

list of documents in polish prisons and pre-trial detention centers
WHICH CONTAIN INFORMATION PERTAINING TO THE IMPLEMENTATION OF PRISONERS' RIGHTS AND FREEDOMS

No.	Name of document	Where to seek document and from whom	What to check
1.	Individual prisoner files Section "A"	Registry Department – department director or staff member	<ul style="list-style-type: none"> • Legal basis for prisoner’s admittance to penal facility • Whether pre-trial detention procedure was properly followed • Whether court ruling to be implemented was properly noted in file • Whether calculation of sentence was properly noted in file • Legal basis for turning prisoner over for trial-related purposes, on facility grounds or outside the facility • Reason for convicted prisoners being relocated from one detention facility to another • Timely release of convicted prisoners, and the legal basis for their release • Proper handling of convicted prisoners' files

No.	Name of document	Where to seek document and from whom	What to check
2.	Individual prisoner files Section "B"	Penitentiary Department – Director, correction officers, psychologist	<ul style="list-style-type: none"> • Whether prisoners were informed of their duties and rights, the current rules and regulations, and the daily schedule • The handling of all prisoners' requests, complaints and suggestions • Whether periodic prisoner assessments and individual resocialization program assessments were properly drawn up • Whether prison board decisions concerning prisoners were made correctly • Psychological consultations and prison psychological reports • Whether prisoners were informed of their ability to choose the method by which they serve their sentence • The basis for the punishment or reward of prisoners • Frequency of contact between correction officers and prisoners • Correctness and accuracy of prisoner evaluations • Grounds for issuing prisoners the most desired rewards ("passes") • Whether conditional early release application was submitted • Whether prisoners meet their obligation to undergo training while serving their sentence of imprisonment • Whether prisoners with families in a difficult economic situation are given assistance in finding work and a place of residence following their release • What economic and material assistance is given to released prisoners

No.	Name of document	Where to seek document and from whom	What to check
3.	Individual prisoner files Section "C"	Inspector of convicted prisoner employment (instructor)	<ul style="list-style-type: none"> • Length and history of prisoners' employment while serving their sentence of imprisonment • Whether prisoners were trained in work safety, hygiene and fire prevention prior to commencing work • Whether time off is appropriately granted to employed prisoners, and the basis for their dismissal from employment • Whether prison employment certificates are in line with employment documentation • Doctor's assessment of prisoners' employability
4.	Principal Register of Convicted Prisoners	Registry Department – department head or other officer	<ul style="list-style-type: none"> • Date and hour of prisoner's admission to the penal facility • Date and reason for leaving the penal facility • Basis for a prisoner's temporary stay at the penal facility
5.	Convicted Prisoner Movement Register	as above	<ul style="list-style-type: none"> • The population of the penal facility on a given day • Incoming and outgoing movement of prisoners (e.g. those moved to other types of penal facilities)
6.	Placement Register of Untried Prisoners (pre-trial detention)	as above	<ul style="list-style-type: none"> • Whether accomplices to the same crime are kept separated • Whether safeguards are in place to ensure that criminal investigations proceed correctly • Whether untried prisoners are prevented from demoralizing one another, through their proper placement
7.	Register of Official Correspondence delivered to convicted prisoners	as above	<ul style="list-style-type: none"> • Timely delivery of prisoners' correspondence sent by non-registered mail

No.	Name of document	Where to seek document and from whom	What to check
8.	Register of Visitations	as above	<ul style="list-style-type: none"> • The visitors received by prisoners at the penal facility
9.	Journal of Untried and Convicted Persons Released	as above	<ul style="list-style-type: none"> • Proper and timely release
10.	Official list of rooms at penal facility	as above	<ul style="list-style-type: none"> • The intended use of particular rooms in the penal facility • The dimensions of cells in which prisoners reside • Which rooms constitute disciplinary (solitary confinement) cells, cells for dangerous persons, and the prison infirmary
11.	The Executive Order of the Minister of Justice No. 1/96/CZZK, dated Feb. 2 1996, "On Establishing the List and Intended Use of Penal Facilities"	as above	<ul style="list-style-type: none"> • Whether a given prisoner is rightfully held at the given penal facility – pursuant to what category of prisoners may be assigned to a facility of this type
12.	Journal of Convicted Prisoners' Requests and Complaints	Prison Secretariat	<ul style="list-style-type: none"> • Whether requests and complaints were handled in a timely manner • The procedures and methods applied in handling prisoners' requests and complaints
13.	Prisoner's health records	The health care facilities at the penal facility (its ambulatory clinic or health care personnel; there may also be a prison hospital)	<ul style="list-style-type: none"> • Information about prisoners' state of health • Information about treatment, clinic visits, doctor's consultations, and prisoners' state of health before and after instruments of restraint • Description of all injuries sustained by prisoners while detained at the penal facility

No.	Name of document	Where to seek document and from whom	What to check
14.	Prison psychological reports	Prison psychologist, individual prisoner files – Section “B”	<ul style="list-style-type: none"> • Part I – contains prisoner’s personal data, doctor’s recommendations concerning their type of employment and professional training, and the results of specialist examinations • Part II – explains the process by which the examinee went astray in life, and evaluates the extent to which they are corrupted and how suitable they are for resocialization • Part III – contains psychological descriptions of the examinee’s current mental state and their attitude toward the crime they committed, as well as their tasks and responsibilities in connection with serving their sentence • Part IV – contains findings concerning the possible need for special treatment • Part V – contains recommendations regarding training and employment classification
15.	Prisoner identification record	Head of Security Department	<ul style="list-style-type: none"> • Contains prisoner's photograph and personal data. The reverse side contains information on the group to which they have been classified, their prior criminal record, and the termination date of their sentence. Supplementary information on this page also contains the legal classification of their crime and the extent of their sentence.

No.	Name of document	Where to seek document and from whom	What to check
16.	Files of prisoners that “cause correctional difficulties” (optional, not compulsory at all facilities)	Head of Security Department	<ul style="list-style-type: none"> • Contains correction officer's or psychologist's recommendation for a given prisoner to be classified as one that “causes correctional difficulties” • List of prisoners given the “causes correctional difficulties” classification • Record of each prisoner so classified (their personal data, date of their classification to this group, the reasons for their classification, how they are treated, the planned corrective steps, and the date their classification to this group was last confirmed)
17.	Shift-duty book	Security Department – shift manager	<ul style="list-style-type: none"> • Here one can check whether a particular officer was on duty on any given day
18.	Ledger of post-duty reports filled out by shift managers, and the section head’s review-of-duty ledger	Shift Manager, Section Head	<ul style="list-style-type: none"> • The contents of these describe the events that occurred during a shift. The first page of the shift manager’s post-duty report presents a table with information about at what post each functionary was on duty, and for what duration of time.
19.	Convicted Prisoner Movement Register	Section head	<ul style="list-style-type: none"> • Documentation of prisoner movement: the time of their departure and return, who collected them and where they were taken, and their cell number

No.	Name of document	Where to seek document and from whom	What to check
20.	Reports on incidents involving the application of instruments of restraint	Head of Security Department	<ul style="list-style-type: none"> • These should include: the reason why such coercive means were applied, the duration of their application, behavioral inspections, the results of correction officer's or psychologist's assessment of the effects of such means on the prisoner, the results of doctor's examinations during and after the application of such means, doctor's opinions concerning how long such means can be prolonged, and whether a conversation was held with the warden of the facility. Such reports should also note whether the prisoner was informed of their ability to raise a complaint to the prison court.
21.	Documentation on investigations conducted into such events as beatings, fights or other abnormal incidents	Head of Security Department, or another place as indicated by the warden of the facility	<ul style="list-style-type: none"> • Records from interrogations of event participants and witnesses, the concluding reports from such investigations, and the classification of actions (whether they were lawful or not)
22.	Weapons Issue Register	Shift Manager of the Security Department	<ul style="list-style-type: none"> • Documentation of the weapons and other instruments (mace spray, baton, handcuffs, etc) issued to staff, including confirmation of receipt (a legible signature)
23.	Special Keys Issue Register	Security Department – Shift Manager	<ul style="list-style-type: none"> • Records of the issue and return of security cell keys
24.	Register of prisoners requesting a doctor or medical treatment	Section Head or Shift Manager	<ul style="list-style-type: none"> • Register of prisoners escorted to clinic or other specialists' offices
25.	Register of delivery and inspection of parcels	Section Head	<ul style="list-style-type: none"> • Lists the date parcel received, for whom, its contents, and a confirmation of its receipt by the prisoner
26.	Leave permits for convicted prisoners being escorted outside the penal facility	Shift Officer, Gate Keeper	<ul style="list-style-type: none"> • Register of prisoners transported to external health care facilities and other places

No.	Name of document	Where to seek document and from whom	What to check
27.	Register of Disciplinary Punishments	Section Head	<ul style="list-style-type: none"> • Personal data and classification group of prisoner; type, date, and duration of disciplinary action
28.	Schedules approved by the warden of the facility	Shift Officer, Section Head	<ul style="list-style-type: none"> • Schedule of cell-searches, walks, baths, purchases of food and tobacco articles
29.	“Dangerous prisoner” files	Head of Security Department	<ul style="list-style-type: none"> • Personal data and birth date of prisoner, the criminal code article under which they were sentenced, the extent of their sentence, the termination date of their sentence, a short description of their crime, the reasons for their classification to the “dangerous prisoner” category, specific recommendations, and the date their classification to this group was last confirmed

MONITORING THE STATE OF HUMAN RIGHTS IN PSYCHIATRIC HOSPITALS AND HOMES FOR THE ELDERLY AND DISABLED

RESEARCH QUESTIONS¹

1. GENERAL CHARACTERISTICS

- Complete name of facility
- Number of wards
- Region served by hospital/ward

1.1. Setting, surroundings, a brief historical outline, and the technical condition of buildings and equipment (interviews with the hospital director, kitchen and laundry staff, etc.; personal observations)

- Distance to the nearest town (center), and its accessibility,
- Architectural setting — site surroundings.
- Technical condition of the building/buildings: year built; last renovation; the condition of facades, roofs, heating systems, hot water systems, interior and exterior lighting, and electrical installation; kitchen and laundry (their equipment and sanitary system), emergency exits and evacuation plan.
- Appearance of patients' rooms, how they are equipped, and the number of patients in rooms (m² per person per room).
- Number of toilets (per how many individuals), number of washbasins, bathtubs, and showers (per how many individuals), cleanliness of rooms, equipment for the disabled, alarm system.
- Is personal privacy assured in these areas?
- TV rooms, common room, library for patients, smoking room.
- Occupational therapy rooms, how they are equipped. Are they used for therapy?
- Staff rooms, doctors' offices and examination rooms, nurses' stations, how they are equipped, other rooms.
- Is there a prayer area or chapel?

1.2. Staff (interviews with the hospital director, department head, or head nurse)

- Staff statistics: number of doctors, nurses, psychologists, therapists, social workers, orderlies, cleaning staff, other individuals who are employed and who work with patients.
- Are there any problems with the staff?

¹ This list presents a collection of issues covered by interviews and observations conducted at visited facilities. Both the form of individual questions and the order in which they were posed varied depending on who was being interviewed. Some questions were posed to all interviewees (e.g. the question about external patient contacts), while certain specific questions were directed only to chosen individuals (e.g. the director of the facility was asked about problems with staff). A note in the parentheses following each heading explains how such information was collected, meaning by which particular types of interviews, personal observations, and/or document analyses. Interviews were held in private, on a one-to-one basis (see [Appendix 4](#)).

1.3. Patients (interviews with the hospital director, department head)

- Number of patients, average length of hospitalization.
- How patients were admitted to hospital; whether physical restraint was used.
- Number of admissions with patient consent, and number of admissions without patient consent pursuant to Articles 22, 23, 24, 28 and 29 of the Act on Protecting Mental Health. Are there persons who were admitted under a penal court ruling?
- Chronically ill patients.
- Rules governing the placement of patients in particular wards and rooms.

2. CONDITIONS OF TREATMENT AND HOSPITALIZATION

2.1. Patients' living conditions (interviews with patients, nurses, doctors, and kitchen staff; personal observations)

- Food — daily rate spent on food per person, number of meals per day, nutritional value and quality of meals, special diets. Dining room.
- Access to food and beverages outside of fixed mealtimes.
- Condition of bedclothes and towels, and how often they are changed; how available toiletry supplies are; how easily sanitary facilities can be accessed.
- Do patients have space for their personal belongings? Can they freely access them?

2.2. External contacts (interviews with patients, nurses, and doctors; personal observations)

- Freedom of movement inside and outside ward (What are the rules, who makes decisions?)
- Do patients have access to regular clothing? Coats? Shoes?
- Visits from family and friends (What are the rules and/or restrictions?)
- Correspondence (Is there a postal box in the hospital, how is correspondence delivered, is patients' mail ever monitored — who makes decisions concerning these issues, and how is this monitoring carried out?)
- Telephones (Are telephones/payphones accessible in the ward/hospital, what are the rules governing their use, can outside individuals who call reach patients without inconvenience, can conversations be held in private?)
- Are there any organizations or institutions that visit the hospital (regularly, sporadically)?

2.3. Medical and nursing care (interviews with the hospital director, doctors, psychologists, therapists, nurses, patients, personal observations)

- Qualifications of the medical staff (their specializations, the possibility of post-graduate education).
- Access to doctors with other specializations, access to special examinations. (Who pays?)

- How many patients are cared for by one doctor? How long do doctors work without breaks? How many people are there on duty?
- How many patients are cared for by one nurse? How long do nurses work without breaks? How many people are there on duty?
- Is the number of medical and nursing staff sufficient?
- Is the staff trained in applying physical restraint?
- General and special medications kept in stock. (Who buys them? Who pays for them?)
- Access to disposable supplies, protective clothing, vaccinations for the staff.
- Are there any other forms of therapy conducted apart from pharmacological? (Which ones? Who conducts them?)
- What is particularly trying in the doctors' and nurses' work?

2.4. Hospital rules and regulations (interviews with patients, the hospital director, doctors, nurses, personal observations, analysis of documentation)

- Rules and regulations (what is regulated, who enacted them, and when?)
- To whom may the patient complain if they feel they have been wronged by the conditions of their medical treatment or hospital stay?
- Procedures applied in "difficult" situations: patients who depart without being released, thefts, etc.

3. HUMAN RIGHTS

3.1. Procedural rights and co-operation with the courts (interviews with the director and doctors; interviews with patients; personal observations; analysis of documentation)

- How often does a judge visit the hospital? Where do hearings take place and do patients take part in them?
- Judicial review over the legality of patient admissions and terms of hospitalization (reports from reviews conducted, follow-up recommendations made).
- How well does court-hospital cooperation function?
- Does the department's head doctor keep a register of persons admitted to the hospital?
- Is the hospital director informed of involuntary admissions?
- Is documentation kept concerning the use of physical restraint (records of immobilization; is the hospital director notified of the use of instruments of restraint?)
- Doctors' opinions on the mental health law - does it help them in their work?

3.2. Prohibition of forced labor (interviews with doctors, nurses, patients)

- Do patients work for the benefit of the hospital and staff? Is this work paid?
- Is the work used as a punishment?

3.3. Privacy (interviews with doctors, social workers, nurses, patients)

- Do the staff speak about the patients' and their families' affairs in the presence of other patients?
- Are patients able to speak by telephone or with visitors in private?
- Are doctors' examinations carried out in the presence of other individuals?
- Is nursing care administered behind a curtain or publicly?

3.4. Property and ownership (interviews with doctors, social workers, nurses, patients)

- Do patients have their own money (pension or other benefit payments)?
- Are there any that do not have any income?
- Can patients freely dispose of their money?
- Do patients have personal belongings in the ward?
- What items are they able to keep with themselves? What must they turn in?
- Do the patients pay any fees or "contributions" to certain causes?
- Who manages the property of legally incapacitated persons or those unable to make their own decisions? How is it managed?

3.5. Liberty and security of person (interviews with the director, doctors, patients)

- How often is physical restraint employed? Are staff trained in how to do so (who trained them and when)?
- Has a patient ever faced aggression from staff (shouting, offensive words, threats or beating)?
- Personal safety of doctors and nurses; alarm system; means of communication (telephones, etc.)
- Protection of buildings, wards and rooms against unauthorized departure (bars, doors without handles/knobs, etc.)

3.6. Right to information (interviews with doctors, nurses, patients)

- Do patients know why they are in hospital, what they are suffering from, and what treatment they are receiving? (Do they know the names of their medications, the possible side effects of their course of treatment, and do they know how much longer they will be in hospital?)
- Do they know their rights?
- Patient's medical file (Who has access to it? Do patients have access to their own files? Have patients asked for access to their files?)
- Who provides information to patients and how are patients informed?
- Access to TV and press.
- Do staff members wear identity badges?

3.7. Patient self-government (interviews with doctors, nurses, patients)

- Is there a patient self-government organization, and does it have any influence on patient-related decisions? (if so, which ones?)

3.8. Freedom of religion (interviews with doctors, nurses, patients)

- Does a priest visit the hospital?
- Are there people of religious faiths other than Roman Catholic, and are they able to practice their faith freely?
- Is there any coercion to participate in religious practices?

3.9. Elections (interviews with doctors, nurses, patients)

- How are patients' voting rights implemented?

3.10. Prohibition of discrimination (interviews with doctors, nurses, patients, personal observations)

- How do staff members address patients?
- Are some individuals given worse treatment than others by the staff or other patients because of their poverty, religious convictions, peculiar behavior, political beliefs or for other reasons?

Remarks on monitoring homes for the elderly and disabled

The research questions used to evaluate the state of human rights at homes for the elderly and disabled are constructed in a similar way as those above. The areas in which they differ do not involve the addition of new issues, but rather a change in emphasis. When monitoring homes for the elderly we put more stress on assistance in drawing up a last will and testament, and ensuring dignified conditions of death; court cooperation is here of less interest to us. We should also draw attention to an essential terminological difference — persons residing in homes for the elderly and disabled should be referred to as “residents,” not “patients.”

Human rights: (UN International Covenant on Civil and Political Rights)	Code symbol:
Right to life (art. 6)	A
Prohibition of torture and of cruel, inhuman or degrading treatment or punishment (art. 7)	B
Prohibition of slavery and servitude (art. 8)	C
Prohibition of forced or compulsory labor (art. 8, act 3)	D
Right to liberty and security of person (art. 9 and 11)	E
Right to liberty of movement and freedom to choose one's residence (art. 12)	F
Protection of aliens against expulsion (art. 13)	G
Right to a fair and public hearing (art. 14)	H
Prohibition of the retroactive application of criminal law (art. 15)	I
Right to recognition as a person before the law (art. 16)	J
Right to privacy (art. 17)	K
Freedom of thought, conscience and religion (art. 18)	L
Freedom of speech (art. 19 and 20)	M
Freedom of assembly and association (art. 21 and 22)	N
Right to marry and to found a family (art. 23)	O
Right of every child to such means of protection as required by his or her status as a minor (art. 24)	P
Public rights, including access to public service (art. 27)	R
Prohibition of discrimination (art. 26)	S
Special rights of ethnic, religious and linguistic minorities (art.27)	T
<i>None of the rights mentioned above appear in the given article</i>	Z

Categories of groups (social, ethnic, religious, professional, etc.) to which the persons whose rights were violated belong:	Code symbol:
Religious minority	01
National minority	02
Sexual minority	03
Women	04
Children, minors	05
Refugees, aliens	06
Drug addicts	07
Disabled persons	08
Patients	09
Journalists	10
The homeless	11
The poor	12
HIV carriers, AIDS sufferers	13
Military conscripts	14
Students, pupils	15
Human rights defenders	16
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Everyone within a given area	99

Bodies of authority, institutions, or organizations responsible for rights violations:	Code symbol:
Parliament	I
President	II
Government (Ministries)	III
Local state administration	IV
Self-government authority	V
Public prosecutor's office	VI
Police	VII
Courts	VIII
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MONITORING THE STATE OF HUMAN RIGHTS
IN PSYCHIATRIC HOSPITALS

INTERVIEW OUTLINES

I. INTERVIEW WITH THE HOSPITAL DIRECTOR

A. INTRODUCTORY CONVERSATION:

1. We are representatives of the Helsinki Foundation for Human Rights.
2. We act with the consent of both the Ministry of Health and Social Welfare and the Ministry of Labor and Social Policy.
3. Our aim is to evaluate living conditions at psychiatric hospitals from the point of view of respect for human rights.
4. We will provide you a preliminary evaluation before we depart.
5. Our collected findings will be given to you immediately after the data has been processed.
6. We ask you for your assistance in observing vital issues and in contacting patients and staff.

B. INTERVIEW:

I. PHYSICAL CONDITIONS IN THE HOSPITAL

Which of these issues help or hinder the staff in their work, and which make patients' stays easier or more difficult:

1. Building setting
2. Building design
3. Number of beds
4. Staff: doctors, nurses, therapists, cleaning staff, hospital orderlies (their number, quality, and turnover frequency; the major problems of the staff and problems with the staff)
5. Hospitalization conditions
6. Common bathrooms
7. Dining room
8. Doctors' offices and examination rooms
 - their equipment
 - the conditions under which examinations are conducted, treatment administered, and information provided (whether conditions ensure privacy and the appropriate atmosphere)
9. Nurses station (ability to observe the ward)
10. Other rooms for staff
11. Occupational therapy rooms

12. TV room, reading room
13. Kitchen
14. Laundry
15. Utility rooms

II. PATIENTS' EXTERNAL CONTACTS

1. Visits from family and friends
2. Correspondence
3. Telephones
4. Freedom of movement inside and/or outside the ward and hospital
5. Are there any organizations or institutions that visit the hospital (either regularly or sporadically)?

III. MEDICAL CARE

1. Access to internists and specialists (other than psychiatrists), access to specialized examinations
2. General and special medications kept in stock (who buys them, who pays for them)
3. Number of patients cared for by one doctor
4. Number of patients cared for by one nurse
5. Forms of therapy other than pharmacological

IV. HOSPITAL RULES AND REGULATIONS

1. What do they regulate
2. Who set the rules and regulations, and how were they set? Who can introduce changes
3. Procedures for handling difficult situations (alcohol, thefts, aggression, or unauthorized departures)
4. Rules for applying physical restraint (professionalism of staff in doing so)
5. Personal safety of staff
6. Knowledge of rules and regulations among patients and staff

V. PATIENTS' MEDICAL FILES

1. What do they contain?
2. Who has access to them?
3. Do patients have the right to review their own file? Is it possible to make amendments?

VI. PATIENT ADMISSION PROCEDURES

1. With patient's consent
2. With legal guardian's consent
3. Without consent, under Art. 23 (of the Act on Protecting Mental Health)

4. Without consent, under Art. 24
5. With questionable consent
6. By a family court ruling, under Art. 29
7. By a penal court ruling
 - whether it is possible for consent previously given to be subsequently withdrawn
 - judicial review over the legality of patient admissions and terms of hospitalization (reports from reviews conducted, and follow-up recommendations made)
 - the logistical aspects of hearings — where they are held, patient participation
 - the rules governing the placement of patients into specific wards based on their psychological condition

VII. PATIENTS' FREEDOM TO MAKE DECISIONS ON THEIR OWN BEHALF

1. Choice of primary doctor
2. Choice of meals and dining hour
3. Use of cigarettes, coffee, alcohol
4. Personal hygiene
5. Wake-up and lights-out times

VIII. FORCED LABOR (Art. 4 of the European Convention on Human Rights)

1. Do patients work for the benefit of the hospital?
2. Is this work justly compensated?
3. Are patients forced to work?
4. Is such work used as a punishment?
5. Do the patients work for the benefit of the staff?

IX. RIGHT TO A FAIR TRIAL — RIGHT TO EFFECTIVE MEANS OF APPEAL (Art. 6 and Art. 13 of the ECHR)

1. To whom may patients turn if they feel they have been wronged by being hospitalized or by the conditions of their medical treatment and hospital stay?
2. Does a judge visit the hospital? How often?

X. RIGHT TO PRIVACY (Art. 8 of the ECHR)

1. Do the staff speak about patients' and their families' affairs in the presence of other patients?
2. Can the patients speak with visitors and by telephone in private?
3. Does anyone from the staff read incoming or outgoing patient mail?
4. Are doctor's examinations carried out in the presence of other individuals?
5. Is nursing care administered behind a curtain or publicly?

XI. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (Art. 9 of the ECHR)

1. Does a priest (or other clergyman) visit the hospital?
2. Are there people of religious faiths other than Roman Catholic? Are they able to practice their faith freely?
3. Is there any coercion to participate in religious practices?

XII. RIGHT TO BE INFORMED (Art. 10 of the ECHR)

1. Do patients know why they are in hospital and what they are suffering from?
2. Do patients know what medications they are taking?
3. Do patients know their prognosis and the possible side effects of their course of treatment?
4. Do they know how long they are supposed to remain hospitalized?
5. Do they know their rights? Who informed them and how were they informed?
6. What kind of access do they have to TV, radio and press?

XIII. FREEDOM OF ASSEMBLY AND ASSOCIATION (Art. 11 of the ECHR)

1. Is there a functioning patient self-government organization?
2. Does it have any influence on patient-related decisions (if so, which decisions)?

XIV. PROHIBITION OF DISCRIMINATION

1. Are some individuals given worse treatment than others
 - a. by the staff
 - b. by other patients because of their poverty, religious convictions, peculiar behavior, political beliefs, social background, their belonging to a national minority, or for other reasons?

XV. VOTING RIGHTS (Art. 3 of Additional Protocol No. 1 to the ECHR)

1. How are patients' voting rights implemented?

OVERALL ASSESSMENT

1. What things make it easier to achieve your goals?
2. What things should be changed?

ATTENTION: Please provide access to the following documents:

1. Notifications of patients admitted
2. Registry of hospital admissions
3. Notifications of the use of physical restraint of patients

II. INTERVIEW WITH A DOCTOR

A. INTRODUCTORY CONVERSATION

1. Physical safety (alarm buttons, mobile telephones)
2. Particular impediments at work (physical conditions, availability of medications, specialized examinations, number of staff and their qualifications, other problems)
3. Length of work done without breaks, number of patients cared for by one doctor
4. Hepatitis vaccinations
5. Working conditions
6. Hospital-provided flats
7. Patients with addictions; homeless people; chronically ill patients; resolving patient's social problems
8. Opportunities to gain training, specialization, access to literature, etc.

B. INTERVIEW

I. MEDICAL CARE

1. Access to internists and specialists (other than psychiatrists), access to specialized examinations
2. General and special medications kept in stock (who buys them, who pays for them)
3. Forms of therapy other than pharmacological (individual or group psychotherapy, occupational therapy)
4. Number of patients cared for by one doctor
5. Number of patients cared for by one nurse

II. PATIENTS' MEDICAL FILES

1. What do they contain?
2. Who has access to them?
3. Do patients have the right to review their own file? Is it possible to make amendments?

III. PATIENT ADMISSION PROCEDURES

1. What changes (increases, decreases) are noted in the numbers of patients admitted in the following ways:
 - With patient consent
 - With legal guardian consent
 - Without consent, under Art. 23 (of the Act on Protecting Mental Health)
 - Without consent, under Art. 24
 - With questionable consent

- By a family court ruling, under Art. 29
- By a penal court ruling
- 2. Whether it is possible for consent previously given to be subsequently withdrawn
- 3. Judicial review over the legality of patient admissions and terms of hospitalization (reports from reviews conducted, and follow-up recommendations made)
- 4. The logistical aspects of hearings — where they are held, patient participation
- 5. Rules governing the placement of patients into specific wards based on their psychological condition

IV. FORCED LABOR (Art. 4 of the ECHR)

- 1. Do patients work for the benefit of the hospital?
- 2. Is this work justly compensated?
- 3. Are patients forced to work?
- 4. Is such work used as a punishment?
- 5. Do the patients work for the benefit of the staff?

V. RIGHT TO PROPERTY (Art. 1 of Additional Protocol No. 1 to the ECHR)

- 1. Do patients have places for their personal belongings (closets, shelves or drawers)?
- 2. Do patients have their own money (pension or other benefit payments)?
- 3. Are they able to freely dispose of their belongings and their money (are they able to access them or must they ask for them)?

VI. LIBERTY AND SECURITY OF PERSON (Art. 5 ECHR)

- 1. Can patients freely move about within the ward and on hospital grounds, take walks, go to town, go to cinema, visit friends? Is permission required? Whose permission?
- 2. Where are shoes and coats stored?

VII. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (Art. 9 ECHR)

- 1. Does a priest (or other clergyman) visit the hospital?
- 2. Are there people of religious faiths other than Roman Catholic? Are they able to practice their faith freely?
- 3. Is there any coercion to participate in religious practices?

VIII. RIGHT TO BE INFORMED (Art. 10 of the ECHR)

- 1. Do patients know why they are in hospital and what they are suffering from?
- 2. Do patients know what medications they are taking?
- 3. Do patients know their prognosis and the possible side effects of their course of treatment?

4. Do they know how long they are supposed to remain hospitalized?
5. Do they know their rights? Who informed them and how were they informed?
6. What kind of access do they have to TV, radio and press?

IX. PROHIBITION OF DISCRIMINATION

1. Are some individuals given worse treatment than others
 - a. by the staff
 - b. by other patients because of their poverty, religious convictions, peculiar behavior, political beliefs, social background, their belonging to a national minority, or for other reasons?

OVERALL ASSESSMENT

1. What things make it easier to work and achieve you goals?
2. What things should be changed?

III. INTERVIEW WITH A NURSE

A. INTRODUCTORY CONVERSATION

1. Physical safety (alarm buttons, mobile telephones, number of men on duty)
2. Average number of staff (number of patients under care)
3. Co-operation with the lab and workers
4. Training in the use of physical restraint
5. Access to disposable supplies
6. Preventative vaccinations
7. Social conditions
8. Opportunities to gain training

B. INTERVIEW

I. PHYSICAL CONDITIONS

1. Staff
 - Staff: doctors, nurses, therapists, cleaning staff, hospital orderlies (their number, quality, and turnover frequency; the major problems of the staff and problems with the staff)
2. Doctors offices and examination rooms
 - equipment
 - conditions under which examinations are conducted, treatment administered, and information provided (whether conditions ensure privacy and the appropriate atmosphere)
3. Nurses stations (ability to observe the ward)

II. PATIENTS' EXTERNAL CONTACTS

1. Visits from family and friends
2. Correspondence
3. Telephones
4. Freedom of movement inside and/or outside the ward and hospital
5. Are there any organizations or institutions that visit the hospital (either regularly or sporadically)?

III. MEDICAL CARE

1. Access to internists and specialists (other than psychiatrists), access to specialized examinations
2. General and special medications kept in stock (who buys them, who pays for them)
3. Number of patients cared for by one doctor

4. Number of patients cared for by one nurse
5. Forms of therapy other than pharmacological

IV. NURSING CARE

1. How patients are washed, fed, and dressed; how medications are administered
2. How kindly and privately assistance is given
3. Persons responsible for providing nursing care to patients (nurses or ward attendants)

V. HOSPITAL RULES AND REGULATIONS

1. What do they regulate?
2. Who set the rules and regulations, and how were they set?
Who can introduce changes?
3. Procedures for handling difficult situations (alcohol, thefts, aggression, or unauthorized departures)
4. Rules for applying physical restraint (professionalism of staff in doing so)
5. Personal safety of staff
6. Knowledge of rules and regulations among patients and staff

VI. PATIENTS' FREEDOM TO MAKE DECISIONS ON THEIR OWN BEHALF

1. Choice of primary doctor
2. Choice of meals and dining hour
3. Use of cigarettes, coffee, alcohol
4. Personal hygiene
5. Wake-up and lights-out times

VII. PROHIBITION OF TORTURE (Art. 3 of the ECHR)

1. How are the following situations dealt with: patient aggression toward staff, staff aggression toward patients, patient aggression toward other patients
2. Rules of employing physical restraint (professionalism of staff in doing so)
3. Use of medications without doctor's instructions
4. Use of medications as a punishment (painful injections)

VIII. FORCED LABOR (Art. 4 of the ECHR)

1. Do patients work for the benefit of the hospital?
2. Is this work justly compensated?
3. Are patients forced to work?
4. Is such work used as a punishment?
5. Do the patients work for the benefit of the staff?

IX. RIGHT TO PROPERTY (Art. 1 of Additional Protocol No. 1 to the ECHR)

1. Do patients have places for their personal belongings (closets, shelves or drawers)?

2. Do patients have their own money (pension or other benefit payments)?
3. Are they able to freely dispose of their belongings and their money (are they able to access them or must they ask for them)?

X. RIGHT TO PRIVACY (Art. 8 of the ECHR)

1. Do the staff speak about patients' and their families' affairs in the presence of other patients?
2. Can the patients speak with visitors and by telephone in private?
3. Does anyone from the staff read incoming or outgoing patient mail?
4. Are doctor's examinations carried out in the presence of other individuals?
5. Is nursing care administered behind a curtain or publicly?

XI. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (Art. 9 of the ECHR)

1. Does a priest (or other clergyman) visit the hospital?
2. Are there people of religious faiths other than Roman Catholic? Are they able to practice their faith freely?
3. Is there any coercion to participate in religious practices?

XII. RIGHT TO BE INFORMED (Art. 10 of the ECHR)

1. Do patients know why they are in hospital and what they are suffering from?
2. Do patients know what medications they are taking?
3. Do patients know their prognosis and the possible side effects of their course of treatment?
4. Do they know how long they are supposed to remain hospitalized?
5. Do they know their rights? Who informed them and how were they informed?
6. What kind of access do they have to TV, radio and press?

XIII. PROHIBITION OF DISCRIMINATION

1. Are some individuals given worse treatment than others
 - a. by the staff
 - b. by other patients because of their poverty, religious convictions, peculiar behavior, political beliefs, social background, their belonging to a national minority, or for other reasons?

OVERALL ASSESSMENT

1. What things are good?
2. What things should be changed?

IV. INTERVIEW WITH A PATIENT

I. PHYSICAL CONDITIONS AT THE HOSPITAL

1. Hospital setting
 - distance to the nearest town or settlement (accessibility)
 - surroundings (park, garden); the possibility to take walks
2. Architecture
 - technical condition of buildings
 - heating
 - hot water
 - lighting
 - alarm system
3. Number of beds (size of the hospital, patient density)
4. Conditions of hospitalization
 - number of persons per room
 - number of m² per person
 - room furnishings
 - condition of bed clothing, towels, and how frequently they are changed
 - accessibility to toiletry supplies (soap, toothpaste, shaving cream, sanitary napkins)
 - sanitary facilities near the rooms
5. Common bathrooms
 - number of people per common toilet cabin
 - number of people per common shower/bathtub
 - are there washbasins in the toilet cabins?
 - safety (ease and security of use, alarm buttons)
 - cleanliness
 - privacy
6. Dining room
 - daily rate spent on food per person, quality of food, special diets
 - mealtimes (fixed times or 'from-to' hours)
 - access to food and beverages outside of fixed mealtimes
 - equipment, cleanliness
7. Doctors' offices and examination rooms
 - equipment
8. Nurses stations
9. Other rooms for staff
10. Occupational therapy rooms
11. TV room, reading room
12. Kitchen
13. Laundry
14. Utility rooms

II. STAFF

1. Are there enough doctors, nurses, orderlies, social workers and therapists?
2. How do the staff treat the patients (as equals, kindly, patronizingly, like naughty children, as though the patients disturb them at work)?

III. PATIENTS' EXTERNAL CONTACTS

1. Does anyone visit you, and can they come whenever they want?
2. Can you write and receive letters? Does anyone from the staff read your letters?
3. Can you freely use the telephone?
4. Are you able to go into town, to the cinema, to visit friends? Either alone or with someone? Must you obtain permission from someone?
5. Are there any organizations or institutions that visit the hospital (regularly, sporadically)?
6. Do volunteers work in the hospital?

IV. MEDICAL CARE

1. Access to internists and specialists (other than psychiatrists)
2. General and special medications kept in stock (who buys them, who pays for them)
3. Participation in therapeutic activities (psychotherapy, physical rehabilitation, occupational therapy, etc.)

V. NURSING CARE

1. How patients are washed, fed, and dressed; how medications are administered
2. How kindly and privately assistance is given

VI. RULES AND REGULATIONS

1. What do they regulate?
2. Who set the rules and regulations and how were they set?
Who can introduce changes?
3. Are instruments of restraint used (immobilization, strait jacket)?
What do such situations look like? Any remarks?
4. What is allowed and what is not allowed? What do you have to ask for, and what are you entitled to?

VII. PATIENTS' MEDICAL FILES

1. What do they contain?
2. Who has access to them?
3. Do patients have the right to review their own file? Is it possible to make amendments?

VIII. PATIENTS' FREEDOM TO MAKE DECISIONS ON THEIR OWN BEHALF

1. Choice of primary doctor
2. Choice of meals and dining hour
3. Use of cigarettes, coffee, alcohol
4. Personal hygiene
5. Wake-up and lights-out times

IX. PERSONAL DIGNITY

1. Do staff address you:
 - correctly
 - on a first-name basis
 - as Mr./Mrs.
 - exactly as you wish them to
2. Have the staff ever mocked you?
3. How have the staff reacted when other patients have bullied you or laughed at you?
4. Do the staff treat you with care and respect?
5. Have you ever been treated patronizingly or as a naughty child?

X. TORTURE (Art. 3 ECHR)

1. Have you ever encountered aggression from staff in the form of:
 - offensive words
 - shouting and offensive words
 - threats
 - shoving
 - beating
2. How do the staff react when other patients behave towards you in an aggressive manner, i.e. if and when other patients:
 - shout and use offensive words
 - threaten you
 - shove or pull you
 - beat you
 - force you to have sexual intercourse
 - rape you

XI. FORCED LABOR (Art. 4 ECHR)

1. Do patients work for the benefit of the hospital?
2. Is this work justly compensated?
3. Are patients forced to work?
4. Is such work used as a punishment?

XII. RIGHT TO PROPERTY (Art. 1 of Additional Protocol No. 1 to the ECHR)

1. Do you have a place for your personal belongings (a closet, shelf or drawer)?
2. Do you have your own money (pension or other benefit payments)?
3. Are you able to freely dispose of your things and your money?

XIII. LIBERTY AND SECURITY OF PERSON

1. Can you freely move about the ward and on hospital grounds, take walks, go to town, go to the cinema, visit friends? Is permission required? Whose permission? What does this depend on?
2. Where are your shoes and coats kept?

XIV. RIGHT TO A FAIR TRIAL (Art. 6 ECHR)

1. To whom can you complain should someone bully or harm you?
2. How is this situation handled, and what is the outcome?
3. To whom can you appeal in cases of unfavorable decisions taken by staff or administration?
4. How is this situation handled, and what is the outcome?

XV. RIGHT TO PRIVACY (Art. 8 ECHR)

1. Do the staff speak about your and your family's affairs in the presence of other patients?
2. Can you speak with visitors or by telephone in private?
3. Does anyone from the staff read your incoming or outgoing mail?
4. Are doctor's examinations carried out in the presence of other individuals?
5. Is nursing care administered behind a curtain or publicly?
6. Do you have any bedside table, bookshelf, photographs or keepsakes?

XVI. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (Art. 9 ECHR)

1. Is there a place in the hospital where you are able to pray freely?
2. Are you able to attend mass every Sunday?
3. Are you able to go to confession and receive holy communion as often as you would like?
4. Does a priest (or other clergyman) visit the hospital?
5. Are there people of religious faiths other than Roman Catholic? Are they able to practice their faith freely?

XVII. RIGHT TO BE INFORMED (Art. 10 of the ECHR)

1. Do you know why you are in hospital and what you are suffering from?
2. Do you know what medications you are taking?
3. Do you know how long you are supposed to remain in hospital?
4. Do you undergo any forms of therapy other than pharmacological (individual psychotherapy, group psychotherapy, occupational therapy)?

5. Do you have somewhere to go after you are released from hospital?
6. Do you know your rights?
7. Have you ever spoken with a family court judge?
8. What kind of access do you have to TV, radio and press?

XVIII. FREEDOM OF ASSEMBLY AND ASSOCIATION (Art. 11 ECHR)

1. Is there a functioning patient self-government organization?
2. Does it have any influence on patient-related decisions (if so, which decisions)?

XIX. PROHIBITION OF DISCRIMINATION

1. Are some individuals given worse treatment than others
 - a. by the staff
 - b. by other patients because of their poverty, religious convictions, peculiar behavior, political beliefs, social background, their belonging to a national minority, or for other reasons?

XX. VOTING RIGHTS (Art. 3 of Additional Protocol No. 1 to the ECHR)

1. How are patients' voting rights implemented?

OVERALL ASSESSMENT

1. What things are good, what do you like?
2. What things are not good or hard to bear, and what should be changed?

MONITORING WORKING CONDITIONS IN DISTRICT COURTS

POSTAL SURVEY
OF DISTRICT COURT JUDGES

Dear Sir or Madam,

We are writing to ask you to be so kind as to do us the great favor of filling out the enclosed questionnaire. It constitutes one element of a wider range of research we are conducting on the topic of working conditions in courthouses.

The Helsinki Foundation for Human Rights has for many years been striving to cultivate public respect for the court system and for the rule of law. We have continually worked to further the proper standing of the judiciary, as a true institution with the power to check and balance other constitutional authorities.

It is clear that the judiciary branch's infrastructure and working conditions are of significance for its status, role and prestige. Unfortunately, however, it is true that the media does not always present (and thereby the public does not always develop) an accurate image of courts and judges in our country. This is why it is vital for you to complete the attached questionnaire and return it to our address (or give it to our monitor).

Respectfully yours,

Prof. Ewa Łętowska

District court in Department

Function:

1. Years of service in the judiciary (not counting internships)
2. Size of your office in the court, in m2
3. Number of judges in this room
4. Please precisely describe how this room is equipped:
.....
.....
.....

5. Please list the publications and press titles (*i.e. the official Dziennik Ustaw and Monitor Polski law journals, periodicals, professional publications, reports on judicial rulings, weekly and daily general press publications*) you have access to. Which ones do you receive for your individual use? Which ones do you share among other judges in the room? Which ones are accessible only from the library, and how accessible are they in practice? Please indicate which publications and press titles you receive late.

- a. For individual use
- b. Within the judges' room
- c. Library
- d. Remarks

6. Please list the press titles you should receive because they are indispensable to your work, but which it is impossible or difficult for you to access at the present time.

- a.
- b.
- c.
- d.
- e.

7. Please state whether you have a computer in the court. If so, what is it equipped with: a word processor, current judicial rulings, the LEX database of laws, Internet access, other (please specify).

.....
.....

8. Do you have a computer or laptop at home, purchased either by the court or by you yourself, which you use for professional purposes?

YES/NO

9. Is there a professional library at the courthouse?

YES/NO

Please describe the accessibility of the library or reading room, as well as its conditions (hours of operation, distance from your place of work, other):

.....
.....
.....

- 10. During the last reporting month, I drew up (number) statements detailing the grounds for a ruling.
 - a. On average, I require (number of minutes) to draw up one statement detailing the grounds for a ruling.
- 11. During the last reporting month, I conducted (number) sessions with an average of cases per session.
- 12. During the last reporting month, I was on duty for (number) sessions.

Depending on the duties you perform, please provide us with the corresponding information. For example, we ask judges of land and mortgage registry or commercial registry departments to answer the following questions:

- 13. During the last month, I issued (number) decisions; inserted (number) entries into the land and mortgage or commercial registry; and drew up (number) draft entries.

Remarks:

.....

- 14. If during the last month you performed actions, tasks, or work in the court that were not connected with adjudicating cases or the performance of usual duties, please list them and state the length of time you spent.

.....

- 15. To what extent do you benefit from the assistance of court secretariat support staff and judicial interns? Is such assistance sufficient?

.....

- 16. Please state the amount of your gross salary (including all possible benefits/allowances): Please state the amount of the gross salary you would like to receive, which you would consider to be fair and appropriate for your social status and the merit of your work.

Remarks:

.....

17. Please state any remarks concerning the nature of your job, the difficulties involved, the size of your workload, as well as any economic, administrative or organizational problems you encounter in your work. Please give any suggestions that could positively affect working conditions, stating what needs to be changed immediately and what can wait.

.....
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.....

We are very grateful to you for completing this questionnaire.

Respectfully yours,

The Helsinki Foundation for Human Rights

MONITORING WORKING CONDITIONS IN DISTRICT COURTS

OBSERVATION FORM

I. THE COURTROOM

District court in **Department**

Courtroom no:

1. Please draw an approximate diagram of the courtroom, giving the dimensions and indicating the entrance, windows, and location of the judges' bench.

2. Area of the courtroom in m² (if exact measurements cannot be taken, provide estimates):

- A less than 15 *in m²*:
- B 15-30 m²
- C 31-50 m²
- D more than 50 m²

3. Number of seating places for the public:

- A no seats
- B up to 5 seats
- C from 6 to 15 seats
- D more than 15 seats

4. Is there a deliberation chamber attached to the courtroom?

- A yes
- B no
- X remarks:

5. Is there a waiting area for witnesses?

- A yes
- B no
- X remarks:

6. If not, where do witnesses wait?

- A in the hall, with places to sit
- B in the hall, without places to sit
- C on the stairs, in front of the courthouse, or elsewhere
- X remarks:

II. COURTHOUSE HOLDING CELLS

District court in **Department**

1. The location of the holding cell within the courthouse - as regards the route along which detainees are escorted (either by vehicle or on foot) from the facility where they are being detained to the courthouse's holding cell, as well as the route along which they are escorted from the holding cell to the courthouses' criminal division courtrooms:

A the route is publicly accessible (contact is possible)

B there is a separate route

X remarks:

2. **Holding cell area in m2:**

3. **Lighting:**

A secured lighting

B unsecured lighting

X other, remarks

4. **Is there a ventilation system?**

A yes

B no

X remarks

5. **Are there toilet facilities?**

A yes, separate ones for the holding cell

B no, detainees use other toilet facilities in the courthouse

6. **Description of the toilet facilities (circle those that apply):**

A there is a sink

B there is hot water

C cleanliness is satisfactory

X other, remarks

7. **Cleanliness of the holding cell on the following scale:**

1 2 3 4 5

very poor

very good

X remarks:

8. Is the holding cell heated?

A yes

B no

X other, remarks

9. Description of the holding cell:

A there is a bench or chairs

B there is a table

X other, remarks

10. Number of detainees in the holding cell when the monitor visited:

11. General remarks:

..... (place), (date)

.....
signature of monitor

III. SECRETARIAT

District court in **Department**

1. Placement and accessibility of the secretariat in the courthouse:

- A easily accessible
- B difficult to access
- X remarks

2. Number of rooms in the secretariat:

3. Total area in m2 :

4. Number of telephones:

- a. number of telephone lines
- b. number of fax machines

5. Number of computers:

6. Type of software:

- A old software (TAG, ChWriter, WordPerfect)
- B new software (Windows 95 or newer)
- X remarks

7. Number of typewriters in the secretariat:.....

8. Condition of typewriters:

- A bad (mechanical, more than 10 years in use)
- B average (new typewriters, up to 5 years in use)
- C good (electric typewriters with memory, new)
- X other, remarks

9. Total number of employees in the secretariat:.....

10. Gross salary of secretariat employees:

- a. highest
- b. lowest

11. Employees' assessment of what salary amount would be fair and correspond to the merit of their work

Please write the highest amount mentioned

12. Gross salary of secretariat director:

12.a. Desired salary:

13. Number of years the director has worked in the judiciary:

MONITORING WORKING CONDITIONS IN DISTRICT COURTS

SAMPLE POST-PILOT-STUDY REFINEMENT OF RESEARCH TOOLS

A. OBSERVATION FORM BEFORE PILOT STUDY:

Form for recording observations in the District Court in
 conducted by on the dates of

Courthouse location:

address:

If individual court departments have different addresses, or if several of them have the same address:

..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)

Preliminary information

Please attach the most recent court statistics concerning the number of its staff, the number and types of cases it handled, etc. (These usually come from the court's quarterly statistical reports.)

1. Judges

- a. Number of judge posts at the court
- b. Number of posts filled
- c. Judges away at training for more than one month
- d. Judges on sick leave
- e. Number of delegated judges

2. Professional court-appointed counsels

- a. Number of counsels for minors at the court
- b. Number of counsels for adults at the court
- c. Total number of counsels at the court

Remarks:

.....

.....

.....

3. Data concerning the court's territorial jurisdiction

- a. Please identify the number of residents within the court's territorial jurisdiction (one township/borough or several), and the source of this information
.....
- b. Please state the longest distance measured along the route of transportation, between the court and the furthest habitation within the court's territorial jurisdictionkm
- c. Please describe the transportation conditions present within the court's territorial jurisdiction and how accessible the court is from points within its jurisdiction (*e.g. based on questions posed to case participants at the court, judges, etc.*)
.....
.....
.....

- d. Remarks in this regard: (*such as how easily one can obtain information at train or bus stations about how to reach the courthouse/department, whether the district court is marked on maps accessible to people from outside the area, the number of transfers required to reach the courthouse by public transport, etc.*)
.....
.....

4. Parking

Please describe the position and size of parking lots for courthouse (department) employees and for members of the public, and the conditions of their use (*paid, free, or accessible with a pass; for whom such passes are available; whether judges have access; whether there are parking spaces for the disabled, etc.*)

.....

.....

.....

5. Courthouse building(s)

Please describe how many buildings the courthouse consists of, when they were constructed or adapted, how they look from the outside, and when they were last renovated.

.....
.....
.....

6. Entrances to the courthouse (department)

Please describe the entrances to the courthouse, noting their number, purpose (whether there are separate entrances for judges, defendants, and members of the public) and whether they are accessible to disabled individuals.

.....
.....

7. Courthouse security and accessibility

a. Who monitors building security (please mark the appropriate response):

- courthouse police,
- a security agency
- industrial guard,
- no security,
- there is a gate, conveyor belt, scanning machine at the entrance.

b. Please describe how building security is monitored (*number of watchmen, police officers, security guards — both at the entrance, and on the individual floors and corridors; whether individuals entering the courthouse are subjected to search - and if so, in what way; whether the identity of those entering the courthouse is checked; whether those on duty are able to provide basic information; the hours that the security staff work; etc.*)

.....
.....
(*other observations*).....

8. Cloakroom

Please describe the cloakroom, its location with respect to the building entrance, and the conditions of its use (*whether it is paid or unpaid, staffed or unstaffed*):

.....
.....
.....

9. Information table

Please describe the courthouse information table, the scope of information it presents, and its clarity/legibility (*the names of the departments, the room numbers of the various secretariats, the hours of operation, the numbers of courtrooms, the offices of the head and deputy head of the court, the hours when members of the public are received, the court cash-desk and its hours of operation. Your description should also include remarks on how up-to-date the table is, and how consistent its contents are with reality. Please describe opportunities for obtaining necessary information from the "information" window, etc.*):

.....
.....
.....

10. Corridors, stairways, elevators

Please describe:

a. corridors (*their spaciousness, esthetics — when were they last renovated, and whether they contain benches, chairs, tables — places for writing letters, insofar as this is not possible in the secretariats, steps and ramps for disabled access, etc.*):

.....
.....

b. stairways (*their functionality, the number of stairwells and whether this number is satisfactory, their technical condition, and whether they are adapted for disabled access, etc.*):

.....
.....

c. elevators (*their number, whether they are adapted for disabled access, their functionality, whether they are in working order, etc.*):

.....
.....

11. Public telephones

Number and type of telephones (*using magnetic cards or tokens?*) publicly accessible in the courthouse building and their location (*whether they are in booths, whether the telephone may be used in secretariats*):

.....
.....

12. Newsstand or point selling legal publications

a. Is there such a point?

b. Its hours of operation:

c. Remarks (including the range of publications offered):

.....
.....

13. Buffet

- a. Is there a buffet?
- b. Its hours of operation:
- c. Accessibility, level and scope of services (whether everyone present in the courthouse may use it, its location, disabled access, the range of the menu offered, prices, etc.):
.....
.....

14. Toilets

Quantity, accessibility, paid/unpaid, cleanliness, etc.
.....
.....
.....

15. Document Registration Office

- a. Real hours office is open to the public and its location within the courthouse (department) building (*disabled access*)
.....
.....
.....
 - b. Type of information provided by office staff, and how information is provided:
.....
.....
.....
- Remarks:
.....
.....

16. Courthouse cash-desk

- a. Real hours office is open to the public and its location within the courthouse (department) building (*disabled access*)
.....
.....
 - b. Type of information provided by cash-desk staff, and how information is provided:
.....
.....
.....
- Remarks:
.....
.....

17. Court stamps and treasury stamps

- a. Where can stamps confirming the payment of treasury and court fees be purchased at the courthouse:
.....
.....

- b. The hours of operation of the place where they are sold (*Do these hours correspond to those of the document registration office and of the secretariats?*):

.....
.....

Remarks:

.....
.....

18. Courtrooms

Please state the total number of courtrooms in the courthouse building:
(*Please fill out the accompanying courtroom form, which constitutes attachment no. 1 to this questionnaire. One such form corresponds to one individual courtroom. You must see all of them personally and fill out a separate form for each.*)

19. Holding cells

Number of holding cells in the courthouse:
(*Please fill out the accompanying holding cell form, which constitutes attachment no. 2 to this questionnaire. One such form corresponds to one individual cell. You must see all of them personally and fill out a separate form for each.*)

20. Court-appointed counsels' rooms

- a. Number of counsels' rooms in the courthouse:
- b. How are they equipped:
- c. Is there a room in the courthouse where a court-appointed counsel can speak with his or her clients? YES/NO
- d. equipped:
- e. Area of room in m2
- f. In what way is secretarial support provided to court-appointed counsels?
.....
.....

21. Court-appointed counsels' salary

- a. Salary received
- b. Desired salary

Final remarks:

Here please include any other information or conclusions that may prove important.

.....
.....
.....

..... (place), (date)
signature of monitor

B: OBSERVATION FORM AFTER PILOT STUDY:

Form for recording observations at the District Court in
conducted by on the dates of

Courthouse location:

address:

.....
If individual court departments have different addresses, or if several of them have the same address:

..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)
..... (number and name of department)	..... (address)

Preliminary information

Please attach the most recent court statistics concerning the number of its staff, the number and types of cases it handled, etc. (these usually come from the court's quarterly statistical reports).

1. Judges

- a. Number of judge posts at the court
- b. Number of posts filled
- c. Judges away at training for more than one month
- d. Judges on sick leave
- e. Number of delegated judges

2. Professional court-appointed counsels

- a. Number of counsels for minors at the court
- b. Number of counsels for adults at the court
- c. Total number of counsels at the court

3. Dane concerning the court's territorial jurisdiction

a. Please identify the number of residents within the court's territorial jurisdiction (one township/borough or several)

.....
.....

b. Please state the longest distance measured along the route of transportation, between the court and the furthest habitation within the court's territorial jurisdictionkm

c. Please describe the transportation conditions present within the court's territorial jurisdiction and how accessible the court is from points within its jurisdiction — based on questions posed to case participants at the court, judges, etc. (*such as how easily one can obtain information at train or bus stations about how to reach the courthouse/department, whether the district court is marked on maps accessible to people from outside the area, the number of transfers required to reach the courthouse by public transport, etc.*)

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.....
.....

4. Parking

Please describe the available parking at the courthouse, by marking one or more of the options provided:

- A Parking accessible for both courthouse staff and members of the public
- B Parking for courthouse staff only, none for members of the public
- C Parking for courthouse staff, and separate parking for members of the public
- D There is no parking available at the courthouse
- E The public parking lot has dedicated disabled parking spaces
- X other

5. Courthouse building

Please describe the condition of the courthouse building:

- A satisfactory condition (does not require investment to preserve basic building substance)
- B condition that requires investment to preserve basic building substance (such as renovation of roof, windows, utility systems, etc.)

Remarks:

.....
.....

6. Entrances to the courthouse (department)

Please describe the entrances to the courthouse, by marking one or more of the options provided:

- A Joint entrance for staff, members of the public, and defendants
- B Separate entrance for staff
- C Separate entrance for defendants
- D Public entrance is equipped for handicapped access
- X other

7. Courthouse security and accessibility

Please note who monitors building security, by marking one or more of the options provided:

- A court police
- B a security agency
- C industrial guard
- E building has mechanical security means (whether there is a gate, conveyor belt, scanning machine, etc. at the entrance)
- D no security
- X remarks

8. Cloakroom

Please describe the conditions for using the cloakroom, by marking one or more of the options given:

- A free
- B paid
- C staffed
- D none
- X remarks

9. Information table

Please describe the courthouse information table, the scope of information it presents, and its clarity/legibility, by marking one or more of the options given:

- A correspond to standard (up-to-date, provides all essential information)
- B small shortcomings
- C do not correspond to standard (misleading or out-of-date information, no information on the location of secretariats or their hours of operation, etc.)
- X remarks

10. Corridors, stairways, elevators

Please describe:

- a. corridors:
 - A sufficiently spacious
 - B equipped with seating places
 - C there is a place where one can write letters
 - X remarks
- b. stairways:
 - A sufficiently wide, convenient
 - B adapted to be accessible for the disabled and the elderly
 - C unsatisfactory (e.g. stairs that are too steep, no handrails, etc.)
 - X remarks
- c. elevators:
 - A satisfactory (number, functionality, in working order, etc.)
 - B unsatisfactory (out of order, inaccessible for the disabled, etc.)
 - C none
 - X remarks

11. Public telephones

Please describe the opportunities for members of the public to use a telephone, by marking one or more of the options provided:

- A one payphone in the courthouse building
- B more than one payphone in the courthouse building
- C phone in secretariats may be used by members of the public
- D no telephone
- X remarks

12. Newsstand or point selling legal publications

- A newsstand selling press publications
- B newsstand selling press publications and legal literature
- C point selling legal literature
- D none
- X remarks

13. Buffet

- A There is a buffet
- B None
- C Buffet accessible for disabled
- X remarks

14. Toilets for members of the public

Please note the number of public toilets in the courthouse building.....
Describe their status and the conditions on their use, by marking one or more of the options provided:

- A paid
- B unpaid
- C adapted for disabled access (at least one in the building)
- D unsatisfactory (in terms of numbers, cleanliness, accessibility, etc.)
- X remarks

15. Toilets for staff

Please note the number of toilets for courthouse staff.....
Describe their status, by marking one ore more of the options provided:

- A satisfactory (in terms of quantity, cleanliness, accessibility, etc.)
- B unsatisfactory
- X remarks

16. Document Registration Office

- A there is such an office
- B there is no such office, letters are accepted by department secretariats
- C easy access for the disabled
- X remarks

17. Courthouse cash-desk

Please describe the operation of the cash-desk, by marking one or more of the options provided:

- A hours of operation correspond to those of the document registration office and secretariats
- B accessible for the disabled
- X remarks

18. Court stamps and treasury stamps

- A there is a place at the courthouse where stamps confirming the payment of treasury and court fees can be purchased
- B its ours of operation correspond to those of the day-book office and secretariats
- C no such place in the courthouse building
- X remarks

19. Courtrooms

Please state the total number of courtrooms in the courthouse building:
(Please fill out the accompanying courtroom form which constitutes attachment no. 1 to this questionnaire. One such form corresponds to one individual courtroom. You must see all of them personally and fill out a separate form for each.)

20. Holding cells

Number of holding cells in the courthouse:

(Please fill out the accompanying holding cell form, which constitutes attachment no. 2 to this questionnaire. One such form corresponds to one individual cell. You must see all of them personally and fill out a separate form for each.)

21. Court-appointed counsels' rooms

- a. Number of counsel's rooms in the courthouse
- b. Is there a room in the courthouse where a court-appointed counsel can speak with his or her clients?
 - A yes
 - B no
 - X remarks
- c. How is this room equipped:
 - A satisfactory
 - B unsatisfactory
 - X remarks
- d. Its area in m2
- e. What kind of secretarial support is given to court-appointed counsels:
 - A no secretarial support
 - B dedicated secretarial support
 - C possible external secretarial support from outside (e.g. from the court department secretariats)
 - X remarks

22. Court-appointed counsels' salary

- a. Salary received
- b. Desired salary

Final remarks:

Here please include any other information or conclusions that may prove important in light of the research tasks of the monitoring study.

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.....

..... (place), (date)

.....
signature of monitor

sample monitoring plan of action

	1. Conducting pilot study	2. Conducting study proper	3. Preparing report	4. Distributing report	5. Remarks
Person Responsible	Beata	Piotr	Krystyna	Wacław	
Dates	13-23 July 98	3-22 Aug 98	31 Aug 98 - 26 Sept 98	12 Oct 98 - 31 Dec 98	

1. Conducting pilot study (Beata)

	Person Responsible	Date	Place	Remarks
1.1. Arranging supplies	Tadeusz	by 10 June 98	Foundation Headquarters	
1.2. Training pilot study team	Beata	10 June 98	Foundation Headquarters	
1.3. Conducting pilot study	Team 1 Tomasz + 2 Team 2 Jola + 2 Team 3 Zosia + 2	13-18 June 98	Institution in Institution in Institution in	No one has a car
1.4. Refinement of research tools	Beata	18-23 June 98		Consulted with an expert

1.1. Arranging supplies (Tadeusz)

Tasks	Person Responsible	Date	Remarks
Purchasing writing materials: - folders - writing utensils - envelopes - stamps	Kasia	by 8 June 98	Purchased from wholesaler Purchased at post office
Photocopies of questionnaires and sample format for partial report	Wojtek	by 8 June 98	
Preparing and photocopying contracts for monitors	Barbara Wojtek	by 8 June 98 by 9 June 98	Consulted with a lawyer

ETC.

MONITORING WORKING CONDITIONS IN DISTRICT COURTS IN POLAND

**(LETTER ADDRESSED TO THE MINISTER OF JUSTICE
CONCERNING A MONITORING STUDY)**

The Helsinki Foundation for Human Rights (address, telephone)

Warsaw, 15 May 1998

Minister Hanna Suchocka

Ministry of Justice

Aleje Ujazdowskie 11

00-950 Warsaw

Dear Minister Suchocka,

The Helsinki Foundation for Human Rights has been striving for many years to cultivate public respect for the court system and for the rule of law. We have continually worked to further the proper standing of the judiciary, as a true institution with the power to check and balance other constitutional authorities.

It is clear that the judiciary branch's infrastructure and working conditions are of significance for its status, role and prestige. Unfortunately, it is also true that the media do not always present (and thereby the public does not always develop) an accurate image of courts and judges in our country. This is why we are undertaking the project I would like to outline for you here.

The aim of the project is to observe the conditions under which courts function. Importantly, such an observation will be performed from the standpoint of the public's perception of the judicial system (how it implements one of the basic human rights: the right to a fair trial). Moreover, we hope that the materials we collect will constitute a vital argument in the judiciary's attempts to improve its own conditions.

The project will consist of visits paid by our researchers to selected district courthouses throughout the country. We will focus our attention on how these courthouses are equipped and how they perform organizational and administrative work. We will be interested in various aspects: the state of the buildings themselves, the conditions present within them, how they are equipped (including office and computer equipment), and the working conditions provided to judges and support staff. Our research will be conducted by highly skilled and selected graduates of our Foundation's Human Rights School. I would like to stress that in no way do we wish to disturb the functioning of the courts. Please find enclosed the research questionnaires that we have developed for use during this study.

We are thus writing to ask you to extend your kind support for our program. It is our hope that, in light of the aim of our project, you will want to provide us with your backing. We are fully aware that our activities may meet with reservation or anxiety. In the next few days we are organizing a special training session for our researchers so as to ensure that the study be conducted in the most competent and efficient way.

Respectfully yours,

Prof. Ewa Łętowska