

# Prison systems and conditions

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The European Parliament adopted by 474 votes, to 109, with 34 abstentions, a resolution on prison systems and conditions.

Members recalled that in 2014 prisons across the EU were holding **over half a million inmates**. Although prison conditions and prison management are responsibilities of the Member States, the EU also has a necessary role to play in protecting the fundamental rights of prisoners held in prisons in some Member States where conditions are degrading and inhumane.

**Improving conditions of detention:** in view of the alarming conditions of detention in some Member States and the state of a number of several European prisons, Parliament called on the Member State to comply with the rules on detention arising from the instruments of international law and Council Europe standards.

Members deplored the fact that **prison overcrowding** is widespread in Europe, with the number of prisoners exceeding the number of available places in a third of the European penitentiary institutions. Overcrowding in prisons often has serious impact on the safety of staff and prisoners.

While stressing that increasing prison capacity is not the only solution to overcrowding, Parliament called on the 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;
- establish **dignified conditions of detention** and create collective spaces that meet the objectives of activities provision and socialisation;
- encourage **rehabilitation and reintegration** into society and develop educational facilities;
- ensure a **safer living and working environment** for both prisoners and staff.

Parliament also warned against the **increasing privatisation of penal systems**, which could aggravate detention conditions and undermine respect for fundamental rights.

**Detention rules:** Members advocated 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 preventing short-term inmates and those convicted of minor offences from coming into contact with long-term inmates. They recommended that:

- prisoners should be offered a **balanced programme of activities** that allows them to spend as many hours a day outside their cells to benefit from human and social interactions. **Solitary confinement** should be used as a last resort;
- Member States should ensure that prisoners have regular contact with family and friends by allowing them to serve their sentences in establishments close to their homes, by encouraging visits, telephone calls and the use of electronic means of communication, subject to authorisation by the judge and monitoring by the prison administration;
- **juvenile offenders** should in principle always be entitled to alternatives to detention, regardless of the offence they have committed.

In addition, **pre-trial detention should only be used as a last resort** and used in the strictly necessary cases and for the shortest period of time, in compliance with the National Code of Criminal Procedure.

In order to reduce the number of prisoners, Members suggested that **non-custodial punishments** may be used more often as collective punishments. They recalled in this connection that imprisonment, compared to **alternative measures**, leads to more reoffending for short sentences.

**Rehabilitation and reintegration:** in addition to the punitive aspect of imprisonment, attention should also be devoted to the development of practical skills and the rehabilitation of prisoners, as well as to reduce recidivism.

Parliament suggested:

- putting in place **sentence adjustment measures**, particularly for the shortest sentences, including the use of day release, increased use of home detention and electronic tagging;
- putting in place **reinforced measures to monitor prisoners after their release from prison** where they have been convicted of serious crimes.

Members recommended, *inter alia*:

- taking better account of the vulnerability of **elderly and disabled prisoners** and persons with mental illness;
- acting against all forms of **discrimination** in the treatment of prisoners on grounds of sexual orientation;
- paying particular attention to the needs of **women** in prison, in particular during pregnancy and also after they have given birth;
- developing a national action plan to **prevent suicide** of persons in detention;
- 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;
- ensuring the provision of **health** care services and infrastructure in prisons.

**Radicalisation in prison:** Parliament suggested tackling radicalisation by improving the **detection of early signs** of the phenomenon (e.g. by training staff and improving prison intelligence), developing educational measures and by strengthening communication and inter-faith dialogue.

**Differentiated detention regimes** for detainees who are considered to be radicalised should only be imposed on a **case-by-case basis**, be based on a judicial decision and be subject to review by the competent judicial authorities.

Member States are encouraged to **share best practices** regarding education, rehabilitation and reintegration programmes, with the particular aim of improving reintegration after leaving prison and to help prevent recidivism and further radicalisation.