

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



eNewsletter



September 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, 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 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 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](#)

Events

Workshop in Dortmund hosted University of Applied Sciences and Arts (UASA)



On **28-29 August 2014**, the **Dortmund University of Applied Sciences and Arts (UASA)** hosted the third workshop to be organised in the framework of the project "**Re-socialisation of offenders in the EU: enhancing the role of the civil society**" (RESOC), which was attended by representatives of CSD (Sofia, Bulgaria), OSPDH (Barcelona, Spain), TEISE (Vilnius, Lithuania) and DAD (Belgium).

The purpose of the workshop was to discuss the application and scope of **alternatives to sentences of imprisonment**, the existing measures to address the needs of **vulnerable groups of inmates**, as well as the implementation of **prison monitoring mechanisms** in five EU target Member States (Belgium, Bulgaria, Germany, Lithuania and Spain).



Questions at the centre of this workshop included: what exactly falls within the scope of "alternatives to imprisonment" and how to assess the effectiveness of such measures, in particular in respect of their resocialisation objective? How to define and identify vulnerable groups of inmates? Which measures are implemented to address them? To what extent and how NGOs are involved in the ambulant sanction systems as well as in the provision of services or programmes aimed at responding to the needs of vulnerable inmates? How do the relevant bodies in charge of prisons' inspection and monitoring operate and which challenges do they face? The workshop was also dedicated to discussing the elaboration of a **Prison Monitoring Index** aimed at assessing prison conditions in a comprehensive manner (material conditions, legal regulations, implementation of prisoners' rights) and allowing for comparative evaluation at national and international level.

[Read more](#)

News

New open prison for women in Brussels suburb

De Redactie, 13 April 2014

Belgium's first open women's prison is to open in 2016. The prison is to be built on the site of a new prison complex in the Brussels district of Haren. The Sunday newspaper 'Het Nieuwsblad op Zondag' reports that the new open prison will have room for 100 female prisoners. [Read more](#)

Prisons across Europe: lessons to be learned from UK's neighbours

By Sabine Cessou and Jannat Jalil, The Guardian, 29 April 2014

Prison populations have fallen in the Netherlands, Sweden and Germany but elsewhere it is a mixed picture. [Read more](#)

Les soins de santé en prison dénoncés

Le Guide Social, 19 mai 2014

La situation des soins de santé dans les prisons belges est alarmante. C'est le signal que lancent des organismes et citoyens. Ils demandent notamment un transfert de compétences des « soins de santé des détenus » de la Justice vers la Santé. [Read more](#)

UN Committee: there are many detainees and overcrowded prisons in Lithuania

Petras Vaida, BC, Vilnius, 28 May 2014

The Committee against Torture drafted concluding observations on the third periodic report of Lithuania on 23 May. UN Committee voiced concern over socializations centers where minors are placed, as well as overcrowded prisons in Lithuania, reported BC the Seimas Ombudsmen's Office's press service. [Read more](#)

Council of Europe anti-torture Committee publishes report on Lithuania

CPT, Strasbourg, 4 June 2014

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has published today the report on its most recent visit to Lithuania, which took place from 27 November to 4 December 2012, together with the response of the Lithuanian Government. In the course of the visit, particular attention was paid to the treatment of persons detained by the police and the conditions of detention in police arrest houses. The treatment and regime of prisoners, including life-sentenced prisoners, were also examined. In addition, a targeted visit was carried out to Vilnius Republican Psychiatric Hospital focusing on the application of means of restraint. [Read more](#)

Education in prison: right to education only protects access in case of 'existing' educational facilities (Velyo Velev v. Bulgaria)

by Laurens Lavrysen, Strasbourg Observers, 13 June 2014

In [Velyo Velev v. Bulgaria](#), the Court found a violation of the right to education (Article 2 Protocol 1) in a case concerning the refusal to allow a prisoner to enrol in a secondary school operating inside the prison. While the judgment should be hailed for explicitly affirming that remand prisoners also enjoy the right to education, it is unfortunate that the Court continues to construct the scope of Article 2 Protocol 1 in a very narrow fashion. As a result the Court fails to provide genuine substance to the right to education in a prison context. [Read more](#)

ECtHR: Bulgaria's Prison Regime for those serving Life without Parole must be reformed

Bulgarian Helsinki Committee, 9 July 2014

The [judgment](#) of the European Court of Human Rights (ECtHR) in the case of Harakchiev and Tolumov v. Bulgaria (applications 15018/11 and 61199/12, respectively) found that the conditions in which the two prisoners serving life sentences without parole are held constitute a clear violation of Article 3 (prohibition of inhuman and degrading treatment) and Article 13 (right to an effective remedy) of the European Convention on Human Rights. [Read more](#)

Council of Europe anti-torture Committee visits Spain

CPT, 22 July 2014

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 Spain from 14 to 18 July 2014, focusing on the situation of foreign nationals deprived of their liberty under aliens legislation. [Read more](#)

Council of Europe anti-torture Committee publishes report on Germany

CPT, Strasbourg, 24 July 2014

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has published today the report on its most recent visit to Germany, which took place from 25 November to 2 December 2013, together with the response of the German authorities. [Read more](#)

Déloyal, le travail en prison ?

Actualités du Droit Belge, 20 août 2014

Le Soir posait, dans un article publié aujourd'hui, la question de la concurrence déloyale entre les détenus et les indépendants. Jean-François Dondelet, secrétaire politique du Syndicat des Indépendants et des PME (SI), déclare au Soir que le « problème est que de nombreux entrepreneurs ne peuvent pas s'aligner sur les prix pratiqués en prison ». Jean-François Dondelet indique toutefois ne pas vouloir critiquer le travail des détenus ou l'intention louable d'insertion sociale. [Read more](#)

Des enfants incarcérés avec leur mère

Réflexions ULG, 11 septembre 14

En Belgique francophone, le nombre de mères incarcérées avec leur enfant n'était pas connu jusqu'à présent.

Dans notre pays, les femmes peuvent garder leur enfant avec elle jusqu'à ce qu'il ait 3 ans. Comment cela est-il vécu? Que devient ensuite l'enfant? On sait peu de choses sur tous ces enfants dont les mères sont incarcérées. Partant de ce constat, le Fonds Houtman (de l'ONE) a commandité une enquête sur les enfants de 0 à 6 ans dont la mère est incarcérée. [Read more](#)

Bulgaria: Prison guards protest over remuneration and social benefits

FOCUS News Agency, 2 September 2014

Sofia. Prison guards gathered from all over the country and traveled to capital Sofia to join the national protest that was staged Monday in front of the Ministry of Justice building. [Read more](#)

Spain: Launch of the report "Incomunicado detention and torture" in Madrid

OMCT Briefing note, Geneva, 24 September 2014

The OMCT participated last week, together with other international and local human rights and medical organizations, in a seminar held in Madrid, in the framework of which the report "Incomunicado detention and torture" was presented for the first time. The study applies the Istanbul Protocol to 45 persons that alleged having been subject to torture and ill-treatment during incomunicado detention in the counter-terrorism context over the last thirty years. In a joint statement read out during the presentation of the report, Juan E. Méndez, UN Special Rapporteur on torture, and Ben Emmerson, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pointed out the relevance of the study as "a step towards transparency and accountability". [Read more](#)

Recommended Reading

Incomunicado detention and torture. Assessments using the Istanbul Protocol

ARGITUZ, AEN, Ekimen Elkartea, GAC, Jaiki-Hadi, OME, OSALDE, Dpto. de Psicología Social (UPV/EHU), September 2014 ([Download PDF](#))

European Sourcebook of Crime and Criminal Justice Statistics 2014

HEUNI, Publication Series No. 80, Helsinki, 11 September 2014 ([Download PDF](#))

The fifth edition of the European Sourcebook of Crime and Criminal Justice Statistics contains data for 41 European countries, covering developments from 2007 to 2011. This is the most comprehensive collection of data available on crime and criminal justice in Europe. The data are supplemented by extensive notes that explain differences in the definition of offences and of penal measures, as well as differences in recording practice.

The Use of Quasi Compulsory Measures (QCM) as alternatives to Imprisonment in Europe

Document prepared by Anthony Beech & Zoe Stephenson University of Birmingham, United Kingdom, Council of Europe (CDPC - PC-CP), Strasbourg, 1 September 2014 ([Download PDF](#))

The aim of the following report is to reflect on the current usage of quasi-compulsory measures (QCM) as alternatives to imprisonment within Europe. It is based mainly on information provided in a questionnaire responses obtained from countries within the Council of Europe.

La carcéralisation de l'enfermement des mineurs en Belgique

par Alice Jaspert, Déviance et Société, June 2014 (Vol. 38 / issue 2), p. 181-197 ([Read abstract](#))

This article looks at the most recent model used for imprisoning of young delinquents in Belgium : the closed federal centres. The results of two ethnographical researches are presented in order to dive into the heart of the daily life within two federal centres that have been set up one after the other in the French speaking part of Belgium.

Re-imagining imprisonment in Europe. Effects, Failures and the Future

Eoin Carroll (ed.), Kevin Warner (ed.), The Liffey Press, 27 May 2014 ([Read abstract](#))

This book stems from the Scribani international conference organised by the Jesuit Centre for Faith and Justice which was held in Trinity College Dublin. The chapters analyse some of the key features of imprisonment

throughout Europe today, including the political, social and economic forces shaping prison policy and practice. Authors explore how people in prison are treated and portrayed and what future imprisonment should look like in terms of policy, population size, prison conditions and most importantly, its use.

Compendium of conventions, recommendations and resolutions relating to penitentiary questions

Council of Europe, May 2014 ([Download PDF](#))

This publication brings together a number of legal instruments relating to penitentiary questions which have been adopted by the Council of Europe, including the European Prison Rules and recommendations on education in prison, prison staff, health care in prison and prison overcrowding. These instruments have been prepared by either the Council for Penological Cooperation, which is a standing advisory body to the European Committee on Crime Problems, or by ad hoc expert committees.

Editor-in-Chief: [Nicola Giovannini](#)

© Droit au Droit – Right to Law

Banner painting “Presos” by Leocadia Jurado

(Courtesy of the artist)



This publication has been produced in the framework of a project implemented with the financial assistance of the European Commission, DG Justice. The Commission is not responsible for any use that may be made of the information contained therein.

[Change your subscription](#)

[Safe Unsubscribe](#)