

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



eNewsletter



March 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 (OSP DH)** 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](#)

Workshop in Barcelona hosted by the Observatory on the Penal System and Human Rights



On 13-14 March 2014, the **Observatory of the Penal System and Human Rights of Barcelona University** hosted the second 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), UASA (Dortmund, Germany), OSPDH (Barcelona, Spain), and DAD (Belgium).



The purpose of the workshop was to discuss the **application and scope of alternatives to sentences of imprisonment 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. Discussion also focused on the [Background Papers](#) on the Penitentiary System of these five countries, previously elaborated on the basis of a specific methodology developed within the RESOC Project.



As highlighted by participants, very often a measure defined as '**alternative to imprisonment**' is actually representing an '**alternative to freedom**'. This would be the case when highly restrictive alternative measures are imposed on people who otherwise would not go to prison, such as pregnant women and mothers with small children. Moreover, **not all non-custodial sanctions actually represent alternatives to imprisonment** and should be analysed against the specific national background. As regards the scope of the definition, **suspended prison sentences and parole** should also be considered as an alternative to imprisonment in addition to the non-custodial penalties. The participants also stressed the **lack of adequate mechanisms** to take into account the opinions and attitudes of the people subjected to alternative measures when such measures are being evaluated. Alternative measures are usually assessed on the basis of criteria such as invested resources, impact on overcrowding and re-offending, public safety, etc., but never from the **point view of the sentenced persons**.



The workshop also benefitted from the participation of the guest speaker **Ms Isabel Hernández, Team Coordinator for Barcelona South Alternative Penal Measures Area, Social Rehabilitation Institute (IRES)** who explained the implication of the civil society in the alternative measures enforcement in Barcelona, explaining how the role and functions of private organisations involved are being regulated and the challenges faced in the fulfilment of their tasks.

[Read more](#)

Italy : Napolitano gives ultimatum on prison overcrowding

By Emily Backus, ANSA, 4 December 2013

Italian President Giorgio Napolitano on Wednesday called on parliament to clearly state whether it would introduce a prisoner amnesty measure. "Parliament must have the sense of responsibility necessary to say that it wants to introduce a prisoner amnesty measure" or clearly state "that it is not necessary" despite a condemnation by the European Court of Human Rights over prison overcrowding, Napolitano said. [Read more...](#)

Revision of the Standard Minimum Rules for the Treatment of Prisoners to continue at the third Intergovernmental Expert Group Meeting

International Justice Resource Center, 31 December 2013

From January 28 to 31, 2014, the United Nations' open-ended Intergovernmental Expert Group on the revision of the Standard Minimum Rules for the Treatment of Prisoners (SMRs) will hold its Third Meeting in Brasilia, Brazil in order to continue the process of revising the SMRs. [UNODC: SMRs] The review process is intended to modernize the SMRs to reflect developments in human rights law and criminal justice since these standards were first adopted in 1955, and to continue promoting safety, security and humane conditions for prisoners. The UN Office of Drug Control and Crime Prevention (UNODC) is leading the process, along with the active participation of various States and civil society organizations. [Read more...](#)

Prisons and inmates: the Belgian paradox

De Redactie, Michael Torfs, Pieterjan Huyghebaert, 24 January 2014

Figures collected by the International Center for Prison Studies in 2011, show that Lithuania has the highest number of prisoners in relative figures. Per 100,000 inhabitants, Lithuania has 329 inmates. At first sight, Belgium has a paradox: we are well below the European average with 108, but still Belgian gaols are overcrowded. This is due to a lack of infrastructure, but this problem is being tackled. [Read more...](#)

Is juvenile detention an effective deterrent?

Deutsche Welle, 3 November 2013

In Germany, young criminals increasingly find themselves doing social work rather than time in prison. A prominent judge is warning that this is no deterrent - but statistics paint a different picture. [Read more...](#)

Developing a mediation system in Lithuania

EEA and Norway Grants, 13 January 2014

The number of prisoners in Lithuania is the third highest in the EU, according to statistics from the Council of Europe. Overcrowding and growing prison populations remain challenges and are therefore addressed by the € 7.7 million Norway Grants programme for correctional services. A call for proposals is now open to develop and implement a mediation programme in the criminal justice system in Lithuania. The aim is to increase the application of alternatives to prison. A central part of the project will be on creating a system for mediation and training of mediators. [Read more...](#)

New Penal Code approved by the Bulgarian government

Novinite (Sofia News Agency), 15 January 2014

Bulgaria's Council of Ministries (government) has approved Wednesday the draft of the new Penal Code. The adopted draft proposes a system of penalties substantially altered, compared to that of the Code from 1968. It includes seven types of penalties: imprisonment, probation, confiscation of assets, fine, reprimand, and life imprisonment. [Read more...](#)

Council of Europe: the Lithuania ratified the OPCAT in January 2014

Association for the Prevention of Torture (APT)

A draft law amending the Law on the Seimas Ombudsman's Office (the Parliamentary Ombudsman) is being considered by the Lithuanian Parliament. It provides for additional functions of the Seimas Ombudsman's Office that are necessary to become a national human rights institution as well as national preventive mechanism. [Read more...](#)

Committee of Ministers adopts recommendations to member States on electronic monitoring

Council of Europe, 19 February 2014

The aim of this recommendation is to define a set of basic principles related to ethical issues and professional standards enabling national authorities to provide just, proportionate and effective use of different forms of electronic monitoring in the framework of the criminal justice process in full respect of the rights of the persons concerned. [Read more...](#)

Belgique : la surveillance électronique devient une peine autonome

Legal World, 11 Mars 2014

La surveillance électronique devient une peine autonome. Prochainement, les juges pourront renvoyer des condamnés purger leur peine chez eux munis d'un bracelet de cheville, au lieu de leur infliger un emprisonnement, une peine de travail ou une amende. Par cette nouvelle échelle des peines, le gouvernement espère réduire la surpopulation dans nos prisons. On ignore encore à partir de quand la réglementation sera applicable. Mais elle dispose dès aujourd'hui d'une base juridique dans le Code d'instruction criminelle, dans le Code pénal et dans la Loi sur la fonction de police. [Read more...](#)

Bulgaria will introduce electronic supervision as a pilot project

Media Pool, 18 March 2014 (in Bulgarian) [Read more...](#)

Condamné par la justice, l'Etat ouvre la porte aux plaintes des détenus

Le Vif / Belga, 22 mars 2014

Un détenu de la prison de Lantin va bénéficier d'une indemnité de 10.000 euros, montant des dommages accordés par le tribunal civil de Bruxelles en raison d'irrégularités dans ses conditions de détention. Ce jugement devrait faire jurisprudence. [Read more...](#)

Recommended Reading

Women in the Criminal Justice System: Towards a non-custodial approach

Irish Penal Reform Trust (IPRT), Position Paper 10, November 2013 ([Download PDF](#))

Good governance for prison health in the 21st century. A policy brief on the organization of prison health

UNODC – World Health Organisation Europe, November 2013 ([Download PDF](#))

EuroPris Report on Framework Decision 909

The European Organisation of Prison and Correctional Services (EuroPris), 2013

In December 2011, the European Framework Decision 909 came into force that made it easier for these persons to be repatriated to serve the remainder of their sentence in their home jurisdiction. This report gives its conclusions and recommendations from an expert group comprising members of European jurisdictions with regards to the exchange of prisoners under the Framework Decision 909. ([Download PDF](#))

Catalan Authority for the Prevention of Torture Annual Report 2013

December 2013 ([Download PDF](#))

Offender Supervision in Europe

Fergus McNeill & Kristel Beyens (Editors), Palgrave Macmillan, 2014

This book provides the first comprehensive review of research on offender supervision in twenty European countries, opening up an important new field of enquiry for comparative social science, and offering the prospects of better informed democratic deliberation about key challenges facing contemporary justice systems, policymakers and practitioners, and the societies they seek to serve. ([Read more](#))

Whole Life Sentences and the Tide of European Human Rights Jurisprudence: What Is to Be Done?

Dirk van Zyl Smit, Pete Weatherby and Simon Creighton, Oxford Human Rights Law Review, Volume 14, Issue 1, Pp. 59-84, January 2014

In *Vinter and Others v United Kingdom*, the Grand Chamber of the European Court of Human Rights ruled that all offenders sentenced to life imprisonment had a right to both a prospect of release and a review of their sentence. Failure to provide for these twin rights meant that the applicants had been deprived of their right under Article 3 of the European Convention on Human Rights (ECHR) to be free from inhuman or degrading treatment or punishment. ([Read in full](#))

Report of the Ombudsman of the Republic of Bulgaria on its activities in 2013 as National Preventive Mechanism

17 February 2014 (in Bulgarian), ([Download PDF](#))

Drug use in prison: assessment report

European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Lisbon, February 2014

The report presents a review of tools for monitoring illicit drug use in prison population in Europe. The objective of the report is to describe the existing tools used at national level, to assess their comparability and to build a common European basis for data collection on drug use and prison. The introduction includes the recent activities carried out in the last years at the EMCDDA, the formal mandate and the methodological developments. The report presents the assessment results by information area. ([Download PDF](#))

Report on the infringement of the right to health in prison: restrictions on medications for Hepatitis C

Asociación Pro Derechos Humanos de Andalucía (APDHA), March 2014 (in Spanish), ([Download PDF](#))

Position Paper of the Government of Germany on the Revision of the UN Standard Minimum Rules on the Treatment of Prisoners

UNODC, 17 March 2014 ([Download PDF](#))

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](#)