

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



eNewsletter



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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.

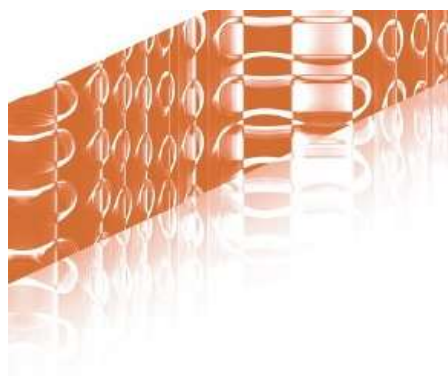


Against this background, a consortium of research institutes from five Member States (**Center for the Study of Democracy (CSD)** – Sofia; **University of Applied Sciences and Arts (UASA)** – Dortmund; **Observatory on the Penal System and Human Rights (OSP)** of the University of Barcelona; **Law Institute 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.

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Ambulant sanction 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.

The objective of the present study is to examine the **scope of application of penalties without deprivation of liberty** as compared to imprisonment as well as to identify promising practices of alternative criminal sanctioning in **Belgium, Bulgaria, Germany, Spain and Lithuania**. This study is a part of the "[*Re-Socialisation of Offenders in the European Union: Enhancing the Role of the Civil Society*](#)" project, implemented with the support of the European Commission, Directorate-General Justice.

AMBULANT SANCTIONS AS AN ALTERNATIVE TO IMPRISONMENT IN THE EUROPEAN UNION?

As this study covers several European countries, the comparative perspective suggests itself nearly as a matter of course. In this connection, it seems reasonable to describe the existing ambulant sanctions of the different member states involved, taking into account their legal arrangement and their relation within the system of penal sanctions including their relation to the deprivation of liberty. It in addition appears sensible to describe and compare these ambulant sanctions with reference to their contribution to the re-socialisation or rehabilitation of those subjected to them as well as with special attention to the involvement of civil society in their execution. In a

further step, promising practices in connection with ambulant sanctions could be highlighted which may be recommended for imitation by other member states.

Such an approach proves to be impossible for multiple reasons, though, and it would be inadequate just to make such an attempt. First of all, such a comparison – if realisable at all – would unavoidably require complex explorative steps, the results of which could serve as a basis for its implementation, but this scientific groundwork is certainly still missing. Taking into account the current state of comparative sanction research dealing with both the possibilities and the limitations of such comparisons, the question under which conditions such comparisons make sense, is the purpose of this publication. **Human rights standards are identified as important point of reference for research**. An examination of existing knowledge from criminological research on comparing sanctions will be done to understand results from the "what works?"-literature as well as their limitations.

Furthermore, this study contains exemplary references to ambulant sanctions in Belgium, Bulgaria, Germany, Lithuania and Spain. This is due to the fact that scientists from these countries have taken part in the realisation of this project but not necessarily because of specific outstanding features of their sanction systems in comparison with other member states.

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The communal devotions will be permitted in Lukiškės Prison on Fridays

Seimas Ombudsmen's Office of Lithuania, 31 October 2014

The head of Lukiškės Remand Prison—Prison Viktoras Davidenko will permit remand prisoners to hold communal prayers and devotions in attendance of a member of Sunni Muslim community on Fridays. Such a decision was made after a successful mediation of the Seimas Ombudsman Augustinas Normantas when he addressed the head of Lukiškės Prison. [Read more](#)

ECHR releases its final judgment in the case of Manolov v. Bulgaria

Manolov v. Bulgaria (no. 23810/05), Appeal Nbr: 23810/05, 4 November 2014

The applicant, Biser Manolov, is a Bulgarian national who was born in 1970. The case concerned Mr Manolov's complaint about his sentence of life imprisonment, which he is currently serving in Bobov Dol Prison (Bulgaria), and about the conditions of his detention, in particular the strict detention regime, involving isolation, in which he is held. The Court held that there has been a violation of Article 3 of the European Convention of Human Rights in relation to the regime and conditions of Mr Manolov's detention as well as in relation to the impossibility for Mr Manolov to obtain a reduction of his sentence of life imprisonment without commutation from the time when it became final. The respondent State is to pay the applicant a just satisfaction of EUR 3,000 (non-pecuniary damage), and EUR 500 (costs and expenses). [Read more](#)

Court backs United Kingdom over prison rehab

Council of Europe, Press release, 4 November 2014

In the following cases before the European Court of Human Rights (Dillon v. the United Kingdom (no. 32621/11) and David Thomas v. the United Kingdom (no. 55863/11), two prisoners have failed in their human rights protest against prison rehabilitation courses in the United Kingdom. Both cases concerned allegations of delay in access to prison rehabilitative courses. [Read more](#)

Tough love: is this a model prison for children?

Eric Allison and Simon Hattenstone, The Guardian, Friday 7 November 2014

Last month, 14 young people were compensated for their mistreatment in British prisons. What can we learn from a groundbreaking scheme for young offenders in Spain? [Read more](#)

Vulnerable inmates being diverted from prison

BBC, 14 November 2014

The UK government has recognised that people with a history of mental health issues are wrongly being placed in prison, the chief executive of the National Offender Management Services has said. [Read more](#)

Internés psychiatriques: vers la prison, l'hôpital ou le privé?

RTBF, 17 novembre 2014

Les patients psychiatriques que l'on désigne aussi comme "internés", représentent pratiquement 10% de la population carcérale. Des patients comme ceux qu'accueille depuis aujourd'hui le nouveau centre de psychiatrie légale de Gand. Mais la structure privée de ce centre pose question en Flandre. [Read more](#)

New report calls for prisoners' votes and an end to solitary confinement in prison

Centre for Crime and Justice Studies, 17 November, 2014

Votes for prisoners, a ban on strip searches and solitary confinement, and regular private family visits are just three of the recommendations in a new report aimed at improving prison standards across the European Union. The report, From national practices to European guidelines: interesting initiatives in prisons management, is being launched in London at the Centre for Crime and Justice Studies on Tuesday, 25 November. [Read more](#)

Should Prisoners Have the Right to Assisted Suicide?

Michèle Finck, University of Oxford, ICONnect, 21 November 2014

Recently, a Belgian inmate, convicted of murder and rape, received a lethal injection. The Belgian case raises a number of interesting questions in the context of a wider debate about euthanasia, a practice that has been legalized in a number of jurisdictions in recent years. No doubt, euthanasia is a live issue in many jurisdictions at this moment in time. An aspect that is rarely addressed in the context of such debates however is the status of prisoners. [Read more](#)

CEDH : la Belgique doit améliorer les conditions de détention dans ses prisons

Actualités Droit Belge, 25 novembre 2014

La Cour européenne des droits de l'Homme vient de condamner l'Etat belge à verser 10.000 euros à un ancien détenu maltraité, rapporte le quotidien Le Soir. La raison : « dommage moral ». « Les problèmes découlant de la surpopulation carcérale en Belgique, ainsi que les problèmes d'hygiène et de vétusté des établissements pénitentiaires revêtent un caractère structurel » et ne concernent « pas uniquement » la situation personnelle du requérant, a justifié la Cour siégeant à Strasbourg. [Read more](#)

Recommended Reading

How to improve HIV/TB prevention, treatment and care in prisons

Heino Stoever, GFO Newsletter, Issue 254, 29 October 2014

At the global epicenter of the HIV epidemic, intravenous drug use and sharing of syringes, needles and drug use paraphernalia, unprotected sex, multiple sexual partners, and low and inconsistent condom use are among the drivers of the spread of the virus. Equally, prisoners comprise a key vulnerable population contributing to the epidemic. Because prison populations often consist of individuals with greater risk factors for contracting HIV than the general population, HIV and AIDS are significant health threats to the entirety of the prison population -- both inmates and employees. ([Read the article](#))

Easily forgotten: Elderly female prisoners

Handtke V. , Bretschneider W. , Elger B. , Wangmo T., Journal of Aging Studies, Volume 32, January 2015, Pages 1–11

Women form a growing minority within the worldwide prison population and have special needs and distinct characteristics. Within this group exists a smaller sub-group: elderly female prisoners (EFPs) who require tailored social and health interventions that address their unique needs. Data collected from two prisons in Switzerland housing women prisoners were studied. Overall 26 medical records were analyzed, 13 from EFPs (50 + years) and for comparison 13 from young female prisoners (YFPs, 49 years and younger). Additionally, five semi-structured interviews were conducted with EFPs. Using the layer model of vulnerability, three layers of vulnerability were identified: the "prisoner" layer; followed by the layer of "woman"; both of which are encompassed by the layer of "old age." The analysis of these layers resulted in three main areas where EFPs are particularly vulnerable: their status of "double-minority," health and health-care access, and their social relations. Prison administration and policy-makers need to be more sensitive to gender and age related issues in order to remedy these vulnerabilities. ([Read the article](#))

Kivimets K, Uusküla A. HIV testing and counselling in Estonian prisons, 2012 to 2013: aims, processes and impacts

Eurosurveillance, Volume 19, Issue 47, 27 November 2014

This paper presents data from an observational cohort study on human immunodeficiency virus (HIV) prevention and control measures in prisons in Estonia to assess the potential for HIV transmission in this setting. HIV testing and retesting data from the Estonian prison health department were used to estimate HIV prevalence and incidence in prison. ([Read the article](#))

Experiences of Foreign Women in Spanish Prisons

Marta Ruiz-García & Joaquina Castillo-Algarra, *Journal of Offender Rehabilitation*, Volume 53, Issue 8, November 2014

This article examines immigrant women's experiences of incarceration in Spain. Our research shows the sociological profile of imprisoned women in Spain, establishes their criminal profile, and analyzes their prison life. We carried out in-depth interviews with professionals and foreign female inmates, in different prisons in Spain. We focused on aspects such as their relationships with Spanish inmates, their problems related to Spanish language and the legal system, their role as mothers, healthcare, and religion. This article concludes with several proposals to adapt the Spanish penitentiary system to the changes produced by the increase of foreign woman inmates. ([Read the article](#))

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Banner painting “Presos” by Leocadia Jurado

(Courtesy of the artist)



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