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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

15 July 1980

Doc. 4573 revised

PARLIAMENTARY ASSEMBLY

REPORT

on the social situation of prisoners (1)

(Rapporteur: Mrs HUBINEK)

I. DRAFT RECOMMENDATION

presented by the Committee on Social and Health Questions (2)

The Assembly,

1. Convinced that the principles governing treatment of prisoners must keep pace with social change, and consequently reflect socio-cultural shifts and new penal approaches:
2. Remembering that the general public is deeply concerned at the increase in crime, particularly developments in terrorism, and has great sympathy for victims, accepts the importance for governments and members of Parliament in explaining the objectives of prison reform;

(1) See Doc. 3870 and Reference No. 1133, of 7 December 1976.

(2) Adopted by the committee on 2 July 1980 by 17 votes to 1 and 2 abstentions.

Members of the committee: Mr Büchner (Chairman), Mrs Hubinek, Mr Hugosson (Vice-Chairmen), MM Adriaensens, Bacelar, Christensen, Cox, Delgado, Deschamps (Alternate: Brugnon), Desmond (Alternate: Cowen), Donze, Evliya, Foschi, Mrs Girard, Mr Grussenmeyer, Mrs Havróy, Lord Hughes, MM Johannsson, Karaosmanoglu, Mrs Knight, MM Lagourgue (Alternate: Berrier), Lamberts, Mrs Lindquist, Mr Lopez Raimundo, Mrs Mantzoulinou, Mrs Mercouri (Alternate: Mr Markozanis), MM Milz, Pozzo (Alternate: Spitella, Queiroz, Reinhart, Mrs Rosolen (Alternate: Mr Martino), Mr Hansheinrich Schmidt (Alternate: Mr Zebisch), Mrs Staels-Dompas, MM Tabone, Thoss, Mrs van der Werf-Terpstra.

NB: The names of those who were present are underlined.
Secretary of the committee: Mr Perin

3. Convinced that the prison policy should be directed to enabling the prisoner to lead a socially responsible life after his release, for which he must be prepared during the period of detention;

4. Considering that it is not permissible to inflict additional punishments on prisoners;

5. Considering the importance of avoiding that a prisoner's family suffers unnecessarily as a result of his conviction;

6. Noting the resolutions of the Committee of Ministers in various areas bearing on the situation of prisoners, particularly Resolution (73) 5 on standard minimum rules for the treatment of prisoners;

7. Being of the opinion that the latter resolution should be revised to bring its thinking into line with current trends, extend its scope and introduce machinery for supervising its implementation;

8. Recommends that the Committee of Ministers bear in mind the following principles in preparing policies and further texts and legal instruments dealing with the situation of prisoners in member states:

I. Basic principles

- i. It is desirable to encourage the current tendency in Council of Europe member countries to replace as far as possible short-term prison sentences by other measures which have the same effectiveness without drawbacks.
- ii. Accused persons, first offenders and young people should as far as possible be held in special establishments to prevent contact with recidivists and criminals. Most important is to keep drug abusers isolated from the rest of the convicts.
- iii. Prison conditions should be improved by means of a reduction in the prison population and the setting-up of establishments at local level.
- iv. The effects of deprivation of freedom should be minimised and the prisoners' self-respect must be preserved at all times, thus assisting them to return to normal life.

II. Relations with the outside world

- i. To enable prisoners to maintain contact with their families and with the outside world, which contributes to their stability and sense of responsibility, regulations governing visits, including "conjugal visits", should be flexible and generous.
- ii. Prison officers, who are the prisoner's main point of contact with the outside world, should learn in training about the aims of progressive prison policy.
- iii. Prison leave should be regarded as one way of enabling the prisoner to maintain contact with society, and should be encouraged in cases where the prisoner's behaviour suggests that resettlement will be straightforward, and also with due regard to the nature and severity of the sentence, and the family situation. Leave regulations should be operated by a board comprising, inter alia, welfare officials and the governor of the establishment.

III. Work and vocational training

- i. Prison work must be regarded as an important factor in rehabilitation and not simply as a means of keeping prisoners occupied. Conditions and hours of work, rates of pay and trade union activity should as far as possible be adjusted to conditions in the open employment market. The question should be studied of whether detainees receiving rates of pay comparable to those in the open employment market should participate in the cost of detention.
- ii. Education and vocational training are an essential part of preparing prisoners to resume normal life. Consequently, more prominence should be given to free educational and vocational training programmes, which should take into account prisoners' aptitudes and the employment prospects opened up by various types of training.
- iii. In order to facilitate his adjustment to society, an inmate of a local institution may be permitted to work, to study, or to participate in vocational training or other specially arranged activities outside the institution during working hours. Special efforts are to be made in such institutions to promote these kind of activities.

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IV. Physical and mental health

- i. Inmates are to be provided with opportunity for physical exercise appropriate to their age and state of health. They should be given the opportunity to spend at least one hour each day out of doors, unless very special difficulties prevent this.
- ii. Inmates should be provided with the opportunity for suitable spare time occupations. They should be encouraged to spend their time on personal interests likely to contribute to their own development. Insofar as this may be conveniently arranged, they should have an opportunity to follow events in the outside world through the newspapers, radio and television. Their need for entertainment should be satisfied within reason.
- iii. Inmates wishing to practice their religion inside the institution should have the opportunity to do so insofar as this can conveniently be arranged.

V. After-care

- i. Ex-prisoners and prisoners on parole should be given assistance with resettlement. To avoid their being "labelled", however, it should as far as possible be channelled through the normal social welfare agencies.
- ii. The state's role in finding jobs, and the concept of sheltered employment in particular, need clarification.
- iii. The status of voluntary agencies, and selection and training criteria as regards voluntary officials should be specified.
- iv. The trade unions should be invited to assist in the resettlement of ex-prisoners, notably by helping to create a favourable climate in work places.

VI. Social security

- i. Legislation should be amended to bring the status of prisoners closer to that of the free citizen, since the retention of accrued or accruing social security entitlements is fundamental to the prisoner's rehabilitation.
- ii. Protection should be given in the first instance to sickness and unemployment benefit, pending gradual affiliation of prisoners to invalidity and old-age insurance schemes. Prisoners also require protection against industrial accidents in prison establishments.

iii. Members of a prisoner's family should retain, by proper right, their entitlement to sickness and maternity benefit, as well as family allowances, irrespective of the social security legislation applying to the prisoner in the country in which he serves his sentence.

iv. Article 68 (b) of the European Code of Social Security, which allows Contracting Parties to suspend social security entitlements, should be amended in the light of the above principles.

VII. Women prisoners accompanied by children

Special measures, such as the provision of separate quarters, should be adopted to cater for women prisoners with newly born children, in accordance with the principle that children must not suffer as a result of parental offences. An age limit should be decided, up to which children may remain in establishments.

VIII. Foreign prisoners

- i. The reduction of the number of prisoners serving prison sentences in foreign countries should be regarded as a desirable action. International agreements on the transfer of prisoners between states must nevertheless take into account the prisoner's consent.
- ii. The practice of concentrating foreign prisoners in certain establishments should be abandoned in principle, or at least applied with care and flexibility and, most importantly, due regard to the place of residence of the prisoner's family.
- iii. So that foreign prisoners are not doubly affected by prison life, a number of specific measures must be advocated, such as the possibility of contacting their own consular authorities, freedom of worship and diet, and free interpretation and translation facilities, particularly where there are legal and administrative formalities to be attended to.

II. EXPLANATORY MEMORANDUM

by Mrs Hubinek

I. PREFACE why this debate?

The prison problem is more topical than ever. Everybody feels concerned by it - governments, prisoners' families, the man in the street and, above all, the mass media, which often make the task of authorities more difficult by stirring up passions. At times, there is an outcry against "4-star prisons", where criminals seem better treated than honest citizens; at others, there is talk of a "prison crisis" with reference to the deplorable living conditions in prisons. In short, public opinion is ill-informed and governments are finding it difficult to get reforms through.

There is no getting away from the fact that prison life still remains a basically negative area of twentieth-century society despite the efforts which have been made for some years. Various factors seem to contribute to this situation, among them the chronic overcrowding in some prisons, poor material conditions in old buildings, the lack of suitable work and vocational training, promiscuity, drug-addiction and on top of all that, the spread of terrorism and the taking of hostages in order to secure the release of prisoners, which further increases tension in prisons. It may therefore be wondered whether prisons can achieve their aims and how much wastage of resources there is.

The fact is that prisons are by no means cheap. In France, operating costs in 1977 were 836 million francs, ie 28% of the Ministry of Justice's budget. The same year, the figure was some 666 million kronor in Sweden. We politicians should carry out an analysis to find out where and why prisons are failing to provide a remedy against crime.

The subject lends itself to emotional and subjective arguments. We must nevertheless remain as objective as possible and try to enlighten public opinion, bewildered as it is by the mass of highly variable, tendentious, indeed contradictory information it receives.

I do not intend here to deal with prisons as institutions nor with their aims and their future. Nor do I seek to spark off a general debate on penal and criminal policy. Consequently, the reader who is looking for answers to such questions as the abolition of life sentences, remission of penalties and the reform of judicial systems will be disappointed, since the scope of this report has deliberately been confined to the

social aspects of imprisonment. The aim is to put forward some principles and measures so that, in their execution, sentences do not depart from their main objectives or transgress the fundamental rights which should be enjoyed by everybody - including prisoners - living in a democratic country.

II. BACKGROUND TO THIS REPORT

In September 1976 a motion for a recommendation (Doc. 3870) on the social protection of prison inmates was referred to the Committee on Social and Health Questions for a report and to the Legal Affairs Committee for an opinion. Despite the title, which is open to wide interpretation, the actual text of the motion was fairly restricted, dealing principally with the social security aspects of the subject, such as sickness and unemployment insurance, pensions etc.

For a long time the Committee on Social and Health Questions was unable to determine its goals and decide on a satisfactory approach in relation to this subject, principally because of its excessively rigid terms of reference. It should be added that a climate of social unrest, a rising crime rate and, in particular, the occurrence of terrorist outrages made the committee's members somewhat unsure of the opportuneness of a public debate on the protection of criminals or even of other people sent to prison for less serious offences.

However, after several months of discussion, consultation of experts and careful consideration, the committee has agreed that, whereas criminal policy is often regarded as a poor relation of social policy, a successful policy on crime and the treatment of offenders is fundamental to the protection of democratic institutions.

It has become clear from the various opinions expressed and evidence supplied to the committee that an initiative in this matter should not be restricted to social security but should be linked to the whole question of the comprehensive reform of penal systems and the rehabilitation of prisoners. The committee should therefore examine the penal system problem as a whole, with reference to relevant experiments and proposals in member states. It should pay particular attention, for example, to the difficulty of reconciling a concern for safety and a concern for rehabilitation and adopt an honest approach to practices which, though almost taken for granted these days, may well prove on close examination to be less beneficial than supposed, such as remission of sentence.

Penal policy has been one of the Council of Europe's constant concerns. The Committee of Ministers, in the light of the work of the organisation's various bodies, particularly the European Committee on Crime Problems, has adopted a series of texts and published a large number of studies and reports, the principal of which are: Resolution (62) 2 on the electoral civil and social rights of prisoners; Resolution (75) 25 on prison labour; Resolution (76) 10 on certain alternative penal measures to imprisonment; and Resolution (73) 5 on standard minimum rules for the treatment of prisoners, which is still the most important European text laying down essential principles for the organisation and operation of a modern penal system (1).

It will lie with the Assembly to decide, in the light of the report I have the honour to present and of the ensuing debate, whether and to what extent this last-named fundamental resolution might be revised or added to, whether some supervisory machinery might be advocated to ensure the resolution's application in member states and whether it would be necessary to amend other legal instruments of the Council of Europe, such as the European Code of Social Security, to enable prisoners and their families to exercise certain fundamental rights. Finally it will lie with the Assembly to decide whether further recommendations should be made, going beyond day-to-day problems, on the future role of prisons as institutions, due account being taken of the attitude of public opinion towards the liberalisation of penal policies.

The present explanatory memorandum is based on the questions which were - to some extent - raised during the committee's discussions and which on the whole reflect my own concerns. These various points should help to stimulate thought and enable the debate to be conducted in a more satisfactory manner. Some points will be gone into by the Legal Affairs Committee, which has been asked for an opinion.

The change in title - from the original "Social protection of prison inmates" to "Social situation of prisoners" - is to prevent the tendentious connotations of the word "protection" from arousing doubts in the reader's mind about the Assembly's intentions. In fact it is not so much with protecting prisoners that we are concerned, as with striking a balance between the rights and interests of prisoners on the one hand and those of society on the other. For is not the ultimate aim of measures for ensuring respect for the individual and the rehabilitation of prisoners to reduce the rate of recidivism, and do they not therefore have an effect on the well-being and security of society?

(1) See Resolution (73) 5, appended hereto.

III. BASIC PRINCIPLES AND THE LIMITS TO REHABILITATION

In the not too distant past it was not uncommon for prisoners with shaven heads and chained feet to be seen languishing in dungeons littered with damp straw. Prisoners were severely reprimanded for talking to each other or exchanging food at meal-times. Things are very different now. Today in most member countries of the Council of Europe prisoners have separate cells and can dress as they please, read whatever papers they want and correspond with the world outside as they like, even though these are not so much rights as practical facilities accorded by the prison authorities.

The problems to be dealt with in this document will therefore be ones relating to the philosophy and principles of imprisonment rather than to material conditions, such as the state of premises, food, hygiene, physical exercise and medical services, which have reached an acceptable standard in most member countries.

As far as the underlying philosophy is concerned, it should be pointed out once again that prison sentences have a dual aim: on the one hand to remove offenders temporarily from society and on the other to prepare them for their release.

The United Nations declared in the Minimum Regulations for the Treatment of Prisoners (1) that "the purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime". This end can be achieved only "if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life".

Therefore, if social rehabilitation is accepted as the central purpose of our prison systems, the period of imprisonment should be organised in such a way as to facilitate a return to normal life. The effects of deprivation of liberty should be limited as far as possible, since deprivation of liberty is the sole punitive element and need not be accompanied by any additional form of suffering. The aim should therefore be to humanise the enforcement of sentences and at the same time make sentences more effective.

(1) Resolution of 30 August 1955, the text of which was subsequently drawn on by the Council of Europe (ref: DPC/CEPC VIII (72) 4).

It is obvious that people cannot be rehabilitated against their own wishes. In the post-war period there may have been some misguided faith in the ability of suitable treatment, such as medical treatment, to turn criminals into decent members of society.

Brief mention should be made here of the change of opinion which has occurred on the principle of rehabilitation, an ideal linking an offender's future with the progress of the "cure". Even until the end of the 1960s, this attitude still underlay penal policy. Then came a wave of scepticism or even hostility to this theory. People, whether politicians, administrators or experts, began to look to the dissuasive and intimidating effect of imprisonment, abandoning all hope for the success of rehabilitation. This attitude is diametrically opposed to the doctrine which regarded rehabilitation efforts as automatically ensuring a successful return to normal life.

Today penal policies should aim at more realistic goals and content themselves with giving each individual the opportunity and the means to regain his place in society. Modern penal legislation and practice should steer a course between excessive optimism and a conception based solely on the intimidating effect of punishment.

Prison was long reputed to be a school for crime. The poor state of the buildings, the lack of outside contacts, the ineffectiveness of rehabilitation programmes and the shortage of staff had the effect of impairing prisoners' characters even further. Experience has taught us that preparation for a return to freedom is a long and difficult process calling for co-operation between prison authorities, medical personnel (particularly psychiatrists), magistrates, social workers etc, and above all active participation by the family.

One of the most important principles is, however, the division of offenders according not only to the seriousness of their offences but also to the nature of their personalities. First-time offenders, for example, should serve their sentences separately from recidivists and major criminals. The same applies to young people, who should be detained in special establishments.

This report is based on the idea that, whilst it is necessary to remove some offenders from society for a while, the individual should be respected and given an incentive to become a useful member of the community. The role of prison authorities, wardens and social workers should be emphasised once again in this context. Although the

situation of prison personnel is not really the subject of this report, questions concerning their training and working conditions should also be examined in the Council of Europe. They should receive suitable training in social problems, human rights and public freedoms. They should also be paid fair wages, taking account of such special factors as the oppressiveness of the prison environment, the existence of certain risks and the exacting nature of the working hours. Finally, staff should be provided with adequate security arrangements and acceptable working conditions, which would certainly necessitate changes in some existing prisons.

IV. SPECIFIC PROBLEMS

1. Short-term sentences

There is no need to dwell on this point here as the Council of Europe has already studied it comprehensively (see Committee of Ministers Resolution (76) 10 on certain alternative penal measures to imprisonment).

This question is dealt with here from a social point of view, insofar as it concerns, firstly, a prisoner's future life and then, the management of prisons and concerning the problems of co-existence of criminals and petty offenders.

Alternative measures such as withdrawal of a driving licence and the imposition of fines have the twofold advantage of reducing prison costs and not isolating the offender from society. Furthermore, since penal establishments do not at present provide any training or work for short-sentence prisoners (those serving sentences of, say, less than 6 months), such prisoners are merely left to their own devices and become vulnerable to the harmful influences of their environment.

This was confirmed by the 12th Conference of European Ministers of Justice, held in Luxembourg on 20 and 21 May 1980, which adopted a resolution on the forfeiture of rights as an alternative to deprivation of liberty. The following passage from a report presented to the conference seems significant:

"With particular regard to the aim of special prevention it is apparent that studies on the effectiveness of criminal sanctions show that no method of penal treatment is appreciably better than another from the point of view of recidivism. The same may it seems be said with regard to general prevention.

If our criterion is effectiveness in achieving the aims of a punishment it seems that it is against the sanction of imprisonment that the most serious criticism has been directed.

Thus as a rule imprisonment does not generally fulfil the aim of improvement and reinsertion of the convicted person in society.

Imprisonment turns out more often to be a factor leading to social inadaptation as it destroys the links between the individual, society and his family. It also places the convicted person in a society composed exclusively of other offenders. Moreover the prisoner is usually deprived of his employment and thus of his livelihood. Finally, it has a stigmatising effect which tends to ostracise the ex-prisoner and place him on the fringe of society.

The protection of society would seem to be the only valid function of imprisonment because it provisionally places the convicted person out of circulation. 'Many penologists', therefore, 'think it necessary to limit incarceration to those offenders for whom no other measures can be devised without danger to public order'.

Short terms of imprisonment hardly secure this purpose. They have on the contrary most of the disadvantages supposed to attach to long- or medium-term sentences and in particular the 'stigmatisation' which we have just mentioned.

The recognition of these facts has led many writers to reflect on the role which might be played by disqualifications and prohibitions as alternatives to short terms of imprisonment. In the past these measures were essentially employed to prevent recidivism by forbidding the exercise of the right or activity which had provided 'the opportunity' for the offence".

The following remarks are also particularly noteworthy:

"Instead of being prescribed in all cases, imprisonment should be confined to the more serious offences for which no other penalty or measure is possible. Thus, it will be the 'ultima ratio' of punishment. On close inspection, this can be seen to be a

considerable change. For almost a hundred years, ever since the introduction of suspended sentences, there has been a search for types of offenders who may, as an exception, be spared the imprisonment to which convicted persons are usually sentenced. Now the situation should be reversed, and on the contrary, we should identify those who, as an exception, ought to be imprisoned because of the characteristics of their personalities and their offences" (1).

It is worth noting that a chapter on comparative law in the above-quoted report to the 12th Conference lists numerous alternative measures, such as: loss of nationality, fines, disqualification from exercising public duties, withdrawal of driving licence, prohibition of the exercise of a profession, disqualification from voting, compulsory community-service work, an obligation to attend re-education classes and semi-detention.

The Council of Europe should, as a second step, consider making a statistical assessment of the effects of these alternative measures in member states, drawing conclusions on their continuation and further development, and identifying rules common to all member states.

2. Relations with the family

Prisoners' contacts with their families are of fundamental importance, not only from the standpoint of their spouses and children but also for the preservation of their own sense of responsibility. The following problems deserve particular attention:

i. Visits

The length and conditions of visits as well as the question of travel costs in the case of needy families are some of the aspects to be considered. We might incidentally examine here to what extent a prisoner could invoke the right to "found a family" conferred by Article 12 of the European Convention on Human Rights, whether by means of artificial insemination or through normal sexual relations between spouses. These "conjugal visits" are already allowed in some countries on the principle that the purpose of prison is mainly to deprive offenders of their liberty and that sexual deprivation is an additional punishment of an irrelevant kind.

(1) Marc Ancel, President of the Honorary Chamber of the Belgian Court of Cassation, in "La revue de droit penal et de criminologie", July 1977.

In Sweden, for example, prisons have special visiting hours, usually during the weekend and also during the evening on one working day. Prisoners may thus receive any visits which are considered not to jeopardise the security of the prison, affect the prisoner's adjustment to society or have other undesirable effects of one kind or another. The principle is that visits must not be supervised, which enables members of both sexes to meet each other freely. However, if the security of the prison seems to be threatened, an official may be present and the visitor may be asked to submit to a search. A warder may only be present during a lawyer's visit if the lawyer or the prisoner so requests. The prisoner may also be searched provided the search is carried out in accordance with the law.

Available literature on conjugal visit schemes indicates some relaxation of tension and a decrease in homosexuality in prisons. Various practical problems need, however, to be overcome. First of all, conventional prison architecture includes only communal premises for visits, allowing of no privacy. Secondly, the designing of premises with a more human and discreet atmosphere could raise security problems. Finally, prison authorities would have the responsibility of avoiding any discrimination in this field and would have to find a solution to requests for visits from people other than spouses. Whatever the obstacles, the sexual difficulties of prisoners remain a fact of prison life which specialists should look into.

Conjugal visits as allowed in the Scandinavian countries and the United States have provoked fairly strong misgivings in other countries.

Will the development of moral attitudes lead to a consensus?

ii. Women prisoners accompanied by children

Children should not have to suffer either physically or spiritually for offences committed by their parents or sentences imposed on them. This universally acceptable principle requires that prison administrations should introduce various arrangements and comply with the standards applicable in the outside world at least as far as facilities are concerned.

There thus arise such problems as conditions of confinement, registration of births (preferably without the place of residence being specified), the age to which the child should remain in the prison and the provision of nurseries.

As regards the last point, the ideal solution would of course be to provide special quarters for women with children, comparable to ordinary accommodation and catering for their occupants' particular needs.

3. Contacts with the community

Contacts with the world outside the prison are an important means of fostering the social rehabilitation of offenders. These contacts should make a prisoner remain continually aware of the fact that he belongs to society and is subject to its constraints.

Conditional release, prison leave and exerts are some of the measures designed to facilitate the offender's gradual return to society.

Prison leave has aroused much discussion recently. The idea is not unanimously accepted; indeed a section of public opinion is openly hostile to it. It is important, however, to inform public opinion that firstly the conditions on which exerts are granted are much stricter than is generally believed and that secondly, despite a few setbacks, the experiment has been generally successful.

These exerts (which are exceptional authorisations and not a "right") are granted in specific cases, such as the illness of a close relative, an interview with an employer, the sitting of an examination, a wedding or a childbirth and do not normally exceed a few days. In most cases they are granted solely to prisoners who can reliably be expected to achieve a social rehabilitation, and then only after they have served a certain proportion of their sentence (for example, in Belgium prisoners serving a life sentence may not be granted prison leave before 10 years, while recidivists have to wait until they are within 6 months of having completed two-thirds of their sentences).

France has some of the most recent legislation in this field, which may be summarised here as to provide an example.

The Act of 22 December 1978 modified the procedure for granting prison leave, which is now governed by Article 723-4 of the Code of Criminal Procedure. This Article draws a distinction between:

- cases where a prisoner has three years or less to serve: here, only the judge responsible for the enforcement of sentences is competent to grant leave;

-- cases where an offender has longer than three years to serve: here, the decision is a collegiate one, taken by a majority of the voting members of the board responsible for the enforcement of sentences, ie the enforcement judge together with the state attorney and the prison governor; however, the decision has to be taken unanimously in the case of certain types of offence (such as assault and battery or armed robbery) when the sentence could have included a term of preventive detention. When such detention is in fact ordered, no leave can be granted during the period thereof.

The Act of 22 November 1978 also allows a prisoner, whatever his type of sentence, to be granted exceptional leave under escort.

In preparation for leave periods, which are mainly granted in the light of a prisoner's own rehabilitation efforts, careful checks are made. If the prisoner belonged to the big-gangster world or there may be a serious threat to public security, a police investigation is carried out to supplement the information gathered from the administrative and judicial authorities at the place of leave. In addition, the regional services of the criminal police and the gendarmerie authorities at the places of custody and leave are routinely informed, whatever the prisoner's criminal record.

It can thus be seen that carefully prepared regulations do afford the community a number of safeguards.

As regards the "incidents" which hardliners often refer to, it should be remembered that the failure rate - and "failure" here means failure to return to prison on time, not necessarily the commission of an offence - fell in France from 3.35% in 1976 to 2.80% in 1978, while the corresponding figures for the Federal Republic of Germany were 5% and 4.33%. If one takes into account the fact that some of those concerned return of their own accord within a few days, the success of the operation is further confirmed.

Countries have widely differing approaches to such questions as criteria for granting leave, the duration of leave, the decision-making authority (judge? prison governor? jury?) and the exclusions applying to certain categories of offenders and to foreigners. It would be useful for the Council of Europe to draw up some guidelines in these matters. In some countries, for example, the presence of a psychiatrist on the small committee which decides on leave applications is considered an additional safeguard.

Among the selection criteria, special importance should be attached to a prisoner's family situation and the type and seriousness of his offence. The principles governing the grant of leave should be applied uniformly throughout a country's prisons to avoid any sense of arbitrariness and injustice among the prison population.

Finally, public opinion should be informed of these principles, how they operate and what results they have produced.

4. Prison work

Most countries adopt the principle that prisoners capable of working must do so. Conversely, a prisoner has the same right as anyone else to improve his own and his family's living conditions by working and by using his skills. This dual assertion poses awkward problems for authorities, relating to the concepts of "obligation", "choice" and "remuneration".

- i. Is it right to force a prisoner to do work for which he has not been trained?
- ii. What conditions should govern prison work (its nature and duration, trade union rights, pay)?
- iii. What significance is attached to work in penal policy as a whole? Is it an end in itself or should it be directed towards future employment and rehabilitation?
- iv. Accidents at work: what regulations apply to the prisoners and their families?

As regards the "role" of work, it should be pointed out that the conception of prison work evolved from a merely punitive aim to a more positive one, based on occupational therapy. Today, it is also seen as a means of training prisoners for social reintegration.

Two observations should be made on this subject. First, there are considerable problems in organising prison work despite the fact that a number of countries in Europe have developed sophisticated, ingenious and positive arrangements. Secondly, work contributes to rehabilitation of prisoners insofar as it is an essential ingredient of ordinary life. It has been wondered what is the use of insisting on prisoners working if work was their very problem in society. More sophisticated therapies to deal with their problems and help them to find and hold down a job when they leave have been sought for such prisoners. Work is applied to the one form of

treatment which can be applied to large numbers of prisoners at minimum cost. It therefore tends to be the core of prison regimes, and will long remain so in large prisons.

Several countries are at present re-examining the principles governing prison work, such as the Netherlands, where, according to the law, prison work should be a means of maintaining, increasing or acquiring professional skills; working hours and the amount of work should as far as possible be similar to those of the outside world. But convicted prisoners, as opposed to those awaiting trial, have to do whatever work they are given and their wages are fixed by the Minister.

The type of work provided, apart from domestic work, consists preferably in the manufacture of objects used by state departments or designed to fill public orders. The law prescribes that prisoners' wishes and skills should be taken into account as far as possible. On admission, the medical officer decides whether a prisoner is fit for light, normal or heavy work.

According to the law, maximum working hours are 8 hours a day and 40 hours a week and must conform as closely as possible to the conditions of ordinary workers (5-day week). As far as possible, the amount of work expected of prisoners is also similar to that of workers outside.

Although pay varies from one country to another it is generally speaking low in all but a few sectors. Prison maintenance work is particularly poorly paid.

It is, however, an area of low achievement. European prison systems mostly pay low wages; in Britain, the rates represent little more than pocket-money. The greatest advance has been made in Sweden. In this country, the aim of adapting prison work to the outside world was achieved by means of an expensive programme and considerable imagination. This approach, which is praiseworthy in itself, nevertheless raises problems in relation to non-prison work, especially at a time of recession. Generally speaking, however, prison systems should try to pay higher and more realistic wages.

It would be unrealistic to think that prisoners' pay could be used to cover the cost of imprisonment or - as has been suggested - compensate the victims. To give an indication of the level of pay: in the Federal Republic of Germany, the net pay of prisoners is only 5% of the average incomes of all wage-earners and pensioners. However, a Bill now before parliament seeks to raise it to 10%.

A resolution adopted by the Committee of Ministers in 1975 on prison work asked member states to inform the Council of Europe every five years about the situation in their countries. It would be interesting to know what follow-up there has been to this resolution.

5. Vocational training

Today, much of prison labour in Europe is unproductive and degrading and merely devalues work in the eyes of prisoners. Work, although it helps to pass the time and contributes to the economy, does not necessarily have the desired effects as regards rehabilitation. Preparation of prisoners for social and occupational reintegration can be effective only if prisons are encouraged to give priority to training (1).

Good results have been achieved with intensive vocational training. However the capacity and abilities of trainees naturally set limits to vocational training. The main emphasis should therefore be placed on young-offenders, who could thus make up their lack of qualifications. Training should take account of openings on the labour market, since former prisoners have less chance of finding a job than other people. In some cases training courses should continue after release from prison and should, as far as possible, be free.

Of course, the provision of integrated training presents problems: firstly, most sentences are fairly short, whereas training requires some continuity; secondly, to be fully effective, training courses need to be run in large establishments, which conflicts with the preference for small local prisons on a more human scale; and, finally, there is the fact that a high proportion of prisoners have psychological difficulties which prevent them from fully benefiting from training.

Nonetheless, these problems seem to have been solved in some countries such as Sweden, where the social climate allows of a far-sighted and liberal penal policy. But another reason is that training programmes have been integrated into the therapeutic system as a whole, so as to establish a link between preparation for employment and the various other aspects of social behaviour and mental health.

(1) As regards preparation for employment and rehabilitation (discussed in Sections 5 and 6 of Chapter IV of this report), reference should be made to a study by a team of holders of Council of Europe co-ordinated social research fellowships, entitled: "The role of social workers and other persons in the social rehabilitation and resettlement in employment of ex-prisoners" (Soc (79) 2, published in 1979).

The appropriate Council of Europe intergovernmental committees might make a comparative study to provide answers to the following questions as a basis for outlining a new policy:

- i. What proportion of prisoners at present receive vocational training of one kind or another in the various countries?
- ii. What are the latest findings as regards success rates in the rehabilitation of former prisoners who have received such training?
- iii. What implications would increased emphasis on training and education have for prison staff policy?

6. After-care

There are still countries where former prisoners are provided with no after-care by specialist social workers or similar staff. In other countries there have been positive developments in this respect over the past ten years and national bodies have been set up which work in co-operation with voluntary organisations, courts and prison authorities.

However, policy in this matter is still somewhat vague and in many countries much of the effort is left to voluntary organisations. In Austria, for example, only 10% of cases handled by the probation services involve ex-prisoners. In Norway the number of ex-prisoners supervised by the probation association did not reach 58% of the caseload until 1977.

The following points deserve particular attention:

- i. The state's role in finding jobs: at present neither prison authorities nor courts feel concerned by this problem.
- ii. The principle of sheltered employment: the system of sheltered workshops has developed principally in the United Kingdom, Norway and Italy. However, employers do not seem to be legally required to provide jobs for ex-prisoners in any country except Turkey, where firms of more than 50 employees are obliged to offer a suitable job for one ex-prisoner. The number is proportional to the size of the firm.

- iii. The role of trade unions and employers: interesting developments in this field have taken place in some countries, eg the Federal Republic of Germany where trade unions are drawing up programmes for former prisoners.
- iv. The role of voluntary workers.
- v. Personalised aid; housing; family therapy and counselling; assistance to the sick and alcoholics; children's recreation etc.

7. Social security

Retention of accrued or accruing social security rights, particularly as regards sickness and unemployment benefit, is one of the fundamental aspects of the rehabilitation and social protection of prisoners. The interests of members of prisoners' families are equally important. In some countries, such as France, legislation has recently been tending to bring prisoners' social security rights closer to those of free citizens. In others, a prisoners' rights are automatically suspended or else they lapse in practice because the prisoner no longer satisfies the necessary requirements.

Article 68 (b) of the European Code of Social Security authorises the Contracting Parties to suspend a person's right to social security benefit whilst he or she is in an institution, although a portion of the benefit must still be granted to any dependants.

i. Old-age pension

A large majority of prisoners do not qualify for an old-age pension and therefore on release become poverty-stricken or dependent on national assistance. Thus in most countries, including my own, prisoners are not covered by old-age insurance.

In the Federal Republic of Germany a new Bill is aimed at the gradual affiliation of prisoners to the statutory invalidity and old-age insurance scheme by 1986. This would mean an expenditure increase of 236 million DM.

In France, as a result of the Act of 31 December 1975 and implementing decrees of 1977, prisoners doing paid work or receiving vocational training are compulsorily affiliated to the general old-age insurance scheme, ie contributions are paid by the authorities or the employer and the prisoner, and these periods of employment count towards the pension.

ii. Sickness insurance and family allowances

Prisoners receive medical care either in prison or in hospital, the cost being borne by the public authorities. Some people even feel that medical care for prisoners is faster and more efficient than for the ordinary public. After release, however, prisoners lose their entitlement to medical care through not having paid the minimum number of contributions because of insufficient periods of employment or inadequate earnings.

The right of prisoners' families to medical care may be automatic, as in the case of the national health service in the United Kingdom; but sometimes medical care is provided only if there are children. In other countries, such as France, the members of a prisoner's family continue to receive sickness and maternity allowances until such time as they acquire rights of their own under the social security system.

iii. Unemployment benefit

With the exception of some of the Scandinavian countries and especially France, unemployment insurance seems the least common of the various arrangements contributing towards the social protection of prisoners. In France, under an Act of 16 January 1979, released prisoners registered as seeking employment receive a lump sum. Certain categories of offenders, such as child kidnappers and procurers, are excluded from this, however.

iv. Invalidity

Protection should be provided for the victims of accidents at work in prison even if the system is not quite the same as outside prison. For example, the daily payments which are normally made during periods of incapacity for work might be paid to prisoners after their release.

8. Foreign prisoners

The number of foreign prisoners in the industrialised European countries varies between one-sixth and a quarter of the total prison population, depending on the country. In 1979, the figure for Belgium was 1,305 foreigners out of a total prison population of 5,871; for the Federal Republic of Germany, about 2,500 out of 34,000; for Sweden, 2,000 out of 10,000; for France (at 1 January 1978) 5,710 out of 32,259; for Portugal, 246 out of 4,709; for Switzerland, 882 out of 3,655; and for the United Kingdom, 3,607 out of 36,122.

An enquiry carried out in the Netherlands in 1978 revealed that 18% of the total prison population were foreigners (ie 550 out of a total of 3,300), representing 48 nationalities.

It is worth noting in passing that, according to the same enquiry, at the time of their arrest almost half the prisoners (47%) had been in the country for less than a month and most of them (70%) for less than 6 months. Only 11% of them had been in the Netherlands for more than 5 years.⁷

The new trend reflected in these high figures requires new measures for which prison authorities have neither the necessary regulations nor any suitably qualified staff. As a result, a number of countries are resorting to straightforward deportation or transfer to the country of origin, which has more disadvantages than might be thought at first.

This phenomenon, a consequence of increased social mobility in Europe, was recognised by the 11th Conference of Ministers of Justice in a resolution inviting the Council of Europe to draw up measures to guarantee to foreign offenders "treatment consistent with the principles recognised ... in respect of the protection of human rights" so as "to avoid ... any discrimination based on nationality". The conference also put forward the idea of "a model agreement providing for a simple procedure for the transfer of prisoners". Work now under way in the Council of Europe's Directorate of Legal Affairs might lead to the drawing up of such an agreement.

Here I should like to express my deep conviction that any agreement, whether bilateral or multilateral, must embody the principle of the prisoner's consent, which remains the most important factor.

A large majority of foreign prisoners' families live in the host country, and automatic inter-country transfers under international or bilateral agreements are likely to lead to human tragedies and make the rehabilitation of the offender even more difficult.

The problems inherent in imprisonment are much greater for foreigners, in their contacts both with the staff and with other prisoners. Ignorance of the local language as well as differences in culture, religion, customs etc are often sources of difficulties. Foreign prisoners thus form ghettos even within the ghetto of the prison itself. The solution of grouping them together in separate institutions has other disadvantages, including the fact that they would then be further away from their families.

A number of measures should therefore be recommended to mitigate these disadvantages and prevent such prisoners from being doubly punished, viz:

- i. Providing foreign prisoners on entry into prison with information brochures on their rights and obligations, if possible written in their own languages;
- ii. Possibility for foreign prisoners of immediately contacting their relatives and their country's consular authorities;
- iii. Freedom of worship and diet;
- iv. Provision of translation and interpretation services by the public authorities;
- v. Co-operation between authorities in the host country and the country of origin to improve social and cultural assistance.

Today, statutory regulations specifically concerning foreign prisoners are in force in some countries (Belgium, France, Italy, Portugal) but their scope is no wider than a general statement pointing to one or more particular problems which the authorities should take into consideration, and endeavour to find a solution to, when dealing with foreign prisoners. That is the case with, for example, Article 33 of the Italian Act of 29 April 1976, which reads thus:

"Measures involving deprivation of liberty imposed upon foreign citizens shall be executed, while taking linguistic difficulties and cultural differences into consideration. Foreign prisoners shall be given the opportunity of contacting the consular authorities of their State".

In a number of other countries (Austria, Denmark, Federal Republic of Germany, Greece, Luxembourg, Malta, Sweden, Turkey, United Kingdom) there is either an established practice or a set of instructions to prison administrations or simply prison regulations which are designed to meet foreign prisoners' specific problems.

However, in some countries, such as the United Kingdom, most or all of these problems are not regarded as specific to aliens but as common to all prisoners, foreign or not, whose culture, race, religion or language differs from the predominant one.

V. CONCLUSIONS

Some years ago, an eminent American private organisation, the National Council on Crime and Delinquency, put forward a model charter for the protection of prisoners rights. The charter's fundamental principle was that imprisoned persons should preserve all their citizenship rights except those expressly or necessarily withdrawn from them by the law. Obviously, if this principle, which I consider justified, is not to remain a dead letter, it ought to be incorporated in the law.

However, that day is still a long way off. In several countries, the treatment of prisoners often depends on regulations or even administrative practices, which vary from one prison to another, thus creating involuntary discrimination and a feeling of injustice among prisoners. It is rare for the law to intervene here. This situation is characteristic of a society which takes no further interest in an offender once he has been sentenced and entrusts the execution of penalties to prison authorities.

There are, of course, international and European standards which seek to fill this gap in national legislation. The Minimum Rules drawn up by the Council of Europe, for example, have helped to guide member states' policies, and from this prisoners themselves as well as prison administrations have benefited. In general, the degree of application seems satisfactory and some countries have even succeeded in ensuring better conditions than those provided for in the Rules. However, the scope of the Rules is limited and does not meet all the concerns expressed in this report. The Rules should be revised and supplemented by other legal texts. However, a mere technical revision would not suffice. Such a reform should have an underlying philosophy and be backed up with supervisory machinery, which would be unique in the world.

One thing emerges from our present knowledge, that there is no immediate substitute for the present prison systems. Of course, interesting experiments are being carried out here and there, through the establishment of open or semi-open prisons, with partial detention regimes, semi-liberty etc, but they only apply to a very small proportion of prisoners serving short-term sentences for minor offences. As for the forfeiture of rights as an alternative to deprivation of liberty, rightly encouraged by the 12th Conference of Ministers of Justice in May 1980, it does not seem to have curbed the rise in crime or the persistence of recidivism, though it does provide an answer to the overcrowding of prisons.

The traditional closed prison thus remains the centre of gravity of penal policy and is today under discussion, indeed under accusation. There is no doubt whatever that regarding detention as an end in itself bears the seeds of conflict between a prisoner and his environment. This punitive and destructive idea dooms rehabilitation efforts to failure. The idea of detention as revenge should in time give way to the sole notion of a compulsory programme of individualised education and training.

We are aware that the measures called for in this report will run up against psychological barriers on the part of the public with its ever-growing anxiety at the spread of crime, as well as against budgetary obstacles, since in this era of austerity it would be vain to think that prisons could have any priority. It should, however, be underlined - and this is the "raison d'être" of this report - that even prisons which are by nature closed institutions, are no longer isolated in the modern world and, like any institution, must undergo the socio-economic and cultural transformations which are taking place throughout society.

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

RESOLUTION (73) 5

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

*(Adopted by the Committee of Ministers on 19 January 1973
at the 217th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Considering that it would be in the interest of Council of Europe member States to draw up common principles regarding penal policy ;

Noting that where the treatment of offenders in general is concerned, there is a trend away from detention in an institution towards treatment at liberty or semi-liberty, replacing sentences involving deprivation of liberty, wherever possible, by other penal measures which are equally effective and do not give rise to the drawbacks inherent in imprisonment ;

Considering that detention in a penal institution nonetheless remains an indispensable penal sanction in certain cases, and is still often applied, and that it is therefore appropriate to provide for common rules regarding its execution ;

Considering the importance for the prison system of the standard minimum rules for the treatment of prisoners adopted at the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its Resolution of 30 August 1955 ;

Aware that changes which have occurred since this text was adopted call for the adaptation of these rules to meet the requirements of modern penal policy ;

Considering that the practical application of these rules should be promoted in the European framework, bearing in mind that, viewed as a whole, they merely represent minimum conditions ;

Having therefore considered it desirable to consider these rules in relation to the changing attitude towards treatment of offenders and to more advanced ideas already recognised in the legislation of a number of member States, and to proceed accordingly to a re-examination of these rules from a European viewpoint,

I. Recommends that governments of member States be guided in their internal legislation and practice by the principles set out in the text of the standard minimum rules on treatment of prisoners, appended to the present resolution, with a view to their progressive implementation ;

II. Invites the governments of member States to report every five years to the Secretary General of the Council of Europe, informing him of the action they have taken on this resolution.

APPENDIX

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

Preliminary observations

1. The following rules are not intended to describe in detail a model system of penal institutions. They seek only, on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions.

2. The minimum rules shall serve to stimulate a constant endeavour to overcome practical difficulties in the way of their application.

3. These rules cover a field in which thought is constantly developing. They are not intended to preclude the use of new methods or practices, provided that these are compatible with the principle of protection of human dignity and the purposes which derive from the text of the rules as a whole. It will always be justifiable for the central prison administration to authorise departures from the rules in this spirit.

4. 1. Part I of the rules covers the general management of institutions, and is applicable to all prisoners, criminal or civil, untried or convicted, including prisoners subject to "security measures" (preventive detention) or corrective measures.

2. Part II contains rules applicable only to the special categories dealt with in each section. Nevertheless, the rules under Section A, applicable to prisoners under sentence, shall be equally applicable to categories of prisoners dealt with in Sections B, C and D, provided they do not conflict with the rules governing those categories and are for their benefit.

PART I

Rules of general application

Basic principle

5. 1. The following rules shall be applied impartially. There shall be no discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. On the other hand, it is necessary to respect the religious beliefs and moral precepts of the group to which a prisoner belongs.

3. Deprivation of liberty shall be effected in material and moral conditions which ensure respect for human dignity.

Reception arrangements for prisoners shall be based on the above principle and shall help prisoners to solve their urgent personal problems.

Registration

6. 1. No person shall be received in an institution without a valid commitment order. The details shall immediately be entered in an ad hoc register.

2. In every place where persons are imprisoned there shall be kept a register with numbered pages in which shall be entered in respect of each prisoner received:

(a) Information concerning his identity;

(b) The reasons for his commitment and the authority therefor;

(c) The day and hour of his admission and release.

Distribution of prisoners

7. When prisoners are being allocated to different institutions, due account shall be taken of their judicial and legal situation (untried or convicted prisoner, first offender or habitual offender, short sentence or long sentence), of their physical condition (young, adult, sick), their mental condition (normal or abnormal), their sex, age and, in the case of convicted prisoners, the special requirements of their treatment.

(a) Men and women shall in principle be detained separately; this principle shall be departed from only as part of an established treatment programme;

(b) Untried prisoners shall not be put in contact with convicted prisoners against their will;

(c) Young prisoners shall be detained under conditions which protect them from harmful influences and which take account of the needs peculiar to their age.

Accommodation

8. 1. Prisoners shall normally be lodged during the night in individual cells unless circumstances dictate otherwise.

2. Where dormitories are used, they shall be occupied by prisoners suitable to associate with one other in those conditions. There shall be supervision by night, in keeping with the nature of the institution.

9. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly cubic content of air, minimum floor space, lighting, heating and ventilation.

10. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners, inter alia, to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation. Moreover, the windows shall, with due regard to security requirements, present in their size, location and construction as normal an appearance as possible;

(b) Artificial light shall satisfy the recognised technical standards.

11. The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in clean and decent conditions.

12. Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

13. All parts of an institution used by prisoners shall be properly maintained and kept scrupulously clean at all times.

Personal hygiene

14. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

15. In order that prisoners may maintain a good appearance and preserve their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

Clothing and bedding

16. 1. Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

2. All clothing shall be clean and kept in proper condition. Underclothing shall be changed and washed as often as necessary for the maintenance of hygiene.

3. Whenever a prisoner obtains permission to go outside the institution he shall be allowed to wear his own clothing or other inconspicuous clothing.

17. Arrangements shall be made on their admission to the institution to ensure that their personal clothing is kept in good condition and fit for use.

18. Every prisoner shall, in accordance with local or national standards, be provided with a separate bed, and with separate and appropriate bedding which shall be kept in good order and changed often enough to ensure its cleanliness.

Food

19. 1. In accordance with the standards laid down by the health authorities, the administration shall provide the prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and, far as possible, any requirements based on philosophical and religious beliefs.

2. Drinking water shall be available to every prisoner.

Exercise and sport

20. 1. Every prisoner who is not employed in outdoor work shall be entitled, if the weather permits, to at least one hour of walking or suitable exercise in the open air daily, as far as possible, sheltered from intemperate weather.

2. Physical and recreative education shall be organised during the exercise period for young prisoners, and others of suitable age and physique.

Medical services

21. 1. At every institution there shall be available the services of at least one general practitioner. The medical services should be organised in close relation with the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

2. Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be suitable for the medical care and treatment of sick prisoners, and there shall be a staff of suitably trained officers.

3. The services of a qualified dental officer shall be available to every prisoner.

22. The prisoners may not be submitted to medical or scientific experiments which may result in physical or moral injury to their person.

23. 1. In penal institutions there shall be special accommodation and the necessary staff for the treatment of pregnant women, their confinement and their post-natal care. Nevertheless, arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

2. Where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.

24. The medical officer shall see and examine every prisoner promptly after his admission and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures; the segregation of prisoners suspected of infectious or contagious conditions; the noting of physical or mental defects which might hamper rehabilitation, and the determination of the physical capacity of every prisoner to work.

25. 1. The medical officer shall have the care of the physical and mental health of the prisoners and shall see, under the conditions, and with a frequency, consistent with hospital standards, all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed.

2. The medical officer shall report to the director whenever he considers that a prisoner's physical or mental health has been or will be injuriously affected by continued imprisonment or by any condition of imprisonment.

26. 1. The medical officer shall regularly inspect and advise the director upon:

- (a) The quantity, quality, preparation and serving of food;
- (b) The hygiene and cleanliness of the institution and prisoners;
- (c) The sanitation, heating, lighting and ventilation of the institution;
- (d) The suitability and cleanliness of the prisoners' clothing and bedding;
- (e) The observance of the rules concerning physical education and sports.

2. The director shall take into consideration the reports and advice that the medical officer submits according to rules 25, 2. and 26 and, where he concurs with the recommendations made, shall take immediate steps to give effect to those recommendations; if they are not within his competence or if he does not concur with them, he shall immediately submit his own report and the advice of the medical officer to higher authority.

Discipline and punishment

27. 1. Discipline and order shall be maintained in the interest of safe custody and well-ordered community life.

2. Collective punishment shall be prohibited.

28. 1. No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.

2. This rule shall not, however, impede the proper functioning of systems based on self-government, under which specified social, educational or sports activities or responsibilities are entrusted, under supervision, to prisoners who are formed into groups for the purposes of treatment.

29. The following shall always be determined by the law or by the regulation of the competent administrative authority:

- (a) Conduct constituting a disciplinary offence;

(b) The types and duration of punishment which may be imposed;

(c) The authority competent to impose such punishment.

30. 1. No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same act.

2. Reports of misconduct shall be presented promptly to the competent authority who shall decide on them without delay.

3. No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence.

4. Where necessary and practicable the prisoner shall be allowed to make his defence through an interpreter.

31. Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishment shall be completely prohibited as punishments for disciplinary offences.

32. 1. Punishment by disciplinary confinement and any other punishment which might have an adverse effect on the physical or mental health of the prisoner, shall only be imposed if the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.

In no case may such punishment be contrary to or depart from the principle stated in Rule 31.

2. The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.

Instruments of restraint

33. The use of chains and irons shall be prohibited. Handcuffs, restraint-jackets and other body restraints shall never be applied as a punishment. They shall not be used except in the following circumstances:

(a) As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;

(b) On medical grounds by direction of the medical officer;

(c) By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.

34. The patterns and manner of use of the instruments of restraint authorised in the preceding paragraph shall be decided by the central prison administration. Such instruments must not be applied for any longer time than is strictly necessary.

Information to and complaints by prisoners

35. 1. Every prisoner on admission shall be provided with written information about the regulations governing the treatment of prisoners of his category, the disciplinary requirements of the institution, the authorised methods of seeking information and making complaints, and all such other matters as are necessary to enable him to understand both his rights and his obligations and to adapt himself to the life of the institution.

2. If a prisoner is illiterate, or for any other reason cannot understand the written information provided, the aforesaid information shall be conveyed to him orally.

36. 1. Every prisoner shall have the opportunity each week-day of making requests or complaints to the director of the institution or the officer authorised to represent him.

2. It shall be possible to make requests or complaints to an inspector of prisons during his inspection. The prisoner shall have the opportunity to talk to the inspector or to any other duly constituted authority entitled to visit the prison without the director or other members of the staff being present.

3. Every prisoner shall be allowed to make a request or complaint, under confidential cover, to the central prison administration, the judicial authority or other proper authorities.

4. Unless it is obviously frivolous or groundless, every request or complaint addressed or referred to a prison authority shall be promptly dealt with and replied to by this authority without undue delay.

Contact with the outside world

37. Prisoners shall be allowed to communicate with their family and all persons or representatives of organisations and to receive visits from these persons at regular intervals subject only to such restrictions and supervision as are necessary in the interests of their treatment, and the security and good order of the institution.

38. 1. Prisoners who are foreign nationals shall be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the State to which they belong.

2. Prisoners who are nationals of States without diplomatic or consular representation in the country and refugees or stateless persons shall be allowed similar facilities to communicate with the diplomatic representative of the State which takes charge of their interests or any national or international authority whose task it is to protect such persons.

39. Prisoners shall be allowed to keep themselves informed regularly of the news by the reading of newspapers, periodicals or special institutional publications, by radio or television transmissions, by lectures or by any similar means as authorised or controlled by the administration.

Books

40. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and institutional books, and prisoners shall be encouraged to make full use of it.

Religious and moral assistance

41. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious, spiritual and moral life by attending the services or meetings provided in the institution and having in his possession any necessary books.

42. 1. If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.

2. A qualified representative appointed or approved under paragraph 1 shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

3. Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

Retention of prisoners' property

43. 1. All money, valuables, clothing and other effects belonging to a prisoner which under the regulations of the institution he is not allowed to retain shall on his admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition. If it has been found necessary on hygienic grounds to destroy any article of clothing, this shall be recorded.

2. On the release of the prisoner all such articles and money shall be returned to him except in so far as there have been authorised withdrawals of money or the authorised sending of any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article of clothing. The prisoner shall sign a receipt for the articles and money returned to him.

3. Any money or effects received for a prisoner from outside shall be treated in the same way.

4. If a prisoner brings in any drugs or medicine, the medical officer shall decide what use shall be made of them.

Notification of death, illness, transfer etc.

44. 1. Upon the death or serious illness of or serious injury to a prisoner, or his removal to an institution for the treatment of mental illnesses or abnormalities, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.

2. A prisoner shall be informed at once of the death or serious illness of any near relative. In these cases and whenever circumstances allow, the prisoner should be authorised to go to this sick relative or see the deceased either under escort or alone.

3. Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

Removal of prisoners

45. 1. When prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.

2. The transport of prisoners in conveyances with inadequate ventilation or light, or in any way which would subject them to unnecessary physical hardship, shall be prohibited.

3. The transport of prisoners shall be carried out at the expense of the administration and in accordance with regulations which it shall draw up.

Institutional personnel

46. 1. The prison administration shall provide for the careful selection of every grade of the personnel, since it is on their integrity, humanity, professional capacity and personal suitability for the work that the proper administration of the institutions depends.

2. The prison administration shall constantly seek to awaken and maintain in the minds both of the personnel and of the public the conviction that this work is a social service of great importance, and to this end all appropriate means of informing the public should be used.

3. To secure the foregoing ends, personnel shall be appointed on a full-time basis as professional prison officers and have civil service status with security of tenure subject only to good conduct, efficiency and physical fitness. Salaries shall be adequate to attract and retain suitable men and women; employment benefits and conditions of service shall be favourable in view of the exacting nature of the work.

47. 1. The personnel shall possess an adequate standard of education and intelligence.

2. On recruitment, the personnel shall be given a course of training in their general and specific duties and be required to pass theoretical and practical tests.

3. During their career, the personnel shall maintain and improve their knowledge and professional capacity by attending courses of in-service training to be organised by the central administration at suitable intervals.

48. All members of the personnel shall at all times so conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

49. 1. So far as possible the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers and trade instructors.

2. Social workers, teachers and trade instructors shall be employed on a permanent basis. This shall not preclude part-time or voluntary workers.

50. 1. The director of an institution should be adequately qualified for his task by character, administrative ability, suitable training and experience.

2. He shall devote his entire time to his official duties and shall not be appointed part-time.

3. He shall reside on the premises of the institution or in its vicinity.

4. When two or more institutions are under the authority of one director, he shall visit each of them at frequent intervals. A responsible official shall be in charge of each of these institutions.

51. The administration shall introduce forms of organisation to facilitate communication between the different categories of staff in an institution with a view to ensuring co-operation between the various services, in particular, with respect to the treatment of prisoners.

52. 1. The director, his deputy, and the majority of the other personnel of the institution shall be able to speak the language of the greatest number of prisoners, or a language understood by the greatest number of them.

2. Whenever necessary and practicable the services of an interpreter shall be used.

53. 1. In institutions which are large enough to require the services of one or more full-time medical officers, at least one of them shall reside in the vicinity of the establishment.

2. In other institutions the medical officer shall visit daily and shall reside near enough to be able to attend without delay in cases of urgency.

54. Special care should be taken in the appointment and supervision of staff in institutions or parts of institutions, housing prisoners of the opposite sex.

55. 1. Officers of the institutions shall not use force against prisoners except in self-defence or in cases of attempted escape, or active or passive physical resistance to an order based on law or regulations. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately to the director of the institution.

2. Prison officers shall be given special physical training to enable them to restrain aggressive prisoners.

3. Except in special circumstances, staff performing duties which bring them into direct contact with prisoners should not be armed. Furthermore, staff should in no circumstances be provided with arms unless they have been trained in their use.

Inspection and control

56. 1. There shall be a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority. Their task shall be in particular to ensure that these institutions are administered in accordance with existing

laws and regulations and with a view to bringing about objectives of penal services.

2. The protection of the individual rights of prisoners with special regard to the legality of the execution of detention measures shall be secured by means of a control carried out, according to national rules, by a judicial authority or other duly constituted body authorised to visit the prisoners and not belonging to the prison administration.

PART II

Rules applicable to special categories

A. Prisoners under sentence

Guiding principles

57. The guiding principles hereafter are intended to show the spirit in which penal institutions should be administered and the purposes at which they should aim, in accordance with the declaration made under Preliminary Observation 1 of the present text.

58. Imprisonment and other measures which result in cutting off an offender from the outside world are, by the deprivation of liberty, a punishment in themselves. Therefore the prison system shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation. The regime of the institution should seek to minimise any differences between prison life and life at liberty which tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings.

59. The purpose and justification of a sentence of imprisonment or a similar measure depriving a person of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.

60. 1. To this end, the institution should utilise all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them in accordance with the individual treatment needs of prisoners.

2. Communication between prisoners and staff shall be facilitated in order to prevent and cope with tensions which may occur in prison communities and to ensure the prisoners' acceptance of treatment programmes.

61. It is desirable that the necessary steps be taken to ensure for the prisoner a gradual return to life in society. This aim may be achieved, in particular, by a pre-release regime organised in the same institution or in another appropriate institution, or by release on trial under some kind of supervision combined with effective social aid.

62. The treatment of prisoners should emphasise not their exclusion from the community but their continuing part in it. Community agencies should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners. There should be in connection with every institution social workers charged with the duty of maintaining and improving the relationship of a prisoner with his family, with other persons and with valuable social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

63. The medical services of the institution shall seek to detect and shall treat any physical or mental illnesses or defects which may hamper a prisoner's rehabilitation. All necessary medical, surgical and psychiatric services shall be provided to that end.

64. 1. The fulfilment of these principles requires individualisation of treatment and, for this purpose, a flexible system of allocating prisoners; it is therefore desirable that prisoners be placed in separate institutions or sections where each can receive the appropriate treatment.

2. These institutions and units should be of various types. It is desirable to provide varying degrees of security according to need. Open institutions, by the very fact that they provide no physical security against escape but rely on the self-discipline of the inmates, provide the conditions most favourable to rehabilitation for carefully selected prisoners.

3. It is desirable that the type, size, organisation and capacity of these institutions or units be determined essentially by the nature of the treatment to be provided.

65. The duty of society does not end with a prisoner's release. There should, therefore, be governmental and private agencies capable of providing efficient after-care for the released prisoner and directed towards lessening prejudice against him and towards his social rehabilitation.

Treatment

66. The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.

67. 1. To these ends, all appropriate means shall be used, including spiritual guidance in the countries where this is possible, education, vocational guidance and training, social case-work, group activities, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release.

2. For every prisoner with a sentence of suitable length, the director shall receive, as soon as possible after his admission, full reports on the various matters referred to in the foregoing paragraph. Such reports shall always include reports by a medical officer, and wherever possible by a psychiatrist.

3. Reports and other relevant information shall be collected in individual files. Files shall be kept up to date and be accessible to responsible persons.

4. Individual treatment programmes shall be drawn up after consultation between the various categories of personnel. Prisoners shall be involved in the drawing up of their individual treatment programmes. The programmes should be periodically reviewed.

Classification of prisoners and individualisation of treatment

68. The purposes of classification of prisoners shall be:

(a) to separate from others those prisoners who, by reason of their criminal records or their personality, are likely to exercise a bad influence;

(b) so to place the prisoners as to facilitate their treatment, taking into account the security requirements and their social rehabilitation.

69. So far as possible separate institutions or separate sections of an institution shall be used for the treatment of the different types of prisoners.

70. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of suitable length, a programme of treatment shall be prepared for him in the light of the knowledge obtained about his individual needs, his capacities and dispositions.

71. 1. Prisoners shall be given opportunity to participate in activities of the institution likely to develop their sense of responsibility and to stimulate interest in their own treatment.

2. Efforts should be made to develop methods of co-operating and participation of the prisoners in their treatment. To this end prisoners shall be encouraged to assume, within the limits specified in Article 28, responsibilities in certain sectors of the institution's activity.

Work

72. 1. Prison labour must not be of a punitive nature. Prisoners shall not be asked to do any especially dangerous or unhealthy work.

2. Prisoners under sentence may be required to work, subject to their physical and mental fitness as determined by the medical officer and to the needs of education at all levels.

3. Sufficient work of a useful nature shall be provided to keep prisoners actively employed for a normal working day.

4. So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn a normal living after release.

5. Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners.

6. Within the limits compatible with proper vocational selection and with the requirements of institutional administration and discipline, the prisoners shall be able to choose the type of work they wish to perform.

73. 1. The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work outside institutions, so as to prepare prisoners for the conditions of normal occupational life.

2. The interests of the prisoners and of their vocational training, however, must not be subordinated to the purpose of making a financial profit from an industry in the institution.

74. 1. Work for prisoners shall be assured by the Penal Administration in its own workshops and farms or with private contractors, where practicable.

2. Where prisoners are working for private contractors they shall always be under the supervision of the Penal Administration. The full normal wages for such work shall be paid by the persons to whom the labour is supplied, account being taken of the output of the prisoners.

75. 1. Safety and health precautions for prisoners shall be similar to those enjoyed by workers outside.

2. Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to workers outside.

76. 1. The maximum daily and weekly working hours of the prisoners shall be fixed in conformity with local rules or custom in regard to the employment of free workmen.

2. Prisoners should have at least one rest-day a week and sufficient time for education and other activities required as part of their treatment and rehabilitation.

77. 1. There shall be a system of equitable remuneration of the work of prisoners.

2. Under the system prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to allocate a part of their earnings to their family or for other approved uses.

3. The system may also provide that a part of the earnings be set aside by the administration so as to constitute a savings fund to be handed over to the prisoner on his release.

Education and recreation

78. 1. Provision shall be made for the further education of all prisoners capable of profiting thereby, including religious instruction. Special attention shall be given by the administration to the education of illiterates and young prisoners.

2. So far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty.

79. Recreational and cultural activities shall be provided in all institutions for the benefit of the mental and physical health of prisoners.

80. From the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with relatives, other persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation.

81. 1. Effective services and agencies shall be set up to assist released prisoners to re-establish themselves in society, in particular with regard to work.

2. Steps must be taken to ensure that on release prisoners are provided, as necessary, with appropriate documents and identification papers, have suitable homes and work to go to, be provided with immediate means of subsistence, are suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination.

3. The approved representatives of the agencies or services mentioned in paragraph 1 shall have all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care programme of the prisoner.

4. The activities of all agencies and services concerned with the after-care of prisoners must be co-ordinated.

B. Insane and mentally abnormal prisoners

82. 1. Persons who are found to be insane shall not be detained in prisons and arrangements shall be made to remove them to appropriate establishments for the mentally ill as soon as possible.

2. Specialised institutions or sections under medical management should be available for the observation and treatment of prisoners suffering gravely from other mental disease or abnormality.

3. The medical or psychiatric service of the penal institutions shall provide for the psychiatric treatment of all prisoners who are in need of such treatment.

83. Steps should be taken, by arrangement with the appropriate agencies, to ensure where necessary the continuation of psychiatric treatment after release and the provision of social psychiatric after-care.

C. Prisoners under arrest or awaiting trial

84. 1. Persons arrested or imprisoned by reason of a criminal charge against them, who are detained either in police custody or in prison custody (jail) but have not yet been tried and sentenced, will be referred to as "untried prisoners" hereinafter in these rules.

2. Without prejudice to legal rules for the protection of individual liberty or prescribing the procedure to be observed in respect of untried prisoners, these prisoners, who are presumed to be innocent until they are found guilty, shall be treated without restrictions other than those necessary for the penal procedure and the security of the institution.

85. 1. Untried prisoners shall not be put in contact with convicted prisoners against their will.

2. Young untried prisoners shall be detained under conditions which protect them from harmful influences and which take account of the needs peculiar to their age.

86. Untried prisoners shall be given the opportunity of having separate rooms, except where climatic conditions require otherwise.

87. In accordance with the standards laid down by the health authorities, the administration shall provide the untried prisoners at the normal times with food which is suitably prepared and presented, and which satisfies in quality and quantity the standards of dietetics and modern hygiene and takes into account their age, health, the nature of their work, and, as far as possible, any requirements based on philosophical and religious beliefs.

88. 1. An untried prisoner shall be given the opportunity of wearing his own clothing, if it is clean and suitable.

2. If he does not avail himself of this opportunity, he shall be supplied with suitable dress.

3. If he has no suitable clothing of his own, an untried prisoner shall be provided with civilian clothing in good condition in which to appear in court or on outings organised under the regulations.

89. An untried prisoner shall always be offered opportunity to work, but shall not be required to work. If he chooses to work, he shall be paid for it.

90. An untried prisoner shall be allowed to procure at his own expense or at the expense of a third party such books, newspapers, writing materials and other means of occupation as are compatible with the interests of the administration of justice and the security and good order of the institution.

91. An untried prisoner shall be given the opportunity of being visited and treated by his own doctor or dentist if there is reasonable ground for his application and he is able to pay.

92. An untried prisoner shall be allowed to inform his family of his detention immediately, and shall be given all reasonable facilities for communicating with his family and friends and persons with whom it is to his legitimate interest to enter into contact and for receiving visits from them under conditions that are fully satisfactory from the human point of view, subject only to such restrictions and supervision as are necessary in the interests of the administration of justice and of the security and good order of the institution.

93. An untried prisoner shall be entitled, as soon as he is imprisoned, to choose his legal representative, or shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him, and to receive, confidential instructions. At his request he shall be given all necessary facilities for this purpose. In particular, he shall be given the free assistance of an interpreter for all essential contacts with the administration and for his defence. Interviews between the prisoner and his legal adviser may be within sight but not within hearing, either direct or indirect, of a police or institution official.

D. Civil prisoners

94. In countries where the law permits imprisonment for debt or by order of a court under any other non-criminal process, persons so imprisoned shall not be subjected to any greater restriction or severity than is necessary to ensure safe custody and good order. Their treatment shall not be less favourable than that of untried prisoners, with the reservation, however, that they may possibly be required to work.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

11 September 1980

Doc. 4573
Amendment No. 1

PARLIAMENTARY ASSEMBLY

R E P O R T

on the social situation of prisoners

AMENDMENT NO. 1

presented by Mr HUGOSSON
and Mrs GRADIN

In the draft recommendation, paragraph 8,

II. Relations with the outside world, insert after sub-paragraph (ii), a new sub-paragraph as follows:

- iii. "Correspondence between an inmate and an official body or lawyer shall be forwarded without scrutiny. However, if a letter allegedly comes from an official body or lawyer and there are good grounds for suspecting that the declaration is false, the letter may be scrutinised if the circumstances cannot be clarified by any other means".

Signed: HUGOSSON
GRADIN

E.41.651
01.7

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

11 September 1980.

Doc. 4573
Amendment No. 2

PARLIAMENTARY ASSEMBLY

R E P O R T

on the social situation of prisoners

AMENDMENT NO. 2

presented by Mr HUGOSSON
and Mrs GRADIN

In the draft recommendation, paragraph 8,

II. Relations with the outside world, insert after sub-paragraph (ii), a new sub-paragraph as follows:

- iv. "Telephone conversations may take place between inmates and persons outside the institution insofar as this can conveniently be arranged. The inmate may be refused telephone conversation calculated to jeopardise the security of the institution or likely to affect his adjustment in society or otherwise act to the detriment of himself or of any other person".

Signed: HUGOSSON
GRADIN

E.41.652
01.7

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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

11 September 1980

Doc. 4573
Amendment No. 3

PARLIAMENTARY ASSEMBLY

R E P O R T

on the social situation of prisoners

AMENDMENT NO. 3

presented by Mr HUGOSSON
and Mrs GRADIN

In the draft recommendation, paragraph 8,

II. Relations with the outside world, insert after sub-paragraph (ii), a new sub-paragraph as follows:

- v. "An inmate may be granted permission to leave an institution for a specified brief period in order to facilitate his adjustment in society (short furlough) as long as there is not a considerable risk for misuse. Short furloughs may also be granted where there are other special grounds".

Signed: HUGOSSON
GRADIN

E.41.653
01.7

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

11 September 1980

Doc. 4573.
Amendment No. 4

PARLIAMENTARY ASSEMBLY

R E P O R T

on the social situation of prisoners

AMENDMENT NO. 4

presented by Mr HUGOSSON
and Mrs GRADIN

In the draft recommendation, paragraph 8,

III. Work and vocational training, add a new sub-paragraph (iv) as follows:

- iv. "In preparing an inmate for the release, special efforts shall be made to provide him with suitable employment or other means of support, and a suitable place to live. If he needs education, vocational training or financial, social or medical assistance, action shall, so far as is possible, be taken to satisfy these needs".

Signed: HUGOSSON
GRADIN

E.41.654
01.7

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

16 September 1980

Doc. 4573
Amendment No. 5

PARLIAMENTARY ASSEMBLY

REPORT
on the social situation of prisoners

AMENDMENT No. 5

presented by Mrs MANTZOULINO
on behalf of the Legal Affairs Committee

At the end of the draft recommendation, add a new paragraph as follows:

"Recommends that the Committee of Ministers invite the governments of the member states which have not yet done so to ratify

- the European Convention on the International Validity of Criminal Judgments (1970);
- the European Convention on the Transfer of Proceedings in Criminal Matters (1972)."

Signed: MANTZOULINO

E 41.742
01.51

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

5 January 1981

Doc 4573
Amendment No. 6

PARLIAMENTARY ASSEMBLY

REPORT
on the social situation of prisoners

AMENDMENT NO. 6

presented by Mrs HAVROY

In the draft recommendation, paragraph 8, VII, delete the word "women", both in the heading and in the text of the sub-paragraph.

Signed: HAVROY

E 44.282
01.7

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

28 January 1981

Doc. 4573
Amendment No. 7

PARLIAMENTARY ASSEMBLY

R E P O R T
on the social situation of prisoners

AMENDMENT No. 7
presented by Mrs ROSOLEN

In the draft recommendation, paragraph 8. VII :

1. Delete the words : "such as the provision of separate quarters".
2. Add at the end of the same sub-paragraph the following words :
"and they should be able to take advantage of social services
outside the prison (such as day-nurseries, nursery schools,
etc.)"

Signed : ROSOLEN

E 44.847
01.7

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

29 January 1981

Doc. 4573
Amendment 8

PARLIAMENTARY ASSEMBLY

R E P O R T
on the social situation of prisoners

AMENDMENT No. 8
presented by Mrs HAVRØY

In the draft recommendation, paragraph 7, delete the words :
"and introduce machinery for supervising its implementation",
and insert the following :
"and" extend its scope ;"

Signed : HAVRØY

E 44.875
01.7

END