

EUROPEAN PARLIAMENT



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A4-0369/98

REPORT

on prison conditions in the European Union: improvements and alternative penalties

Committee on Civil Liberties and Internal Affairs

Rapporteur: Pierre Pradier

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PE 227.548/fin.

- * Consultation procedure
simple majority
- **I Cooperation procedure (first reading)
simple majority
- **II Cooperation procedure (second reading)
simple majority to approve the common position
majority of Parliament's component Members to reject or amend the common position
- ... Assent procedure
majority of Parliament's component Members to give assent
but simple majority under Articles 8a, 105, 106, 130d and 228 EC

- ***I Codecision procedure (first reading)
simple majority
- ***II Codecision procedure (second reading)
simple majority to approve the common position
majority of Parliament's component Members to adopt a declaration of intended
rejection of the common position, and amend the common position or confirm its rejection
- ***III Codecision procedure (third reading)
simple majority to approve the joint text
majority of Parliament's component Members to reject the Council text

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Following the request by the Conference of Committee Chairmen, the President of Parliament announced at the sitting of 13 March 1998 that the Committee on Civil Liberties and Internal Affairs had been authorised to draw up a report on prison conditions in the European Union: improvements and alternative penalties.

At its meeting of 4 February 1998 the Committee on Civil Liberties and Internal Affairs had appointed Mr Pradier rapporteur.

At its meeting of 19 January 1998 it had decided, pursuant to Rule 45(2), to include in its report the following motion which had been referred to it:

- B4-1022/97, by Mr Vandemeulebroucke and Mrs Aelvoet on visiting rights with regard to detainees, in particular in Great Britain, referred on 17 December 1997 to the Committee on Civil Liberties and Internal Affairs as the committee responsible.

It considered the draft report at its meetings of 28 April and 12 October 1998.

At the latter meeting it adopted the motion for a resolution by 12 votes to 6.

The following took part in the vote: d'Ancona, chairman; Pradier, rapporteur; Bontempi, Buffetaut (for Jean-Pierre), Cederschiöld, Colombo Svevo, De Luca, De Esteban Martin, Deprez, Elliott, Lindeperg, Nassauer, Posselt, Schaffner, Schulz, Terrón I Cusí, Wilson (for Ford) and Zimmermann.

The report was tabled on 22 October 1998.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

A
MOTION FOR A RESOLUTION

Resolution on prison conditions in the European Union: improvements and alternative penalties

The European Parliament,

- having regard to the Treaty establishing the European Union,
- having regard to the draft Amsterdam Treaty,
- having regard to the Universal Declaration of Human Rights and the related case law,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the protocols thereto,
- having regard to the case law of the European Court of Human Rights,
- having regard to the standard minimum rules for the treatment of prisoners adopted by the Council of Europe in 1973,
- having regard to the resolutions and recommendations of the Council of Europe on custody pending trial (R(80)11), prison leave ((R(82)16), custody and treatment of dangerous prisoners (R(82)17), foreign prisoners (R(84)12), and on the European rules on Community sanctions and measures (R(92)16),
- having regard to the European Convention on the Transfer of Sentenced Persons of 1983,
- having regard to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1987,
- having regard to Recommendation No R(87)3 adopted by the Committee of Ministers of the Council of Europe on 12 February 1987, on the European prison rules,
- having regard to the report of 14 May 1998 by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe,
- having regard to its resolution of 12 April 1989 adopting the Declaration of fundamental rights and freedoms⁽¹⁾,

⁽¹⁾ OJ C 120, 16.5.1989, p. 51

- having regard to its resolutions of 17 September 1996⁽¹⁾, 8 April 1997⁽²⁾ and 17 February 1998⁽³⁾ on respect for human rights in the European Union,
 - having regard to its resolution of 18 January 1996 on poor conditions in prisons in the European Union⁽⁴⁾,
 - having regard to the motion for a resolution tabled by Mr Vandemeulebroucke and Mrs Aelvoet on visiting rights with regard to detainees, in particular in Great Britain (B4-1022/97),
 - having regard to Rule 148 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties and Internal Affairs (A4-0369/98),
- A. whereas, in addition to serving as a punishment for crimes, imprisonment should help to re-establish a more harmonious society by protecting property and effectively safeguarding the rights of persons and to make those serving prison sentences aware of their responsibilities and reintegrate them into society,
 - B. taking great account of the rights of victims and wishing to promote the principle that those found guilty should make amends for the harm caused to victims,
 - C. whereas there are major differences between the judicial and prison systems in use in the EU Member States, particularly as regards the use of alternative measures to prison and alternative penalties to short sentences,
 - D. whereas imprisonment often ends up being the only penal sanction for which provision is made and whereas alternative measures to prison or alternative penalties are likely to remain marginal or poorly understood by public opinion,
 - E. regretting that little use is made of alternative penalties, which are particularly appropriate in the case of sentences of less than one year, which are by far the most common sentences handed down in almost all EU countries,
 - F. welcoming the increased use of alternative measures to imprisonment and alternative penalties in the various systems for the flexibility they offer in enforcing sentences,
 - G. aware of the need for a systematic comparison of the way in which different legal and prison systems are developing, including the use of alternative measures and alternative penalties to short sentences and the need to achieve convergence between the different ways in which justice is practised in the Member States, despite the difficulties involved,

⁽¹⁾ OJ C 320, 20.10.1996, p. 36.

⁽²⁾ OJ C 132, 28.4.1997, p. 31.

⁽³⁾ OJ C 80, 16.3.1998, p.

⁽⁴⁾ OJ C 32, 5.2.1996, p. 102.

- H. expressing concern at the extremely unfavourable conditions still to be found in many European prisons, in particular because there is no respect for the elementary human rights provided for in the international conventions and the constitutions of the Member States, a fact which seriously undermines the subsequent reintegration of prisoners into society,
- I. expressing its full support for the objectives laid down by the Council of Europe, with particular regard to minimising the adverse effects of detention and the need to humanise sentences,
- J. encouraged by the efforts being made by several Member States to improve the effectiveness of their prison systems to make them fairer and more human as regards prison conditions, the rehabilitation of prisoners and the construction of modern establishments,
- K. concerned in particular by overcrowding in prisons in several Member States, which greatly reduces the likelihood of rehabilitation owing to its impact on the physical and mental health of prisoners and which undermines the working conditions of staff and the scope for work, educational, cultural and sporting activities,
- L. whereas a large number of prisoners are addicted to illicit substances and are a danger to themselves and their fellow prisoners and, in general, increase the likelihood of malfunctions occurring in prisons (bribery attempts, etc.),
- M. alarmed by the recent increase in the number of prison suicides in several European countries,
- N. concerned by the frequency with which people are remanded in custody and the length of time they spend there, and firmly underlining the general principle that a defendant in a criminal trial is entitled to freedom and full enjoyment of rights; whereas the use of detention on remand involves not only anticipation of the outcome of a possible conviction and undeniable harm to the individual, but also a sacrifice of the basic right to the presumption of innocence; whereas, therefore, it is only legitimate when absolutely necessary, justified and consistent with the need for precautionary protection of the interests, rights and values referred to in the relevant penal provisions,
 - 1. Calls on the Member States to apply fully the Council of Europe's prison rules with particular regard to the rules on minimum health requirements covering the fitting-out of cells, food, clothing, heating and hygiene and access to health facilities, work, education and training and social and educational, cultural and sporting activities, all of which contribute to the dignity and social rehabilitation of prisoners; calls furthermore on the Member States to comply scrupulously with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and to implement the recommendations addressed to them;
 - 2. Firmly believes that prisoners' families in particular should be taken into account, unless there are specific and justified grounds for not doing so (possible involvement in crime, mafia links, particular kinds of terrorism, etc.), by ensuring that wherever possible prisoners are held in a place close to the homes of their families and by encouraging family and conjugal visits with special areas set aside for this purpose, given that spouses and children always play an extremely positive role in helping prisoners to change their ways, become

more responsible and re-establish themselves in society; requests furthermore that, where both spouses are deprived of their freedom, unless the treatment they require or security considerations make it inadvisable, steps should be taken to allow them to live together, with special mixed sections set up for this purpose;

3. Points out that depriving someone of their freedom of movement does not mean depriving them of all fundamental freedoms, whence the imperative need for due respect to be shown for freedom of thought, opinion, expression and political or religious beliefs, civil rights, and in particular the right to administer one's own property, unless that right has been explicitly withdrawn by the court;
4. Requests that all Member States of the European Union should set to work on drafting a fundamental prison law laying down a legal framework which regulates the internal (substantive) legal position, the external legal position, the right of complaint and the obligations of prisoners and provides for an independent supervisory body to which prisoners can turn in the event of violation of their rights;
5. Takes the view that special security regimes within prisons should be allowable only in exceptional circumstances on the basis of laws which lay down the conditions under which such regimes can be imposed and the maximum duration thereof and specify the rights of defence and the right of appeal of prisoners;
6. Deplores all racial, ethnic, national or religious discrimination inside prisons and calls in particular for vulnerable groups to be protected against hostile behaviour on the part of fellow prisoners or members of the prison staff;
7. Asks that an application for a sentence to be reduced or for its duration to be reviewed should be considered by an independent legal panel in all Member States;
8. Calls on the authorities to make provision within prisons for the greatest possible range of opportunities for work and for cultural education and sports training, which are vital for efficient and effective preparation of prisoners for a return to society;
9. Emphasises that, where cell-sharing cannot be avoided, a careful attribution is needed;
10. Calls on the Member States to take all appropriate measures to solve the problem of threats and acts of aggression against staff and prisoners;
11. Points out that all medical services provided in prisons should offer prisoners the same standards of treatment as that provided to the general public in the country and in particular that prisoners should have immediate access to a doctor on night duty;
12. Draws attention to the specific case of internees and calls for them to be placed in suitable detention conditions with appropriate psychiatric supervision;
13. Calls on the Member States to ensure the strict application of the World Health Organisation directive laying down principles on which to base measures to combat HIV infection and AIDS in prisons;

14. Urges the Member States to introduce legal provisions which, on humanitarian grounds and in the interests of personal dignity, will allow prisoners suffering from serious illness and incurable diseases to spend the final period of their lives with their families and, where their families are not in a position to take them in, the prison authorities should establish the necessary relations for this purpose with associations and NGOs involved in the care of patients of this kind;
15. Draws attention to the specific needs of women prisoners, particularly during pregnancy, childbirth and infancy; calls for childcare facilities to be provided on the spot for children of women prisoners, at least until they reach two years of age; points out that, with a view also to eliminating any discrimination in the family and school life of children who are required to stay with their mother and provided that the latter's conditions of imprisonment so allow, efforts should be made to place both mother and child in special units located outside prison premises;
16. Takes the view that minors do not belong in prisons; calls for the introduction of constructive, humane laws on penalties for young offenders in the Member States, geared to the responsibility and skills of young people and providing alternative solutions to locking young people up in prisons;
17. Recommends that prisoners who are drug addicts should have access to specialised services within prisons or provided to them by special arrangement and should be able to join external voluntary rehabilitation programmes, subject to strict conditions;
18. Is concerned at the large number of prisoners who are addicted to illicit drugs and calls for anti-drugs and anti-smuggling policies to be introduced in all prisons;
19. Points out that detention on remand must continue to be reserved for exceptional cases, and that it should under no circumstances be used to extract confessions;
20. Notes that frequently the application of alternative measures is hampered by the inadequacy of the resources available to the courts responsible for supervising offenders by overbureaucratic and inflexible pre-trial procedures and by inadequate knowledge of how these measures work;
21. Considers that an assessment should be made of alternative measures and alternative penalties to short sentences to evaluate their effectiveness, the level of recidivism, and the role played by society;
22. Believes that all social reintegration projects, as well as alternative measures and alternative penalties to imprisonment should be the subject of close cooperation between the various professions involved in the prison and legal services and voluntary organisations;
23. Emphasises the importance of speeding up criminal inquiries, particularly in cases where the accused is already being held on remand;
24. Draws attention to the need to give priority to personalising sentences, preferably involving a plan for the performance of the sentence drawn up with the cooperation of the person sentenced, the judge and the prison authorities; stresses that an alternative penalty or a prison

sentence must provide the offender with an opportunity to make good the damaged inflicted on the victim of his offence;

25. Stresses that remission of sentence, amnesties or pardons of whatever kind must be meaningful and must be understood by those concerned and by the general public, and should thus be tailored to the personal circumstances of those for whom they are intended;
26. Stresses that alternative penalties to detention should be used in all cases where they would not jeopardise the safety of persons and property;
27. Calls on the public authorities to make use of semi-custodial arrangements or open regimes based on specific rules and to cultivate conditions under which these regimes can be used in a way which ensures public safety and responsible behaviour on the part of prisoners;
28. Urges the Member States authorities to grant prisoners parole in preparation for their release or to deal with important personal or family matters, provided there is no risk of them breaking parole or committing further crimes;
29. Recommends that short sentences be replaced by alternative penalties, particularly those which have demonstrated their effectiveness in some EU countries, such as community service orders, day fines in Germany and electronic tagging in Sweden; points out in this connection that this form of electronic surveillance should not be used in place of pre-trial detention, probation, valid alternative penalties or suspended sentences, but should be reserved for prisoners on parole;
30. Emphasises the importance of making the general public aware of the aims and methods of the penal system with a view to ensuring that efforts to rehabilitate prisoners receive the support of the population as a whole;
31. Calls on public institutions in the European Union and in particular the governments of the Member States to introduce specific policies to encourage the reintegration into the workforce of former prisoners, and to end the all too frequent discrimination which in practice gives them no chance of finding employment in the broad sector covered by public companies and the civil service;
32. Recognises that the working conditions of prison warders are difficult and emphasises the importance of providing them with basic and continuing training and of improving their working conditions and supports the creation of networks to facilitate exchanges of experience;
33. Takes the view that prisoners should have an opportunity to do worthwhile, properly paid work;
34. Calls on the States and Governments of the Union to step up their efforts to recruit, train and deploy social and educational support staff for prisons, open regimes and post-release follow-up activities;

35. Takes the view that, particularly with a view to combating overcrowding in prisons, it is necessary to decriminalise behaviour such as the consumption of illicit drugs, which does no harm to anyone but the offenders themselves;
36. Points to the need for governments to retain full responsibility for prisons, on the understanding that any delegation of management to the private sector must be accompanied by strict safeguards in all areas relating to the performance of sentences and security, with disciplinary cases remaining a matter for the responsible government department;
37. Draws the attention of the public authorities to the importance of the work carried out by associations and NGOs operating in and around the prison system, which play a vital role in providing support for and helping to rehabilitate prisoners, and calls for them to be given greater assistance with such activities;
38. Calls on the Member States to take all necessary measures with regard to holding centres and areas to ensure that the persons detained are duly informed about their rights and in a position to exercise them;
39. Calls on the Commission to monitor the development of legal and prison systems and, when drawing up the annual report on human rights, to assess the degree of compliance with the prison standards laid down by the Council of Europe and by this resolution, as well as measures to approximate the various laws in force;
40. Instructs its President to forward this resolution to the Commission, the Council and the governments and parliaments of the Member States.

B EXPLANATORY STATEMENT

The aim of this report is to help the States and Governments of the Union to make appropriate policy decisions to improve the rather disappointing results currently achieved by imprisonment and other forms of detention. It is also intended to make detainees aware or more aware of their responsibilities, so as to facilitate their rehabilitation.

Nearly 400 000 people are currently held in prison in the Member States. When one takes into account annual detainee flows and the families of detainees, nearly two million people are directly affected.

It must be said, however, that the EU Member States imprison fewer offenders than some other countries: while the number of detainees per 100 000 inhabitants stands at around 90 in the EU, the corresponding figure in the United States is 470 and, in Texas, 1 000 (see Table 1 on page 14).

Prisons perform a number of functions:

Imprisonment is a penalty: deprivation of liberty is considered by both the authorities and the general public as a punishment.

Rightly or wrongly, through a lack of imagination and/or courage, out of habit or intellectual laziness, public opinion and the media which forge that opinion see this punitive function as sacred and as a factor which must of necessity be taken into account in all debates on the subject.

- Imprisonment also enables the property or person to have been threatened or harmed in some way by the person sentenced to be given temporary protection, lasting at least until the term of imprisonment has been completed.
- Lastly, it performs a function of rehabilitation, preparing the sentenced person to return to a 'normal' life in society.

There can be no doubt that imprisonment properly performs only a small proportion of the functions traditionally required of it. Although it does deprive the guilty (or innocent) party of his liberty and protects his potential victim during his term of imprisonment, its other functions - preparing prisoners to return to family, professional and social life, and training and education - are performed in a far from satisfactory manner, even though substantial progress has been made in these areas.

Prisons are filled with men and women (the latter account for less than 10% of the prison population) whose income is often far below the poverty level, who are illiterate or poorly educated, do not have a stable job, who lack a sense of moral or civic responsibility, who are cut off from family and friends and who were often the victims of criminal behaviour before becoming criminals themselves. The overwhelming majority (95%) of prisoners meet at least three of these five criteria. It is as if society were punishing them for the very acts against which it was unable to protect them when they were the victims.

Prison overcrowding:

Prisons have become more overcrowded in recent years in almost all EU countries, not because more people are being imprisoned (the number of prison sentences handed down is actually falling everywhere) but because sentences are becoming heavier, which means that people spend longer in prison than was the case during the 1970s (although Germany, Austria and Finland are exceptions to this rule).

Prison overcrowding has often disastrous consequences:

- it becomes impossible or extremely difficult to implement the social and educational measures which form an integral part of the prison system's mission;
- living conditions in prisons deteriorate: personal and collective standards of hygiene decline, as do food standards; exercise and sporting activities are cut down or cancelled; and there is a greater risk of infectious disease, such as tuberculosis in particular;
- violence starts to spread in prisons, to the detriment of the most vulnerable groups, such as juvenile delinquents, sex offenders, foreigners and homosexuals.

Prison conditions vary greatly between Member States and even inside individual Member States. In some cases, overcrowded prisons and prisons which are still far from having reached saturation point are to be found only a few miles away from each other.

While countries such as Sweden and Spain may be cited as an example of what can be done to improve prison conditions, others such as Italy and France still have a very long way to go before their prisons may be said to meet minimum standards of acceptability.

Overcrowded cells, mattresses placed on the ground to accommodate additional inmates, the absence of even the most basic privacy required to perform one's daily bodily functions, the lack of adequate bathing facilities, beds being changed only once a month and the permanent lack of privacy are a more accurate reflection of the real situation than raw figures on prison occupancy rates, which can cover a wide range of different situations. Overcrowding also has an extremely adverse effect on the working conditions of prison warders and prevents the proper development of social and educational activities designed to prepare prisoners for their return to the outside world.

One of the proposed solutions to the problem of what are often unacceptable conditions is to build new prisons. If the intention is to replace buildings which are old, unsuitable or a hazard to health with new buildings, no objections may be raised. There is a danger, however, that priority will not be given to improving the living conditions of prisoners and the working conditions of prison staff, but that any new prisons will simply supplement those already in existence and will rapidly become saturated.

In this connection, emphasis should be placed on the central role played by the state, and on the responsibility it bears for the way in which delinquents and prisoners are treated. The privatisation of prisons is sometimes seen as a 'modern' approach to the problem. It would appear extremely dangerous and quite out of step with the European way of doing things for the state to wash its hands of its prison population and to subcontract the administration of its prisons to companies whose interests do not altogether coincide with the interests of society as a whole. There is, of course, no need to challenge the practice of concluding contracts with subcontractors, on the basis of invitations to tender, to cover services such as catering, laundry and maintenance. However, private concerns

which provide a service on a profit-making basis should not be given responsibility for the performance of long sentences handed down by the courts. The free-market approach should not extend into areas affecting the very foundations of the social cohesion of a country. In short, there are some things that money cannot buy. It is interesting to note in this connection that, in 1998, bids totalling several billion dollars were made for two American companies in charge of running prisons.

Detention on remand

One of the most obvious causes of overcrowding is the excessive use of detention on remand, which, according to law and the statements made by ministers in all EU countries, should only be used as an exceptional measure but which, in practice, accounts for an extremely large proportion of the prison population. Over the past few years, this exception has become the rule, and an end should be put to this dangerous new trend. We are, in fact, faced with a paradoxical situation in which almost all the judges consulted deplored the excessive use of this practice and the amount of time spent in such detention, as well as the increasingly long sentences being handed down, while it is the judges themselves who take the decisions which are the root cause of this state of affairs (see Table 3 on p. 16).

Remand prisoners account for 48.7% of the prison population in Belgium, only 21.8% in Sweden and a much smaller percentage in Finland and Luxembourg.

With a view to checking this upward spiral in detainee numbers, the governments of the Member States have introduced various measures involving a remission of sentence which, it must be said, are not all of equal value.

Alternative penalties

Across-the-board amnesties, pardons and remission of sentence such as those practised in France following the election of a new President of the Republic or simply on Bastille Day are relatively effective in freeing up a few places in prisons housing short-term detainees. However, they take no account of what the prisoners will do following their release and cover all prisoners, of a certain kind irrespective of the grounds for their imprisonment, their conduct in prison and their ability to take up a 'normal' place in society.

A much more positive approach is to 'personalise' remission of sentence on the basis of factors which may be assessed in an objective manner, such as: the type of offence which led to imprisonment; the degree of responsibility attributed to the sentenced person; conduct while in prison; family and social situation; vocational qualifications; and job opportunities. All these factors can be taken into account with a view to tailoring the sentence to the individual concerned (see Table 4 on p.16).

The personalisation of sentences is probably the most difficult problem to be overcome if we are to ensure that the prison system achieves the degree of effectiveness expected of it by those who are equally concerned with law and order and respect for human dignity.

In order to be credible in the eyes of the general public, alternative penalties must be accompanied by some form of reparation. Most of our legal systems make provision for reduced sentences if reparation is made for the harm caused. Reparation combined with penalties and rehabilitation measures could provide a third way forward, to replace or complement custodial sentences.

In the German alternative project which was published in 1966 (Alternativentwurf Strafgesetzbuch), whose underlying principles are rehabilitation and human dignity and which has greatly influenced the reform of European criminal codes (Germany (1975), Austria (1974), Portugal (1982) and, to a lesser degree, the Italian 'Legge-delega al Governo' of 1992), reparation is clearly defined as the voluntary performance by the guilty party of a service intended to compensate for the damage caused by the offence committed, thus helping to restore social harmony. Such reparation may take a direct and complete form or it may be of a more symbolic nature. However, it is undoubtedly suitable for use as an alternative to custodial sentences of less than one year. The basis for this approach to criminal law derives from a reinterpretation of the social conflict which gives rise to the initial offence: what is involved is not simply a conflict between the perpetrator of the offence and society but rather the settlement of a conflict between the perpetrator, the victim and society, in which the victim's interests are taken into account in order to facilitate the return to a state of social harmony.

When viewed from this angle, reparation can therefore be considered as good grounds for a remission of the sentence and, as far as the offender is concerned, as a spontaneous effort to acknowledge the law and to accept his own responsibility.

The courts therefore have various opportunities open to them with a view to tailoring sentences to specific offenders. Offenders might be required to:

- compensate in accordance with their abilities for the damage caused by the offence;
- make a financial contribution to a charitable organisation;
- carry out community work within approved institutions.

The penal system could be improved in a number of ways:

- by making more appropriate use of detention on remand and through the use of reliable alternative measures;
- by means of judicial supervision, which consists in requiring the person sentenced to report to the appropriate authority at intervals to be determined by the judge. This measure can be applied with the necessary thoroughness and be relatively restrictive for the person sentenced. At the same time, it avoids the need for imprisonment, together with its major drawbacks (in 1996 in France 2000 people who had been detained on remand were later acquitted or discharged; however, the damage done to their personal, family, professional and social lives will never be made up for). Furthermore, from an administrative point of view, it is much easier and much less costly to leave someone at liberty, even under surveillance, than to hold him in prison.

Conditional release is the second effective way of both personalising sentences and at the same time substantially reducing overcrowding in prisons. It must be applied with discernment, and a liberal approach should therefore not be ruled out. Once a few clear rules have been laid down (half the sentence to be served, appropriate social back-up to be provided; a ban on meeting the victim or victims), factors such as the type of people frequented following release, the opinion of the authorities at the prisons in which the person concerned was held, and that person's state of health, should be carefully weighed up and the decision should be taken in a calm and measured fashion.

We must join with the growing number of states for which social harmony is a primary concern. This will require major budgetary efforts to be made in order to recruit and provide basic and then

continuing training to the various people involved in dealing with offenders, from judges to prison warders, social and educational support staff, and administrative and post-release support staff.

However, some may feel that social harmony bears too high a cost.

Any such movement towards replacing custodial sentences with rehabilitation measures will come up against the current, fairly general, trend towards reining in public expenditure; the recruitment of civil servants receives little public support in a society intent on the blind pursuit of short-term profit, which pays little attention to the need to restore social harmony and cohesion, which are open targets for attack in a world obsessed with modernity.

Public opinion cares nothing about prison conditions - something which is blatantly obvious from the coverage they receive in the European press, which is, to say the least, remarkably discrete. The media, always in search of sensational news items, only talk about prisons when somebody famous is jailed, a spectacular escape is made or a mutiny or some other out-of-the-ordinary event occurs. All the relevant European institutions must make an effort to ensure that the general public is properly informed.

The health of detainees must be carefully monitored given the number of sick people held in prison, including social misfits with psychiatric disorders of varying degrees of severity, drug addicts, severe alcoholics and people with illnesses directly related to HIV, hepatitis B or hepatitis C contamination, giving rise to the spread of opportunistic diseases, tuberculosis, etc.

In this connection, mention should be made of the fact that France has replaced its system of prison medicine with a system of health care provided in neighbouring public hospitals, thus ensuring that detainees receive the same standard of care as all other members of the population.

Extremely careful attention should also be paid to the mental health of detainees, both to ensure that no one whose mental condition calls for treatment in a psychiatric hospital is actually placed in prison and, conversely, to ensure that offenders eminently capable of facing up to their responsibilities are not held in hospital.

Preventing the occurrence of suicides in prisons must be one of the primary concerns of the authorities, given the frequency with which they occur and the fact that they often seriously affect the psychological balance of fellow prisoners (see Table 2 on page 15).

Extremely careful consideration should be given to the situation of two types of detainees:

Firstly, young detainees. Even though minors receive special treatment in all EU countries and are rarely held together with adult prisoners, young detainees are a particularly vulnerable group exposed to a wide range of different forms of aggression and contagion. This is the group which requires the most elaborate social and educational support and to which the most highly motivated and the most expert staff should be assigned.

Secondly, the situation of foreign prisoners must also be extremely carefully monitored, particularly since attitudes and views on this sensitive subject are based more on ideology than on an objective assessment of the real situation.

Foreigners account for a much larger proportion of the prison population than would be expected from their numbers in any given country. They are imprisoned more often than nationals and for longer periods. Their living and working conditions, the fact that their papers are often not in order and their addresses are often deliberately left vague, their less-than-perfect grasp of the language of their country of residence, and the fact that they are often extremely poorly qualified, not properly assimilated into society and far away from their families all contribute to their being more likely to find themselves in prison. Furthermore, they are all too often subjected to more or less overt discrimination at the hands of poorly-informed and often malicious members of the public.

In today's Europe, imprisonment remains a necessary evil. We must attempt to mitigate its harmful effects and make use of alternative measures which appear at least as effective as imprisonment, while making sure that we do not allow ourselves to be drawn in to a desire for vengeance or a starry-eyed idealism.

Table 1. Situation in prisons as at 1 September 1996*Source: Council of Europe, S.PACE 96.1*

	Total no. of inmates (including remand prisoners)	Imprisonment rate (per 100 000 inhabitants)	Number of places in prisons	Occupancy rate (per 100 places)
Austria	6 778	84.0	7 900	85.8
Belgium	7 656	75.6	6 862	111.6
Denmark	3 203	61.0	3 684	86.9
England	55 537	106.8	53 210	104.4
Finland	2 952	57.8	3 897	75.8
France	54 014	89.9	49 128	109.9
Germany	67 677	82.6	71 270	95.0
Greece	5 304	51.0	4 332	122.4
Ireland	2 182	62.3	2 251	96.9
Italy	48 545	85.0	41 049	118.3
Luxembourg	431	104.4	473	91.1
Netherlands	11 578	75.2	11 949	96.9
Northern Ireland	...	...	...	...
Portugal	14 177	140.0	8 999	157.5
Scotland	5 916	101.0	5 760	102.7
Sweden	5 768	65.0	6 155	93.7

Table 2. Suicides in prison (1995)*Source: Council of Europe. S.PACE 96.9*

	Number of suicides	Number of inmates	Suicide rate (per 100 000 inmates)
Austria	10	6 778	14.8
Belgium	15	7 655	19.6
Denmark	4	3 478	11.5
England & Wales	59	50 959	11.6
Finland	3	3 248	9.2
France	107	57 874	18.5
Germany	104	67 949	15.3
Greece	3	5 304	5.7
Ireland	3	2 109	14.2
Italy	50	49 642	10.1
Luxembourg	0	455	0.0
Netherlands	14	9 642	14.5
Northern Ireland	...	...	...
Portugal	15	14 177	10.6
Scotland	16	5 626	28.4
Sweden	4	5 504	7.3

Table 3. Breakdown of prison sentences served in 1994 (non-suspended)

Source: Council of Europe. S.PACE 96.141

	Total	Less than 3 months	3 months to less than 6 months	6 months to less than 1 year	1 year and over
Austria	...	...	...	...	...
Belgium	14 132	4 818	3 256	2 838	3 220
Denmark	15 055	11 869	1 608	915	663
Finland	9 186	3 034	2 958	1 732	1 462
France	86 799	28 476	24 210	18 095	16 018
Germany	35 577	9 545		11 831	14 201
Greece	...	...	...	...	...
Ireland	...	...	...	...	...
Italy	125 323	37 049	33 242	25 098	29 934
Luxembourg	518	48	86	140	244
Netherlands	24 544	13 130	4 669	3 082	3 663
Northern Ireland	...	...	...	...	...
Portugal	...	...	...	...	...
Scotland	16.065	4 204	6 785	3 189	1 887
Sweden	14 208	6 703	2 725	2 500	2 280

Tableau 4. Alternative penalties and measures applied in 1994 as a percentage of the number of non-suspended prison sentences served

- (a) total suspension
 (b) partial suspension
 (c) discharge
 (d) deferral of sentence
 (e) day fine
 (f) community service order
 (g) other forms of 'probation'

Source: Council of Europe. S.PACE 96.18

	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Finland	141	***	18	***	3 672	16	***
France	190	24	8	...	6	25	***
Germany	223	***	12	***	1 626	***	***

*** : not applicable

pursuant to Rule 45 of the Rules of Procedure

by Mr Vandemeulebroucke and Mrs Aelvoet

on visiting rights with regard to detainees, in particular in Great Britain

The European Parliament,

- having regard to the United Nations standard minimum rules for the treatment of prisoners,
 - having regard to the proposal for a Council Regulation (EC) on the development and consolidation of democracy and the rule of law and respect for human rights and fundamental freedoms (COM(97)0357, OJ C 282, 18.9.1997),
 - having regard to its resolution on human rights throughout the world in 1995/96 and the Union's human rights policy (OJ C 20, 20.1.1997),
- A. whereas the satisfaction of demands considered to be legitimate can take place only through democratic channels and whereas violence for political reasons is in principle unacceptable,
- B. whereas it is unacceptable in humanitarian terms that members of prisoners' families should have to undertake long journeys in order to visit the member of their family in prison and whereas it is not acceptable that members of prisoners' families are drawn into the punishment,
- C. whereas the British government has already taken steps to improve its prison regime,
1. Calls on the British government to continue its efforts to promote the peace process in Northern Ireland;
 2. Calls on the British government to provide better guarantees for the rights of all its prisoners and in particular visiting rights;
 3. Urges the British government to confine its prisoners in the region where their family is based, especially in Northern Ireland.