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on prison systems and conditions
(2015/2062(INI))

Committee on Civil Liberties, Justice and Home Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on prison systems and conditions (2015/2062(INI))

The European Parliament,

- having regard to Articles 2, 6 and 7 of the Treaty on European Union and to the Charter of Fundamental Rights of the European Union, particularly Articles 4, 19, 47, 48 and 49 thereof,
- having regard to the European Convention on Human Rights and Fundamental Freedoms (ECHR) (Article 3, Article 8), the protocols to the ECHR and the case-law of the European Court of Human Rights, the European Convention of 1987 for the Prevention of Torture and Inhuman or Degrading Treatment and Punishment, and the reports of the European Committee for the Prevention of Torture (CPT),
- having regard to the Universal Declaration of Human Rights (Articles 3 and 5), the International Covenant on Civil and Political Rights (Article 7), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the UN Convention on the Rights of the Child, adopted in New York on 20 November 1989,
- having regard to the following General Comments of the UN Committee on the Rights of the Child: No 10 (2007) on children's rights in juvenile justice, No 13 (2011) on the right of the child to freedom from all forms of violence, and No 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (Article 31),
- having regard to the UN minimum rules on the treatment of prisoners and the declarations and principles adopted by the UN General Assembly; having regard to the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) adopted by the General Assembly; having regard to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice; having regard to the recommendations of the Committee of Ministers of the Council of Europe, particularly Recommendation CM/Rec (2006)2 on European Prison Rules, Recommendation CM/Rec (2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, Recommendation CM/Rec (2008)11 on the European rules for juvenile offenders subject to sanctions or measures, Recommendation CM/Rec (2010)1 on the Council of Europe Probation Rules, and Recommendation CM/Rec (2017)3 on the European Rules on community sanctions and measures; also having regard to the recommendations adopted by the Parliamentary Assembly of the Council of Europe,
- having regard to its resolutions of 18 January 1996 on poor conditions in prisons in the European Union¹, of 17 December 1998 on prison conditions in the European Union:

¹ OJ C 32, 5.2.1996, p. 102.

- improvements and alternative penalties¹, of 25 November 2009 on the multiannual programme 2010–2014 regarding the area of freedom, security and justice (Stockholm programme)² and of 15 December 2011 on detention conditions in the EU³,
- having regard to Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States⁴,
 - having regard to Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union⁵ (‘transfers of prisoners’),
 - having regard to Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions⁶ (‘probation and alternative sanctions’),
 - having regard to Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the EU, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention⁷ (‘European supervision orders’),
 - having regard to Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings⁸,
 - having regard to the report of the European Union Agency for Fundamental Rights entitled ‘Criminal detention and alternatives: fundamental rights aspects in EU cross-border transfers’,
 - having regard to the Commission Green Paper of 14 June 2001 entitled ‘Strengthening mutual trust in the European judicial area – A Green Paper on the application of EU criminal justice legislation in the field of detention’ (COM(2011)0327),
 - having regard to the judgment of the Court of Justice of the European Union in joined cases C-404/15 and C-659/15 PPU, Pál Aranyosi and Robert Căldăraru,
 - having regard to its resolution of 25 November 2015 on the prevention of radicalisation and recruitment of European citizens by terrorist organisations⁹, and to the UNODC Handbook on the management of violent extremist prisoners and the prevention of

¹ OJ C 98, 9.4.1999, p. 299.

² OJ C 285 E, 21.10.2010, p. 12.

³ OJ C 168, 14.6.2013, p. 82.

⁴ OJ L 190, 18.7.2002, p. 1.

⁵ OJ L 327, 5.12.2008, p. 27.

⁶ OJ L 337, 16.12.2008, p. 102.

⁷ OJ L 294, 11.11.2009, p. 20.

⁸ OJ L 132, 21.5.2016, p. 1.

⁹ Texts adopted, P8_TA(2015)0410.

- radicalisation to violence in prisons¹,
- having regard to its Written Declaration 0006/2011 of 14 February 2011 on infringement of the fundamental rights of detainees in the European Union,
 - having regard to the conventions, recommendations and resolutions of the Council of Europe on prison matters,
 - having regard to the Council of Europe’s white paper on prison overcrowding of 28 September 2016,
 - having regard to Recommendation CM/Rec (2017)3 of the Committee of Ministers of the Council of Europe to the Member States on the European Rules on community sanctions and measures, adopted by the Committee of Ministers on 22 March 2017,
 - having regard to Recommendation CM/Rec (2012)12 of the Committee of Ministers of the Council of Europe to Member States concerning foreign prisoners, adopted by the Committee of Ministers on 10 October 2012,
 - having regard to Recommendation CM/Rec (2012)5 of the Committee of Ministers of the Council of Europe to Member States on the European Code of Ethics for Prison Staff, adopted by the Committee of Ministers on 12 April 2012,
 - having regard to Recommendation CM/Rec (2008)11 of the Committee of Ministers of the Council of Europe to Member States on the European Rules for juvenile offenders subject to sanctions or measures, adopted by the Committee of Ministers on 5 November 2008,
 - having regard to the Council of Europe handbook for prison and probation services regarding radicalisation and violent extremism,
 - having regard to the studies of the European Penal Observatory (EPO), ‘From national practices to European guidelines: interesting initiatives in prisons management’ (2013) and ‘National monitoring bodies of prison conditions and the European standards’ (2015),
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Women’s Rights and Gender Equality (A8-0251/2017),
- A. whereas in 2014 prisons across the EU were holding over half a million inmates, including both convicted persons serving their definitive sentence and persons accused of a crime who were on remand;
- B. whereas prison conditions and prison management are responsibilities of the Member States but the EU also has a necessary role to play in protecting the fundamental rights of

¹ www.unodc.org/documents/brussels/News/2016.10_Handbook_on_VEPs.pdf

prisoners and in creating the European Area of Freedom, Security and Justice; whereas it falls within the remit of the EU to encourage the exchange of good practices between Member States which face common problems raising real security issues across Europe.

- C. whereas the situation in the prisons and the at times degrading and inhumane conditions of detention existing in certain Member States are cause for extreme concern, as demonstrated by reports such as those of the Council of Europe's European Committee for the Prevention of Torture;
- D. whereas prison overcrowding is a recurrent problem in the Union, as recognised by more than a third of Member States and demonstrated by reports such as the most recent edition of the Council of Europe Annual Penal Statistics (SPACE), published on 14 March 2017; and whereas the European Court of Human Rights has regarded overcrowding as a breach of Article 3 ECHR;
- E. whereas overcrowding obstructs the extradition or transfer of sentenced persons because of concerns regarding bad prison conditions in the receiving state; whereas the situation in certain Member States is continuing to worsen, to the point of becoming untenable in some of their prisons;
- F. whereas prison overcrowding is seriously detrimental to the quality of detention conditions, may contribute to radicalisation, has adverse effects on the health and wellbeing of prisoners, is an obstacle to social rehabilitation, and contributes to an unsafe, complicated and unhealthy working environment for prison staff;
- G. whereas in its judgment of 6 October 2005 in the case *Hirst v. United Kingdom*, the European Court of Human Rights confirmed that the generalised and automatic removal of prisoners' right to vote is not compatible with democracy; whereas in Poland in 2011 58.7 % of prisoners entitled to vote participated in the parliamentary elections;
- H. whereas there is no correlation between severity of sentences and a drop in the crime rate;
- I. whereas imprisonment is a particularly inappropriate situation in which to place certain vulnerable individuals, such as minors, the elderly, pregnant women and people suffering from serious mental or physical illness or incapacity; whereas such persons require an appropriate tailored approach;
- J. whereas Article 37 of the UN Convention on the Rights of the Child stipulates that the detention of a child 'shall be used only as a measure of last resort and for the shortest appropriate period of time' and that children 'shall be separated from adults unless it is considered in the child's best interest not to do so';
- K. whereas, according to Eurostat data, over 20 % of the total prison population in 2014 consisted of pre-trial detainees;
- L. whereas pre-trial detention should be used only as a measure of last resort; whereas children should never be held in a facility where they are vulnerable to negative influences; whereas account should always be taken of the needs specific to the child's phase of development;

- M. whereas imprisonment, including pre-trial detention, should be used only in legally justified cases and the application of sanctions as alternatives to imprisonment - such as home detention or other measures - should be prioritised in the case of prisoners who do not present a serious danger to society, thus keeping them in an open or familiar environment and giving them better access to social services, care and reintegration;
- N. whereas juvenile offenders should in principle always be entitled to alternatives to detention, regardless of the offence they have committed;
- O. whereas, according to Council of Europe figures for 2015, on average as many as 10.8 % of inmates in European prisons are foreigners - – the corresponding figure in 2014 being 13.7% - and whereas they are most often remanded in custody because of the supposed greater risk of absconding associated with them;
- P. whereas penitentiary staff carry out an essential function on behalf of the community and should enjoy conditions of employment befitting their qualifications and which take account of the demanding nature of their work; whereas considering the difficult and delicate nature of their activity, measures such as better initial and continuous training of prison staff, an increase in dedicated funding, the sharing of best practices, decent and safe working conditions and an increase in staffing levels are essential to ensure good detention conditions in prisons; whereas continuous training would help support prison staff in addressing new and emerging challenges such as radicalisation in prison;
- Q. whereas motivated, dedicated and respected prison staff are a precondition for humane detention conditions and hence for the success of detention concepts designed to improve the management of prisons, successful reintegration into society, and the reduction of risks of radicalisation and recidivism;
- R. whereas self-harm and violent behaviour by prisoners are often provoked by overcrowding and deplorable detention conditions; whereas an additional factor is that staff are not properly trained or qualified; whereas in many prisons the level of tension is creating particularly difficult working conditions for staff, leading in several cases to industrial action in Member States;
- S. whereas an efficient penitentiary administration must be adequately funded and staffed if it is to carry out its security and rehabilitation mission;
- T. whereas the prohibition of torture or other cruel, inhuman or degrading treatment or punishment is a universal norm, applicable to adults as well as children, and any violation of the fundamental rights of prisoners which does not result from restrictions that are vital for the deprivation of freedom is detrimental to human dignity;
- U. whereas the suicide rate in prisons in the EU is particularly alarming;
- V. whereas radicalisation in many prisons in the EU is a phenomenon of major concern requiring particular attention, and needs to be tackled by appropriate means, on a basis of full respect for human rights and international obligations; whereas the factors behind the rise in this phenomenon can include inhumane detention conditions and overcrowding, which can encourage the influence of recruiters for violent extremism;

- W. whereas the Union has made funding available under the European Agenda on Security in order to tackle radicalisation in prisons; whereas, in view of the security context in Europe, each Member State should, as a matter of urgency, take measures to prevent radicalisation in prisons; whereas the exchange of good practices at European level is crucial;
- X. whereas some of the current prison systems and facilities, and a significant proportion of the buildings currently in use as prisons in a number of European countries, date from the nineteenth century; whereas some of these buildings are no longer suitable for use in the twenty-first century, offering deplorable conditions that violate fundamental human rights;
- Y. whereas research has concluded that the development of a representative democracy and of a constructive dialogue inside prisons has been beneficial for prisoners, staff and the wider society, helping to improve staff-prisoner relationships;
1. Is alarmed about prison conditions in certain Member States and the state of a number of European prisons; calls on the Member States to comply with the rules on detention derived from the instruments of international law and Council of Europe standards; notes that deprivation of liberty does not equate to deprivation of dignity; calls on the Member States to adopt independent prison monitoring mechanisms as laid down in the Optional Protocol to the Convention against Torture (OPCAT);
 2. Calls on the Member States to strengthen their judicial systems and invest in training for judges;
 3. Reaffirms that detention conditions are a decisive element in the application of the principle of mutual recognition of judgments in the European Union Area of Freedom, Security and Justice, as the Court of Justice held in the Aranyosi and Căldăraru cases; recalls the fundamental importance of the principle of mutual recognition of judgments provided for in the Treaty on European Union;
 4. Deplores the fact that prison overcrowding is very common in Europe; is alarmed at the new record levels of overcrowding in some Member States; highlights that according to the latest edition of the annual penal statistics of the Council of Europe of 14 March 2017, the number of detainees continues to exceed the number of available places in a third of European penitentiary institutions; calls on the Member States to follow the recommendations of the Council of Europe's white paper on prison overcrowding of 28 September 2016 and Recommendation R(99) 22 of the Committee of Ministers of the Council of Europe of 30 September 1999 concerning prison overcrowding and prison population inflation;
 5. Points out that Member States calculate prison capacity and, therefore, overcrowding rates, in accordance with spatial parameters that differ radically from one Member State to another, making it difficult, if not impossible, to make Union-wide comparisons;
 6. Deplores, further, the fact that in many cases prison overcrowding has a serious impact on the safety of staff and prisoners, affecting living conditions and health, the activities

available, medical and psychological care, and the rehabilitation and monitoring of prisoners; urges Member States to set up systems and databases for the real-time monitoring of inmates' detention conditions, and to ensure an efficient distribution of their prison population;

7. Considers that increasing prison capacity is not the sole solution to overcrowding, as the prison population tends to rise at the same rate as increases in prison capacity; calls nonetheless on Member States to allocate adequate resources to the refurbishment and modernisation of prisons in order to prioritise small units with accommodation for a restricted number of prisoners, provide dignified detention conditions, create collective spaces that meet the objectives of activity provision and socialisation, encourage rehabilitation and reintegration into society, develop further educational facilities, and ensure a more secure environment for both prisoners and staff;
8. Considers that detention rules that vary in line with the prisoners and the level of risk they pose constitute a good method for preventing recidivism and encouraging reintegration into society; points out, once again, that reintegration measures must be internalised and must start during the period of detention; encourages Member States to take into account the type of crime committed when deciding how to distribute the prison population, preventing short-term inmates and those convicted of minor offences from coming into contact with long-term inmates;
9. Calls on the Member States to provide inmates with a balanced programme of activities and to allow them to spend as many hours a day outside their cells as are necessary for an adequate level of human and social interaction and to lower frustration and violence; stresses that the accommodation provided for prisoners, and in particular sleeping conditions, shall respect human dignity and privacy and meet health and hygiene requirements, due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, avoiding high levels of noise, heating and ventilation; calls on all Member States to adopt a common definition of the 'minimum space' to be provided for each detainee; recalls that the Commission recently mentioned the possibility of funding for Member States from the EU Structural Funds;
10. Calls on the Member States to consider recruiting volunteers, within the context of the delivery of sanctions, to support the professional staff, with a view to creating links that will promote the reintegration of individuals into society; considers that the tasks of the volunteers should be clearly distinct from those carried out by the professional staff, and should fall within the limits of their competences;
11. Suggests that Member States should establish inspectorates for detention premises (as is already the case in some), thus being able to draw on the work of independent bodies in evaluating prison conditions;
12. Is concerned about the increasing privatisation of prison systems in the EU, and recalls that the privatisation of penal systems often leaves many questions unanswered as regards its impact on detention conditions and on respect for fundamental rights; deplores the fact that very few comparative studies have been carried out to evaluate costs and quality of management as regards public and private prisons; stresses that the

main tasks of guidance, monitoring and court administration must remain under the authority of the state;

13. Stresses that remand in custody must remain a measure of last resort, to be used only in cases where it is strictly necessary and for the shortest possible period of time, in line with the national criminal procedure code applying; deplores the fact that in many Member States, in practice remand is used systematically, which, combined with poor prison conditions, but not only, entails a violation of the fundamental rights of prisoners; considers that solving the problem of the overuse of pre-trial detention needs innovative solutions, including through the modernisation of criminal procedure codes and the strengthening of the judiciary;
14. Recalls that the European Prison Rules, adopted by the Committee of Ministers of the Council of Europe, underline that that prisoners should be able to participate in elections and referenda and in other aspects of public life, in so far as their right to do so is not restricted by national law; recalls that participation in electoral activities allows prisoners to become again active members of society, which helps in their reintegration path; urges Member States to facilitate the practical access to electoral rights for prisoners, such as setting up voting booths inside prisons on election days;
15. Insists that an efficient long-term management of penitentiary systems should be implemented, reducing the number of prisoners by more frequent use of non-custodial punishments - such as community service orders or electronic tagging - and minimising recourse to pre-trial detention;
16. Calls on Member States to ensure that, in addition to the punitive aspect of imprisonment, attention is also devoted to the development of practical skills and the rehabilitation of prisoners, in order to enable punishment to be managed better, make a success of social reintegration and reduce recidivism; points out that by comparison with alternative measures imprisonment leads to more reoffending for short sentences;
17. Encourages Member States to introduce sentence adjustment measures, particularly for the shortest sentences, including the use of day release, allowing sentences to be served during holidays in order to avoid the prisoner losing his or her job, community service orders, and increased use of home detention and electronic tagging; also considers that sentencing should be more individually tailored so that it can be delivered better;
18. Considers that, in order to be effective, the introduction of new, non-custodial measures should be accompanied by other measures such as penal, educational and social reforms aiming at promoting reintegration and contact with the external society and economy; in this respect, believes that penitentiary administrations should establish strong bonds with local communities, producing explanatory documents and statistical evidence aimed at persuading public opinion that non-custodial measures are necessary to reduce recidivism as well as to ensure long-term security in our society; draws attention in this connection to the good practices which exist in the Scandinavian countries;
19. Calls on the Commission to carry out a comparative study to analyse Member States' alternative measures and support the dissemination of national best practices;
20. Calls on all Member States to introduce stronger measures for monitoring prisoners

after their release from prison where they have been convicted of serious crimes; suggests that follow-up measures after release be put in place, by convening a hearing chaired by a judge and attended by probation and reintegration officers to evaluate reintegration into society and the risk of reoffending;

21. Stresses that the Framework Decision on probation and alternative sanctions provides for mutual recognition arrangements applicable to measures used by the Member States, such as restrictions on travel, community service orders, restrictions on communication and removal measures. and that the Framework Decision on European supervision orders similarly provides for remand in custody;
22. Calls on the Member States to abide by the specific recommendations concerning prison conditions for vulnerable detainees; deplores the fact that people who are mentally ill sometimes are, and remain, imprisoned simply because of the lack of appropriate services elsewhere, and recalls that, according to the European Court of Human Rights, the inadequate treatment of people who are mentally ill may constitute a breach of Article 3 ECHR and Article 2 ECHR (the right to life) in the case of prisoners who are suicidal;
23. Deplores the fact that the vulnerable situation of elderly and disabled prisoners is not fully taken into account in some Member States; calls on the Member States to ensure that elderly prisoners who become incapacitated are released and that disabled prisoners are provided with the necessary infrastructures;
24. Calls on Member States to take action against any form of discrimination in the treatment of prisoners on grounds of sexual orientation or gender identity, and to guarantee prisoners' rights to their sexuality;
25. Emphasises that women prisoners have specific needs and must have access to adequate medical services and medical examinations, and to appropriate sanitary measures; calls on Member States to abide by the recommendations in force concerning the treatment of female prisoners, avoiding all gender discrimination;
26. Considers it essential that special attention is paid to the needs of women in prison during pregnancy and also after they have given birth, by providing adequate spaces for breastfeeding and qualified and specialised nursing care; considers it appropriate to reflect on alternative models that take into account the wellbeing of children in prisons; maintains that the automatic separation of mother and child creates major emotional disturbances in the child and can amount to an additional penalty affecting both mother and child;
27. Expresses its concern at the high level of suicides in prison; calls on each Member State to produce a national action plan to prevent suicide of persons in detention;
28. Encourages Member States to ensure that prisoners have regular contacts with their families and friends by allowing them to serve their sentences in establishments close to their homes and by promoting visits, telephone calls and use of electronic communications, subject to authorisation by the judge and monitoring by the prison administration, for the purposes of preserving family ties; recalls that the notion of

family should be interpreted broadly to include non-formalised relationships; considers it important that appropriate conditions be provided for those ties to be maintained;

29. Condemns the prison dispersal policy applied by some Member States, since it represents an added penalty affecting prisoners' families; urges that measures be put in place to allow all prisoners being detained far from their homes to be moved closer, unless the judicial authority decides otherwise for legally justified reasons; recalls that according to the European Court of Human Rights, detaining a person in a prison which is so far from his or her family as to render family visits very difficult or even impossible may constitute a breach of Article 8 ECHR (the right to respect for private and family life);
30. Reaffirms the importance of ensuring that children in prison are treated in a manner that takes into account their best interests, including being held separately from adults at all times, also during prison transfers, and having the right to maintain contact with their families unless a court rules otherwise; regrets that in some Member States juvenile offenders are detained in facilities together with adults and are thus exposed to risks of abuse and violence and deprived of the specific care that a vulnerable group needs; recalls that Directive (EU) 2016/800 on procedural safeguards for children states that alternative measures are preferable; calls on the Member States to establish attendance centres for adolescents;
31. Recalls that children in detention should receive care, protection and all necessary individual assistance - social, educational, vocational, psychological, medical and physical - that they may require in view of their age, gender and personality; encourages the Member States to promote secure educational centres with child psychiatric care facilities for the most difficult children, rather than imprisonment; calls on the Member States to extend particular care and special protection to children in detention;
32. Calls on the Member States to provide appropriate educational facilities for juveniles in prison; notes that children in detention must have access to programmes that prepare them in advance for their return to their communities, with full attention paid to them in respect of their emotional and physical needs, their family relationships, housing, schooling and employment possibilities and socio-economic status;
33. Encourages the Commission to establish specific working groups composed of representatives of Member States' ministries of justice and national authorities, as well as of NGOs operating in the field, in order to facilitate the exchange of best practices;
34. Stresses that children in detention should maintain regular and meaningful contact with parents, family and friends through visits and correspondence, except where restrictions are required in the interests of justice and of the child; recalls that restrictions of this right should never be used as a punishment;
35. Asks the Commission to promote policies aimed at overcoming the discrimination that could be suffered by the children of imprisoned parents, from the viewpoint of strengthening social integration and building an inclusive and fair society;

36. Recognises the right of children to maintain direct contact with a detained parent and, at the same time, reiterates the prisoner's right to parenting; considers in this respect that prisons should be equipped with a suitable children's space, where children are looked after by adequately trained prison officers, social workers and NGO volunteers who can assist children and families during prison visits;
37. Calls on the Commission to evaluate the possibility of drawing up a memorandum of understanding at EU level in order to ensure the preservation of the parenthood relationship with imprisoned parents and allow parents to be present at important moments in their children's education, thus safeguarding the interests of minors;
38. Underlines that prisoners who are detained in another Member State than their Member State of residence have more difficulties in keeping in contact with their families;
39. Calls on the Member States to abide by the recommendations in force concerning the treatment of foreign prisoners, based on their right not to suffer discrimination, and in particular to promote action by cultural mediators;
40. Calls on the Member States to use solitary confinement only as a last resort and where the prisoner poses a danger to other inmates or to himself or herself, and to create all possible mechanisms to prevent abuse; calls on the Member States to cease to apply solitary confinement to minors;
41. Calls on the Member States to combat the phenomenon of trafficking in illicit substances and drugs in prisons more effectively;
42. Recalls the principle of the universal right to health, and calls on Member States to guarantee access to adequate healthcare services and appropriate medical facilities in prison and to ensure that prisoners have access to healthcare whenever needed by having qualified medical practitioners appointed in sufficient numbers to every prison; expresses concern at the difficulties experienced by prisoners in a number of Member States in accessing a doctor or obtaining psychological support;
43. Urges the Member States to ensure that prisoners with serious or chronic medical conditions including cancer receive the specific treatment they need;
44. Calls on those Member States that do not already operate such practices to consider adjusting the sentences of seriously ill prisoners on humanitarian grounds, subject to judicial authorisation and taking into account the degree of dangerousness of detainees and the opinion of an expert committee;
45. Calls on the Member States to combat the growing phenomenon of radicalisation in prisons while protecting freedom of religion and avoiding discrimination relating to the practice of a particular faith; underlines that any specific programme targeted on a certain group of prisoners, such as those considered as 'radicalised', must respect the same human rights criteria and international obligations as apply to any other prisoners; recommends that prison administrations inform the competent authorities regarding the radicalisation of individuals;

46. Stresses that inhumane detention conditions, ill-treatment and overcrowding can constitute factors that increase the risk of radicalisation;
47. Considers that radicalisation can be effectively tackled through, inter alia, improving the detection of early signs of the phenomenon (e.g. by training staff and improving prison intelligence), improving mechanisms for dealing with extremist behaviour, developing educational measures, and supporting inter-faith dialogue and communication; considers that better mentoring, greater psychological care and exchanges with de-radicalised individuals are essential in the fight against radicalisation; notes that young people are particularly vulnerable to propaganda circulated by terrorist organisations; encourages the Member States to establish de-radicalisation programmes;
48. Is of the opinion that Member States' monitoring activities should include flagging the most dangerous radicalised inmates to the judicial authorities and/or the national authorities in charge of counter-terrorism;
49. Encourages Member States to exchange best practices with the aim of preventing and combating radicalisation in prisons and in detention centres for minors; recalls that under the European Agenda on Security the EU has made funding available to support training for prison staff with the aim of countering radicalisation in prisons; calls on the Member States to make full use of the Radicalisation Awareness Network (RAN) Centre of Excellence, and specifically to further share expertise through the Prison and Probation Working Group therein;
50. Points out that differentiated detention rules for inmates who are considered as radicalised or have been recruited by terrorist organisations represent a possible measure for curtailing radicalisation in prisons; warns, however, that any such measures should be imposed on a case-by-case basis only and should be based on a judicial decision and be subject to review by the competent judicial authorities;
51. Stresses that prison staff perform a highly demanding job on behalf of the community, and should therefore receive adequate remuneration and enjoy decent working conditions, which should include free psychological counselling and dedicated helplines designed to provide support to staff facing problems likely to affect their work;
52. Recalls that social recognition and systematic training of prison staff are essential to ensure secure and appropriate detention conditions in prisons; encourages Member States to share information, to exchange and apply good practices and to adopt a code of conduct and ethics for their prison staff; to this end, calls for a General Assembly of Prison Administrations, which should include representatives of prison staff, to be convened;
53. Recalls the fundamental role of social dialogue with prison staff as well as the need to involve staff via information and consultation, especially when developing new detention concepts designed to improve prison systems and conditions, including those aiming at containing radicalisation threats;
54. Calls on the Member States to ensure regular dialogue between prisoners and prison staff, as good working relationships between staff and prisoners are an essential element

of dynamic security, in de-escalating potential incidents or in restoring good order through a process of dialogue;

55. Calls on the Member States to encourage prison governors to commit to the development of prison councils in all establishments;
56. Calls on the Commission to launch a European Forum on prison conditions, in order to encourage the exchange of best practices between experts and practitioners across all Member States;
57. Calls for the Commission and the EU institutions to take the necessary measures in their fields of competence to ensure respect for and protection of the fundamental rights of prisoners, and particularly of vulnerable individuals, children, mentally ill persons, disabled persons and women, including the adoption of common European standards and rules of detention in all Member States;
58. Calls on the Commission to monitor and collect information and statistics on detention conditions in all Member States and on any cases of infringement of the fundamental rights of detainees, on a basis of respect for the principle of subsidiarity; calls on Member States to allow MEPs the right of access to prisons and detention centres without hindrance;
59. Calls on the Member States to adopt a European Prisons Charter, in accordance with Council of Europe Recommendation 1656/2004 of 27 April 2004;
60. Calls on the Member States to promote policies for the reintegration of prisoners into civil life, in particular policies aiming at the removal of structural barriers preventing the reintegration of ex-prisoners into society, and to establish policies on monitoring and adjustment of penalties; points out that recidivism is less frequent when prisoners have a staged move from life in prison to life outside prison;
61. Considers that a restorative and protective view of criminal justice systems automatically entails greater respect for the individual's human dignity, as it aims at the protection of society and the rehabilitation of the person by making it easier to achieve the re-education objectives of the punishment, to reintegrate prisoners socially and to reduce recidivism; regrets that the development of mediation and restorative practices over the use of disciplinary proceedings is almost entirely absent in the majority of Member States; encourages the Member States to prioritise policies and legislation focusing on restorative and mediation-based justice, which uses social, economic and cultural tools rather than purely punitive measures;
62. Emphasises the importance of providing access to educational and professional qualifications for prisoners; encourages the Member States to offer meaningful activities such as educational training or work opportunities in accordance with international standards to all prisoners, with a view to re-socialising inmates and providing tools for a crime-free life after their time in prison; encourages the Member States to ensure that inmates work, study for a qualification or attend a training course during detention, so as to better manage their time and prepare their reintegration into society; considers it vital for minors to have access to schooling and vocational training;

63. Encourages the Member States to develop tools to support prisoners' return to working life with the aim of identifying job opportunities in relation to local needs, to organise and supervise training and work in as tailored a way as possible, and to be in constant dialogue with employers' representatives; exhorts the Member States to establish training schemes aimed at encouraging employers and private companies to provide professional training to inmates with a view to recruiting them at the end of the detention period; encourages the Member States to create incentives for employers wishing to employ prisoners or encourage former prisoners to set up their own business, including financial and fiscal incentives; also encourages the Member States to establish contact points for released inmates which offer information and support for jobseeking activities as well as mandatory and strictly supervised distance learning;
64. Recalls that the European Social Fund is a Union financial instrument aimed at improving job prospects for millions of Europeans, in particular those who find it difficult to get work, including prisoners and ex-offenders; welcomes the setting-up of projects helping prisoners to reintegrate into society and the labour market once they have served their sentence;
65. Emphasises that no work performed by a prisoner should be considered as a form of punishment and that potential abuse must be combated; stresses that work opportunities offered to prisoners should be relevant to contemporary working standards and techniques and should be organised so as to function within modern management systems and production processes; calls on the Member States to ensure that work in prison is better paid than is currently the case; calls on the Commission to carry out a comparative study of prisoners' wages in Member States, aiming to identify fair and sustainable remuneration levels allowing every prisoner to work;
66. Encourages the Member States to share best practices regarding education, rehabilitation and reintegration programmes, particularly in order to improve reintegration after leaving prison and to help prevent recidivism and further radicalisation;
67. Calls on the EU institutions to support technically and economically, as far as possible, the improvement of prison systems and conditions, especially in Member States facing serious financial difficulties;
68. Calls on the Commission to publish detailed reports on the situation of prisons in Europe at five-year intervals, following on from the adoption of the present resolution, including in-depth analysis of the quality of the education and training provided to inmates, and assessment of the results (including reoffending rates) of alternative measures to detention;
69. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Parliamentary Assembly of the Council of Europe, the Human Rights Commissioner of the Council of Europe, and the European Committee for the Prevention of Torture.

EXPLANATORY STATEMENT

Strange though it may seem, between 2013 and 2014 the prison population fell by 7% in Council of Europe member countries. The proportion of detainees per 100 places fell from 99 in 2011 to 96 in 2013, and 94 in 2014, according to the 2014 edition of the Annual Penal Statistics of the Council of Europe (SPACE), published on 8 March 2016. But the situation remains problematic in many countries, including certain Member States, such as Hungary, Belgium, Greece, Spain, France, Portugal and Italy. While Europe's prisons remain close to saturation point, houses of detention regularly exceed it. With 1 600 324 people in prison in Europe in 2014, a figure which includes both people convicted of crimes and sentenced to imprisonment and those remanded in custody pending investigation or trial, this is a real human problem. Imprisonment, which is in essence the penalty to which prisoners are sentenced, is all too often accompanied by living conditions in detention which amount to inhuman or degrading treatment as referred to in Article 3 of the European Convention on Human Rights.

In addition to this difficulty, there are often problems with the obsolescence of prison facilities, the lack of care and medical attention, and violence between prisoners and even between prisoners and prison staff; staffing levels are often below par, and prison staff may receive too little consideration. The resources devoted to preparations for reintegration during imprisonment and to socio-judicial probation to assist prisoners' reintegration are too often neglected in some Member States, to the extent that rates of recidivism and reimprisonment may exceed 50% in the first five years after release. It is therefore desirable to encourage the development of educational and social accompaniment in preparation for prisoners' release and socio-judicial probation after release, to improve the management of punishment, to make a success of reintegration into society and to reduce the risk of recidivism.

The rapporteur considers that there is an urgent need to face reality. Facts are stubborn, and prove that systems which are entirely punitive are ineffective or even counter-productive. The good practices which exist in various Member States, particularly in the Scandinavian countries, which prioritise alternative punishments, the medical and social care of prisoners and preparation for reintegration via open-prison systems, should be encouraged. The new conception that we should have of prisons policy should allow more scope for measures which limit deprivation of liberty as an alternative to detention.

Be that as it may, we should remember that, over and above deprivation of liberty and carrying out punishment, prisons have a duty to work for the reintegration of prisoners. Most likely, it is by monitoring prisoners better, individualising the punishments imposed, looking after psychiatric patients who absolutely must be placed in ad hoc establishments, being on our guard in relation to the most vulnerable prisoners in order to limit the risk of suicide, while remaining vigilant about the phenomenon of radicalisation, that we shall grow and protect our societies better against the boomerang effect of imprisonment.

Protecting the fundamental rights of prisoners and preserving human dignity are aspects that we should not forget in this report. Each year, regrettably, the European Committee for the Prevention of Torture (CPT) and the European Court of Human Rights again reiterate that, in too many cases, those aspects are neglected in multiple ways.

Let us make no mistake. There is no one solution but several, which should reflect a genuine political will on the part of governments and the EU.

12.5.2017

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Civil Liberties, Justice and Home Affairs

on prison systems and conditions
(2015/2062(INI))

Rapporteur: Barbara Matera

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas on average women account for 4.5 % of prisoners in the 28 Member States and the increased number of women in prison is partly due to worsening economic conditions for women; whereas age segregation of women prisoners is a fundamental principle of protection for minors; whereas every detention centre should have a wing in which vulnerable prisoners can be housed;
- B. whereas very often female prisoners are mothers and the sole carers of young children; whereas, because of the uneven territorial coverage of establishments able to accommodate them, these women are often placed far away from their children and suffer more from the breakdown of their family ties;
- C. whereas the non-mixed nature of activities and the isolation of women's detention quarters in prisons housing prisoners of both genders make it particularly difficult for women to access common facilities such as sanitary facilities, socio-cultural areas, sports grounds or libraries; whereas not all female prisoners are able to occupy a post in core prison services because they are prohibited from frequenting certain common facilities; whereas such access, which should be ensured for women prisoners, helps those women rebuild their social lives and helps to make life in prison less alienating, which is a precondition for any reintegration;
- D. whereas European Prison Rule 19.7 states that 'special provision shall be made for the sanitary needs of women' and Rule 23(1) of the UN Standard Minimum Rules for the Treatment of Prisoners states that 'in women's institutions there shall be special accommodation for all necessary pre-natal and post-natal care and treatment'; whereas, however, such rules are seldom adhered to in the Member States, and as the European

Prison Observatory notes, ‘in practice, women’s sanitary needs are not always remembered or respected’;

- E. whereas the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Standards require that mixed staffing be used in prisons, and that ‘persons deprived of their liberty should only be searched by staff of the same gender and that any search that requires an inmate to undress should be conducted out of sight of custodial staff of the opposite gender’; whereas the UN Standard Minimum Rules for the Treatment of Prisoners state that ‘no male member of the staff shall enter the part of the institution set aside for women unless accompanied by a woman officer’, and that ‘women prisoners shall be attended and supervised only by women officers’; whereas, however, these practices are not always followed in the Member States;
1. Calls on the Member States to collect information on all aspects of imprisonment, to make a breakdown of all data by gender and to make the statistics available with a view to the understanding of the most common crimes and offences committed by women, and also to consider alternative forms of detention for minor offences; calls on the Member States, in this connection, to take all necessary measures to combat prison overcrowding, which must in no way constitute an obstacle to the effective application of the principle of equality between men and women;
 2. Calls on the Member States to ensure that prisons meet all sanitary and health needs for women, including with regard to gynaecological health, pre- and post-natal care, menstrual products and sexual and reproductive health, and take appropriate measures to tackle the disproportionately high levels of drug use among female prisoners;
 3. Notes that mental illnesses are over-represented among women in prison and that women are liable to commit self-harm and suicide, to have problems with drugs or alcohol abuse and to suffer sexual exploitation; calls on the Member States to improve conditions for women in prison by taking into account their specific needs, including by means of psychosocial support, prevention, monitoring and the appropriate and sufficient treatment of physical and mental health problems; calls on the Member States, therefore, to invest in qualified support staff so as to ensure that these issues are addressed and tangible improvements can be made, and to provide, where possible, for age segregation of women and for a wing for the most vulnerable prisoners;
 4. Calls on the Member States to pay particular attention to the protection of the health, dignity and privacy of women in detention centres with regard to their specific medical and hygiene needs, as these may be neglected or handled inappropriately owing to the small number of women in such centres; reminds Member States that regaining self-esteem is an essential component of human dignity;
 5. Considers it essential that special attention is given to the needs of women in prison during pregnancy and also after they have given birth, by providing adequate spaces for breastfeeding and qualified and specialised nursing care; considers it appropriate to reflect on alternative models that take into account the wellbeing of children in prisons; maintains that the automatic separation of the mother from her child creates major emotional disturbances in the child and can amount to an additional penalty for the mother; calls on the Member States to put in place provisions to enable mothers to stay with their children

for as long as possible; calls on the Member States to undertake measures to support prisoners who are mothers, by providing practical and financial support for visiting children and their carers, and by extending visiting time for children and telephone time for mothers; calls on the Member States to provide sexual and reproductive health services for women in prison;

6. Calls on the Member States to cease tolerating violence against female prisoners and degrading practices which constitute a violation of fundamental human rights; calls on the Member States to take proactive and preventive action in the fight against all forms of violence committed against women and LGBTQI persons in prison by staff and by other prisoners; calls on the Member States to take all the necessary measures to provide psychological support, through qualified staff, to all women prisoners who are victims of multiple forms of violence;
7. Underlines the difficult conditions experienced by transgender people within prisons; urges the Member States to ensure access to hormone treatment and psychological support for people in gender transition and for people in gender transition to be housed in prisons that correspond to their sexual identity;
8. Stresses the extreme vulnerability of LGBTQI inmates, who face the greatest risk of discrimination, abuse and sexual violence; calls on the Member States to provide individual cells to ensure the safety, dignity and privacy of transsexual and intersex prisoners;
9. Encourages those Member States in which women prostitutes are detained for soliciting to review their legislation in the light of the Swedish model and to propose strategies for helping prostitutes to abandon prostitution;
10. Condemns, in this connection, the systematic practice of removing bras from women in police custody, a practice which is not proportionate to the risks involved;
11. Calls on the Commission to establish as a priority an action plan to implement and evaluate the EU strategy for combating radicalisation and recruitment to terrorism with a specific gender approach policy, including recommendations to prevent the radicalisation of women in prison on the basis of best practice; calls on the Member States to coordinate their strategies and share the information and experience at their disposal in order to take all the necessary action to prevent the potential radicalisation of women in prison; points out that terrorist groups might engage women in detention in many different ways, including by marriage and persuading them to recruit others or to commit violent acts; recalls the need to apply social assistance measures, during imprisonment and thereafter, aimed at preparing prisoners for and helping them with reintegration, in particular as regards finding accommodation and employment, so as to prevent social exclusion and repeat offences;
12. Considers it essential that women and LGBTQI prisoners have adequate access to body care and personal hygiene services; emphasises that body care and personal hygiene are inalienable rights of the person and must be considered linked to mental wellbeing;
13. Recognises that the level of education of women in prison is on average quite low; asks the Member States, therefore, to dedicate additional attention to education programmes,

vocational training and social reintegration measures, in order to facilitate the reintegration of women into society;

14. Urges the Member States to ensure that international and European standards on gendered staffing be followed so as to protect female prisoners from violence at the hands of male staff;
15. Considers it essential that appropriate steps be taken to ensure full and fair reintegration of female prisoners, including through the eradication of practices that equip women for less well-paid work than men, such as the textile industry and cleaning, and through the implementation of gender-specific reintegration programmes;
16. Calls on the Member States to provide appropriate training for medical and prison staff dealing with female prisoners, since women are often subjected to gender-specific abuse, violence or exploitation at the hands of other prisoners or staff.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	11.5.2017
Result of final vote	+: 22 -: 2 0: 4
Members present for the final vote	Daniela Aiuto, Maria Arena, Beatriz Becerra Basterrechea, Malin Björk, Iratxe García Pérez, Arne Gericke, Anna Hedh, Mary Honeyball, Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Florent Marcellesi, Angelika Mlinar, Margot Parker, Marijana Petir, Pina Picierno, Jadwiga Wiśniewska, Jana Žitňanská
Substitutes present for the final vote	Izaskun Bilbao Barandica, Edouard Martin, Clare Moody, Jordi Solé, Mylène Troszczynski, Monika Vana, Julie Ward
Substitutes under Rule 200(2) present for the final vote	Eduard Kukan, Claudia Schmidt, Claudiu Ciprian Tănăsescu, Axel Voss

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ALDE	Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Angelika Mlinar
EFDD	Daniela Aiuto
GUE/NGL	Malin Björk
PPE	Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Eduard Kukan, Claudia Schmidt, Axel Voss
S&D	Maria Arena, Iratxe García Pérez, Anna Hedh, Mary Honeyball, Edouard Martin, Clare Moody, Pina Picierno, Claudiu Ciprian Tănăsescu, Julie Ward
VERTS/ALE	Florent Marcellesi, Jordi Solé, Monika Vana

2	-
EFDD	Margot Parker
ENF	Mylène Troszczynski

4	0
ECR	Arne Gericke, Jadwiga Wiśniewska, Jana Žitňanská
PPE	Marijana Petir

Key to symbols:

+ : in favour

- : against

0 : abstention

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	21.6.2017
Result of final vote	+: 44 -: 4 0: 3
Members present for the final vote	Martina Anderson, Gerard Batten, Heinz K. Becker, Michał Boni, Caterina Chinnici, Daniel Dalton, Rachida Dati, Agustín Díaz de Mera García Consuegra, Cornelia Ernst, Laura Ferrara, Monika Flašíková Beňová, Kinga Gál, Ana Gomes, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Eva Joly, Dietmar Köster, Barbara Kudrycka, Marju Lauristin, Monica Macovei, Roberta Metsola, Claude Moraes, József Nagy, Judith Sargentini, Birgit Sippel, Csaba Sógor, Sergei Stanishev, Traian Ungureanu, Marie-Christine Vergiat, Udo Voigt, Beatrix von Storch, Kristina Winberg, Auke Zijlstra
Substitutes present for the final vote	Joëlle Bergeron, Carlos Coelho, Pál Csáky, Gérard Deprez, Iratxe García Pérez, Maria Grapini, Petr Ježek, Sylvia-Yvonne Kaufmann, Nuno Melo, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Christine Revault D'Allonnes Bonnefoy, Josep-Maria Terricabras, Anders Primdahl Vistisen, Axel Voss
Substitutes under Rule 200(2) present for the final vote	Josu Juaristi Abaunz, Karin Kadenbach

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

44	+
ALDE	Gérard Deprez, Petr Ježek, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Sophia in 't Veld
EFDD	Joëlle Bergeron, Laura Ferrara
GUE/NGL	Lucy Anderson, Cornelia Ernst, Josu Juaristi Abaunz, Marie-Christine Vergiat
NI	Udo Voigt
PPE	Heinz K. Becker, Michał Boni, Carlos Coelho, Pál Csáky, Rachida Dati, Agustín Díaz de Mera García Consuegra, Kinga Gál, Monika Hohlmeier, Barbara Kudrycka, Nuno Melo, Roberta Metsola, József Nagy, Csaba Sógor, Traian Ungureanu, Axel Voss
S&D	Caterina Chinnici, Monika Flašíková Beňová, Iratxe García Pérez, Ana Gomes, Maria Grapini, Sylvie Guillaume, Karin Kadenbach, Sylvia-Yvonne Kaufmann, Dietmar Köster, Marju Lauristin, Claude Moraes, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel, Sergei Stanishev
Verts/ALE	Eva Joly, Judith Sargentini, Josep-Maria Terricabras

4	-
EFDD	Gerard Batten, Kristina Winberg, Beatrix von Storch
ENF	Auke Zijlstra

3	0
ECR	Daniel Dalton, Monica Macovei, Anders Primdahl Vistisen

Key to symbols:

+ : in favour

- : against

0 : abstention