RIGHTS OF PRISONERS

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National Legislative Framework

Prisoners in Greece are protected by national and international legislation, valid in Greece. They aim at safeguarding detention conditions, while acknowledging some of the individual rights. They also include protection from torturing and ill-treatment, access to judicial, educational, and healthcare institutions etc.

Law 2776/1999: Justice for prisoners and betterment of detention conditions.

The same Law signifies new standards for the organisation of prisons and safeguards the rights of prisoners.

National Conditions and EU Legislation

Greece respects and endorses a series of international treaties aiming at the protection of the rights of prisoners. Such treaties are:

- European Convention on Human Rights (ECHR): Protecting human rights of all individuals, including prisoners
- EU Regulation 604/2013 (Dublin III): Regulates issues concerning refugees and immigrants; it also includes rights of prisoners.
- European Court of Human Rights: Greece has been repeatedly convicted for violating the rights of prisoners (inconsistency between Law and practice)

RIGHTS OF PRISONERS

- Access to water and food
- Medical and mental health care and medication
- Communication with relatives and lawyers
- Education/vocational training and work (reducing the sentence)
- Dignified living conditions
- Equality of all prisoners across nationality, sex, or religion
- Free exercise of religious practices
- Right of Complaint against ill-treatment and violation of rights
- Right to vote
- Participation in political and entertaining activities

PROBLEMS AND OBSTACLES

Prison overcrowding: Greek prisons operate at 150% capacity causing serious implications such as lack of space, poor hygiene, restrictions in healthcare accessibility). Overcrowding makes the compliance with basic legal standards extremely difficult

Lack of sufficient healthcare: Prisoners often suffer from restricted access in healthcare, particularly in psychiatric care. More often than not problems emanate, concerning the treatment of chronic disease or epidemics.

Violence and ill-treatment: Violence coming from fellow-prisoners or prison personnel (physical or psychological violence, and torture) Tolerating such incidents creates a 'climate of impunity'.

Restricted access to Justice: Restrictions or obstacles in the effort of a prisoner to communicate with a lawyer or resorting to legal aid. In some countries communication with families or humanitarian organisations is checked arbitrarily.

PROBLEMS AND OBSTACLES II

5. **Unpropitious detention conditions:** Improper diet, lack of means of warmth, problematic hygiene. Sexual harassment or discriminations for women, children, immigrants or LGBTQ+)

6. **Insufficient rehabilitation programmes:** Many prisons suffer from lack of educational and vocational programmes, as well as lack of psychological and sociological support

7. **Discrimination and social attitude:** Prisoners often face religious, social or political discriminations. Also, public stigma and negative attitudes towards prisoners hinder reintegration.

8. **Political-financial factors:** Improvements are often impeded by the lack of political will or financial resources. For example, limited resources for EU-aligned reforms. The existence of political prisoners violates individual liberties

Synopsis

In spite of the relevant national and international legislation, the rights of prisoners depend on the actual application of the law, the supervision of independent institutions and the social empathy. Reforms and alternative solutions are necessary and of vital importance for a more humanist approach

Room for improving prisoners' rights

- Increase of certified lessons and cooperations with companies aiming at reintegrating prisoners back to society
- Improvement of security measures and increase of (digital) libraries
- Reduce of the number of prisoners per prison and increase in healthcare funds
- Informing prisoners on their rights and reducing the delayed trials

Concluding remarks

The prisoners' rights constitute a responsibility and a duty of the whole society at large.

By 'prisoners' rights' we mean the right to medical care, access to legal aid, dignified living conditions, education and work.

Reforms in accordance with EU legislation and regulations constitute the main aim.

Success in this case will only benefit the society at large and our democracy.

What is needed is the political will to achieve the above and the necessary funding.

RIGHTS OF PRISONERS IN POLAND

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Legislation of Polish Law regarding prisoners

The Constitution of the Republic of Poland

The Constitution of the Republic of Poland provides the fundamental legal framework that guarantees human rights, including for persons deprived of liberty. Although it does not directly regulate the prison system, several key articles ensure that prisoners are treated with dignity and according to the rule of law:

Article 32
”All persons shall be equal before the law”
This article guarantees that prisoners, like all citizens, are equal before the law and must not face discrimination — whether due to their legal status, background, beliefs, or any other reason.
It forms the constitutional basis for ensuring equal treatment in access to healthcare, education, contact with legal counsel, and protection of human dignity, even while serving a prison sentence.

Other:
-Article 40
-Article 41 and 42
-Article 45
-Article 47
-Article 77(1)

The Executive Penal Code

In Poland, the most important legal act regulating prisons and the enforcement of criminal penalties is The Executive Penal Code. It is consistent with The Constitution of the Republic of Poland and European legal standards.

The Executive Penal Code is the key legal act in Poland that governs the enforcement of criminal penalties, including imprisonment, probation measures, and security measures. It defines the rights and obligations of individuals serving prison sentences and outlines the rules for the operation of correctional facilities. The code ensures that the execution of penalties respects human dignity and is carried out in accordance with the principle of humanitarianism. It complements the provisions of the Penal Code by focusing on how sentences are implemented in practice.

-The right to health care
- The right to humane living conditions, including proper clothing, housing, medical care, nutrition, and hygiene
-The right to social insurance coverage
- The right to maintain contact with family
-The right to employment and education, including formal learning, self-education, and creative activity
-The right to submit complaints and petitions
- The right to contact legal counsel and the court
-The right to freedom of religion and religious practice

National Conditions founded on the EU Legislation

International standards contain general directives in reference to external communication. General assumptions are included in rules number 5 and 6 of ERP (European Prison Rules). The aim is to enable inmates to maintain and develop family bonds.

Polish legislator realizes, that prisoners' contacts with families are crucial measure of penitentiary influence on the way of the social readaptation of people sentenced to imprisonment.

2. Sentence should as far as it can represent positive aspects freedom (rule number 5 ERW- Europejskie reguły więzienne).

every detention should be organised in a way to facilitate inmates possibility of reintegration within open society (rule number 6 ERW)

Prisoners have the right to communicate, as frequently as possible, by means of letters, telephone calls or other forms of communication with their families and other persons, as well as with representatives of outside organizations, and to receive visits from such persons" (Rule 24.1).

Maintaining contact with family and close persons has been considered important by the legislator. Its significance has increased even further since the current Penal Enforcement Code came into force. **Maintaining such contact continues to be a fundamental right of the convicted person (Article 102 point 2 of the Penal Enforcement Code)**. The methods for maintaining these contacts are specified in Article 105 § 1 in principio of the Penal Enforcement Code.

The possibility of visitations depends on the type of penitentiary in which the inmate is currently based in. The number of visitations for inmates staying at the open type of correctional institution is unlimited (article 92 p. 10 kkw). Prisoners staying at correctional institution with half-open structure have the possibitity of 3 visitations within a month, which can be combained after consultation with the director o f prison (article 91 p. 8 - the Executive Penal Code) .

Convicted during their sentence in closed correctional institution can hold 2 visitations within a month, which also can be combined after director’s acceptance (article 90 p. 6 - the Executive Penal Code)

Legislation of EU and Poland Presidency of the EU Council

Since January 1, 2025, Poland has held the rotating presidency of the Council of the European Union. This means Poland is leading the work of the Council and helping to set the agenda for discussions among EU member states. On March 7, 2025, during a meeting of the EU Justice and Home Affairs Council, Poland, acting as the presiding country, supported conclusions concerning the application of the EU Charter of Fundamental Rights, with particular attention to the rights of people in detention.

The discussions emphasized the importance of protecting detainees' rights, monitoring detention conditions, and preventing torture, ill-treatment, and discrimination in closed institutions. Poland highlighted the need to ensure access to justice, healthcare, and legal support for inmates, while also promoting stronger cooperation with Europol and CEPOL in matters related to detainee rights. These efforts align with European standards and aim to improve prison conditions and legal safeguards across all EU member states.

PROBLEMS AND OBSTACLES I

Overcrowding

Although recent reports have shown the decrease in prison overcrowding in comparison to the early 2000s, the issue persists on a national scale. Poland incarcerates the second largest number of prisoners in the EU according to Eurostat, which makes up to 203 individuals per 100,000 citizens. The average prison population reached 85,35% in 2024, which shows a drastic improvement in comparison to the 150% recorded in the most precarious period (2002-2006). In 2009, the European Court of Human Rights urged adherence to the minimum space standards in Polish prisons, which triggered the development of judicial norms in terms of culprits accommodation, including the implementation of electronic monitoring system (System Dozoru Elektronicznego) and other forms of non-custodial punishments, as well as investments in the modernization of prison infrastructure.

Corruption and presence of illicit substances

The corruption-related abuse frequently occurs in the form of bribery on the Prison Service officials, as an attempt to improve inmate's living conditions or facilitate legal procedures. It is particularly prominent in terms of illicit substance smuggling, as suborned officers may purposefully overlook delivery routes of drugs, alcohol, pharmaceuticals or legal highs. According to the official website of the Polish Prison Service (Służba Więzienna), in 2018 the unit's officers revealed 816 prohibited items attempted to be delivered to the penitentiary units, 513 of which contained narcotic substances. Although efforts against drug abuse in prisons have been intensified since the 1980s by standardizing the implementation of preventive and rehabilitation mechanisms, both smuggling and consumption of unauthorized stimulants remain a significant issue.

Women's prisons

Women make up to approximately 5% of the overall number of prisoners, which puts them at risk of marginalization in face of the highly masculinised prison sector. It is especially prominent in terms of women-focused rehabilitation programs, as penitentiary institutions often decide not to invest in those due to the small group of beneficiaries. Despite the frameworks of the Executive Penal Code about placing women in designated facilities, those are often unsuitable for their needs, especially in conditions such as pregnancy or breast-feeding. Fundamental inequities in women's penitentiary facilities are consistently being observed, such as lack of adjusted dietary supply, insufficient heating and unavailability of hygiene products. Additionally, concerns arose about Women often face obstructions in staying in contact with their relatives due to the isolated location of prisons.

Undeveloped rehabilitation and resocialization mechanisms

The Polish resocialization sector is significantly disrupted by harmful social stigmas valuing penitentiary facilities based on the subordination of inmates rather than the preparation for their readaptation to the society. Additionally, rehabilitation programs remain undeveloped due to severe understaffing, with the reported cases of one professional supervising up to 100 inmates. Even though overcrowding has decreased since the beginning of the 2010s, the notable number still contributes to the generalization of restorative procedures rather than the endorsement of individual approach. Furthermore, the majority of rehabilitation programs are designed for inmates struggling with addiction problems, thereby making them available only for select prisoner categories.

PROBLEMS AND OBSTACLES II

Insufficient healthcare

Although it is known that a proper healthcare system has a positive impact on the general standard of living of inmates, the level of it in prisons is surprisingly low. Main problems that have been reported are: inadequate or too slow treatment, use of cheaper substitutes of medicines, non-compliance with dietary recommendations given by doctors; denial of treatment or ineffective treatment (which is a violation of the Article 3 of Convention). Those problems contribute to condemning a prisoner to prolonged and unnecessary suffering. Poland in the span of two years (2013-2015) has met seven cases relating to prisons medical care that were communicated from the Strasbourg Tribunal.

Mental health

Psychological well-being of prisoners is an essential part of the process of rehabilitation and reintegration. In Poland the problem of negligence occurs, which may lead to repeat offense. The common issue is not placing prisoners with mental disorders in psychiatric hospitals or any other units. It is a violation of Article 3 of Convention. Another concerning matter is the impact of prison itself on the person. Penitentiary isolation creates lack of privacy and a never ending sense of humiliation and embarrassment, and since any contact with their relatives is strictly restricted and all human interaction is ritualised, the level of intolerance and opening up to others becomes extremely low.

Torture

Under Article 3, ECHR and Article. 4, EU Charter any form of torture and other forms of inhumane and degrading treatment or punishment is forbidden. Nevertheless, the topic of inappropriate treatment is still a cardinal problem among Polish prisons. The most common issues that have been reported are: beating, choking, waterboarding, limb twisting as well as many others. What is worthy pointing out is the fact that most of these violations have been performed beyond the range of cameras. The extremely concerning matter is that medical staff including psychiatrists in many cases like those listed above have not reacted. The response of the prosecution and courts also should not be ignored - numerous cases were dismissed.

Limited contact with family

The Executive Criminal Code in Poland foresees that a prisoner may use a self-defining telephone at least once a week to communicate with the outside world, in particular with his relatives. Meanwhile lawyers report that since the amendments of the CC, it has become practice to restrict prisoner's right to this contact to once a week without exceptions. As previously mentioned, limited contact with relatives has a negative impact on a prisoner's mental state. Limitation of this contact may lead to unpleasant outcomes and is a hurdle in the process of reintegration. This issue also builds up a sense of isolation and loneliness, due to the lack of support given by the family.

Recommendations and improvement strategies

Raising awareness among the prison staff, introducing specialised training programmes to endorse proper treatment and respect of the needs of inmates

Further exploring alternatives to incarceration, such as the electronic monitoring systems, community service and other non-custodial punishments, as well as resocialization and rehabilitation programmes

Increasing funding to enable modernisation of the facilities, enhancement of security measures and access to essential assets such as pharmaceuticals or hygiene products

Conducting frequent inspections in private facilites to ensure compliance with international human rights standards

Prisoners' rights in Poland

Work Opportunities
In semi-open prisons, inmates may engage in unpaid work within
the prison or paid/unpaid work outside, such as in factories, poultry
processing plants, or car repair workshops. In 2024, nearly 58% of
inmates participated in either paid or unpaid work. Among those
eligible for employment, over 94% were actually working.

Shopping and Packages
Prisoners have the right to purchase food items, tobacco products,
and other goods at least three times a month - typically from a shop
located within the prison. They are also entitled to receive one
package per month containing these items.

Cell Space
The minimum living space per prisoner in a cell is 3 square meters.

Phone Calls
Every prisoner has the right to at least one phone call per week with
a private contact and one with their lawyer.

Medical Care
If an inmate requires a consultation with a medical specialist, they
are referred to a civilian clinic or hospital under the supervision of
prison officers.

Television Access
Inmates are allowed to have a television in their cell, which may
include access to a few channels. The TV must not exceed 19 inches
in size and cannot include a remote control.

Social Awareness I

We conducted an opinion poll among students and a parallel one among adults. The results led us to a few conclusions.

Firstly, when it comes to awareness regarding the importance of human rights, there is not much to worry about. About 90 percent of respondents in both groups agreed that prisons should be “a place giving chance to change, creating an opportunity for prisoners to live a new better life after sentence”. It means that the idea of resocialisation has a wide support of public opinion. Also, we observed the same level of approval for reintegration of prisoners.

Secondly, there is a considerable approval for improvement in respecting prisoners’ human dignity among respondents in both groups. It is about 65 percent. It signalizes that most people see a space for improvement in the field, even not being able to point out on certain issues.

Although first two conclusions sound optimistic, we noticed negative tendencies in public opinion too. The first one is that most people (78,2% of adults and 70% of students) declared that they do not know what the issues are present in polish prisons. The conclusion from that is simple: the topic of prisoners’ rights is still little known. Hardly anyone knows the specifics.

Social Awareness II

Another problem that we observed is lack of knowledge about prison and imprisonment in general. For example, in polish prisons it is possible for prisoners to have limited access to Internet and even unlimited access when it comes public information. However, 44,6% of adults and 68,7% of students stated that they do not have any access at all. The similar situation concerns prison uniforms. 27,7% of adults were convinced that prison uninforms are not obligatory, when in fact they are most of the time. These examples show that knowledge about the topic is not widespread.

Interesting fact about the survey is main difference between group of students and group of adults. The difference concerns financing of polish prisons. Only 28,7% of adults agreed that polish prisons need better financing, when among students it was 56%. That is a huge divergence. It might be a sign of generational change in thinking about development and improvement for example in the described field. That is a good sign because as we proofed before prisons in Poland need more money for lots of reasons.

Social Awareness III

Raising awareness about the treatment of prisoners and the challenges they face is crucial for fostering empathy, accountability, and reform. There are many ways to achieve this goal that include but are not limited to:

Utilizing the movie industry might also prove useful by visualizing the struggles of prisoners and possibly sparking a social debate that could result in positive changes being made

Encouraging prisoners to share their stories through social media, blogs and publications. This practice could humanize thier issues and Garner support for reforms as well as spread awareness about what they expirience.

Education is possibly the best way to spread awareness on the topic, that is why organizing events on which prisoners could share their expiriances after their sentence ends is very important, those events could take place in schools or other institutions

Do you believe that the crimes committed by a person should be publically visable?

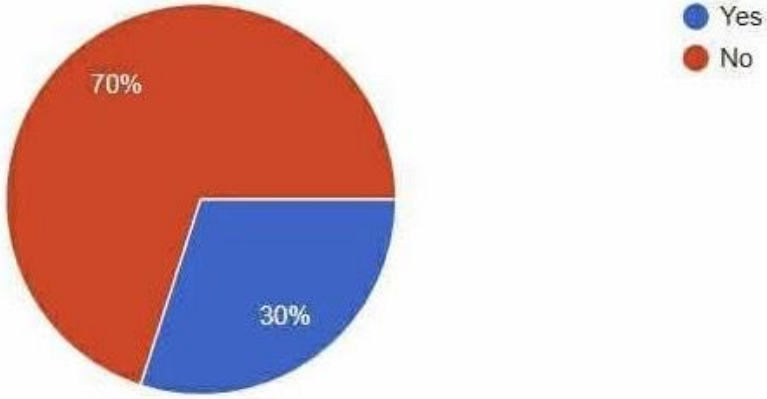
Kopiuj wykres

150 odpowiedzi

Are you aware of what issues do prisoners experience in polish prisons?

Kopiuj wykres

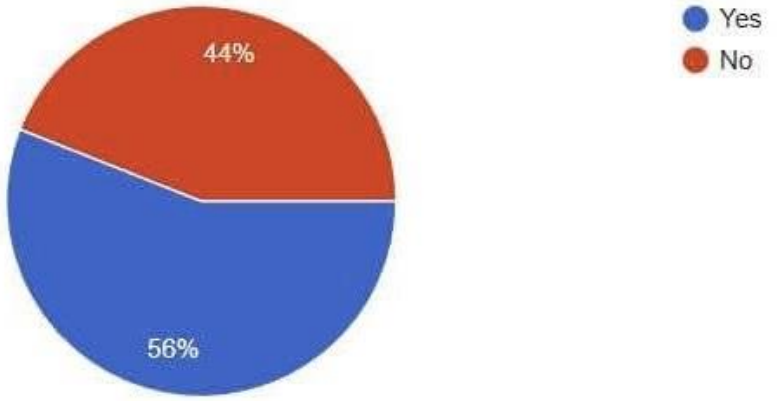
150 odpowiedzi



Do you believe that polish prisons should receive highier funding?

Kopiuj wykres

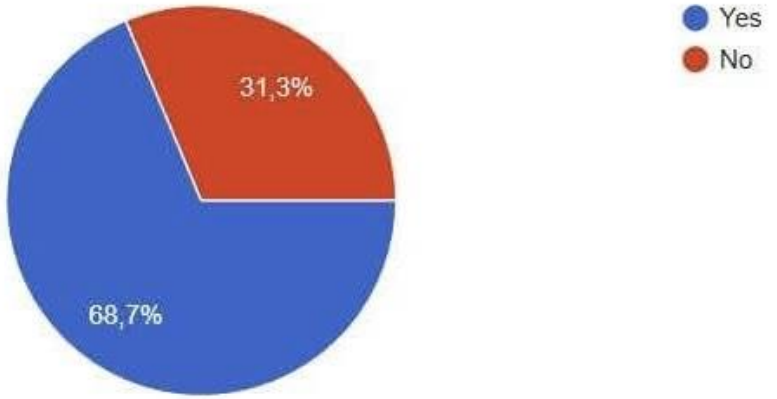
150 odpowiedzi



Do you think that prisons should be more focused on rights and dignity of prisoners?

Kopiuj wykres

150 odpowiedzi



Do you think prisoners should be allowed to work outside the prison while serving their sentence?

Kopiuj wykres

150 odpowiedzi

Do you think inmates wear their own clothing, or are prison uniforms mandatory?

Kopiuj wykres

150 odpowiedzi

Concluding remarks

Prisoner's rights ought to be considered both by the authorities and the society as a whole in order to enhance implementation in penitentiary facilities.

Social awareness constitutes a crucial aspect of advocacy and contribution to upholding prisoner's rights.

To reach international consensus, all member states should aim to implement the standard measures established by the EU.

Current obstacles observed in penitentiary facilities require thorough examination and further development of this sector, primarily through funding and appropriate staff training.