

RE-SOCIALISATION OF OFFENDERS IN THE EU: ENHANCING THE ROLE OF THE CIVIL SOCIETY (RE-SOC)

Workstream 1: Imprisonment in Europe

METHODOLOGY FOR DATA COLLECTION AND ANALYSIS

September 2013



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Introduction

The present methodology for the analysis of the policies, institutions and regulations on imprisonment in the target countries includes the following basic components:

- A list of specific issues to be covered for all target countries;
- Recommended sources of information to be consulted and relevant international standards;
- Methodological guidelines on how to collect, analyse and present information;
- A glossary of terms;
- Language and style requirements.

Each project partner will analyse the information collected for its country and summarise the results of the analysis in a country background paper. The analysis will aim to answer specific questions, related to the existence and effectiveness of policies, institutions and legal provisions on imprisonment and re-socialisation:

- What are the similarities and the differences between the target countries in terms of policies, institutions and laws and how do these similarities and differences enhance or hamper the effective re-socialisation of prisoners;
- What are the existing legal and institutional mechanisms for coordinating re-socialisation efforts among different countries;
- What is the role of society implementing re-socialisation measures for offenders in targeted countries.

1. Background information on the project

1.1 Project context

The project “*Re-socialisation of offenders in the EU: enhancing the role of the civil society*” (*RE-SOC*) aims at improving the situation in prisons and the re-socialisation of offenders by exploring three distinct, yet closely related aspects:

- Designing an instrument for regular prison monitoring by using the available and accessible information and designing and piloting a set of indicators.
- Promoting the broader application of alternatives to imprisonment by studying the scope of their application, examining the role of communities and NGOs in their enforcement and collecting best practices.
- Improving the situation of specific groups of vulnerable inmates (e.g. foreigners, drug users, minorities, juvenile offenders) through identification of such groups, examination of their problems, and collection and exchange of best practices for their treatment.

The main objective of the policy, institutional and legal analysis is to produce a comprehensive contextual analysis of the policies, institutions and regulations on imprisonment in the target countries. Five steps will be done in order to implement the project:

- The objective of the first work stream will be to collect and summarise all the relevant information necessary for the implementation of the other activities and to produce a detailed overview of the prison systems in the participating Member States, in particular focusing on the issues covered by WS 2-4.
- The objective of the second work stream will be to study the scope of application of imprisonment compared to the penalties without deprivation of liberty and to identify best practices of alternative criminal sanctions and best practices of involvement of civil society in implementation of alternative sanctions.

- The objective of the third work stream will be aimed at working on recommendations for improving the situation of vulnerable groups of inmates through facilitating the exchange of best practices for measures targeting such groups and best practices involving civil society in implementation of such measures.
- The objective of the fourth work stream will be to design an innovative tool for exercising regular monitoring of the operation of prisons and the situation of inmates.
- The objective of the fifth work stream will be to disseminate the results of the project to all relevant stakeholders and other actors involved in activities related to the prison system.

2. Country report structure and contents

To ensure comprehensiveness and comparability of the analysis, all country reports should follow the structure described below. All sections and subsections have to be filled in. Where there is no relevant information to be reported, this has to be explicitly indicated. The structure of the country report may not be changed by deleting, rearranging or introducing new sections or subsections.

2.1. Introduction: Basic information on imprisonment situation in the country

In this section of the country report, please provide information on the general situation on imprisonment in your country based on available statistics, reports and specialized studies.

Look at and discuss the major methods and sources of collection of information related to imprisonment. Try to trace on what empirical basis countries actually prepare legislation, policies, national action plans/strategies etc, and kindly comment on the accessibility of all relevant data.

2.2. Domestic legislation on imprisonment in the country section the aim is to provide a summary of the international documents, constitution, laws of penitentiary system and other legal provisions in your country which deal with imprisonment.

2.2. a) International and EU documents

Please provide information about principal international instruments in the area of imprisonment and prisoners rights signed and ratified/and or transposed by your country (date of signing, date of ratification, reservations, entry into force, etc. (fill in the respective table included in Annex 1)). With reference to EU legal acts, provide a brief assessment on the level to which these instruments are transposed (fill in the respective table in Annex 1). Investigate also if protocols and procedures for effective monitoring and evaluation are in place.

Indicate also important international European Human rights court decisions on imprisonment and prisoners' rights in your country.

2.2. b) Constitution

In this section, please include a reference to the relevant provisions of your country's constitution related to imprisonment and prisoners' rights. Kindly also indicate, if there is any case law in your country on the use of principle of direct applicability of international standards on imprisonment and prisoners' rights.

2.2. c) Substantive and procedural law

In this section, please write several initial paragraphs summarising penitentiary system law provisions in your country, for example: legislation concerning the core sanctions and other criminal law measures to be dealt with (community service, parole, probation, surveillance orders, forensic psychiatric institutions and drug withdrawal clinics), comparable alternative measures, detention prior to deportation, and existing monitoring mechanisms.

Quotes of legal texts could be used if needed to demonstrate certain aspects of the legal analysis that is being carried out. If a quote is inserted in the legal text, it shall be inserted directly in English with quote in the original language being provided in a footnote. A web reference, if it exists may be provided as well. Cite any reference numbers for the laws that are relevant (e.g., type of law – Decree, Act, etc. – number and year). Please check if any official translation into English is available. Summarize this information in a table and include it to the Annex of the country report.

Please, provide the legal definition of prisoner (detained person) according to laws of your country.

Please, provide information about recent adoption or revision of legislation of imprisonment or prisoners rights.

Please, briefly comment on whether you consider your country's law as adequate i.e., whether the legislation meets the international and EU standards of imprisonment and prisoners' rights.

2.2. d) Other legislation

Please, provide other important information about other relevant laws and regulations, concerning imprisonment, for example, laws regulating health, education, work, women, child and juvenile rights in penitentiary and pre-trial detention system.

Please, provide information about important documents of control (or monitoring) institutions, for example, ombudsmen.

2.3. Statistics of penitentiary system

Data should be collected on the following (as far as possible):

- Prison population (total, rate per 100.000 inhabitants)
- Persons entering the penitentiary institutions (total, rate per 100.000 inhabitants)
- Pre-trial/ remand (total, rate per 100.000 inhabitants)
- Prison population by socio-demographic characteristics
 - ✓ females
 - ✓ minors
 - ✓ age structure of prisoners
- Prison population by offences
- Prison population by length of sentence and average length of imprisonment
- Number of different facilities and number of prisoners in different types of facilities
 - ✓ pre-trial/ remand
 - ✓ open prisons
 - ✓ relaxations

- ✓ preventive detention centers
- ✓ etc.
- Situation of penal institutions
 - ✓ capacity
 - ✓ density
 - ✓ surface area
- Persons under parole, probation and surveillance orders
 - ✓ parole (including the attached measures)
 - ✓ probation (including the attached measures)
 - ✓ surveillance orders
- Groups of (possibly vulnerable) prisoners
 - ✓ foreigners
 - ✓ ethnic/ cultural/ religious groups
 - ✓ alcohol addicted persons
 - ✓ persons addicted to other drugs than alcohol (excluding nicotine)
 - ✓ mentally handicapped persons (e.g., lower IQ)
 - ✓ persons with a psychiatric handicap
 - ✓ physically handicapped persons
 - ✓ HIV/ Aids
 - ✓ “querulous persons”/ “trouble makers”

- ✓ sexual offenders
 - ✓ former police officers, prosecutors, judges etc.
 - ✓ (functional) illiterates
 - ✓ persons not speaking the local language
 - ✓ old prisoners (reached retirement age; or ≥ 60 years?)
 - ✓ homosexual/transsexual prisoners/ persons with different gender or sexual identity
- Deaths and injuries in Prisons
 - NGO and volunteers activities, re-socialisation programs, legal advice in Prisons
 - Prisoners who are studying and/or working
 - Financing of penal institutions.

Fill, please, these statistical data in the respective tables included in Annex 2.

The statistics should be collected through official statistical records (published or unpublished), data collected by NGOs, published research – interviews should only be used as an exception, since the PMI should also rely on public data. On the most common topics one might refer to the Statistical Office(s), Council of Europe, Space I (most recent numbers refer to 2011, SPACE I published in May 2013, European Sourcebook of Crime and Criminal Justice statistics and data collected by the International Centre for Prison Studies (www.prisonstudies.org – formerly King’s College, London).

In case there are no statistics available this should be noted as well.

2.4. Institutions and organizations

2.4. a) Governmental institutions

In this section, please, give information:

- about governmental institutions of penitentiary and pre-trial detention system in your country; describe the structure of institutions hierarchy (for example, Ministry of justice – Prisons department – prisons and probation institutions), and main functions of institutions. Please indicate number and types of imprisonment institutions (prisons, pre-trial detention facilities, open prisons etc.).
- about criminal justice institutions (courts, prosecutors, police) and their role and functions in penitentiary system (especially functions, related with re-socialisation of offenders).
- about other institutions involved in assistance and re-socialisation of offenders.

2.4. b) *Non-governmental organizations and research institutes*

Present information about NGOs and research institutes (centers) active in the field of prisoners' rights protection and assistance to offenders, re-socialisation and integration. Please, also provide your views on:

- 1) Which types of assistance are provided to offenders in your country. Specify who provides the different types of assistance; who monitors the quality of services provided. Report on the existence of assessment mechanisms on quality of services.
- 2) Which body/agency/NGO is covering the expenses and for which type of assistance? If so, please indicate the sources and the criteria for receiving such funding (including government funding);
- 3) Discuss whether the government authority which has taken a lead in preparing and drafting the various measures concerning the improvement of penitentiary system situation has consulted with NGOs and taken their views into account in adopting particular measures or. In this case, we are interested in policies or measures which are not fixed by law but which have a major impact, such as the nature of the national coordination structure, the nature of protection and assistance granted to offenders. We

want to know whether decisions are made after consultation or not and whether consultations with NGOs have been meaningful or not; i.e., have there been cases in which the authorities have changed policies or decisions in the light of advice from NGOs, or do they consult and then ignore the advice that NGOs have given.

- 4) Please, also indicate, if NGOs or associations/groups assisting or supporting offenders can participate in the legal proceedings as third parties. If not, please describe the legal status of NGOs participation in legal proceedings.

2.5. Polices, programs, and coordination mechanisms

2.5. a) Policies

Provide information about national and local governmental policies, strategies, action plans, programs, directed to improvement of penitentiary system, especially focused on enhancing the role of the civil society, re-socialisation of offenders.

Also report on initiatives, projects, campaigns, as well as on the working inter-institutional mechanisms for re-socialisation of offenders.

Does your country have a comprehensive National Action Plan (further referred to as “NAP”) for re-socialisation and integration of offenders, modernization of penitentiary system, or similar? If yes, please indicate also its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation. If available inform on any assessments of the NAP carried out, by whom, and report on their major findings.

2.5. b) Awareness raising initiatives (staff training)

Provide information on programmes aimed at providing specialized training for professionals working in penitentiary system, incl. for police forces, prison officers, officers and social workers, probation workers, health professionals, NGO staff active in prisoners re-socialisation work. Please indicate main topics and duration of trainings.

3. Sources of information and data collection

Data should be collected using the following sources of information in varying proportions, bearing in mind the two main purposes of Workstream 1. The information to be collected will include:

- Policy documents (strategies, action plans, etc.);
- Laws and regulations (international law provisions, transposition of EU legal acts at national and local levels);
- Internal organisational rules of institutions and agencies;
- Relevant studies and reports completed by governmental agencies and/or national and international organisations;
- Other relevant information like reports and presentations delivered at public events (conferences, seminars, etc.), case law if available, etc; Interviews with relevant stakeholders.

The main research method is the desk research. Semi-standardized interviews as a supplementary method of research are optional and should be used only in cases of absence of information, incomplete or conflicting information in published sources and literature.

- Review of existing information/Desk research

Search the published and unpublished literature including any studies that may have been carried out in the country. Kindly examine national and international legislation, policies, reports, studies by international organizations and NGOs, etc.

- Semi-standardized interviews

As a supplementary research method, carry out discussions and consultations with experts from relevant institutions and/or organizations familiar with the legal and institutional set up

as well as functioning of the assistance and reintegration policies for offenders in the national context..

- Questionnaires/Requests for information

When carrying out semi-standardized interviews, please use short questionnaires, either to obtain items of information before conducting the interviews or to cross-check the information obtained through desk research. The questionnaire needs to be developed to the local needs, depending on what type of information will be missing/incomplete/to be cross-checked in each particular country. As a general rule, questions will come from the following fields: legal framework, institutional framework, policies and programmes, statistics.

4. List of references

UN sources

1. Basic Principles for the Treatment of Prisoners. The United Nations General Assembly resolution 45/111 of 14 December 1990.
2. International Convention on the Elimination of All Forms of Racial Discrimination. The United Nations General Assembly resolution 2106 (XX) of 21 December 1965.
3. International Covenant on Civil and Political Rights. The United Nations General Assembly resolution 2200A (XXI) of 16 December 1966.
4. International Covenant on Economic, Social and Cultural Rights (1966)
5. Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care. The United Nations General Assembly resolution 46/119 of 17 December 1991.
6. Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing rules). The United Nations General Assembly resolution No. A/RES/40/33. 29 November 1985.
7. Standard Minimum Rules for The Treatment of Prisoners. Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955. Approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.
8. The United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. The United Nations General Assembly resolution No. 43/173 of 9 December, 1988.
9. United Nation Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

10. United Nations Convention of the elimination of all Forms of Discrimination against Women (1979).
11. United Nations Convention on the Rights of the Child (1989).
12. United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The United Nations General Assembly resolution No. A/RES/45/113 of 14 December 1990.
13. Convention on the Rights of Persons with Disabilities (CRPD)
14. Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
15. United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders, known as the Bangkok Rules, were adopted by the UN General Assembly (Resolution A/RES/65/229)

CoE sources

1. Convention on the Supervision of Conditionally Sentenced of Conditionally Released Offenders (CoE)
2. European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987).
3. European Convention on Human Rights and Fundamental freedoms (1950).

EU sources

1. Recommendation No. R (2006)2 on the European Prison Rules.
2. Recommendation no. R (82) 17 concerning Custody and Treatment of Dangerous Prisoners. Adopted by the Committee of Ministers on 24 September 1982 at the 350th meeting of the Ministers' Deputies.

3. Recommendation No. R (98) 7 Concerning the Ethical and Organisational Aspects of Health Care in Prison (Apr. 8, 1998). Council of Europe, Committee of Ministers.
4. Recommendation Rec (2003)23 on the Management by Prison Administrators of Life Sentence and other long term Prisoners. Adopted by the Committee of Ministers on 9 October 2003 at the 855th meeting of the Ministers' Deputies.
5. Recommendation Rec (2004)10 concerning the Protection of the Human Rights and Dignity of Persons with Mental Disorders. Adopted by the Committee of Ministers on 22 September 2004 at the 896 th meeting of the Minister's Deputies.

CPT sources

1. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) standarts:
<http://www.cpt.coe.int/en/docsstandards.htm>
2. CPT annual general reports: <http://www.cpt.coe.int/en/docsannual.htm>
3. CPT reports on country visits: <http://www.cpt.coe.int/en/states.htm>
4. CPT working documents: <http://www.cpt.coe.int/en/workingdocs.htm>

5. Language and style requirements

5.1. General requirements

Country report should be max. 20 pages. You should submit one copy of your country report as a MS Word in English language. Use British spelling and paper of standard size, either 8½x11 or A4. Use 1,5 line spacing and leave margins 2,5 cm on the left and 2,5 cm on the right from the page edges. Kindly use Times New Roman font 12 points.

5.2. Chapters and subchapters

The titles of main chapters (e.g. *1. Background information on the project*), shall be in Times New Roman font, 14 points, bold. Titles of sub-chapters (eg. *1.1. Definitions and main international standards*) should be in Times New Roman font, 12 points, bold. The country report shall keep to the following structure with even distribution of the length of each chapter:

I. Introduction: Basic information on imprisonment situation in the country

II. Domestic legislation on imprisonment in the country

2.1. International and EU documents

2.2. Constitution

2.3. Substantive and procedural law

2.4. Other legislation

III. Statistics of penitentiary system

IV. Institutions and organizations

3.1. Governmental institutions

3.2. Non-governmental organizations and research institutions

V. Policies, programmes and coordination mechanisms

4.1. Policies

4.2. Awareness raising initiatives (staff training)

5.3. Order and numbering of pages

Number all pages of the entire report serially in the down right corner.

Order of the pages:

- Page 1: title and subtitle; authors' names and affiliations; date
- Page 2: content of the report
- Body of the work
- List of references, beginning on a new page
- Glossary of terms and abbreviations, beginning on a new page
- Annexes, beginning on a new page

5.4. Citations

Use italics for all cited linguistic forms and examples in the text and provide full reference to the text in a footnote on the bottom of the page. At the end of each reference footnote, give page where the citation can be found. Do not use italics for emphasis, or to mark common loanwords or technical terms. The citation style to be used is “in-text” with source reference provided in brackets within the text, according to the following sample: (Family name of the author, year of publication: page) (Massey 1996: 75)

5.5. References

Arrange the entries alphabetically by surnames of authors, with each entry as a separate hanging indented paragraph.

Types of reference:

- Book reference: Author's last name, Author's first name. Title. Place of publication: Publisher, copyright date.
- Periodical Article reference: Author's last name, Author's first name. "Title of the article." Name of periodical. Date of the periodical: page numbers of the article.
- Encyclopedia Article reference: Author's last name, Author's first name. "Title of the article." Name of encyclopedia. Place of publication: Publisher, copyright date.
- ON-LINE DATABASE ARTICLES from an Institution reference: Author's name. "Title of article." Name of the database service. Name of Institution, Place of Institution. Access date <URL of database>

6. Glossary of terms and list of abbreviations¹

Monitoring, offender, probation, prisoner, re-socialisation, reintegration, vulnerable person.

| | |
|-------------------|--|
| Monitoring | Supervising activities in progress to ensure they are on-course and on-schedule in meeting the objectives and performance targets |
| Offender | A person, who has committed a crime and has been found guilty by a court. This term includes also supposed offender – person, who liberty is restricted because suspicions of the crime. |
| Parole | A system of (conditionally) releasing a prisoner to the community before the whole sentence has been served, under the threat that he will be recalled to prison if the conditions that are attached to this conditional release are not complying with. |
| Probation | Relates to the implementation in the community of sanctions and measures, defined by law and imposed on an offender. It includes a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of an offender, as well as at contributing to community safety |
| Prisoner | A person deprived of liberty and kept in custody, captivity, or a condition of forcible restraint, especially while on trial or serving a prison sentence. |
| Re-socialisation | Restoration of a social status and values of a person by applying well targeted pedagogical, psychological, educational and other measures for integration of a person to the society |
| Vulnerable person | a person, who needs care services (by such reasons as mental or other disability, age, illness etc.) and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation |

¹ Recommended. Could be specify by each partner.

List of abbreviations

| | |
|---------|---|
| BOP | Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN) |
| BPTP | Basic Principles for the Treatment of Prisoners (UN) |
| BR | Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing rules) |
| BRUF | Basic Principles on the Use of Force and Firearms by Law Enforcement officials (UN) |
| CCLEO | Code of Conduct for Law Enforcement Officials |
| CEDAW | Convention of the elimination of all Forms of Discrimination against Women (UN) |
| CERD | Convention of Elimination of all Forms of Racial Discrimination (UN) |
| CFREU | Charter of Fundamental Rights of the European Union |
| CoE | Council of Europe |
| CPT | The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE) |
| CRC | Convention on the Rights of the Child (UN) |
| CSCSCRO | Convention on the Supervision of Conditionally Sentenced of Conditionally Released Offenders (CoE) |
| DOMHS | World Medical Association Declaration of Malta on Hunger Strikers |
| EPR | Recomendation No. R(2006)2 on the European Prison Rules |
| ERJO | Recomendation No. R(2008)11 on the European Rules for Juvenile Offenders subject to Sanctions and Measures |
| ECHR | Convention for the Protection of Human Rights and Fundamental Freedoms |
| ECtHR | European Court of Human Rights |
| EC | European Commission |
| EU | European Union |
| FDCS | Framework Decision on the application on the Principle of Mutual Recognition to Judgements in Criminal Matters imposing Custodial Sentences of Measures Involving Deprivation of Liberty for the Purpose of their Enforcement in the European Union |
| FDEAW | Framework Decision on the European Arrest Warrant and the Surrender Procedures between Member States. |
| ICCPR | International Covenant on Civil and Political Rights (UN) |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| NAP | National Action Plan |
| NRM | National Referral Mechanism |
| NGO | Non-governmental organization |
| OHCHR | United Nations Office of the High Commissioner for Human Rights |
| ODIHR | Office for Democratic Institutions and Human Rights |
| OPCAT | Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN) |
| PPPMI | Principles for the Protection of Persons with Mental Illness and the |

| | |
|---------------------|---|
| | Improvement of Mental Health Care (UN) |
| RPJDL | Rules for the Protection of Juveniles Deprived of their Liberty (UN) |
| RTFP | Recommendation on the Treatment of Foreigner Prisoners |
| R(79)14 | Recommendation concerning the Application of the European Convention on the Supervision of Conditionally sentenced or Conditionally Released Offenders |
| R(82)16 | Recommendation on Prison Leave |
| R(82)17 | Recommendation concerning Custody and Treatment of Dangerous Prisoners |
| R(84)12 | Recommendation concerning Foreigner Prisoners |
| R (89)12 | Recommendation on Education in Prison |
| R(93)6 | Recommendation concerning Prison and Criminological Aspects of the Control of Transmissible Diseases including Aids and related Health Problems in Prison |
| R(98)7 | Recommendation concerning the Ethical and Organisational Aspects of Health Care in Prison. |
| R(99)22 | Recommendation Concerning Prison Overcrowding and Prison Population Inflation |
| R(2000)14 69 | Recommendation on Mothers and Babies in Prison |
| R(2003)22 | Recommendation concerning conditional release |
| R(2003)23 | Recommendation on the Management by Prison Administrators of Life Sentence and other long term Prisoners |
| R(2004)10 | Recommendation concerning the Protection of the Human Rights and Dignity of Persons with Mental Disorders |
| Resolution (62)2 | Resolution on Electoral, Civil and Social Rights of Prisoners |
| SMR | Standard Minimum Rules for The Treatment of Prisoners (UN) |
| UN | United Nations |
| UNCAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN) |
| UNDOC | United Nations Office on Drugs and Crime |

7. Annexes

Annex 1 Treaties and legislation

Legally binding international instruments/documents

United Nations treaties

| Entry into force | Name of the treaty | Signed - date | Ratified - date |
|------------------|---|---------------|-----------------|
| 3 September 1981 | Convention of the elimination of all Forms of Discrimination against Women | | |
| 4 January 1969 | Convention of Elimination of all Forms of Racial Discrimination | | |
| 2 September 1990 | Convention on the Rights of the Child (UN) | | |
| 23 March 1976 | International Covenant on Civil and Political Rights (1966) | | |
| 3 January 1976 | International Covenant on Economic, Social and Cultural Rights (1966) | | |
| 26 June 1987 | UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) | | |
| 22 June 2006 | Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | | |

Council of Europe legislation

| Entry into force | Name of the treaty | Signed - date | Ratified - date |
|------------------|---|---------------|-----------------|
| 3 September 1953 | European Convention on Human Rights and Fundamental freedoms (1950) | | |
| 1 April 2005 | Protocol 12 to the European Convention on Human Rights and Fundamental Freedoms (2000) | | |
| 1 February 1989 | European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987) | | |
| 22 August 1975 | Convention on the Supervision of Conditionally Sentenced of Conditionally Released Offenders | | |

EU legislation

| Entry into force | Name of the treaty | Transposition – date/legislation/etc. |
|------------------|---|---------------------------------------|
| 1 December 2009 | Charter of Fundamental Rights of the European Union (2000) | Direct effect |
| 2004 January 01 | Framework Decision on the European Arrest Warrant and the Surrender Procedures between Member States | Direct effect |
| 2011 | Framework Decision on the application on the Principle of Mutual Recognition to Judgements in Criminal Matters imposing Custodial Sentences of Measures Involving Deprivation of Liberty for the Purpose of their Enforcement in the European Union | Direct effect |

Annex 2

Imprisonment statistics

All statistics should be indicated at 31 December of each year.

Table 1. Prison population

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--|------|------|------|------|------|------|------|------|------|
| Prison population total | | | | | | | | | |
| Prison population rate (per 100.000 inhabitants) | | | | | | | | | |
| Entries to penitentiary institutions in a given year | | | | | | | | | |
| Rate of entries to penitentiary institutions (per 100.000 inhabitants) in a given year | | | | | | | | | |
| Pre-trial/ remand | | | | | | | | | |
| Rate of pre-trial/ remand (per 100.000 inhabitants) | | | | | | | | | |

Table 2. Prison population by socio-demographic characteristics (total numbers)

| | | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|----------------------------|----------------------------------|------|------|------|------|------|------|------|------|------|
| Females | | | | | | | | | | |
| Minors | | | | | | | | | | |
| Age structure of prisoners | (please indicate age intervals): | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

Table 3. Prison population by offences (total numbers)²

| Type of offence | | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|-------------------------|---|------|------|------|------|------|------|------|------|------|
| Criminal offences total | | | | | | | | | | |
| Major traffic offences | | | | | | | | | | |
| Intentional homicide | | | | | | | | | | |
| Bodily injury (assault) | Total | | | | | | | | | |
| | <i>of which:</i> Aggravated bodily injury | | | | | | | | | |
| Sexual assault | Total | | | | | | | | | |
| | <i>of which:</i> Rape | | | | | | | | | |
| | <i>of which:</i> Sexual abuse of a child | | | | | | | | | |
| Robbery | | | | | | | | | | |
| Theft | | | | | | | | | | |
| Drug offences | | | | | | | | | | |
| Smuggling | | | | | | | | | | |
| Fraud | | | | | | | | | | |

Table 4. Prison population by length of sentence (percentage) and average length of imprisonment (months)

| | | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--|-------------------------------------|------|------|------|------|------|------|------|------|------|
| Prison population by length of sentence (percentage) | Less than 1 month | | | | | | | | | |
| | From 1 month to less than 3 months | | | | | | | | | |
| | From 3 months to less than 6 months | | | | | | | | | |
| | From 6 months to less than 1 year | | | | | | | | | |
| | From 1 year to less than 3 years | | | | | | | | | |
| | From 3 years to less than 5 years | | | | | | | | | |
| | From 5 years to less than 10 years | | | | | | | | | |
| | From 10 years to less than 15 years | | | | | | | | | |
| | From 15 years to less than 20 years | | | | | | | | | |
| | 20 years and over | | | | | | | | | |
| | Life imprisonment | | | | | | | | | |
| Average length of imprisonment (months) | Imposed by the court | | | | | | | | | |
| | Factual ³ | | | | | | | | | |

² Fill this table if you see it is necessary or write a few sentences for which criminal offences mostly people are in prisons.

³ Please explain how these data are counted in your country.

Table 5. Number of different facilities and number of prisoners in different types of facilities (total numbers)⁴

| | | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--------------------------------------|--|------|------|------|------|------|------|------|------|------|
| Pre-trial/ remand ⁵ | Number of pre-trial/ remand facilities | | | | | | | | | |
| | Number of prisoners in pre-trial/ remand facilities | | | | | | | | | |
| Open prisons | Number of open prisons | | | | | | | | | |
| | Number of prisoners in open prisons | | | | | | | | | |
| Preventive detention centers | Number of preventive detention centers | | | | | | | | | |
| | Number of prisoners in preventive detention centers | | | | | | | | | |
| Other | <i>Please specify</i> | | | | | | | | | |
| | | | | | | | | | | |
| Total number of different facilities | | | | | | | | | | |

Table 6. Situation of penal institutions

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--|------|------|------|------|------|------|------|------|------|
| Total capacity of penal institutions/ prisons | | | | | | | | | |
| Density per 100 places | | | | | | | | | |
| Surface area per prisoner (in m ²) | | | | | | | | | |

Table 7. Persons under parole, probation and surveillance orders (total numbers)⁶

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|---|------|------|------|------|------|------|------|------|------|
| Probation (including the attached measures) | | | | | | | | | |
| Parole (including the attached measures) | | | | | | | | | |
| Surveillance orders | | | | | | | | | |

⁴ This is only the suggestion how to categorize different facilities. You should categorize different facilities according to the situation in your country and explain what are the functions of these different facilities (you can do this in the section **2.3 Institutions and organizations**).

⁵ Please explain how the concept of „pre-trial/remand“ is understood in your country.

⁶ Please explain how these concepts are understood in your country.

Table 8. Groups of (possibly vulnerable) prisoners (total numbers)

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|---|------|------|------|------|------|------|------|------|------|
| Foreigners | | | | | | | | | |
| Ethnic/ cultural/ religious groups | | | | | | | | | |
| Alcohol addicted persons | | | | | | | | | |
| Persons addicted to other drugs than alcohol (excluding nicotine) | | | | | | | | | |
| Mentally handicapped persons (e.g., lower IQ) | | | | | | | | | |
| Persons with a psychiatric handicap | | | | | | | | | |
| Physically handicapped persons | | | | | | | | | |
| HIV/AIDS | | | | | | | | | |
| “Querulous persons”/ “trouble makers” | | | | | | | | | |
| Sexual offenders | | | | | | | | | |
| Former police officers, prosecutors, judges, etc. | | | | | | | | | |
| (Functional) illiterates | | | | | | | | | |
| Persons not speaking the local language | | | | | | | | | |
| Old prisoners (reached retirement age; or ≥ 60 years) | | | | | | | | | |

Table 9. Deaths and injuries in penal institutions (total numbers)

| | | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|----------|--|------|------|------|------|------|------|------|------|------|
| Deaths | Total | | | | | | | | | |
| | <i>of which:</i> natural death | | | | | | | | | |
| | <i>of which:</i> suicides | | | | | | | | | |
| | <i>of which:</i> accidents | | | | | | | | | |
| | <i>of which:</i> homicides | | | | | | | | | |
| | <i>of which:</i> other (<i>please specify</i>) | | | | | | | | | |
| Injuries | Total | | | | | | | | | |
| | <i>of which:</i> assaults | | | | | | | | | |
| | <i>of which:</i> accidents | | | | | | | | | |
| | <i>of which:</i> self-harm | | | | | | | | | |
| | <i>of which:</i> other (<i>please specify</i>) | | | | | | | | | |

Table 10. NGO, volunteers, re-socialisation programs, legal advice (total numbers)

| | | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--|---|------|------|------|------|------|------|------|------|------|
| NGO's collaborating with penitentiary institutions | Total | | | | | | | | | |
| | <i>of which:</i> prisons | | | | | | | | | |
| | <i>of which:</i> probation agencies | | | | | | | | | |
| Volunteers ⁷ | Total | | | | | | | | | |
| | <i>of which:</i> in prisons | | | | | | | | | |
| | <i>of which:</i> in pre-trial/ remand | | | | | | | | | |
| | <i>of which:</i> in probation agencies | | | | | | | | | |
| Re-socialisation (rehabilitation) programs | Number of programs | | | | | | | | | |
| | Number of persons attending such programs | | | | | | | | | |
| Legal advice in penal institutions free of charge or via legal aid | | | | | | | | | | |

Table 11. Prisoners who are studying and/or working (total numbers)

| | | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|---|---|------|------|------|------|------|------|------|------|------|
| Number of prisoners who are studying at a given year (high school, vocational school, university) | | | | | | | | | | |
| Number of graduated prisoners at a given year | | | | | | | | | | |
| Other education (skills improvement) (<i>please specify</i>) | | | | | | | | | | |
| Number of prisoners who are working at a given year | In a state companies / In private firms | | | | | | | | | |
| | Involved in individual work, creative or other activity | | | | | | | | | |
| | Working fatigue in penal institutions | | | | | | | | | |
| | Total | | | | | | | | | |

⁷ Please explain how the concept of volunteer is understood in your country.

Table 12. Financing of penal institutions (total numbers in euros)

| | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|--|---|------|------|------|------|------|------|------|------|
| Total budget of penal institutions | | | | | | | | | |
| Average amount spent per day for one prisoner ⁸ | | | | | | | | | |
| Average amount spent per day for one prisoner for: | nutrition | | | | | | | | |
| | clothing and bedding | | | | | | | | |
| | medicines | | | | | | | | |
| | social rehabilitation programmes and services | | | | | | | | |
| | drug substitution (methadone) | | | | | | | | |
| | harm reduction | | | | | | | | |

⁸ Please explain which expenses are included and which are excluded.