Recommendation 914 (1981)[1]

Social situation of prisoners

Parliamentary Assembly

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 ;

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 and extend its scope,

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 :

8.1. Basic principles

8.1.1. 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.

8.1.2. 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.

8.1.3. Prison conditions should be improved by means of a reduction in the prison population and the setting-up of establishments at local level.

8.1.4. The effects of deprivation of freedom should be minimised and the prisoners' selfrespect must be preserved at all times thus assisting them to return to normal life.

1. Assembly debate on 29 January 1981 (25th Sitting) (see Doc. 4573, report of the Committee on Social and Health Questions). Text adopted by the Assembly on 29 January 1981 (25th Sitting).

8.2. Relations with the outside world

8.2.1. 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.

8.2.2. 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.

8.2.3. 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.

8.3. Work and vocational training

8.3.1. 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.

8.3.2. 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.

8.3.3. 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.

8.3.4. 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.

8.4. Physical and mental health

8.4.1. 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.

8.4.2. 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. In so far 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.

8.4.3. Inmates wishing to practise their religion inside the institution should have the opportunity to do so in so far as this can conveniently be arranged.

8.5. After-care

8.5.1. 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.

8.5.2. The state's role in finding jobs, and the concept of sheltered employment in particular, need clarification.

8.5.3. The status of voluntary agencies, and selection and training criteria as regards voluntary officials should be specified.

8.5.4. 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.

8.6. Social security

8.6.1. 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.

8.6.2. 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.

8.6.3. 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.

8.6.4. 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.

8.7. Prisoners accompanied by children Special measures should be adopted to cater for 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, and they should be able to take advantage of social services outside the prison (such as day nurseries, nursery schools, etc.).

8.8. Foreign prisoners

8.8.1. 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.

8.8.2. 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.

8.8.3. 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 workship and diet, and free interpretation and translation facilities, particularly where there are legal and administrative formalities to be attended to ;

9. 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).