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Prisons in Poland and Ukraine: from totalitarian heritage to the modern European penitentiary system

Abstract: The study of the prison system reform in Poland is a perfect illustration of the political changes that Poles have undergone from a system marked by Soviet totalitarianism to a society that meets the criteria of democracy. Ukraine's aspirations to adapt EU solutions in the field of penitentiary reform encourage to learn about Poland's experiences due to the progress of this country in eliminating the communist legacy in the work of the prison system and the Prison Service that oversees it. This task is also valid for contemporary Ukraine and due to the deep cultural and mental ties connecting the two countries, Polish experiences seem to be extremely inspiring. When using the experience of neighbors, one should not forget about the differences. First of all, it should be noted that the period of communism in Poland was clearly shorter, compared to the 70 years of experience of Ukraine, Belarus and other Soviet Republics which, unlike Poland, did not experience full sovereignty.

The key to the success of the reforms in Poland was the fact that they were carried out by new, often young people who were prepared to work on the basis of modern knowledge not related to the previous system. Poles condemned the crimes of communism and its legacy. In Ukraine, this has definitely not been done so far, and this is one of the reasons for the failure of the reforms.

Keywords: prison system, totalitarian system, State Penitentiary Service, prison system reform

Introduction

There is a saying that a prison is a mirror of society. Poland's experience in eliminating a burdensome totalitarian heritage and the change of philosophy in the approach to the principles of functioning of prisons, especially in the field of protection of human rights, reflects the evolution of changes in people's consciousness, testifies to the evolution of society. Therefore, the study of the penitentiary reform in Poland is a perfect illustration of the political changes that Poles have undergone from a system marked by Soviet totalitarianism to a society that meets the criteria of democracy.

Ukraine's aspirations to adapt EU solutions in the field of penitentiary reform encourage to learn about Poland's experiences due to the progress of this country in eliminating the communist legacy in the work of the prison system and the Prison Service that oversees it. This task is also valid for contemporary Ukraine and due to the deep cultural and mental ties connecting the two countries, Polish experiences seem to be extremely inspiring.

When using the experience of neighbors, one should not forget about the differences. First of all, it should be noted that the period of communism in Poland was clearly shorter, compared to the 70 years of experience of Ukraine, Belarus and other Soviet Republics which, unlike Poland, did not experience full sovereignty. The scale of repressions against these societies was also different. Poles experienced them since September 1939. Following the repressions, about half a million people of Polish nationality found themselves in Soviet camps and prisons, and by October 1941, 322,000 of those men and women died (Pawlak 1997, p.85). The elites, strongly affected by repressions, but to a small extent susceptible to collaboration, were also a significant factor of resistance. In Ukraine, on the other hand, the independent elites were almost completely eliminated by the Bolsheviki. In the 1930s, «the repressions covered all strata of the intelligentsia, some of them (...) were almost completely destroyed» (Грицак 2000, p.130). According to the Ukrainian historian Yaroslav Hrytsak, between 1914 and 1945, every second man and every fourth woman died violently in Ukraine, which in the end amounts to about 16 million people (Грицак 2008, p.11).

It is also important that, in the period of the Polish People's Republic, there were elements of the non-state economy, e.g. in agriculture, trade or crafts, and the phenomenon called “Homo sovieticus” (Tischner, 1992) was not a common social attitude. That is why Poland did not go through such serious and long deformations, as experienced by the nations of the USSR, which facilitated future reforms. An important factor in their success was that they were anticipated by the public, including prison officers.

Taking into account the functioning of the penitentiary system in communist times, it is possible to distinguish several periods, which, due to the above-mentioned condition, will be slightly different. The following periods characterizing the functioning of the prison system in Ukraine are indicated: 1) penitentiary-penal (1920s), 2) repressive-penal (1930s-50s) and 3) remediation work (1960s-80s), which particularly developed in the last decade of its duration (Галай 2003, p.13). The next stage attributed to Ukrainian prison system dates back to the moment when Ukraine gained full independence and statehood in 1991, when its transformations are already taking place in the European spirit.

On the other hand, the process of transformations of the penitentiary system in Poland can be divided into five periods: 1) the period of the Second Polish Republic (1918-1939); 2) the period of Soviet totalitarianism (1945-1956); 3) “Polish thaw” period (1956-1969), 4) the transitional period (1970-1988) and finally 5) the period of fundamental reform (from 1989) associated with the reconstruction of Polish statehood and accession to the structures of the European Union.

Prison system in the Second Polish Republic and Ukraine (1917/1918-1945)

Therefore, let's take a closer look at the changes that took place in the Polish penitentiary system in particular periods of time. The Second Polish Republic (1918-1939) was inhabited by about 35 million people. Poles constituted 69%, Ukrainians 14%, Jews 9%, Belarusians 3%, Germans 2.3% of the total population (Pawlak 1997, p.56). The 340 prisons operating at that time were subordinated to the Ministry of Justice (Pawlak 1997, p.57), within the frameworks of which the Prison Section existed since the end of 1918. In 1921, the Prison Department was created, later renamed the Criminal Department of the Ministry of Justice (military prisons or police arrests were not subordinated to it). In 1928, pursuant to the regulation of the President of the Polish Republic on the organization of the prison system, prisons were divided into independent prisons and prisons at the municipal courts. First, there had been 108 independent prisons, later their number was increased to 118 and they were divided into penal, investigative, penal and investigative prisons (Pawlak 1997, p.61). In the prisons of that period, apart from the General Chancellery, there were three Departments (Administrative, Prisoners' Labor, Economic). After the introduction of new regulations in 1931, the previous structure was supplemented by the Reformatory Department. The state budget allocated more than 1% of GDP to the prison system, while the Ministry of Justice budget - about 25% of its resources. The prison system's income did not

exceed 5% of expenses and came exclusively from prisoners' gainful employment (Pawlak 1997, p.61).

The participation of Poles in the International Penitentiary Congresses, held in London, Prague and Berlin, was not without significance for the changes in the penitentiary system introduced in Poland in the interwar period.

The situation of USSR authorities was different as they were isolated in the international arena for political reasons. The Soviet decision-makers not only did not take part in the Penitentiary Congresses, but also did not intend to implement international standards and experiences in the execution of prison sentences or community sentences. In turn, for Poles, the participation in the Congresses was of great importance when it comes to the development of Polish criminal law, executory criminal law and the penitentiary system (Pawlak 1997, p.59). Steps were taken to implement the penitentiary theory in the reform of the criminal law (on June 20, 1931 the first Polish prison regulations were issued; in 1932 - Penal Code and Personnel Regulations were issued, on July 26, 1939 - the Law on the Organization of the Prison System was passed). The established prison regulations introduced, first of all, the obligation to conduct reformatory activity and to apply the principles of the progressive system in prisons. In turn, the Polish Criminal Code, considered to be one of the most modern in Europe at that time, introduced the principle of subjectivism (principle of guilt), the principle of humane punishment and the principle of adequate punishability of the perpetrator, taking into account the principle of utilitarianism of punishment, which was a significant achievement at that time (Tarnawski 1994, pp.398-401). All these changes required, of course, appropriate competences from the staff of the penitentiary institutions, in particular the appropriate system of education of officers. Initially, they underwent initial training during courses. In 1923, the Central School at the Prison Department for clerks and senior prison guards was established. In 1933, two schools were established, one for higher prison officers with 6-month courses and the other for lower officers with 3-month courses. In 1935, the above-mentioned schools were merged into the Prison Guard School with its seat in Warsaw. «In addition to subjects covering legal, administrative and economic issues, it also taught pedagogical subjects such as pedagogy, sociology, psychology and criminal anthropology, which was fashionable at the time. Moreover, a variety of specialist courses were organized, basically intended for officers employed in prisons of a social rehabilitation nature. If in the 1920s the penitentiary staff was only responsible for ensuring safety, order and cleanliness in prisons, then in the 1930s it was to fulfill various educational functions» (Pawlak 1997, p.63).

In the 1930s, a clear development of Polish penitentiary thought was observed, which was not unrelated to the strong ties that existed between the world of practice and science at that time. Several dozen books and articles devoted to prison system and the execution of imprisonment were published at that time. However, the Polish prison system of that period also has its own embarrassing chapter related to the political situation - the Detention Camp in Bereza-Kartuska established by an order of President I. Mościcki (June 17, 1934). Initially, 200 prisoners, whom the then authoritarian Sanation authorities considered to be an enemy element, were placed in a former Catholic monastery. In addition to the convicted, there were also prisoners detained on the basis of an administrative decision of the police or the voivode. The camp quickly began to be populated not only by opposition political activists (Communists, National Democrats, Peasant Activists), but also by representatives of national minorities, e.g. until 1938 up to five thousand Ukrainians passed through the camp (in Soviet sources - 7 thousand) (Ковалів). The living conditions in this camp were really terrible (Кралуок 2010, Polit 2003, pp. 238-294).

Ukrainians after World War I, like Poles, hoped to create their country on the ruins of the Russian and Austro-Hungarian Empires, among which their lands were divided on the basis of the three partitions of the Polish-Lithuanian Commonwealth at the end of the 18th century. As a result of the revolution in Russia in February 1917, it was possible for Ukrainians to do so. However, all Ukrainian governments at that time were unable to implement the reforms necessary for the functioning of the state, including solutions to the urgent problems of the prison system. More time was needed for this. Despite objective difficulties, on April 17, 1918, the Council of People's Ministers of the Central Council in Kiev decided to introduce the position of the Head of the Prison System with the powers of the Deputy Minister of Judicial Affairs. The position was taken over by A. Wiazłow. The Laws of Hetman Pavlo Skoropadskyi of July 15 and October 25, 1918 ordered the education of staff in the central penitentiary units of the Ministry of Justice.

After the Bolsheviks seized power in Russia in October 1917 and in Ukraine in March-April 1919, the creation of a new Soviet prison system began. The authorities associated with the previous period were dismissed and the management of the penitentiary system was transferred from the Ministry of Justice to the Central Prison and Penitentiary Department (CPPD) within the People's Commissariat for Justice. Data from the People's Commissariat of the Ukrainian SSR of 1920 shows that at that time there were about 120 prisons and other places of imprisonment in Ukraine, some of which were destroyed during the revolutionary events and warfare (Григор'єв 2010, p.170).

Directive of Vladimir I. Lenin on the replacement of imprisonment by compulsory work with preservation of liberty became the ideological basis for the organization of the prison system. Further documents were issued to it and so, on August 7, 1919, the People's Justice Commission of the Soviet Union of Ukraine issued a «Temporary statement on central and local prison and penal divisions of the Ukrainian Soviet Socialist Republic», on October 12, 1920 the Resolution of the Council of People's Commissars of the Ukrainian SSR «On the organization of forced labor camps» was passed. In February 1921, a resolution “On the organization of reform schools” (juvenile detention centers) was adopted, according to which the People's Justice Commission was to organize six such centers on the territory of Ukraine. At the beginning of 1921, the system of correctional labor centers of the Ukrainian SSR consisted of forced labor homes, reform schools for juvenile offenders, workers' agricultural colonies under the jurisdiction of the People's Justice Commission of the Soviet Union of Ukraine and forced labor camps under the control of the NKVD of Ukraine.

During the 70 years of the USSR's existence, apart from short periods of subordination to the Ministry of Justice (1917–1922, 1930–1934), the basic institution managing the penitentiary units was the NKVD-MVD (Ministry of Internal Affairs) (1922–1930, 1934–1953, 1957–1991). There were also periods of double subordination. This was the case between 1953 and 1956, when heavy labor camps and colonies were transferred to the Ministry of Justice, whereas prisons, custody suites and juvenile camps to the Ministry of Internal Affairs.

In the first Correctional Labor Code of the Soviet Ukraine of 1925, social work was recognized as the main means of social rehabilitation of offenders. Since 1935, the internal regulations of the NKVD of the USSR practically replaced the regulations of the applicable law. The main aim of the imprisonment in the USSR was to isolate prisoners from the society as much as possible and to make use of their physical and mental effort. The state of their moral values was completely neglected. Prison officers used violence and humiliated the prisoners. This became an important factor of intimidating of the whole society because of the scale of the repressions and the fact that millions of innocent people were imprisoned. From 1929 to 1953 about 18 million people were prisoners of GULAG system, while additional six million people were displaced and deported (Епломб 2006, p.10). According to the data of professor of the Donetsk National University Volodymyr Nikolsky, the state security authorities in Ukraine arrested: 29916 people in 1929, 33373 in 1930, 124 363 in 1933, 159 573 in 1937, 106 096 in 1938. The total number of victims (from 1929 to 1938) exceeded 650 thousand people (Кульчицький 2004).

In the Soviet Union there were at least 476 independent camp complexes consisting of thousands of individual camps (Епломб 2006, p.10). In the labor camps, only the highest functions were held by officers, i.e. they were official staff members. All other positions (administrative, engineering, positions requiring specialist knowledge) were filled by prisoners, some of whom were trained during special courses (Кузьмін 1988, p.50-54).

On August 8, 1936, by the decision of the Central Executive Committee of the Council of People's Commissars of the Soviet Union "On the Supplement to the Fundamental Principles of the Criminal Law of the Union of Soviet Socialist Republics and trade union republics", established were prisons in which persons convicted of particularly dangerous crimes, or persons who tried to escape from other penitentiary units, or those who were transferred by way of punishment from reformative labor camps and correctional labor colonies for systematic disturbances of order were serving their sentences. Placing in such prisons rested with the NKVD authorities (Кримінально-виконавче право України 2016, p.25).

The beginning of World War II led to the occupation of the Second Polish Republic by Nazi Germany and the USSR. The Polish Army, in the ranks of which 150,000 Ukrainians fought, took up heroic, but practically futile resistance. Both totalitarian regimes carried out systematic and widespread terror against civilians, often cooperating with each other in this regard. The NKVD had 26 prisons in the territory of Western Ukraine from 1939 to 1941, and there were 62 prisons in the Ukrainian SSR in April 1941 (Григор'єв 2012, p.170). About 10% of the population of Western Ukraine was subjected to repressions or deported in the period from September 17, 1939 to June 22, 1941. The evictions in the western regions of Ukraine alone affected 230 thousand people. Most of them were Poles and Jews (Кульчицький 2004). Whole families were deported. In the memoirs of Tadeusz Nowik, who was resettled to Siberia as a child and who lived with his parents in the village of Kostejev near Lviv (and his family agreed to publish his memoirs for the first time), there is such a description: « 4.00 a.m. of February 10, 1940, the Russian soldiers ordered us to get ready. In despair, my parents did not do what they were told to do, so the head started to dress us (...). On the way to the station of destination (...), the head told my father where they were taking us and confessed that his parents suffered the same fate, that we would be deported to Siberia. We were transported to our destination in cattle wagons. The train stopped from time to time so that we could get snow, from which, after melting, we would have water to drink. also asked if anyone died, they threw such person on the snow...»

In June 1941, withdrawing to the East before the rapid arrival of the German army, the Bolsheviks purged the prisons. Later, the Soviet authorities will attribute these crimes to the Nazis, but convincing evidence suggests that Soviet totalitarianism is to blame. Tens of thousands of people were imprisoned in western regions of Ukraine, including political prisoners who were waiting for their cases to be resolved. On orders from the Kremlin, between 40,000 and 50,000 prisoners were shot in Western Ukraine (Кульчицький 2004).

On the territory of Poland occupied by the Germans, 9 concentration and extermination camps as well as 221 sub-camps were established. More than 5 million citizens were imprisoned there, of which more than 3 million were killed (Pawlak 1997, p.78). There were 817 Nazi camps in Ukraine (including Carpathian Ruthenia and Crimea), where about 6 million civilians and prisoners of war were exterminated (Васильєв). According to contemporary studies, the number of killed prisoners is estimated at about 1.8 million (Мягкий).

During World War II, Ukraine, Poland and Belarus had the largest number of victims. However, even after the end of the war, the totalitarian Stalinist regime, as the victor of the war, continued to pursue a wide-ranging policy of repressions, the victims of which were also the nations under Soviet domination.

Stalin period

In 1946 the territory of the Polish state was inhabited by 23.6 million people, including 2.3 million of Germans (9.7%) and 9.4 million of other nationalities (1.7%). Migration movements, which took place in the years 1946 – 1950, resulted on the one hand in an increase in population to 25 million, and on the other hand in a situation in which Poland became almost an ethnically uniform country (the percentage of national minorities fell to 1.3%) (Pawlak 1997, p.90). It was different in Ukraine, where as a result of war, displacement and deportation, as well as border changes, the population dropped from 41.7 million people in June 1941 to 27.4 million at the beginning of 1945 (Кульчицький 2004).

After the end of World War II, Poland entered the orbit of Soviet Union's influence, experiencing almost all dimensions of the totalitarian system. As Karol Pawlak says: «It is difficult to state unequivocally whether there was a Polish state or a foreign administration of Polish lands at that time» (Pawlak 19997, p.92). The changes also did not omit the prison system, which began to be organized as in the Soviet Union.

Admittedly, the first post-war prison heads in the person of T. Duda and his successor Lt. Col. J.D. Łańcut tried to refer to the pre-war experiences, but their program, which preserved the social rehabilitation nature of imprisonment through the individualization of methods and means of influence, rejecting the politicization of officers, did not find support. The program developed by them was presented at the meeting of the heads of prisons in Potulice in February 1946, however, due to the lack of support from the authorities of the Polish People's Republic, it had no chance to be implemented. J. D. Łańcut was recalled. It is worth mentioning that he was later sentenced for misappropriation and was able to experience the prison's everyday life firsthand. Over time, pre-war officers were gradually removed from the Prison System Department and from the basic units, filling the positions with those who fit into the rules of the Soviet prison system.

It can be said that, at that time, the Polish prison system distanced itself from the Western European achievements of the penitentiary system of that time. The purpose of punishment was to defend the society against the “enemies of the people”, their isolation from the society. The catalog of “criminals” expanded considerably, as apart from criminal prisoners, political prisoners were also sent to prisons. The actual functions of the prison system at the time were best expressed by T. Szymanowski: «The prison system was subordinated to the security services (included in the structure of the Ministry of Public Security) and used primarily as part of the terror apparatus in order to maintain the communist system imposed on the Polish People's Republic by the USSR. In the 1940s and early 1950s, tens of thousands of people were imprisoned as political criminals in the Polish People's Republic» (Szymanowski 1996, p.13). An important demarcation line in the development of the Polish variety of Stalinism is the second half of 1948, when, after the liquidation of a legally operating opposition (PSL, SP), the communists began purge in their own ranks by removing Władysław Gomułka from the position of Secretary General of the Polish People's Republic, and his supporters from the Central Committee for «right-wing and nationalist deviation» in August 1948. At the unification congress in December 1948, a resolution was passed on the establishment of the Polish United Workers' Party (PUWP). The transition from a hybrid system towards a model in force in the USSR took place in this way (Barczykowski 2016, p.11).

In the USSR, during and after the war, the prison system not only did not change, but specialized camps for interned and mobilized citizens of different nationalities who fought against the USSR as well as camps for prisoners of war were established. The main tasks of penal policy in the period just after the war were: execution of the sentence, organization of protection, educating prisoners through socially useful work. These tasks were reflected in the new legislation on the General

Directorate of Camps and the Correctional Labor Colony, which was issued in July 1949. (Формування пенітенціарної політики).

«Polish thaw» period (1956-1969)

The next stage in the development of the prison system in Poland was the years 1956-1969. In the literature this time is referred to as “thaw”. After the death of J. Stalin in March 1953, the totalitarian system was mitigated and de-Stalinization began. The fundamental change in Poland was the transfer of the prison system outside the structure of state security authorities. In December 1954, abolished was the Ministry for State Security, and immediately afterwards - the Special Commission (Lityński 2007, pp.147-148). As a result of these changes, the prison system was transferred to the Ministry of Internal Affairs, under which the Central Prison System Administration was established. Despite these changes, the prison system remained strongly party-dependent.

From October 1955 to February 1966, the prison system operated on the basis of the «Prison Regulations» issued in the form of an order by the Minister of Internal Affairs. In these Regulations, for the first time in post-war Poland, the objectives of punishment were formulated. The main goal was to educate a prisoner in the spirit of respect for socialist principles of social coexistence and to train him/her to lead an honest life of a man of work (Migdał 2008, p.18). With the Decree of December 21, 1955, amending the provisions of criminal proceedings, important amendments to court proceedings were made: the military district courts were abolished and the principle of common courts' competence in relation to civilians was restored. These were the first prodromes of political changes in Poland associated with the abandonment of the Stalinist practice of repressions and elimination of real and imaginary opponents of socialism. In 1955, the first psychologists were employed in prisons, which can be considered an element indicating the revival of Polish penitentiary thought. In response to the new conditions, a new Executive Penal Code was adopted (Migdał 2008, p.18). J. Migdał called the changes that took place pseudo-humanitarianism (Migdał 2008, p.18), however they constituted an introduction to further positive changes.

Changes after J. Stalin's death were also visible in the USSR. On March 15, 1953, the Central Committee of CPSU, the Council of Ministers of the USSR and the Presidium of the Supreme Soviet of the Soviet Union adopted a joint resolution on the implementation of party and state leadership in the country. The Ministry for State Security of the USSR and the Ministry of Internal Affairs of the USSR were merged into one Ministry of Internal Affairs of the USSR, with prisons, custody suites and juvenile correctional labor colonies being left in the Ministry of Internal Affairs, and heavy

labor colonies and camps being transferred to the Ministry of Justice (О преобразовании министерств СССР 1953).

Penal policy was humanized, which was reflected in the introduction in 1954 of conditional early release of the sentenced and the institution of suspension of a sentence. Regulations of the Council of Ministers of the USSR of July 10, 1954 “On the approval of the decision on hard labor camps and colonies of the Ministry of Internal Affairs of the USSR” (Кузьмин 1989, p.33) and of December 8, 1958 “On the approval of the decision on hard labor colonies and prisons of the Ministry of Internal Affairs of the USSR” (Кузьмин 1989, p.34) were attempts to revive the principle of territoriality of serving a sentence. Steps were taken to relocate the convicted as close to their place of residence as possible. For thousands of convicts, acts of pardon and changes in criminal liability for certain types of economic, domestic or administrative crimes were of fundamental importance.

A large-scale amnesty was proclaimed by the decree of the Presidium of the Supreme Soviet of the Soviet Union of March 27, 1953. It covered persons sentenced to imprisonment of up to 5 years who were over 55 for men and over 50 for women, minors (up to the age of 18), as well as persons with incurable diseases. Persons sentenced to more than 5 years' imprisonment, the sentences were halved (Терлюк І.). In total, more than one million people were released on the basis of amnesty after Stalin's death (in the Ukrainian SSR – 60% of all prisoners). Among them there were also dangerous criminals, whose release had a negative impact on the level of crime in the USSR.

The Amnesty did not involve political prisoners much, which led to rebellions. In years 1946–1957, 47 rebellions took place in the GULAG camps (the largest in Vorkuta (July 19 – August 1, 1953), Norilsk (May 26 – August 4, 1953) and Kengir (May 16 – June 26, 1954). Apart from the postulates to change the mode of work and living conditions, the rebelled prisoners put forward political demands: release of innocently convicted prisoners, review and verification of cases, and thus prisoners' sentences, cessation of repressions, and even liquidation of the camps. Although the rebellions were brutally suppressed, they contributed to undermining the principles of functioning of the GULAG system. It should be added that a significant part of the rebels were Ukrainian political prisoners. By decision of the Ministry of Internal Affairs of the USSR of January 20, 1960 GULAG was closed, however, the last prisoners left the camps only in 1987.

After the prisoners' rebellions, on May 5, 1961, the Presidium of the Supreme Soviet of the Soviet Union issued the Decree "On strengthening the fight against particularly dangerous crimes", according to which strict criminal liability was introduced (even to execution) for actions that disorganized the work of penitentiary institutions. The order of the Ministry of Internal Affairs of the USSR of June 2, 1961 abolished private meetings of prisoners, limited the number of films shown to prisoners, banned the use of their own bedding, the display of photographs in the residential sections, limited the range of products that were allowed to be sold in canteens or delivered in parcels. A new procedure for placing prisoners in colonies was established, taking into account the level of their dangerousness and the type of crimes committed.

Particular attention in this period was paid to the issues of raising the qualifications and education of penitentiary institutions' staff. During the World War II, women and people who had been dismissed from military service due to their state of health were often recruited to work. Many times former prisoners also became employees. Most of them had no idea about the specifics of work in penitentiary institutions and therefore were not able to perform their tasks properly. As a result, the issue of education and training became very topical.

In the first half of the 1950's, the management of the Ministry of Internal Affairs and of the GULAG took a number of measures to professionally prepare penitentiary employees of various categories, as well as to improve their education level (Відновлення пенітенціарної системи). It was not only a matter of improving qualifications, but above all of changing attitudes and perceptions of convicts. Since then, they were to be seen as people who, by definition, had a chance to improve. One of the methods of social rehabilitation was labor, no longer seen as a punishment.

In Ukraine, a university was established in Kharkiv for GULAG employees, where students, apart from obligatory courses on «Party History», «NKVD History» and criminal law, participated in classes on camp organization and management, camp economy, accounting, as well as military system (Еплумб 2006, p.216).

After the so-called Polish October, the unlawful practices characteristic of the system were abandoned in Poland. The prison system was handed over to the Ministry of Justice. In April 1956, a law on amnesty for those sentenced to long sentences, including political prisoners, was passed. The prison system departments in voivodeship public security offices were liquidated, and their function was taken over by the so-called 33 central prisons, which supervised smaller units. In Spring

of 1956, the political and educational departments in prisons were liquidated. Over time, there were also personnel changes in the prison system, part of the Prison Service (SW) staff was replaced. The first attempts were made to conduct scientific research on the recidivism and the history of the prison system, most often by prison staff themselves. Systematic scientific research began in 1958. Three years later, the Minister of Justice established the Center for Penitentiary Research. The publishing of a scientific quarterly entitled «Przegląd Więziennictwa», later continued as «Przegląd Penitencjarny». Progress was noted in social rehabilitation activities and in establishing contacts with the society. It should be noted that, in April 1956, the Agreement was concluded between representatives of the Government of the Polish People's Republic and the Polish Episcopate. On December 14, 1956, the Minister of Justice issued Order No. 80/56/CZW on the performance of pastoral services in prisons (Migdał 2008, p. 385). In Ukraine this became possible only after 1988.

After 1956, the main purpose of the imprisonment in Poland were educational activities aimed at preventing recidivism. For this purpose, penitentiary departments were established in 1957. Since 1960, the principle of classification of convicts based on the results of personal background surveys was introduced. In the mid-1960s, all prisoners under 50 years of age who did not have full primary education were covered by the compulsory education. The vocational training was extended to convicts not having a profession. In the year 1967/1968 various forms of education covered 26470 people (Pawlak 1997, p.122).

In 1957 there was a draft prison law, but the works on it lasted until 1963. Many reforms were carried out during this period, among which the most important were new legal codifications. The Civil Code was adopted on April 23, 1964 and the Penal Code entered into force on July 1, 1969. The main aim of the Penal Code was to individualize the enforcement of sentences. Although the convicts were not granted the subjective right to employment, an innovation was the possibility of employing them in public workplaces outside prison (Migdał 2008, p.22).

On April 19, 1969, the Sejm adopted the Executive Penal Code, where references to the idea of interwar period's penitentiary science were clearly visible. The scope of the regulations covered the enforcement of all punishments (principal and additional) and other penal measures. However, it did not regulate the enforcement of measures applicable to juveniles. The Executive Penal Code of 1969 created the basis for the development of the executive penal law as an independent branch of law.

J. Migdał believes that in Poland «the turn of 1956, despite its great social and political importance, did not, however, lead to a fundamental transformation of the Stalinist system of penal law and the judiciary. However, a lot has changed. (...) Basically, there was no other such change in penitentiary science until the great political changes of 1989» (Migdał 2008, p.19).

As already mentioned earlier, after the death of J. Stalin and as a result of numerous rebellions, the system of Soviet hard labor camps began to collapse also in Ukraine. However, it was not until 1960 that the Penitentiary Board of the Ministry of Internal Affairs of the USSR was established in the place of the Gulags. On the basis of Dubrawłag (Mordovia), a network of colonies was established, which existed until 1987. In 1956, a decision was made on closing the labor camps as an institution incapable of fulfilling the tasks of social rehabilitation of prisoners. The hard labor colonies and prisons of the Ministry of Internal Affairs of the USSR in 1958 had: general, light and severe regimes for the hard labor colony, general and severe regimes for prisons. The maximum duration of imprisonment was 15 years (Кримінально-виконавче право 2016, p.25-26).

Until 1956, the level of education of prison staff in Poland remained low. In March 1949 the Central Prison Guard School in Bartoszyce was established, later moved to Ilawa, and since 1950 the Prison Guard Employees School in Szczypiorno was functioning. The training did not provide any pedagogical education but put emphasis on mastering of strictly vocational skills. In 1956 in Warsaw, a Management Staff Training Center was established. The involvement of people from outside the prison system as lecturers has raised the level of teaching.

As far as Soviet Ukraine is concerned, the school preparing junior and senior officers of hard labor camps was established in 1977 pursuant to the Regulation of the Ministry of Internal Affairs of the USSR. It was located at the custody suite of the Executive Committee of the Dnipropetrovsk Militia. At that time it was the only such school in the entire Soviet Union. The school welcomed its first trainees in March 1978, and in that year it trained 271 inspectors of custody suites and prisons, 253 inspectors of hard labor in the colonies, as well as 18 other people.

In 1985 a new phase in the development of the school began, because in August it was renamed as the Hard Labor Management Training Center of the Executive Committee of the Dnipropetrovsk Militia. It was not just a change in the name of the school. During this period, the number of categories of trained prison system staff increased significantly. The training of heads of divisions, engineers organizing the work of the convicts, older masters and craftsmen, military and civilian staff of production-technical and economic divisions, inspectors of custody suites, prisons and educational

and vocational colonies, specialists in addiction therapy and instructors started. In order to increase the professional level, they served internships in educational institutions of the Ministry of Internal Affairs, as well as in managerial positions in penitentiary institutions. Those directed to courses upgrading professional qualifications received their second higher degree, most often as lawyers, psychologists or pedagogues.

In 1978, by resolution of the Ministry of Internal Affairs of the USSR, the Regional Militia School of the Ministry of Internal Affairs of the USSR was established in Chernihiv, where initial training, further education and improvement of qualifications for the Fifth Chief Directorate of the Ministry of Internal Affairs of the USSR were carried out. The first classes at the school took place on January 4, 1980. It is worth noting that lecturers from universities were invited to cooperate.

The objectives of the Soviet training system differed from the global trends of the time, as the focus was either on the administration of institutions or on the control of people serving imprisonment. This was in line with the legislative tendencies of the time, as well as the scientific studies carried out (Галай 2003, p.13).

While discussing the transformation of the Ukrainian prison system, it is worth mentioning that its representatives were present at the International Penitentiary Congress held on 9-18 August 1965 in Stockholm (Sweden). It was attended by 1200 delegates from 78 countries, including those from the Ukrainian SRR. This was important, despite only formal nature of participation.

In the 1960s, the USSR carried out codification works which resulted in the adoption of the first legislation, common for all the republics forming the USSR, in the scope of enforcement of sentences. The provisions of penal law were specified in the Penal Code of the Ukrainian SSR of 1960. From 1961 to 1984, the content of its articles was modified and supplemented. The most important of these concerned the issues of particularly dangerous recidivists (July 1969); the introduction of the institution of conditional imprisonment with compulsory taking-up work by the convicted (June 1970); the definition of the criminal offense and the list of its types (May 1972); the introduction of detention in residential colonies for people who committed an unintentional crime; the extension of the range of convicts who may be subject to release and milder sentences (February 1977), etc. On July 11, 1969, the Fundamental Principles of Corrective Labor Law of the USSR and the Union Republics were adopted (Основи законодавства Союзу РСР і союзних республікв 1983, pp.324-347).

Pursuant to the Criminal Code of 1970 in the Ukrainian SSR, the main means of social rehabilitation of prisoners were the manner of serving their sentences, political and educational work, professional and technical training and social work (Кримінально-виконавче право 2016, p.27). Penitentiary institutions were divided into several types: hard labor colonies for juveniles and adults, prisons for adults, colonies-settlement with three regimes: general, reinforced (strict) and particularly severe (Кримінально-виконавче право 2016, p.27).

Transition phase (1970-1988)

The next phase in the Polish prison system is the years 1970-1988. During this period, on the one hand, the regress of the system was visible, which was reflected in the deterioration of living conditions, with increased regime in the enforcement of the sentence of imprisonment. On the other hand, reforms of the prison system were initiated, an example of which was the introduction of a new Code of Criminal Procedure on January 1, 1970.

The Polish penitentiary system faced new issues related to the problem of the status of a person sentenced to imprisonment. «Already then it was claimed that in the philosophical sense we are not able to fully deprive man of his freedom. Without freedom, there is actually no man, man exists in his freedom and expresses himself through freedom, understood both as a synonym for dignity and as a hope for a complete freedom» (Migdał 2008, p.33).

In the period 1975-1978, the Director of the Central Penitentiary Board of the Polish People's Republic issued the following instructions: of April 2, 1975 on preventing and combating the negative phenomena of prison subculture; of May 26, 1975 on the implementation of a different method of executing the sentence of imprisonment in prisons for women than those provided for in the regulations; of December 21, 1976 on the enforcement of sentences of imprisonment against juveniles, of May 6, 1978 on the enforcement of sentences against people sentenced for unintentional crime (Migdał 2008, p.33).

From the end of 1980 to December 1981 there was a short period of unprecedented reinvigoration in the prison system of the Polish People's Republic. The changes covered mainly improvement of the living conditions in prisons. There were also attempts to amend legislation. In this context, it is worth mentioning the Center of Civil Legislative Initiatives (Centrum Obywatelskich Inicjatyw Ustawodawczych) of Independent and Self-Governing Trade Union «Solidarność», which developed and published draft amendments to the Penal Code and the Code of Criminal Procedure. The scope of the proposed changes was so large that the concept

of «recodification» appeared in the course of the discussions. Martial law of 1981-1983 brutally interrupted the processes of reformation of public life, including the works on the reform of penal law in general. The authorities resorted to widespread repressions of political opponents and independent organizations.

The years 1982-1988 were a period in the Polish prison system when, on the one hand, certain achievements from the period of open activity of «Solidarność» were preserved, e.g. the right to religious practices in prison (however, attempts were made to limit this right), and, on the other hand, the prison system was used again to repress political prisoners, imprisoned for their opposition activity. During martial law, there were more than 20 thousand political prisoners (excluding interned people) in prisons (Szymanowski 1996, p.15).

In the years 1970-1990 in the USSR the system of correctional labor centers was decentralized. The principle of serving the sentence as close to the place of residence as possible was introduced in practice. The economic base of labor colonies was created. In addition, the process of organizing general and vocational training for convicts began. The training system for the staff of penitentiary institutions was modified.

On December 23, 1970, the Corrective Labor Code of the Ukrainian SSR was adopted, which entered into force on June 1, 1971 and was effective until January 1, 2004. (from that time the Criminal Executive Code of Ukraine entered into force on July 11, 2003) (Виправно-трудоий кодекс України 1971, p.6).

On March 15, 1983, the Presidium of the Supreme Soviet of the Soviet Union approved the Decree on the procedure and conditions for the enforcement of sentences not involving hard work. This act regulated the execution of such types of sentences as disqualification from holding certain positions, prohibition of involvement in certain activities, deprivation of military ranks, special titles, confiscation of assets, and public reprimands.

According to dissident Y. Zisels, who served his sentence in Soviet camps of increased discipline, "political prisoners in the 1970's and 1980's were only a few hundred people" (Зисельс 2006, p. 300). Characterizing the contingent of prisoners, dissident V. Owsijenko wrote: "in the 1970s, two thirds of the prisoners were people accused of cooperating with the German occupiers during the war (...). The third and the largest part were various people with anti-Soviet views. Among the political prisoners in Dubrawłag, sentenced under art. 70 of the Criminal Code of the RSFSR ("anti-Soviet agitation and propaganda") and in the period of 1970-1980, the absolute

majority were dissidents, underground publishers, authors of leaflets, participants of underground political groups, activists of national movements, leaders of forbidden religious communities, as well as people who were not associated with any opposition organizations and political movements, but their attitude clearly showed that they do not agree with the situation at that time” (Овсієнко). In the 1980s, the anti-Soviet people constituted the vast majority of the contingent of political prisoners of that time.

Fundamental prison system reforms after 1989

In 1989, Poland initiated fundamental reforms of the prison system, which became an important tool of the state in the field of protection of society against crime. This reform was aimed at ensuring that the convicts had humane and law-abiding conditions of imprisonment, and prioritized social rehabilitation efforts. At the same time, all political or ideological tasks of the prison system were rejected. In the years 1989-1993, the fundamental changes in the prison system took place, above all, a great replacement of staff in the Penitentiary Service. More than 40% of the personnel left the Service, mostly people holding managerial positions - mainly officers associated with the old political system. The largest human resources movement was observed in the years 1990-1991, when 5252 Penitentiary Service officers were dismissed and 5861 new people were hired (Szymanowski 1996, p.17). This had both positive and negative consequences. The former were associated with de-ideologization and de-partisanship, as well as rejuvenation of the service, better education and preparation of officers for work, which reflected, among other things, in a positive attitude towards the convicts. Three quarters of officers (75%) had less than 15 years of service experience, while almost half of them (45.7%) - less than 10 years. At the same time, the officers with more than 20 years of service constituted approximately 8.6% of the total number of staff. At that time, the staff of the Polish prison system included 23448 people in total. The Penitentiary Service officers constituted 95% (22254 people) of the staff, the rest were civil employees (1194 people). Taking into account the structure of employment among officers, the security department was the largest one, accounting for 56% of the staff, followed by the quartermaster department - 11%, the penitentiary department - 8%, the health care department - 7%, the management - 6%, finances - 4%, the registry department - 3.5%, technical support and communications - 2.5%, schools and the therapeutic department - 1% each (Migdał 2008, pp.662-663). The negative side of the above-mentioned replacement was that, instead of systemically organized social rehabilitative work, the priority was given to relaxation activities. Officers were confused with more or less scientific definitions of the term because nobody wanted to say directly that the aim was to reduce the tension among prisoners and to create systemic "safety

valves" reducing the aforementioned tension caused by the lack of employment. The main task of the Service was to organize the excessive amount of free time for prisoners, which was particularly difficult in a situation of total collapse of production in prison companies, most of which simply went bankrupt in the conditions of market economy. The attempt to continue the reforms and create a complementary prison system and probation system was unsuccessful.

In order to assess the quality of penitentiary service in Poland, it is important to take into account the level of education of officers and civil employees as well as their participation in the process of professional development. As J. Migdał reports, every fourth prison system employee (25% of the staff) at that time had a university degree, 67% had secondary education, 3.5% - post-secondary education and 2.5% - primary and vocational education. Penitentiary Service officers with higher education accounted for 24%, so as educated full-time civil employees. In addition, 1613 officers underwent officer, non-commissioned officer and warrant officer trainings at Penitentiary Service schools. At that time, officers constituted 24% of the full-time staff. These positions were mainly occupied by educators, psychologists, lawyers, economists, doctors and engineers (Migdał 2008, p.663).

While discussing this period of transformations, one should not forget about extraordinary events that took place in the years 1989-1991 in Polish prisons. The disappointed hope for amnesty connected with the promises made by politicians concerning the need to verify all the judgments issued in the Polish People's Republic resulted in a wave of revolts. Although there were not many oppositionists in prisons anymore at that time, there were people with severe sentences that were disproportionate to their actions. The most serious revolts took place in prisons in Czarne and Nowogard.

Undoubtedly, the then Director General of the Penitentiary Service, colonel Paweł Moczydłowski, a sociologist, criminologist, professor at the University of Warsaw, became a key person for the direction of reforms. In the years 1990-1994, he was in charge of the Central Board of Prison Service in the Ministry of Justice. In his keynote address, he stressed that «Poland has chosen the model of pro-social prison system, which prevents the demoralization of convicts and prepares them for successful social reintegration. This concept envisaged, among other things, abandoning the confrontational model of relations between Penitentiary Service officers and prisoners, striving for normal social relations in prisons, reducing mental tensions, eliminating unnecessary restrictions imposed on prisoners, and facilitating extensive contacts with free society» (Szymanowski 1996, p.17). The sentence served was supposed to «improve, educate and heal»

thanks to the integrated cooperation of guards, doctors, chaplains, psychiatrists, psychologists and educators (Ambrozik 2016, p.49).

According to the Act of 1996 concerning penitentiary service (art. 1) prison system is apolitical. In 1997, pursuant to the Polish Constitution and the new Executive Penal Code, social rehabilitation became a right, not an obligation of the convicted person. The prison system was looking for support in scientific research. The transformations in the Polish prison system did not face resistance - the officers themselves wanted these changes. These were not reforms done just for show, but a profound and fundamental change in the system of execution of penal sanctions (most of all imprisonment), based on the rule of law and humanism. Its aim was social rehabilitation carried out on the basis of the principle of individualization. The human rights movement had an equally important role in these changes. It was embodied in Poland by the Catholic Church, "Solidarność" and other independent social communities. Its main task was first of all to protect the weak and the repressed, even in a situation where they committed a crime (Szymanowski 1996, pp.15-16).

Along with the collapse of the Soviet Union in the early 1990s, the restructurization of Ukraine's system of correctional labor towards the formation of a new executive-criminal system was also initiated. For this purpose, in the years 1992-2000, 16 laws and 3 resolutions of the Supreme Council of Ukraine, 11 decrees of the President of Ukraine and 15 decrees of the Cabinet of Ministers of Ukraine, aimed at the humanization of legislation, improving the functioning of executive system authorities and institutions and strengthening the rule of law in the execution of criminal punishments were adopted in Ukraine (Карпачова 2002, p. 198). The death penalty was abolished by the Law of June 17, 1992. This was guaranteed by the Criminal Code of 2001.

On January 1, 2004, the Criminal Executive Code of Ukraine came into force, replacing the existing Corrective Labor Code of the Ukrainian SSR. The manner of serving sentences, social and educational work, education and social impact have become the main means of social rehabilitation. These measures are applied taking into account the type of sentence, the personality of the convict, the type and degree of social danger and the motives for committing the crime, as well as the behavior of the convict during the course of his or her sentence. (in 6, part 3,4)¹.

After regaining independence, the reform of the prison system took the following directions: firstly, humanization of legislation on the application and enforcement of sentences; secondly,

¹<http://zakon3.rada.gov.ua/laws/show/1129-15>

improvement of conditions in prisons; thirdly, improvement of conditions and quality of work of staff of penitentiary authorities and institutions (Вербенський 2004, pp.6-9).

On April 22, 1998, by decree № 344 of the President of Ukraine Leonid Kuchma, the State Department of Ukraine for Enforcement of Sentences was established as the central executive body². The State Penitentiary Service of Ukraine, established in 2010, was made subordinate to it. As of May 18, 2016 the Department was liquidated and the State Penitentiary Service was transferred under the control of the Ministry of Justice. The most recent changes took place on September 13, 2017, when the Cabinet of Ministers of Ukraine decided to establish the State Criminal Service at the beginning of 2018.

The reform of the Ukrainian prison system was conducive to establishing contacts with foreign countries. An example of such efforts was the signing of a cooperation agreement between the State Penitentiary Service of Ukraine and the General Directorate of the Prison Service of the Republic of Poland on May 12, 2011. The cooperation takes place both at central level and between territorial control authorities empowered to implement the state policy on the enforcement of penal law, as well as directly between the cooperating institutions³.

As of May 1, 2016, 148 institutions and 589 subdivisions of the executive inspection functioned in the administration of the State Penitentiary Service of Ukraine. There were 62,749 people in prisons and custody suites located on the territory controlled by the Ukrainian authorities. As a result of Russia's military action against Ukraine in 2014, there were 29 institutions and 47 penal inspection units in the occupied Donetsk and Luhansk oblasts. Additionally, 5 penitentiary institutions operate in the occupied Crimea. It is estimated that about 15 thousand people are in prison and colonies in areas occupied by Russia⁴.

The State Penitentiary Service of Ukraine has 90 industrial enterprises, 11 agricultural enterprises and 137 workshops on the premises of prisons, as well as 124 general education institutions. 37.7 thousand employees are responsible for the efficient operation of the State Penitentiary Service of Ukraine⁵.

²<http://zakon3.rada.gov.ua/laws/show/827/98>

³Угода про співпрацю між Державною пенітенціарною службою України і Головним управлінням Тюремної служби Республіки Польща// http://zakon3.rada.gov.ua/laws/show/en/616_153

⁴<http://prison-pastoral.blogspot.com/2016/09/1-2016.html>

⁵<http://prison-pastoral.blogspot.com/2016/09/1-2016.html>

Employees undergo a basic and vocational training course and improve their qualifications in staff training schools in Bila Tserkva, Dnipropetrovsk and Khmelnytskyi. Preparation of specialists with higher education for the prison system takes place at the Academy of the State Prison Service in Chernihiv (516 full-time students, 245 part-time students), at the Institute of Criminal-Executive Service in Kiev (410 full-time students, 180 part-time students) and Yaroslav Mudryi National Law University in Kharkiv (379 full-time students and 245 part-time students) (as of 1 May 2016.)⁶.

The priority directions of the Ukrainian state's policy in the field of reforming the prison system include: upgrading of the conditions of detention of prisoners in custody suites and prisons to European standards; elimination of overcrowding in penitentiary institutions; improvement of the material and technical supply of sentence enforcement authorities and institutions. Another important area is the prevention of recidivism, as well as the prevention of torture and inhumane treatment of people in penitentiary institutions (Шляхи реформування Державної кримінально-виконавчої служби України).

In Ukraine, there are 1551 prisoners sentenced to life imprisonment⁷. According to legal regulations, such a sentence can be imposed for 11 types of crimes. For comparison: in Denmark - for nine, in Russia - for six, and in Germany and Poland - for five. All this induces experts to talk about the repressive nature of Ukrainian law (Як живуть засуджені на довічне ув'язнення українці).

The reforms also covered legal supervision. On 5 February 2015, the Supreme Council of Ukraine adopted and subsequently implemented on August 28, 2015 the Act on Probation. Nine of the twelve functions of probation included in the Council of Europe Probation Rules have been taken into account.

Churches and religious organizations have a vital role in changing the face and philosophy of the prison system in Ukraine. In December 1996, the All-Ukrainian Council of Churches and Religious Organizations was established, which is an interfaith consultative and advisory authority, aiming to unite the efforts of churches and religious organizations for the spiritual revival of Ukraine. In 2001, the Ukrainian Interfaith Christian Mission under the name "Spiritual and charitable care in prisons" was established. The mission unites 12 Christian churches. This organization represents Ukraine in the International Penitentiary Service Association (PFI).

⁶<http://prison-pastoral.blogspot.com/2016/09/1-2016.html>

⁷<http://prison-pastoral.blogspot.com/2016/09/1-2016.html>

On June 8, 2015, the President of Ukraine Petro Poroshenko signed a Law that governs the activity of chaplains in the State Penitentiary Service facilities⁸. In this context it is worth to mention that on October 13, 2015, the first meeting of the Pastoral Council was held in the Ministry of Justice of Ukraine. Pastoral Council for Religious Care is a representative advisory body in the prison system of Ukraine, operating under the Ministry of Justice of Ukraine⁹.

As a result of the International Scientific-Practical Conference "Contemporary Perspectives of Pastoral Care", which took place on April 13-14, 2016 at the Institute of Criminal-Executive Service in Kiev, the university, together with the Pastoral Council for Religious Care, established the Faculty of Ethics and Prison Pastoral Care on November 10, 2016. The idea of creating the Faculty was dictated by the need for interdisciplinary study of penitentiary activity. Despite this, the Institute of Criminal-Executive Service in Kiev is actually ceasing to exist.

In Poland, the church has always been very important, especially in the 1980s. Particularly during martial law, citizens were looking for care, defence and support in it. The then Chaplain of "Solidarność" Rev. *Stanisław Malkowski* still works as a volunteer in prison pastoral ministry. The functioning of the pastoral care is regulated by the following legal acts: Regulation of the Minister of Justice of November 5, 1998 on the detailed rules of religious practices and use of religious services in prisons and custody suites (Journal of Laws No 139, item 904) and the Regulation of the Minister of Justice of September 2, 2003 on the detailed rules of religious practices and use of religious services in prisons and custody suites (Journal of Laws of September 12, 2003).

Until 1989, priests were coming mainly to those sentenced to death in order to administer the sacrament of penance and anointing. After 1989, prison pastoral ministry functioned on a regular basis. Each prison had its own priest or volunteer. The beginnings of prison pastoral ministry are connected with the person of Rev. Jan Sikorski, who worked in Warsaw, adapting American experience in this field. Nowadays priests are part of the prison's social rehabilitation function. According to the respondents' answers in 2006-2007, 46% of priests provide assistance not only in prisons, but also to people who have left them. The main forms of assistance primarily include: finding a job, finding a flat (shelter), in kind, spiritual, rehab, health assistance as well as help in acquiring a profession or education (Nikołajew 2009, p. 153) At present, out of 160 priests,

⁸<http://zakon5.rada.gov.ua/laws/show/419-19>

⁹http://www.irs.in.ua/index.php?option=com_content&view=article&id=1828%3A1&catid=63%3Aava&Itemid=86&lang=uk

about 20-30 work only in prisons, while the others combine prison work with pastoral ministry within the parish.

Final thoughts

Reforms in Poland after 1989 were carried out methodically, systematically, had a solid scientific base with the participation of outstanding scientists. The condition of the Ukrainian system of enforcement of penal sentences has always been subject of a justified criticism of both international and national human rights organizations, society and even state authorities. The current prison system has become a tool for punishing prisoners. However, the main emphasis should be placed on their social rehabilitation, preparation to their return to freedom from the first day of imprisonment.

For over 70 years, Ukraine had been part of a totalitarian system, with double standards and differences between what is written in normative acts and how the system functioned in real life. In such conditions, the observance of justice became a philosophical category. The effects of this policy are still being felt today, so it is extremely important to overcome it. The crucial element for the success of the reforms in Poland was the fact that they were carried out by new, often young people who were prepared to work on the basis of modern knowledge not linked to the previous system. Poles condemned the crimes of communism and its legacy. In Ukraine, this has not been done so decisively so far, and this is one of the reasons for the failure of the reforms.

The key to the success of the reforms in Poland was also the participation of civil society institutions and the church. Currently in Ukraine, volunteers and chaplains of various religions who work with prisoners (also in the war zone in the east of Ukraine) are a force that is gradually contributing to the change of the former Soviet model of society and its system. Changes there are taking place gradually. One could say that the old system still resists. Overcoming the consequences of Soviet totalitarianism based on a criminal and anti-human system of correctional colonies is extremely important not only for the future of Ukraine, but also for the victory of humanist democratic values in the countries of Central and Eastern Europe.

Abstrakt: Więziennictwo w Polsce i Ukrainie: od dziedzictwa totalitarnego do współczesnego europejskiego systemu penitencjarnego

Badanie reformy więziennictwa w Polsce jest doskonałą ilustracją przemian ustrojowych, przechodzili Polacy od systemu naznaczonego radzieckim totalitaryzmem do społeczeństwa

spełniającego kryteria demokratyczności. Dążenia Ukrainy w kierunku adaptacji rozwiązań Unii Europejskiej w dziedzinie reformy penitencjarnej zachęcają do poznania doświadczeń Polski ze względu na postęp tego kraju w eliminowaniu spuścizny komunistycznej w działalności więziennictwa i nadzorującej go Służby Więziennej. Zadanie to staje się również aktualne dla współczesnej Ukrainy i z uwagi na łączące oba kraje głębokie więzi kulturowe i mentalne, polskie doświadczenia wydają się być niezwykle inspirujące. Korzystając z doświadczenia sąsiadów nie należy zapominać o różnicach. Przede wszystkim należy zauważyć, że okres komunizmu w Polsce był wyraźnie krótszy, w porównaniu z 70-letnim doświadczeniem Ukrainy, Białorusi i innych Republiki Radzieckich które w odróżnieniu od Polski nie zaznały pełnej suwerenności.

Kluczowe dla powodzenia reform w Polsce było to, że realizowali je nowi, często młodzi ludzie, przygotowani do pracy w oparciu o współczesną wiedzę, nie związaną z poprzednim systemem. Polacy potępili zbrodnie komunizmu i jego dziedzictwo. Na Ukrainie do tej pory tak zdecydowanie tego nie zrobiono i to jest jeden z powodów niepowodzenia reform.

Słowa kluczowe: więziennictwo, system totalitarny, Państwowa Służba Penitencjarna, reforma więziennictwa

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