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Imprisonment and human rights

Empirical data from the Greifswald 'Mare-Balticum-Prison-Survey'

Frieder Dünkel

Preliminary remarks and introduction

Constantijn Kelk, the recipient of this liber amicorum, is an outstanding scholar who has contributed to the development of prisoners rights and a humane prison system based on such a legal concept.¹ The title of a conference paper on 'the improvement of the quality of detention'² can be read as paradigmatic for his devotion to prison reform. Beyond his many Dutch publications he has also contributed to international comparative research with descriptions of the Dutch prison system emphasising the probably unique complaints and appeal system for prisoners that has found recognisance in many countries.³

The question of human rights in prisons is strongly related to the development of human rights instruments on an international level.⁴ The first basic instrument, the United Nations' Standard Minimum Rules for the Treatment of Offenders, was compiled in 1955 and 1957, and the Council of Europe created a first European equivalent in 1973. The amendments of the European Prison Rules (EPR) of 1987 and more recently of 2006 are cornerstones in the development of the European prisoners' rights movement. Although the EPR are not directly binding for the legislators of the member states they are recognised as a source of orientation and used for interpreting national law.

The European Convention on Human Rights of 1950 and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the so-called Torture-Convention) of the Council of Europe of 1987 are binding law, mostly in the sense that they are ratified by the national parliaments and transferred to national law. The following report on the international comparison of prison conditions on the basis of the Greifswald 'Mare-Balticum-Prison-Survey' takes the norms of the EPR, of the Torture Convention and the standards of the so-called Torture Committee (CPT-standards) as well as the jurisprudence of the European Court of Human

1 See C. Kelk, *Nederlands detentierecht*, second edition, Deventer: Kluwer 2003.

2 Paper given at the European Penitentiary Conference, Noordwijkerhout, 4-8 October 1998.

3 See C. Kelk, The Netherlands, in: D. van Zyl Smit and F. Dünkel (eds.), *Imprisonment Today and Tomorrow*, second edition, Den Haag: Kluwer Law International 2001, p. 478-507.

4 See for an overview G. Kaiser and H. Schöch, *Strafvollzug*, fifth edition, Heidelberg: C.F. Müller 2002, p. 70 ff.; K. Laubenthal, *Strafvollzug*, fourth edition, Berlin: Springer: 2007, p. 16 ff.

Rights (ECHR) into consideration as test criteria for infringements of human rights in the countries involved.

Comparative prison research

International comparative analyses of prison systems marked the beginning of penology as a social science. More than 200 years ago first empirical evidence on the grievances of the prison system at that time were presented by the later well-known prison reformer John Howard in England⁵ and by the German Heinrich von Wagnitz.⁶ Their studies had considerable influence on the prison reform movement in the 19th century. Howard and Von Wagnitz did not dispose of the methodological instruments of today's quantitative and qualitative social sciences,⁷ but the discovered grievances were so evident that their qualitative description of the situation in prisons stirred the sovereigns. A remarkable result of the comparative observations by John Howard was that – already at that time – the living conditions in Dutch prisons differed qualitatively from those in English or German prisons. The relatively good standard of today's Dutch prisons therefore has a long tradition.

The comparison of criminal law and prison systems had and always has the appeal of identifying positive examples in the sense of 'best-' or 'good-practices', notwithstanding the problem of how or whether these practices can be easily transferred into national penal policy. On the other hand negative examples such as the US-American policy of 'mass incarceration'⁸ or the situation in Russian and Eastern European prisons⁹ may serve as a document for the superiority of one's own system. Accordingly, comparative prison research has often concentrated on the explanation of different prison population rates as a symbol of a more or less punitive punishment approach.¹⁰

5 With the book published in 1777 on *The States of the Prisons in England and Wales with preliminary Observations and an Account of some Foreign Prisons and Hospitals*.

6 With the book published in 1791 in Germany on *Historische Nachrichten und Bemerkungen über die merkwürdigsten Zuchthäuser* (Historical news and remarks about the strangest prisons)

7 Their method of observation was similar to the working method of the so-called Torture Committee of the Council of Europe or other inspection teams or qualitative prison researchers. For the methodological approach of the Mare-Balticum-Prison-Survey see F. Düinkel, *Strafvollzug und die Beachtung der Menschenrechte – Eine empirische Analyse anhand des Greifswalder 'Mare-Balticum-Prison-Survey'*, in: H. Müller-Dietz a.o. (eds.), *Festschrift für Heike Jung*, Baden-Baden: Nomos Verlag 2007, p. 99-126.

8 See M. Mauer, *Race to Incarcerate. The Sentencing Project*, New York: The New Press 1999, and the contributions in D. Garland (ed.), *Mass Imprisonment. Social Causes and Consequences*, London: Sage 2001.

9 See for example A. Applebaum, *GULAG – A History of the Soviet Camps*, London: Penguin Books 2004; T. Kizny, *Life and Death inside the Soviet Concentration Camps*, Tonawanda/NY: Firefly Books 2004; L. Piacentini, *Surviving Russian Prisons. Punishment, economy and politics in transition*, Cullompton: Willan Publishing 2004.

10 Basic data on prison population rates can be found at the website of Kings College London under <www.kcl.ac.uk/depsta/rel/icps/home.html>. See also the European Sourcebook of Crime and Criminal Justice Statistics: M.F. Aebi a.o., *European Sourcebook of Crime and Criminal Justice Statistics – 2006*, Den Haag: Ministerie van Justitie (WODC) 2006 (see also <www.wodc.nl>).

Questions of human rights aspects concerning the living conditions of prisoners have been raised by several comparative readers with reports on different national systems.¹¹ A further approach can be found in the comparative analysis of specific problems such as complaints procedures and other control systems (for instance ombudsmen, inspections),¹² of the segregation and isolation of prisoners,¹³ of prison labour,¹⁴ prison leaves and early release.¹⁵ Up to now, empirical studies with quantitative primary data analysis on the basis of equivalent questionnaires comparing the situation in different countries are a rare exception. The reason for this lack of research may be the difficulties in translating questionnaires and adjusting them to different cultural backgrounds and not least the costs that such research studies entail. The project of the Department of Criminology in Greifswald/Germany presented here is one of them. The Greifswald Department of Criminology has organised three such projects. The first was funded by the Ministry of Culture of the federal state of Mecklenburg-Western Pomerania and is named 'Mare-Balticum-Prison-Survey' as it covers the states of the Baltic Sea (*Mare Balticum*). The research study on closed prisons for male offenders was conducted in the years 2003-2006. The second project dealt with women's imprisonment in a European comparison and was funded by the European Union's AGIS-programme. It was conducted in Croatia, Denmark, Germany, Greece, Lithuania, Poland, Russia, Slovenia and Spain.¹⁶ A third project on long-term imprisonment¹⁷ with a similar approach and using largely the same questionnaires started in 2007 and covers 11 European countries (Belgium, Croatia, Denmark, England, Finland, France, Germany, Lithuania, Poland, Spain and Sweden).¹⁸ This paper deals with the Mare-Balticum-Prison-Survey on prisons for male adult offenders.

11 See for example M.P. Roth, *Prisons and Prison Systems: A Global Encyclopedia*, Westport/CT: Greenwood Press 2005.

12 See T. Koepfel, *Kontrolle des Strafvollzugs – individueller Rechtsschutz und generelle Aufsicht – Ein Rechtsvergleich*, Mönchengladbach: Forum Verlag 1999; Penal Reform International, *Monitoring Prison Conditions in Europe*, Paris: Penal Reform International 1997.

13 See M. Zingoni-Fernandez and N. Giovannini, *La détention en isolement dans les prisons Européennes*, Bruxelles: Bruylant 2004.

14 See for example D. van Zyl Smit and F. Dünkel (eds.), *Prison Labour: Salvation or Slavery?*, Aldershot: Dartmouth 1999.

15 See F. Dünkel, Entlassungsmodalitäten im Strafvollzug im europäischen Vergleich, in: Bundesministerium für Justiz (ed.): *Moderner Strafvollzug – Sicherheit und Resozialisierung*, Wien: Bundesministerium für Justiz 2005, p. 37-69.

16 See F. Dünkel, C. Kestermann and J. Zolondek, *Internationale Studie zum Frauenstrafvollzug. Bestandsaufnahme, Bedarfsanalyse und 'best practice'*, Internet-Publikation, <jura.uni-greifswald.de/duenkelPublikationen/Internet> 2005 (also in English); J. Zolondek, *Lebens- und Haftbedingungen im deutschen und internationalen Frauenstrafvollzug*. Mönchengladbach: Forum Verlag 2007. The study was extended in 2006 and now also covers the Netherlands and South Africa, which will be included in the final report to be published in 2008.

17 The Council of Europe defined long-term imprisonment for the first time in 1976 in its Resolution (76) 2 on the treatment of long-term prisoners. This Resolution was updated by the Recommendation Rec (2003) 23 on the management of life-sentence and other long-term prisoners. Rule 1 states: '[...] A long-term prisoner is one serving a prison sentence or sentences totalling five years or more'.

18 See in detail <jura.uni-greifswald.de/laufende-eu-projekte/langstrafenvollzug.html>.

Aims, methodological approach and sample of the Mare-Balticum-Prison-Survey

The Mare-Balticum-Prison-Survey aimed to review living conditions and how they are perceived by inmates of typical closed prisons for male sentenced offenders. We chose two representative facilities each in Estonia, Finland, Latvia, Lithuania, Poland, Russia, Sweden as well as two North-German federal states (Mecklenburg-Western Pomerania and Schleswig-Holstein). The integrative perspective of this project required the use of different methods. The study followed a multi-methodological procedure and entailed various means of data collection: a questionnaire regarding background data of the facility, a questionnaire for prisoners and for prison staff as well as prison inspections. The following paper will only deal with the questionnaire for prisoners which focused on the subjective assessment of the prisoners concerning their special living conditions, medical care, intra- and extramural contacts, spare time programmes, opportunities for labour and qualification, personal rights, disciplinary measures as well as the prisoners' valuation of their psychological well-being, the institutional climate, their fear of victimization and their conflict-solving behaviour. In each prison the sample was to consist of a minimum of 30 prison officers and 50 inmates.

The theoretical background – besides the above mentioned aim of evaluating European human rights standards – also included theoretical concepts on prison climate, concepts such as the idea of 'healthy prison' or 'restorative prisons'.¹⁹ The qualitative inspection of the facilities was carried out in a fashion similar to the work of the CPT. Central fields of inspection were the kind and state of buildings, prison cells or dormitories, disciplinary and security areas, facilities for visits and leisure time, working areas, arrangements for medical treatment etcetera, as well as the interaction of staff and inmates ('climate') etcetera. The following results mainly refer to the written questionnaire for prisoners and show their perceptions of living conditions in prison.

Table 1: Number and characteristics of prisoners participating in the 'Mare-Balticum-Prison-Survey' (period of interviews: 2003/2004)

| Country | N (= 821) | Age Ø | (SD) | Prior imprisonment | Without school graduation |
|--------------------|-----------|-------|--------|--------------------|---------------------------|
| Estonia | 102 | 30.7 | (8.4) | 58.4% | 11.6% |
| Finland | 81 | 34.1 | (11.6) | 60.5% | 0.0% |
| Germany (East, MV) | 144 | 32.4 | (9.0) | 60.7% | 8.4% |
| Germany (West, SH) | 98 | 38.1 | (10.2) | 79.8% | 8.8% |
| Latvia | 100 | 30.8 | (9.2) | 51.5% | 15.3% |
| Lithuania | 98 | 32.6 | (10.3) | 57.3% | 14.9% |
| Poland | 118 | 28.4 | (8.8) | 57.9% | 8.1% |
| Sweden | 80 | 33.5 | (10.7) | 66.2% | 11.3% |

¹⁹ See in detail Dünkel, 2007.

A total of 821 prisoners were questioned. In Germany the prisons in Kiel and Lübeck of the northern federal state of Schleswig-Holstein (in West-Germany) were visited, as were Waldeck and Bützow of the neighbouring state Mecklenburg-Western Pomerania (East-Germany, former ‘German Democratic Republic’). Both federal states are situated at the Baltic Sea. The numbers of prisoners are sufficient in order to qualify the study as being representative of the closed prisons of the participating countries. According to the average age the polls were comparable, although the prisoners in Schleswig-Holstein with an average of 38 years were slightly older than those in Poland (28 years) and Estonia or Latvia (31 years).

The proportion of prisoners with prior imprisonments varied between 52% (Latvia) and almost 80% (Schleswig-Holstein), but was about 60% overall. According to the information given by the inmates the proportion of prisoners without school graduation was astonishingly low (0-15%).

Looking now at the inmate structure according to the most serious crime for which the offenders had been imprisoned, almost half of the Swedish sample was serving a sentence for drugs offences, and the second largest group were robbery offenders (22%, see table 2). Drug related crimes also accounted for more than 40% of the Finnish prisoners, followed by property offences with 20%. In Estonia property offenders (40%) and offenders convicted for murder/manslaughter (25.5%) constituted the largest groups. The composition of the inmate structure was similar in Latvia and Lithuania, however with an overrepresentation of robbery offenders. In Poland and East-Germany robbery offenders were the largest group, and in addition other violent crimes such as bodily injury played an important role (also in West-Germany, see table 2).

Table 2: Inmate structure according to the most serious crime for which the offender is imprisoned (percentages) (based on a ranking of 1. Murder/manslaughter, 2. Sexual offence, 3. Robbery etcetera)

| | Murder/ man- slaughter | Sexual offence | Rob- bery | Drug of- fence | Assault/ bodily injury | Property offence | Drunk driving | Others |
|-----------------------|------------------------------|-------------------|--------------|----------------------|------------------------------|---------------------|------------------|--------|
| Estonia | 255 | 51 | 143 | 31 | 51 | 398 | 41 | 51 |
| Finland | 117 | 26 | 65 | 416 | 65 | 195 | 52 | 65 |
| Germany (East, MV) | 29 | 88 | 314 | 80 | 140 | 197 | 80 | 22 |
| Germany (West, SH) | 130 | 87 | 130 | 109 | 207 | 272 | 54 | 11 |
| Latvia | 183 | 22 | 247 | 75 | 75 | 301 | 43 | 54 |
| Lithuania | 175 | 144 | 320 | 21 | 52 | 258 | 0 | 31 |
| Poland | 124 | 53 | 327 | 18 | 18 | 327 | 18 | 115 |
| Sweden | 123 | 0 | 219 | 479 | 55 | 27 | 14 | 82 |

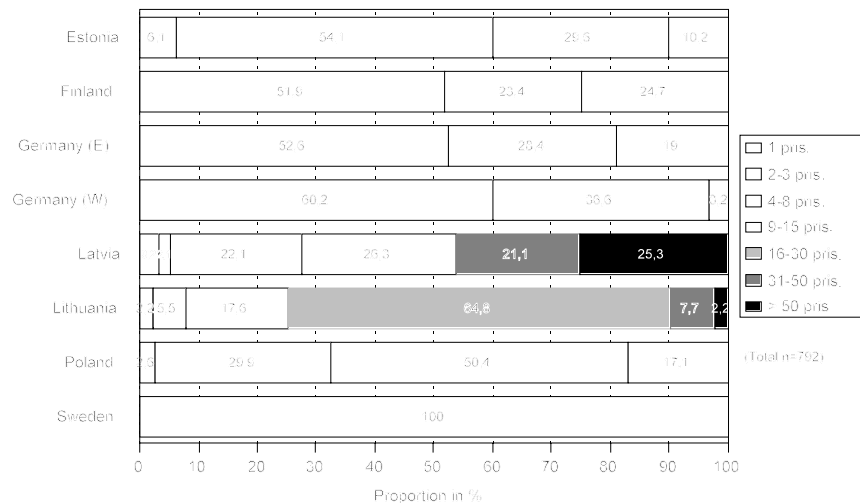
In total one can resume that in West-Germany, Estonia, Latvia and Poland about half of the inmate samples were incarcerated for violent offences. In East-Germany and Lithuania the figures were even at around 60%, whereas in Finland and Sweden the corresponding rates were lower than 30% and 40% respectively. Instead, the latter two countries showed remarkably high levels of prisoners serving sentences for drug offences.

The majority of prisoners were serving relatively long sentences of at least 3, in some countries (Latvia, Poland and Sweden) 5 years.

Accommodation, environmental stress factors and health problems of prisoners

As to the accommodation of prisoners, the standard of accommodating no more than one prisoner in one cell at night – as required by the European Prison Rules (see No. 18.5.-7. EPR 2006) – was only met by Sweden. In the Northern German prison as well as in Finland slightly more than half of the prisoners disposed of a single cell, whereas in Latvia and Lithuania the accommodation provisions from Soviet times with large dormitories for more than 15 or even 30 co-inmates remained the common form of sleeping accommodation. In Estonia (after the opening of the new prison in Tartu) and in Poland communal cells were the regular form of accommodation, but the rooms regularly housed ‘only’ 2-3 (Estonia) or 4-8 (Poland) prisoners (see figure 1).

Figure 1: Number of prisoners per prison cell or dormitory



A large part of our questionnaire was dedicated to aspects of health, health care and mental well-being. In the following only a few results regarding symptoms of depression are described. It is a well-known fact that prisoners suffer particularly from mental stress and strains. A large meta-analysis by Fazel and Danesh concerning 62 studies of 12 western countries on psychiatric diseases or problems revealed considerable proportions of prisoners suffering from such diseases.²⁰ The prevalence rates for psychotic illnesses, major depression and personality disorders revealed that 3.7% of the male and 4.0% of female

²⁰ The study covered about 23,000 prisoners in total, see S. Fazel and J. Danesh, Serious mental disorder in 23,000 prisoners: a systematic review of 62 surveys, *The Lancet* 2002, no. 359, p. 545-550.

prisoners suffered from psychotic illnesses, 10% of male and 12% of female prisoners showed major depression symptoms and 65% of male and 42% of female prisoners showed personality disorders. Of them 47% and 21% showed 'anti-social personality disorders'.

In our study it was not possible to clinically diagnose a 'depression'. Therefore we only refer to 'depressive symptoms', which resulted from the analysis of our interviews with prisoners.²¹

With the exception of the prisoners in Finland and Estonia (4% and 2.6%) a considerable proportion of inmates (14%-19%) showed heavy symptoms of depression. Including those prisoners with manifest symptoms of depression the proportion increases to over 40% up to 60% (Lithuania).

In the framework of multivariate analysis we first looked at bivariate correlations with regard to the dependent variable 'depressive symptoms'. First of all, there were strong relations with the variables 'excluded by inmates' ($r = .32$), 'repressed by staff' ($r = .32$), 'environmental stress factors' ($r = .30$) and 'experiences of victimisation during current prison sentence' ($r = .28$). There was a negative correlation if the prisoner has been granted prison leaves ($r = -.20$), enjoyed a high number of visits ($r = -.14$), actively participated in work, vocational or school training ($r = -.15$) and was positively respected by staff members ($r = -.15$).

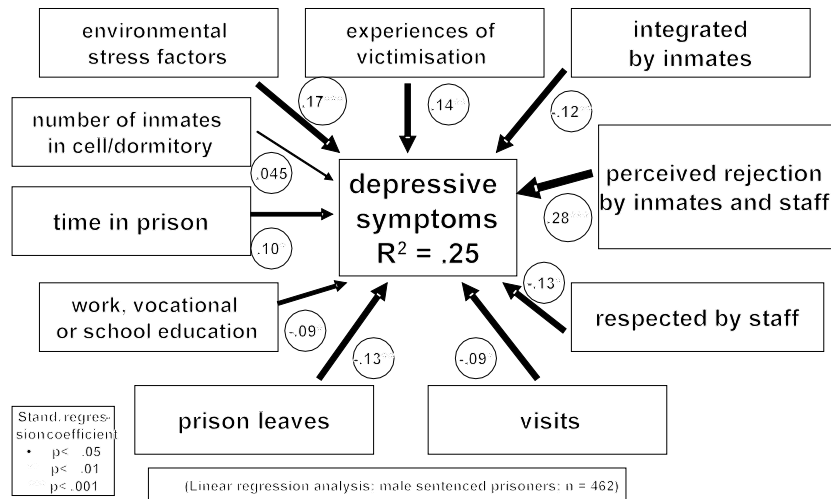
In a further step of data analysis we tried to predict depressive symptoms in a causal model of linear regression (see figure 2). The strongest predictor was the combined variable of 'perceived rejection by inmates and staff' ($\beta = .28$). Second and third strongest factors were 'environmental stress factors of prison accommodation' ($\beta = .17$) and 'experiences of victimisation during current prison sentence' ($\beta = .14$). Countervailing protective factors with regard to depressive symptoms were 'the granting of prison leaves' ($\beta = -.20$), visits ($\beta = -.14$) and the participation in work, vocational or school training ($\beta = -.15$) as well as the perception of being 'integrated by inmates' ($\beta = -.19$) and of being 'respected by staff' ($\beta = -.15$). In total a considerable degree of variance of 25% could be explained ($R = .25$).

The results can be interpreted in the way that the theoretically well-known factors of resocialisation and rehabilitation such as work, school and vocational training, prison leaves and preparation for release, opening prisons through visits and contacts with the outside and a humane prison climate characterised by respect and integration from the side of prison staff as well as of co-inmates are not only favourable factors for later social reintegration, but essential for

21 An index of measuring depressive symptoms was developed according to the following questions: How would you estimate your own well-being in this prison? 1. I often feel dejected (depressed). 2. I often feel very lonely. 3. I spend much time with brooding. 4. I often feel strong tensions. 5. I feel totally helpless ('being at the situation's mercy'). The prisoners could answer on a scale from 1 = not at all to 4 = yes, totally right. The sum-score therefore ranged from a minimum of 5 to a maximum of 20 points. We categorised the prisoners as follows: 5-14 points: no/light symptoms of depression; 15-18 points: manifest symptoms of depression; 19-20 points: heavy symptoms of depression.

the prevention of depressive symptoms and probably also for suicide and self-harm prevention.

Figure 2: Predictors of depressive symptoms



In Finland and Sweden the proportion of prisoners who described the prison climate as 'rather tense' or 'very tense' (as opposed to 'relaxed') was (as was to be expected) rather low, with figures of 13% and 19% respectively. In comparison, larger shares of prisoners in Lithuania (45%), Poland (52%) and Estonia (62%) felt to be living under considerably tense prison conditions. In East-Germany (Mecklenburg-Western Pomerania) the proportion was slightly lower (49%) than in the West-German state of Schleswig-Holstein (60%), however, in total not differing significantly from the perception of prisoners in Lithuania, Poland or Estonia. One surprising result was that only 15% of the prisoners in Latvia reported the prison climate as being tense. It is possible that Latvian prisoners cope with the unfavourable conditions of sleeping in large dormitories etcetera better than prisoners in the neighbour countries of the Baltic Sea. Yet we have no real explanation for the fact that prisoners in Estonia and Lithuania apparently suffer more from similar prison conditions. In any case it becomes clear that similar 'objective' prison conditions may be perceived differently 'subjectively'.

Correspondingly the perception of being threatened by other inmates and/or staff members varied considerably. In Finland, Sweden, Latvia and East-Germany only a few prisoners felt strongly threatened (9-16%), whereas the proportions in Estonia with 32%, West-Germany (Schleswig-Holstein) and Poland with 34% and in Lithuania with 39% were twice as high as in the aforementioned countries. With the exception of the Lithuanian sample the prisoners in all other countries felt more threatened in the daytime than at night.

If we look at real situations of victimisation we can conclude that prisoners in the Baltic States and Poland experienced threats almost on a daily basis, whereas the proportion of prisoners who reported such victimisations were much lower in Germany, Finland and Sweden. The same was true for being a victim of bodily injury (assault). Victimisation through bodily injury was reported by almost 20% up to 30% in the Baltic States and in Poland. Interestingly the prisoners in Eastern-European countries reported to have been violated by prison officers more often than by their co-inmates. According to the Estonian sample, more than 20% of the prisoners there had been victims of extortion. In all countries of our study sexual victimisation was reported only very exceptionally.

Work, treatment programmes and preparation for release

Further interesting details can be shown with regard to prison work, prison leaves and measures of release preparation. In general the results revealed that the proportions of prisoners who were awarded work, were granted day leaves or who took part in programmes for the preparation of release were much lower than should be expected according to the legal norms provided in all countries involved.

Since the beginning of the modern prison, work has been seen as an important element of resocialisation. Similar to No. 71.1 of the EPR of 1987 the EPR 2006 formulate in No. 26.1.: 'Prison work shall be approached as a positive element of the prison regime and shall never be used as a punishment'. No. 26.2. of the EPR 2006 states that 'prison authorities shall strive to provide sufficient work of a useful nature'. Most prison systems and national prison laws rely on a duty for prisoners to work.²² As a result the refusal to work can be punished by disciplinary sanctions.

The reality of prison work is contrary to the ideal described by the European Prison Rules. Many countries have considerable problems even in organising sufficient work for prisoners. Therefore, high unemployment rates are common, particularly in Eastern European countries, where prison industry collapsed after the economic changes at the end of the 1980s. The proportion of unemployed prisoners in our study was in the 'best case' only about one third (Finland, Sweden, West-Germany), whereas in Lithuania 45%, in East-Germany (Mecklenburg-Western Pomerania) 52% and in Latvia, Estonia and Poland no less than 62%, 66% and 76% were not in work. In the case of Poland an additional aggravating factor is that only 40% of the low number of

22 For an overview see W. Hammerschick, Arbeit im Strafvollzug – Rechtslage und Realität im europäischen Vergleich, in: W. Hammerschick and A. Pilgram (eds.), *Arbeitsmarkt, Strafvollzug und Gefangenearbeit*, Baden-Baden: Nomos 1997, p. 71-85; F. Dünkel and D. van Zyl Smit, Arbeit im Strafvollzug - ein internationaler Vergleich, in: H.-J. Albrecht a.o. (eds.), *Internationale Perspektiven in Kriminologie und Strafrecht, Festschrift für Günther Kaiser*, Berlin: Duncker & Humblot 1998, p. 1161-1199; Van Zyl Smit and Dünkel, 1999.

employed prisoners received ordinary remuneration. In all other countries the remuneration of prison work is standard.²³

The proportion of prisoners who took part in specific treatment or training programmes (including school education and vocational training) showed considerable variation from country to country. In Lithuania and Estonia only about 12% and 14% respectively reported such participation, while the figures for Finland (50%), Latvia (61.7%) and Sweden (62.7%) were much higher in comparison. In Schleswig-Holstein and Mecklenburg-Western Pomerania the proportions were identical at about 31%.

The only country in which more than one third of the prisoners reported to have received prison leaves was Finland (43%). In Germany, Estonia and Sweden the proportion was between 25% and 30%, whereas such relaxations of the regime are of no importance whatsoever in the closed institutions for male offenders particularly in Lithuania and Latvia (see figure 3). The relatively low percentage of prisoners who are granted prison leaves in Sweden has to be seen in connection with the high proportion of drug offenders serving very long sentences in the prison that we surveyed. Prison leaves are more commonly granted to prisoners serving shorter sentences, or towards the end of a sentence. In Sweden these prisoners can predominantly be found in open prisons which were not included in our study.

The restrictive practice in the Baltic States regarding the granting of prison leaves is somehow balanced by a system of long-term (conjugal) visits without supervision (58%-85% of the prisoners reported such visits). A considerable share of the Swedish sample had also been granted such long-term visits (45.3%), whereas in the remaining countries covered by the present study this type of visit is not used.

23 Nevertheless it has to be seen that remuneration of prison work is still very low in most countries, in Germany for example only 9% of the average salaries of workers outside the prison. See for a summary Van Zyl Smit and Dünkel 1999.

Figure 3: Prisoners who have received prison leaves (day leaves or longer leaves for several days, 'prison furloughs')

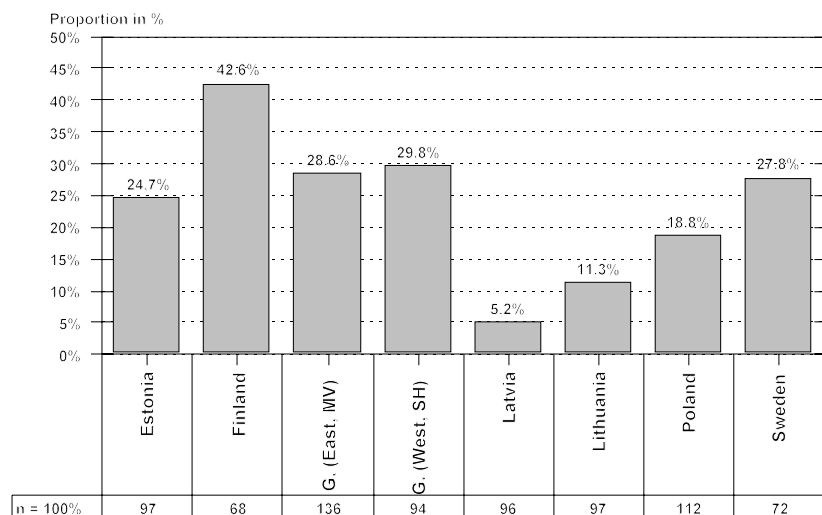
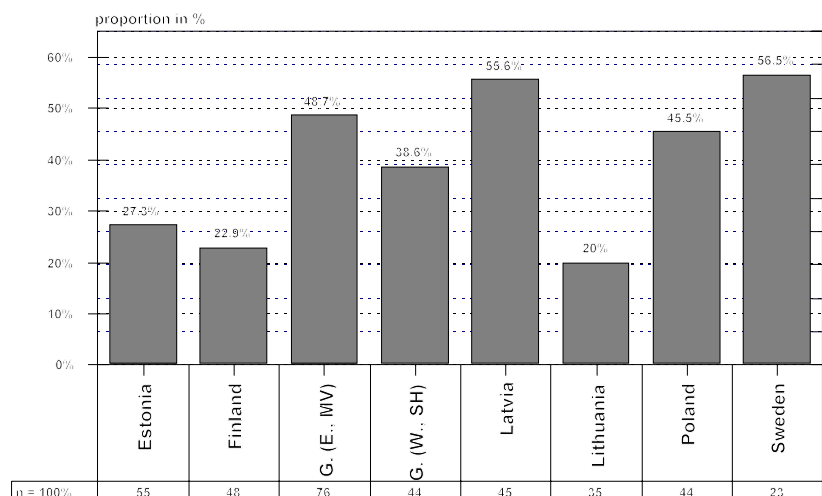


Figure 4: Prisoners participating in programmes for preparing release (prisoners with a maximum of 2 years left to serve)



With the exception of prisoners in Estonia and Finland (28% and 24%) about half of the prisoners had participated or were participating in specific release preparation programmes (social training courses etcetera). Since in some countries a large proportion of prisoners was serving rather long sentences (see table 2 above) we decided to look more specifically at those prisoners who had a maximum of two years of their sentence left to serve (see figure 4). The assumption was that almost all of them should be integrated into some form of

systematic preparation for release. The result was, however, disappointing. Estonia, Finland and Lithuania again showed very low shares of between 20% and 27% only, whereas in Mecklenburg-Western Pomerania, Latvia, Poland and Sweden almost or slightly more than half of the prisoners were involved in such preparatory programmes.

Summary and outlook

In summary the results of the comparative prison research on living conditions of male adult prisoners in the states of the Baltic Sea region revealed problematic findings in all countries. However, the prison conditions in Sweden and Finland seemed to be better and more in accordance with international standards than the ones in the Baltic States and in Poland. Germany lies in between. Surprisingly, the conditions in Mecklenburg-Western Pomerania (East-Germany) appeared to be better than in Schleswig-Holstein (West-Germany). This may in part be the result of considerable efforts to reform the outdated prison system of the former German Democratic Republic within the last 10 years.²⁴ The standard of housing not more than one prisoner in one cell is only met by Sweden, partially also by Finland and Germany, whereas the living conditions in the Baltic States and Poland are still very poor in this regard. The structural problems – along with partially unacceptable conditions of accommodation (numerous inmates in one cell, unsatisfactory hygiene conditions etcetera) – become especially clear when looking at prison labour: one third (Finland, Sweden, Schleswig-Holstein/West-Germany) up to half (Mecklenburg-Western Pomerania/East-Germany) or in extreme cases three quarters (Poland) of all prisoners had no work (despite the legal obligation of prison employment). The proportion of prisoners who were participating or who had participated in a specific measure of treatment or training was – with the exception of Finland (50%), Lithuania and Sweden (roughly two thirds) – extremely low, being at roughly one third in the investigated German institutions. Regarding measures for the preparation for release, the rates of participation lay between only 24% in Estonia and 40-50% in Germany, Latvia, Poland and Sweden.

Release-preparations involved prison leaves in the cases of only 30% of the prisoners in Germany and Sweden, and 43% in Finland. Release-preparation is practiced much more restrictively in the Baltic Countries and Poland. However, this is compensated in part through the long-term family visits that are provided for in these countries.

Each prison system has its peculiarities with respect to human rights and therefore a multi-dimensional approach of control is needed. In addition to empirical prison research, regular inspections by independent authorities (like the European Torture Committee) and an effective system of complaint

24 In Mecklenburg-Western Pomerania three new prison buildings (Waldeck, Stralsund and the new youth prison at Neustrelitz) replaced old prisons of the German Democratic Republic, now allowing single accommodation for all inmates there and meeting the requirements of international standards.

procedures to courts as well as to Ombudsmen or similar authorities are necessary in order to improve the living conditions of prisoners and to meet international human rights standards. Every system of prison control has its weaknesses. Only a multi-dimensional approach of combining the different forms of prison control seems to be successful.²⁵

Imprisonment is – in the truest sense of the word – linked with suffering. Prisoners exhibited health problems and depression to a considerable extent. Even under quite convenient prison conditions, 10-40% of the surveyed prisoners showed manifest symptoms of depression. In the Baltic Countries, Poland and West Germany the proportion reached as much as 60%. Alcohol and drugs found widespread use and the prisoners classed their respective addictions as problems that required treatment.

Life in the prison system is also unhealthy for the general prison staff. 10-20% lamented regular headaches, backache and sleep impediments. In the two Polish prisons, between a third and up to half of the prison officers were affected by this. 50-70% of the surveyed prison officers reported having already been threatened by prisoners; however the majority still felt safe.

A key to improving the conditions of life in prison and the working conditions of prison staff lies in the *reduction of imprisonment rates* and therefore in combating the issue of *overcrowding*. Finland and – recently – Lithuania have achieved remarkable success in this context. Even the imprisonment rate in Russia is on the decrease – albeit still being at a worldwide highest level, second only to the United States.

The international comparison reveals that imprisonment rates and the humanisation of imprisonment are dependent on the political will to reform. The countries of the Baltic Sea region could benefit from ‘best practices’ of criminal justice initiatives by increasing cooperation in such reform movements.

Constantijn Kelk has important merits in humanising the prison system not only in the Netherlands. His writings have influenced and encouraged many scholars (like myself) and politicians. The empirical results of our study reveal the long way still to go and the difficulties to preserve a more humane prison system. We owe sincere thanks to Constantijn for his devotion to a humane prison policy and for improving prisoners’ rights.

25 For the importance of effective complaints procedures see Kelk, 1991.