

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



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Introduction

Throughout the years, human rights monitoring mechanisms have identified numerous shortcomings of EU countries' penitentiary systems: depreciated assets, poor material conditions, persistent overcrowding, unemployment, 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 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 (OSPDH)** of the University of Barcelona; **Law Institute of Lithuania (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 five Member States (**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 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 promising 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](#)

International Conference "Re-socialization of Offenders in the European Union: Enhancing the Role of Civil Society"

Sofia, Bulgaria, 19 January 2015



On 19 January 2015, the [Center for the Study of Democracy](#) held, in Sofia, an international conference on "Re-socialization of Offenders in the European Union: Enhancing the Role of Civil Society". The event saw the participation of experts from **Belgium, Germany, Spain, Lithuania, Italy**, legal professionals and representatives of state institutions and civil society in **Bulgaria**, including **Mr. Andrey Yankulov**, Deputy Minister of Justice, **Mr. Konstantin Penchev**, Ombudsman of the Republic of Bulgaria, **Mr. Lyubomir Krilchev**, Director of the National Preventive Mechanism and Fundamental Rights and Freedoms Directorate, and **Mr. Rosen Zhelyazkov**, General Director of the

General Directorate Execution of Penalties.

The conference was part of a project, implemented with the **support of the European Commission, Directorate-General Justice**, and aimed at improving the situation in prisons and the re-socialization of offenders by exploring three aspects – promoting the broader use of alternatives to sentences of imprisonment; improving the situation of specific groups of vulnerable inmates; and designing an instrument for regular prison monitoring.



The conference provided an opportunity to present the aims, indicators and data collection methodology as well as the pilot testing results of the **Prison Conditions Monitoring Index (PCMI)** developed within the project's framework. Participants highlighted the relevant perspective of integrating the PCMI with other existing models or standards, including those developed by the Bulgarian General Directorate Execution of Penalties, in order to create a working and applicable tool. This could have a critical impact, also in light of the new strategy for judicial reform adopted by the Bulgarian government, which for the first time includes the protection of human rights amongst its explicit objectives.

The conference was also dedicated to discussing, in view of a EU comparative perspective, the legal framework and implementation of **independent and effective prison monitoring mechanisms** aimed at **protecting prisoner's rights**; the need to assess the scope and effectiveness of "**alternative sentences to imprisonment**" (i.e. non-custodial or ambulant sanctions), in particular in respect of their re-socialisation objective and their potential penal net-widening effect; the adoption of adequate measures to address the **needs of specific vulnerable groups of inmates**, including juveniles and drug addicts; the **critical role** that **civil society organisations** can play in the implementation of such measures as well as in the ambulant sanctions system and the supervisory bodies for detention conditions.

[Read more](#)

Portugal's prison deaths double European average

The Portugal News, 15 January 2015

The average death toll in Portugal's jails is double that of the European average, according to recent figures from the Council of Europe (CoE), with illness and suicide being the main causes for the deaths. [Read more](#)

European Prison Observatory host event on detention conditions in the EU

Fair Trials, 16 January 2015

The [European Prison Observatory](#), a project coordinated by [Associazione Antigone](#) and funded by the EU, held their first international public event in Brussels this week on Detention Conditions in the European Union. With Antigone founder Mauro Palma recently becoming the deputy head of penal administration (the first time someone with a human rights background has been appointed to the role) the European Prison Observatory were keen to talk about the issues surrounding [pre-trial detention](#) and prison conditions within the EU.

Prison suicide rate at highest level since 2007, figures show

Alan Travis, The Guardian, 22 January 2015

Prison suicides in England and Wales have risen to the highest level for seven years with 82 prisoners taking their own lives last year, according to new figures to be published next week by the Ministry of Justice. The justice ministry notifications include the deaths of 14 people between the ages of 18 and 24. [Read more](#)

'Serious setback': Amnesty blasts Spain's new penal code

RT, 22 January 2015

Human rights watchdog, Amnesty International, has slammed a planned reform of the Spanish criminal code, which reinstates life sentences and introduces harsher prisons terms for breaching public order. The amendments, proposed by the ruling Popular Party, are almost sure to be passed before the Spanish general election, planned for December. [Read more](#)

Should we be sending the elderly to prison?

By Andrew Katzen, New Statesman, 27 January 2015

Thanks to our ageing population and the surge in harsher sentences, British prisons are slowly turning into dysfunctional nursing homes. [Read more](#)

Judgment Neshkov and Others v. Bulgaria – inhuman and degrading detention conditions and the related lack of effective remedies; new pilot judgment

European Court of Human Rights, 27 January 2015

In the Chamber judgment in the [case of Neshkov and Others v. Bulgaria](#) issued on 27 January 2015, the European Court of Human Rights held, unanimously, that there had been: Violations of Article 3 (prohibition of inhuman and degrading treatment) and a violation of Article 13 (right to an effective remedy) of the European Convention on Human Rights. The case concerned detention conditions in various correctional facilities in Bulgaria, and the effectiveness of the remedies by which prisoners were able to seek redress for those conditions. [Read more](#)

European Court of Human Rights Requires Bulgaria to Address Poor Conditions in Prisons

BTA, 27 January 2015

The European Court of Human Rights (ECHR) on Tuesday gave Bulgaria 18 months to create effective preventive and compensatory remedies for prisoners who wish to challenge their detention conditions. [Read more](#)

Halve female prisoner numbers, says minister Simon Hughes

BBC, 29 January 2015

The number of women being sent to prison should be halved, Justice Minister Simon Hughes has said. Female offenders are a "special case" and should be treated differently to men because many had been victims themselves, he told BBC Radio 5 live Breakfast. There are currently around 3,800 women in prison in England and Wales. [Read more](#)

Council of Europe anti-torture Committee publishes report on Bulgaria

CPT, Strasbourg, 29 January 2015

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) today published the report on its visit to Bulgaria in March/April 2014, and the response of the Bulgarian authorities. The visit provided an opportunity to review the implementation of recommendations made after the Committee's previous visits, with particular attention paid to the treatment of persons in police custody and of juveniles in penitentiary establishments, as well as the conditions of detention and the provision of healthcare in prisons. [Read more](#)

Bulgaria Shows no Progress in Addressing Prison System Deficiencies

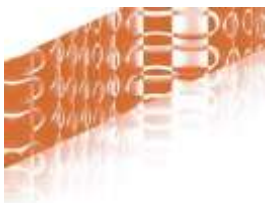
Novinite, 30 January 2015

Ill-treatment of individuals both by the police and prison staff in Bulgaria remains a serious problem which require urgent action by the authorities, the Council of Europe's Committee for the Prevention of Torture (CPT) has said. In a new report on its visit to Bulgaria in March and April last year CPT also concluded that Bulgarian authorities should also address the issues of inter-prisoner violence and prison overcrowding. [Read more](#)

Recommended Reading

Ambulant sanction as an alternative to imprisonment in the European Union?

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AMBULANT SANCTIONS
AS AN ALTERNATIVE TO
IMPRISONMENT IN THE
EUROPEAN UNION

The issue of imprisonment vs. alternative penalties has been debated in various European countries during the last decades, and ambulant sanctions have been heavily on the rise. Community sentences and other alternatives to imprisonment are regarded as modern instruments for the rehabilitation of offenders. They are considered to solve the problem of overcrowding, which many prisons are constantly confronted with, and to fulfil the purposes of sanctioning in a more humane and oftentimes more cost-saving way. Against this backdrop, it seems evident to look for promising ambulant alternatives in one country and recommend transferring it to others.

This study examines the scope of application of penalties without deprivation of liberty as compared to imprisonment and identifies promising practices of alternative criminal sanctioning in Belgium, Bulgaria, Germany, Spain and Lithuania. Furthermore, there are exemplary references to ambulant sanctions in the researched countries. This publication adds value to the both theoretical and practical aspects of the research in the field of penal policy application. It can serve as a basis and simultaneously as a source of ideas for further research work that can be useful to both academics and policymakers throughout the EU. [Read more](#)

Vulnerable groups of prisoners. A handbook

Alejandro Forero Cuéllar, María Celeste Tortosa, Klaus Dreckmann, Dimitar Markov, Maria Doichinova, Center for the Study of Democracy (Bulgaria), Observatory on the Penal System and Human Rights (Spain), University of Applied Sciences and Arts - Dortmund (Germany), Law Institute of Lithuania (Lithuania), Droit au Droit (Belgium)



VULNERABLE GROUPS
OF PRISONERS
A HANDBOOK

This handbook examines the situation of such vulnerable groups within the prison systems of Belgium, Bulgaria, Germany, Lithuania and Spain. Starting from the classification of the UN Handbook on Prisoners with special needs and looking at the different national contexts, the authors identify different groups as vulnerable in different countries. In order to encompass as many groups as possible, their list was extended to include some particularly marginalised groups, such as sex offenders, prisoners with disabilities, etc.

Each group is viewed in context, explaining the situations of vulnerability both generally and in the selected countries. From one side, the handbook presents the efforts for compensation of vulnerabilities in every country available in the legislation or provided by prison authorities or other actors. From the other side, it identifies the gaps in the measures and practices, which vary both from country to country and from group to group. [Read more](#)

Prison Conditions Monitoring Index: Methodology and Pilot Results

Dimitar Markov, Maria Doichinova, Miriana Ilcheva, Center for the Study of Democracy (Bulgaria), Observatory on the Penal System and Human Rights (Spain), University of Applied Sciences and Arts - Dortmund (Germany), Law Institute of Lithuania (Lithuania), Droit au Droit (Belgium)



PRISON CONDITIONS
MONITORING INDEX
METHODOLOGY
AND PILOT RESULTS

International organisations, national governments and human rights NGOs exercise various types of monitoring of the penitentiary systems. In order to quantify their results, there are some generally accepted indicators (such as the number of inmates per 100.000 citizens), but in many specific areas like healthcare, employment, security and safety, such indicators have never been applied. Therefore, those monitoring efforts will substantially benefit from an instrument capable of supplying comparable and easy-to-use data on the situation in prisons.

To address this need, the Center for the Study of Democracy, in cooperation with its partners, developed a Prison Conditions Monitoring Index (PCMI) – a system of indicators translating into comparable figures the situation in different prisons. In the end of 2014, the PCMI was piloted in several prisons in Bulgaria, Germany, Lithuania and Spain to test its operability and analyse the potential use of the results it generates. The present report elaborates on the methodology underlying the PCMI and offers a summary of the results of its pilot implementation. It is intended for a broad audience of readers including policy makers, prison staff, lawyers, social workers, academics and NGOs interested in the topic of prison monitoring. [Read more](#)

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Banner painting “Presos” by Leocadia Jurado
(Courtesy of the artist)



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