



Hungarian Helsinki Committee

HUNGARIAN HELSINKI COMMITTEE

H-1054 Budapest, Bajcsy-Zsilinszky út 36-38. I/12.

P.O. box: H-1242 Budapest, Pf. 317.

Tel/fax: + 36 1 321 4323, 321 4141, 321 4327

helsinki@helsinki.hu

www.helsinki.hu

Pre-trial detention in Central and Eastern Europe and the Former Soviet Union

This study explores the legislation and practice around pre-trial detention (PTD) in Central and Eastern Europe and the Former Soviet Union (CEE-FSU).

According to both national and international legislation PTD should be used as a means of last resort. However, this research indicates that this is hardly the case. If someone finds themselves in a PTD court hearing in the CEE-FSU region, there is an **80%** probability that he will be placed in PTD. In countries like Georgia, Hungary and Kazakhstan, the chances are **over 90%**.

*Over 90%
chances to be
placed in PTD*

Once such a decision is handed down, there are very slim chances of successfully challenging it. In the CEE-FSU region, appealing a court decision that orders placement in PTD has very low chances of success. This is particularly true for detainees in Georgia and Ukraine who have around **2% chances** of successfully appealing such a decision. Chances are a bit better in Moldova and Albania but still only **one in four** people can expect to be successful in their appeal.

The rest of these people are left to spend, at times, years of their lives in PTD. This is so, despite the fact that international standards clearly ask for PTD to be as short as possible. Nonetheless in 2011, in Hungary there were almost 300 people held in PTD for over one year; in Poland there were over 2000 people in such a situation. Also, for those unfortunately enough to be held in PTD in Turkey, according to the law, in exceptional cases they can be held in PTD for **10 years**.



As to how many are actually kept in PTD in the CEE-FSU region, this study shows that in any given day there are around **¼ million people** held in PTD in the countries surveyed. On average **¼** of all people held in detention are in PTD. In some countries, like Montenegro and Albania, almost **half of all people held in detention are in PTD**.

These people are often times held in deplorable, overcrowded conditions. Although the general standard is that each detainee is afforded 4 m² of space, in the countries surveyed this was hardly respected. This is partly explained by prison overcrowding. Albania for example in 2011 had an **occupancy rate of 149%**. It can also be explained by general lack of resources. Countries like Ukraine spend as little as **2 Euros** a day for a detainee.



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Some of the most common shortcomings experienced by people held in PTD in the CEE-FUS are:

- lack of natural light
- lack of private bathroom facilities
- overcrowding
- lack of heating in the winter
- excessive heat in the summer
- restricted access to showers

Moreover, people held in PTD encounter a number of difficulties in exercising some of their basic rights while in PTD, such as:

People who are detained often times face difficulties in exercising their basic rights

- **Access to a lawyer** - although recognized by law, in practice there are a number of issues, particularly in regard with lawyers appointed through a legal aid scheme
- **Access to medical services**- when available medical services are usually of poor quality and at times provided by unqualified personnel.
- **Access to family members** – In some countries people held in PTD can expect to see their loved ones only once per month. Even when by law one is entitled to more visits, often times detention facilities lack appropriate meeting rooms and the staff allows this right on a discretionary basis

The situation is even worst for those detainees who are at risk of being particularly vulnerable.

LGBTQI – There is a general lack of specific safeguards for LGBTQI. There are a number of reports of abuse and mistreatment, particularly in Turkey

Juveniles – Juveniles should be held separately from adults. This is not always respected, for example in Serbia in almost all detention facilities juveniles are accommodated together with adults

People with disabilities- Detention facilities are generally not accessible for people with disabilities

Ethnic minorities –in some countries ethnic minorities face particular problems, as for example the Roma detained in CEE. In a number of countries from the region Roma are severely overrepresented in detention facilities as is the case in Hungary and Bulgaria.