

Decarceration in Poland

The criminological world is watching the massive decarceration in Eastern Europe carefully. I had the opportunity to observe this first hand in Poland in September 1992. I investigated the extent of this decarceration and visited three prisons to talk to officers and administrators. Poland was chosen as it has been free from Soviet domination for the longest period amongst members of the Warsaw block.

There are several special problems in research statistical material in Eastern Europe at present. First is the language. Unless one has the expertise, reading statistical data in difficult languages is very taxing, and an excellent translator is almost essential. Secondly, in a society plunged into western capitalism at a furious pace, statistical data has been a low priority. Accordingly, statistics are outdated and, at times, contradictory. Thirdly, the communist habit of secrecy relating to data seems to be hanging on; in this and other research I conducted in Poland government officials were guarded in their responses and, with a few exceptions, unhelpful in providing information.

A further problem lies in comparing statistics before and after the process of democratisation. Prior to 1986, Poles were sent to prison for deviant behaviour, which may or may not have been "criminal" in the legalist sense. I hesitate to use the term "political prisoner" as this suggests that those who were imprisoned, for, say, larceny, are not part of a political process. It is very difficult to separate those who were being politically repressed by imprisonment, with those who has committed specific breaches of the conventional criminal code. Some of the former were housed in "Centres for Social Readaption", although according to Ministry of Justice statistics these numbered less than one thousand at any one time.

The rate of imprisonment up to the "Round Table" talks of February 1988 was high by international standards — over 115,000 inmates were in prisons or houses of detention administered by the Ministry of Justice. Other prisoners not accounted for in this figure include remand prisoners and prisoners detained at police stations or military prisons. Some writers have estimated that during this time, up to 4,000 people were kept in prisons at any one time and up to 8,000 people each day were arrested and detained daily for up to 48 hours by the Police.¹

Once one adds the inhabitants of the insane wings for criminals in mental hospitals and juveniles in the reformatories to the numbers listed above, the incarceration rate in Poland would have been in excess of 400 prisoners per 100,000 people — an extraordinary figure showing that incarceration was a central plank of state oppression of the people.

By June 1989 there were 59,403 inmates which was about half as many as the 6 months immediately before. Some of those released would have been prisoners incarcerated for purely political crimes. My discussions in Poland put this figure at most at 10,000. This is supported by Amnesty International where the classification is based on a definition of those who were incarcerated for crimes involving freedom of expression or faith.²

1 Holda, Z and Rzeplinski, A, "The Polish Prison, in Mid Course" (1991) in Van Zyl Smit, D (ed), *Imprisonment Today and Tomorrow: International Perspectives* at 457.

2 Amnesty International Report *Political Prisoners in Eastern Europe 1988–1990* (1991).

The most up-to-date figure I would obtain was that the number of prisoners now stands at 51,370. Assuming the maximum figure of 10,000 political prisoners is correct, this still means that in excess of 50,000 “criminals” have been released in 3 years.

This massive reduction was due to the pressure of the Solidarity movement, and its eventual rise to power. Prisoners have been active and disciplined supporters of Solidarity, engaging in strikes and protests in accompaniment to the general uprising.³

Since 1989, the prison service has seen massive restructuring with a new managerial structure, rewritten rules⁴ and some minimum standards relating to size of cells, and wages of inmates. The number of courts has declined from 11,707 in December 1988 to just over 6,000 in 1991.⁵ In 1980 the ratio of prison officer to prisoner was 6:1, in September 1992 it was 3:1.⁶ There are new, more lenient systems of classification, day release and early release. For the first time since World War II, the prison service is now independent of the Communist Party.

However, the new changes have not brought with them a system as enlightened as that of, for example, the Netherlands. The complaints procedure is inadequate, most prisoners are still subject to forced labour and there are still provisions for censorship of mail.⁷ In September 1989 there were still widespread protests in 51 prisons seeking revisions of all sentences passed in the 1980s and a general improvement of conditions. The culture of oppression is clearly taking some time to catch up with the changes in the rest of Polish society. Certainly I was impressed to find that all prisoners I spoke to had a cell to themselves — a real contrast with the prisons in England and Australia where overcrowding is chronic. By a law introduced in 1989, each prisoner must have 2.5 square metres of cell space.⁸ The prisons themselves are built almost exclusively pre World War I, have an averaged population of almost 2,000 inmates⁹ and are unheated in most cases.

Given the considerable extent of decarceration in Poland over a relatively short period, what effect has this had on Polish society?

The arrest rate certainly fell in the post 1988 period, and has, according to Government figures, been slowly rising since 1991.¹⁰ The principal problems seem to be with young people committing the typical crimes associated with unemployment and boredom. Generations of Poles were accustomed to negligible unemployment, a protected currency and secure employment. Now, unemployment hovers just below 10 per cent and the currency is so devalued that train and bus tickets go up regularly — sometimes weekly. Inflation has been stabilised, but only recently, and it appears that some of the economic victims of these changes are reacting by turning to crime.

3 Poklewski-Koziell, C, “The Community Participation in Corrections” (1988) in Biles, D (ed), *International Trends in Corrections* at 179.

4 See Prison Rules; Ministry of Justice (1989).

5 HPHD Statistical Data on Prisons Activity (1991) Table 6.

6 Gorski, J and Gorney, J, *Penitentiary Law in the Socialist European States — Report prepared for the European Meeting for Heads of Penitentiary Administrations* (1989), and HPHD Statistical Data on Prisons Activity (1991) at 17.

7 Platek, M, “The Sluzewiec Prison in Warsaw, Poland” (1991) in Whitfield, D G (ed), *The State of the Prisons 200 Years On*.

8 Id at 58.

9 Above n1, table 4.

10 Ministry of Justice *Court and Penitentiary Statistics* (1991) at 4, 4–15, table 17.

The prisons I toured are full of empty cells, and the officials and academics I spoke to are optimistic that they will not be filled. The projections for the next 5 years are for the same number of inmates and no new prisons. This is a little deceptive as many current prisoners will receive early release following a review. However, it is clear that the parliament is committed to policies of extending alternatives to prison and reducing sentence length.

Some argue that one reason for the success of the Dutch system in low rates of incarceration and humane imprisonment is that so many Dutch intellectuals, lawyers and politicians were imprisoned by the Nazis that there has always been acceptance of a regime of tolerance.¹¹ If this is so, the future for the Polish system is bright since 87 members in the parliament chosen for the 1989–1993 term are ex-political prisoners.¹² In the press, in parliament, among police, prison officers and academics I have spoken to, no one seems to be calling for higher penalties or tougher law and order policies. The concerns instead are to make the prison system accountable.

From a purely subjective viewpoint, it is interesting to note that despite the massive reduction in prison population, the streets of Warsaw, Lodz and Cracow seem safe at all hours and the police presence is low and unobtrusive. Further study needs to be done to assess the effect this massive decarceration program is having on the crime rate as Poland becomes more stable and prosperous. The rumours of even more massive decarceration in Russia, the Ukraine and Bulgaria need to be confirmed, monitored and analysed. The West could learn some timely lessons about the value of prisons and the likely effects of decarceration.

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11 Kelk, C, "The Humanity of the Dutch Prison System" (1983) *Contemporary Crisis* 7 at 157–158.

12 Above n1 at 456.