Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1340 (1997)[1]

Social and family effects of detention

Parliamentary Assembly

1. The Assembly refers to its Recommendation 1257 (1995) on the conditions of detention in Council of Europe member states and to its Order No. 503 (1995) on the same subject, under which the Social, Health and Family Affairs Committee was instructed to prepare a report on the social problems relating to imprisonment.

2. The Assembly notes that imprisonment poses a whole range of social problems, in particular with regard to family life, especially with regard to children, and to working life, which have so far received little attention. It also notes that the effects of custodial sentences are not entirely in keeping with the principle that the punishment should apply to the offender only: in practice, prisoners' families also suffer indirect effects, if only a deterioration in their financial situation.

3. The Assembly also draws attention to the specific social problems facing female prisoners because of the stereotypes from which they suffer, their smaller chances, compared with male prisoners, of being reunited with their spouses and of finding another job when they are released, and to the harmful consequences of the loss of their parental rights, given that many female prisoners have young children for whom they were responsible before imprisonment.

4. The principle that the punishment should be limited to the duration of the sentence itself does not appear to apply either: the effects extend beyond the actual period of imprisonment, as is clearly demonstrated by the difficulties which former prisoners face in finding employment.

5. In view of the adverse effects of imprisonment at social and family levels, which run counter to the aims of rehabilitation and reintegration, the Assembly reasserts the views set out in the above-mentioned recommendation.

6. The Assembly recommends that the Committee of Ministers invite member states:

6.1. to reduce, in the case of short sentences, the qualifying periods for prison leave with a view to preventing the breakdown of family relations;

6.2. to encourage greater use of non-custodial sentences, mainly community service orders, which enable prisoners both to remain in employment and to maintain real contacts with their families;

6.3. to continue to provide paying jobs in the course of the sentence for as many prisoners as possible;

6.4. to continue to secure social benefits to prisoners' families and to ensure emergency aid to help them overcome the immediate financial difficulties caused by the loss of income;

6.5. to expand welfare services for prisoners' families, particularly for children living in prison or whose parents are imprisoned, and to provide the necessary information about the existence of such services for the poorest families;

6.6. to improve conditions for prison visits by families, in particular by providing places where prisoners can be alone with family visitors;

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1. Assembly debate on 22 September 1997 (25th Sitting) (see Doc. 7816, report of the Social, Health and Family Affairs Committee, rapporteur: Earl of Dundee). Text adopted by the Assembly on 22 September 1997 (25th Sitting).

6.7. to provide, where necessary, medical, psychological and psychiatric care within prisons;

6.8. to adapt the conditions of detention on health grounds, such as pregnancy and childbirth, or pathologically severe diseases;

6.9. to step up vocational rehabilitation activities within prisons, and, to this end, develop effective education and vocational training matched to labour market opportunities;

6.10. to provide rehabilitation procedures, during and after detention, to assist stability and to eliminate addiction to drugs and alcohol;

6.11. to minimise the adverse effects of the criminal record, which for former prisoners are a barrier to entering the labour market;

6.12. to introduce special measures for foreign prisoners, such as interpretation and translation facilities, freedom of worship, an adapted diet, and the possibility of contacting their consular authorities;

6.13. to implement strategies to encourage the employment of former prisoners.

7. The Assembly urges the Committee of Ministers:

7.1. to develop and expand co-operation and studies at European level of the social effects linked to imprisonment, such as the mental and physical health of prisoners, poverty in prison, the question of children living in prison or whose parents are imprisoned, the specific problems facing the growing number of female prisoners, etc.;

7.2. to examine closely the results of certain experiments regarding penal institutions, considering the failure of present detention systems, with a view to improving all detention systems against the different backgrounds of Council of Europe states, on the basis of the first-hand experience and contributions of:

a. the directors of the major prison establishments in Europe;

b. prisoners themselves, through the channel of their prison authorities;

c. the appropriate voluntary bodies;

7.3. to encourage expedients to reduce recidivism and to support the role of the prisoner's family and community in assisting rehabilitation during and after detention.