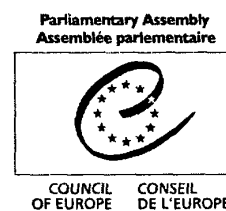


Parliamentary Assembly Assemblée parlementaire



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Social reintegration of prisoners

Report
Social, Health and Family Affairs Committee
Rapporteur: Mr Ali Rıza Gülcicek, Turkey, Socialist Group

Summary

A good prison policy is one of the bases of our democratic institutions.

Unfortunately, in a great number of member states, prison does not have the desired effects for a good integration. This is particularly the result of the isolation of the prisoner, the split with the family, the friends and society but also of the lack of training of the prison staff.

The Assembly, therefore, recommends taking measures during and after imprisonment and concerning, in particular, the setting up of social reintegration counselling and the use of alternatives to custodial sentences.

The Assembly underlines the necessity to draw special attention to the situation of young offenders as well as to the situation of women in prison.

A. Draft recommendation

1. A good prison policy aiming at the social reintegration of prisoners is an important factor when it comes to assessing the functioning of democracy in Council of Europe member states.

2. In this connection, the Parliamentary Assembly draws attention to Committee of Ministers Recommendation R (83) 7 on participation of the public in crime policy and its own Recommendations 1257 (1995) on conditions of detention in Council of Europe member states and 1656 (2004) on the situation of European prisons and pre-trial detention centres.

3. Even though the purpose of a prison sentence is to punish offenders and put them where they can do no harm, while preparing them for subsequent release and reintegration into society, the Assembly notes that, in most Council of Europe member states, imprisonment does not achieve the second objective as a large number of former prisoners reoffend within five years of their release.

4. There are many causes for this, including socialisation to prison culture, lack of family support, lack of education and vocational training and social prejudices.

5. Spending many years in prison may be a factor in desocialisation as it very often destroys prisoners' ties with their families, friends and the rest of society.

6. The chances of successful social reintegration also depend on the nature of the offence committed and the sentence served. In this connection, the Assembly draws attention to the possibility of alternatives to imprisonment for petty offenders.

7. The Assembly underlines that education is a fundamental human right and that prison authorities should provide appropriate measures of education for prisoners.

8. As knowledge of events in the outside world is also an important factor, prisoners must have access to information.

9. Since adjusting to freedom can often be difficult for individuals who have served long prison sentences, the Assembly believes that a system of conditional releases, prison leave and day releases can help ensure their successful reintegration into society.

10. The Assembly underlines the importance of the proper organisation of prisons and the role played both by prison staff and by social, medical and judicial services.

11. Prison policy must be geared towards enabling prisoners to lead socially responsible lives when released and preparing them for this during their imprisonment.

12. The Assembly recommends that the Committee of Ministers ask the relevant committees of experts:

12.1 to draw up a recommendation to member states on the social reintegration of prisoners, urging them to:

12.1.1. provide social reintegration counselling;

12.1.2. train prison staff appropriately by creating special training centres, if they do not exist ;

12.1.3. take steps to keep first-time offenders and young offenders separate from repeat offenders and other prisoners;

12.1.4. organise information for prisoners' families;

- 12.1.5. use alternatives to custodial sentences (placement, conditional release, electronic tagging), in appropriate cases;
 - 12.1.6. apply flexible and tolerant rules on visits, including "conjugal visits";
 - 12.1.7. take the necessary steps to enable prisoners to follow vocational training courses;
 - 12.1.8. allow prisoners to keep up with events in the outside world through newspapers and radio and/or television;
 - 12.1.9. launch awareness-raising campaigns to combat discrimination based on criminal records;
- 12.2. to organise exchanges of information between European prison governors so that they can share their experiences with a view to improving detention systems;
- 12.3. to give specific consideration to:
- 12.3.1. the situation of women and minors in prison;
 - 12.3.2. the health, hygiene and drugs situation in prisons.
13. In addition, the Assembly calls on Council of Europe member states which have not already done so to sign and ratify without delay the Optional Protocol to the United Nations Convention against Torture and the United Nations Convention on the Rights of the Child.

B. Explanatory memorandum by Mr Ali Riza Gülçiçek

I. Introduction

1. The first question which arises is whether prison is compatible with a social reintegration project.
2. A good prison policy is one of the bases of our democratic institutions. Imprisonment may, however, be a factor in desocialisation, as it often destroys the ties between individuals and their families and the rest of society.
3. The purpose of a prison sentence is twofold: to punish offenders and put them where they can do no harm for a given period, while preparing them for subsequent release. This is only possible if the time spent in custody is used to make sure that, upon release, prisoners are able to make a living as law-abiding citizens. In this context, the role played by prison authorities and, in particular, support and surveillance staff is very important.
4. Reintegration presupposes that detention is organised in a manner which facilitates a return to normal living and working conditions. This is a long and difficult process and also requires the co-operation of the social, medical and judicial services if it is to be effective. Returning successfully to a life in mainstream society prevents repeat offending.
5. A steady job is therefore vital for social integration, and released prisoners should not be steered towards jobs that offer them no security, where they are likely to be exploited and underpaid, as that would just perpetuate their exclusion from society.
6. It is also important for released prisoners to have access to decent housing but before all, human and social contacts in order to prevent any repeat offending.

II. Current situation and shortcomings

i. Situation in the member states

7. Throughout the Council of Europe's member states, prison does not have the desired effects in terms of successful reintegration and is very often an obstacle to former prisoners' prospects and future employment opportunities.
8. It is the duty of governments to offer alternatives to protect society against repeat offences while respecting the dignity of prisoners and leaving them the hope that they will one day be fully-fledged law-abiding citizens again.
9. Very often this process is hindered by a lack of receptiveness and co-operation on the part of the people concerned, a lack of specialisation among prison staff and a general lack of resources and infrastructure.

ii. Evaluation of the problems and needs

10. The problems frequently encountered include debt, lack of housing, isolation, lack of social support and poor schooling, etc. These are often major obstacles to rehabilitation.
11. Many prisoners find themselves in prison because they were not really integrated into society, as they had no real opportunity to lead normal lives because of poor education, inadequate emotional support or psychosocial problems.
12. Imprisonment often only makes things worse, as prisoners are frequently released without any preparation or information to help them.

13. Particular attention also has to be paid to the social problems that women prisoners face because of the stereotypes they suffer and their even more limited chances than men of finding employment again. In addition, imprisonment usually leads to the loss of their parental rights.

14. For their part, children suffer even more than adults from the traumatising experience of detention. Imprisonment should therefore remain the penalty of absolutely last resort here. Temporary placements should also be preferred to detention on remand.

15. In France, for example, 60% of former prisoners commit new offences and 40% return to jail within 5 years of their release.

16. To achieve successful rehabilitation, prisoners need to be able to consult psychosocial services, welfare workers and other relevant services.

17. Support from their families when the family exists is also a very important factor in prisoners' desire to return to a normal life upon release.

18. Very often families visiting prisons seem to suffer from feelings of shame, guilt and exclusion that tend to cut them off from others, when in fact they also need help.

19. As well as providing families with material and psychological support, efforts should be made to avoid geographical separation, for example by improving local transport facilities and developing outreach services.

20. Social prejudice against ex-convicts clearly also needs to be stamped out and civil society encouraged to give them another chance.

21. The importance of temporary jobs should not be underestimated, as they can serve as a stepping stone to a better future.

22. As a general rule, very few prisoners seem to have access to proper vocational training and demand far exceeds supply. As their level of schooling is generally very low, the training dispensed should be adapted accordingly.

23. Social rehabilitation means working on all aspects of prisoners' problems: administrative situation (they often have no identity documents), family situation (isolation, divorce, geographical separation, etc), state of health (drink, drugs) and accommodation, etc.

24. Obviously, the chances of successful rehabilitation depend on the nature of the offence committed and the sentence served. The chances of success are better the less serious the offence and the younger the offender.

25. Alternatives to imprisonment should be sought for petty offenders.

III. Means of achieving successful social integration

26. It must be borne in mind that when people are imprisoned they bring with them all the problems that put them in that predicament. It is therefore essential that prison authorities make every effort to provide them with social, psychological and legal assistance and are able, wherever possible, to offer them suitable vocational training.

27. Vocational training and the prospect of stable employment are undoubtedly the keys to successful rehabilitation and the prevention of reoffending, although account must also, of course, be taken of prisoners' past records and personal experience, as well as labour market trends.

i. During detention

a. The right to education and vocational training

28. Education is a fundamental human right and must be treated as such. Imprisonment should not deprive prisoners of other rights, like the right to education. If the aim is to turn prisoners into law-abiding citizens, society must also help to make them independent and restore their self-esteem.

29. Above all, prisoners' needs must be evaluated and co-operation with local businesses organised so that prisoners can work outside prisons and acquire real work experience. This can only be done properly with the help of social workers and with the co-operation of firms and their managers and employees.

30. The possibilities offered by the new information technologies and the Internet should also be explored in this respect.

b. Prison work

31. Prison work contributes actively to social reintegration by placing prisoners in a situation similar to normal working conditions and giving them a chance to gain experience and even acquire skills and qualifications. In most cases, unfortunately, the work consists in manufacturing things for government concerns or doing community work.

32. Unfortunately, the conditions in which prisoners work tend to fall outside the scope of ordinary law. No employment contract is signed and the labour code does not apply. The same is true of wages.

33. Except in Denmark and Spain, all convicted offenders serving custodial sentences are required to work. Since May 2001 this has not been the case in Denmark, where prisoners are not obliged to work. Instead, Danish law stipulates that prisoners must have an "occupation" but also access to training.

34. In Germany the law stipulates that work and training contribute to the rehabilitation of prisoners. This is also the case in the United Kingdom and Italy.

35. This obligation does not apply to untried prisoners, however.

36. As a general rule, prisoners are paid a minimum wage.

37. Spain has the fullest law governing prison work. There the law provides for the classification of jobs and the publication of vacancy notices and lays down criteria for job assignment.

38. The remuneration of prison work must be well regulated and enable prisoners to save some money for when they are released.

c. Access to social rights and information

39. It is also important to prepare actively prisoners' social integration and return to work by dispensing advice in prisons on social benefits and employment, as well as on basic services such as housing, the minimum wage and the various benefits available.

40. Access to social rights and information in general is a key aspect of social reintegration.

41. It is important to eliminate the administrative obstacles to access to information and to take measures to permit the effective exercise of the right. In addition, it should be ensured that former prisoners are entitled to unemployment benefit upon release. This can be made possible with legislation that recognises prison terms as periods of unemployment.

d. *Contact with society*

42. Contact with society is another important factor in successful rehabilitation. It strengthens the feeling of belonging to society.

43. Conditional release, prison leave and the like facilitate reintegration by easy stages.

44. Such opportunities are generally granted to prisoners who offer serious guarantees and have already served part of their sentence.

45. One solution that might be envisaged in this connection is to organise regular meetings with former prisoners so that they can share their experience of reintegration and adjusting to the working world.

46. In the vast majority of cases, family contacts help ensure stability and maintain prisoners' sense of responsibility. As far as possible, the rules on visits, including "conjugal visits", should therefore be applied in a flexible and tolerant manner.

47. Prisoners should be allowed to keep up with events in the outside world through newspapers and radio and/or television so that they are less out of touch when released.

e. *Physical and mental health*

48. Prisoners should be allowed to practise sports and spend at least one hour a day in the open air.

ii. *Alternatives to custodial sentences*

a. *Electronic tagging*

49. Electronic tagging, which was developed in the 1960s, has been introduced in the United States, Canada and the United Kingdom. The system considerably reduces the prison population, while also bringing about a very sharp drop in levels of reoffending.

50. It offers clear benefits for petty offenders in that it enables them to return home and also avoids their having to pay bail, which is sometimes too expensive. The countries which have introduced the system believe, on the whole, that it is also a good means of preventing reoffending, as it enables offenders to keep their jobs and maintain their family ties.

b. *Placement*

51. In the case of petty offenders and minors, placement in institutions can serve as a stepping stone between prison and freedom.

c. *Conditional release or community service*

52. If it is to be effective, conditional release must be subject to very strict supervision arrangements.

iii. *Post-prison assistance*

53. Upon release, prisoners often have some difficult obstacles to overcome. In the days leading up to their release, they are often beset by doubts and become increasingly agitated.

54. Adjusting to their newfound freedom is particularly difficult for individuals with fragile personalities and those who have served long sentences. After years in custody, they can find it hard to take initiatives and some have problems of identity and orientation in their new living space.

55. Psychological follow-up can be highly beneficial in such cases.

56. Generally speaking, however, this kind of support is virtually nonexistent. Governments should therefore play a more active part in helping ex-prisoners to find work. Possibilities here include the development of subsidised job-creation programmes in the third sector (local services, voluntary sector, etc), which would enable those concerned to develop their skills and enter the labour market again. Another possible solution would be to introduce quotas for the employment of ex-prisoners, in particular in the public sector. On the other hand, it is important to launch awareness-raising campaigns for employers to combat discrimination based on criminal records.

57. In Turkey, for example, firms with more than 50 employees are required to recruit an ex-convict.

58. Social rehabilitation goes hand in hand with rehabilitation through housing. Having a place of their own helps individuals find their place in society.

59. One solution would be for the government to introduce legislation or regulations enabling the relevant public or private bodies to foster the social reintegration of prisoners through employment, training, housing and so on.

60. NGOs play an essential role in the social reintegration of prisoners by providing support, follow-up, guidance, etc.

61. In some cases, the return to work may mean exercising a self-employed activity or setting up a small family or community business. This also increases their independence and allows the development of services that are socially or economically useful at local level.

62. It is therefore important to support the development of this type of enterprise by providing information of a legal and practical nature and some management training and facilitating access to credit, in the form of micro-credit schemes, for example.

63. Firms should also be encouraged and helped to offer quality jobs, through special subsidies. The measures could include reimbursing the cost of creating new jobs, and providing appropriate technical and financial assistance.

64. Returning to stable employment is one of the keys to preventing repeat offences. Measures must therefore be taken to adjust sentences and to provide prison staff with training, particularly staff working with young offenders. In the case of young offenders, it is essential to take action immediately after offences are committed and adopt an active approach in terms of support, guidance, reintegration, education, employment and supervision.

65. In addition, first-time offenders and young offenders should be held in separate premises to prevent contact with repeat offenders and criminals.

66. Wherever possible, therefore, sentences should be adjusted to take this dimension into account, and alternatives to imprisonment should be preferred.

67. This applies in particular to lesser offences (white collar crime, delinquency), where alternatives to imprisonment might be envisaged and contact with the outside world maintained, through prison leave, for example. Placement in institutions other than prisons could contribute to successful rehabilitation.

68. For prisoners serving longer sentences for more serious offences, prison work, education and appropriate vocational training should be envisaged. Circumstances permitting, this training could be dispensed outside the prison establishment.

69. Conditional release, prison leave and day release are some of the measures that can help prisoners gradually return to the social mainstream.

70. In Quebec, for example, a reform of the prison system was introduced in 1995 under which experiments were carried out with electronic surveillance as an effective and economical alternative to imprisonment for petty offenders.

IV. Conclusions and recommendations

71. The Assembly draws attention to Recommendation R (83) 7 of the Committee of Ministers on participation of the public in crime policy and Assembly Recommendations 1257 (1995) on conditions of detention in Council of Europe member states and 1656 (2004) on the situation of European prisons and pre-trial detention centres. Unfortunately, in spite of some improvements, detention conditions do not have the desired effects in terms of the successful reintegration of prisoners.

72. The Assembly is convinced that prison policy must be geared towards enabling prisoners to lead socially responsible lives when released and preparing them for this during their imprisonment.

73. In this connection, successful reintegration is possible only if we can define and evaluate the problems that land people in prison and help them to understand where they went wrong and what they can do about it.

74. The Assembly therefore recommends the governments of member states to take measures during and after detention.

75. Concerning the detention, the Assembly recommends, inter alia, to provide training to prison staff by opening training centres, to avoid cutting prisoners off from their families, to organise information meetings for prisoners' families to help them help the prisoners to prepare for reintegration, to take the necessary steps to provide social reintegration counselling and whenever possible to use alternatives to custodial sentences which are equally effective (placement, conditional release, electronic tagging) and enable prisoners to remain in work and maintain their family ties.

76. The Assembly is of the opinion that necessary steps should be taken in order to keep first-time offenders and young offenders separate from repeat offenders and criminals in prisons and to apply flexible and tolerant rules on visits, including "conjugal visits".

77. The Assembly also recommends that measures should be taken for the period after detention, as for example, by encouraging firms to recruit prisoners by providing them with technical and financial assistance and to launch awareness-raising activities and campaigns aimed at combating discrimination based on criminal records.

78. Taking into account the situation of women and minors in prison the Assembly is of the opinion that it would be useful to have a specific consideration to their reintegration as well as to the health conditions (health, public health, drugs) in the prisons.

Reporting committee : Social, Health and Family Affairs Committee

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Members of the Committee: Mr Marcel **Glesener** (Chair), Mrs Christine **McCafferty** (1st Vice Chair), Mrs Patrizia Paoletti Tangheroni (2nd Vice Chair), Mrs Helena Bargholtz (3rd Vice Chair), MM. Vicenç **Alay Ferrer**, Giuseppe Arzilli, Jorodd **Asphjell**, Miguel Barcelo Perez, Miroslav Benes, Andris Berzins, Jaime **Blanco**, Božidar Bojovic, Mrs Marida Bolognesi (alternate: Mrs Marisa **Abbondanzieri**), Mrs Monika Bruning, MM. Saulius **Bucevicius**, Igor Chernyshenko (alternate: Mrs Svetlana **Smirnova**), Doros Christodoulides (alternate: Mr Marinos **Sizopoulos**), Dessislav Chukolov, Mme Minodora **Cliveti**, MM. Telmo Correira, András Csaky, Imre Czinege, Mrs Helen D'Amato (alternate: Mr Joseph **Falzon**), MM. Dirk **Dees**, Stepan **Demirchayan**, Karl Donabauer (alternate: Ewald **Lindinger**), Ioannis Dragassakis, Sören Espersen, Claude Evin (alternate: Jean-Marie **Bockel**), Paul **Flynn**, Mrs Margrét Frimannsdottir, Mrs Doris **Frommelt**, MM. Jean-Marie **Geveaux**, Stepan **Glävan**, Mrs Claude Greff (alternate: Alain **Cousin**), MM. Igor Glukhovskiy (alternate: Victor **Kolesnikov**), Ali Riza **Gülçiçek**, Michael **Hancock**, Mykhailo **Hladiy**, Mrs Sinikka **Hurskainen**, MM. Rafael Huseynov, Mustafa **Ilicali**, Mrs Halide **Incekara**, Mr Denis **Jacquat**, Mrs Katerina **Konečná**, M. Bohdan **Kostynuk**, Mrs Marie-José **Laloy**, MM. Slaven Letica (alternate: Mme Ruza **Lelić**), Jan Filip Libicki, Gadzhy Makhachev (alternate: Yuri **Kovalev**), Bernard **Marquet**, Paddy **McHugh**, Mrs Ljiljana Miličević, M. Philippe Monfils (alternate: Mr Luc **Goutry**, Mrs Nino Nakashidzé, Mr Nikolaos Nikolopoulos (alternate : Mr Krinio **Kanellopoulou**), Mr Conny **Öhman**, Mrs Vera **Oskina**, Mrs Lajla **Pernaska**, MM. Fiorello Provera, Cezar Florin **Preda**, Anatoliy Pysarenko, Mrs Adoración Quesada, Mrs Valentina Radulović-Sćepanović, MM. Andrea Rigoni, Walter **Riester**, Mrs Marlene Rupprecht (alternate: Mr Wolfgang **Wodarg**), Mrs Maria de Belém **Roseira**, Mr Walter **Schmied**, Mrs Anna Sobecka, Mrs Darinka **Stantcheva**, Mrs Ewa Tomaszewka (alternate: Janina **Fetlinska**), MM. Oleg **Tulea**, Alexander **Ulrich**, Milan **Urbani**, Bart **van Winsen**, Mrs Ruth-Gaby Vermot-Mangold (alternate: Mr John **Dupraz**), Angela **Watkinson**, Mrs Gisela **Wurm**, Mr Andrej **Zernovsksi**, Mrs Barbara Žgajner-Tavs (alternate: Mrs Mojca **Kucler-Dolinar**), N. ..., N. ...

N.B.: The names of those members present at the meeting are printed in bold.

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