












Procedure file

Basic information		
INI - Own-initiative procedure	2015/2062(INI)	Procedure completed
Prison systems and conditions		
Subject 1.10 Fundamental rights in the EU, Charter		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 BERGERON Joëlle	25/04/2016
		Shadow rapporteur	
		 DATI Rachida	
		 CHINNICI Caterina	
		 DALTON Daniel	
		 JEŽEK Petr	
		 JOLY Eva	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Women's Rights and Gender Equality	 MATERA Barbara	27/02/2017
European Commission	Commission DG Migration and Home Affairs	Commissioner AVRAMOPOULOS Dimitris	

Key events			
12/03/2015	Committee referral announced in Parliament		
21/06/2017	Vote in committee		
06/07/2017	Committee report tabled for plenary	A8-0251/2017	Summary
05/10/2017	Results of vote in Parliament		

			
05/10/2017	Debate in Parliament		
05/10/2017	Decision by Parliament	T8-0385/2017	Summary
05/10/2017	End of procedure in Parliament		

Technical information

Procedure reference	2015/2062(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/02967

Documentation gateway

Committee draft report		PE601.203	16/03/2017	EP	
Amendments tabled in committee		PE604.680	10/05/2017	EP	
Committee opinion	FEMM	PE601.057	12/05/2017	EP	
Committee report tabled for plenary, single reading		A8-0251/2017	06/07/2017	EP	Summary
Text adopted by Parliament, single reading		T8-0385/2017	05/10/2017	EP	Summary
Commission response to text adopted in plenary		SP(2017)778	22/01/2018	EC	

Prison systems and conditions

The Committee on Civil Liberties, Justice and Home Affairs adopted an own-initiative report by Joëlle BERGERON (EFDD, FR) on prison systems and conditions.

Members recalled that 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. 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, the report 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, Members 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.

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.

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.

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.

The number of prisoners could be reduced by the frequent use of non-custodial punishments.

Rehabilitation and reintegration: Members stated that, 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. They encouraged Member States to introduce sentence adjustment measures, particularly for the shortest sentences, including the use of day release, increased use of home detention and electronic tagging. The report also suggested that reinforced measures should be put in place 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;
- 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: Members 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. The report stressed that 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.

Prison systems and conditions

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.