $r = .52$ ;  $p < .001$ ) and also between the stress caused by lack of privacy and the number of cellmates ( $r = .28$ ;  $p < .001$ ), as could be expected. But the different values of these correlations show that prisoners are not only disturbed in their privacy by other prisoners. This item presumably also included stress caused by staff control.

**Fig. 9: Stressed by ... (6-point Likert scale, %)**



## 5. Activities

Filling time with meaningful activities is especially important for long-term prisoners for it to pass.<sup>27</sup> Work and education, recreational activities as well as contacts with the outside world are essential as purposeful pastimes. But according to the Recommendation on long-term prisoners, they have other functions as well: Work and education are meant to prepare for life after release, leisure time activities and contacts with the outside are supposed to prevent or counteract the damaging effects of long-term imprisonment. It is important that prisoners are given opportunities for personal choices in as many parts of everyday life as possible (no. 21). The EPR provide more detailed rules on activities. Concerning the regime, there is a general recommendation in no. 25 of the EPR stating that prisoners shall be offered a balanced programme of activities.

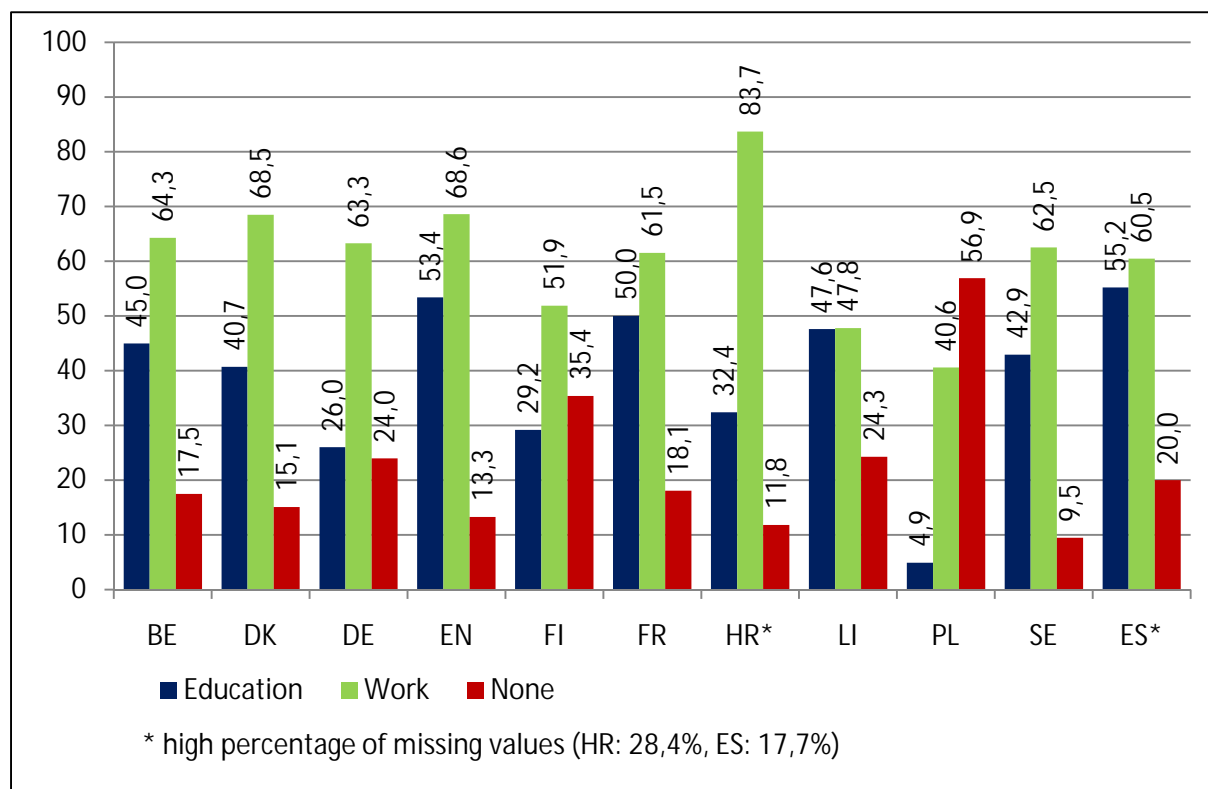
### 5.1 Education and Work

More than three quarters of the participants took part in education and training or work or did both. Just under 40% attended education programmes, vocational training or other training courses, just under 60% worked (Fig. 10). The findings from Croatia and Poland are striking. While 84% of the Croatian participants indicated that they were working (valid percent; high

<sup>27</sup> CPT 2001, § 33; Report, Rule 10, § 50.

percentage of missing values: 28.4%), 57% of the Polish participants neither worked nor attended education. It seems that the two Croatian prisons that took part in this survey were quite good at providing work for their prisoners. The two Polish prisons however seem to have had problems making work or similar activities available to prisoners.

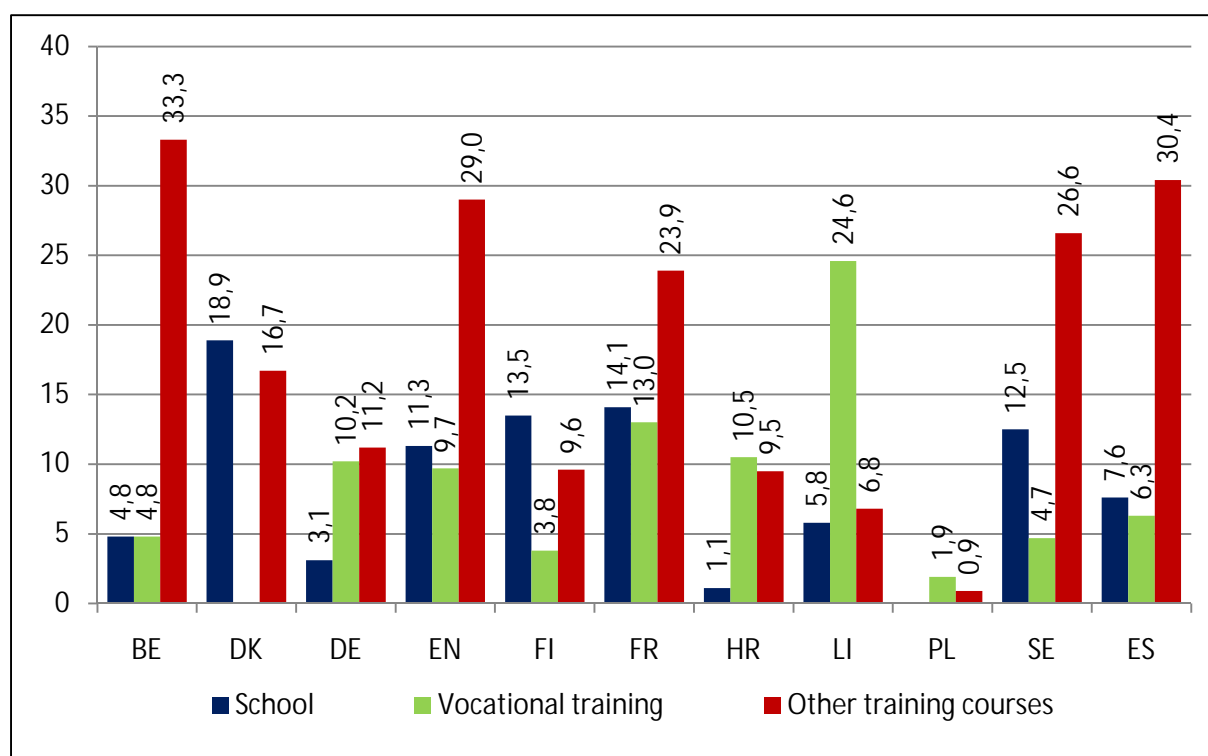
**Fig. 10: Work and education by country (multiple answers, %)**



Rules on education and training may be found in no. 28 of the EPR. It states that every prison shall provide access to comprehensive educational programmes. Prisoners' individual needs as well as their aspirations shall be taken into account. Priority shall be given to prisoners with difficulties in reading, writing and numeracy and to those in need of basic and vocational education. In addition, no. 26.5 of the EPR states that vocational training especially for young prisoners has to be provided.

Our questions about education and training include the three categories "school", "vocational training" and "other training courses". The prisoners were asked to classify their courses in these categories. As their classification was not always clear and as some participants named more than one course in one category, the three categories were understood broadly for data input in order to incorporate as much information as possible. "School" contains not only different levels of qualifications, but also single subjects, and there are also educational and vocational measures amongst the "other training courses". Bearing this in mind, 83 prisoners (7.9% of the whole sample) named a measure related to school, 109 mentioned a vocational training (10.4%) and 168 some other training course (16%).

Fig. 11 shows the percentages of prisoners in training in the national samples. It has to be pointed out that it was possible to give multiple answers. The most remarkable findings are the large proportion of Lithuanian prisoners doing a vocational training and the high percentages of prisoners from Belgium, England, France, Sweden and Spain doing some other training course. This last result is mainly due to participation in distance university courses (see below for details).

**Fig. 11: Ongoing education and training (multiple answers, %)**

Participants gave a wide range of courses: for school including those activities coded as “other training courses”, most of the interviewees stated a general entrance qualification for university (29 in total), 24 aimed for graduation after ten years of school, 18 did a course in the domestic language<sup>28</sup> and 17 a course in a foreign language. Twelve prisoners took some other subject and four a class in literacy and numeracy. The most frequent vocational training courses including those counted as “other training courses” were in metal industries (32 in total, 18 of these welding). 15 prisoners named an electro-technical vocation, 14 gardening or farming, twelve construction and eight catering. Among the other courses, the ones named most frequently were university courses (53) and computer courses (44). Among the many more course that were listed infrequently were for instance preparation for professional life, handicrafts, book-keeping, administration, arts, and house-keeping.

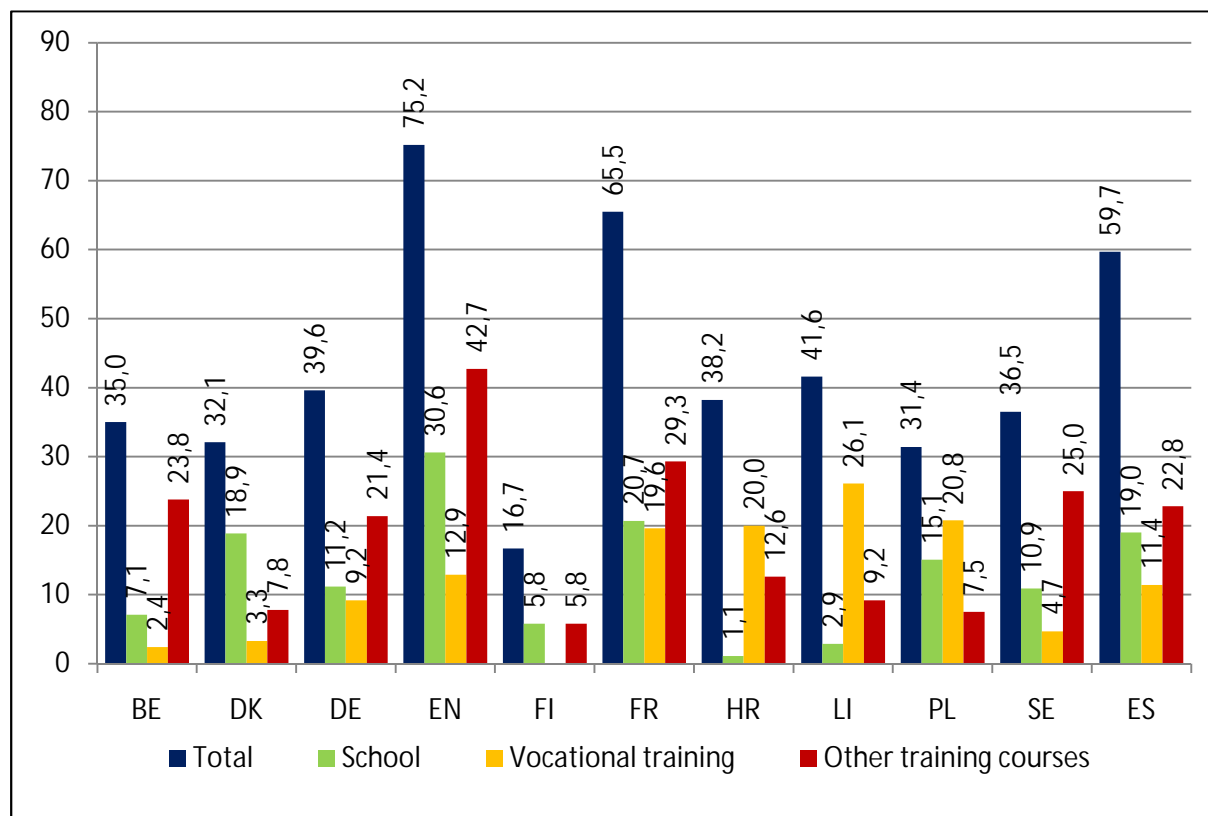
Furthermore, prisoners were asked if they had already completed some education or training during their period of incarceration. 45% stated they had. Here, participants could also indicate school courses, vocational training and other training courses and there were the same problems with the classification of the answers as for the question about ongoing education and training. 13% completed some school course, just below 15% a vocational training and 18.5% some other training course. The respective percentages in the national samples are presented in Fig. 12. The courses listed and their frequency are about the same as for ongoing education and training.

The high proportion of participants from France and Spain who had already completed an education or training may relate to the time served of the current sentence. While the mean for the whole sample is about six years, the French participants had on average already served nine and a half years, the Spanish almost ten. Therefore, the French and Spanish participants had had more time to engage in these activities. The high percentage of English participants

<sup>28</sup> It was not possible to distinguish between the different levels of language courses. Thus, “domestic language” includes alphabetisation classes.

who completed some training is not due to the time served, which is less than for the whole sample. But the participation in education and training is relevant in the incentives and earned privileges scheme.<sup>29</sup>

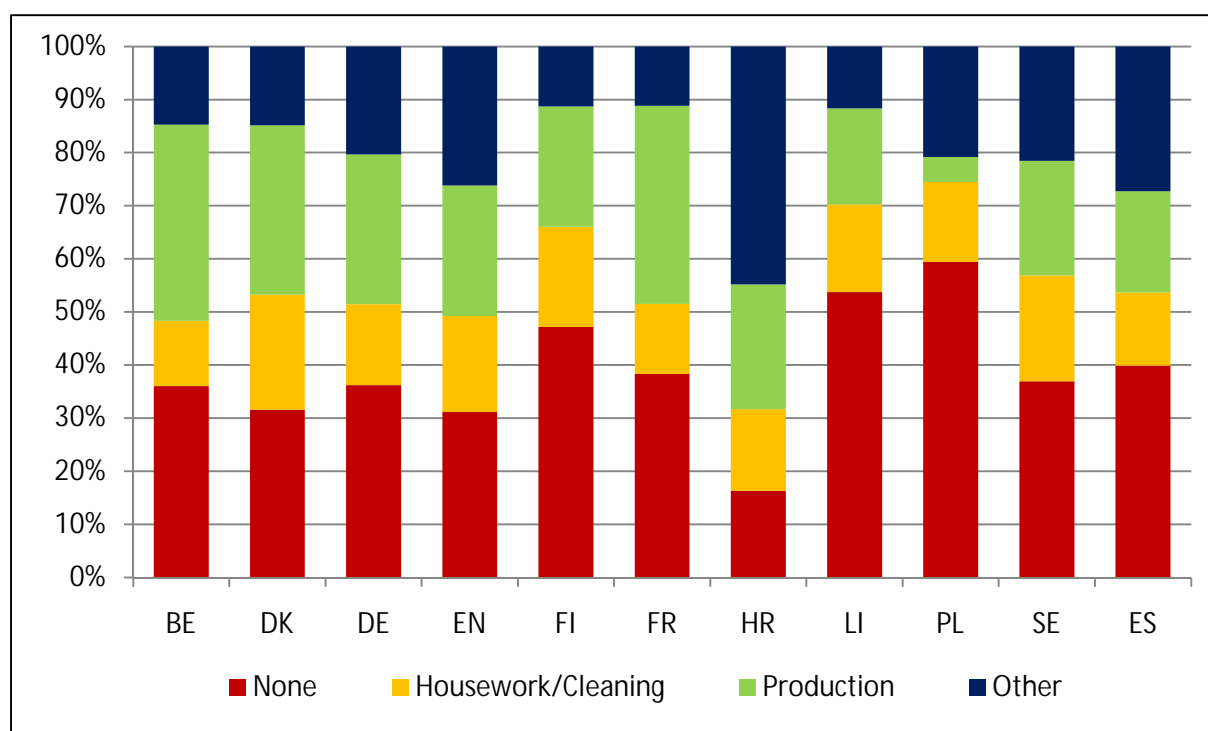
**Fig. 12: Completed education and training (multiple answers, %)**



Concerning prison work, no. 26.1 of the EPR states that it is a positive element of the prison regime that should never be used as a punishment. Prison authorities are requested to provide sufficient and meaningful work that supports the prisoners' ability to earn their living after release. Further, work in prison shall resemble as closely as possible similar work in the community, including work patterns, in order to prepare prisoners for the conditions of normal occupational life. There shall be equitable remuneration for the work and prisoners shall be allowed to spend at least part of their earnings on personal possessions and on support for their families.

In our survey work was classified as "housework/cleaning", "production" and "other work". Participants were asked to name their occupation in the appropriate category and to indicate their weekly working time and whether or not they were paid for their work. Fig. 13 shows the percentage of prisoners working in the institution and the type of work in the national samples.

<sup>29</sup> Cf. Prison Service Order 4000 (Incentives and Earned Privileges), no. 3.12.

**Fig. 13: Work in prison (%)**

The range of jobs in production and other work is as diverse as the education and training courses because only the category housework (134 prisoners) was kept narrow. The most frequent answer in the category production was piecework: 57 of the 209 production workers stated that they were either putting products together, taking them apart, or packaging them depending on the nature of the order. Five prisoners worked in aviation industries, three in mattress production; these jobs are also more likely to be piecework than some kind of qualified vocation. Another large group of 37 participants worked in metal industries (e. g. welding, tool making, fitter, and smith). Woodworking (e. g. carpenter), gardening and farming as well as tailoring were named frequently as well. National deviations from this pattern can be found in Croatia where there was no piecework, but mainly metal industries and woodworking (similar in Lithuania), in Denmark where gardening and farming were named most frequently, also in England with a lot of participants working in gardening, and in Germany where prisoners named tailoring most frequently.

Among “other work”, the most frequently named jobs were maintenance or utility services, for instance in the kitchen (67 of 199) and in the laundry (21). This category comprises as diverse activities as working in the library, occupational therapy, prison newsletter, stores, shoemaking, religious acolyte, producing audio books, assistant teacher and trainer for sports. There were deviations in the most frequent occupations in the national samples of France where work in the library was named most frequently, in Lithuania where most prisoners worked in the heating plant and in Denmark with painting and decorating as the most frequent “other work”.

Tab. 4 shows the means as well as minima and maxima of working hours in all categories and the percentage of participants who were paid for their work. Most noticeably, not all prisoners always indicated that they were paid for their work, which is contrary to the international recommendations. Those who were not paid are only a small group amongst the working prisoners (37 of 619 = 6%). There is no difference in the kind of occupations between those prisoners who were remunerated and those who were not. With regard to the weekly working

hours, it is noticeable that the unpaid workers worked shorter hours than the average working time of the corresponding national sample in the respective category of work, but not all unpaid workers always had the shortest working hours. In addition, some participants stated working hours well above average. Thus, one cannot derive an explanation from the actual occupation and the working time as to why these prisoners were not paid. One explanation could be that some participants expressed their unhappiness about low wages with a “no” to this question.

Particularities in this regard apply for the Polish and the Spanish sub-sample: According to the Polish Code on the Execution of Sentences, prison work is in principle remunerated (art. 123), but prisoners may consent to engage in unpaid housework in the prison or for the prison administration for a period of up to 90 hours a month (art. 123a). In Spain, housework and cleaning were not remunerated until an amendment in the law in March 2009, after the data collection of this survey. However, prisoners who did this kind of work received other incentives. These particularities may explain the low percentages of paid workers in these sub-samples among house workers and those doing some other kind of work (utility services).

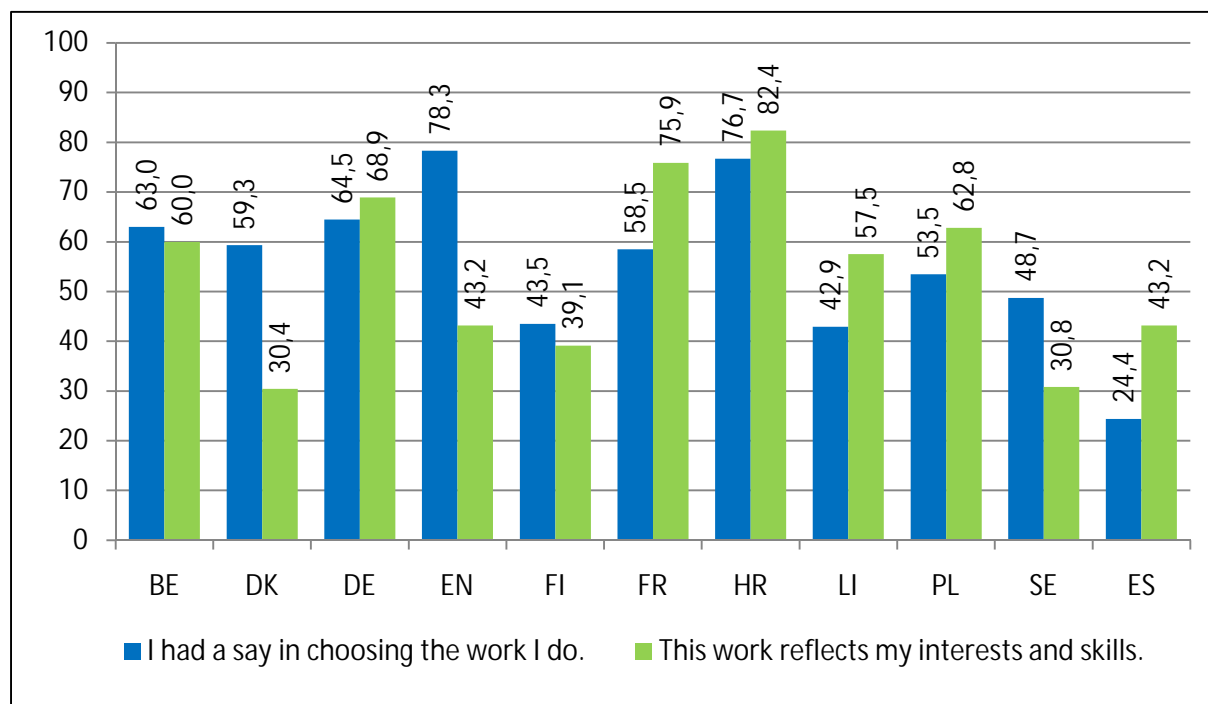
In addition, it is striking that although the average working time mostly resembles that in the community, there also seem to be very short and very long working hours. A short working time cannot be explained with a lack of jobs alone because there is no national sample where there are only short working hours in one category or another. Concerning house workers and cleaners, two explanations for extreme working hours are plausible: A very short working time may be due to the fact that some participants put down the time they spent cleaning their own cell, which may very well take a few hours per week. Very long working hours may be based on the perception that as a house worker or a cleaner you are on duty 24/7 and not only during the normal working time. Regarding production and other work, such general explanations are not obvious. Short working hours may be due to prisoners participating in either education, training or treatment programmes. The data does not provide an explanation for working hours above the average or longer than is customary in the respective country. If they had any relationship with reality, they are to be ruled out categorically, and this not only because they are not in accordance with the EPR, but also because with a reduction more jobs might be offered.

**Tab. 4: Working time and remuneration**

Country	Housework		Production		Other work	
	Working time	Paid (%)	Working time	Paid (%)	Working time	Paid (%)
<b>Belgium</b>	14,7 (4-32)	100,0	29,9 (20-40)	100,0	42,0 (20-60)	100,0
<b>Denmark</b>	32,0 (3,5-47)	100,0	32,2 (6-37)	100,0	36,5 (25-50)	100,0
<b>Germany</b>	40,0 (20-56)	100,0	36,9 (30-40)	100,0	37,7 (20-49)	95,0
<b>England</b>	31,3 (3-96)	100,0	24,8 (1-42)	100,0	21,1 (2,5-40)	100,0
<b>Finland</b>	41,7 (8-60)	90,0	32,1 (20-40)	100,0	28,8 (20-35)	100,0
<b>France</b>	26,7 (7-50)	90,9	27,7 (5-35)	97,0	23,2 (10-35)	60,0
<b>Croatia</b>	40,3 (16-52)	92,3	40,0 (38,5-42)	100,0	41,2 (4-58)	100,0
<b>Lithuania</b>	25,0 (1-56)	90,0	39,3 (8-80)	97,0	36,6 (5-70)	100,0
<b>Poland</b>	19,0 (1,5-60)	43,8	32,3 (20-38,5)	80,0	30,0 (7-42)	77,3
<b>Sweden</b>	33,3 (7-40)	100,0	31,3 (20-40)	100,0	25,9 (6-38)	100,0
<b>Spain</b>	21,6 (4-40)	55,6	23,8 (17-40)	84,6	25,8 (8-40)	83,3

It has already been pointed out that a means of reducing the adverse effects of imprisonment is to provide prisoners with as many opportunities as possible for personal choice in order to avoid the loss of autonomy and creating a feeling of a lack of control.<sup>30</sup> Work is one part of daily life where there may and can be such opportunities for choice. Participants were therefore asked to indicate if they had any influence in choosing their work and if their job reflected their interests and skills. Findings are presented in Fig. 14.

**Fig. 14: Assignment of work: prisoners' influence and interest (%)**



There is a correlation between these two questions: Prisoners who indicated that they had had influence in choosing their work were more likely to state that they were interested in the job they did ( $r = .39$ , resp.  $r = .40$ , if weighted by size of the national sample;  $p < .001$ ). In the national samples, the correlation varies; Sweden and Spain have the highest ( $r = .60$ ,  $p < .001$ ), Croatia ( $r = .29$ ,  $p = .05$ ) and Poland ( $r = .34$ ,  $p = .05$ ) the lowest. In the Danish sub-sample, there is no significant correlation. These differences may mirror the variations in the range of jobs on offer in the institutions because even though prisoners may have a choice from a small selection, it is possible that the selection as a whole does not reflect prisoners' interests and skills.

## 5.2 Recreation and Exercise

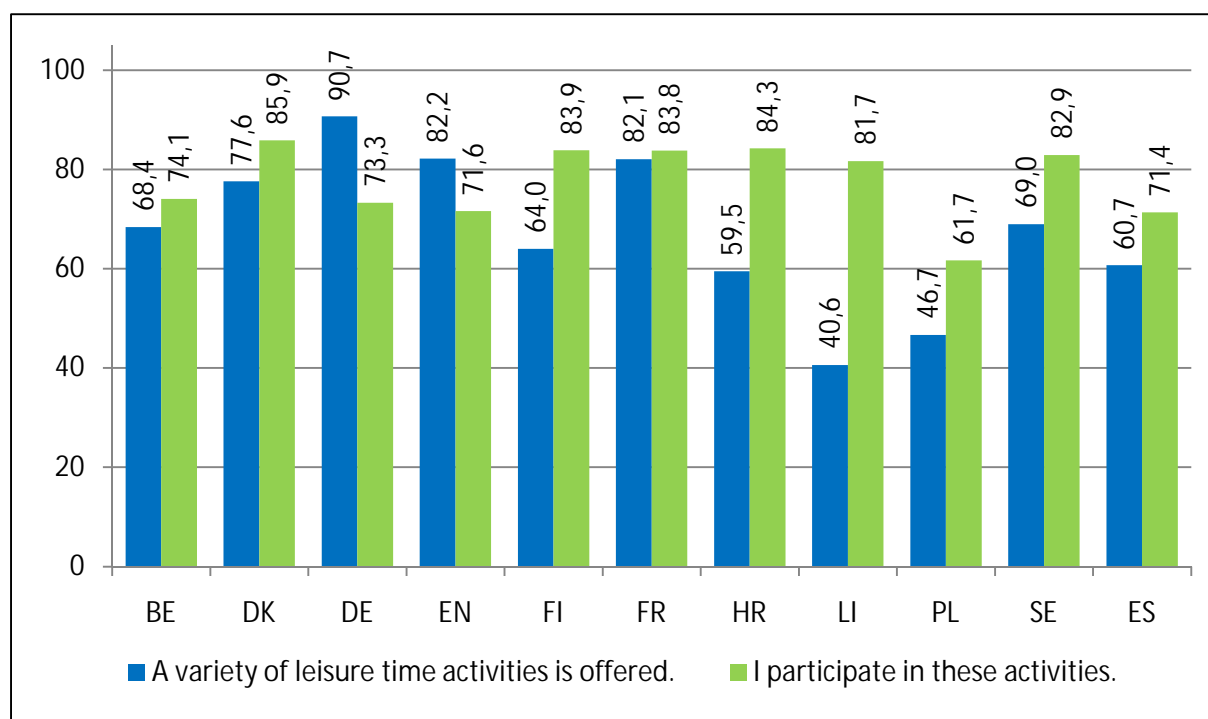
Rule no. 27 of the EPR deals with exercise and recreation and makes recommendations on how leisure time is organized. Prisoners shall be given the opportunity to get exercise in fresh air for at least one hour a day and there have to be alternative arrangements in bad weather. An adequate choice of sports and recreational opportunities has to be provided e. g. by providing installations and equipment. Other leisure activities like games, cultural activities and hobbies shall be provided as well. Prisoners shall be allowed to organize these themselves as

<sup>30</sup> Cf. Report, §§ 91 pp., 98; van Zyl Smit/Snacken 2009, p. 53 pp.

far as possible. In addition, prisoners shall be allowed to associate with each other during exercise and during other leisure time activities.

In this survey, prisoners were asked to state whether the institution offered any leisure activities and if yes, whether they participated (Fig. 15). One could guess that there is a correlation between the participation in leisure activities and the length of the daily time out of cell because prisoners with more time out of cell have an increased opportunity to make use of any offers. There is actually a significant although weak correlation ( $r = .14$  resp.  $r = .17$ , if weighted by size of the national sample,  $p = .001$ ).

**Fig. 15: Recreational offerings (%)**

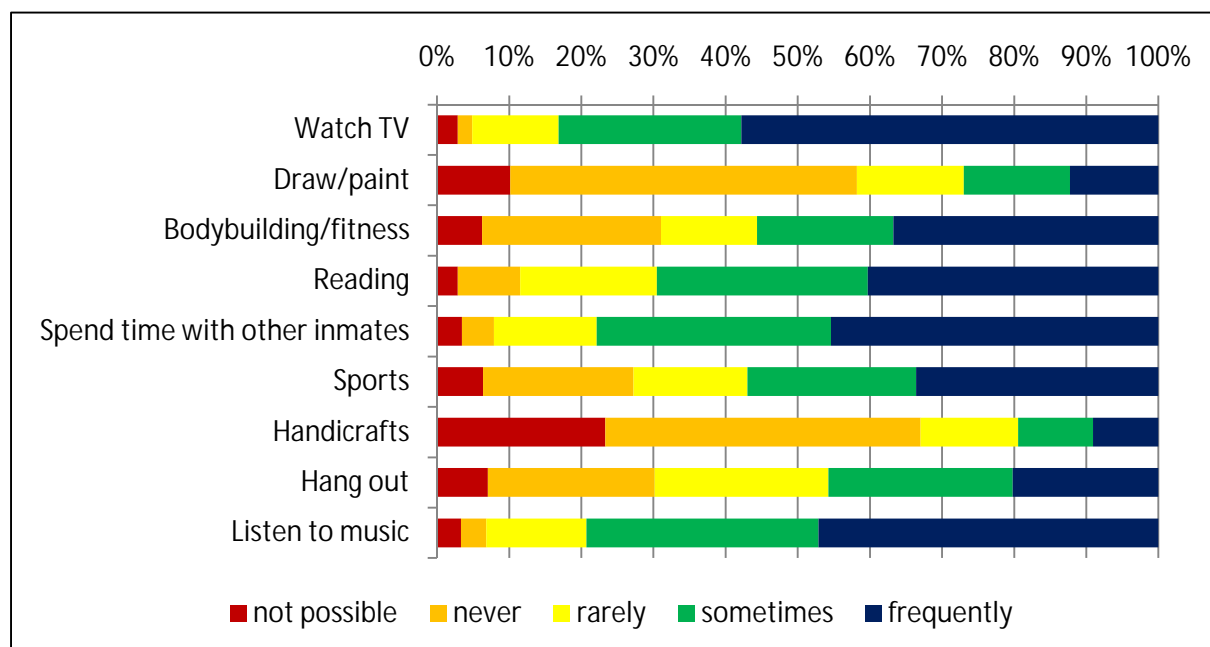


To get an overview of the participants' recreational behaviour, they were asked which leisure activities they would typically engage in and how often (5-point Likert scale: 1 = not possible, 2 = never, 3 = rarely, 4 = sometimes, 5 = frequently; Fig. 16). A large proportion of the participants indicated that they would frequently engage in more passive pastimes like watching TV or listening to music. Most of them never or rarely took part in creative activities like drawing or handicrafts, although it has to be kept in mind that a relatively high percentage answered that this was not possible in their prison. This is noteworthy since these two hobbies do not depend on the purchase of expensive equipment like watching TV or listening to music.

With regard to all set categories of leisure activities the national samples differ significantly, although there is no conclusive pattern. Especially the obvious assumption cannot be confirmed that prisoners from Croatia, Lithuania and Poland where economic conditions are – even – worse than in the other countries, watch TV or listen to music less often. Only Croatia – and France – differ from the whole sample for watching TV (MD total = 5, MD Croatia and France = 4). The high percentages of Polish and Lithuanian participants who frequently watch TV (LI: 62%; PL: 54%) and listen to music (LI: 52%; PL: 42%) may in part be explained with joint accommodation because it is achieved if only one cellmate owns the equipment. Moreover, you hardly can escape TV or music that is on in a dormitory. Another obvious as-

sumption also cannot be confirmed: The frequency of spending time with other prisoners does not increase with the number of cellmates. But there is a significant although weak correlation between this activity and the length of daily time out of cell ( $r = .13$  resp.  $r = .16$  weighted,  $p = .001$ ). Participants seem to have differentiated between forced and voluntary association.

**Fig. 16: Leisure time activities (5-point Likert scale)**



Besides these typical leisure activities, we also asked about other activities in an open question. There were 310 answers in total by 241 prisoners. The ten activities named most frequently are: playing games (33), learning/studying (30), writing letters (29), being on the computer (24), making music (23), cooking (19), playing video games (17), going for a walk (15), making telephone calls (13), and playing billiards or darts (10). Among the activities named only sporadically, are e. g. working on the prison newsletter, taking care of plants or animals, religion, crossword puzzles and studying prison law. Participants spent on average 4.9 hours a day on leisure activities, ranging between 3.8 hours in England and 6.1 hours in Lithuania. The national samples differ significantly in this regard ( $p < .001$ ).

372 participants answered the question on what they would like to see on offer as leisure activities. The desire for more opportunities for sports stands out, among the 440 answers it was put down 157 times. Above all, prisoners asked for certain types of sport like football or volleyball, but also for sports facilities like a gym or a running track. Far less often participants named a desire for more creative activities (e. g. theatre group or band, 45) and for more educational opportunities. In addition, they quite frequently stated that they would like to spend more time out of doors, to receive more visits, to have an overall wider range of leisure activities and the possibility of day release.

In most of the national samples, there is a similar ranking of requests. One has to keep in mind that even the most frequently named requests remain sporadic because of the wide range of wishes in the samples and the relatively large number of missing answers. There were differences in England where “more visits” was among the three most frequent wishes; in France with more creative activities, more cultural activities and more conversation groups with people from outside as the three most frequent wishes; in Lithuania with billiards in second place; in Poland with spending more time outdoors and more visits in second and third; and in Bel-

gium with getting day releases in second place. To what extent these wishes reflect actual deprivation cannot be derived from the present data. The wishes for more visits probably result from the fact that there are no possibilities for intimate family visits in England and Poland, whereas the prisoners do know that this is possible in other European countries. The wishes for more time out of doors expressed by Polish participants may as well be due to the very short time out of cell (see above Fig. 5).

### 5.3 Contact with the Outside World

Having regard to contacts with the outside world, the main, but not the only point is contact with family that is protected by art. 8 ECHR (Right to respect for private and family life). The Recommendation on long-term prisoners classifies the protection of family ties as particularly important when it comes to preventing the damaging effects of prison life. For no. 22 states that “special efforts should be made to prevent the breakdown of family ties”. Amongst other things, correspondence, telephone calls and visits should therefore be allowed as frequently as possible and with as much privacy as possible, but safety and security needs may justify measures restricting these. Beyond that, the EPR state that prisoners should also be granted contact (correspondence, telephone calls and other means of communication as well as visits) with other persons as often as possible (no. 24.1). In addition, the commentary for rule no. 24 of the EPR states that “family” should be broadly understood and that it includes persons who are as close as family members to the prisoners even though the relationship may not have been formalised.<sup>31</sup> As far as the prisoners’ contact with their families is concerned, one has to take into consideration that not only the rights of the prisoners are affected, but also those of their family members. Thus, rule no. 24.4 of the EPR determines that the arrangements for visits are supposed to be such as to allow prisoners to maintain and develop their family ties in a manner as normal as possible. In the commentary, it is expressly pointed out that this means the provision for long intimate family visits.<sup>32</sup>

In the survey, there were questions about the frequency of the most important forms of contact with the outside world irrespective of the contact person (Fig. 17). With the data at hand, we were not able to affirm the assumption that prisoners who had already served longer parts of their sentence had less frequent contacts to the outside. The same is true for the assumption that prisoners with children or in a relationship receive more visits.

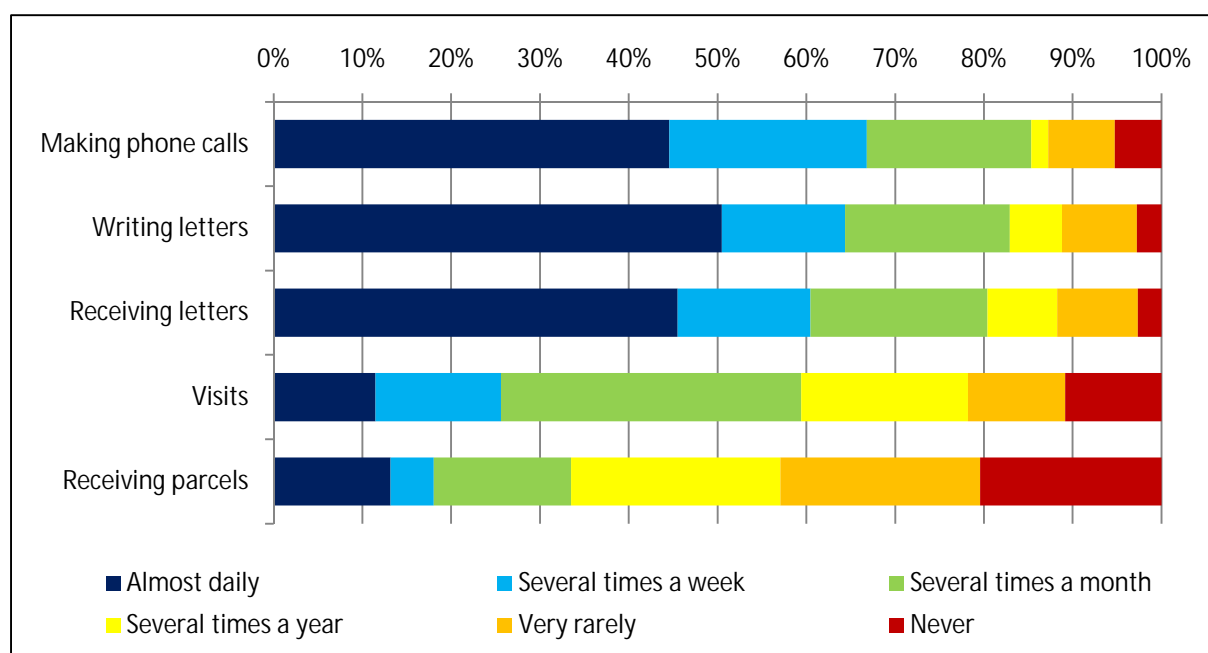
There are significant differences in the national samples for all forms of contact. Amongst other things this is due to different legal provisions and their implementation. The Danish prisons in this survey for example in general have a generous practice concerning visits. One open and semi-open institution reported that prisoners were allowed to have visitors on five days a week and up to five hours a week.

Moreover, the amount of time a prisoner has for maintaining contacts with people on the outside could be significant, thus how much time they have apart from education, work, leisure activities and treatment. Furthermore, the location in terms of the distance visitors may have to travel and in terms of public transport infrastructure may influence the amount of visits a prisoner receives.

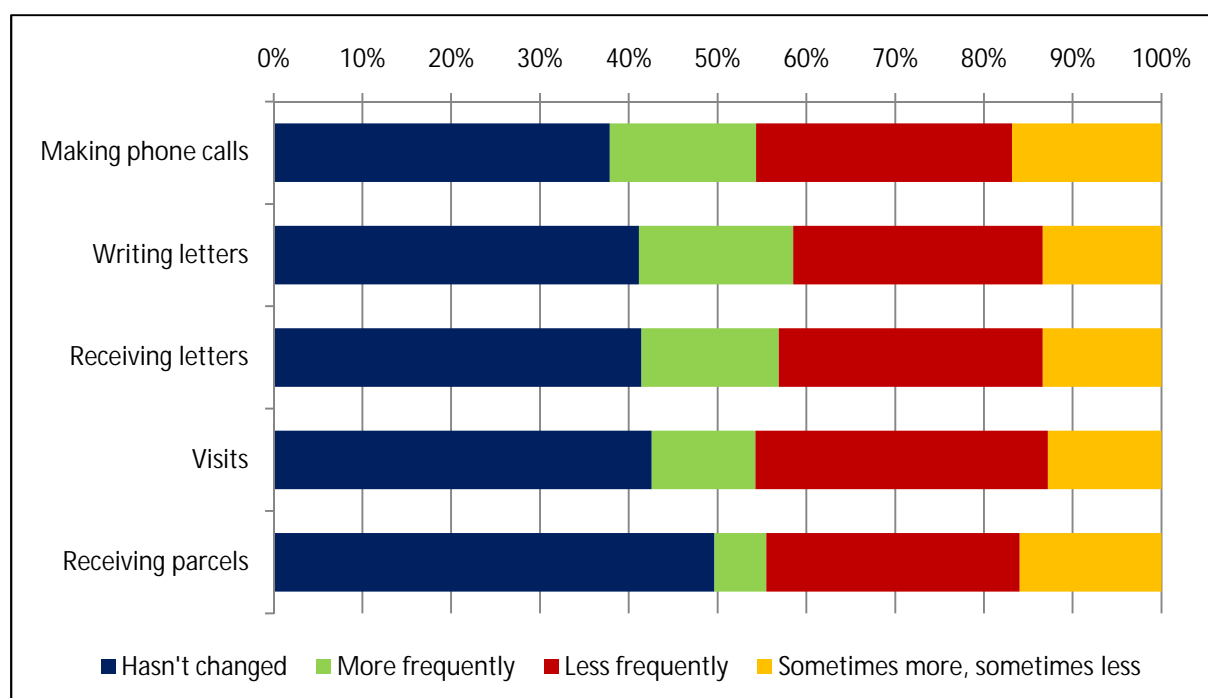
---

31 Commentary, Rule 24, p. 52.

32 Commentary, Rule 24, p. 53 p.

**Fig. 17: Current contacts (%)**

Concerning the findings for the development of the frequency of contacts since incarceration (Fig. 18), it is remarkable that those who indicated that nothing has changed constitute the largest proportion for each form of contact. The second largest part are always those who indicated that contacts have become less frequent.

**Fig. 18: Development of contacts (%)**

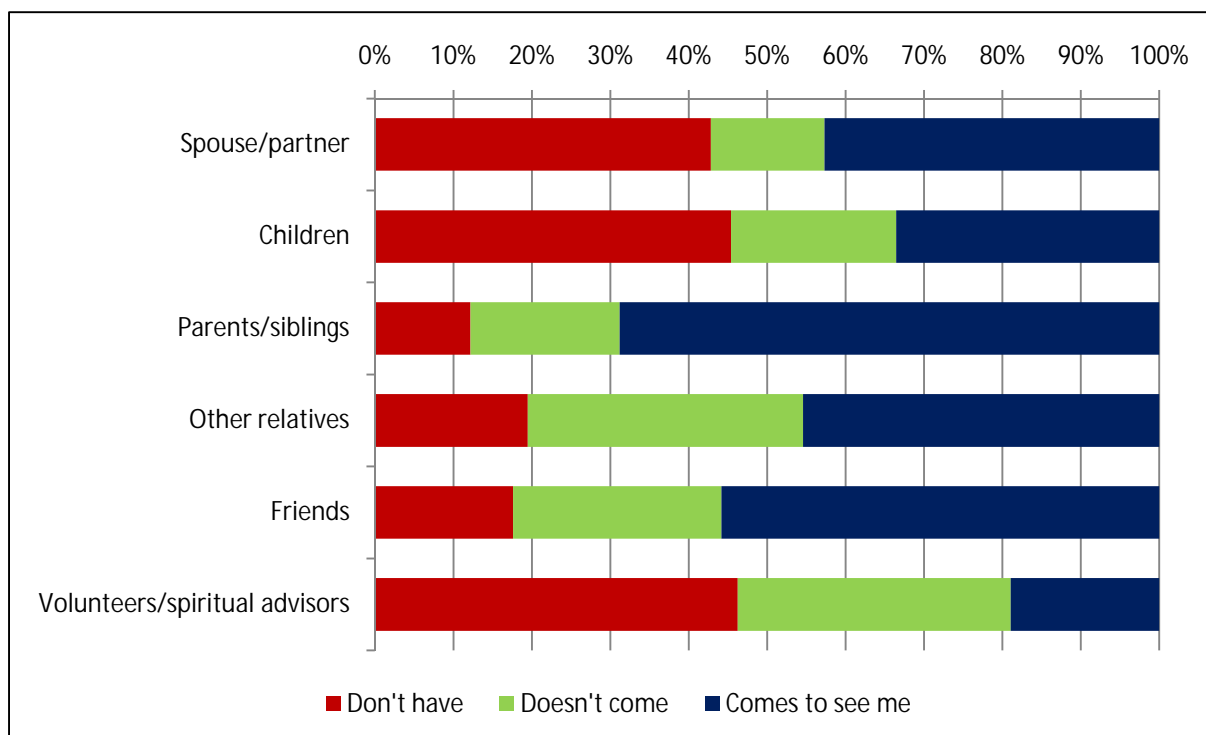
With regard to the question who the visitors were, it should be kept in mind that there are relatively few answers; there are 22% (children) to 44% (spiritual advisors and volunteers) missing answers. This might be due to the complicated table in which prisoners were asked to

indicate their answers. Another reason may be that some prisoners did not answer if that particular group of visitors did not have any significance for them, rather than indicating “does not apply”. This is suggested by the large number of missing answers for the question on volunteers and spiritual advisors.

A remarkable finding (Fig. 19) is that parents and siblings are the most important group of visitors (69% of the valid answers, resp. 53% of the whole sample). This also explains why there is no correlation between the frequency of current visits and prisoners having a partner or children. The average length of visits varies a lot for the different groups of visitors, but this calculation is based on very few values (between 50 and 320 answers). The longest mean duration of visits of just less than eight hours has been found for spouses and partners. This is due to the fact that prisoners from Denmark, France and Lithuania stated times of up to 48 hours for this group as well as for children and parents or siblings. The median in the whole sample is two hours for this group as for all other visitors except for volunteers and spiritual advisors (MD = 1 hr). French and Lithuanian participants got fewer visits than the whole sample (MD FR and LI = 4/several times a year; MD total = 3/several times a month), but at least visits by family members were on average longer.

Prisoners were also asked whether the number of visits has evolved during their incarceration according to the given groups of visitors. Here, there are also high percentages of missing values (between 32% for parents and 64% for spiritual advisors). The answers differ from those for the question about how the frequency of visits developed in general (see above Fig. 18), but only 14% of the participants did not answer the general question. For all groups of visitors, about 50% indicated that the frequency has not changed (from 47.8% for friends to 65.7% for spiritual advisors). However, between 17.4% (spiritual advisors) and 28.3% (partners) stated that visits have decreased and less than 10% answered that visits have grown more frequently. Overall, the development of visits seems to be negative rather than positive.

**Fig. 19: Visitors (%)**



## 6. Conclusion

The findings presented in this report show that there are to some extent large differences between the participating countries. For all issues raised, there are very positive as well as very negative results with regard to the EPR and the Recommendation on long-term prisoners.

In terms of accommodation, what stands out in a positive way is that half of the participants have an individual cell and that dormitories for eight or more prisoners are overall the exception. Where single cells are not the rule, special attention should be paid to granting prisoners generous times out of cell and to providing them meaningful activities, as offered by both Lithuanian institutions.

For the whole sample, the findings for the questions on sanitary conditions are also quite positive. However, it has to be noted that in particular with joint accommodation, one lavatory in a cell might be insufficient, but this depends on the number of people who share one toilet and how accessible it really is. Furthermore, the opportunity for taking a shower is fairly good in most of the surveyed countries; 75% of the participants can shower at least on weekdays. But particularly in Lithuania and Poland where the conditions are overcrowded due to joint accommodation, only 22.5% (Lithuania) and 15.7% (Poland) of the participants have this possibility.

With regard to education, training and work, one has to remark that a very high percentage of participants was taking part in some sort of education, training or was working. But again, there are considerable differences between the national samples. The lowest percentage of participants who did none of these may be found in Sweden with 9.5%, the highest in Poland with 56.9%. For education and training as well as for work, there are a variety of opportunities on offer. However, a lot of participants do some sort of cleaning or piecework, which are not qualified jobs and neither prepare prisoners well for a professional life in the community. In terms of recreational activities, there are also large differences between the national samples. From 40.6% in Lithuania to 90.7% in Germany were aware of the leisure activities on offer in their prison. A small choice of leisure activities will impinge on prisoners in particular where there are only few other possibilities to spend time in a meaningful way such as in education or work.

When it comes to contacts with the outside world, there is one finding that is worth pointing out in particular: the possibility to have very long family visits of up to 48 hours in Denmark, France and Lithuania. During such long visits prisoners and their relatives have a chance to actually experience family life, which is not possible during short visits of one or two hours in a noisy visiting area.

To sum up there are still marked differences concerning the implementation of human rights in prison in our “common area of freedom, security and justice”, in the European Union. These differences bring about that serving a sentence of the same length in two European Union countries turns into two sanctions differing in severity on account of contrasting prison regimes that result in varying degrees in which personal freedom is curtailed – depending on the extent the curtailment exceeds the mere deprivation of liberty. In order to justify the mutual confidence among EU member states for belonging to a common judicial culture and to have a common, high level of personal rights protection, improvement of the execution of long-term prison sentences is still required.

## References

- American Psychiatric Association* (APA) (2000): Diagnostic and statistical manual of mental disorders (DSM-IV-TR). 4<sup>th</sup> ed. Washington, DC.
- Commentary on Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules. In: Council of Europe (ed., 2006): European Prison Rules. Strasbourg, p. 39-99.
- Drenkhahn, K., Dudeck, M.* (2007): Lebensbedingungen im europäischen Langstrafenvollzug. *Neue Kriminalpolitik* 19, p. 134-138.
- Dudeck, M., Barnow, S., Spitzer, C., Stopsack, M., Gillner, M., Freyberger, H. J.* (2006): The relevance of personality and sexual traumata for sexual offenders in forensic psychiatry. *Psychother Psychosom Med Psychol* 56, p. 147-153.
- Dudeck, M., Spitzer, C., Gillner, M., Freyberger, H. J.* (2007): Dissoziative Erfahrungen während der Straftat bei forensisch-psychiatrischen Patienten – eine Pilotstudie. *Trauma & Gewalt* 1 (2), p. 34-41.
- Dünkel, F.* (2007): Strafvollzug und die Beachtung der Menschenrechte – Eine empirische Analyse anhand des Greifswalder „Mare-Balticum-Prison-Survey“. In: Müller-Dietz, H. et al. (eds.): Festschrift für Heike Jung. Baden-Baden, p. 99-126.
- Dünkel, F.* (2009): International vergleichende Strafvollzugsforschung. In: Schneider, H. J. (ed.): Internationales Handbuch der Kriminologie, vol. 2. Berlin, p. 145-226.
- Dünkel, F., Kestermann, C., Zolondek, J.* (2006): Reader: International Study on Women's Imprisonment – Current situation, demand analysis and “best practice”. Greifswald. Online publication, <http://www.rsf.uni-greifswald.de/duenkel/english/publications/women-in-prison.html>.
- Dünkel, F., Zolondek, J.* (eds., 2010): Internationale Untersuchung zum Frauenvollzug – Bestandsaufnahme, Bedarfsanalyse und „best practice“. In publication.
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)* (2001): 11<sup>th</sup> General Report on the CPT's activities covering the period 1 January to 31 December 2000. CPT/Inf (2001) 16.
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)* (2004): Rapport au Gouvernement de la République française relatif à la visite effectuée en France par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du 11 au 17 juin 2003. CPT/Inf (2004) 6.
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)* (2006): Rapport au Gouvernement de l'Italie relatif à la visite effectuée en Italie par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du 21 novembre au 3 décembre 2004. CPT/Inf (2006) 16.
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)* (2007): Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 7 April 2006 and from 21 to 24 June 2006. CPT/Inf (2007) 32.
- Fazel, S., Danesh, J.* (2002): Serious mental disorder in 23,000 prisoners: a systematic review of 62 surveys. *Lancet* 359, p. 545-550.
- Frädrich, S., Pfäfflin, F.* (2000): Zur Prävalenz von Persönlichkeitsstörungen bei Strafgefangenen. *Recht & Psychiatrie*, p. 95-104.
- Liebling, A.* assisted by *Arnold, H.* (2004): Prisons and their Moral Performance: A Study of Values, Quality and Prison Life. Oxford.
- Liebling, A.* (2009): Moralische Leistung und Auswirkungen von Gefangenschaft. *Neue Kriminalpolitik* 21, p. 14-20.

- Report accompanying the Recommendation Rec (2003) 23 on the Management by Prison Administrations of Life-Sentence and other Long-Term Prisoners. [http://www.coe.int/t/e/legal\\_affairs/legal\\_co-operation/prisons\\_and\\_alternatives/legal\\_instruments/List\\_instruments.asp](http://www.coe.int/t/e/legal_affairs/legal_co-operation/prisons_and_alternatives/legal_instruments/List_instruments.asp).
- Salize, H. J., Dressing, H., Kief, C.* (2007): *Mentally Disordered Persons in European Prison Systems – Needs, Programmes and Outcome (EUPRIS)*. Mannheim: Zentralinstitut für seelische Gesundheit.
- Van Zyl Smit, D.* (2008): Die Durchsetzung europäischer Prinzipien im Strafvollzug – Parallelen zur Abschaffung der Todesstrafe? *GreifRecht* 2008, p. 88-95.
- Van Zyl Smit, D., Snacken, S.* (2009): *Principles of European Prison Law and Policy*. Oxford.
- Zolondek, J.* (2007): *Lebens- und Haftbedingungen im deutschen und europäischen Frauenstrafvollzug*. Mönchengladbach.
- Zolondek, J., Dinkel, F.* (2007): *Lebensbedingungen inhaftierter Frauen im europäischen Vergleich*. In : Kawamura-Reindl, G., Halhuber-Gassner, L., Wichmann, C. (eds.): *Gender Mainstreaming – ein Konzept für die Straffälligenhilfe?* Freiburg i. Br., p. 287-308.
- Zolondek, J., Sakalauskas, G.* (2005): *Strafvollzug und Strafvollzugsrecht in Litauen*. *ZfStrVo* (54), p. 151-157.