

## The European Prison Observatory

### Detention conditions in the European Union

*Bruxelles, 12 January 2015*  
*Fondation Universitaire, Rue d'Egmont 11*

#### PROGRAMME

08:30 Arrival and registration of participants

09:00 Welcome  
Alessio Scandurra (Antigone)

09:15 EU interest in the area of detention conditions  
Jesca Benerer (European Commission)

#### **Session I – Detention in Europe**

09:45 Prison conditions in the partner countries  
Relevant news and recent events of the penitentiary systems in their countries will be presented by the partner organizations: Susanna Marietti (Antigone); Barbara Liaras (Observatoire international des prisons - section française); Sophie Vidali and Nikolaos Koulouris (Special Account of Democritus University of Thrace - Department of Social Administration and Political Science (EL DUTH)); Anhelita Kamenska (Latvijas Cilvçktiesību centrs); Marcin Wolny (Helsinki Foundation for Human Rights); António Pedro Dores (University Institute of Lisbon (ISCTE-IUL)); Monica Aranda Ocaña (OSPDH - Universitat de Barcelona); Will McMahon (Centre for Crime and Justice Studies).

11:15 Discussion

11.45 Coffee break

12:15 Prison in Europe: overview and trends  
Alessandro Maculan, Francesca Vianello (Università degli studi di Padova)

12:45 Best practices and guidelines on detention  
Barbara Liaras (Observatoire international des prisons - section française)

13:15 Discussion

13:30 Lunch



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## Session II – Prison conditions and national authorities

14:30 National monitoring of prison conditions and the European standards  
*Monica Aranda Ocaña, Iñaki Rivera Beiras (OSPDH - Universitat de Barcelona)*

15:00 Improving Prison Conditions by Strengthening Infectious Disease Monitoring  
*Cinzia Brentari (Harm Reduction International)*

15:30 Discussion

15:45 Coffee break

16:15 The institutional perspective: prison management in England and Wales: Jamie Bennett, governor of HMP Grendon, UK

16:45 The institutional perspective: prison management in Italy: Mauro Palma, Ministero della Giustizia, IT

17:15 Discussion

17:35 End of the event

## THE EUROPEAN PRISON OBSERVATORY

The European Prison Observatory is a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union. The partner organizations are:

Università degli Studi di Padova - Italy

Observatoire international des prisons - Section française - France

Special Account of Democritus University of Thrace - Department of Social Administration and Political Science (EL DUTH) - Greece

Latvian Centre for Human Rights - Latvia

Helsinki Foundation for Human Rights - Poland

ISCTE - Instituto Universitário de Lisboa - Portugal

Observatory of the Penal System and Human Rights - Universidad de Barcelona - Spain

Centre for Crime and Justice Studies – United Kingdom

The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights.

The European Prison Observatory highlights to European experts and practitioners 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights.



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Finally it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.

The European Prison Observatory is directed by Mauro Palma, President of the European Council for Penological Co-operation and former President of the European Committee for the prevention of torture and Inhuman or degrading treatment or punishment, recently appointed as deputy director of the Italian penitentiary administration.

The European Prison Observatory activities are coordinated by Alessio Scandurra, member of Antigone's managing board and coordinator of Antigone's Observatory on Italian prison conditions.

More info at [www.prisonobservatory.org](http://www.prisonobservatory.org)

## PRISON CONDITIONS IN EUROPE

In describing prison conditions in Europe we tried to highlight how and to what degree the conditions in the participating countries, as conveyed by the data collected, comply with the European Prison Rules (EPR). Here we give an overview of our findings.

### Health

Despite the EPR provision that healthcare in prison should be integrated with the national systems, only in France, Italy and the UK, are the national Ministries of Health responsible for delivery in prison. However, medical, surgical and psychiatric services in prison are scarce in all the countries involved. A permanent medical practitioner is not always present in every establishment, and even when one is, demand often exceeds capacity to deliver care. Despite EPR rules and national laws setting clear guidelines on this matter, acutely contagious sick prisoners are not always isolated, while risks related to solitary confinement are often overlooked (the same is true for mental illness treatment and suicide prevention, as the high number of suicides indicate). Further, due to the shortage of resources, meeting the needs of all the prisoners suffering from drug addiction can be problematic, despite the provisions of EPR 42.3. Harm reduction policies are not implemented, with the sole exception of Spain.

### Education

In most of the participating countries, educational institutions that operate in prison include all levels of education, up to university. This conforms with EPR recommendations. However, due to a lack of resources, the types of courses and opportunities offered are often limited (in particular for higher education). Educational courses are commonly run by the Ministries of Education (as prescribed by the EPR), but informal education programmes exist, sometimes organized by members of prison staff (i.e. in Greece). Distance learning is offered only in France, Spain, Portugal and the UK, but prisoners can rarely afford it because of the high costs. Libraries exist everywhere but, despite EPR provisions, access is sometimes made difficult for security or organisational reasons and the availability of foreign language books is limited.

### Training and work opportunities

Despite EPR provisions, in most cases work opportunities inside prison are scarce and of very low skill acquisition value. Jobs in prison are not always paid. In each country the law gives prisoners the opportunity of working outside prison, but in practice this rarely happens. Even if, in order to meet rehabilitative goals, national laws call for vocational training programmes, individual training needs are



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rarely taken into account. Although EPR provisions require that they should resemble as closely as possible those on the outside, working conditions in prison are quite different, in particular as regards to remuneration, quality of the work, health and safety and workers' rights such as to strike, holidays and the possibility of joining trade unions. Prisoners are often excluded from national social security systems.

### **Security**

The EPR state that security measures applied to prisoners should be the minimum necessary to achieve their secure custody. In all the countries surveyed the most common security measures are physical searches (of prisoners and visitors), cell searches and isolation of prisoners in dedicated sections. Physical searches have different levels: a) touching various parts of the body b) strip-searching and, in exceptional cases, c) examination of internal cavities. Cell searches are mainly carried out to check for contraband items. They generally happen without notice and when prisoners are not present. Isolation as a form of punishment seems to be used everywhere. It is important to underline that this can be very problematic, for example because it exposes inmates to various forms of abuse by prison officers.

### **Safety**

The national reports make clear that, despite the EPR stipulation that the use of disciplinary procedures and force against inmates should be mechanisms of last resort, in fact they are used very often in almost all the monitored countries and seem to constitute the ordinary form of prison management. Typically prison officers have arbitrary control over the inmates and exercise the power to decide whether or not to initiate disciplinary procedures against them.

In conformity with the EPR, the use of lethal weapons inside the prison perimeter is forbidden in almost all the reporting countries (except in extraordinary cases). The EPR also state that every prisoner should have the opportunity to make requests or complaints. In general this is possible everywhere, but with two main problems: response times and the consequences for the prisoners, who might be subjected to reprisal by staff.

### **Actions promoting rehabilitation**

Contrary to EPR provisions, visiting arrangements and the means of communication permitted to prisoners (letters and phone calls, excluding web tools) are very limited and do not allow for maintaining adequate contact with the outside world. As for the prison regime, only a small number of prisoners are afforded opportunities to engage in meaningful activities such as education, vocational training, organised physical exercise, recreational activities, and so on. As stipulated by law in all the monitored countries, sentenced prisoners should receive individual sentence plans, but the lack of non-custodial staff, work opportunities and vocational training programmes reduces the possibilities to implement such tailored rehabilitation programmes. After release, only in exceptional cases (Poland is a good example) are prisoners assisted by the prison administration in looking for suitable accommodations and a job. Programmes of restorative justice for adults are only implemented in the UK.

### **Juvenile penitentiary system**

There is no overcrowding in the juvenile prison systems of the monitored countries, the prison density of their juvenile prisons being below 100%. Almost every country tries to follow the EPR provision to separate minors from adults, but several reports (in particular the French, Portuguese and Greek ones) indicate that in some cases this rule is disregarded. Other problems in the juvenile prison system pertain to the organization of educational courses and their accessibility (Italy and Portugal), and to prison facilities and prison regime features, which generally are not adapted to the needs of minors (Greece). Cases of abuse, intimidation and violence have been reported in some facilities in Portugal and the UK.



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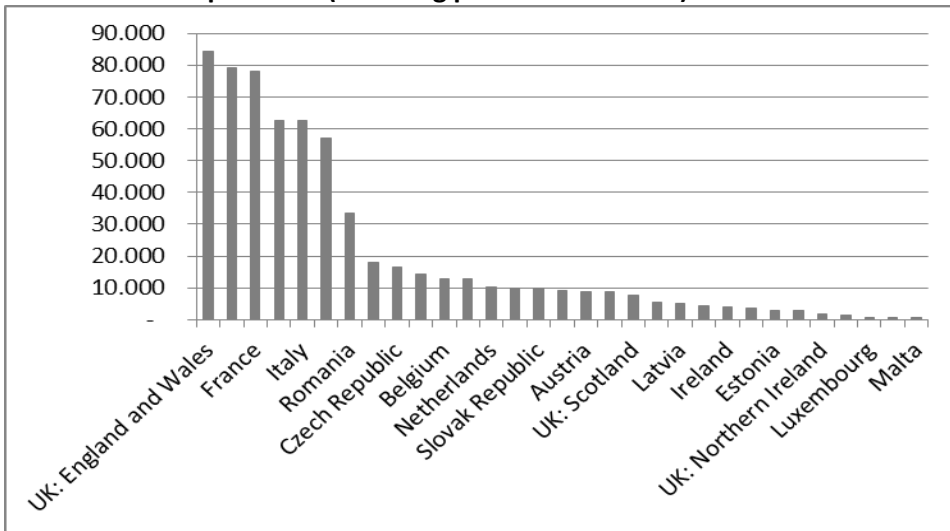
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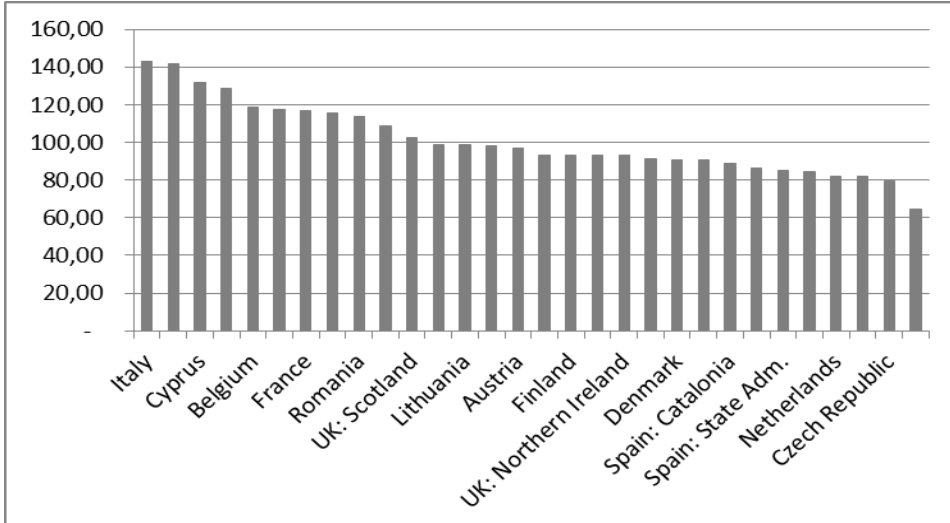
## THE NUMBERS OF DETENTION IN EUROPE

*From Prison Stock on 01 Jan. 2014, Council of Europe Annual Penal Statistics*

### Total number of prisoners (including pre-trial detainees)



### Prison density per 100 places

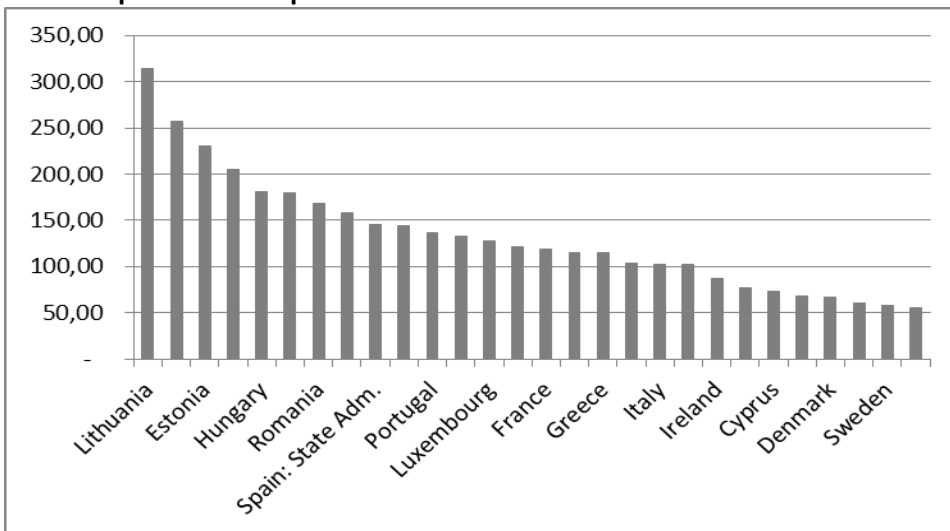


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**Prison Population Rate per 100.000 inhabitants**



## FROM NATIONAL PRACTICES TO EUROPEAN GUIDELINES

From the examples of ‘good practice’ encountered in its work, the European Prison Observatory (EPO) offers ten key recommendations for further consideration to improve human rights standards in the EPO countries and more broadly across the European Union (EU). They are based on the two key principles of the European Prison Rules of normalisation and responsabilisation:

1. The development of a representative **democracy inside prisons** in England and Wales has been beneficial for prisoners, staff and the wider society. The development of a constructive dialogue helps to improve staff-prisoner relationships; it is transformative for prisoners and leads to a general reduction in tension across the institution. Prison governors across the EU must be encouraged to commit to the development of prison councils in all establishments.
2. Across the EU, **strip searches and solitary confinement should be banned**. Cell searches should only be conducted in the presence of the prisoner.
3. The development of **mediation and restorative practices** over the use of disciplinary proceedings is almost entirely absent across the states involved in the EPO. It is recommended that the EU gather evidence on positive mediation as a restorative practice across the Union and actively communicate this research to the penal systems of the member states.
4. Grendon Prison in Buckinghamshire, England demonstrates a half century of how the effectiveness of **dynamic security**, and a **therapeutic approach** in delivering a better **quality of life** in prison lead to lower re-conviction rates. The EU should encourage the development of a trial and evaluation of the Grendon model in each member state.



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5. Poland has demonstrated that allowing prisoners the same democratic rights as other citizens, acts of a symbol of citizenship and continued social participation without challenging security. The EU should promote the **universal prison franchise** as demonstrated in Poland to encourage the responsabilisation and normalisation of prisoners to strengthen democracy in the EU.

6. Most prisoners come from the most disadvantaged communities in the EU and many are resident in prisons that are far away from family and friends. In these circumstances maintaining vital relationships can be difficult because visits can be very expensive for families on low incomes; it can be felt as a burden for those visiting imprisoned relatives. Meeting the **travel costs for family and friends** on social security payments, as demonstrated by the Assisted Prison Visits Scheme in England and Wales, and Scotland should be standard practice across the EU.

7. When family members visit prisoners, the **need for privacy and the possibility of intimacy** are paramount. Research on the private visiting rooms in France show them to be of benefit to relatives and friends, and to enhance family links while not compromising security. Research also indicates that tension in prison is reduced if prisoners are permitted private visits. The French Familial Visit Unities (UVF) system should be implemented in all French prisons and trialled in prisons in every EU country.

8. Digital technology offers the possibility of maintaining contact with family and friends even if travel is not possible. Across the EU, those who are unable to travel to visit prisoners (because of distance, illness, disability or age) would benefit from the adoption of the video visits schemes as developed by APEX and the Scottish Prison Service. The technology required is low cost and secure as demonstrated in Scotland. The EU should promote the development of **'video visits'** across the member states.

9. There is an urgent need to bridge the **digital divide** for those who are on medium and long term prison sentences. The twenty-first century has witnessed a digital revolution and the speed of change means that prisoners can be cut off from such developments and are at a significant social disadvantage as a result. There is a need to establish a comprehensive programme of secure cyber-access across the EU as has been piloted in the French penal system. The technology exists to make such access secure and for certain sites to be blocked.

10. Access to courses focused on learning development should be the norm across the European Union. Evidence from Italy shows access to **University education** can be transformative for the individual in terms of self-reflection and personal development and, further, it can broaden employment opportunities following release.

## GOOD AND BAD NEWS FROM THE EPO COUNTRIES

GOOD NEWS	BAD NEWS
<b>FRANCE</b>	
The penal reform adopted by Parliament on 17 July 2014 has introduced changes in line with the	However, overcrowding and continuous increase of prison population remain salient features of prison



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<p>findings of international research in term of efficient response to crime. Systematically hardened punishment for repeated offender, an orientation which desistance studies proved counter-productive has been suppressed and the Minister of Justice claimed its willingness to encourage probation.</p>	<p>conditions in France. In October 2014, there were 66.494 prisoners for 58.054 places available – 35 prisons have an overcrowding rate over 150%. Filthy conditions prevail in number of prisons, including recent ones. Meanwhile, the Government has set the objective for 2017 that each prisoners has three hours daily of activities out of his cell (against 1h30 today). Far behind the 8 daily hours recommended by the Council of Europe. Altogether, France has been repeatedly condemned by the European Court of Human Rights and internal Courts for inhuman and degrading treatments imposed on prisoners.</p>
<b>POLAND</b>	
<p>Since October every penitentiary unit has established a system of electronic visits via Skype. Every person close to detainee, who is not able to visit him personally, is able to connect with him via Skype two times per week. In recent months, because of legislative changes of the penal policy, the number of inmates in Polish prisons has been reduced by 10%. It means that currently the occupancy of penitentiary units in Poland is lower than 95%.</p>	<p>On the other hand, due to one of the highest number of inmates and one of the smallest legal criteria of surface per one prisoner, Polish units can be considered as ones of the most crowded.</p>
<b>SPAIN</b>	
<p>The Spanish penitentiary system permits several kind of benefits, depending on the prisoners' behavior, time served and participation in activities, that may allow them to enjoy leaves from prison while serving their sentence.</p>	<p>The privatization of some penitentiary services is a worrying phenomenon. From 1 October 2014 the perimeter security of Spanish (not Catalan) prisons is guaranteed by private security instead of state security as it was since the adoption of the Spanish Constitution. The NPM in the country doesn't seem able detect the different cases of mistreatment that are detected by other bodies, such as the CPT.</p>
<b>PORTUGAL</b>	
<p>The Portuguese Parliament, during the last legislature -- marked by the imposition of austerity policies resulting in more unemployment, poverty and, among other problems, severely impacting the prison system -- through its Commission on Constitutional Issues, Rights, Liberty and Guarantees, exceptionally, paid some attention to prison issues.</p>	<p>The number of prisoners' deaths rose in the last year, in a country where the number of such deaths historically is significantly higher than the European average.</p>
<b>ITALY</b>	
<p>Since May 2013, when the European Court of Human Rights sentenced Italy for inhuman and degrading treatments with respect to prison</p>	<p>However, prison life conditions are still degrading. Fundamental rights are often not guaranteed to prisoners, first of all for what concerns the health</p>





<p>conditions, several normative and administrative provisions have been adopted in order to reduce prison population and to improve the quality of internal life. Although Italian penitentiary system is still overcrowded, the number of prisoners is decreased of around 11.500 unities in 18 months and in many prison facilities detainees are now allowed to spend a significant part of the day out of their cells.</p>	<p>care. A very reduced percentage of prison population has access to work, and even for it the salaries are far from being adequate.</p>
<p><b>GREECE</b></p>	
<p>In recent years efforts have been made to develop educational and counselling and therapeutic programmes in prisons. Second Chance Schools and Detoxification Communities and Centres are operating in some prisons. Monitoring is promoted with the introduction of the OPCAT National Preventive Mechanism, operating since late 2014.</p>	<p>A combination of factors (overcrowding, understaffing, expenditure cuts in the context of wider austerity policies etc) result in deteriorating living conditions, poor health provision and finally to inmates' warehousing. Moreover, penal austerity and the introduction of restrictive custody regimes, contradict the humanitarian rhetoric and the human rights orientation of the prison system, limiting and violating prisoners' rights and leading to inhuman and degrading treatment.</p>
<p><b>UNITED KINGDOM</b></p>	
<p>Psychologically Informed Planned Environment (PIPE) Units are discrete residential units being piloted in six UK prisons or approved premises (male and female), which provide a particularly safe and supportive environment so that prisoners can be supported following a period of more intense treatment. PIPE units are models based on therapeutic community practice and aim to improve existing relationships between offenders and staff and build on existing structures and activities to provide opportunities for all formal and informal interactions, and all positive and negative behaviours, to be considered by the staff in a psychologically informed way. This promotes the development of a healthy social environment and improves the quality of relationships and interactions. The ultimate aim of this methodology is to reduce risky behaviours, improve psychological wellbeing and encourage pro-social living.</p>	<p>The Chief Inspector of Prisons in England, Nick Hardwick has recently said that overcrowding and staff shortages in prisons are now so bad that they are a direct explanation for the rise in prison suicide rates. His comments were prompted by the Prison and Probation Ombudsman report for 2013-14, released in October 2014, showing a 64% increase in self-inflicted deaths in 2013–14. This reverses the fall in the number of such deaths over the previous year and reflects a rising toll of despair among some prisoners. In the year to March 2014 88 people took their own lives in Welsh and English prisons – a rise from 52 in the previous year. The major increase in self-inflicted deaths was among adult male prisoners. There were 6 self-inflicted deaths of those aged 18–21 years, an increase from 2 deaths last year, but the biggest rise was among 25- to 30-year-olds who accounted for 22 (24%) self-inflicted deaths (an increase from 8 last year).</p>

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