

Anhänge

Anhang 1: Sammlung ausgewählter Gesetzestexte der Bundesländer

Stand: 31.8.2022

1. Baden-Württemberg

Justizvollzugsgesetzbuch: Buch 3 – Strafvollzug

(JVollzGB III)

§ 19 Pflege sozialer Beziehungen

(1) Gefangene haben das Recht, mit Personen außerhalb der Justizvollzugsanstalt im Rahmen der Vorschriften dieses Gesetzes zu verkehren. Der Kontakt zu Angehörigen und Personen, von denen ein günstiger Einfluss auf die Gefangenen erwartet werden kann, wird gefördert.

(2) Gefangene dürfen regelmäßig Besuch empfangen. Die Gesamtdauer beträgt mindestens eine Stunde im Monat.

(3) Besuche sollen darüber hinaus zugelassen werden, wenn sie die Behandlung oder Eingliederung der Gefangenen fördern oder persönlichen, rechtlichen oder geschäftlichen Angelegenheiten dienen, die von den Gefangenen weder schriftlich erledigt, noch durch Dritte wahrgenommen oder bis zur Entlassung aufgeschoben werden können.

(4) Aus Gründen der Sicherheit oder Ordnung der Justizvollzugsanstalt kann ein Besuch davon abhängig gemacht werden, dass sich die Besucherin oder der Besucher durchsuchen oder mit technischen Mitteln oder sonstigen Hilfsmitteln auf verbotene Gegenstände absuchen lässt. Aus den gleichen Gründen kann die Anzahl der gleichzeitig zu einem Besuch zugelassenen Personen beschränkt werden.

§ 27 Telefongespräche

(1) Gefangenen kann gestattet werden, zu telefonieren.

(2) Im Übrigen gelten für Telefonate die für den Besuch geltenden Vorschriften mit Ausnahme von § 19 Abs. 2 entsprechend. Die Überwachung der Unterhaltung ist den Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung von der Justizvollzugsanstalt oder den

Gefangenen mitzuteilen. Die Gefangenen sind rechtzeitig vor Beginn des Telefongesprächs über die beabsichtigte Überwachung und die Mitteilungspflicht zu unterrichten.

(3) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Justizvollzugsanstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

§ 27a Andere Formen der Telekommunikation

Die Zulassung anderer Formen der Telekommunikation im Sinne des Telekommunikationsgesetzes in der Anstalt bedarf der Zustimmung der Aufsichtsbehörde. Nach Zulassung kann die Anstaltsleiterin oder der Anstaltsleiter den Gefangenen gestatten, diese Formen auf ihre Kosten zu nutzen. Eine Gestattung ist ausgeschlossen, wenn hierdurch die Sicherheit oder Ordnung der Anstalt gefährdet wäre. Im Übrigen finden die Bestimmungen dieses Abschnitts entsprechende Anwendung, soweit die andere Form der Telekommunikation dem Wesen der dort geregelten Kommunikationsform entspricht.

Justizvollzugsgesetzbuch – Buch 1: Gemeinsame Regelungen und Organisation

(JVollzGB I)

§ 22 Feststellung von Mobilfunkendgeräten und Störung des Mobilfunkverkehrs

(1) Gefangenen ist der Besitz und Betrieb von Mobilfunkendgeräten auf dem Gelände der Justizvollzugsanstalten untersagt. Für Einrichtungen, die der Unterbringung von Freigängern dienen, können Ausnahmen zugelassen werden.

(2) [...]

2. Bayern

Gesetz über den Vollzug der Freiheitsstrafe und der Jugendstrafe

(Bayerisches Strafvollzugsgesetz – BayStVollzG)

Art. 26 Grundsatz

Gefangene haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Vorschriften dieses Gesetzes zu verkehren. Der Verkehr mit Personen außerhalb der Anstalt ist zu fördern.

Art. 35 Ferngespräche

(1) Gefangenen kann in dringenden Fällen gestattet werden, Ferngespräche zu führen. Die Vorschriften über den Besuch gelten entsprechend. Ist die Überwachung der fernmündlichen Unterhaltung erforderlich, ist die beabsichtigte Überwachung den Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung durch die Anstalt oder die Gefangenen mitzuteilen. Die Gefangenen sind rechtzeitig vor Beginn der fernmündlichen Unterhaltung über die beabsichtigte Überwachung und die Mitteilungspflicht nach Satz 3 zu unterrichten.

(2) Die Kosten der Ferngespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

(3) [Ausnahmsloses Verbot der Mobilfunknutzung für Gefangene.]

3. Berlin

Berliner Strafvollzugsgesetz

(StVollzG Bln)

§ 28 Grundsatz

Die Gefangenen haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren. Die Anstalt fördert den Kontakt der Gefangenen mit Personen, von denen ein günstiger Einfluss erwartet werden kann.

§ 33 Telefongespräche

(1) Den Gefangenen kann gestattet werden, Telefongespräche durch Vermittlung der Anstalt zu führen. Die Vorschriften über den Besuch der § 29 Absatz 5, §§ 30, 31 Absatz 5 und § 32 gelten entsprechend. Die angeordnete Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn des Telefongesprächs und den Gesprächspartnerinnen und Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung mit.

(2) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, so kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

§ 40 Andere Formen der Telekommunikation

Die Anstalt kann den Gefangenen gestatten, andere von der Aufsichtsbehörde zugelassene Formen der Telekommunikation auf ihre Kosten zu

nutzen. Im Übrigen finden in Abhängigkeit von der Art der Telekommunikation die Vorschriften dieses Abschnitts über den Schriftwechsel, den Besuch und über Telefongespräche entsprechende Anwendung.

Gesetz zur Verhinderung des Mobilfunkverkehrs in Justizvollzugsanstalten

(Mobilfunkverhinderungsgesetz - MFunkVG)

§ 1 Verbot des Mobilfunks

[Ausnahmsloses Verbot der Mobilfunknutzung für Gefangene.]

4. Brandenburg

Gesetz über den Vollzug der Freiheitsstrafe, der Jugendstrafe und der Untersuchungshaft im Land Brandenburg

(Brandenburgisches Justizvollzugsgesetz – BbgJVollzG)

§ 33 Grundsatz

Die Gefangenen haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren. Der Verkehr mit der Außenwelt, insbesondere die Erhaltung der Kontakte zu Bezugspersonen und die Schaffung eines sozialen Empfangsraums, ist zu fördern.

§ 38 Telefongespräche

(1) Den Gefangenen kann gestattet werden, Telefongespräche zu führen. Die Bestimmungen über den Besuch gelten entsprechend. Eine beabsichtigte Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn des Telefongesprächs und den Gesprächspartnerinnen oder Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung mit.

(2) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

§ 44 Andere Formen der Telekommunikation

Nach Zulassung anderer Formen der Telekommunikation im Sinne des Telekommunikationsgesetzes durch die Aufsichtsbehörde (§ 115 Absatz 1) kann die Anstaltsleiterin oder der Anstaltsleiter den Gefangenen gestatten, diese Formen auf ihre Kosten zu nutzen. Die Bestimmungen dieses Abschnitts gelten entsprechend.

§ 118 Verbot und Störung des Mobilfunkverkehrs

(1) Der Besitz und die Benutzung von Geräten zur funkbasierten Übertragung von Informationen sind auf dem Anstaltsgelände des geschlossenen Vollzugs verboten. Die Anstaltsleiterin oder der Anstaltsleiter kann abweichende Regelungen treffen.

(2) [...]

5. Hansestadt Bremen

Bremisches Strafvollzugsgesetz

§ 25 Grundsatz

Die Gefangenen haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren.

§ 30 Telefongespräche

(1) Den Gefangenen kann gestattet werden, Telefongespräche zu führen. Telefongespräche mit Angehörigen der Gefangenen im Sinne des § 11 Absatz 1 Nummer 1 des Strafgesetzbuchs sind zu gestatten. Die Bestimmungen über den Besuch gelten entsprechend. Eine beabsichtigte Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn des Telefongesprächs und den Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung mit.

(2) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

(3) Der Besitz und die Benutzung von Geräten zur funkbasierten Übertragung von Informationen sind auf dem Anstaltsgelände verboten, soweit diese nicht dienstlich zugelassen sind. Die Anstaltsleitung kann abweichende Regelungen treffen.

(4) [...]

§ 36 Andere Formen der Telekommunikation

Nach Zulassung anderer Formen der Telekommunikation im Sinne des Telekommunikationsgesetzes durch die Aufsichtsbehörde kann die Anstaltsleitung den Gefangenen gestatten, diese Formen auf ihre Kosten zu nutzen. Die Bestimmungen dieses Abschnitts gelten entsprechend.

6. Hansestadt Hamburg

Gesetz über den Vollzug der Freiheitsstrafe (Hamburgisches Strafvollzugsgesetz – HmbStVollzG)

§ 32 Telekommunikation

(1) Den Gefangenen kann gestattet werden, auf eigene Kosten Telefongespräche zu führen. Die Gespräche dürfen aus Gründen der Behandlung oder der Sicherheit oder Ordnung der Anstalt überwacht werden. Ist die Überwachung des Telefongesprächs erforderlich, ist die beabsichtigte Überwachung den Gesprächspartnern der Gefangenen durch die Anstalt oder durch die Gefangenen unmittelbar nach Herstellung der Verbindung mitzuteilen. § 30 Absatz 2 Satz 1 und Absatz 3 gilt entsprechend. Die Gefangenen sind rechtzeitig vor Beginn des Telefongesprächs über die beabsichtigte Überwachung und die Mitteilungspflicht nach Satz 3 zu unterrichten.

(2) Nach Zulassung anderer Formen der Telekommunikation im Sinne des Telekommunikationsgesetzes vom 22. Juni 2004 (BGBl. I S. 1190), zuletzt geändert am 3. Mai 2012 (BGBl. I S. 958), in der jeweils geltenden Fassung durch die Aufsichtsbehörde kann die Anstaltsleitung den Gefangenen gestatten, diese Formen auf ihre Kosten zu nutzen. Die Bestimmungen dieses Abschnitts gelten entsprechend.

(3) [Ausnahmsloses Verbot der Mobilfunknutzung für Gefangene.]

7. Hessen

Hessisches Gesetz über den Vollzug der Freiheitsstrafe und der Sicherungsverwahrung (Hessisches Strafvollzugsgesetz – HStVollzG)

§ 33 Grundsätze

(1) Die Gefangenen haben im Rahmen der Vorschriften dieses Abschnitts das Recht, mit Personen außerhalb der Anstalt zu verkehren. Kontakte der Gefangenen zu ihren Angehörigen im Sinne von § 11 Abs. 1 Nr. 1 des Strafgesetzbuchs werden besonders gefördert.

(2) Die Anstaltsleitung kann den Kontakt mit bestimmten Personen untersagen,

1. wenn die Sicherheit oder Ordnung der Anstalt gefährdet würde,
2. bei Personen, die nicht Angehörige der Gefangenen im Sinne des § 11 Abs. 1 Nr. 1 des Strafgesetzbuchs sind, wenn zu befürchten ist, dass sie einen schädlichen Einfluss auf die Gefangenen haben oder deren Eingliederung behindern würden.

(3) Besuche von und Schriftverkehr mit Verteidigerinnen und Verteidigern sind zu gewährleisten und alle Kontakte mit ihnen dürfen nicht überwacht werden. § 148 Abs. 2 und § 148a der Strafprozessordnung bleiben unberührt. Zu gestatten sind auch Besuche von und Schriftverkehr mit Rechtsanwältinnen und Rechtsanwälten sowie Notarinnen und Notaren in einer die Gefangenen betreffenden Rechtssache.

(4) Nicht überwacht werden auch Kontakte mit den in § 119 Abs. 4 Satz 2 der Strafprozessordnung genannten Personen und Stellen, soweit

1. bei mündlicher Kommunikation die Identität der Kontaktperson zweifelsfrei feststeht,
2. ausgehende Schreiben an den jeweiligen Dienstsitz gerichtet sind und den Absender zutreffend angeben oder
3. bei eingehenden Schreiben begründete Zweifel an der Identität des Absenders nicht vorliegen oder auf andere Weise als durch Überwachung ausgeräumt werden können.

(5) Die Kosten für Telekommunikation sowie abgehende Schreiben und Pakete tragen die Gefangenen. Sind sie hierzu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

§ 36 Telekommunikation

(1) Den Gefangenen kann gestattet werden, Telefongespräche zu führen. Aus wichtigen Gründen können sie andere Kommunikationsmittel durch Vermittlung und unter Aufsicht der Anstalt nutzen.

(2) Für Telefongespräche und sonstige mündliche Kommunikation gilt § 34 Abs. 4 entsprechend. Findet danach eine Überwachung statt, so sind die Gefangenen und die anderen Gesprächsbeteiligten vor Beginn der Überwachung hierauf hinzuweisen. Für schriftliche Kommunikation gelten die Vorschriften über den Schriftwechsel entsprechend.

(3) Ist ein Telekommunikationssystem eingerichtet, kann außer in den Fällen des § 33 Abs. 3 und Absatz 4 die Teilnahme daran davon abhängig gemacht werden, dass die Gefangenen und die anderen Gesprächsbeteiligten in eine mögliche stichprobenartige Überwachung der Telekommuni-

kation, auch zur Feststellung der Identität der Gesprächsbeteiligten, einwilligen. Die Gesprächsbeteiligten sind auf die mögliche Überwachung unmittelbar nach Herstellung der Verbindung hinzuweisen.

(4) [Ausnahmsloses Verbot der Mobilfunknutzung für Gefangene.]

8. Mecklenburg-Vorpommern

Gesetz über den Vollzug der Freiheitsstrafe in Mecklenburg-Vorpommern

(StVollzG M-V)

§ 25 Grundsatz

Die Gefangenen haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren.

§ 30 Telefongespräche

(1) Den Gefangenen kann gestattet werden, Telefongespräche zu führen. Die Bestimmungen über den Besuch gelten entsprechend. Eine beabsichtigte Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn des Telefongesprächs und den Gesprächspersonen der Gefangenen unmittelbar nach Herstellung der Verbindung mit.

(2) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

(3) Der Besitz und die Benutzung von Geräten zur funkbasierten Übertragung von Informationen sind auf dem Anstaltsgelände verboten, soweit diese nicht dienstlich zugelassen sind. Der Anstaltsleiter oder die Anstaltsleiterin kann abweichende Regelungen treffen. [...]

9. Niedersachsen

Niedersächsisches Justizvollzugsgesetz

(NJVollzG)

§ 33 Telekommunikation

(1) In dringenden Fällen soll der oder dem Gefangenen gestattet werden, Telefongespräche zu führen. Für das Verbot, die akustische Überwachung und den Abbruch von Telefongesprächen gelten die §§ 26 und 28 Abs. 1

Satz 2, Abs. 3 und 4 gelten entsprechend. Ist eine akustische Überwachung beabsichtigt, so ist dies der Gesprächspartnerin oder dem Gesprächspartner unmittelbar nach Herstellung der Verbindung durch die Vollzugsbehörde oder die Gefangene oder den Gefangenen mitzuteilen. Die oder der Gefangene ist rechtzeitig vor Beginn der Unterhaltung über die beabsichtigte Überwachung und die Mitteilungspflicht nach Satz 3 zu unterrichten. Die Unterhaltung kann zeitversetzt überwacht und zu diesem Zweck gespeichert werden.

(2) Der oder dem Gefangenen kann allgemein gestattet werden, Telefongespräche zu führen, wenn sie oder er sich mit zur Gewährleistung der Sicherheit und Ordnung der Anstalt von der Vollzugsbehörde erlassenen Nutzungsbedingungen einverstanden erklärt. Soweit die Nutzungsbedingungen keine abweichenden Regelungen enthalten, gilt Absatz 1 Sätze 2 bis 5 entsprechend.

(3) Die Zulassung einer anderen Form der Telekommunikation, insbesondere der Videotelefonie, in der Anstalt bedarf der Zustimmung des Fachministeriums; die oder der Gefangene hat keinen Anspruch auf Erteilung der Zustimmung. Hat das Fachministerium die Zustimmung erteilt, so kann die Vollzugsbehörde der oder dem Gefangenen allgemein oder im Einzelfall die Nutzung der zugelassenen Telekommunikationsform gestatten, wenn sichergestellt ist, dass hierdurch nicht die Sicherheit oder Ordnung der Anstalt gefährdet wird und sich die oder der Gefangene mit den von der Vollzugsbehörde zu diesem Zweck erlassenen Nutzungsbedingungen einverstanden erklärt. Soweit die Nutzungsbedingungen keine abweichenden Regelungen enthalten, gelten für Telekommunikationsformen,

1. die einem Besuch vergleichbar sind, Absatz 1 Sätze 2 bis 5,
2. die einem Schriftwechsel vergleichbar sind, § 29 Abs. 2 sowie die §§ 30 bis 32
entsprechend.

(4) [Ausnahmsloses Verbot der Mobilfunknutzung für Gefangene.]

10. Nordrhein-Westfalen

Gesetz zur Regelung des Vollzuges der Freiheitsstrafe in Nordrhein-Westfalen

(Strafvollzugsgesetz Nordrhein-Westfalen – StVollzG NRW)

§ 18 Grundsatz

(1) Gefangene dürfen nach Maßgabe der Vorschriften dieses Abschnitts

1. regelmäßig Besuch empfangen,
2. Schreiben absenden und empfangen,
3. Einrichtungen der Telekommunikation nutzen und
4. Pakete versenden und empfangen.

(2) Der Kontakt zu Angehörigen, insbesondere zu minderjährigen Kindern der Gefangenen, und anderen Personen, von denen ein günstiger Einfluss auf die Gefangenen zu erwarten ist, wird besonders gefördert.

(3) Die Kosten des Schrift- und des Paketverkehrs sowie der Telekommunikation tragen die Gefangenen. Bei bedürftigen Gefangenen können die Kosten in angemessenem Umfang übernommen werden.

§ 24 Telefongespräche

(1) Den Gefangenen kann gestattet werden, Telefongespräche durch Vermittlung der Anstalt zu führen, soweit es die räumlichen, personellen und organisatorischen Verhältnisse der Anstalt zulassen.

(2) Die Anstaltsleitung kann eine Überwachung der Telefongespräche aus Gründen der Sicherheit oder Ordnung der Anstalt oder der Behandlung anordnen. Eine beabsichtigte Überwachung wird den Gefangenen rechtzeitig vor Beginn des Telefongesprächs und den Gesprächspartnerinnen und Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung mitgeteilt.

(3) Ist ein Telekommunikationssystem eingerichtet, kann Gefangenen die Teilnahme daran gestattet werden, soweit diese und ihre Gesprächspartnerinnen und Gesprächspartner in eine unregelmäßige Überwachung der Telekommunikation einwilligen. Ihnen ist die beabsichtigte Überwachung unmittelbar nach Herstellung der Verbindung mitzuteilen.

(4) Für den Abbruch der Telefongespräche gilt § 20 Absatz 3 entsprechend.

§ 25 Verbot von Besuchen, Schriftwechsel und Telefongesprächen

Besuche sowie Schriftwechsel und Telefongespräche können untersagt oder beschränkt werden, wenn im Einzelfall

1. die Sicherheit oder Ordnung der Anstalt gefährdet würde,
2. zu befürchten ist, dass der Kontakt mit Personen, die nicht Angehörige der Gefangenen gemäß § 11 Absatz 1 Nummer 1 des Strafgesetzbuches sind, einen schädlichen Einfluss auf die Gefangenen hat oder ihre Eingliederung behindert, oder
3. die Gefangenen mit Opfern von Straftaten der Gefangenen in Verbindung treten wollen und durch den Kontakt nachteilige Auswirkungen auf die Opfer oder gefährdete Dritte zu befürchten sind oder diese einer Kontaktaufnahme widersprochen haben oder
4. zu befürchten ist, dass der Kontakt Bestrebungen im Sinne des § 3 Absatz 1 in Verbindung mit Absatz 5 des Verfassungsschutzgesetzes Nordrhein-Westfalen vom 20. Dezember 1994 (GV. NRW. 1995, S. 28) in der jeweils geltenden Fassung oder entsprechende Verhaltensweisen fördert.

§ 27 Andere Formen der Telekommunikation

Den Gefangenen kann gestattet werden, andere von der Aufsichtsbehörde zugelassene Formen der Telekommunikation durch Vermittlung der Anstalt zu nutzen, wenn hierdurch weder die Sicherheit noch die Ordnung der Anstalt gefährdet wird. Im Übrigen finden in Abhängigkeit von der Art der Telekommunikation die Vorschriften über den Schriftwechsel, den Besuch und über Telefongespräche entsprechende Anwendung.

§ 67 Maßnahmen zur Verhinderung unerlaubter Telekommunikation
[Ausnahmsloses Verbot der Mobilfunknutzung für Gefangene.]

11. Rheinland-Pfalz

Landesjustizvollzugsgesetz Rheinland-Pfalz (LJVollzG RP)

§ 32 Grundsatz

Die Gefangenen haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren.

§ 37 Telefongespräche

(1) Den Gefangenen kann gestattet werden, Telefongespräche zu führen. Die Bestimmungen über den Besuch gelten entsprechend. Eine beabsichtigte Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn

des Telefongesprächs und den Gesprächspartnerinnen und Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung mit.

(2) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

§ 43 Andere Formen der Telekommunikation

Nach Zulassung anderer Formen der Telekommunikation im Sinne des Telekommunikationsgesetzes vom 22. Juni 2004 (BGBl. I S. 1190) in der jeweils geltenden Fassung durch die Aufsichtsbehörde (§ 112 Abs. 1) kann die Anstaltsleiterin oder der Anstaltsleiter den Gefangenen gestatten, diese Formen auf ihre Kosten zu nutzen. Die Bestimmungen dieses Abschnitts gelten entsprechend.

§ 115 Störung des Mobilfunkverkehrs

(1) Der Besitz und die Benutzung von Geräten zur funkbasierten Übertragung von Informationen sind auf dem Anstaltsgelände verboten, soweit diese nicht dienstlich zugelassen sind. Die Anstaltsleiterin oder der Anstaltsleiter kann abweichende Regelungen treffen.

(2) [...]

12. Saarland

Gesetz über den Vollzug der Freiheitsstrafe im Saarland

(Saarländisches Strafvollzugsgesetz – SLStVollzG)

§ 25 Grundsatz

Die Gefangenen haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren.

§ 30 Telefongespräche

(1) Den Gefangenen kann gestattet werden, Telefongespräche zu führen. Die Bestimmungen über den Besuch gelten entsprechend. Eine beabsichtigte Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn des Telefongesprächs und den Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung mit.

(2) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

§ 36 *Andere Formen der Telekommunikation*

Nach Zulassung anderer Formen der Telekommunikation im Sinne des Telekommunikationsgesetzes durch die Aufsichtsbehörde kann die Anstaltsleitung den Gefangenen gestatten, diese Formen auf ihre Kosten zu nutzen. Die Bestimmungen dieses Abschnitts gelten entsprechend.

Saarländisches Justizvollzugssicherungsgesetz
(SJVollzSichG)

§ 1 *Verbot des Mobilfunks*

Der Besitz und Betrieb von Mobilfunkendgeräten auf dem Gelände der Justizvollzugsanstalten ist untersagt. Für Einrichtungen, die der Unterbringung von Freigängern dienen, können Ausnahmen zugelassen werden.

13. Sachsen

Gesetz über den Vollzug der Freiheitsstrafe und des Strafarrests im Freistaat Sachsen
(Sächsisches Strafvollzugsgesetz – SächsStVollzG)

§ 25 *Grundsatz*

Die Gefangenen haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren. Die Anstalt fördert den Kontakt mit Personen, von denen ein günstiger Einfluss erwartet werden kann.

§ 30 *Telefongespräche*

(1) Den Gefangenen kann gestattet werden, Telefongespräche zu führen. Die §§ 27 bis 29 gelten entsprechend. Darüber hinaus können Telefongespräche mit Personen, die Opfer der Straftaten waren, versagt werden. Die Anordnung der Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn des Telefongesprächs und den Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung mit.

(2) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

(3) Die Anstalt kann die Bereitstellung und den Betrieb von Telekommunikationsanlagen, die Bereitstellung, Vermietung oder Ausgabe von Tele-

kommunikationsgeräten sowie von anderen Geräten der Telekommunikation einem Dritten gestatten oder übertragen.

(4) Innerhalb des Geländes der Anstalten sind der Besitz und die Benutzung von Mobilfunkendgeräten verboten. Für den offenen Vollzug kann der Anstaltsleiter abweichende Regelungen treffen.

(5) [...]

§ 36 Andere Formen der Telekommunikation

Nach Zulassung anderer Formen der Telekommunikation im Sinne des Telekommunikationsgesetzes durch die Aufsichtsbehörde kann der Anstaltsleiter den Gefangenen gestatten, diese Formen auf ihre Kosten zu nutzen. Die Bestimmungen dieses Abschnitts gelten entsprechend.

14. Sachsen-Anhalt

Erstes Buch Justizvollzugsgesetzbuch Sachsen-Anhalt – Vollzug der Freiheitsstrafe, der Jugendstrafe, der Untersuchungshaft und des Strafarrestes

(Erstes Buch Justizvollzugsgesetzbuch Sachsen-Anhalt – JVollzGB I LSA)

§ 32 Grundsatz

Der Gefangene hat das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren.

§ 37 Telefongespräche

(1) In dringenden Fällen soll dem Gefangenen gestattet werden, Telefongespräche zu führen. Die §§ 34, 35 Abs. 2 und § 36 Abs. 2 und 4 gelten entsprechend. Ist eine akustische Überwachung beabsichtigt, so ist dies dem Gesprächspartner unmittelbar nach Herstellung der Verbindung durch die Anstalt oder den Gefangenen mitzuteilen. Der Gefangene ist rechtzeitig vor Beginn der Unterhaltung über die beabsichtigte Überwachung und die Mitteilungspflicht nach Satz 3 zu unterrichten. Die Unterhaltung kann zeitversetzt überwacht und nach Maßgabe des § 31 des Vierten Buches Justizvollzugsgesetzbuch Sachsen-Anhalt weiterverarbeitet werden.

(2) Dem Gefangenen kann gestattet werden, Telefongespräche zu führen, wenn er sich mit den zur Gewährleistung der Sicherheit und Ordnung der Anstalt von der Vollzugsbehörde erlassenen Nutzungsbedingungen einverstanden erklärt. Die Nutzungsbedingungen dürfen keine Regelungen enthalten, die Absatz 1 Satz 2 bis 5 entgegenstehen.

(3) Die Kosten der Telefongespräche trägt der Gefangene. Ist er dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen, soweit nicht ein Dritter leistungspflichtig ist.

§ 43 Andere Formen der Telekommunikation

(1) Die Zulassung anderer Formen der Telekommunikation nach dem Telekommunikationsgesetz in der Anstalt bedarf der Zustimmung der Aufsichtsbehörde. Der Gefangene hat keinen Anspruch auf Erteilung der Zustimmung.

(2) Hat die Aufsichtsbehörde die Zustimmung erteilt, so kann die Anstalt dem Gefangenen die Nutzung der zugelassenen Telekommunikationsform gestatten, wenn sichergestellt ist, dass hierdurch nicht die Sicherheit oder Ordnung der Anstalt gefährdet wird und sich der Gefangene mit den von der Anstalt zu diesem Zweck erlassenen Nutzungsbedingungen einverstanden erklärt. Die Nutzungsbedingungen dürfen keine Regelungen enthalten, die den Vorschriften dieses Gesetzes über den Schriftwechsel, den Besuch und über Telefongespräche entgegenstehen.

§ 117 Störung des Mobilfunkverkehrs

(1) Der Besitz und die Benutzung von Geräten zur funkbasierten Übertragung von Daten sind auf dem Anstaltsgelände verboten, soweit diese nicht dienstlich zugelassen sind. Für Abteilungen des offenen Vollzugs können durch die Aufsichtsbehörde Ausnahmen zugelassen werden.

(2) [...]

(3) [...]

15. Schleswig-Holstein

Gesetz über den Vollzug der Freiheitsstrafe in Schleswig-Holstein

(Landesstrafvollzugsgesetz Schleswig-Holstein – LStVollzG SH)

§ 41 Grundsatz

Die Gefangenen haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren. Der Verkehr mit der Außenwelt ist zu fördern.

§ 46 Telefongespräche

(1) Den Gefangenen kann gestattet werden, Telefongespräche zu führen. Die Bestimmungen über den Besuch gelten entsprechend. Eine beabsichtigte Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn des Telefongesprächs und den Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung mit.

(2) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

§ 52 Andere Formen der Telekommunikation

(1) Die Anstalten richten Möglichkeiten zur Nutzung anderer Formen der Telekommunikation ein.

(2) Den Gefangenen kann gestattet werden, andere Formen der Telekommunikation zu nutzen. Die Bestimmungen über den Besuch gelten entsprechend. Eine beabsichtigte Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn der Nutzung und den Gesprächspartnern unmittelbar nach Herstellung der Verbindung mit.

(3) Die Kosten tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

§ 104 Störung und Unterbindung des Mobilfunkverkehrs

[Ausnahmsloses Verbot der Mobilfunknutzung für Gefangene.]

16. Thüringen

Thüringer Justizvollzugsgesetzbuch

(ThürJVollzGB)

§ 33 Grundsatz

Die Gefangenen haben das Recht, mit Personen außerhalb der Anstalt im Rahmen der Bestimmungen dieses Gesetzes zu verkehren.

§ 38 Telefongespräche

(1) Den Gefangenen kann gestattet werden, Telefongespräche zu führen. Die Bestimmungen über den Besuch gelten entsprechend. Eine beabsichtigte Überwachung teilt die Anstalt den Gefangenen rechtzeitig vor Beginn

des Telefongesprächs und den Gesprächspartnern der Gefangenen unmittelbar nach Herstellung der Verbindung mit.

(2) Die Kosten der Telefongespräche tragen die Gefangenen. Sind sie dazu nicht in der Lage, kann die Anstalt die Kosten in begründeten Fällen in angemessenem Umfang übernehmen.

§ 44 Andere Formen der Telekommunikation

Nach Zulassung anderer Formen der Telekommunikation im Sinne des Telekommunikationsgesetzes durch die Aufsichtsbehörde (§ 113 Abs. 1) kann der Anstaltsleiter den Gefangenen gestatten, diese Formen auf ihre Kosten zu nutzen. Die Bestimmungen dieses Abschnitts gelten entsprechend.

§ 116 Störung des Mobilfunkverkehrs

(1) Der Besitz und die Benutzung von Geräten zur funkbasierten Übertragung von Informationen sind auf dem Anstaltsgelände verboten, soweit diese nicht dienstlich zugelassen sind. Der Anstaltsleiter kann abweichende Regelungen treffen.

(2) [...]

(3) [...]

Anhang 2: Auszüge aus den Berichten des Europäischen Komitees zur Verhütung von Folter und unmenschlicher oder erniedrigender Behandlung oder Strafe (CPT)^{325/326}

1. Deutschland

Periodischer Besuch 2010 (25.11.-7.12.)

95. In allen besuchten Einrichtungen war die **Lage der Strafgefangenen im Hinblick auf den Zugang zu einem Telefon grundsätzlich zufriedenstellend**. Strafgefangene, die in der Außenstelle Ellwangen der Justizvollzugsanstalt Schwäbisch Gmünd untergebracht waren, und auch die meisten Untersuchungsgefangenen (einschließlich Jugendlichen) in allen besuchten Einrichtungen hatten allerdings **nur sehr eingeschränkten Zugang zu einem Telefon und durften häufig nur in Ausnahmefällen Anrufe tätigen**.

Der CPT möchte noch einmal betonen, dass alle Gefangenen, auch Untersuchungsgefangene, Zugang zu einem Telefon haben sollten. Dieser Grundsatz ist auch Bestandteil der Europäischen Strafvollzugsgrundsätze³²⁷. Bei Verdunkelungsgefahr können bestimmte Telefonate jederzeit überwacht werden. **Der Ausschuss wiederholt seine Empfehlung, dass die Behörden aller deutschen Bundesländer die notwendigen Vorkehrungen treffen, damit sichergestellt wird, dass sowohl Untersuchungsgefangene als auch Strafgefangene regelmäßig und häufig Zugang zu einem Telefon haben.**

Periodischer Besuch 2015 (25.11.-7.12.)

64. Die Delegation hat **zwischen den besuchten Justizvollzugsanstalten auffällige Unterschiede** bei den Regelungen festgestellt, die für die Kontakte der Gefangenen mit der Außenwelt gelten.

325 Hinweis: Die nachfolgenden Auszüge aus den CPT-Berichten wurden einschließlich der Absatznummerierung wörtlich und in identischer Orthografie übernommen. Hervorhebungen in Fett- und Kursivschrift sowie die konsekutive Nummerierung der Fußnoten abweichend von den Originalen; Ergänzungen durch eckige Klammern kenntlich gemacht. Die Originaldokumente sind in Volltext auf der Website des CPT unter <https://www.coe.int/de/web/cpt/visits> [Jan. 2022] verfügbar.

326 Die deutschsprachigen Berichte wurden aus redaktionellen Gründen vorangestellt.

327 Grundsatz 24 Abs. 1 und Grundsatz 99 der Europäischen Strafvollzugsgrundsätze sowie die Kommentare zu diesen Grundsätzen.

Besonders positiv zu vermerken ist die Tatsache, dass die *Gefangenen in Zelle und Tonna in ihren Zellen Zugang zu einem Telefon hatten, das Teil einer Multimedia-Ausstattung*³²⁸ war, die von den Gefangenen gemietet werden konnte.

Es wurden jedoch in beiden Anstalten zahlreiche Beschwerden über die hohen Kosten von Telefonanrufen an die Delegation herangetragen. Die Delegation erfuhr, dass den Justizvollzugsbehörden dieses Problem durchaus bewusst war und dass nach Ablauf der vertraglichen Bindung eine neue Ausschreibung zum Wechsel des Telefonanbieters geplant war. Der CPT bittet um aktuelle Informationen zu diesen Entwicklungen.

66. Der CPT **kann nicht nachvollziehen**, weshalb es sowohl Untersuchungsgefangenen als auch Strafgefangenen (einschließlich derer, die zu einer lebenslangen Freiheitsstrafe verurteilt wurden) in der JVA Kaisheim **im Einklang mit den einschlägigen Bestimmungen der bayerischen Gesetze**³²⁹ **grundsätzlich überhaupt nicht gestattet ist, Telefonanrufe zu tätigen.**³³⁰ **Nach Auffassung des CPT sind derartige Zustände unhaltbar und nicht vereinbar mit den Europäischen Strafvollzugsgrundsätzen.**³³¹

Der CPT fordert die bayerischen Behörden auf, ihre Praxis hinsichtlich des Zugangs der Gefangenen zu Telefongesprächen im Licht obiger Ausführungen zu überprüfen und die einschlägigen Gesetze so zu ändern, dass sichergestellt ist, dass alle Gefangenen (auch Untersuchungsgefangene) regelmäßig und häufig ein Telefon benutzen können.

328 Diese Ausstattung umfasste ein Radio, ein Fernsehgerät, Zugang zu bestimmten Seiten im Internet sowie kontrollierten Zugang zu einer bestimmten Anzahl genehmigter Telefonnummern.

329 In Artikel 35 Abs. 1 BayStVollzG heißt es, dass Gefangenen in dringenden Fällen gestattet werden kann, Ferngespräche zu führen, und, nach Artikel 21 Abs. 1 BayUVollzG dürfen Untersuchungsgefangene mit Erlaubnis der Anstaltsleitung Telefongespräche führen, soweit die Sicherheit und Ordnung sowie die räumlichen, personellen und organisatorischen Verhältnisse der Anstalt dem nicht entgegenstehen.

330 Positiv sollte jedoch noch angemerkt werden, dass ausländischen Gefangenen, die keine Besuche empfangen konnten, in der Regel die Gelegenheit gegeben wurde, alle zwei Monate einen Telefonanruf zu tätigen.

331 Siehe Grundsätze 24.1 und 99 sowie die Kommentierung dieser Grundsätze.

Periodischer Besuch 2020 (1.12.-14.12.)

77. Einmal mehr stellte die Delegation bei den Regelungen bezüglich der den Gefangenen erlaubten Kontakte mit der Außenwelt **auffällige Unterschiede zwischen den verschiedenen Justizvollzugsanstalten** fest.³³²

Es ist lobenswert, dass *in der Justizvollzugsanstalt für Frauen Berlin sowohl Untersuchungsgefangene³³³ als auch Strafgefangene die in ihren Hafträumen installierten Telefongeräte nahezu uneingeschränkt benutzen durften.*

In der Justizvollzugsanstalt Gelsenkirchen hingegen durften Gefangene **grundsätzlich nur zwei Telefongespräche von je 15 Minuten Länge pro Monat** führen. **Besonders besorgniserregend** ist, dass in der Justizvollzugsanstalt Bayreuth trotz der spezifischen Empfehlungen nach dem letzten regelmäßigen Besuch **Untersuchungs- und Strafgefangene** im Einklang mit den einschlägigen bayerischen Rechtsvorschriften³³⁴ **nur in dringenden Fällen Telefonate führen durften.**

Wie bereits im Bericht über den Besuch im Jahr 2015 ausgeführt sind derartige Zustände nach Auffassung des CPT **unhaltbar und mit den Europäischen Strafvollzugsgrundsätzen unvereinbar.**³³⁵

Der CPT fordert die bayerischen Vollzugsbehörden abermals auf, ihre Praxis hinsichtlich des Zugangs der Gefangenen zu Telefongesprächen im Licht obiger Ausführungen zu überprüfen und die einschlägigen Gesetze so zu ändern, dass sichergestellt ist, dass alle Gefangenen (auch Untersuchungsgefangene) regelmäßig und häufig ein Telefon benutzen können.

Darüber hinaus **ermutigt der Ausschuss die Vollzugsbehörden in Nordrhein-Westfalen, Maßnahmen zu ergreifen, um sicherzustellen, dass der aktuell bestehende Anspruch von Gefangenen in der Justizvollzugsanstalt Gelsenkirchen auf Telefongespräche erhöht wird.**

332 Bei den in den folgenden Absätzen beschriebenen Regelungen sind die im Rahmen der Covid-19-Pandemie verhängten Einschränkungen nicht berücksichtigt [...].

333 Sofern ihre Möglichkeiten des Kontakts mit der Außenwelt nicht gerichtlich eingeschränkt wurden.

334 Siehe § 35 Abs. 1 BayStVollzG und § 21 Abs. 1 BayUVollzG.

335 Siehe die Grundsätze 24.1 und 99 und die Erläuterungen zu diesen Grundsätzen.

2. Österreich

Periodischer Besuch 2014 (22.9.-1.10.)

87. In Übereinstimmung mit den maßgeblichen Gesetzen konnten erwachsene Strafgefangene zumindest einen halbstündigen Besuch jede Woche und einen einstündigen Besuch alle sechs Wochen erhalten.³³⁶

Das CPT möchte betonen, dass Kontakte mit der Außenwelt, insbesondere Besuche von Familien und anderen Verwandten, von entscheidender Bedeutung in Zusammenhang mit der sozialen Rehabilitation von Gefangenen sind. Das Komitee ist daher der Ansicht, dass alle Gefangenen zu einem Besuch in der Dauer von zumindest einer Stunde jede Woche (was derzeit bei Untersuchungshäftlingen der Fall ist) berechtigt sein sollten. Das CPT empfiehlt den österreichischen Behörden, alle notwendigen Schritte zu unternehmen um sicherzustellen, dass dieser Grundsatz hinsichtlich aller Strafgefangenen effektiv umgesetzt wird.

89. In den drei besuchten Einrichtungen konnten Strafgefangene eine *unbegrenzte Anzahl an Telefonaten* führen, vorausgesetzt, sie hatten die Mittel, um für die Kommunikationskosten zu bezahlen.³³⁷ **Das CPT war jedoch überrascht festzustellen, dass Strafgefangene nach dem Gesetz nur das Recht haben, Telefonate „aus berücksichtigungswürdigen Gründen“ zu führen.**³³⁸ **Ferner besagt die vom Bundesministerium für Justiz erlassene einheitliche Hausordnung sogar, dass diese Gründe vom betreffenden Häftling nachgewiesen werden müssen. Das CPT würde dazu gern die Ansichten der österreichischen Behörden erhalten.**

3. Liechtenstein

Periodischer Besuch 2016 (20.6.-24.6.)

46. Das CPT begrüsst die Politik der Anstaltsleitung, Gefangenen mehr Besuche und Telefongespräche zu erlauben als die im Gesetz vorgesehene Mindestzahl. In der Praxis konnten Gefangene (denen in punkto Kontakten zur Aussenwelt keine richterlichen Einschränkungen auferlegt waren) für gewöhnlich pro Woche mindestens zwei Besuche von einer Stunde

336 § 93 StVG.

337 In der Justizanstalt Graz-Karlau erhielten Häftlinge, deren Familien im Ausland lebten, die Möglichkeit, einmal im Monat ein Audio- oder Video-Gespräch über das Internet zu führen.

338 Siehe § 96 StPO. [Anm. d. Ü.: § 96a StVG statt § 96 StPO].

(und in manchen Fällen beträchtlich länger) empfangen und *mindestens zwei Telefongespräche pro Woche von insgesamt zwei Stunden Dauer* führen.

49. Zweitens ist das CPT überrascht, dass nach den einschlägigen Rechtsvorschriften³³⁹ sowohl Strafgefangene als auch Untersuchungshäftlinge – in der Regel – keine Telefongespräche führen dürfen. Nach Ansicht des CPT ist eine solche Regelung nicht akzeptabel und auch nicht vereinbar mit den Europäischen Strafvollzugsgrundsätzen.³⁴⁰

Das Komitee empfiehlt den liechtensteinischen Behörden, die einschlägigen Rechtsvorschriften so zu ändern, dass alle Gefangenen (inkl. jener in Untersuchungshaft) in der Regel Anspruch auf regelmässigen und häufigen Zugang zum Telefon haben.

51. Angesichts des generell hohen Anteils an ausländischen Staatsangehörigen im Landesgefängnis und den hohen Kosten internationaler Telefongespräche ermutigt das CPT die liechtensteinischen Behörden schliesslich, die Möglichkeit des Einsatzes moderner Technologie zur Erleichterung der Kommunikation zwischen Gefangenen und deren Angehörigen (z.B. über ein Voice und Video over IP) zu sondieren. Solche Kommunikationsmittel werden in anderen europäischen Ländern zunehmend genutzt und können mit entsprechender Überwachung durch das Personal sicher gemacht werden.

4. Albanien

Periodischer Besuch 2010 (10.5.-21.5.)

105. The CPT welcomes the fact that the entitlement of prisoners to have access to the telephone has recently been increased³⁴¹. *Adult prisoners can now make eight ten-minute phone calls per month while juveniles are entitled to 16 such calls every month. In practice, prisoners in most of the establishments visited were allowed to make even more phone calls.*

339 Art. 88 StrVG legt fest, dass Strafgefangene aus berücksichtigungswürdigen Gründen Telefongespräche mit einem Angehörigen, Rechtsanwalt oder einer öffentlichen Einrichtung führen dürfen. Laut Art. 12 der Hausordnung gilt diese Regelung auch für Untersuchungshäftlinge, und alle Gefangenen, die telefonieren möchten, müssen einen berücksichtigungswürdigen Grund bescheinigen. Im Falle von Untersuchungshäftlingen ist auch die Zustimmung des Untersuchungsrichters notwendig (siehe Ziff. 50).

340 Siehe Grundsätze 24.1 und 99 und den Kommentar zu den Grundsätzen.

341 Remand prisoners' contact with the outside world is regulated in the same way as that of sentenced prisoners.

It is also praiseworthy that juveniles can now have eight short-term visits per month with their family and friends, while adult prisoners are entitled to four such visits (one of which may be extended to five hours as a conjugal visit).

107. The CPT wishes to emphasise that contacts with the outside world, in particular visits from families and other relatives, are of crucial importance in the context of social rehabilitation of prisoners. The prison administration should therefore not only enable those contacts but also ensure that they take place in a decent environment allowing undisturbed communication. The Committee acknowledges that in certain cases it will be justified, for security-related reasons or to protect the legitimate interests of an investigation, to have closed visiting arrangements; however, this approach should constitute the exception, not the rule. The CPT therefore recommends that the Albanian authorities review the visiting arrangements in all prison establishments in order to ensure that, as a rule, visits take place under decent open conditions (e.g. with prisoners and their visitors sitting around a table). Further, steps should be taken to ensure that prisoners' short-term visits last at least one hour.

Periodischer Besuch 2014 (4.2.-14.2.)

104. The rules regarding prisoners' contact with the outside world have not changed since the CPT's 2010 visit. It is recalled that adult remand and sentenced prisoners are entitled to four short-term visits per month from their family members and friends (one of which may be replaced by a conjugal visit of up to five hours). In addition, they have access to a telephone eight times per month, for up to ten minutes each time.³⁴² As regards juveniles, their visit and phone entitlements are twice those of adults.

Periodischer Besuch 2018 (20.11.-30.11.)

55. [Special detention regime for terrorism/organised crime – special units within high-security prisons:] The CPT also learned that, shortly after the visit, amendments had been made to the Law on the Rights and Treatment of Prisoners, introducing a special detention regime for persons accused or convicted of certain offences related to terrorism or organised crime. According to the new Section 13/1 of the aforementioned law, such per-

342 It should be mentioned that, *in some of the establishments* visited (such as Peqin Prison and Prison No. 313), *prisoners were allowed to make phone calls more frequently.*

sons may be placed in special units within high-security prisons³⁴³ with a view to maintaining order and security in prison and/or preventing their contacts/communication with members of criminal organisations. It is inter alia provided that such prisoners are only entitled to one family visit per month (which should be subject to audio- and video-recording). *Prisoners not receiving any family visits are, in principle, allowed to make one ten-minute phone call per month* (cf. paragraph 98).

In the CPT's view, the visiting entitlement of the above-mentioned category of prisoner is **too restrictive and should be increased significantly**. Further, **these prisoners should be allowed to make telephone calls every month, irrespective of whether they receive a visit during the same month**.

96. The legal provisions concerning prisoners' visiting and telephone entitlements remained unchanged since the CPT's 2014 periodic visit.³⁴⁴ It is recalled that adult remand and sentenced prisoners are allowed to receive 4 short-term visits per month from their relatives and friends (one of which may be replaced by a conjugal visit of up to five hours for sentenced prisoners).³⁴⁵

The CPT wishes to emphasise that contacts with the outside world, in particular visits from families and other relatives, are of crucial importance for the social rehabilitation of prisoners and for counteracting the damaging effects of imprisonment. In the Committee's view, all prisoners should benefit from a visiting entitlement of at least one hour every week. Further, whilst acknowledging that in certain cases it may be justified, for security-related reasons, to have closed visiting arrangements, the CPT considers that this approach should constitute the exception, not the rule.

98. As regards phone calls, the CPT is pleased to note that, as observed during previous visits, *prisoners were generally allowed to use the telephone more frequently than they were entitled to by law (i.e. eight calls per month)*.

343 The decision to this effect shall be taken by the Minister of Justice after consulting with relevant state agencies, for a renewable period of one year. An appeal can be lodged with the court against any such placement (or extension thereof), which does not have suspensive effect.

344 See Sections 57 and 61 of the General Prison Regulations.

345 The director of the prison may authorise additional family visits.

5. Andorra

Periodischer Besuch 2011 (28.11.-1.12.)

48. En ce qui concerne l'accès au téléphone, la délégation n'a enregistré aucune doléance. Les détenus avaient *droit à trois appels téléphoniques de 15 minutes par semaine* à leurs frais. Les communications se passaient dans des *cabines téléphoniques qui étaient disponibles dans chaque quartier de l'établissement.*

Periodischer Besuch 2018 (29.1.-2.2.)

39. Le règlement intérieur du centre pénitentiaire détaille les règles concernant les appels téléphoniques, les visites, les communications par internet (Skype) et la correspondance écrite.

42. En ce qui concerne l'accès au téléphone, la délégation n'a enregistré aucune doléance. Les détenus avaient droit à trois appels téléphoniques de 15 minutes par semaine à leurs frais. Chaque quartier de l'établissement disposait de cabines téléphoniques. Concernant les *mineurs, les appels téléphoniques étaient autorisés quatre jours par semaine (les mardis, jeudis, samedis, dimanches).*

43. Le Centre offrait maintenant aux détenus dont la famille était éloignée, la *possibilité de communiquer par le biais d'internet (Skype).* Les détenus concernés pouvaient en formuler la demande *après quatre semaines sans visite de leurs proches, c'est-à-dire après un certain délai.* Les communications duraient *jusqu'à 20 minutes.* **Le CPT salue l'introduction des communications par vidéoconférence. Il encourage néanmoins les autorités à faciliter le contact de tous les détenus avec leurs proches dès le début de leur détention. De façon plus générale, il serait souhaitable que l'usage de la vidéoconférence soit étendu progressivement à l'ensemble des personnes incarcérées.**

6. Armenien

Periodischer Besuch 2010 (10.5.-21.5.)

125. Armenian legislation provides that prisoners should have access to a telephone (unless prohibited by the body conducting the criminal proceedings, in the case of remand prisoners). Actual entitlements were determined by each penitentiary establishment.³⁴⁶

346 Prisoners were generally entitled to one phone call a week.

At Nubarashen and Vardashen Prisons, it appeared that prisoners generally had no problems in making phone calls. However, at Kosh Prison, the delegation received many complaints about access to the telephone, due to the fact that there were only two telephones for the whole inmate population (one of which was out of order at the time of the visit). **The CPT recommends that access to the telephone be improved** at Kosh Prison.

Periodischer Besuch 2015 (5.10.-15.-10.)

62. By contrast, as regards contact with the outside world³⁴⁷, the visit entitlement of life-sentenced prisoners had remained significantly lower than those of other sentenced prisoners, and limited to three short-term visits and one long-term visit per year. Further, visits under closed conditions (with a glass partition) remained the rule.

109. As for access to a telephone, inmates at Nubarashen and Armavir prisons could make *a 15-minute telephone call once a week*³⁴⁸ and those at Vanadzor Prison *twice a week*. However, at Yerevan-Kentron Prison, the delegation was informed that prisoners were *only allowed one 10-minute telephone call every 10 days*. The Committee recommends that **steps be taken to align this entitlement** to at least that of Nubarashen and Armavir prisons.

Periodischer Besuch 2019 (2.12.-12.12.)

65. Another positive development since the last visit was that *foreign prisoners (as well as Armenian nationals whose families lived abroad or otherwise far away) could use Voice over Internet Protocol (VoIP) free of charge to get in touch with their relatives*. The Committee welcomes this and invites the Armenian authorities to allow all prisoners to have access to this technology. At the time of the 2019 periodic visit, prisoners could make telephone calls (using phone cards bought in the prison shop or received from home) *once to twice per week for a maximum of 15 minutes*. Many prisoners complained to the delegation that this was not enough and that calls were expensive. The CPT invites the Armenian authorities to **take steps to improve inmates' access to a telephone** in the light of the above remarks.

347 Life-sentenced prisoners were usually granted access to the telephone for 15 minutes every two weeks.

348 Local area calls were free of charge; for other calls, prisoners could buy phone cards in the prison shop or receive them from home.

7. Aserbaidtschan

Periodischer Besuch 2011 (5.12.-15.12.)

88. As regards life-sentenced prisoners, they are still only entitled to six short-term (of up to 4 hours) and two long-term (of up to 3 days) visits per year³⁴⁹ as well as to two 15-minute phone calls per month. Prisoners on the special regime have the same visit entitlement as life-sentenced prisoners. The visit entitlement is even more restrictive for prisoners on the prison regime: four short-term and two long-term visits per year – if placed under “general conditions”, or one short-term visit per six months – if placed under “strict conditions”³⁵⁰. Prisoners on both the special and prison regimes are entitled to one 15-minute telephone call per week.

The CPT must stress that frequent contacts with the outside world, in particular visits from relatives, are of crucial importance in the context of social rehabilitation of prisoners; a visit on average every six to seven weeks, no matter how long that visit might be, is not adequate. In the Committee’s view, all prisoners, irrespective of their legal status and regime, should be entitled to at least one visit per week. The CPT recommends that the Azerbaijani authorities significantly revise prisoners’ visit entitlements in the light of these remarks.

Periodischer Besuch 2016 (29.3.-8.4.)

151. As regards sentenced prisoners, **the Committee has noted with regret that the inadequate entitlements for life-sentenced prisoners, sentenced prisoners on special and “prison” regimes and the “violators” had improved only a little, essentially with respect to access to a telephone.**³⁵¹

349 Lifers who have served at least ten years and demonstrated good behaviour can be granted additionally two short-term visits and one long-term visit per year.

350 “Strict conditions” of the prison regime are applied to those prisoners who have previously served a term under the prison regime, or who have been convicted for crimes committed within a penitentiary establishment, or as a disciplinary measure in respect of prisoners placed under “general conditions”. The maximum period a prisoner can spend under “strict conditions” is six months.

351 Life-sentenced prisoners are still only entitled to six short-term (of up to 4 hours) and two long-term (of up to 3 days) visits per year (lifers who have served at least ten years and demonstrated good behaviour can be granted additionally two short-term visits and one long-term visit per year) but *can now make a 15-minute phone call per week (previously twice per month)*. Prisoners on the special regime have the same visit entitlement as life-sentenced prisoners. The visit entitlement is even more restrictive for prisoners on the “prison” regime:

The CPT wishes to reiterate its view that a system under which the extent of a prisoner's contact with the outside world is determined by the regime under which he/she serves his/her sentence (as imposed by court) is fundamentally flawed. **In principle, all prisoners, irrespective of the regime, should have the same possibility for contact with the outside world;** inmates should preferably have a visit entitlement equivalent to that currently offered to prisoners serving their sentence under general regime i.e. the equivalent of at least one hour of visit per week.

The Committee calls upon the Azerbaijani authorities to amend the relevant legislation in the light of these remarks.

155. The delegation noted that **there were not enough telephones** at Penitentiary Establishment No. 4 (six), which meant that there were long queues and inmates could only make very short (5-minute) calls. The CPT invites the Azerbaijani authorities to look for ways to improve inmates' access to a telephone at the above-mentioned establishment. The Committee hopes that this will not be an issue in the new women's establishment in Zabrat.

8. Belgien

Periodischer Besuch 2013 (24.9.-4.10.)

115. Les détenus avaient en *général accès au téléphone tous les deux jours, pour une durée maximale de 10 minutes*. De nouvelles *cabines téléphoniques* étaient en cours d'installation dans les prisons belges au moment de la visite du CPT. Elles sont gérées informatiquement et leurs installations ainsi que la maintenance est assurée par une société privée. Les données téléphoniques et les conversations peuvent être contrôlées, chaque détenu devant s'identifier par un code personnel. Les communications peuvent ainsi être limitées, notamment lors de la détention préventive.

A la prison de Forest, des détenus se sont plaints de l'impossibilité de faire usage de leurs 10 minutes d'appels téléphoniques tous les deux jours. La délégation a été informée que l'accès au téléphone n'était pas toujours

four short-term and two long-term visits per year – if placed under “general conditions”, or one short-term visit per six months – if placed under “strict conditions”. Prisoners on both the special and “prison” regimes are entitled to *two 15-minute telephone calls per week (previously one per week)*. The “violators” may have a short-term visit once a month and a long one every 3 months. The entitlement is more generous for women: depending on the regime, from 12 to 48 short-term visits and from two to four long-term visits per year.

possible en raison d'un manque de personnel. **Le CPT invite les autorités belges à prendre les mesures nécessaires afin d'assurer que tous les détenus puissent bénéficier d'un temps d'utilisation du téléphone conforme à la réglementation en vigueur.**

Periodischer Besuch 2017 (27.3.-6.4.)

61. Les restrictions imposées aux détenus soumis à une MSP/à un RS-PI permettaient de conserver un minimum de contacts avec le monde extérieur (à titre d'illustration, ces restrictions pouvaient comporter un contrôle systématique de la correspondance, une limitation des communications téléphoniques à une par semaine et la limitation du nombre de visites par semaine, ainsi que le confinement en parloir vitré, le cas échéant).

Cela étant, certains détenus dits «terros» avec lesquels la délégation s'est entretenue, notamment à la prison de Lantin, avaient de sérieuses raisons de penser que l'octroi de visites était conditionné par le niveau de coopération avec les agents de la Sûreté de l'Etat. Le CPT souhaite recevoir les commentaires des autorités belges à ce sujet.

71. La question des programmes d'activités est d'autant plus primordiale à la prison pour hommes de Leuze-en-Hainaut que le *haut niveau d'équipement en cellule* (douche, accès en cellule à une plateforme de services informatisés/téléphone) et les régimes fermés prévalant dans certaines parties de l'établissement impliquaient encore moins de sorties de cellule et par conséquent moins de contacts humains. Lors de la visite, la délégation a rencontré un certain nombre de détenus qui se plaignaient de ce confinement en cellule par rapport à ce qu'ils avaient connu antérieurement dans d'autres établissements. La direction n'arrivait pas à répondre à la demande d'activités. Moins de 30% bénéficiaient d'une ou plusieurs formations et moins de 15% participaient à des activités de «bien-être». Un peu plus de 40% des détenus (y compris les «intérimaires») avaient un travail, mais beaucoup se plaignaient qu'ils devaient attendre des mois avant de bénéficier d'un emploi qui se limitait parfois à quelques jours de travail. En parallèle, les détenus pouvaient généralement accéder à une heure de fitness plusieurs fois par semaine. Une politique de circulation fluide/«portes ouvertes» pendant plusieurs heures a également été mise en place dans certaines ailes.

9. Bosnien-Herzegowina

Periodischer Besuch 2011 (5.4.-14.4.)

43. A number of prisoners met by the delegation had spent a prolonged period in heightened supervision (i.e. more than six months). In addition to an absence of activities, *prisoners on heightened supervision* were not allowed to associate with other inmates (apart from their cellmate) and their contact with the outside world was restricted to one visit of one hour per month and *a weekly telephone call of 10 minutes*, as well as written correspondence. Despite the name of these units containing the words “with intensive treatment”, prisoners placed in them did not in fact benefit from additional support or counselling.

74. The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. **The guiding principle should be to promote contact with the outside world as often as possible; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature**³⁵².

At Banja Luka Prison, visits to inmates on remand were restricted to one closed visit per month for a duration of one hour, subject to the permission of the investigating judge. The CPT fully understands that closed visiting arrangements may be necessary in some cases; however, this should not constitute the rule. Further, it appeared both from interviews with prisoners and from the visits log book that inmates were only being granted a maximum of 15 minutes visit time, well below the time permitted by the current regulations, even when the visitors travelled several hundred kilometres to get to the establishment.

At Dobož Prison, unless there were specific indications to the contrary, most inmates on remand were offered an open visit for a full one hour per month. Similar arrangements pertained at Istočno Sarajevo Prison.

For sentenced prisoners, the visiting arrangements in the establishments visited were, on the whole, satisfactory. The amount of time each prisoner was allowed for visits depended on their categorisation. All prisoners were initially classified as Category B which enabled them to benefit from three hours of visits per month, which would be increased to five hours if they progressed to Category A status or reduced to one hour if they regressed to Category C. At the time of the visit, about one-sixth (48) of inmates in Foča Prison were entitled to only one hour of visit time per month. *Access to the telephone was not a problem in any of the prisons visited.*

352 See also European Prison Rule 24.2.

Periodischer Besuch 2015 (29.9.-9.10.)

90. *The Special Regime Department* was formally inaugurated in September 2011 and was accommodating 26 inmates at the time of the visit for an official capacity of 36. The single cells offered decent conditions.³⁵³

Contacts with the outside world were *limited to one telephone call of 10 minutes per week* and one closed visit of one hour per month. It is positive that inmates with children were offered open visits in a part of the department's garage which was furnished with a sofa and table. However, "open" visiting arrangements should be the rule and "closed" ones the exception for all legal categories of prisoner, including those placed under a special regime. Any decision to impose closed visits must always be well-founded and reasoned, and based on an individual assessment of the potential risk posed by the prisoner. Further, the **visiting entitlement should be increased and the possibility to make additional telephone calls introduced.**

The CPT recommends that the RS authorities increase their efforts to offer prisoners placed in the Special Regime Department with a wider range of purposeful activities (education, vocation, work, recreation and sport). Further, opportunities for contacts with the outside world should be enhanced with open visits the rule and closed visits only being imposed for security-related reasons, and **prisoners should be offered** the equivalent of one hour of visits per week and **more than one telephone call per week.**

95. In addition to an absence of activities, *prisoners on enhanced supervision* were not allowed to associate with other inmates (apart from their cell-mate) and their contact with the outside world was restricted to one visit of one hour per month and *a weekly telephone call of 10 minutes*, as well as written correspondence. It was not unusual for inmates to spend six or more months on enhanced supervision, which amount to conditions akin to solitary confinement if they were placed a cell on their own. Despite the name of these units containing the words "with intensive treatment", prisoners placed in them did not in fact benefit from additional support or counselling.

Periodischer Besuch 2019 (11.6.-21.6.)

76. The anachronistic approach towards remand prisoners³⁵⁴ was in evidence again concerning visiting entitlements. Remand prisoners were still

353 See CPT/Inf (2011) 40, paragraphs 38.

354 [...].

only permitted one visit of 15 minutes per week under closed conditions and one five-minute call per week and such contacts were dependent upon the authorisation of the competent judicial authorities. At Mostar and Sarajevo Prisons, closed visits still took place in rooms equipped with a glass screen up to the ceiling with an additional metal grille placed in front of it.

By contrast, the visiting arrangements for sentenced prisoners in the establishments visited were on the whole satisfactory for those inmates classified as Category A: one hour per week with close relatives. That said, sentenced prisoners are initially classified as Category B which enables them to benefit from three hours of visits per month, which would be reduced to one hour if they regressed to Category C following a disciplinary sanction.

Further, arrangements were in place for conjugal visits on a bi-monthly basis. Visiting premises were clean and in a decent state of repair and do not call for particular comment. Further, at Mostar Prison, the prison management had recently equipped the room for family visits with a play area for children. *Sentenced prisoners could make telephone calls for up to thirty minutes per week.*

There were however **no arrangements in place for foreign national prisoners to make international calls. The CPT considers that it would be desirable to offer foreign national prisoners the possibility to maintain contact with their families abroad through using Voice over Internet Protocol (VoIP).**

The CPT recommends that all prisoners, as a rule and irrespective of their regime level and classification, be offered the equivalent of one hour of visiting time per week and preferably be able to receive one visit per week. Only in exceptional cases should an investigative judge place a restriction on visits to a remand prisoner. Further, the metal grilles placed in front of the glass screens in the visiting facilities of Sarajevo and Mostar Prisons should be removed as a matter of urgency. Moreover, remand prisoners should have open visits unless there are specific security reasons for not doing so. **Further, the CPT recommends that the authorities of Bosnia and Herzegovina consider introducing the use of VoIP communication for foreign national prisoners to maintain contact with their families abroad.**

77. Pursuant to Article 58 of the Rulebook on House Rules in Establishments for the Enforcement of Remand Detention of the FBiH systematic judicial control must be exercised on all incoming and outgoing correspondence concerning remand prisoners. The CPT's delegation received

several complaints from remand prisoners in relation to the consistent delays that the censorship procedures implied for their correspondence.

The CPT has stressed several times that any prohibition of visits, phone calls or correspondence should be specifically substantiated by the needs of the investigation, require the approval of a body unconnected with the case at hand, and be applied for a specified period of time, with reasons stated. Further, the decision concerning prohibition should be made available to the person concerned and his/her lawyer. **The CPT recommends that the authorities of the Federation of Bosnia and Herzegovina strictly comply with the above remarks.**

10. Bulgarien

Periodischer Besuch 2010 (18.10.-29.10.)

80. In all the establishments visited, detained persons had the *possibility to make telephone calls (either unlimited or, as a minimum, twice a week). Pay-phones had been installed in the exercise yards/rooms or corridors and detainees could have up to ten numbers authorised on their phone cards.* However, numerous complaints were heard about the high price of telephone calls (see also paragraph 141). The CPT recommends that the Bulgarian authorities ensure that persons detained in IDFs have access to telephone communications at prices analogous to those in the community.

141. Prisoners at the establishments visited had *unlimited access to a telephone and a number of card-operated telephones had been installed in the corridors and/or exercise yards.* However, as noted in paragraph 80 concerning IDFs, many prisoners complained that the price of telephone calls had considerably increased following the signing of a contract between the Ministry of Justice and a telephone provider for the whole system of deprivation of liberty. In this respect, reference is made to the recommendation in paragraph 80.

Periodischer Besuch 2014 (24.3.-3.4.)

110. Inmates had *access to card-operated telephones in all the establishments visited.* That said, similar to what had been observed during previous visits, the delegation received many complaints about the price of telephone calls, reportedly several times higher than in the outside community. The CPT recommends that the Bulgarian authorities take steps to ensure that prisoners have access to telephone communications at prices comparable to those in the outside community.

Periodischer Besuch 2017 (25.9.-6.10.)

102. Inmates had *access to card-operated telephones, between two and five times per week for up to 15 minutes at a time*, in all the establishments visited.³⁵⁵ That said, at Sofia Prison the delegation heard numerous complaints that the sale of telephone cards to prisoners had recently been interrupted. The Director explained that it was a temporary problem due to the departure on annual leave of the staff member in charge. The CPT would like to receive confirmation that the aforementioned problem has now been solved.

11. Dänemark

Periodischer Besuch 2014 (4.2.-13.2.)

72. As was the case during previous visits, the CPT's delegation noted favourably the arrangements in place for sentenced prisoners to maintain contact with the outside world. At Ringe State Prison, weekly visits lasted three hours long and prisoners could also apply to receive overnight family visits and to go on weekend leave. The visiting facilities at Ringe State Prison were of a high standard and family friendly while those at Western Prison were in the process of being upgraded at the time of the visit. *Access to the telephone and prisoner correspondence could be considered satisfactory.*

Remand prisoners were offered one hour of visit every week and access to the telephone and correspondence was adequate. However, many persons on "B & B" judicial restrictions complained that they could not communicate in their own language when they had visits and that as they were not permitted telephone calls, they felt cut off from the outside world (see also paragraphs 33 and 34). In this context, the delegation met a number of prisoners at Western Prison who had relatives within the prison but who were not permitted to have contact with them due to the "B & B" regime being applied to them. Such a restriction would appear excessive, especially when they had no other close relatives in the country.

The CPT would appreciate the observations of the Danish authorities on these matters.

Periodischer Besuch 2019 (3.4.-12.4.)

102. The CPT's delegation noted favourably the arrangements in place for sentenced prisoners to maintain contact with the outside world. They were entitled to receive, every week, at least one two-hour visit at Storstrøm

355 They were *also allowed one free telephone call upon admission to the establishment.*

Prison and one 1.5-hour visit at Odense and Blegdamsvejens Remand Prisons.³⁵⁶ In practice, longer visits were granted to prisoners who rarely received a visit (for example, at Odense Remand Prison, up to a one-day visit when visitors came from abroad). In addition, at Storstrøm Prison and Blegdamsvejens Remand Prison, sentenced prisoners could apply to receive overnight family visits; the facilities for such visits were of a very high standard (indeed, their design and equipment resembled a private home). *Access to the telephone*³⁵⁷ and correspondence could be considered *satisfactory*.

12. Estland

Periodischer Besuch 2012 (30.5.-6.6.)

94. The rules regarding contact of prisoners with the outside world have remained unchanged since the CPT's last visit.³⁵⁸ *All prisoners were entitled to one telephone call for up to 10 minutes per week.* As regards visits, all prisoners were allowed one "short-term visit" per month for up to three hours. Additionally, sentenced prisoners could have long-term visits from their family. In both prisons, prisoners were entitled to two such visits per year for up to three days.

The CPT considers that prisoners should be entitled to the equivalent of at least one of hour of visiting time per week; consequently, it recommends that the length of the monthly "short-term" visits be increased to four hours. Preferably, prisoners should be able to receive a visit every week.

Periodischer Besuch 2017 (27.9.-5.10.)

64. According to the relevant rules,³⁵⁹ all sentenced and remand prisoners – including juveniles – were entitled to receive one short-term visit per

356 Two visits per week (of two hours at Storstrøm Prison, and of 1.5 hours at Odense and Blegdamsvejens Remand Prisons) after six months of imprisonment.

357 By way of example, *at least 20 minutes once a week* at Odense Remand Prison and *30-45 minutes once a week* at Blegdamsvejens Remand Prison.

358 For further details, see CPT/Inf (2011) 15, paragraph 82.

359 Sections 23 to 29, 84 and 94 to 97 of the Imprisonment Act as well as Sections 37 and 51 of the Internal Prison Rules.

month of up to three hours,³⁶⁰ and sentenced prisoners were also entitled to receive one unsupervised long-term visit of 24 hours (with a possible extension of up to three days in “justified cases”) at least once every six months.

Moreover, in addition to the right to correspondence, *all prisoners were allowed to have access to the telephone, sentenced prisoners at least once a week and remand prisoners “upon request”.*

The information gathered during the visit suggests that, in all three prisons, prisoners were usually allowed to have a visit of three hours per month and that on occasion prisoners could have more than one visit per month. Further, sentenced prisoners were usually offered two long-term visits per year, and *all prisoners were usually allowed to make one ten-minute telephone call per week.*

That said, the CPT wishes to stress again that all prisoners, irrespective of their legal status, should be entitled to the equivalent of one hour of visiting time per week and, preferably, should be able to receive a visit every week. **Further, juveniles** should benefit from a visiting entitlement of more than one hour every week and **should have more frequent access to the telephone than adults.**

13. Finland

Periodischer Besuch 2014 (22.9.-2.10.)

84. *Prisoners generally had adequate opportunities for maintaining contact with the outside world, through visits, correspondence and telephone calls.*³⁶¹ As a rule, inmates were allowed one 45-minute visit per week and offered the opportunity for an additional 3-hour family visit³⁶² every few months.³⁶³ There were four types of visiting arrangements in place, depending on the prison managements’ risk assessment of a particular prisoner: unsupervised (rare in practice, and usually granted as a reward); open (i.e. over a table) but supervised (the most frequent); semi-closed (i.e. with a partial plexi-

360 As regards juveniles (and young adults), the law stipulates that the frequency and duration of visits and prison leave “may be increased with a view to achieving the objectives of the execution of imprisonment”.

361 See, however, paragraphs 63 and 68.

362 Also referred to (on male units) as a “father and child” visit. In addition, sentenced prisoners could be granted a prison leave.

363 Prisoners had to make a request for such visits, which were granted as a reward for good behaviour.

glass partition, prohibition of physical contact with visitors, and staff and CCTV supervision) and fully closed (in booths equipped with telephones and a full plexi-glass separation). The last type was essentially applied vis-à-vis prisoners accommodated in high-security and closed units (see paragraphs 63 and 68).

Periodischer Besuch 2020 (7.9.-18.9.)

EXECUTIVE SUMMARY: *Overall, most of the prisoners had good opportunities to stay in contact with their families and friends, including via the internet/e-mail, phone and video meetings.* That said, the Committee recalls that all prisoners should benefit from a visiting entitlement of at least one hour every week and, with particular regard to remand prisoners under court-imposed contact restrictions, **calls upon the Finnish authorities to ensure that all prisoners have regular access to a telephone.**

14. Frankreich

Periodischer Besuch 2010 (28.11.-10.12.)

117. [Détenus prévenus:] Comme l'avaient annoncé les autorités françaises après la visite de 2006, *le droit de téléphoner*, y compris pour les prévenus, *a été inscrit dans la loi pénitentiaire*. Il s'agit là d'un développement positif. Toutefois, l'article 39 de la loi pénitentiaire prévoit que les prévenus doivent «dans tous les cas» obtenir l'autorisation de l'autorité judiciaire.

Le CPT rappelle qu'aux termes des Règles pénitentiaires européennes, les prévenus doivent être autorisés à communiquer avec leur famille et d'autres personnes dans les mêmes conditions que les détenus condamnés – sauf dans les cas où une autorité judiciaire a «dans un cas individuel, prononcé une interdiction spécifique pour une période donnée» (Règle 99).

Lors de la visite, la délégation a été informée que l'accès au téléphone deviendrait effectif, pour les prévenus, après l'entrée en vigueur du décret d'application de la loi pénitentiaire. Ce décret ayant été publié à la fin du mois de décembre 2010,³⁶⁴ le CPT souhaite recevoir confirmation que, dans tous les établissements pénitentiaires, les personnes prévenues peuvent avoir accès au téléphone conformément aux remarques qui précèdent.

364 Décret n° 2010-1634 du 23 décembre 2010 portant application de la loi pénitentiaire et modifiant le Code de procédure pénale.

118. Dans les deux établissements visités, *les condamnés avaient librement accès au téléphone*. Toutefois, au centre pénitentiaire du Havre, plusieurs condamnés se sont plaints de ne pouvoir appeler que les numéros pour lesquels ils étaient en mesure de produire la copie d'une *facture du titulaire de la ligne téléphonique concernée*. La délégation a été informée qu'il s'agissait d'une exigence posée par voie de circulaire³⁶⁵, dont le directeur de l'Administration pénitentiaire avait rappelé la stricte application en établissement de peine dans une note adressée aux directeurs interrégionaux des services pénitentiaires en octobre 2009.

Le CPT ne saisit pas la nécessité, pour des besoins de sécurité, d'exiger des personnes détenues qu'elles fournissent une facture des titulaires des numéros de téléphone qu'elles désirent appeler. Il souhaite savoir si, suite à la publication du décret n° 2010-1634 du 23 décembre 2010 portant application de la loi pénitentiaire, la circulaire du 13 juillet 2009 relative à l'usage du téléphone par les personnes détenues condamnées est toujours en vigueur. Dans l'affirmative, il souhaite être informé des motifs de l'exigence susmentionnée imposée aux détenus.

119. Dans les deux établissements visités, la délégation a recueilli des plaintes concernant la cherté des appels téléphoniques. En particulier, à la maison centrale de Poissy, le coût de ces appels aurait considérablement augmenté suite à l'installation, récente, d'un nouveau système tarifaire. De l'avis du CPT, le tarif des communications téléphoniques applicable en milieu carcéral devrait être comparable aux prix pratiqués en milieu libre. Le CPT souhaite recevoir les remarques des autorités françaises sur cette question.

Periodischer Besuch 2015 (15.11.-27.11.)

93. *L'ensemble des détenus, y compris les prévenus, avaient en principe un accès régulier à des téléphones.* Le coût excessif des communications téléphoniques a été évoqué dans tous les établissements visités, et de manière encore plus accentuée au centre pénitentiaire de Condé-sur-Sarthe. Des membres des directions rencontrés ont reconnu que les tarifs étaient effectivement élevés notamment vers les téléphones portables et l'étranger. Le CPT invite les autorités à faciliter l'accès à un téléphone, à revoir la situation quant aux tarifs appliqués en matière de communications téléphoniques et à examiner la possibilité d'utiliser d'autres moyens de communications audio, et éventuellement vidéo, permettant de proposer des tarifs plus abordables.

365 Circulaire du 13 juillet 2009 relative à l'usage du téléphone par les personnes détenues condamnées.

Periodischer Besuch 2019 (4.12.-18.12.)

50. En matière de conditions matérielles, *il existe un grand contraste entre les établissements visités*. Au centre pénitentiaire de Vendin-le-Vieil, *entré en service en 2015*, les conditions d'incarcération étaient très bonnes. *Chaque personne détenue disposait d'une cellule individuelle, sauf exception, d'environ 13 m² équipée d'un bloc sanitaire (douche et toilettes) cloisonné, d'un réfrigérateur, d'une plaque chauffante, d'une télévision, et, depuis quelques mois, d'un téléphone*. Les locaux étaient très propres et, dans l'ensemble, bien entretenus avec des ateliers, des espaces extérieurs et des cours de promenade, dont certaines étaient cependant petites.

97. Comme lors de la précédente visite périodique, *l'ensemble des personnes détenues, y compris celles prévenues, avaient en principe un accès régulier au téléphone*. *Des téléphones étaient généralement disponibles dans les coursives et/ou dans les cours de promenade*. Dans la pratique, l'utilisation de ces téléphones était complexe, notamment dans les établissements en surpopulation, en raison du faible nombre de téléphones opérationnels disponibles, parfois une seule cabine opérationnelle dans la cour de promenade, et du manque d'intimité en l'absence d'un cloisonnement autour de ces installations. De plus, **les horaires d'accès étaient en général dans la journée, moment où les proches, et notamment les enfants, étaient peu joignables**. Enfin, le prix des communications téléphoniques demeurait une source de plaintes, notamment pour les appels vers les téléphones portables et l'étranger. Des personnes détenues se sont plaintes de ne pas avoir pu être en contact avec leurs proches, y compris avec leurs enfants en bas âge, pendant une durée prolongée dans les établissements de Bordeaux-Gradignan, Lille-Sequedin et Maubeuge. Dans quelques cas, ces personnes n'avaient pu téléphoner à leur arrivée comme le prévoit normalement la procédure pour les arrivants.

Dans ce contexte, le CPT salue l'intention des autorités d'équiper d'un téléphone fixe les cellules de l'ensemble des prisons françaises, à l'exception des quartiers disciplinaires et des centres de semi-liberté. L'établissement de Vendin-le-Vieil en était équipé au moment de la visite. Tant les personnes détenues que le personnel ont souligné l'impact positif de ce nouveau dispositif. *La possibilité d'utiliser des moyens modernes de communications (appels vidéo) pourrait aussi être envisagée afin de permettre aux personnes détenues ayant peu ou pas de visites en raison de l'éloignement de maintenir des contacts visuels avec leurs proches*. Le CPT invite les autorités à poursuivre leurs efforts afin de permettre l'accès régulier à un téléphone fixe offrant des tarifs abordables à l'ensemble des personnes détenues.

15. Georgien

Periodischer Besuch 2010 (5.2.-15.2.)

111. *Sentenced working prisoners could make phone calls without restrictions. As for sentenced prisoners who did not work, they were entitled to one call per week (one call per month at Prison No. 7 in Tbilisi). However, due to the shortage of telephones, access to a telephone was very difficult at Penitentiary establishments No. 7 in Ksani and No. 8 in Geguti.*³⁶⁶ Many prisoners at these establishments complained that they could make, at best, one call a month. Further, inmates indicated that it had become impossible to make calls abroad (the extension for foreign calls, “8”, having apparently been blocked a few months earlier). The CPT recommends that the Georgian authorities take steps to improve sentenced prisoners’ access to a telephone, with a view to complying with the legal entitlement, and to enable calls abroad.

115. At the time of the 2010 visit, inmates placed in a disciplinary cell were automatically deprived of contact with the outside world (the right to receive visits, to make phone calls or to write letters). The CPT recommends that the Georgian authorities take steps to ensure that the placement of prisoners in disciplinary cells does not include a total prohibition on family contacts.³⁶⁷ Any restrictions on family contacts as a form of punishment should be used only where the offence relates to such contacts.

Periodischer Besuch 2014 (1.12.-11.12.)

59. A number of inmates (especially at Prisons No. 7 and 9, but also in Batumi) were in fact subjected – sometimes for months and even years on end – to conditions akin to solitary confinement (without any possibility of association, visits and telephone calls³⁶⁸, and without the right to listen to the radio and watch television) and, in addition, frequently subjected to constant CCTV monitoring inside their cell.³⁶⁹

366 For example, at Geguti, there were only 5 phones for some 2,000 prisoners in the “old” section.

367 See also Rule 60 (4) of the European Prison Rules.

368 See paragraphs [77 and] 118 below.

369 Just as an illustration, examples of three former senior Government officials could be quoted (information based on their own statements given to the CPT’s delegation): C (former Minister of Internal Affairs, Minister of Defence and Head of Penitentiary Department) had spent approximately 2 years under such conditions; D (former Prime Minister and Minister of Internal Affairs) had been

This appeared to be applied vis-à-vis inmates considered difficult/disruptive (e.g. those constantly challenging the administration with complaints and protests in the form of hunger strikes, acts of self-harm, etc.) but also allegedly to enforce co-operation with investigation (in the case of former senior officials) or for other reasons (see paragraph 62). In the CPT's view, to subject inmates to such conditions could be considered as amounting to inhuman and degrading treatment.

In this context, the Committee is particularly concerned by what appears to be the absence of clear, transparent written criteria (set out in law and/or implementing regulations) and the lack of procedural safeguards (absence of oral hearing, lack of information for inmates on the grounds for the decision and on their right to appeal, absence of clear time-limits and of a mechanism for regular review) for placement under such conditions. The overall impression – for the inmates concerned and also for the delegation – was that of arbitrariness. The CPT calls upon the Georgian authorities to stop the above-mentioned practices and to review their rules and policy, in the light of the above remarks.

Further, it is the Committee's view that providing prisoners with the possibility of listening to the radio and watching television should not be considered a "privilege" but a normal entitlement for every prisoner.³⁷⁰ Any bans on access to information (via radio and TV) should be justified duly and in detail by exceptional circumstances related to the requirements of the investigation or the behaviour of the prisoner in question, and be of a limited, clearly specified duration. Inmates should be informed of the reason for the ban in writing, and of the right to appeal to a competent authority. The CPT recommends that the relevant provisions be amended accordingly.

116. As for the sentenced prisoners, despite the Committee's long-standing recommendations, their visiting entitlement continued to depend on their regime and on whether the inmate had been sentenced for the first time or was a repeat offender (e.g. two visits a month for prisoners serving their sentences under a general regime; one visit a month for those subjected

subjected to such conditions for some 18 months (in both cases, their regime had become somewhat less strict after they had received their first convictions); as for E, former Mayor of Tbilisi, his regime (that had already been imposed on him for approximately 6 months) was relatively the most strict and could even be considered as approaching sensory deprivation. This was allegedly due to the fact that he was not yet convicted of any of the offences he was accused of. Regarding Prison No. 7, see paragraph 124.

370 See also paragraph 73.

to a strict regime).³⁷¹ In practice, for most of the inmates the entitlement was de facto of one 2-hour visit per month.³⁷² The visiting arrangements remained totally inadequate; visits took place in small booths with a plexi-glass or glass partition, preventing any possibility for prisoners to have physical contact with their relatives, including young children. Theoretically, inmates could also receive two long visits per year. However, this was impossible in practice at Prisons No. 7 and No. 9 because of the lack of appropriate visiting facilities. *Access to a telephone for sentenced prisoners*³⁷³ varied from one establishment to another: for example, at Prison No. 7 prisoners could make three phone calls per month of up to twenty to thirty minutes, while at Prison No. 3 in Batumi the maximum allowed duration of a call was 15 minutes.³⁷⁴

118. As already mentioned in paragraph 59, in some cases restrictions on visits, phone calls and correspondence were combined with de facto solitary confinement and a ban on access to media, which resulted in conditions that could be considered as amounting to inhuman and degrading treatment. In this respect, reference is made to the recommendation in paragraph 59.

Periodischer Besuch 2018 (17.5.-24.5.)

100. Despite the CPT's recommendation in the report on the 2014 visit,³⁷⁵ **Section 82 of the Imprisonment Code still contains restrictions/bans on visits, phone calls, correspondence and access to media (TV/radio) as part of the catalogue of disciplinary sanctions.** In this context, the Committee must reiterate its view that any restrictions on family contacts as a form of punishment should be used only where the offence relates to such contacts and only for the shortest time possible (days, rather than weeks or months). The CPT calls upon the Georgian authorities to amend the Imprisonment Code accordingly.

102. Since the 2014 visit the Imprisonment Code has been amended, further extending the rights to visits³⁷⁶ for several categories of prisoners,

371 An additional visit could be granted by the prison Director as a reward for the inmate's good behaviour.

372 Many inmates interviewed at Prison No. 7 stated that, in practice, visits usually lasted no more than an hour.

373 Inmates had to buy *pre-paid phone cards* in the prison shop.

374 *An additional phone call could be granted as a reward, and inmates could request the permission to replace a short-term visit with a call.*

375 See paragraph 119 of CPT/Inf (2015) 42, <https://rm.coe.int/09000016806961f8>.

376 Correspondence was unrestricted for all prisoners.

including lifers; the delegation also noted that, unlike in 2014,³⁷⁷ inmates at Prison No. 9 had access to long-term visits.

Indeed, juvenile prisoners and those in semi-open prisons (e.g. Prison No. 15) had adequate possibilities to maintain contact with their families and friends,³⁷⁸ *including through VoIP (Voice over Internet Protocol)*. The CPT also welcomes the fact that remand prisoners no longer require prior authorisation by the competent investigating authority or court to receive a visit;³⁷⁹ instead, any restrictions on visits (and telephone calls) must be imposed by the prosecutor for a specific period by means of a reasoned decision which can be appealed in court.

Nevertheless, the fact remains that the visiting entitlement for many prisoners (including remand prisoners³⁸⁰ and sentenced inmates in closed-type prisons,³⁸¹ especially those classified as “high-risk”³⁸²) is far from generous. In this context, the CPT must reiterate its view that all prisoners, irrespective of their category (whether on remand or sentenced) and regime, should be offered at least the equivalent of one hour of visiting time per week. The Committee calls upon the Georgian authorities to amend the Imprisonment Code accordingly.

As for access to a telephone, it varied between unlimited at Prisons Nos. 8, 11 and 15, three to four times per month at Prison No. 9, twice per month at Prisons Nos. 3 and 6, and once a month at Prison No. 7. In this respect, the CPT reiterates its recommendation that the Georgian authorities take steps to improve access to a telephone for all categories of prisoners, especially those classified as “high-risk”.

377 See paragraph 116 of CPT/Inf (2015) 42, <https://rm.coe.int/09000016806961f8>.

378 They could receive up to four short-term (1.5 hours maximum) visits per month and up to three long-term (24 hours) visits per year, with two additional long-term visits possible as a reward for good behaviour.

379 Their normal visiting entitlement is one short-term visit per month, with one additional visit per month possible as a reward for good behaviour.

380 See above.

381 Two short-term visits per month and one long-term visit per year (with one additional long-term visit possible as a reward for good behaviour).

382 One short-term visit per month and one long-term visit per year (with one additional long-term visit possible as a reward for good behaviour).

16. Griechenland

Periodischer Besuch 2013 (4.4.-16.4.)

147. *Prisoners can make unlimited phone calls by purchasing phone cards and using the pay phones provided in the wings and they can write an unlimited number of letters. However, visit entitlements remains one visit per week of 30 minutes for convicted prisoners and two visits of 30 minutes per week each for remand prisoners. In the report on the 2011 visit, the CPT called upon the Greek authorities to review the arrangements for visits, with a view to increasing the amount of visiting time offered to sentenced prisoners to at least one hour every week. No steps have been taken to date to implement this recommendation.*

Periodischer Besuch 2019 (28.3.-9.4.)

74. The CPT also welcomes the tentative steps being taken to initiate Voice over Internet Protocol (VOIP) communications between inmates and their families. At Trikala Prison, around 20 inmates had signed up for VOIP sessions with their families and 51 audio/video calls had been made in the few months since the programme had been operating. Prisoners were permitted to make a call once a month. However, many prisoners were unaware of the existence of such a possibility or of what the criteria for participation were.

The CPT recommends that the use of VOIP communications be expanded to all prisoners who either receive no visits or very infrequent visits. The Committee would be interested to learn whether VOIP communications are being used in other prisons and whether there are any general criteria regulating access to VOIP.

17. Großbritannien

Periodischer Besuch 2012 (17.9.-28.9.)

82. According to Articles 63 and 64 of the 2011 Scottish Prison Rules, sentenced prisoners are entitled to visiting time of not less than 30 minutes per week or 2 hours in a 28-day period, and remand prisoners to at least 30 minutes on any weekday. Further, where a remand prisoner has not received a visit on every day of the preceding week, he or she may receive a visit of 30 minutes' duration on the Saturday or Sunday. "Bonding" visits between a prisoner and his or her child are also offered and the CPT very

much welcomes the organisation of such visits, which usually take place for one to two hours at the weekend for prisoners.

Prisoners had access to the telephone on a daily basis in the prisons visited and written correspondence did not pose a problem; it was noted that in addition to sending and receiving letters at their own expense, all prisoners could send one letter per week with the postage paid by the Scottish Government.

18. Irland

Periodischer Besuch 2010 (25.1.-5.2.)

98. The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. The guiding principle should be to promote contact with the outside world as often as possible; **any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature**³⁸³.

The Prison Rules 2007 regulate contact with the outside community, including visits, letters and telephone calls (see Rules 35 to 46). In general, the situation has not evolved considerably since the previous visit of the CPT in 2006. Prisoners are still permitted one half-hour visit per week, plus one discretionary additional fifteen-minute visit. The main development is that in all prisons visited except for Mountjoy Prison, visits were pre-booked. Further, visits were now taking place on weekends. That said, the CPT continues to have a number of concerns as regards visits.

Periodischer Besuch 2014 (16.9.-26.9.)

33. In February 2012, the Irish Prison Service adopted the *Policy on Incentivised Regimes*. It provides for a differentiation of privileges between prisoners based on their level of engagement with prison services and their behaviour. Newly committed prisoners enter the prison on a standard level regime. They may later progress to the enhanced level if they meet the criteria for it, notably through demonstrating exemplary behaviour and satisfactory engagement in the structured activities on offer, or regress to basic level if they fail to meet the criteria for standard level¹² and/or consistently refuse to engage in structured activities.

The privileges on the enhanced level include a higher gratuity payment from a standard €1.70 to €2.20 per day, priority access to better quality accommo-

383 See also European Prison Rule 24.2.

dation, and *increased contact with the outside world*. **Regression to the basic level**, on the other hand, results in loss of privileges including a reduction in the gratuity payment to €0.95 per day, and **reduced contact with the outside world** (*but not below one 30-minute visit and three phone calls per week*). The CPT considers that all prisoners should be offered at least one hour of visits every week as a minimum standard which may or may not be increased through the application of the incentivised regime process, but should not be reduced.

The CPT supports the individualised approach to a prisoner's treatment and is of the view that progression from one regime level to another should be based on the prisoner's attitude, behaviour, participation in activities (educational, vocational, or work-related), and adherence to reasonable pre-established targets set out in a sentence plan and observance of the internal rules. The challenge is to ensure that the incentivised regime is applied in an objective manner by prison staff to all prisoners. The CPT would be interested to learn about the results of an evaluation of the Policy on Incentivised Regimes since its introduction in February 2012.

68. In April 2014, the Irish Prison Service issued Guidelines on the Imposition of Disciplinary Sanctions to ensure uniformity in the application of disciplinary sanctions and procedures throughout the prison system. In the interests of transparency and the principle of the rule of law, these guidelines should be made public. The document sets out the guidelines for disciplinary hearings and introduces a new upper limit of 40 days for the imposition of the sanction of "loss of all privileges". Further, loss of family visits should not be employed as a sanction in response to a breach of discipline, even when the breach occurred during a visit, as the option of screened visits is always available for operational, administrative or security reasons.

In addition, since the visit in 2010, Challenging Behaviour Units have been established in some of the prisons to accommodate prisoners serving a disciplinary punishment.

During the visit, the CPT's delegation was able to confirm from interviews with prisoners and documentation that *contacts with family were no longer totally withdrawn as part of a disciplinary punishment; prisoners were entitled to receive one visit and one phone call per week*. This is a positive development.

110. At both the Dóchas Centre and Limerick Prison, female inmates could, as a rule, enjoy open visits with their families.³⁸⁴ At Dóchas Centre visits took place in the smaller dining hall; ten tables with four chairs each as well as a play corner for children were available for the visitors. Further, prisoners on enhanced regime could use video links to other prisons where their partners/relatives might be detained and inmates from Dóchas Centre were offered the possibility to visit their partners/relatives within the Mountjoy Complex. *Depending on the level of the incentivised regime, inmates were allowed from three to 14 phone calls per week, each six minutes long.*

Some female prisoners complained to the delegation that they had not seen their families, including children, for up to three months. The fact that there are only two establishments in Ireland where women may serve a custodial sentence inevitably means that some female prisoners will be incarcerated several hours away from their homes. This has repercussions for their contact with the outside world, making regular family visits very difficult and sometimes impossible due to financial constraints. This not only affects the women negatively, but it also impacts on the children's contact with their imprisoned mothers.

The Committee recognises the critical importance of maintaining family relationships for female prisoners and supports the application of Rule 26 of the UN Rules for the Treatment of Female prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) which requires that female prisoners' contact with their families, including their children, and their children's guardians and legal representatives should be encouraged and facilitated by all reasonable means.

The CPT invites the Irish authorities to examine the possibility of providing financial assistance to those female prisoners who do not have the necessary means to maintain regular contact with their dependent children.

Periodischer Besuch 2014 (23.9.-4.10.)

88. In its previous visit reports, the CPT has expressed its major reservations over the effect in practice of the sanction of "loss of all privileges" for a period of up to 60 days based on Article 13.1(d) of the Prisons Act

384 Depending on the regime they are on, it is either one 30-minute visit and one 15-minute special visit per week (for the standard level) or one 30-minute visit and an additional 30-minute special visit per week (for the enhanced level) or one 30-minute visit per week (for the basic level).

2007.³⁸⁵ At the time of the 2014 visit, prisoners were still, in practice, being sentenced to periods of up to 56 days of “loss of all privileges” which often also entailed a transfer to another prison such as A Block in Portlaoise Prison or D Block in Cork Prison or the CBU in Mountjoy where the prisoners were kept in conditions akin to solitary confinement. This was in spite of the April 2014 Guidelines on the Imposition of Disciplinary Sanctions which had introduced an upper limit of 40 days of “loss of all privileges” in conditions which would not result in 23-hour lock-up.

The CPT is pleased to note that the findings of the 2019 visit demonstrate that the above Guidelines were being applied in all the prisons visited. An examination of the relevant documentation showed that in the majority of disciplinary cases, the sanction imposed according to Article 13.1(d) of the Prisons Act 2007 was one or more of the following: prohibition of evening recreation, use of gym, using money/credit for periods ranging from 7 to 40 days. The Committee welcomes the fact that *prisoners subject to a disciplinary punishment are now always guaranteed a minimum of one phone call and one family visit a week.*

Further, the procedure itself in those cases examined appeared to be fair. The CPT’s delegation was informed that the IPS was drawing up revised guidelines on the imposition of disciplinary sanctions and the Committee would like to be provided with a copy once they have been adopted.

19. Island

Periodischer Besuch 2012 (18.9.-24.9.)

60. Overall, the rules concerning prisoners’ contact with the outside world have remained the same as on the CPT’s 2004 visit³⁸⁶.

Inmates, both those on remand and those already sentenced, were entitled to at least one visit of a minimum of two hours’ duration per week; those with a record of good behaviour were in principle entitled to unsupervised visits. Further, the management of the prisons visited frequently granted additional visits to prisoners. Visits took place in well-equipped and pleasantly decorated facilities.

Some of the prisoners at Litle-Hraun Prison (approximately 10% of the inmate population) were only entitled to visits under closed conditions

385 See most recently CPT/Inf (2015) 38, paragraphs 67 to 71.

386 See paragraphs 56 and 57 of CPT/Inf (2006) 3.

(i.e. through a glass partition)³⁸⁷; further, closed visiting facilities were under construction at Kópavogur Prison³⁸⁸. The CPT trusts that the use of closed visiting facilities will remain the exception, limited to individual cases justified for security-related reasons or by the legitimate interests of an investigation. *In all the prisons visited, inmates (both those on remand and those sentenced) could make telephone calls every day for at least 15 minutes and receive calls at least three times per week.* Further, there were no restrictions on incoming and outgoing correspondence³⁸⁹. The CPT welcomes this positive approach.

Periodischer Besuch 2019 (17.5.-24.5.)

45. Overall, the rules concerning prisoners' contact with the outside world have remained the same as on the CPT's 2012 visit.

Inmates, both those on remand and those already sentenced, were entitled to receive visits twice per week for up to 2 hours, usually in open conditions.³⁹⁰ Further, the managements of the prisons visited frequently granted additional visits to prisoners. Visits took place in well-equipped and pleasantly decorated facilities (except at Kvíabryggja Prison where there were no dedicated visiting premises, see paragraph 28 above).

In all the prisons visited, inmates could make telephone calls every day for at least 15 minutes. At Kvíabryggja Prison *inmates could have their own mobile phones (without a camera and without Internet) or could rent a mobile from the establishment.*

Further, there were no restrictions on incoming and outgoing correspondence. In addition, *inmates whose families lived abroad (or in Iceland but a long distance from the prison) had the possibility to communicate with their*

387 According to the director of Litla-Hraun Prison, closed visits were imposed when a prisoner had committed a breach of the house rules or when a visitor had tried to smuggle in drugs.

388 The prison's chief warden told the delegation that the main reason for setting up such a closed facility was to prevent drug smuggling.

389 In addition, inmates at Akureyri Prison had a *supervised access to e-mail.*

390 Visits in closed facilities (through glass partition, without physical contact) were exceptionally practiced in closed-type prisons and were as a rule imposed by prison Directors for a short period of time, as disciplinary sanction for a violation of the house rules in the context of a visit (in general, attempted drug smuggling or a positive drug test where the circumstances suggested that the inmate had obtained the drugs during a visit). In those rare cases where remand prisoners were subjected to court-ordered isolation (there were five such inmates at the time of the 2019 visit, all accommodated at Hólmsheiði Prison), their visits would also take place in closed facilities.

relatives using Voice over Internet Protocol (VoIP). Some prisoners also had access to e-mail (if justified by their work, e.g. those who ran their companies from Kviabryggja Prison).

20. Italien

Periodischer Besuch 2012 (13.5.-25.5.)

91. In all the establishments visited, prisoners were usually allowed to receive six one-hour visits per month and to make *four ten-minute telephone calls per week*, in compliance with the relevant legal provisions³⁹¹.

Periodischer Besuch 2016 (8.4.-21.4.)

72. The CPT welcomes the *progressive improvements* introduced by the Italian authorities to promote *better contact with the outside world*. Notably, all screens and physical barriers to open visits (with the exception of the “41-bis” regime) had been removed, and play areas for children visiting the prison³⁹² and outdoor visiting areas had been introduced. In addition, prisoners had the possibility to conduct *conversations with family members through Voice over Internet Protocol* and access to telephone cards had been increased (including the funding of the same for foreign inmates).³⁹³

In practice, at all establishments visited, inmates subject to a medium-security regime were allowed to receive six one-hour visits per month and to make *four ten-minute telephone calls per month* in compliance with the applicable legal provisions.

21. Kroatien

Periodischer Besuch 2012 (19.9.-27.9.)

71. The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. The guiding principle should be to promote contact with the outside world

391 Section 18 of the Penitentiary Law and Sections 37 and 39 of Presidential Decree No. 230 of 30 June 2000. Prisoners subject to a *high-security regime* were allowed to receive four one-hour visits and to make *two ten-minute telephone calls every month*.

392 Present in 182 out of a total of 227 prison establishments.

393 Present in around 120 prison establishments out of a total of 227.

as often as possible; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature³⁹⁴.

The legal framework concerning visits has remained unchanged and it entitles sentenced inmates to two monthly visits of one hour each and remand prisoners to six visits a month, each lasting between 15 and 60 minutes. Monthly conjugal visits from two to four hours depending on an inmate's grade were also permitted. In the CPT's view, all prisoners should be entitled to a minimum of the equivalent of one hour of visiting time every week; preferably, prisoners should be able to receive a visit every week. The CPT recommends that prisoners' entitlement to visits be revised accordingly.

Periodischer Besuch 2017 (14.3.-22.3.)

66. *Sentenced prisoners were entitled to a minimum of one telephone call per week lasting ten minutes; remand prisoners continued to be allowed six phone calls per month with a maximum duration of 15 minutes each.* That said, remand prisoners complained about the long delays in having their lists of permitted contacts approved by the relevant judge. **The CPT recommends that the process of authorising the permitted contacts for remand prisoners be speeded up** by the competent judicial authorities.

22. Lettland

Periodischer Besuch 2011 (5.9.-15.9.)

96. The CPT welcomes recent legislative amendments which *abolish restrictions on contacts with the outside world in respect of juvenile prisoners subject to the sanction of placement in a disciplinary isolation cell.* However, it is **regrettable that, despite the specific recommendations repeatedly made by the Committee, placement of an adult prisoner in a disciplinary punishment cell still entails a total prohibition of contact with the outside world (except with a lawyer).** This is contrary to the European Prison Rules³⁹⁵. The CPT reiterates its recommendation that steps be taken to ensure that the disciplinary sanction of placement in a punishment cell does not lead to a total prohibition of family contact.

The delegation also observed that **the sanctions of prohibition of visits and of phone calls were applied for disciplinary offences not related**

394 See also European Prison Rule 24.2.

395 See Rule 60.4.

to visits or making phone calls (e.g. refusing a search, storing prohibited objects, etc.). In this connection, it should be noted that, according to the Commentary to the European Prison Rules, **any restrictions on family contact should be imposed only where the disciplinary offence relates to such contact**. The CPT invites the Latvian authorities to review the relevant regulations accordingly.

103. The CPT welcomes the recent amendments to the Law on Remand Custody, according to which remand prisoners now as a rule benefit from open visits.³⁹⁶

However, it remains the case that sentenced prisoners are separated from their visitors by a glass partition during short-term visits. Further, as the CPT has previously made clear, the frequency of visits is currently very low for prisoners serving their sentences in closed prisons, especially for those who are on the low regime level (including life-sentenced prisoners); they are only entitled to four short-term (of up to 2 hours) and three long-term (of up to 12 hours) visits per year. The same can be said as regards the number of telephone calls which prisoners in general are allowed to make.³⁹⁷ During the visit the CPT's delegation received numerous complaints from prisoners in this respect.

104. The CPT wishes to emphasise that contacts with the outside world, in particular visits from families and other relatives, are of crucial importance in the context of social rehabilitation of prisoners. In the Committee's view, all prisoners, irrespective of their legal status and regime level, should be entitled to at least one visit per week.

The CPT recommends that the Latvian authorities significantly increase prisoners' visit entitlement in the light of these remarks; **prisoners' entitlement to make phone calls should also be considerably increased**.

Further, the CPT recommends that the Latvian authorities review the visiting arrangements in all prison establishments in order to ensure that, as a rule, short-term visits take place under open conditions (e.g. with prisoners and their visitors sitting around a table).

Periodischer Besuch 2016 (12.4.-22.4.)

62. During its visits to Daugavgrīva and Jelgava Prisons, the delegation paid particular attention to the situation of life-sentenced prisoners in or-

396 Remand prisoners are entitled to at least one short-term visit per month and at least one phone call per week.

397 *Prisoners in the low, medium and high regime levels (in closed prisons) are entitled to respectively one, two and three phone calls per month.*

der to review the measures taken by the Latvian authorities to implement specific recommendations made by the CPT after previous visits. In this regard, the CPT wishes to highlight some particularly positive findings.

First of all, the long-standing practice of systematically handcuffing life-sentenced prisoners whenever they left their cells (whilst being accompanied by a staff member) had been discontinued.³⁹⁸ In addition, the cells of life-sentenced prisoners at Daugavgrīva Prison were no longer subjected to permanent CCTV surveillance.

Further, following the 2015 amendments to the LES, *life-sentenced prisoners were offered the possibility of making online video calls, free of charge, at least once a month* [...].

92. The CPT welcomes the fact that, in all the prisons visited, short-term visits to both sentenced and remand prisoners as a rule took place under open conditions. Further, as already mentioned in paragraph 62, life-sentenced prisoners are now entitled to make free-of-charge online video calls for one hour, at least once a month³⁹⁹.

94. *Remand prisoners* are entitled to make *one telephone call per week*.⁴⁰⁰

Regrettably, sentenced prisoners' entitlement to telephone calls is significantly lower; those on the low, medium and high regime levels in closed prisons are entitled to respectively one, two and three phone calls per month.

The CPT recommends that adult sentenced prisoners be allowed, as a rule, to make at least one phone call per week.

23. Litauen

Periodischer Besuch 2012 (27.11.-4.12.)

78. *Sentenced prisoners are entitled to telephone calls*⁴⁰¹ and unlimited correspondence. Further, except for those held under the strict regime (see paragraph 84), they are allowed to have two visits – one “short-term” (up

398 At the time of the visit, one life-sentenced prisoner (at Daugavgrīva Prison) was being subjected to this measure, following an individual risk assessment.

399 Respectively one, two and three calls per month for prisoners on the low, medium and high regime levels. It is noteworthy that patients at Olaine Prison Hospital were usually also allowed to make such calls (two per month).

400 Section 13, paragraph 1(5), of the Law on the Procedure of Holding in Custody.

401 *Up to 15 minutes per day in the lenient regime; up to 15 minutes once a week in the ordinary regime; up to 15 minutes once a month in the strict regime.*

to four hours) and one “long-term”⁴⁰² – every two months for the lenient regime, every three months for the ordinary regime.⁴⁰³

82. *All prisoners placed in a disciplinary cell as a punishment were denied visits⁴⁰⁴ and telephone calls.* In this connection, the CPT recommends that steps be taken to ensure that disciplinary punishment of prisoners does not include a total prohibition of family contacts⁴⁰⁵ and that restrictions on family contacts as a form of punishment are applied only when the offence relates to such contacts.

84. As described in previous reports, prisoners could be transferred to the strict regime, if they are “deliberately or systematically violating the established regime”.⁴⁰⁶ If they continue to violate internal regulations while in the strict regime, they can be further placed in disciplinary cellular confinement for up to six months. The CPT notes with considerable concern that the recommendations it has repeatedly made concerning these prisoners have not been implemented.

It remains the case that prisoners in the strict regime were not allowed to work, had no access to education or vocational training and could not participate in any other organised activities. They spent their days idling in their section, watching television being their principal occupation. *In addition, they were denied visits and their use of telephone was limited to one 15-minute call a month.*

As for prisoners in *disciplinary cellular confinement*, they were confined 23 hours per day in their cells and were only allowed to read, since radio and television sets were prohibited. In addition to the ban on visits, they were *also denied access to a telephone.*

85. The CPT must stress, once again, that such an impoverished regime and lack of contact with the outside world can lead to the deterioration of the physical health, mental faculties and social skills of the prisoners concerned, in particular when imposed for a prolonged period. The fact that this regime only applies to a limited number of inmates is irrelevant.⁴⁰⁷ The overall objective should be to persuade these prisoners to re-engage

402 In the establishments visited, the length of “long-term” visits varied from four hours to two days depending on the number of rooms available for this type of visits. Physical contacts were permitted during these visits.

403 Articles 73 and 74 of the Code on Execution of Sentences.

404 Except with their lawyers.

405 See also Rule 60(4) of the European Prison Rules.

406 See CPT/Inf (2009) 22, paragraph 76 and CPT/Inf (2009) 24, page 29.

407 See the reply of the Lithuanian authorities to the CPT report on the 2008 visit, CPT/Inf (2009) 24, page 29.

with the normal regime; the measures currently applied to them are likely to have the opposite effect.⁴⁰⁸

Periodischer Besuch 2016 (5.9.-15.9.)

78. The CPT welcomes recent (June 2015) amendments to the Enforcement of Detention Act which have granted *remand prisoners the right to receive short-term visits*⁴⁰⁹ and *to make telephone calls*⁴¹⁰ *unless there is a written instruction to the contrary from the prosecutor or the criminal court dealing with the case.*⁴¹¹

85. **Despite the CPT's repeated earlier recommendations**, the regime for **prisoners placed in disciplinary cells** had improved only very slightly i.e. they were now allowed daily outdoor exercise (one hour) and access to reading matter. However, they **were still denied visits and telephone calls. The Committee calls upon the Lithuanian authorities to remedy the above failings.**

24. Luxemburg

Periodischer Besuch 2013 (24.9.-4.10.)

39. De manière générale, les conditions matérielles de détention étaient toujours satisfaisantes dans l'ensemble de l'établissement. Les cellules et les parties communes étaient correctement équipées, bien entretenues et propres. L'ouverture du centre de rétention (voir paragraphe 32) a libéré une section désormais dédiée aux prévenus. *Le CPT se félicite que presque toutes les unités de la prison soient dotées d'un espace commun avec cuisine et téléphone.*

69. Le CPT se félicite que *les condamnés et les prévenus du régime B bénéficient d'un accès libre à des cabines téléphoniques placées dans les couloirs des*

408 See also the 21st General Report on the CPT's activities (CPT/Inf (2011) 28), paragraph 61.

409 The number of visits (each no longer than three hours) is not limited.

410 *As regards access to a telephone (and correspondence) in general, the delegation did not have an impression that it was a particular problem at any of the prisons visited.*

411 Such an instruction can be issued only in order to prevent any other criminal acts, to protect the rights and freedoms of other persons and/or to avoid jeopardising the pre-trial investigation. The administration of the remand prison and the prisoner concerned should be informed of the duration of such a restriction, the persons in respect of whom it is applied and other circumstances leading to such a restriction.

unités, lors des périodes de portes ouvertes des cellules. Ils bénéficiaient par ailleurs au minimum de cinq heures de visites par mois. Pour les détenus dont la famille vivait loin de la prison, il était possible de cumuler les heures de visite. Des visites spéciales pour les enfants (avec éducateurs et activités) étaient également prévues un samedi par mois.

Ayant constaté une diminution des demandes de visites, la direction a indiqué son intention d'accroître le nombre de visites pour les détenus qui en feraient la demande (jusqu'à sept heures par mois) et d'augmenter les plages horaires des visites. *De plus, une expérience permettant des contacts via internet (« Voice over Internet Protocol ») était en cours pour un petit nombre de détenus. La direction envisageait de généraliser cette pratique pour les détenus ayant peu de visites.* Le CPT se félicite de ces projets et souhaite être tenu informé de toute évolution en la matière.

25. Malta

[Seit 2010 keine unmittelbar relevanten Feststellungen zur Gefangenentelefonie]

26. Moldawien

Periodischer Besuch 2011 (1.6.-10.6.)

48. With regard to the *right to access to a telephone*, the prisoners' right to *at least one 10-minute call every two weeks* seemed to be observed in practice, both in Bălți and in Rezina. **The CPT encourages the Moldovan authorities to allow the prisoners to make phone calls more frequently.**

Periodischer Besuch 2015 (14.9.-25.9.)

132. *As regards prisoners' access to a telephone, the CPT notes that the frequency and duration of phone calls for adult prisoners have been doubled since the previous visit; they are now entitled to one phone call of 20 minutes per week.*⁴¹²

Further, the entitlement to telephone calls for *juvenile prisoners* has also been increased, to *two phone calls of 20 minutes every week.*⁴¹³

133. Since the CPT's 2011 visit, the catalogue of possible disciplinary penalties has been extended, notably by the sanction of suspension of

412 Section 210(4) of the Execution Code.

413 Section 253(2)d) of the Execution Code.

the right to visits (for up to three months⁴¹⁴). The delegation observed that this sanction was frequently resorted to in the establishments visited, mainly for disciplinary offences not related to visits. Further, according to the law, prisoners subjected to the **sanction of solitary confinement are automatically deprived of the rights to receive visits and make telephone calls** during the serving of that sanction.

In the CPT's view, any restrictions on family contacts as a form of punishment should be used only where the offence relates to such contacts and – in particular in respect of juvenile prisoners – only for the shortest time possible (days, rather than weeks or months).⁴¹⁵ **The CPT recommends that the Moldovan authorities review the relevant regulations accordingly.**

Periodischer Besuch 2020 (28.1.-7.2.)

95. *In general, male prisoners were allowed to make a telephone call of up to twenty minutes every two weeks and women were allowed to make weekly telephone calls.* **The CPT recommends that all prisoners be allowed to make more frequent telephone calls.**

27. Monaco

Periodischer Besuch 2012 (27.11.-30.11.)

50. *Des modifications substantielles sont également intervenues en matière de contacts téléphoniques des détenus avec l'extérieur.* L'approche radicale suivie en 2006 (c'est-à-dire, l'interdiction généralisée d'accès au téléphone) n'avait plus cours. Ainsi, les condamnés - et, sur autorisation des autorités judiciaires, les prévenus - bénéficiaient de la possibilité de *passer un appel téléphonique tous les quinze jours, cet appel étant contrôlé et enregistré (identité du correspondant, contenu de la conversation)*. Le CPT se félicite de la suppression de l'interdiction de téléphoner, conforme aux principes reconnus dans les Règles Pénitentiaires Européennes N° 24 et N° 99, et a pris note avec intérêt de la volonté déclarée de la direction de la Maison d'arrêt d'aller plus loin encore, moyennant toutefois l'installation de dispositifs techniques adéquats permettant, d'une part, aux détenus de passer leurs appels depuis leurs quartiers de détention et, d'autre part, au personnel d'en assurer un contrôle approprié. Le CPT souhaite recevoir des informa-

414 For up to two months in the case of juveniles.

415 See also the CPT's 21st General Report (CPT/Inf (2011) 28), paragraph 61(b).

tions mises à jour sur l'accroissement attendu des possibilités de passer des appels téléphoniques pour les détenus. Un premier pas consisterait à *offrir à tous les détenus la possibilité de passer un appel par semaine, d'une durée raisonnable (soit 10 à 15 minutes)*.

De même, tout comme pour les visites, le CPT recommande d'inverser le principe général établi s'agissant des appels téléphoniques pour les prévenus. En l'espèce, ceux-ci devraient bénéficier de la possibilité de passer des appels téléphoniques dès leur arrivée en maison d'arrêt, décision dûment motivée des autorités judiciaires. Le CPT recommande que les autorités monégasques prennent également des mesures en ce sens.

Periodischer Besuch 2020 (15.9.-18.9.)

50. Au printemps 2020, le nombre de personnes détenues a baissé drastiquement, passant d'une trentaine à une dizaine de personnes incarcérées, en raison de la diminution des infractions constatées et du nombre de personnes présentées à un juge d'un côté ainsi que l'augmentation du nombre de mises en liberté sous contrôle judiciaire et du report ou de la suspension des exécutions de peine. Les effectifs du personnel travaillant à la maison d'arrêt ont été ajustés en conséquence, notamment au niveau du greffe et un quartier a été fermé.

Au sein de l'établissement, des mesures ont été prises dès le mois de février pour éviter la contamination. Au niveau du personnel, une sensibilisation aux gestes barrières, une distribution de gel hydroalcoolique, une prise de température systématique à l'entrée de l'établissement et un dépistage des personnes symptomatiques sont réalisés. Le port du masque est obligatoire depuis le 17 mars 2020. L'organisation du travail a aussi été revue pour limiter les contacts entre les équipes. Les postes de travail partagés sont régulièrement désinfectés. Toute personne entrant dans l'établissement fait l'objet d'une prise de température.

Les personnes détenues sont aussi sensibilisées au virus et aux gestes barrières. Un dépistage systématique est réalisé pour les personnes symptomatiques (deux cas négatifs). Les points sensibles (portes, salles communes) sont désinfectés plusieurs fois par jour. Une procédure spécifique « arrivants » a été créée et les personnes détenues sont placées en quatorzaine à leur arrivée. Pour compenser la suspension de certaines activités, des cours de musculation ont été prodigués par du personnel de l'établissement diplômé en sport. *Il convient de saluer le fait que les visites ont été maintenues, dans des cabines de visite avec un hygiaphone et que les personnes détenues ont bénéficié d'un accès accru au téléphone (15 minutes par jour au lieu de cinq)*.

Le CPT invite les autorités monégasques à poursuivre leurs efforts en matière de lutte contre la covid-19 en mettant en place une procédure d'identification et de protection des personnes les plus à risque face à cette maladie.

53. L'arrêté du 9 septembre 2020⁴¹⁶ a *facilité les contacts avec le monde extérieur notamment en allongeant la durée des communications téléphoniques autorisées et en permettant de recevoir des visites aux personnes placées à l'isolement disciplinaire.*

55. *Concernant les appels téléphoniques, la personne détenue arrivant à la maison d'arrêt est autorisée, par l'autorité judiciaire compétente, à téléphoner gratuitement à sa famille pour signaler sa mise en détention. Le CPT note avec satisfaction que les autorités monégasques ont grandement accru la durée et la fréquence des appels, comme le préconisaient ses précédents rapports. L'arrêté du 9 septembre 2020 prévoit en effet la possibilité de 15 minutes d'appel par jour⁴¹⁷ (voir cependant le paragraphe 57 concernant les personnes prévenues). Néanmoins, plusieurs personnes détenues se sont plaintes du prix des communications téléphoniques, particulièrement vers l'étranger, ce qui limite grandement leurs contacts avec leurs proches. Pour le CPT, le coût des communications téléphoniques ne devrait pas excéder celles qui sont facturées en milieu ouvert. Dès lors, le Comité encourage les autorités monégasques à poursuivre leurs efforts pour faciliter les contacts téléphoniques en revoyant les tarifs appliqués ainsi qu'en envisageant la possibilité d'utiliser des moyens modernes de communications (comme la VoIP ou des applications de vidéocommunication) notamment pour les personnes détenues recevant peu ou pas de visites.*

28. Montenegro

Periodischer Besuch 2013 (13.2.-20.2.)

53. However, in terms of activities, women on remand generally spent 23 hours confined to their cells. They were not offered any other activity apart

416 Arrêté du secrétaire d'État à la Justice, Directeur des services judiciaires n° 2020-20 du 9 septembre 2020 portant modification de l'arrêté n° 2012-8 du 4 juin 2012 fixant les conditions d'application de l'ordonnance souveraine n° 3.782 du 16 mai 2012 portant organisation de l'administration pénitentiaire et de la détention.

417 *Les personnes indigentes peuvent bénéficier de 15 minutes d'appel gratuites chaque semaine.*

from one hour of outdoor exercise per day. The recommendation made in paragraph 51 applies equally to female remand prisoners.

Most of the sentenced female prisoners were engaged in a remunerated activity (maintenance work, gardening, laundering and librarian); they also had the possibility of using two tailoring machines which were out of order at the time of the visit. However, there was no possibility for female prisoners to access the workshops, as these were reserved exclusively for the male prisoners and the small number of women meant it was not considered viable to establish a workshop exclusively for them. In the CPT's view such a discriminatory approach can only serve to reinforce outmoded stereotypes of the social role of women. Women deprived of their liberty should enjoy access to meaningful activities (work, training, education and sports) on an equal footing with their male counterparts.

Depending on their classification grade, sentenced female prisoners were also allowed a certain range of privileges such as the permanent use of mobile phones and home leaves of various durations.

The CPT recommends that vocational and recreational activities adapted to the needs and capabilities of female sentenced prisoners be organised on an equal footing with their male counterparts at the KPD as well as in any other establishment holding such inmates.

81. The visit entitlements for prisoners have not changed since the CPT's 2008 visit.

Sentenced prisoners may receive two visits of 60 minutes per month as well as an additional exceptional visit of 30 minutes upon the approval of the director of the establishment. Married sentenced prisoners are also allowed one conjugal visit of four hours per month. According to the 2011 legislation, sentenced juveniles may have four visits per month of 30 minutes.

As regards remand prisoners, whether adults or juveniles, they are permitted a weekly visit of 30 minutes, subject to the authorisation of the competent judge. The CPT was pleased to note that the vast majority of remand prisoners were allowed visits.

Sentenced prisoners could make telephone calls at their expense on a daily basis, in dedicated telephone booths. Remand prisoners could access the telephone 30 minutes per week upon judicial authorisation; as with visits, most remand prisoners had received such authorisation.

Periodischer Besuch 2017 (9.10.-16.10.)

78. The visit entitlements for prisoners and detained persons had not changed substantially since the CPT's previous visit and generally inmates

were allowed visits of 30-60 minutes per week depending on which prison establishment they were held in. Further, sentenced prisoners retain the right of a monthly intimate unsupervised visit lasting three hours in suitable premises.⁴¹⁸

As regards remand prisoners, whether adults or juveniles, they were permitted a weekly visit of 30 minutes, subject to the authorisation of the competent judge, the standard remained closed booth-type visits.

At all three prison establishments visited there was the possibility of open visits and physical contact with children in specially equipped premises (which had been recently renovated at the KPD and Remand Prison).

At the KPD, sentenced prisoners could make a 10-minute telephone call at their own expense on a daily basis, in dedicated telephone booths.⁴¹⁹

However at Bijelo Polje Prison, only one telephone call per week was allowed. Remand prisoners could access the telephone for 30 minutes per week upon judicial authorisation only.

29. Niederlande

Periodischer Besuch 2011 (10.10.-21.10.)

47. Under Article 39 of the PPA, *prisoners are entitled to one or more telephone conversations with persons outside the institution for ten minutes at least once a week. In practice, at Veenhuizen – Esserheem Prison, prisoners' access to the telephones in the living units was not limited. Moreover, two computers with internet access and communication equipment, including web cameras, were available for 40 minutes a week per person, a system which allowed them to make free internet calls.* However, numerous complaints were made about the impossibility of making cheaper international calls by using pre-paid phone cards. It transpired that this was due to the contract with the telephone service provider. The CPT would like to receive comments of the Dutch authorities on this issue.

Periodischer Besuch 2016 (2.5.-13.5.)

69. All the prisoners in the establishments visited had the right to receive visits for at least one hour per week.⁴²⁰ These visits took place in a large

418 Pursuant to Article 74 of the LESI.

419 Pursuant to Article 67 of the Rulebook on House Rules of the Directorate for the Execution of Criminal Sanctions.

420 Article 38 of the Penitentiary Principles Act.

room around a U-shape table with some 12 other inmates; physical contact was allowed, under the supervision of custodial staff. Additionally, sentenced prisoners could be granted, depending on their behaviour, unsupervised visits for up to two hours per month.

The CPT welcomes the fact that a tablet computer with a Voice over Internet Protocol software (such as Skype) was available for some inmates who could use it for 30 minutes per month. This access to modern technology facilitated communication and further helped prisoners, notably those with family members living far away or abroad, to maintain contact. Inmates could also receive a printed copy of e-mails sent to them (via the prison administration's mailbox).

70. *The law provides that detained persons may make telephone calls for at least 10 minutes a week.⁴²¹ In the establishments visited, telephones were placed in the exercise yards or in some corridors, allowing, in theory, inmates to use them for a longer period of time.* However, the delegation received a number of complaints that the **number of available phones was insufficient to satisfy the needs of all the inmates, particularly at Krimpen aan den IJssel Prison, which generated tensions and on occasion violence** (see paragraph 34). Further, numerous complaints were heard about the high price of telephone calls in the three prisons visited, a problem acknowledged by several prison staff with whom the delegation spoke.

The CPT recommends that the Dutch authorities increase the number of telephones accessible to inmates at Krimpen aan den IJssel Prison and ensure that detained persons have access to telephone communication at a cost comparable to that in the community.

30. Nordmazedonien

Periodischer Besuch 2010 (21.9.-1.10.)

83. **The CPT is also concerned by the fact that, according to law, sentenced prisoners are not allowed to have access to visits, phone calls or parcels for 30 days following their arrival in an establishment.⁴²²** This represents a prolonged period to be cut off from the outside world, particularly in the case of prisoners experiencing their first hours, days and weeks in prison. Further, being deprived of support from their fam-

421 Article 39 of the PPA.

422 According to Article 98 of the Law on Execution of Criminal Sanctions the 30 day period should be used for “personality assessment and for determining the treatment” of the prisoner.

ilies, new prisoners could be quickly enticed into the prison economy (especially given the need to supplement the poor prison food), and find themselves indebted at the beginning of their sentence. This was particularly noticeable at Idrizovo Prison. The authorities should amend the law to permit contact with the outside world during the period of admission; if the current system is maintained, it is incumbent on prison management to ensure that prisoners do not enter into debt at the outset of their sentence. **The CPT recommends that the national authorities take the necessary steps to ensure that sentenced prisoners are not deprived of contact with the outside world during the first 30 days of their imprisonment.**

Periodischer Besuch 2014 (7.10.-17.10.)

87. Sentenced prisoners had access to the telephone in theory, although at Idrizovo Prison most of the phones were out of order. However, in none of the establishments visited were remand prisoners allowed to make telephone calls. **The CPT recalls that all prisoners, including remand prisoners, should have access to a telephone.** This principle was included in the revised European Prison Rules in 2006.⁴²³ Any decision to prohibit or impose restrictions on a given prisoner's access to a telephone should be based on a substantiated risk of collusion, intimidation or another illegal activity and be for a specified period. If there is a risk of collusion, particular telephone calls can always be monitored. **The CPT recommends that the national authorities take the necessary steps, including of a legislative nature, to ensure that both remand and sentenced prisoners are granted regular and frequent access to the telephone.**

Periodischer Besuch 2019 (2.12.-12.12.)

101. *Access to a telephone for sentenced prisoners is in principle permitted via telephone receivers installed in detention areas of the establishments visited.* This was the case at Kumanovo Prison, as well as in the open and semi-open detention units of Idrizovo Prison. That said, in the closed-regime departments of the main accommodation building of Idrizovo Prison, **none of the telephone receivers were functioning at the time of the visit.** *Once again, the delegation found that this was accepted by most inmates as they had*

423 Recommendation Rec(2006)2 of the Committee of Ministers of the Council of Europe on the European Prison Rules, adopted on 11 January 2006, Rules 24.1 and 99.

access to mobile phones which they used openly. At the end of the visit, the DES informed the delegation that the telephone receivers were not in use in the closed regime section of Idrizovo Prison as they were not equipped for the supervision of telephone calls. However, they admitted that the *mobile phones being used by the prisoners were not supervised either.*

Further, access to a telephone for remand prisoners was still restricted, requiring the permission of the investigative judge and taking place in a specific room where the calls were monitored by prison staff. The CPT has consistently stated that any decision to prohibit or impose restrictions on a given prisoner's access to a telephone should be based on a substantiated risk of collusion, intimidation or another illegal activity and be for a specified period. If there is a risk of collusion, particular telephone calls can always be monitored. **However, the general principle should be to permit regular and frequent access to the telephone.**

The CPT recommends that the authorities of North Macedonia take the necessary steps, including of a legislative nature, to ensure that both remand and sentenced prisoners are granted regular and frequent access to the telephone.

31. Norwegen

Periodischer Besuch 2011 (18.5.-27.5.)

78. According to the relevant legal provisions⁴²⁴, the following disciplinary sanctions may be imposed on prisoners: reprimand, loss of daily allowances for up to 14 days, loss of certain privileges for up to 20 days (e.g. temporary removal of television set or personal computer, temporary prohibition of access to the prison shop), “exclusion from leisure company or other leisure activities” for up to 20 days and withdrawal of the entitlement to leave of absence for a period not exceeding four months.

As regards, more specifically, the sanction of “exclusion from leisure company or other leisure activities”, the prisoners concerned remained locked up alone in their cells outside work, educational activities and outdoor exercise. Prisoners who did not work or attend classes were thus confined to their cells for 23 hours per day, but were allowed to associate with other prisoners during outdoor exercise. *Prisoners' contacts with the outside world*

424 See Section 40 of the Law on the Execution of Sentences and Sections 3-36 to 3-39 of the Regulations on the Implementation of the Law on the Execution of Sentences.

(correspondence, visits and telephone) were not restricted during the imposition of this sanction, and prisoners could also attend religious services.

85. In all the establishments visited, prisoners (including remand prisoners who were not subject to a court-ordered restriction) were usually allowed to make telephone calls for a total of 20 minutes⁴²⁵ per week (in addition to telephone calls to lawyers and social workers); juveniles were often allowed to use the telephone for up to 20 minutes per day.

Given the fact that many prisoners did not (regularly) receive visits, the CPT invites the Norwegian authorities to increase the maximum duration of telephone calls and, where appropriate, to introduce low-cost international phone-call possibilities for foreign prisoners.

Periodischer Besuch 2018 (28.5.-5.6.)

102. The standard entitlement for telephone calls was 20 minutes per week, with additional time for prisoners with children. At Ullersmo Prison, the maximum duration was 30 minutes, while it reached 42 minutes at Bodø Prison. Prisoners had to pay for their phone calls, which limited the possibility of maintaining contact with the family, especially for foreign prisoners whose family lived abroad. In this regard, the CPT welcomes the fact that internet communications (Skype) have been introduced in both prisons, albeit to a limited extent.

CPT invites the Norwegian authorities to further develop possibilities regarding the use of (free of charge) internet communications in all prisons, so as to increase the weekly allowance of calls. Special attention should be paid to prisoners who do not receive regular visits and whose family resides abroad or far away from the prison.

32. Polen

Periodischer Besuch 2013 (5.6.-17.6.)

94. The rules and practice applicable to sentenced prisoners as regards correspondence and access to a telephone have remained as described in the report on the 2009 visit⁴²⁶, i.e. they can be considered *on the whole adequate*. However, this is not the case as regards visits, especially for

425 At Skien Prison, prisoners could usually make *telephone calls for a total of 30 minutes per week*.

426 See paragraph 136 of CPT/Inf (2011) 20.

prisoners in the closed-type regime; they are entitled to only two one-hour visits per month.

The CPT considers that as a minimum, all categories of prisoners should be entitled to the equivalent of at least one hour of visiting time per week. Preferably, prisoners should be able to receive a visit every week. The Committee recommends that the relevant legislation be amended accordingly.

101. As already stressed in the report on the visit carried out in 2009⁴²⁷, the CPT is also concerned by the fact that prisoners placed in a disciplinary cell are, as a rule, automatically deprived of contact with the outside world (the right to receive visits, to write letters or to make phone calls). In the Committee's view, rules governing disciplinary punishment of prisoners should not involve a total prohibition of family contact, and any restrictions on family contact as a punishment should be imposed only where the offence relates to such contact⁴²⁸. **The CPT recommends that the rules governing disciplinary sanctions be revised accordingly.**

Periodischer Besuch 2017 (11.5.-22.5.)

82. *The Committee welcomes recent legislative amendments which have finally brought to an end the total ban of telephone calls for remand prisoners.* As observed by the delegation in the prisons visited, steps had already been taken to install payphones in units accommodating remand prisoners and inmates who had the authorisation of the body of inquiry (see paragraph 84 below) were allowed *to make 5-minute telephone calls daily.*

84. The CPT notes with concern that, despite its long-standing recommendations on the matter,⁴²⁹ remand prisoners are still obliged to request authorisation from a judge or a prosecutor for every single visit. In this regard, **the Committee reiterates its view that remand prisoners should be entitled to receive visits (and make telephone calls) as a matter of principle, rather than these being subject to authorisation by a judicial authority.** Any refusal in a given case to permit such contacts should be specifically substantiated by the needs of the investigation, require the approval of a judicial authority and be applied for a specific period of time.

[136. *The rules and practice applicable to family visits, correspondence and access to telephone for sentenced prisoners were on the whole adequate.* That said, it would be desirable for sentenced prisoners to be entitled to at least one visit per week.]

427 See paragraph 140 of CPT/Inf (2011) 20.

428 See also Rule 60 (4) of the European Prison Rules and the Commentary thereto.

429 See e.g. paragraph 95 of CPT/Inf (2014) 21 and paragraph 134 of CPT/Inf (2006) 11.

If it is considered that there is an on-going risk of collusion, particular visits (or telephone calls) can be monitored.

The Committee calls upon the Polish authorities to bring the relevant legislation into conformity with these principles without further delay.

33. Portugal

Periodischer Besuch 2012 (7.2.-16.2.)

82. The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. The guiding principle should be to promote contact with the outside world as often as possible; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature⁴³⁰.

In general, the situation observed in the prisons visited in the course of the 2012 visit was satisfactory. *Prisoners were permitted one outside telephone call per day of five minutes, in addition to a call to his or her lawyer.* Remand prisoners were offered three visits of 45 minutes every week and sentenced prisoners two visits of one hour's duration every week. The visits were usually of an open nature; in Linhó and Paços de Ferreira Prisons the visits took place in the dining halls. However, prisoners serving a disciplinary sanction of solitary confinement or confinement to cell were not allowed visits. In the CPT's view, disciplinary punishment of prisoners should not involve a total prohibition of family contact and that any restrictions on family contact should be imposed only where the offence relates to such contact⁴³¹. The CPT recommends that steps be taken to amend the relevant rules and practice accordingly.

Periodischer Besuch 2016 (27.9.-7.10.)

76. The CPT attaches considerable importance to the maintenance of good contact with the outside world for all persons deprived of their liberty. The guiding principle should be to promote contact with the outside world

430 See also European Prison Rule 24.2.

431 See also Rule 60.4 of the European Prison Rules and Rule 95.6 of the European Rules for juvenile offenders subject to sanctions or measures, as well as the commentaries on these Rules.

as often as possible; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature.⁴³²

The situation observed in the prisons visited in the course of the 2016 visit was generally satisfactory. *Prisoners were permitted one outside telephone call per day of five minutes, in addition to a five minute call to their lawyer.* Remand prisoners were offered three visits of 45 minutes⁴³³ every week and sentenced prisoners two visits of one hour's duration every week. The visits were usually of an open nature. **The CPT's delegation received many complaints from prisoners about their phone calls being automatically cut off after five minutes, especially when it came to conversations with lawyers.** At the time of the visit, the Director General of Prisons acknowledged that there was a problem with the phone system and that alternatives were being studied. The CPT was interested to learn that the *Portuguese authorities were studying the options for introducing new technologies such as VOIP (Voice over Internet Protocol) to facilitate inmates' ability to maintain contacts with their families, especially given that so many inmates are foreign nationals or imprisoned long distances from their homes.*

The information available to prisoners could however be improved through the production of information booklets specific to each prison detailing the prison regime and procedures for visits, complaints and accessing services which could be handed out to inmates upon their admission to a prison establishment.

The CPT recommends that such booklets be developed. It would also like to be informed of the outcome of the studies to improve the current phone system and as regards the introduction of new technologies in prisons to facilitate family contacts.

34. Rumänien

Periodischer Besuch 2010 (5.9.-16.9.)

116. A la prison de Poarta Albă, *les détenus pouvaient téléphoner une fois par semaine pendant dix minutes.* Les mineurs détenus à Craiova et à la prison de Bucarest-Rahova *pouvaient téléphoner quotidiennement durant dix minutes.*

A la prison de Poarta Albă, un surveillant se tenait à proximité des détenus qui téléphonaient. Il pouvait ainsi non seulement observer mais

432 See also European Prison Rule 24.2.

433 At Leiria Juvenile Prison, remand prisoners were entitled to four hours of visits every week.

aussi entendre la conversation, **contrairement à l'article 47 de la loi sur l'exécution des peines et mesures, qui dispose que les conversations téléphoniques se font sous surveillance visuelle mais sont confidentielles.** Le CPT souhaite recevoir les observations des autorités roumaines à cet égard.

Periodischer Besuch 2014 (5.6.-17.6.)

107. Les détenus des trois prisons visitées *pouvaient téléphoner jusqu'à 30 minutes par jour*, y compris ceux en «RMS», ce qui représentait une très nette amélioration des dispositions en la matière. Le CPT salue les efforts des autorités roumaines à cet égard.

Periodischer Besuch 2018 (7.2.-19.2.)

89. At Aiud Prison, a number of initiatives had been undertaken by the management to improve the conditions in the establishment such as renovating the kitchen, equipping more than half the cells with new televisions *and installing telephones in every cell*. However, this could not hide the fact that the building itself was cold, austere and dilapidated compounded by an obsolete steam heating system with multiple leaks. The cells were generally in a poor state of repair with flaking walls, poor access to natural light and inadequate ventilation; in addition, the cells in Section E1 were noticeably humid and had mould on the walls. The separate open plan collective shower facilities provided no privacy and were in a poor state of repair. Further, many young adults complained that they were often verbally intimidated in the showers by older prisoners.

143. *As for access to the telephone, the CPT has noted positively that all cells have been provided with a telephone that inmates can use whenever they want. The quota of 10 calls of up to one hour per day is good.* It is also important that prisoners can still have access to the phone booths in the wing corridors and in the exercise yards as it is not always possible, as the CPT's delegation observed, to have the required privacy in a large multiple-occupancy cell. Further, a number of prisoners, notably young adults, stated that they could not make phone calls as they did not have any money; these prisoners usually did not receive visits either.

The CPT recommends that the prison administration offer prisoners with no money the possibility to contact their families on a periodic basis free of charge.

35. Russland

Periodischer Besuch 2012 (21.5.-4.6.)

90. The CPT is very concerned by the fact that, despite the ongoing reform of the penitentiary system of the Russian Federation, there have been no noteworthy improvements as regards out-of-cell activities⁴³⁴ and possibilities to maintain contact with the outside world for remand prisoners. **Adult remand prisoners** continued to spend 23 hours per day in their cells with hardly anything to occupy their time and were not allowed association with prisoners other than their cellmates⁴³⁵; further, **phone calls were not allowed** and investigators rarely authorised visits. **The regime for juveniles on remand also remained restricted**, despite some efforts being made to provide them with education and association and distraction⁴³⁶.

98. The CPT must reiterate its position that visiting entitlements for prisoners serving sentences under a closed-type prison regime are totally inadequate.⁴³⁷ The Committee once again calls upon the Russian authorities to ensure that all sentenced prisoners, irrespective of the regime applied to them, should benefit from the same minimum visiting entitlement, in particular as regards short visits.⁴³⁸ The relevant legislation should be amended so as to ensure that any restrictions on sentenced prisoners' visits are based exclusively on security concerns of an appreciable nature assessed on a case-by-case basis rather than applied automatically as part of the sentence.

As regards phone calls, the inmates were entitled to one call of up to 15 minutes a week. The delegation did not receive any complaints on this matter.

104. *Inmates were in principle entitled to one phone call of up to 15 minutes a week.* **Nevertheless, the delegation received complaints that in practice**

434 See also paragraph 66.

435 This was of particular concern as regards the inmates accommodated alone, including those accused of crimes for which a long (including life) sentence could be imposed (as well as those already sentenced, who were awaiting the outcome of their appeal).

436 Consisting of watching TV in a communal room, as a reward for good behaviour.

437 Pursuant to Section 131 of the Criminal Executive Code, prisoners serving a sentence in a closed-type prison are entitled to two short visits and two long visits a year. These entitlements are reduced to two short visits a year for inmates held under a strict regime.

438 For instance, inmates held under a general colony regime are entitled to six short visits and four long visits a year.

some 20 prisoners had to share one phone for one hour. The adequacy of the phone facilities at Colony No. 1 in Yagul should be reviewed and, if necessary, additional phones should be installed.

36. San Marino

Periodischer Besuch 2013 (29.1.-1.2.)

30. Concernant les contacts avec le monde extérieur, la législation⁴³⁹ permet aux détenus de recevoir des visites d'une heure par semaine de la part des proches. Sauf décision d'une autorité judiciaire, la correspondance n'est pas soumise à des limitations et n'est pas censurée. Les communications téléphoniques sont permises quotidiennement pendant dix minutes, un juge peut décider de prolonger cette durée. Le Comité se félicite de ce qu'en pratique les contacts entre le détenu et le monde extérieur sont plus fréquents (voir paragraphe 23) que ce que prévoit la loi.

Si la délégation n'a recueilli aucune plainte concernant les échanges avec le monde extérieur, il apparaît qu'une restriction normative demeure. Le Règlement pénitentiaire, tel que modifié par la Délibération gouvernementale du 15 janvier 2013, prévoit qu'une **autorisation d'un juge (pour les prévenus) ou du Directeur de la prison (pour les condamnés) est nécessaire pour toute visite, correspondance ou communication téléphonique. Comme indiqué dans les précédents rapports⁴⁴⁰, le CPT considère que, par principe, les détenus devraient pouvoir avoir des contacts avec leurs familles et leurs proches. Des exceptions peuvent être prévues mais elles devraient être strictement limitées aux exigences de la cause et les plus brèves possibles. Le Comité recommande, une nouvelle fois, aux autorités de Saint-Marin de revoir la législation applicable à la lumière de ces remarques.**

33. Enfin, la législation pénitentiaire prévoit que durant l'exécution de l'isolement disciplinaire, les contacts téléphoniques et les visites sont suspendues, sauf circonstances exceptionnelles⁴⁴¹. A cet égard, le CPT tient à souligner que des restrictions des contacts avec la famille en tant que forme de sanction ne doivent être utilisées que lorsque l'infraction

439 Article 14 de la loi pénitentiaire et articles 15, 16 et 17 du Règlement pénitentiaire.

440 Voir notamment CPT/Inf (2004) 14, paragraphe 14.

441 Voir article 29 du Règlement pénitentiaire.

a un lien avec ces contacts. Le Comité recommande aux autorités de Saint-Marin de revoir le droit applicable à la lumière de cette observation.

37. Schweden

Periodischer Besuch 2015 (18.5.-28.5.)

98. As during the 2009 visit, the delegation received **numerous complaints from prisoners about their access to a telephone.**⁴⁴² In particular, inmates alleged that they were **not allowed to call mobile phones since the VoIP (Voice over Internet Protocol) technology made it difficult for the prison administration to identify the recipient of the call.** However, the delegation gained the impression that the *practice was not identical in different prisons i.e. in some prisons, inmates were allowed to call fixed lines only (e.g. in Malmö) while in other establishments (e.g. in Falun) they could also call certain mobile numbers.*

Inmates also complained to the delegation about **the heavy and lengthy bureaucratic procedure for obtaining permission to call a certain number**, including the obligation for the potential recipient of the call to agree in writing to being called by the prisoner; reportedly, this procedure

442 See paragraph 73 of CPT/Inf (2009) 34.

[73. In contrast to the favourable situation as regards visits, the delegation was submerged in **complaints about access to the telephone. Many prisoners complained that they were prevented from calling their family members because of the VoIP (Voice over Internet Protocol) technology** which made it difficult for the prison administration to identify the holders of telephone numbers, **and excluded calls to mobile phones.** Foreign national prisoners in particular complained about **onerous and lengthy procedures for obtaining clearance for telephone numbers (e.g. being asked to provide proof of a “clear criminal record” for the relatives whom they wished to call).** It should be noted that these prisoners rarely received visits from their families living abroad and the impossibility to maintain contact with their relatives by phone caused more resentment than any other aspect of life in prison.

The CPT recalls that all prisoners, including remand prisoners, should have access to a telephone. This principle is included in the European Prison Rules (Rules 24.1 and 99). The imposition of any restrictions on phone calls should be proportionate to the threat posed and should not be used as an indirect way of restricting communications.

In the light of the above remarks, the CPT recommends that the Swedish authorities review the regulations on prisoners’ phone calls and strive to ensure that prisoners (including those whose families live abroad) are in a position to maintain good contact with the outside world.]

could lead to significant delays, especially when the person concerned resided abroad.

In the light of the above, the CPT recommends that the Swedish authorities make the necessary arrangements to ensure that prisoners have access to a telephone without disproportionate restrictions and delays.

Periodischer Besuch 2021 (18.1.-29.1.)

52. As for inmates' possibilities to maintain contact with the outside world, reference is made to the comments and recommendation in paragraph 32 concerning restrictions.

Prisoners not subjected to restrictions had generally *adequate* possibility to receive visits (even though visits had been stopped for some time due to the Covid-19 pandemic and had only restarted recently),⁴⁴³ *make telephone calls* and write and receive letters. Further, as a means to compensate for the lack of visits during the aforementioned ban, *prisoners with small children were given access to video meetings (using VoIP)*⁴⁴⁴; **the CPT welcomes this and invites the Swedish authorities to extend this possibility to all other inmates (especially those whose relatives and friends live far away) and to make it permanent (not just during the pandemic).**

Further, the Committee reiterates its long-standing recommendation that the Swedish authorities adopt precise legal provisions concerning the visiting entitlement for prisoners (to ensure that all prisoners, irrespective of their legal status and category, are entitled to least an hour of visiting time per week).

38. Schweiz

Periodischer Besuch 2011 (10.10.-20.10.)

89. *L'accès au téléphone était généralement satisfaisant dans tous les établissements visités* pour les personnes en détention avant jugement non soumises à des restrictions ordonnées par un tribunal et les détenus en exécution de peine. *Cet accès variait de 15 minutes hebdomadaires (à Frauenfeld) à une durée illimitée pendant le temps passé hors cellule (à Bostadel).*

443 Remand prisoners who were not on restrictions could normally receive visitors once a week for up to an hour and 45 minutes at a time; however, due to the limited number of adapted premises (see paragraph 53) the duration of each visit had temporarily been reduced to 45 minutes maximum.

444 *Once a week for up to 20 minutes.*

Dans l'aile «est» de la prison de Champ-Dollon, *chaque étage était équipé d'un téléphone auquel les détenus avaient accès pendant leur temps hors cellule*. Cependant, la délégation a recueilli un certain nombre de plaintes quant aux difficultés d'accès au téléphone dans les ailes «nord» et «sud» de l'établissement, lesquelles n'étaient équipées que d'un téléphone. En conséquence, *les détenus n'avaient accès au téléphone que 15 minutes une semaine sur deux*. La direction de la prison a informé la délégation que des mesures étaient actuellement envisagées pour installer des téléphones supplémentaires dans ces deux ailes. Le CPT souhaite recevoir des informations actualisées à cet égard.

Periodischer Besuch 2015 (13.4.-24.4.)

71. *L'accès au téléphone des condamnés était dans l'ensemble satisfaisant. Ils avaient, en général, un accès libre à un téléphone payant pendant les périodes de régime «portes ouvertes» dans les établissements visités.*

Néanmoins, à la différence de la situation constatée lors de la précédente visite, la prison de Champ-Dollon ne disposait plus que de trois cabines téléphoniques, toutes situées en dehors des zones d'hébergement, pour l'ensemble des détenus⁴⁴⁵. Les détenus n'avaient *le droit qu'à un appel de 15 minutes toutes les deux semaines* avec délai d'attente après inscription de deux à trois mois. Cet état de fait n'est pas acceptable. **Le CPT recommande aux autorités genevoises de prendre les mesures nécessaires afin de permettre à chaque détenu d'avoir accès au téléphone au moins une fois par semaine.**

39. Serbien

Periodischer Besuch 2011 (102.-11.2.)

94. **The delegation was concerned to note that remand prisoners were not allowed to use telephones**, reportedly because the 1999 House Rules for Remand Detention did not specifically grant them such access. They were also prevented from calling their lawyers. **In the CPT's view, all prisoners, including those on remand, should – as a rule – have access to the telephone.** Any prohibition of phone calls in respect of a given remand prisoner should be specifically substantiated by the needs of the investigation, require the approval of a body unconnected with the case at

445 Les cabines téléphoniques placées dans les couloirs de l'aile « est » avaient été enlevées depuis la précédente visite.

hand, and be applied for a specified period of time, with reasons stated. Further, the decision concerning prohibition should be made available to the prisoner concerned and his lawyer. **Telephone calls to a remand prisoner's lawyer should never be prohibited. The relevant legislation and regulations should be amended accordingly.**

97. *The legal provisions as regards access to a telephone for sentenced prisoners have recently been amended so as to grant such a right twice a week in a closed-regime section, and on a daily basis for prisoners in semi-open and open-regime sections; this is a positive development. The delegation was pleased to note that, since the 2007 visit, the number of telephone booths had more than doubled in Pavilion VII of Požarevac-Zabela Correctional Institution; further, some payphones had been installed in the Institution's exercise yards. In general, sentenced prisoners in the establishments visited had access to telephone as provided for in the law.*

100. It appeared during the visit that **solitary confinement implied deprivation of visiting and telephone rights for sentenced prisoners.** As regards remand prisoners, the main disciplinary sanction imposed by the courts was deprivation of visits.

Periodischer Besuch 2015 (26.5.-5.6.)

114. The legal provisions as regards access to a telephone for sentenced prisoners remained unchanged (two weekly 15-minute conversations for inmates in closed regime and daily conversation for inmates in semi-open and open regimes). The delegation was able to observe that these provisions were respected in practice. Further, *remand prisoners were in general allowed one telephone conversation per week upon the approval of the competent judge.* Inmates did not raise complaints about the duration of telephone calls and telephone booths were present in all accommodation areas of the establishments visited.

40. Slowakei

Periodischer Besuch 2013 (24.9.-3.10.)

109. In respect of both remand and sentenced prisoners, the amendments upheld the principle that **they may not receive visits (with the exception of a lawyer) or make telephone calls when serving any of the above-mentioned disciplinary punishments.**

The CPT considers that disciplinary punishment of prisoners should not include a total prohibition on family contacts⁴⁴⁶ and that any restrictions on family contacts as a form of punishment should be used only where the offence relates to such contacts. This is of particular importance given the already restricted possibilities for prisoners' contact with the outside world which currently exist in the Slovak Republic (see paragraph 111).

111. The amendments to the Law on the execution of prison sentences and to the Law on the execution of remand detention (see paragraph 36) introduce certain improvements in respect of visit and telephone entitlements.

All prisoners are now entitled to receive, as a minimum, one visit a month for two hours⁴⁴⁷ and *the minimum phone call entitlement has been increased from 15 to 20 minutes twice a month*. As was the case in the past, more favourable provisions exist for juvenile remand prisoners who may receive one visit a week for a minimum of one hour.⁴⁴⁸

Nevertheless, in the CPT's opinion, all categories of prisoner should be entitled to the equivalent of at least one hour of visiting time per week (preferably, they should be able to receive a visit every week) and at least one phone call a week of reasonable duration (a minimum of ten to 15 minutes). There should also be the possibility of accumulating visit entitlements for periods during which no visits have been received.

The Committee recommends that the Slovak authorities make further efforts to comply with the above-mentioned minimum requirements.

113. The information gathered by the delegation during the 2013 visit indicates that remand and sentenced prisoners were allowed, *in addition to the private phone calls referred to above, to call their lawyers once a week*.⁴⁴⁹ The amended legislation⁴⁵⁰ upholds this entitlement, though it does not provide for a guaranteed minimum duration of such phone calls. *In justified cases, the governor will have the authority to grant additional phone calls.*

In the CPT's view, in the interest of the prevention of ill-treatment and the timely reporting of cases of alleged ill-treatment to the relevant authorities

446 See also Rule 60(4) of the European Prison Rules.

447 The previous entitlement for adult remand prisoners was one visit for one hour every three weeks; entitlement for adult sentenced prisoners remained unchanged.

448 It should also be noted in this context that at the time of the 2013 visit, sentenced juvenile prisoners at Sučany Juvenile Prison were entitled to one visit of "unlimited" duration per week.

449 *Generally for a maximum of 15 minutes.*

450 See Section 21 (2) of the Law on the execution of prison sentences and Section 27 (2) of the Law on the execution of remand detention, as amended.

independent of the prison establishment concerned, such provisions seem to be unduly restrictive. The CPT would like to receive the observations of the Slovak authorities on this issue.

Periodischer Besuch 2018 (19.3.-28.3.)

90. The CPT welcomes the fact that, following the above-mentioned legislative changes, both remand and sentenced prisoners were no longer denied visits when serving one of the abovementioned disciplinary punishments. That said, it is **regrettable that the prohibition on making phone calls when serving any of the above-mentioned disciplinary punishments has not been abolished. Moreover, the law stipulates a ban on phone calls (for up to three months) as a separate disciplinary sanction.**

95. The 2014 legal amendments (see paragraph 36) have introduced improvements in terms of visit and telephone entitlements. All prisoners are now entitled to receive, as a minimum, one visit per month for two hours and *the legal minimum phone call entitlement has been increased from 15 to 20 minutes twice a month.*

As regards phone calls, the CPT acknowledges that, in practice, certain categories of prisoner were regularly granted considerably more phone calls, in particular remand and juvenile prisoners at Banská Bystrica Prison and sentenced prisoners below the maximum “guarding level” at both Banská Bystrica and Leopoldov Prisons.⁴⁵¹ Further, many life-sentenced prisoners at Leopoldov Prison stated that with the director’s approval they had recently been entitled to make one phone call of up to 25 minutes every day.

Nevertheless, the CPT must reiterate its view that all prisoners should be entitled and granted in practice at least one phone call a week of reasonable duration and the equivalent of at least one hour of visiting time per week (preferably, they should be able to receive a visit every week). The Committee recommends once again that the Slovak authorities comply with the aforementioned minimum requirements.

451 At Banská Bystrica Prison, remand prisoners in the mitigated regime had unlimited access to the phone (at their own cost) and those in the standard regime could make calls 4-8 times a month for about 30 minutes each time. Sentenced prisoners at the medium and minimum “guarding level” had daily access to a phone in the corridors as their cell doors were open most of the day. At Leopoldov Prison, the House Rules guaranteed sentenced prisoners at the medium “guarding level” two to eight calls of 25 minutes each, per month, depending on the internal differentiation group (A, B or C). Sentenced prisoners at the maximum “guarding level” could use the phone two to four times a month for 20 minutes each time.

98. Several prisoners in the prisons visited told the delegation that they never or very rarely used the telephone or sent letters because they did not have sufficient money to pay for calls or even for stamps. Given the importance of prisoners' contact with the outside world, particularly in the context of their social rehabilitation, the **CPT invites the Slovak authorities to take the necessary steps to ensure that throughout the prison system indigent prisoners are offered the possibility to send letters and make phone calls on a regular basis (including upon admission to the prison).**

41. Slowenien

Periodischer Besuch 2012 (31.1.-6.2.)

60. Basic visiting entitlements for remand and sentenced prisoners were adequate⁴⁵². Additionally, sentenced prisoners could benefit from prison leave and, at Dob Prison, from unsupervised (partner) visits. *Both categories of prisoner also had regular access to telephones*⁴⁵³ located in the communal areas of the establishments and the visiting delegation received no complaints from the inmates interviewed concerning the possibility to send and receive correspondence.

Periodischer Besuch 2017 (28.3.-4.4.)

64. *All prisoners had regular access to telephones located in the corridors of the accommodation units and, at Maribor, also in the outdoor yards.* Further, they could receive parcels and send and receive letters. These arrangements were satisfactory.

42. Spanien

Periodischer Besuch 2011 (31.5.-13.6.)

76. The CPT's delegation found that the favourable situation of promoting contact with the outside world, observed during previous visits, persisted. Prisoners were entitled to two 20-minute visits per week, with a maximum

452 Minimum entitlement of one hour once a week for remand prisoners and of one hour twice a week for sentenced prisoners.

453 *For sentenced prisoners, access was generally not limited; those detained on remand could make six phone calls a week for 10 minutes each.*

of four visitors; prison management may authorise that these two weekly visits, which take place in closed visiting booths, be accumulated. In addition, prisoners may receive two monthly open visits, lasting between one and three hours each, one of them being an intimate (so-called vis-à-vis) visit, the other from close relations. Further association visits, lasting a maximum of six hours, from the spouse or partner and children of up to ten years of age may also be authorised.

In addition, prisoners are entitled to receive and send letters and to make telephone calls. According to the information received by the delegation in the establishments visited, inmates were allowed to make five telephone calls every week, each call lasting some eight minutes.

The CPT recommends that the Spanish authorities allow all visits to take place as a rule in open conditions, visits in closed booths to be restricted to those cases when it is justified for security-related reasons.

Periodischer Besuch 2016 (27.9.-10.10.)

94. The CPT's delegation found that the favourable situation of promoting contact with the outside world, observed during previous visits, persisted. Prisoners were entitled to two 20-minute visits per week, with a maximum of four visitors; prison management may authorise that these two weekly visits, which take place in closed visiting booths, be accumulated.⁴⁵⁴ Prisoners may receive two monthly open visits, lasting between one and three hours each, one of them being an intimate (so-called vis-à-vis) visit, the other from close relations. Further, association visits, lasting a maximum of six hours, from the spouse or partner and children of up to ten years of age, may also be authorised on a quarterly basis for inmates who are not eligible to weekend leave.

*In addition, prisoners are entitled to receive and send letters and to make five telephone calls of five minutes each per week.*⁴⁵⁵ **That said, several foreign inmates complained to the delegation that they could not afford the costs of the phone calls in order to communicate with their families abroad.**

454 Pursuant to Article 42, paragraph 3, of the Prison Regulation. Further, **the prison director retains the possibility to restrict the number and duration of visits and telephone calls of inmates for security reasons.** The restriction in question must be the object of a written, individual and reasoned decision which is subject to the scrutiny of the supervisory judge.

455 In accordance with Instruction 4/2005 of the SGIP.

The CPT recommends that the Spanish authorities allow all visits to take place as a rule in open conditions and that visits in closed booths be restricted to those cases when it is justified for security-related reasons. **Further, the Spanish authorities should explore possibilities to allow foreign inmates to conduct conversations with family members through Voice over Internet Protocol.**

Periodischer Besuch 2020 (14.9.-28.9.)

41. The Spanish authorities acted as from the end of January 2020 to put in place a series of measures to prevent the spread of COVID-19 within prisons as communicated to the CPT by the Spanish authorities on 30 April 2020. 29 These included the following:

- Ending all leave and exits from prisons, including transfers, unless urgent;
- *Increasing telephone calls, especially to lawyers;*
- *Introduction of video-conferencing (introduction of 200+ secure mobile phones);*
- Only essential staff allowed to enter prisons;
- Closure of all external workshops and education programmes;
- Prisoners allowed to remain in cells during the day;
- Meals taken in shifts to reduce numbers in the dining halls;
- Prisoners provided with information on COVID-19 crisis – specific information “Lectura Fácil” provided to vulnerable groups such as prisoners with learning disabilities;
- Vulnerable prisoners and prisoners over 70 years of age were progressed to 3rd Degree and allowed to stay at home if deemed not at risk of re-offending; those not eligible for 3rd Degree were placed in separated accommodation wings;
- Disinfection carried out by Military Emergency Unit in all prisons.

115. As was the case in the past, prisoners were afforded reasonably good contact with the outside world. Prisoners were entitled to two 20-minute visits per week, with a maximum of four visitors; prison management may authorise that these two weekly visits, which take place in closed visiting booths, be accumulated. Prisoners may receive two monthly open visits, lasting between one and three hours each, one of them being an intimate (so-called vis-à-vis) visit, the other from close relations. Further, association visits, lasting a maximum of six hours, from the spouse or partner and children of up to ten years of age, may also be authorised on a quarterly basis for inmates who are not eligible for weekend leave.

In addition, prisoners are entitled to receive and send letters and to make five telephone calls of five minutes each per week.

However, as part of the measures taken to combat the COVID-19 pandemic, all visits to prisons were suspended between March and July 2020, and vis-à-vis visits had still not been reintroduced as of mid-September. *To compensate for these restrictions, prisoners had been granted an extension of their telephone calls from five to 15 minutes and the possibility of being granted a free video-conference call of 10 minutes per month.* **However, the procedures to be granted a video call on a mobile phone appeared complicated and many prisoners stated that they had not been granted such a call or that it had only been offered once in five months.** In addition, prisoners with family members in prison should be offered the possibility to be in contact with each other either via telephone communication or a visit if they are located in the same prison establishment.

The CPT reiterates its recommendation that the Spanish authorities allow all visits to take place as a rule in open conditions and that visits in closed booths be restricted to those cases when it is justified for security-related reasons.

Further, the CPT recommends that as long as the COVID-19 restrictions on family visits remain in place, greater efforts should be made to ensure that all prisoners are offered a videoconference call in lieu of an open visit. In addition, the CPT would like to be informed of the rules now in place in Spanish prisons to enable foreign national prisoners and those Spanish prisoners imprisoned long distances from their homes to conduct conversations with family members through Voice over Internet Protocol (VoIP).

138. As regards contacts with the outside world, the situation at Ávila Women's Prison was the same as in the male prisons visited with open family visits and intimate visits suspended due to the COVID-19 pandemic. In compensation for this situation, *most women were being offered two video calls per month of 10 minutes' duration each.* **By contrast, women met at Madrid VII Prison stated that they did not receive two video calls a month and those foreign national women from South America complained that their requests to make their calls in the afternoon and not the morning due to the time difference had been ignored.**

Given that women prisoners are far more likely than male prisoners to be the primary carers for any children they might have, it is important that every effort is made to promote contacts between a mother and her child(ren). **In this respect, the CPT considers that for foreign national prisoners and for women whose families live a great distance from**

Ávila, the option of being offered two video calls per month of 10 minutes' duration each, using VoIP technologies, should be maintained even after the pandemic has ended and face-to-face visits are resumed.

The CPT recommends that access to Voice over Internet Protocol (VoIP) technologies continue to be offered to foreign national prisoners and other women whose families live a great distance from the prison in which they are located.

43. Tschechien

Periodischer Besuch 2010 (7.9.-16.9.)

65. As regards formal disciplinary measures, the CPT has misgivings about the fact that prisoners (sentenced and on remand) who were subjected to the sanction of solitary confinement were, as a rule, not allowed to receive visits (except from a lawyer) or to make telephone calls.

In this connection, the CPT wishes to stress that disciplinary punishment of prisoners should not involve a total prohibition of family contact and that any restrictions on family contact as a punishment should be imposed only when the offence relates to such contact⁴⁵⁶. **The CPT recommends that the legal provisions governing disciplinary sanctions be revised accordingly.**

73. **As regards prisoners' access to the telephone, the situation remains unacceptable. According to the relevant regulations, both sentenced and remand prisoners were allowed to make telephone calls only "in justified cases".** Thus, it was left to the discretion of the educator in charge of the unit **whether to grant requests for a telephone call submitted by prisoners.** In practice, requests were approved more frequently in the case of sentenced prisoners (often one call per week), while requests from remand prisoners were usually accepted far less frequently. **Further, it is regrettable that requests for telephone calls were often rejected when the prisoner concerned had already been authorised a visit during the same week.** Some allegations were also received from remand prisoners that their requests to call their lawyer had been rejected.

456 See also Rule 60.4 of the European Prison Rules and Rule 95.6 of the European Rules for juvenile offenders subject to sanctions or measures, as well as the commentaries on these Rules.

The CPT recommends that the Czech authorities make the necessary arrangements to ensure that both remand and sentenced prisoners are granted regular and frequent access to the telephone.

Periodischer Besuch 2014 (1.4.-10.4.)

102. As regards access to the telephone, the situation has significantly improved since the 2010 visit. Following legislative changes, the telephone calls of remand and sentenced prisoners are no longer limited to “justified cases”. Usually, prisoners were entitled to make one telephone call of at least ten minutes per week at Litoměřice Remand Prison and of 30 minutes every two weeks at Valdice Prison. That said, in particular at Litoměřice Remand Prison, the delegation received a number of **complaints that prisoners had to wait up to two weeks for requests to make a telephone call to be processed.** The CPT would like to receive the Czech authorities’ comments on this point.

Periodischer Besuch 2018 (2.10.-11.10.)

87. Arrangements concerning prisoners’ access to a telephone were generally satisfactory. At Mírov, prisoners were allowed to make one ten-minute phone call five times a week, at České Budějovice, they had the possibility to use the phone for 20 minutes every day. The CPT also notes positively the information provided by the Czech authorities that prices of phone calls have been decreased since the last visit.

However, at České Budějovice, the delegation received several complaints that after admission, prisoners had to wait for several weeks before they could make a phone call, apparently until a list of authorised phone numbers had been approved. Steps should be taken to remedy this deficiency.

44. Türkei

Periodischer Besuch 2013 (9.6.-21.6.)

105. As a rule, remand and sentenced prisoners (including juveniles) are entitled to one ten-minute telephone call per week.⁴⁵⁷ Further, they are allowed to have four short-term visits per month.⁴⁵⁸

457 Section 66 of the [Law on the Execution of Sentences and Security Measures] LESSM and Section 88(f) of the Prison Regulations.

458 Section 83 of the LESSM and Section 5(d) of the Regulation on Visits to Sentenced and Remand Prisoners.

106. In January 2013, several amendments were made to the LESSM which, inter alia, introduced certain changes regarding prisoners' contact with the outside world. First of all, the CPT is pleased to note that the duration of weekly short-term visits for juveniles has been increased to up to three hours (the minimum period being one hour).

Another important development is the introduction of an incentive scheme for juvenile and adult prisoners. According to a recently-adopted regulation, *prisoners who demonstrate good behaviour may receive various rewards, including conjugal visits for married prisoners for a period of up to 24 hours every three months (as well as parental visits for juveniles), accumulation of three consecutive unused visit entitlements, prolongation of the duration of weekly visits (to up to two hours), doubling the number or duration of weekly telephone calls*, etc. The delegation was informed that, at Sincan Prison, some 90 juveniles had been rewarded in different ways under the new incentive scheme since 1 April 2013 (when the amendment entered into force). It is also noteworthy that the establishment had set up three designated rooms for extended family visits.

107. As regards prisoners sentenced to aggravated life imprisonment, the relevant legal provisions⁴⁵⁹ stipulate that they shall be allowed to have only two short-term visits per month, one being an open visit (so-called "table visit") and the other one taking place under closed conditions (i.e. with a glass partition). It is also noteworthy that during these visits such prisoners are allowed to meet with a maximum of one visitor at a time. **Further, prisoners sentenced to aggravated life imprisonment are entitled to only two telephone calls per month.**

As already indicated in paragraphs 82 and 83, prisoners sentenced to aggravated life imprisonment should not be discriminated against on the sole ground of their sentence and should therefore benefit from the same entitlements regarding contact with the outside world as other sentenced prisoners.⁴⁶⁰ **The CPT recommends that the Turkish authorities amend the existing legislation concerning sentenced prisoners' visits and telephone calls, in the light of these remarks.**

459 Section 25(1)(f) of the LESSM and Section 5(e) of the Regulation on Visits to Sentenced and Remand Prisoners.

460 See also the judgment *Trosin v. Ukraine* (Application no. 39758/05, 23 February 2012), in which the European Court of Human Rights ruled that an automatic restriction on the frequency of visits imposed on life-sentenced prisoners constituted a violation of the European Convention on Human Rights since it did not offer any degree of flexibility for determining whether such severe limitations were appropriate or indeed necessary in each individual case.

111. It is a matter of concern that, despite a specific recommendation made by the CPT after the 2009 visit, the sanction of cellular confinement still entails a total prohibition on contact with the outside world (except with a lawyer). Further, it remains the case that the sanction of prohibition on visits for up to three months may be applied for disciplinary offences not related at all to visits (e.g. refusing a search or headcount, gambling, etc.). The CPT reiterates its recommendation that steps be taken to ensure that disciplinary punishment of prisoners does not include a total prohibition on family contacts and that any restrictions on family contacts as a form of punishment are applied only when the offence relates to such contacts.⁴⁶¹

Periodischer Besuch 2017 (10.5.-23.5.)

131. In accordance with the relevant rules, remand and sentenced prisoners could receive one family visit per week (lasting up to one hour for adults and up to three hours for juveniles).⁴⁶² As provided for by the Regulation on Visits to Sentenced and Remand Prisoners (RVP), within a given month prisoners could have one open visit (so-called “table visit”), while the remaining visits during that month took place in closed conditions. Further, *remand and sentenced prisoners were, in principle, allowed to make one ten-minute telephone call per week.*⁴⁶³

132. According to Section 51 of the LESSM, *remand and sentenced prisoners who demonstrate good behaviour may receive various rewards, such as conjugal visits for married prisoners for a period of up to 24 hours every three months (as well as parental visits for juveniles every two months), replacement of a closed visit with an open one, accumulation of three consecutive unused visit entitlements, prolongation of the duration of weekly visits to up to two hours and doubling the number or duration of weekly telephone calls.*

The delegation was informed that, at Trabzon E-type Prison, 18 prisoners had been granted conjugal visits in the first four months of 2017.⁴⁶⁴ Further, 71 inmates had their closed visit replaced by an open one during the same period.

461 See also Rule 60(4) of the European Prison Rules and the Commentary on that Rule.

462 Section 83 of the LESSM and Section 5(d) of the Regulation on Visits to Sentenced and Remand Prisoners.

463 Section 66 of the LESSM and Section 88(f) of the Prison Regulations.

464 The prison had two designated rooms for extended family visits.

139. The CPT was concerned to note that, despite the specific recommendation repeatedly made by the Committee after previous visits, the sanction of disciplinary confinement in respect of adult prisoners still entailed a total prohibition on contact with the outside world (except with a lawyer).⁴⁶⁵ It also remains the case that the sanction of deprivation of family visits may be applied for disciplinary offences not related to such visits.⁴⁶⁶

Ad hoc Besuch 2019 (6.5.-17.5.)

48. The issue of **contact with the outside world of prisoners held at Imralı Prison** has been the subject of a long-standing intense dialogue between the CPT and the Turkish authorities (including through consultations at ministerial level), given that no visits by lawyers had been granted since July 2011 and that hardly any visits by family members had taken place since October 2014.⁴⁶⁷ **The situation was further exacerbated by the fact that, following the military coup attempt of 15 July 2016, a total ban on contacts with the outside world (including correspondence) was imposed on all prisoners held at Imralı Prison** by the competent enforcement judge (and upheld by the appeal court), **which resulted in a type of incommunicado imprisonment.** As repeatedly stressed by the CPT in its dialogue with the Turkish authorities, such a state of affairs is not acceptable and clearly contravenes various relevant international human rights instruments and standards.

Moreover, the CPT has misgivings about the fact that, from July 2016 until the end of the state of emergency in July 2018, family visits were denied on the basis of legal provisions which were formally applicable only to remand prisoners.

45. Ukraine

Periodischer Besuch 2013 (9.10.-21.10.)

132. Regarding contact with the outside world, it remained the case that prisoners held in special conditions of high security or control had the

465 See Section 44, paragraph 1, of the LESSM.

466 For example, at Siirt E-type Prison, this sanction was usually applied for offences such as violence against other inmates, insulting a staff member, etc.

467 Abdullah Öcalan was allowed to receive a visit from his brother twice (on 11 September 2016 and 12 January 2019).

same entitlements as the mainstream prison population,⁴⁶⁸ which is positive.

That said, the short-term visiting facilities at Prison No. 3 in Krivyi Rih were inadequate (small booths – insufficient in number – allowing no physical contact between inmates and visitors). The CPT recommends that the Ukrainian authorities modify the facilities for short-term visits at Prison No. 3 in order to enable prisoners to receive visits under reasonably open conditions. Open visiting arrangements should be the rule and closed ones the exception, such exceptions being based on well-founded and reasoned decisions following individual assessment of the potential risk posed by a particular prisoner. Further, the capacity of the short-term visiting facilities should be increased.

As for access to a telephone, several inmates from the “tyurma” unit complained about long waiting times (one to two weeks), apparently due to the insufficient number of available payphones. The Committee invites the Ukrainian authorities to remedy this problem.

173. Prisoners held in **disciplinary confinement** were entitled to one hour of daily outdoor exercise per day. However, they were allegedly not allowed access to books/magazines. Further, **any phone contacts or visits with relatives were prohibited for adult prisoners (apart from access to their lawyers).**⁴⁶⁹

Periodischer Besuch 2017 (8.12.-21.12.)

101. The CPT regrets to note the absence of improvement in the inadequate visiting entitlement for all categories of inmates, and especially the fact that remand prisoners continued to face excessive restrictions in access to visits (which still required an authorisation by the competent investigator, prosecutor or court)⁴⁷⁰ and a general ban on telephone calls.⁴⁷¹

The Committee calls upon the Ukrainian authorities to take steps to implement its long-standing recommendation that all prisoners (both sentenced and those on remand) are entitled to the equivalent of at least one

468 I.e. one short-term visit per month and four long-term visits per year, as well as *unlimited access to the telephone* and correspondence.

469 See also Section VIII.7.9. of the Internal Rules on SIZOs.

470 In practice, such authorisations were rarely granted (and almost never during the investigation stage). Sentenced inmates had the right to one short-term visit (4 hours maximum) per month.

471 *Unlike the sentenced prisoners who could make telephone calls (up to 15 minutes per day for adults, without limitation in the case of sentenced juveniles).*

hour of visiting time per week. **Inmates of both categories should also have the effective possibility to make telephone calls.**

109. Prisoners held in **disciplinary confinement** were entitled to one hour of daily outdoor exercise per day. However, reading matter was generally limited to religious literature and there was **still a general ban on visits and phone calls.**⁴⁷² The CPT reiterates its recommendation that inmates placed in disciplinary solitary confinement cells be allowed a reasonable range of reading material (not only religious literature). Further, the Committee calls upon the Ukrainian authorities to ensure that the measure of disciplinary confinement does not include a total prohibition on family contacts during the enforcement of the measure and that any restrictions on family contact as a form of punishment should be used only where the offence relates to such contacts.⁴⁷³

46. Ungarn

Regulärer Besuch 2013 (3.4.-12.4.)

66. As regards action taken to facilitate contact with the outside world, the delegation noted some progress, albeit modest, as regards the few inmates who still had ongoing relations with family members. For instance, in the HSR Unit, the *prisoners had daily access to a telephone for up to 10 minutes.* One HSR inmate was entitled to open visits without supervision, which indicates that restrictions on visits had become more individualised. Other HSR prisoners could be offered an open visit once a year. However, the monthly one-hour visit through a glass partition remained the rule, to the detriment of both inmates and their visitors (some of whom were children). The CPT recommends that the imposition of visits through a glass partition (as well as any other restrictions) always be based on an individual evidence-based risk assessment.

113. As regards phone calls, *inmates were generally entitled to at least two phone calls of about 10 minutes every week,* depending on how much money the inmates had in their personal accounts. Nevertheless, **at the Central Prison Hospital, the delegation heard many complaints about access to a telephone; patients could not make phone calls until the money transfer from the local prison to the hospital was made, which could take more than a week.** The CPT trusts that this shortcoming will be

472 Such restrictions did not apply to sentenced prisoners placed in PKT cells.

473 See Rule 60.4. of the European Prison Rules.

remedied. The Committee would also like to know whether there are any arrangements for indigent prisoners.

Periodischer Besuch 2018 (20.11.-29.11.)

123. During the 2018 visit, the delegation observed that *prison mobile phones could be issued to HSR and other prisoners serving (whole) life sentences or very long terms, as well as any other adult prisoners in Hungary. This is a major innovation and an example of good practice.* However, the new deposit system (see also paragraph 80) and the level of prices for calls caused serious problems for inmates without external financial support. For instance, one prisoner told the delegation that he had to give his prison mobile phone back to the administration because it became **too expensive**.⁴⁷⁴

The CPT recommends that prisoners serving (whole) life sentences or very long terms benefit from special arrangements as regards access to and the use of a prison mobile phone.

47. Zypern

Periodischer Besuch 2013 (23.9.-1.10.)

85. The CPT's delegation received many complaints relating to the *restriction of telephone calls to 10 minutes a week* and the fact that they were so expensive. **This was particularly the case for foreign nationals, most of whom received no visits.** In addition, **the restrictions on the time of day when the phones could be accessed by male prisoners made no allowance for time-zone differences.** **The Committee recommends that steps be taken to increase prisoners' access to the telephone.**

Further, in view of the many foreign nationals detained at the prison, **another avenue to explore might be the use of modern technology in facilitating communication between prisoners and their family (i.e. through Voice over Internet Protocol or Skype).** Such means of communication are being used in a few other European countries and can be made secure with appropriate staff supervision. The Committee would appreciate the observations of the Cypriot authorities on this matter.

474 The inmate in question, who reportedly earned about 8,000 HUF a month, had to pay a deposit of 35,000 HUF and 93 HUF a minute for each call. At the time of the visit, he had *access to a pay-phone*. However, he said that he often had to wait for more than 20 days before being able to use such phone.

Periodischer Besuch 2017 (2.2.-9.2.)

105. The Committee is pleased to note that the possibilities to maintain contact with the outside world had greatly improved at NCP.

Regarding visits, open visits were now the general practice and the visiting facilities had been upgraded. The number of visits had been increased (six per week), as had the maximum numbers of persons allowed to visit inmates. *Access to the telephone had also been increased; all inmates now have access to telephone calls on a daily basis from 8 a.m. to 6 p.m.* That said, **foreign national prisoners complained that due to prohibitive costs of telephone cards and lack of financial resources, their ability to make telephone calls was very restricted.**

Voice-over-Internal Protocol has been introduced to the prison. However, there was **only one computer for the whole of the prison (with an occupancy of 611), and in practice it was only available once per month and only for certain categories of inmate.** In this respect, the CPT invites the authorities to review access to Voice-over-Internal Protocol technology and consider expanding its use, notably for foreign national inmates.

Anhang 3: Fragebogen an die Landesjustizministerien

MAX-PLANCK-INSTITUT
ZUR ERFORSCHUNG VON
KRIMINALITÄT, SICHERHEIT UND RECHT



Sehr geehrte Damen und Herren,

das Freiburger Max-Planck-Institut zur Erforschung von Kriminalität, Sicherheit und Recht wurde vom Bundesverfassungsgericht im Rahmen eines laufenden Verfahrens mit der Erstellung eines Gutachtens zu Recht und Praxis der Gefangenentelefonie im deutschen Strafvollzug beauftragt. Hierfür haben wir einige Fragen vorbereitet, die es uns ermöglichen, einen praxisorientierten Überblick zu gewinnen, der über die oftmals eher kursorischen Informationen in den einschlägigen Lehrbüchern und Kommentaren hinausgeht. Die Fragen beziehen sich auf die Situation im Regelstrafvollzug.

Um die mit dem Ausbruch der Corona-Krise verbundene dynamische Entwicklung der Situation in den Anstalten angemessen erfassen zu können, bitten wir Sie, Ihre Angaben, soweit angezeigt, jeweils für die Zeit davor bzw. danach zu spezifizieren.

Mehrfachantworten sind überall möglich. Und bitte ergänzen Sie so viele weitere Beispiele wie möglich in den jeweiligen Freitextfeldern. Um die Bearbeitung so einfach wie möglich zu gestalten, haben wir extra viele solcher Zusatzfelder vorgesehen.

Wir sind bestrebt, den Richterinnen und Richtern möglichst viele praxisbezogene Fakten zu präsentieren. Hierfür sind wir ganz wesentlich auf Ihre Expertise angewiesen.

Damit wir die zeitlichen Vorgaben des Gerichts einhalten können, wären wir Ihnen sehr dankbar, wenn Sie uns Ihre Antworten innerhalb von 3 *Wochen* zusenden könnten.

Herzlichen Dank für Ihre Unterstützung!

0. Ihr Bundesland: _____

1. Welches technische System bzw. welche Systeme zur Gefangentelefonie steht bzw. stehen in einzelnen oder allen Justizvollzugsanstalten in Ihrem Land zur Verfügung?

vor / nach Ausbruch der Corona-Krise

↓ ↓

- Wohngruppen-/Gangtelefone
- Abgeschirmte Telefonzellen/-räume
- Nutzung von Diensttelefonen
- Haftraumtelefonie
- Individuelle Mobiltelefone
- Multimediastystem im Haftraum
- Multimediastystem in Gemeinschaftsraum
- Gemeinschaftliche Bildtelefonieplätze (Skype etc.)
- _____
- _____
- _____
- _____
- _____

2. Nach welchen Regeln werden Telefongespräche überwacht?

vor / nach Ausbruch der Corona-Krise

↓ ↓

- Immer
- Stichprobenbasis
- Personenbezogen: bezogen auf anrufende Gefangene
- Personenbezogen: bezogen auf bestimmte Zielperson(en)
- Personenbezogen: bei Telefonaten mit (bislang) unbekannter Zielperson
- Situativ/anlassbezogen
- Haftartbezogen (z.B. abweichende Regelungen bei U-Haft, SV etc.)
- Abteilungsbezogen (z.B. Hochsicherheitsabtlg., Sozialtherapie etc.)

- _____
- _____
- _____
- _____
- _____

3. Welche zusätzlichen technischen Maßnahmen zu Organisation und Kontrolle von Telefonaten sind implementiert?

vor / nach Ausbruch der Corona-Krise

- ↓ ↓
- Automat. Zielnummernkontrolle: „Weißlistverfahren“
- Automat. Zielnummernkontrolle: „Schwarzlistverfahren“
- (Temporäre) Speicherung der Verbindungsdaten
- Stichwortbasierte automatische Inhaltskontrolle
- Inhaltsaufzeichnung zur evtl. zeitversetzten akustischen Kontrolle
- _____
- _____
- _____
- _____
- _____

4. Wie ist die Antrags-/Genehmigungspraxis für das Telefonieren organisiert?

vor / nach Ausbruch der Corona-Krise

- ↓ ↓
- Einzelantrag/-genehmigung für jedes Telefonat erforderlich
- Temporäre Genehmigung für bestimmte Personen (Zielnummern)
- Dauergenehmigung für bestimmte Personen (Zielnummern)
- Temporäre Genehmigung generell (im zulässigen Umfang, s.u. Frage 12)
- Dauergenehmigung generell (im zulässigen Umfang, s.u. Frage 12)
- Möglichkeit zusätzlicher einmaliger Telefonate über den zugelassenen Personenkreis oder das allgemeine Budget hinaus

- _____
- _____
- _____
- _____
- _____

5. Welche Ermessenskriterien sind für die Bearbeitung der Anträge maßgebend?

vor / nach Ausbruch der Corona-Krise

↓

↓

- Anwaltsgespräche
- Dringende persönliche Angelegenheiten
- Dringende familiäre Angelegenheiten
- Angehörige im Ausland
- Angehörige mit eingeschränkter Mobilität/Reisefähigkeit
- Räumliche Entfernung allgemein (In- oder Ausland)
- Gefangene im geschlossenen Vollzug
- (Voraussichtliche) Haftdauer
- Gesundheitliche/psychische Verfassung d. Gefangenen
- Resozialisierungsförderung
- Entlassungsvorbereitung
- Beanstandungsfreies Vorverhalten d. Gefangenen beim Telefonieren
- Beanstandetes Vorverhalten d. Gefangenen beim Telefonieren
- Beanstandungsfreies Vorverhalten d. Zielperson beim Telefonieren
- Beanstandetes Vorverhalten d. Zielperson beim Telefonieren
- _____
- _____
- _____
- _____
- _____

6. Welche konkreten Gefahren sind bei der Ermessensentscheidung typischerweise zu berücksichtigen?

vor / nach Ausbruch der Corona-Krise

- | | | |
|-----------------------|-----------------------|---|
| ↓ | ↓ | |
| <input type="radio"/> | <input type="radio"/> | Kriminogene Kontakte innerhalb der Anstalt |
| <input type="radio"/> | <input type="radio"/> | Kriminogene Kontakte außerhalb der Anstalt |
| <input type="radio"/> | <input type="radio"/> | Identitätstäuschung bzgl. Zielperson |
| <input type="radio"/> | <input type="radio"/> | Sonstige rechtlich relevante Aspekte (Sicherheit/Ordnung) |
| <input type="radio"/> | <input type="radio"/> | Gefährdung Resozialisierung/Therapie |
| <input type="radio"/> | <input type="radio"/> | Negativer Einfluss/Aufwiegelungsgefahr |
| <input type="radio"/> | <input type="radio"/> | Gefährdung Opferschutz |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |

7. Welche der soeben spezifizierten Gefahren sind in den JVAen Ihres Bundeslandes tatsächlich schon einmal aufgetreten?

vor / nach Ausbruch der Corona-Krise

- | | | |
|-----------------------|-----------------------|---|
| ↓ | ↓ | |
| <input type="radio"/> | <input type="radio"/> | Kriminogene Kontakte innerhalb der Anstalt |
| <input type="radio"/> | <input type="radio"/> | Kriminogene Kontakte außerhalb der Anstalt |
| <input type="radio"/> | <input type="radio"/> | Identitätstäuschung bzgl. Zielperson |
| <input type="radio"/> | <input type="radio"/> | Sonstige rechtlich relevante Aspekte (Sicherheit/Ordnung) |
| <input type="radio"/> | <input type="radio"/> | Gefährdung Resozialisierung/Therapie |
| <input type="radio"/> | <input type="radio"/> | Negativer Einfluss/Aufwiegelung |
| <input type="radio"/> | <input type="radio"/> | Gefährdung Opferschutz |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |

8. Werden Telefonate mit Angehörigen – ggf. in Analogie zu den explizit normierten Grundsätzen für den Besuchs- bzw. Postverkehr – privilegiert?

vor / nach Ausbruch der Corona-Krise

↓

↓

- Ja (siehe Fragen 9 u. 10)
 Nein

9. Wenn ja: auf welche Weise?

↓

↓

- _____

10. Wenn ja: privilegierter Personenkreis?

↓

↓

- Familienangehörige i.e.S. (Art. 6 GG)
 In Anlehnung an § 11 Abs. 1 Nr. 1a StGB
 In Anlehnung an § 11 Abs. 1 Nr. 1 a/b StGB
 In Anlehnung an § 52 Abs. 1 StPO
 Eine andere (nicht verwandte) Vertrauensperson für intensivierte persönlichen Gedankenaustausch (i.S.v. BVerfG, NJW 2007, 1194)

11. Kann ggf. auch das potenzielle Bedürfnis externer Angehöriger (Partnerin, Partner, Kind, betagte Eltern etc.) nach telefonischem Kontakt mit d. Gefangenen bei der Ermessensentscheidung mitberücksichtigt werden?

vor / nach Ausbruch der Corona-Krise

↓

↓

- Ja
 Nein

12. Nach welchen Kriterien bemisst sich der Umfang der Telefonate für Gefangene im Regelfall? Bitte spezifizieren Sie den möglichen Umfang.

vor / nach Ausbruch der Corona-Krise

- | | | |
|-----------------------|-----------------------|---|
| ↓ | ↓ | |
| <input type="radio"/> | <input type="radio"/> | Konkrete Anzahl Telefonate pro Monat: _____ |
| <input type="radio"/> | <input type="radio"/> | Konkrete Anzahl Telefonate pro Monat: _____ |
| <input type="radio"/> | <input type="radio"/> | Anzahl Zielnummern pro Monat: _____ |
| <input type="radio"/> | <input type="radio"/> | Anzahl Zielnummern pro Monat: _____ |
| <input type="radio"/> | <input type="radio"/> | Zeitguthaben pro Monat: _____ |
| <input type="radio"/> | <input type="radio"/> | Zeitguthaben pro Monat: _____ |
| <input type="radio"/> | <input type="radio"/> | Gebührenguthaben pro Monat: _____ |
| <input type="radio"/> | <input type="radio"/> | Gebührenguthaben pro Monat: _____ |
| <input type="radio"/> | <input type="radio"/> | Grundsätzlich unbegrenzt |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |
| <input type="radio"/> | <input type="radio"/> | _____ |

13. Wie gestalten sich die möglichen Telefonzeiten?

vor / nach Ausbruch der Corona-Krise

- | | | |
|-----------------------|-----------------------|---|
| ↓ | ↓ | |
| <input type="radio"/> | <input type="radio"/> | Nach einem individuell festgelegten Zeitpunkt/Zeitraum (bitte kurz erläutern):
_____ |
| <input type="radio"/> | <input type="radio"/> | Flexibel (<i>siehe Frage 14</i>) |

14. Wenn flexibel: Wann können Gefangene telefonieren?

vor / nach Ausbruch der Corona-Krise

- | | | |
|-----------------------|-----------------------|---|
| ↓ | ↓ | |
| <input type="radio"/> | <input type="radio"/> | Freizeit |
| <input type="radio"/> | <input type="radio"/> | Ruhezeit |
| <input type="radio"/> | <input type="radio"/> | Wochenende |
| <input type="radio"/> | <input type="radio"/> | (Ausnahmsweise) auch während der Arbeitszeit |
| <input type="radio"/> | <input type="radio"/> | Bei Arbeitsfreistellung grundsätzlich auch tagsüber |

Anhänge

- _____
- _____
- _____
- _____
- _____

15. Sind die Anstalten autonom in ihrer Praxis oder gibt es allgemeine oder spezifische Verwaltungsvorschriften, z.B. zu:

- Art der Telefonie
- Bestimmte technische Spezifikationen
- Anzahl bzw. Dauer von Telefonaten
- Eignung/Nichteignung von Gefangenen oder Gruppen von Gefangenen nach bestimmten Merkmalen (z.B. OK, Terrorismus, BtM)
- Sonstiges:

16. Gibt es in Ihrem Hause Pläne, gewisse temporäre Ad-hoc-Anpassungen aus der Zeit der pandemiebedingten physischen Kontaktbeschränkungen (z.B. Videotelefonie) nach Ende der Krise beizubehalten?

- Nein
- Ja, jedenfalls vorübergehend: welche?

- Ja, dauerhaft: welche?

17. Sind nach Ihrer Kenntnis in absehbarer Zeit Anpassungen der landesgesetzlichen Vorschriften zur Gefangenentelefonie an den heutigen technologischen und gesellschaftlichen Stand geplant?

- Nein
 Ja: welche?

18. Abschließend bitten wir Sie noch um einige statistische Informationen bzw., wenn solche nicht verfügbar sind, um geschätzte Zahlenangaben, bezogen auf einen durchschnittlichen Monat im Vor-Corona-Jahr 2019 und einen Vergleichsmonat nach Ausbruch der Corona-Pandemie 2020 (bitte spezifizieren Sie den jeweiligen Monat)

	_____ / 2019	_____ / 2020
■ Anzahl der Telefonanträge:	_____	_____
■ Genehmigungen:	_____	_____
■ Ablehnungen:	_____	_____
■ Geführte Telefonate insgesamt:	_____	_____
■ Gesprächsüberwachungen:	_____	_____
■ Beanstandungen:	_____	_____
■ Gesprächsabbrüche manuell:	_____	_____
■ Gesprächsabbrüche automat.:	_____	_____

Anhänge

- Zugangskonflikte zwischen Gefangenen:
- Wie viele illegale Handys wurden bei Haftraumkontrollen beschlagnahmt?

_____	_____
_____	_____

Haben wir etwas Wichtiges vergessen?

Raum für zusätzliche Kommentare und Anmerkungen:

Für Rückfragen stehen wir gerne zur Verfügung:

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Nochmals herzlichen Dank für Ihre Auskünfte!