

Annex to question 20

Federal Land	Legal provisions
Baden-Württemberg	Provisions in the Prison Code of Baden-Württemberg: Section 82 (1) no, 8, (2) Prison Code III (prisons), section 78 (1), no. 7, (2) Juvenile Prison Code IV (juvenile prisons)
Bavaria	<p>Pursuant to Article 110 (1), no. 8 of the Bavarian Prison Act, disciplinary detention (<i>Arrest</i>) as a disciplinary measure may be ordered for up to four weeks for adult prisoners.</p> <p>In the case of juvenile prisoners, disciplinary detention is restricted to a length of two weeks pursuant to Art. 156 (3), no. 7 Bavarian Prison Act, and may be considered only in isolated cases and following a careful weighing up of all the facts.</p> <p>Article 110 (2) of the Bavarian Prison Act allows the imposition of disciplinary detention only due to severe or repeated misconduct, taking into account the guilt principle.</p>
Berlin	<p>With respect to inmates in prison, Berlin considers a permissible disciplinary measure to be up to four weeks in disciplinary detention (section 94 (2), no. 9 Berlin Prison Act). Subsection 3 of that act provides that disciplinary detention may be imposed only due to severe or repeated misconduct.</p> <p>With regard to juvenile inmates, up to two weeks in disciplinary detention is considered to be a permissible disciplinary measure (section 97 (3), no. 8 Berlin Juvenile Prison Act). The above-mentioned restrictions apply here as well (section 97 (4) Berlin Juvenile Prison Act).</p> <p>Also, disciplinary measures against juvenile inmates may be ordered only if measures of restorative justice (conflict resolution by consensual agreement) or educational measures are insufficient (section 97 (1), first sentence Berlin Juvenile Prison Act).</p>
Brandenburg	The Brandenburg Prison Act does not provide for disciplinary detention as a disciplinary measure.
Bremen	<p>Bremen <i>Land</i> law provides for “disciplinary detention up to four weeks” for prisoners (section 87 (2), no. 9 Bremen Prison Act). Bremen’s Juvenile Prison Act permits only “disciplinary detention up to two weeks” (section 83 (3), no. 4 Bremen Juvenile Prison Act).</p> <p>Disciplinary detention may be ordered only “due to severe or repeated misconduct” (section 87 (3) Bremen Prison Act; section 83 (6) Bremen Juvenile Prison Act).</p>

Federal Land	Legal provisions
Hamburg	<p>Section 86 (1), no. 8 of the Hamburg Prison Act provides for disciplinary detention of up to two weeks as a permissible disciplinary measure for prisoners.</p> <p>In juvenile prisons, section 86 (2), no. 5 of the Hamburg Juvenile Prison Act allows disciplinary detention for up to one week. Disciplinary detention may be imposed only due to severe or repeated misconduct (section 86 (2) Hamburg Prison Act; section 86 (4) Hamburg Juvenile Prison Act).</p> <p>Pursuant to section 87 (3), second sentence of the Hamburg Juvenile Prison Act, it is to be designed in a manner conducive to education.</p>
Hesse	<p>Section 55 (2), no. 8 of the Hesse Prison Act provides that prisoners may be subjected to disciplinary detention for up to two weeks as a permissible disciplinary measure; for juveniles, pursuant to section 55 (3)</p> <p>No. 8 of the Hesse Juvenile Prison Act.</p>
Mecklenburg-Western Pomerania	<p>Under Article 86 para. 2 no. 8 of the Prison Act of Mecklenburg-Western Pomerania, it is permissible to order disciplinary detention as a disciplinary sanction for up to four weeks. Section 86 (2) of that Act provides that disciplinary detention may be imposed only due to severe or repeated misconduct.</p> <p>In the context of juvenile detention, disciplinary detention may be imposed for up to two weeks as a disciplinary measure pursuant to section 83 (3), no. 4 of Mecklenburg-Western Pomerania's Juvenile Prison Act; section 83 (6) of that Act also provides that this may be imposed only due to severe or repeated misconduct.</p>
Lower Saxony	<p>Under section 95 (1) no. 7 of the Lower Saxony Prison Act, disciplinary detention is permitted as a disciplinary sanction in Lower Saxony.</p> <p>The maximum duration is four weeks for adult prisoners; for juvenile prisoners, two weeks are the maximum.</p> <p>It may be imposed only in the case of serious or repeated misconduct.</p>

Federal <i>Land</i>	Legal provisions
North Rhine-Westphalia	<p>The <i>Land</i> law of North Rhine-Westphalia provides for “disciplinary detention up to four weeks” for prisoners as a disciplinary measure (section 80 (1), no. 7 NRW Prison Act).</p> <p>The juvenile prison act permits only “disciplinary detention up to two weeks” (section 54 (3), no. 6 NRW Juvenile Prison Act).</p> <p>A relevant statutory provision guarantees that disciplinary detention may be imposed only due to severe or repeated misconduct (section 80 (1), no. 7 NRW Prison Act; section 54 (4) NRW Juvenile Prison Act).</p>
Rhineland-Palatinate	<p>The law of Rhineland-Palatinate allows for disciplinary detention of up to 4 weeks as a permissible disciplinary measure (section 97 (3), first sentence <i>Land</i> Prison Act). Young prisoners are subject to disciplinary detention for only 2 weeks (section 97 (3), second sentence <i>Land</i> Prison Act). Disciplinary detention may be ordered only due to severe or repeated misconduct (section 97 (4) <i>Land</i> Prison Act).</p> <p>For young prisoners, disciplinary detention is to be designed in a manner conducive to education (section 98 (5) <i>Land</i> Prison Act).</p>
Saarland	<p>The legal situation in Saarland is comparable to that in Rhineland-Palatinate.</p>
Saxony	<p>In Saxony, the disciplinary measure of “disciplinary separation” is comparable to that of disciplinary detention in the remaining <i>Länder</i>. According to section 90 (2), no. 8 of the Saxony Prison Act, disciplinary separation for two weeks is permissible for adult inmates. Section 90 (3) of that Act provides that disciplinary detention may be imposed only due to severe or repeated misconduct.</p> <p>For juvenile inmates, disciplinary separation is permissible for up to two weeks as a disciplinary sanction pursuant to section 82 (3), no. 5 of the Saxony Juvenile Prison Act. Section 82 (4) of that Act provides that such separation within the scope of juvenile penalties may be imposed only due to severe or repeated misconduct.</p> <p>Disciplinary measures against juvenile inmates may be ordered only if educational measures prove to be insufficient (section 82 (1), first sentence Saxony Juvenile Prison Act).</p>

Federal Land	Legal provisions
Saxony-Anhalt	Provisions of the Prison Code of Saxony-Anhalt: Section 98 (3) first sentence, no. 9, second sentence, and subsection 4 of the Prison Code of Saxony-Anhalt.
Schleswig-Holstein	<p>In Schleswig-Holstein, disciplinary detention of up to 4 weeks may be ordered against adult prisoners due to severe or repeated misconduct (section 117 (2), no. 8 and (3) Schleswig-Holstein Land Prison Act).</p> <p>In juvenile prisons, the maximum term of disciplinary detention, which likewise may be imposed due to severe or repeated misconduct, is 2 weeks (section 83 (3), no. 4, (6) Schleswig-Holstein Juvenile Prison Act).</p>
Thuringia	<p>Disciplinary detention may be ordered only due to severe or repeated misconduct (section 98 (4) Thuringia Prison Act).</p> <p>For adult prisoners, the maximum duration of disciplinary detention is four weeks (section 98 (3), first sentence no. 9 Thuringia Prison Act); juvenile prisoners may be put in disciplinary detention for a maximum of two weeks (section 98 (3), second sentence Thuringia Prison Act).</p> <p>Disciplinary measures against juvenile prisoners may be imposed only if educational measures are insufficient to make clear the wrongfulness of the act. Section 98 (2) of the Thuringia Prison Act.</p>