

## « Re-socialisation of offenders in the EU: enhancing the role of the civil society »



### eNewsletter



January 2014

## Introduction

Throughout the years, human rights monitoring mechanisms have identified numerous **shortcomings of EU countries' penitentiary systems**: depreciated assets, poor material conditions, persistent overcrowding, inadequate security, etc. The situation is even worse regarding some particularly vulnerable groups of inmates (women, foreigners, minorities, drug users and juvenile offenders) who require special treatment but are often deprived of adequate services. All these problems **undermine the legitimacy of the penitentiary systems and the chances of offenders to successfully re-integrate in the society**. At the same time, the voluminous case-law of the European Court of Human Rights under, inter alia, Articles 3 and 5 of the European Convention on Human Rights, continues to **strengthen the framework for the protection of detainees' rights** and the absolute prohibition of torture, inhuman and degrading treatment.

To respond to this challenge, many countries have introduced different **alternatives to imprisonment** (such as probation, community services). However, the impact of such policies on the resocialisation of offenders is yet to be studied and evaluated.

Furthermore, while European penitentiary systems are monitored by a number of bodies at national and international levels, there is also a **need of a comprehensive monitoring tool**, which, if applied on a regular basis, can produce reliable and systematised information allowing relevant stakeholders to create informed policies, concerning prisons and the prison population.



Against this background, a consortium of research institutes from five EU Member States (**Center for the Study of Democracy (CSD)** – Sofia; **University of Applied Sciences and Arts (UASA)** – Dortmund; **Observatory on the Penal System and Human Rights (OSPDPH)** of the University of Barcelona; **Law Institute of Vilnius (TEISE)**; and **Droit au Droit (DAD)** – Brussels) experienced in the field of prison reform and inmates' rights have launched a [project](#) aimed at reviewing the application and scope of innovative sanctioning approaches across the legal systems of **Bulgaria, Germany, Spain, Belgium and Lithuania**, with a view to explore three distinct, yet closely related, strategic objectives:

(1) **promoting the broader use of alternatives to imprisonment** by studying the scope of their application and outlining best practices that satisfy three basic criteria: resocialisation effect, active involvement of civil society

organisations and potential to unburden the prison system.

(2) **improving the situation of specific groups of vulnerable inmates** (e.g. foreigners, drug users, minorities, juvenile offenders) through identification of such groups, examination of their problems, and collection and exchange of best practices for their treatment, based on their resocialisation potential and the involvement of the community and NGOs.

(3) **designing a prison monitoring index** by using the available and accessible information which could contribute to the further opening of the prisons to oversight by international mechanisms and civil society actors, as well as to strengthen the capacity of relevant stakeholders to design and implement informed prison-related policies.

[Read more](#)

## Events

### Workshop in Vilnius hosted by the Law Institute of Lithuania



On **7-8 August 2013**, the **Law Institute of Lithuania** hosted the first workshop to be organised in the framework of the project “Re-socialisation of offenders in the EU: enhancing the role of the civil society”, which was attended by representatives of CSD (Sofia, Bulgaria), UASA (Dortmund, Germany), OSPDH (Barcelona, Spain), and DAD (Belgium). On the margins of the meeting, participants also had the opportunity to visit the **Lukiškės Prison**, located in the center of Vilnius.

The purpose of the workshop was to discuss methodological aspects of the collection of data and statistics to be searched to assess the current status of penitentiary systems and policies of the five EU target Member States (Belgium, Bulgaria, Germany, Lithuania and Spain) as well as the application and scope of alternatives to sentences of imprisonment used in this countries.

Questions at the centre of this meeting included: 1) What exactly falls within the scope of “re-socialisation”? 2) What is the actual role of the prison system and in particular to what extent the prisons should be responsible for the re-socialisation of offenders? 3) What exactly falls within the scope of “offender”? 4) How to assess the role of the civil society in the work of the penitentiary system? Which NGOs perform work in prison? 5) Which are the most relevant and reliable statistical indicators?

[Read more](#)

## EU prison policies in the news

### [Strasbourg Court finds treatment of mentally disabled in Belgium “inadequate”.](#)

*Public Interest law Alliance, 30 January 2013*

The European Court of Human Rights (ECtHR) recently declared, in *Claes v Belgium*, the treatment of mentally disabled persons in Belgian prisons to be in violation of the European Convention on Human Rights. [Read more...](#)

### [High prison populations result of policy, not crime: study](#)

*EU Observer, 3 May 2013*

Prison populations and overcrowding in member states is linked to sentence length and not to the number of people incarcerated, according to a study published by the Strasbourg-based human rights watchdog Council of Europe. [Read More...](#)

### [German youth prisons marred by violence](#)

*Christian Ignatzi, Deutsche Welle, 10 May 2013*

A new study shows that young offenders held behind bars in Germany rarely serve their sentences without getting involved in violence. Although alternatives are expensive, they may pay off in the long run. [Read More...](#)

### [Peut-on supprimer les prisons ?](#)

*Le Vif, 20 juin 2013*

L'abolition des prisons serait-elle la solution ultime pour répondre au problème grandissant de la surpopulation carcérale ? Serait-ce envisageable sur le plan politique ? Divergence de vues entre Annemie Turtelboom (Open VLD), ministre de la Justice, et Philippe Mary, criminologue à l'ULB. [Read More...](#)

### [España cuenta con 113 presos mayores de 75 años](#)

*Europa Press. Madrid, 11 August 2013*

Las prisiones españolas albergaban el pasado mes de mayo a un total de 113 reclusos mayores de 75 años, la mitad de los cuales se encontraba en módulos de enfermería de los centros penitenciarios, según ha informado el Gobierno en respuesta a una pregunta de Izquierda Plural presentada en el Congreso. [Read more...](#)

### **[CEP visits Probation Service in Lithuania](#)**

*European Organisation for Probation (CEP), 2 September 2013*

On 14 May 2013, representatives of the European Organisation for Probation (CEP) visited the Probation Service in Vilnius, Lithuania. [Read more...](#)

### **[Prisons Department claim conditions in Lithuanian remand centers improving](#)**

*15 Min, 9 September 2013*

After Ireland and Great Britain refused to extradite suspects to Lithuania due to what they said were poor prison conditions, the Lithuanian Prisons Department maintains that the situation in the country's remand centers is improving. [Read more...](#)

### **[L'observatoire des prisons publie un rapport accablant pour la Belgique](#)**

*BELGA, 30 septembre 2013*

La section belge de l'observatoire international des prisons (OIP) a rendu public lundi sa notice 2009-2013 de l'état du système carcéral belge. Un rapport accablant, pointant plus de 80 problématiques, parmi lesquelles l'épineux problème de la surpopulation carcérale. [Read more...](#)

### **[L'Observatoire international des prisons publie son rapport 2013 sur l'état du système carcéral en Belgique](#)**

*Justice en ligne, 19 octobre 2013*

Le 30 septembre 2013, l'Observatoire international des prisons présentait sa « notice 2013 de l'état du système carcéral belge ». L'un des membres de cet Observatoire, Harold Sax, nous présente cette notice. [Read more...](#)

### **[Council of Europe anti-torture Committee visits Belgium](#)**

*Strasbourg, 9 October 2013*

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a periodic visit to Belgium from 24 September to 4 October 2013. [Read More...](#)

### **[Report by University of Huddersfield reveals plight of prisoners' children](#)**

*The Examiner, 21 October 2013*

Huddersfield University has spearheaded a report calling for more action to help vulnerable children with a parent in prison... [Read More...](#)

### **[Committee against Torture concludes consideration of report of Belgium](#)**

*UN / OHCHR, Press Release, 6 November 2013*

On 6 November 2013, the Committee against Torture concluded its consideration of the third periodic report of Belgium on its implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. [Read more...](#)

### **[Lessons From European Prisons](#)**

*NY Times, 7 November 2013*

In February, a group of American corrections officials, judges, prosecutors and public defenders spent a week visiting prisons in Germany and the Netherlands. A report based on the group's research suggests that European sentencing and penal practices may provide useful guidance in the growing effort to reform an American prison system buckling under its own weight. [Read more...](#)

### **[ECHR: German courts should have considered alternatives to preventive detention for offender with mental health problem who had served his full prison sentence](#)**

*ECHR 353 (2013), 28 November 2013*

In today's Chamber judgment in the case of Glien v. Germany (application no. 7345/12), which is not final<sup>1</sup>, the European Court of Human Rights held, unanimously, that there had been: a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights, and a violation of Article 7 § 1 (no punishment without law). The case concerned Mr Glien's preventive detention which was retrospectively extended beyond the maximum period of ten years permissible at the time of his offences and conviction. [Read more...](#)

### [Council of Europe anti-torture Committee visits Germany](#)

CEPT, Strasbourg, 6 December 2013

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out an ad hoc visit to Germany from 25 November to 2 December 2013. [Read more...](#)

## Recommended Reading

### **Annual Penal Statistics: Space I, Survey 2011**

Council of Europe / UNIL, Strasbourg, 3 May 2013 ([Download PDF](#))

### **In & Out – Comparing strategies of prison education in Belgium, Spain and Turkey**

Gert Hurkmans, Maximo Martinez Bernal, Ana Casado Hoces, Murat Kert, Proceedings of EDULEARN Conference, 1-3 July 2013, Barcelona, Spain ([Download PDF](#))

### **Aumento de presos y Código Penal. Una explicación insuficiente**

Ignacio Gonzalez Sanchez, Revista Electrónica de Ciencia Penal y Criminología (RECPC), 13-04 (2011) ([Download PDF](#))

### **"Power, Perceptions, and Incarceration: An Analysis of Spain's New External Units for Incarcerated Mothers and their Children"**

Sophie Beth Feintuch, Central European University, department of Gender Studies, Budapest, Hungary, 2013 ([Download PDF](#))

### **OST provision in Belgian prisons, (evidence-based) discourse versus practice: Applying harm reduction lenses to prisons**

Freya Vander Laenen, Institute for International Research on Criminal Policy (IHRC), Ghent University, Vilnius, June 2013 ([Download PDF](#))

### **Enjeux contemporains de la prison**

Philippe Mary, FUSL, 2013 ([Read More](#))

### **Sentencing and Prison Practices in Germany and the Netherlands: Implications for the United States**

Ram Subramanian & Alison Shames, VERA Institute of Justice, October 2013 ([Download PDF](#))

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