

The Penalty of Life Imprisonment in the Light of European Penitentiary Statistics

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Introduction

This article provides basic statistical data on prison populations in European countries. Attention was paid primarily to comparisons of prisoners sentenced to life imprisonment.

European penitentiary statistics have been collected and developed in the Council of Europe since the early 1980s². To this day the basic idea of the project is being continued, its tools are improved, but technical and substantive problems in data collection and unification are still present.

Penetrating into the history of penitentiary statistics on a European scale, it is worth recalling that statistics were initially published in the Prison Information Bulletin, later in the Penological Information Bulletin, and contained only data on prison populations. Since 1992 the format of the publication has been extended, the publication has been issued under the common title *SPACE* (acronym of a French title – *Statistiques Pénales Annuelles du Conseil de l'Europe*) and also included information on non-custodial penalties.

At the end of the 1990s, statistical data on isolating and non-isolating punishments were collected on the basis of separate statistical questionnaires and published in two reports *SPACE I* – for isolating punishments and *SPACE II* – for non-isolating penalties.

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² The listing and reporting of prison data was set up by a group of experts at the Council of Europe and was initiated by *Pierre V. Tournier* (now Director of CNRS), who led the project until 2001. Since 2002, the project has been led by *Marcelo F. Aebi*.

In the methodological assumption of the SPACE I, project penitentiary statistics are collected on a yearly basis, based on a specially developed questionnaire sent to the Prison administrations of individual member states of the Council of Europe. In addition to the figures, it is also important to convey the so-called metadata, i.e. any explanatory information concerning, inter alia, the differences in definitions, categories of statistical units, and other characteristics related to the specific nature of prison reporting in a given country. Council of Europe Annual Penalties Statistics SPACE I (Prison Population) reports are sometimes published even with a two-year delay resulting from inaccurate or incomplete transmission of national data³.

This paper uses data on prison populations published in SPACE I Yearbooks, primarily for 2015, and in some cases also for 2014 data. For a comparison of the dynamics of total imprisonment and lifetime imprisonment for the last 10 years, *SPACE I* data is also provided from the 2006 statistical survey⁴.

It should be emphasized that in the context of qualitative research on sentenced to life imprisonment, statistical data on prison populations may seem too abstract. However, their knowledge and proper use may be of relevance in the comparative analysis of criminal and prison policy – especially in their characteristics and evaluation – both historically and internationally.

At the same time, it is worth mentioning that international comparisons of both crime data and prison data have significant limitations resulting inter alia from differences in penal systems and policies, the method of defining statistical units, reporting principles, and reliability in the development of data and explanations sent to (in general terms) the SPACE project.

I. Prison map of Europe – basic statistical data

The basic SPACE I statistical information shows that in 2015 – as of 1 September – the number of prisoners (sentenced and temporarily detained together) was over 1.4 million, i.e. about 7% less than in 2014⁵. In half of the

³ European penitentiary data are available (independently of the publication of Yearbooks) at <http://wp.unil.ch/space/>.

⁴ No statistical information was provided from France, Malta, Iceland, Ukraine and Poland. Data on Bosnia and Herzegovina and Spain are incomplete. Data concerning Poland were taken from the Statistical Information of the Central Board of the Prison Service (*Centralny Zarząd Służby Więziennej*), and data on France – from the preliminary report as of 1 January 2015.

⁵ SPACE I covers all member states of the Council of Europe and is transmitted by 52 prison administrations, including the United Kingdom (separately for England and Wales, Northern Ireland and Scotland), Bosnia and Herzegovina (covering both the Federation of Bosnia and Herzegovina and the Republika Srpska), Spain (issued by the State Administration and Catalonia).

countries taken into account the coefficients were less than 115, while the largest – almost 440 – was in Russia.

In general it can be said that the prison map of Europe has been very varied for years. This is due to a number of reasons that cannot be presented briefly, but it is worth noting that their nature also lies in criminal policy, including in the structure of the types of penalties for each type of crime and the dimensions of the absolute penalty of deprivation of liberty. In Poland, for example, theft is most often the reason for the penalty of deprivation of liberty with conditional suspension of its execution, while in most states, especially Western Europe, it is fines or community service⁶. In Poland detention sentences with conditional suspension are activated in about 40% of cases, resulting in a significant increase in the prison population⁷.

Taking into account the number of people imprisoned in relation to population in 2015, as in previous years, in most Central and Eastern European countries and in Eastern Europe the coefficients per 100 thousand are decidedly higher than in Western Europe. Of the EU Member States the highest coefficients were recorded in Lithuania (278), Latvia (223) and Estonia (210). In Poland the coefficient was 192 (in 2014 – 203). Among the countries with the highest ratios are Albania (207), Moldova (219), Turkey (220), Azerbaijan (250), Georgia (275), Ukraine (204 in 2014) and Russia (with a coefficient of 440).

In most Western European countries, the imprisonment coefficients did not exceed 150, and many of them were below 100 (Netherlands, Finland, Denmark, Sweden; even less than 60 – Switzerland, Norway, Germany, Italy, Greece, France). Low coefficients were also reported in Slovenia (68) and Croatia (80). Data on absolute numbers and coefficients per 100 thousand inhabitants in 2014 and 2015 are shown in Table 1.

⁶ Cf. *M.F. Aebi at al.*, European Sourcebook of Crime and Criminal Justice Statistics 2014, HEUNI, 2014.

⁷ Cf. *B. Gruszczyńska*, Geografia przizonizacji w Europie. Polska na tle krajów Unii Europejskiej [in: *T. Bulenda, A. Rzepliński* (ed.), *Modernizowanie więziennictwa. V Kongres penitencjarny*, Warsaw 2015, pp. 535–551.

Table 1. Populations imprisoned in Europe in 2014 and 2015 (source: SPACE I – Survey 2014, 2015⁸)

State	Absolute numbers		Coefficients per 100 thousand	
	2014	2015	2014	2015
Albania	5 440	5 981	187,8	207,2
Andorra	53	52	68,9	66,7
Armenia	3 979	3 888	131,9	129,7
Austria	8 857	9 037	104,1	103,9
Azerbaijan	22 579	24 197	238,2	249,3
Bosnia and Herzegovina (Serbian)	940	877	66,1	61,9
Belgium	13 212	12 841	117,9	113,7
Bulgaria	7 870	7 583	108,6	106
Croatia	3 763	3 341	88,6	79,7
Cyprus	681	654	79,4	77,1
Montenegro	1 058	1 100	170,2	176,8
Czech Republic	18 658	20 866	177,5	197,7
Denmark	3 583	3 203	63,7	56,1
Estonia	2 962	2 768	225,1	210,3
Finland	3 097	3 007	56,8	54,8
France ⁹	77 739	65 544	101,0	98,3
FYR Macedonia	3 116	3 498	150,8	168,9
Greece	12 006	9 646	110,1	89,4

⁸ According to the SPACE I methodological approach, the basic data on prison populations should reflect the situation as of 1 September of a given year. Not all countries provide data according to the set deadline, e.g. Germany as of 31 March 31; France, Latvia, Sweden as of 1 October; England and Wales as of 30 June; Lithuania as of 1 July; Georgia as of 31 August 31; Czech Republic, Croatia, Poland and Portugal as of 31 December. This last date is particularly incorrect due to the significantly reduced number of imprisoned with even the average of the remaining months. In Poland, for example, the prison population at the end of December 2015 was 70,836 and was by far the smallest in comparison to other months.

⁹ France: in 2015 the state as of 1 January; Poland: as of 31 August 2015 (based on Central Board of the Prison Service Information).

I. Prison map of Europe – basic statistical data

State	Absolute numbers		Coefficients per 100 thousand	
	2014	2015	2014	2015
Georgia	10 233	10 242	227,9	274,6
Spain	65 931	64 017	141,7	137,9
Netherlands	9 857	9 002	58,6	53,0
Ireland	3 829	3 746	83,1	80,4
Iceland	154	no data	47,3	no data
Liechtenstein	8	8	21,5	21,3
Lithuania	8 977	8 022	305,0	277,7
Luxembourg	656	667	119,3	115,7
Latvia	4 809	4 399	240,3	223,4
Malta	1 369	no data	134,2	no data
Moldova	7 166	7 813	201,3	219,9
Monaco	28	no data	74,1	no data
Germany	65 710	63 328	81,4	77,4
Norway	3 718	3 664	72,8	70,3
Poland**	77 371	73 062	203,5	192,2
Portugal	14 003	14 222	134,3	137,5
Russia	671 027	642 470	467,1	439,2
Romania	31 637	28 642	158,6	144,9
San Marino	4	2	12,3	6,1
Serbia	10 288	10 064	144,0	142,2
Slovakia	10 179	10 087	187,9	185,9
Slovenia	1 522	1 399	73,8	67,8
Switzerland	6 923	6 884	85,1	82,7
Sweden	5 861	5 770	60,8	58,6
Turkey	151 451	173 522	197,5	220,4
Ukraine	92 290	no data	204,0	no data
Hungary	18 270	17 773	185,0	180,8

State	Absolute numbers		Coefficients per 100 thousand	
	2014	2015	2014	2015
Italy	54 252	52 389	89,3	86,4
UK England and Wales	85 509	86 193	149,7	148,3
UK Northern Ireland	1 860	1 690	101,3	91,5
UK Scotland	7 879	7 746	147,6	144,6

II. Women among those imprisoned in European countries

Among the total prisoners, women account for between one and just over ten percent, and in 2015 the median was about 5%, as in previous years. The absolute numbers of women and the corresponding proportion of prison population in total in 2014 and 2015 are shown in Table 2.

Table 2. Women among prisoners in 2014 and 2015 (*own elaboration*)¹⁰

State	Absolute numbers		Share in the participation of prisoners in %	
	2014	2015	2014	2015
Albania	88	121	1.6	2.0
Andorra	10	11	18.9	21.2
Armenia	191	171	4.8	4.4
Austria	536	535	6.1	5.9
Azerbaijan	639	694	2.8	2.9
Bosnia and Herzegovina (Serbian)	17	14	1.8	1.6
Belgium	609	641	4.6	5.0
Bulgaria	259	240	3.3	3.2
Croatia	190	164	5.0	4.9

¹⁰ The table does not include Liechtenstein, Monaco, San Marino due to too small values.

II. Women among those imprisoned in European countries

State	Absolute numbers		Share in the participation of prisoners in %	
	2014	2015	2014	2015
Cyprus	42	40	6.2	6.1
Montenegro	19	37	1.8	3.4
Czech Republic	1 170	1 433	6.3	6.9
Denmark	145	118	4.0	3.7
Estonia	157	145	5.3	5.2
Finland	248	228	8.0	7.6
France	2 838	2 098	3.7	3.2
FYRO Macedonia	102	112	3.3	3.2
Greece	578	518	4.8	5.4
Georgia	253	320	2.5	3.1
Spain	4 987	4 926	7.6	7.7
Netherlands	522	482	5.3	5.4
Ireland	146	127	3.8	3.4
Lithuania	385	320	4.3	4.0
Luxembourg	26	39	4.0	5.8
Latvia	337	340	7.0	7.7
Malta	35	no data	2.6	no data
Moldova	442	405	6.2	5.2
Germany	3 734	3 753	5.7	5.9
Norway	190	186	5.1	5.1
Poland*	2 527	2 554	3.3	3.5
Portugal	841	862	6.0	6.1
Russia	55 071	52 142	8.2	8.1
Romania	1 568	1 484	5.0	5.2
Serbia	332	366	3.2	3.6

State	Absolute numbers		Share in the participation of prisoners in %	
	2014	2015	2014	2015
Slovakia	678	649	6.7	6.4
Slovenia	89	81	5.8	5.8
Switzerland	328	375	4.7	5.4
Sweden	333	331	5.7	5.7
Turkey	5 476	6 289	3.6	3.6
Ukraine	4 964	no data	5.4	no data
Hungary	1 411	1 310	7.7	7.4
Italy	2 308	2 131	4.3	4.1
UK England and Wales	3 929	3 904	4.6	4.5
UK Northern Ireland	61	53	3.3	3.1
UK Scotland	425	408	5.4	5.3

Relatively high proportions of women are in prison in Finland, Latvia, Hungary, Spain and Russia, the lowest in Albania, Azerbaijan and Republika Srpska. At the same time it is worth pointing out that among the countries with large differences in population and thus imprisoned communities, the comparability of all measures is very limited.

Comparison of the map of imprisonment (per 100 000) with a map of crime intensification in European countries indicates a lack of co-occurrence (interdependence) of these measures. In many Central and Eastern European countries the crime rates are relatively low and the incarceration rates high (Poland, Lithuania, Estonia, the Czech Republic more than 200). In the Western European countries crime rates are high and imprisonment is low – around 100. In comparative analyses the size of the prison population on the basis of detailed data points to elements such as the structure of crime, but primarily as mentioned above, the structure of the types of punishments, and in particular the lengths of the penalty of deprivation of liberty for various crimes¹¹. Cultural factors play an important role, inter alia the tendency to report offences to law

¹¹ B. Gruszczyńska, M. Gruszczyński, Prison Population and Crime rates – How Poland Differs from Other EU Countries, [in:] A. Kuhn *et al.* (ed.), *Criminology, Criminal Policy and Criminal Law in an International Perspective*, Switzerland 2013, pp. 563–571.

enforcement agencies, as well as the criminal law tradition of adjudicating and applying non-custodial sentences, community service¹².

III. Those sentenced to life imprisonment in European prisons

What does the number of prisoners sentenced to **life imprisonment** look like? In 2014 there were nearly 1,700,000 prisoners in European prisons (1,678,295), of which about 27,000, i.e. more than 1.5% of convicts, were sentenced to life imprisonment (SPACE I data). A year later, among over 1.4 million imprisoned, also about 27 thousand were sentenced to life imprisonment.

The vast majority of convicts were sentenced to life imprisonment in England and Wales and Turkey. The highest proportion of this group of prisoners – in comparison to the entire prison population – was in Scotland (almost 13), then in England and Wales, Northern Ireland, Greece and Ireland (over 8).

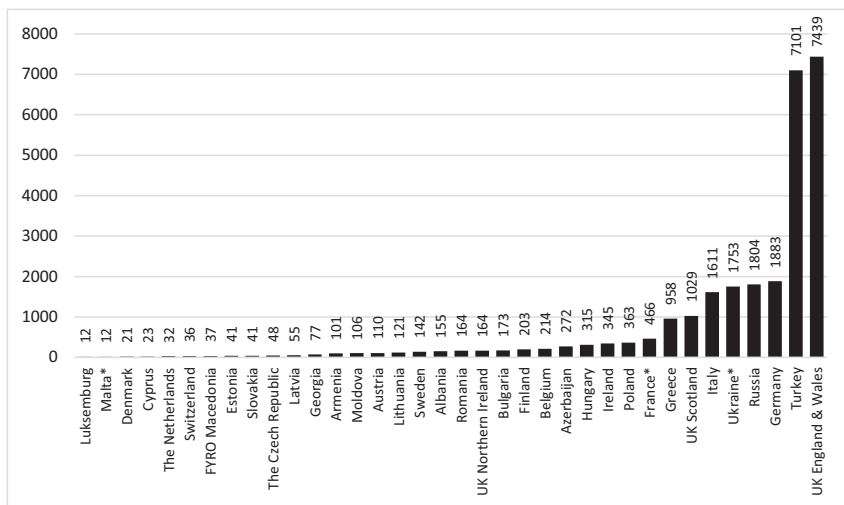
In turn, by referring the number of prisoners sentenced to life imprisonment up to the population, the highest coefficients per 100 thousand were recorded in Scotland (19), England and Wales (over 13) and in Greece, Turkey and Northern Ireland (about 8).

On the basis of the data from 2015, it is known that in comparison to 2014, in most European countries the number of persons sentenced to life imprisonment slightly decreased (on average by 3%), but increased in 16 countries – in Turkey (by 414 persons), in Russia (by 44), in Poland (by 21), in Scotland (by 19), and in Hungary (by 18) – see Table 3.

The vast majority of convicts were sentenced to life imprisonment in England and Wales and in Turkey – in total they constituted almost half (over 46%) of the life sentenced prisoners in Europe. The next countries with the largest number of prisoners with such a sentence are Germany and Russia (over 1,800), followed by Italy and Ukraine (cf. Graph 1).

¹² *M.F. Aebi, C. Burkhardt, J. Chopin, M.M. Tiago*, International Comparisons of Prison Statistics: Key Facts and Figures of the SPACE 2014 Report and Trends from 2005 to 2014, [in:] *D. Kolaric* (ed.), International Scientific Conference “Archibald Reiss Days” 2016 (pp. 319–329). Belgrade 2016.

Graph 1. Offenders sentenced to life imprisonment in 2015 (source: SPACE I 2015 data; * Data as of 2014)



Taking into account the population of individual countries, the highest coefficients per 100 thousand inhabitants occur in Scotland – almost 19, England and Wales, Greece, Turkey, Northern Ireland and Ireland (7.4). Among Central and Eastern European countries, Lithuania, Ukraine and Estonia represent the highest values (ca. 4).

The smallest number of convicts (in relation to the population) are sentenced to life imprisonment in the Netherlands, Denmark, the Czech Republic, Switzerland, France, Slovakia, Romania and Poland (below 1).

What has changed in the total of prison populations in the last decade? A comparison of statistics from 2006 and 2015 is presented in Table 3. 2015 data are incomplete, because France, Malta, Poland and Ukraine did not provide SPACE I with information on the number of persons sentenced for life imprisonment (data referring to Poland was taken from the Central Board of the Prison Service [in Polish: *Centralny Zarząd Służby Więziennej*] Annual Information). The table also includes 2014 data, allowing the comparison of yearly changes.

In the decade (2006–2015), the total number of prisoners serving life imprisonment increased significantly from less than 20,000 in 2006 and about one third more – 27,000 in 2015.

III. Those sentenced to life imprisonment in European prisons

Table 3. Offenders sentenced to life imprisonment in the years: 2006, 2014 and 2015 (source: *SPACE I – Survey 2014, 2015*¹³)

State	2006	2014	2015	Index of dynamics in 2006–2015
Albania	108	155	155	143,5
Armenia	74	102	101	136,5
Austria	151	114	110	72,8
Azerbaijan	231	266	272	117,7
Belgium	237	211	214	90,3
Bulgaria	125	173	173	138,4
Cyprus	13	24	23	176,9
Czech Republic	32	48	48	150,0
Denmark	16	21	21	131,3
Estonia	33	40	41	124,2
Finland	128	209	203	158,6
France	557	466	no data	85,3 ¹⁴
FYRO Macedonia	15	34	37	246,7
Greece	703	1017	958	136,3
Georgia	47	81	77	163,8
Hungary	230	297	315	137,0
Italy	1 235	1 599	1 611	130,4
Netherlands	17	32	32	188,2
Ireland	234	342	345	147,4
Lithuania	96	118	121	126,0
Luxembourg	17	12	12	70,6
Latvia	39	54	55	141,0

¹³ *M.F. Aebi, N. Delgrande*, Council of Europe Annual Penal Statistics – SPACE I – 2006, PC-CP (2007) 9 rev2; *M.F. Aebi, M. Tiago, C. Burkhardt*, Council of Europe Annual Penal Statistics SPACE I – Prison Populations, Survey 2014 PCOCP (2015)7; *idem*, Council of Europe Annual Penal Statistics SPACE I – Prison Populations, Survey 2015 PC-CP (2016) 6.

¹⁴ In France, Malta and Ukraine the index is for 2006–2014 due to the lack of data from 2015.

State	2006	2014	2015	Index of dynamics in 2006–2015
Malta	9	12	no data	133,3 ¹⁴
Moldova	82	104	106	129,3
Germany	1 919	1 953	1 883	98,1
Poland	185	342	363	196,2
Russia	1 381	1 760	1 804	130,6
Romania	133	158	164	123,3
Slovakia	25	41	41	164,0
Switzerland	no data	38	36	no data
Sweden	152	144	142	93,4
Turkey	1 915	6 687	7 101	370,8
Ukraine	1 338	1 753	no data	131,0 ¹⁴
UK England and Wales	7 278	7 468	7 439	102,2
UK Northern Ireland	144	160	164	113,9
UK Scotland	666	1 010	1 029	154,5

In the years 2006–2015, the number of offenders serving life imprisonment increased in most European countries. The highest increase, over three and a half times, took place in Turkey, over two and a half times in Macedonia, nearly twice in Poland and the Netherlands. The number of life prisoners increased about one and a half times in Latvia, Ireland, the Czech Republic, Scotland, and Finland. It decreased only in 5 countries: in Luxembourg and Austria (almost one third), and in Belgium, France and Sweden. In presenting the size and dynamics of the prison population of life prisoners, it should be emphasized that in nine European countries, i.e.: Andorra, Spain, Norway, Portugal, Slovenia and the former Yugoslav states: Bosnia and Herzegovina, Croatia, Montenegro and Serbia penal codes do not provide a penalty of life imprisonment. The highest custodial sentences in the abovementioned countries are as follows: 20 years – Slovenia; 21 years – Norway; 25 years – Andorra, Portugal; 30 years – Spain, Montenegro; 40 years – Bosnia and Herzegovina, Croatia. It should be added that in Iceland no one has been sentenced to life imprisonment since 1940, and it has never been imposed in Liechtenstein¹⁵.

¹⁵ CPT (2008) 26, Short Overview On Life Sentences, Council of Europe 2008.

Conclusions

In summary, it can be said that the above data on prisoners sentenced to life imprisonment against general prisoners represent only general numerical comparative characteristics, which are subject to a large number of criminological issues concerning the crime rate, and penal and criminal policies, that require in-depth comparative research.

It should be emphasized at the same time that, in the era of intensive development of information systems (especially the growing presence of big data), “better” statistics, both at national and international level, can be expected. Statistical research shows that in many European countries, including Poland, the quality of reporting, although involving many people and technical means, still leaves a lot of confusion and there is no precision in the description of the phenomenon or data to help this.