

19. КПЧ, ООН, Келли против Ямайки, № (253/1987), (CCPR/C/41/D/253/1987)
20. КПЧ, ООН, Линтон против Ямайки № (255/1987), (CCPR/C/46/D/255/1987)
21. КПЧ, ООН, Нейлейн против Ямайки № (334/1988), (CCPR/C/47/D/334/1988)
22. КПЧ, ООН Томас против Ямайки № (321/1988), (CCPR/C/49/D/321/1988)
23. КПЧ, ООН Мига Михан Против Экваториальной Гвинеи №(414/1990), (CCPR/C/51/D/414/1990)
24. КПЧ, ООН Коллин Джонсон против Ямайки № (653/1995), (CCPR/C/64/D/653/1995)
25. КПЧ, ООН Каленга Против Замбии № (326/1988), (CCPR/C/48/D/326/1988)

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HOW DO WE KEEP PRISON POPULATION DOWN?

Human Rights

In the first years after the second world war, many people across the world found it necessary to develop and sign common standards for how to treat human beings to be sure, that peace could maintain. The standards became formulated in the Human Rights Convention in 1948. At the same time, it was decided to make Human Rights as an international issue. Two years later in 1950 signed the member states of Council of Europe a convention for Europe EMRK and in 1959 the European Court of Human Rights was set up. The court had the task to ensure, that the countries who had signed followed the common agreements towards its own citizens.

In Denmark we take the convention seriously and incorporated the articles into our own legislation in 1992. This means, that Danish courts are obliged to enforce them, and that citizens can appeal to the authorities or bring proceedings directly with reference to the European Convention on Human Rights.

European Prison Rules

The European Prison Rules are revised regularly and latest 2006. The rules are based on the European Convention on Human Rights and determined by the case law of the European Court of Human Rights. We take the courts decisions seriously and change if the court tells us to do.

The prison rules state, that detention may only be used as a last resort, and only according to the rules laid down by the country's own laws. In this way it is a duty for all countries that have signed the European Prison Rules, to limit the use of imprisonment as much as possible.

The number of detainees in a country has something to do with crime, but also the view of crime and punishment and the respect there are around the probation service. If there are great respect it is more likely, that the population and politicians accept suspended sentences with supervision in stead of imprisonment.

In Denmark are we keeping the prison population low by using alternatives to imprisonment and short sentences as much as possible. The far most common punishment is fines. We provide conditional sentences, short sentences, often 3 months or less, it is possible to be on parole after having served 2/3 of the sentence, but at least 2 months and many will be. The purpose of the way we punish is, that it must be noticeable, but also that we have to help sentenced people back into society again. An investigation formulated the peoples wish in this way: "The sentenced must know, that they have done something wrong, and they must not do it again". Even with long sentence are we very much aware, that everybody is going to return to society one day.

Recidivprocenter

Almost twice as many people are in detention in Ukraine as in Denmark. I do not know the recidivism rate in Ukraine, but in Denmark get one third a new sentence to imprisonment within two years after release and do we include those, who has got a suspended sentence with supervision, it will be 25% You can also say it in a more positive way, 65% of all those who has been released after imprisonment are not sentenced again, and 75% if we look at all who get a sentence to prison or supervision. The statement: "they must not do it again" is full filled quit often.

Who should be helped?

We know, that human beings lose both human and social skills during imprisonment, as marriage, work, finances, self-esteem, etc. Factors that are important, when a person has to find his way bac to the society. It is therefore natural, that there is a need for help, when a prisoner is released. There is no doubt about, that it is important, that authorities together with the prisoner are planning coordinated and systematic efforts for the time in prison and afterwards.

We are aware, that the time after release is difficult. It is therefore important, that there is a well-functioning probation service, who can help and take over, when the prison service leave.

The Danish prison and probation service are undergoing major changes these years. We are going from a model build on a positive working relationship with clients and dealing with acute problems to a model, where we are working with changes and motivation in a uniformed, structured and evidence-based manner. We use the tool LS /

RNR (Level of Service / Risk, Need, Responsiveness) to identify which convicted and which issues we have to work with, if we want to reduce recidivism. This applies both to the probation service and to prisons. The consequence of this is, that there are convicted persons, we don't use any resources on at all, because they manage anyway, and there are others, we use a lot of resources on, because they need it for avoiding committing new crime.

Beside LS / RNR we are by the time being developing and introducing a conversational tool called MOSAIK which stands for Motivational Conversation Intervention.

I am very pleased, that the Probation Service in Ukraine has wanted in a trial project to introduce this conversation tool, and I cannot regret enough, that the Danish authorities has found, that it first will introduce the tool in other countries, when it is more proven in Denmark.

I am convinced about, that it is not enough to identify problems as done with the tool LS / RNR, it is also necessary to do something about them. A conversation tool like MOSAIK could be a good start, but there are other instruments, that could be used. The crucial thing is, that the conversations are structured according to a solid pattern, where topics like the way you think, behavior and acquaintances are included. It is not up to the individual employee to decide, how to speak and what is being discussed at the meetings.

If you cannot get MOSAIK and want a smaller tool, MOSAIK developers suggest that you start introducing the staff to MI (motivation interviews) and CBT (Cognitive behavioral therapy) of Miller and Rybnik. Many of our staff members are familiarly to these tools.

Cooperation with the municipalities

Our experience is, that it has been difficult to cooperate with the municipalities. The Prison system tells us, that it is, as if the prisoners are forgotten, when they are in prison and the municipalities complains about lack of information. In order to overcome these difficulties, the prison and probation service has made agreements with all municipalities, on how the cooperation should be.

Cooperation with volunteers

Even though the authorities do the best they can, they will never be able to provide the support, which is needed. Today, three cities have set up exit cafes, that support released persons. Initially there was a group of priests, who together with volunteers, started a café in Copenhagen for released prisoners. Today has the café been expanded. They have a small permanent staff and 150 volunteers are associated. The work is supported by a large number of private and public funds.

The cafes work under the motto: from prisoned to be appreciated. Here people can meet volunteer psychologist and therapists, get a mentor, get help to get a job, get advice, and support from experienced counselors to control their debt and much more.

We are not in goal. We will never be, but we can work together across the countries to get better, and that's what we are doing at this conference.

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СТАН ЗЛОЧИННОСТІ В УКРАЇНІ ЯК ЧИННИК ЗАПРОВАДЖЕННЯ КОНЦЕПЦІЇ КРИМІНОЛОГІЧНОГО ЗАБЕЗПЕЧЕННЯ ПРОТИДІЇ ЗЛОЧИННОСТІ

1. Динаміка злочинності протягом останніх 6 років характеризується хвилеподібними коливаннями, найвище значення амплітуди яких припадає на 2016 р., а найнижче – на 2010 р. Однак вираженою є загальна тенденція до зростання рівня злочинності. Абсолютний приріст 2016 р. (показники за 11 місяців) щодо базового 2010 р. складає 270,5 тис. злочинів. Темп зростання у 2016 році, розрахований базисним методом, складає 1,862, темп приросту – 86,2%. Темп зростання у 2016 році, розрахований ланцюговим методом (за 11 місяців 2016 та 2015 років відповідно), складає 1,134, темп приросту – 13,4%. Середньорічний абсолютний приріст за 2010-2016 рр. становить 45 тис. злочинів, середній темп зростання – 1,093, середній темп приросту – 9,3%.

Слід зауважити, що на вказані показники динаміки злочинності суттєво вплинула низка правових та організаційно-управлінських чинників, серед яких превалюють зміни в реєстраційній процедурі, що застосовується до фіксації заяв і повідомлень про вчинені злочини, а також новий процесуальний порядок реагування на них правоохоронних органів, установлений КПК України. Ці обставини значною мірою обумовили зростання кількості зареєстрованих злочинів у 2013 р. на 62% порівняно з 2012 р. та подальше закріплення рівня злочинності на позначці, не нижчій за 520 тис. щороку. У зв'язку з цим більш об'єктивними та показовими є дані про злочинність хоча і на коротшому, втім, значно більш однорідному за характером чинників штучного впливу на статистичне відображення її динаміки інтервалі часу – з 2013 по 2016 рр.