

Prison in Europe: overview and trends

*Alessandro Maculan, Daniela Ronco,
Francesca Vianello*

European Prison Observatory. Detention conditions in the European Union



With financial support from the
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THE EUROPEAN PRISON OBSERVATORY

The European Prison Observatory is a project coordinated by the Italian Ngo Antigone, and developed with financial support from the Criminal Justice Programme of the European Union. The partner organizations are:

Università degli Studi di Padova - Italy

Observatoire international des prisons - section française - France

Special Account of Democritus University of Thrace Department of Social Administration (EL DUTH) - Greece

Latvian Centre for Human Rights - Latvia

Helsinki Foundation for Human Rights - Poland

ISCTE - Instituto Universitário de Lisboa - Portugal

Observatory of the Penal System and Human Rights - Universidad de Barcelona - Spain

Centre for Crime and Justice Studies – United Kingdom

The European Prison Observatory studies, through quantitative and qualitative analysis, the condition of the national prison systems and the related systems of alternatives to detention, comparing these conditions to the international norms and standards relevant for the protections of detainees' fundamental rights.

The European Prison Observatory highlights to European experts and practitioners 'good practices' existing in the different countries, both for prison management and for the protection of prisoners' fundamental rights.

Finally it promotes the adoption of the CPT standards and of the other international legal instruments on detention as a fundamental reference for the activities of the available national monitoring bodies.

www.prisonobservatory.org

PRISON CONDITIONS IN EUROPE

The collection and organization of available data on the penitentiary systems of each country has been coordinated by the Università degli Studi di Padova, that developed and tested a comprehensive data collection grid to collect the information required to describe the different national penitentiary systems. The data collection grid has been developed having in mind as main reference the European Prison Rules (Council of Europe. Recommendation Rec(2006)2. Adopted on 11 January 2006), and the informations collected in every country monitored by the Observatory, and presented in these Reports on prison conditions, describe every national penitentiary system, focusing in particular on its compliance with the European Prison Rules.

The research activities have been carried out by the project partners, that drafted a report on prison conditions in their country. Further information and all the national reports can be found on the project website.

INTRODUCTION

The European Prison Observatory operates in 8 countries (France, United Kingdom, Greece, Italy, Latvia, Poland, Portugal, Spain), in order to monitor the penitentiary systems and the prison regimes and conditions. Through quantitative and qualitative analysis, the European Prison Observatory analyses the present conditions of the national prison systems and the related systems of alternatives to detention in Europe, underlining their peculiarities and weaknesses, and comparing these conditions to the international norms and standards relevant for the protections of inmates' fundamental rights.

The first action of the European Prison Observatory was the gathering of available data on conditions of detention in different European countries. The main references for the identification of the data to be collected have been SPACE I (Annual Penal Statistics of the Council Of Europe) and the European Prison Rules. The annual penal statistics have been used to identify what kind of data can be expected to be available in every country; the European Prison Rules set the guidelines to determine if detention conditions match the minimum necessary standards to be met in Europe.

The most important part of this research is the qualitative one, regarding the actual detention conditions of the 8 monitored European Countries. This part of our work is mainly based on the European Prison Rules (EPR). Established in 1987 with a recommendation of the Committee of Ministers of the Council of Europe (recommendation no. R (87) 3 on the European Prison Rules), the European Prison Rules are the main reference for the correct management of deprivation of personal liberty in the European Union. They require all persons deprived of their liberty to be treated with humanity and with respect for human dignity. The Council of Europe recommendation - revised by Recommendation Rec (2006) 2 - urges the Member States to ensure that domestic regulations and interpretive practices of the different EU countries comply with some basic principles.

The European Prison Observatory support the enforcement of the recommendations contained in the EPR and for this reason organized its survey according to them.

The basic principles state that all persons deprived of their liberty must be treated with respect for their human rights (Art. 1) and that eventual restrictions imposed on them must strictly follow the decision sentencing them or remanding them in custody (Art. 2) and shall be the minimum necessary (Art. 3); that the conditions of imprisonment shall, as much as possible, approximate to the conditions of life in free society (Art. 5) and promote the detainees' social rehabilitation (Art. 6); and that cooperation with outside social services and with the civil society must be encouraged all the way (Art. 7).

These basic principles of the European Prison Rules are followed by a long list of requirements regarding the very conditions of imprisonment: admission, allocation and accommodation, hygiene, clothing and bedding, nutrition, legal advice, contact with the outside world, prison regime, work, exercise and recreation, education, freedom of thought, conscience and religion, information, prisoners' property, transfer and release of prisoners. Particular sections are reserved to certain vulnerable groups (women, detained children, infants, foreigners, minorities). With similar concern are seen the conditions relating to the prisoners' safeguard of health (health care, medical personnel) and those relating to the maintenance of good order (security, searching and controls, discipline and punishment).

In relation to these rules, the Observatory has sought to concentrate on and inquire into four corresponding levels:

- Legal provisions: assessing if the prison law of each Country has implemented the requirements of the European Prison Rules: if so, how have they been implemented, or what eventual voids persist that can affect the mutual trust between Countries and the standard level of the protection of individual rights.
- General actual conditions: description of the current detention conditions, regarding the abovementioned features.
- The worst conditions: special focus on the critical conditions observed in each country.
- Best practices: examples of countries observing the rights of the persons deprived of their liberty in the EU territory, focusing on treatment with humanity and respect for their dignity as required by the international rules.

Special attention, concerning the current situation of the European prisons, is paid to the Art. 4 of EPR, which states: "Prison conditions that infringe prisoners' human rights are not justified by lack of resources". Hence, the economic crisis, which torments the EU countries, may not be put forward to defend possible violations of human dignity of prison population.

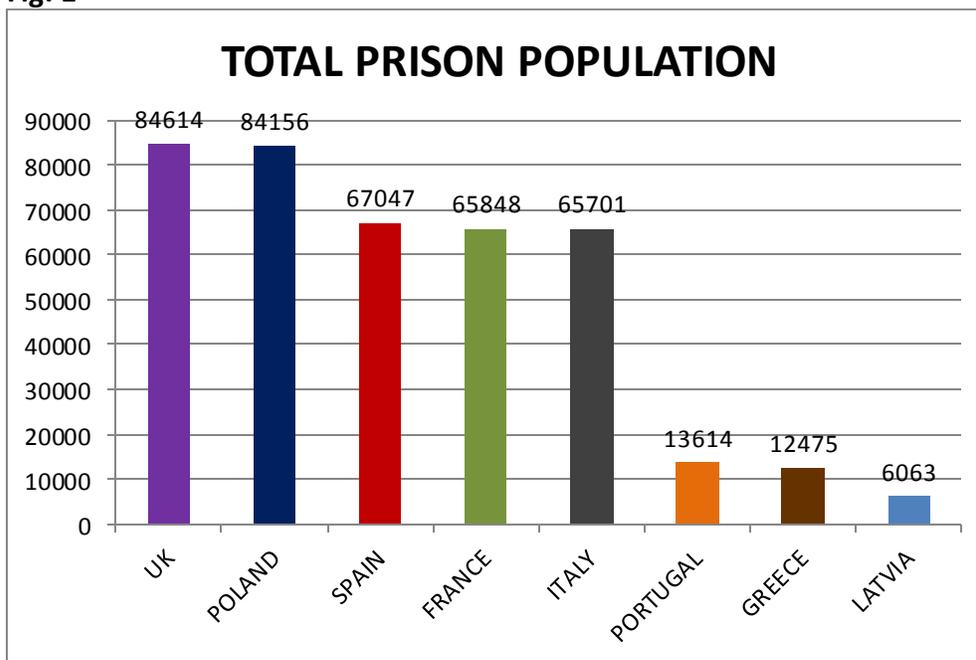
OVERVIEW OF QUANTITATIVE DATA

TOTAL PRISON POPULATION

Tab. 1

	Total prison population
United Kingdom	84.614
Poland	84.156
Spain	67.047
France	65.848
Italy	65.701
Portugal	13.614
Greece	12.475
Latvia	6.063

Fig. 1



PRISON POPULATION RATE

The prison population rate of every country is described by the number of detainees per 100.000 citizens.

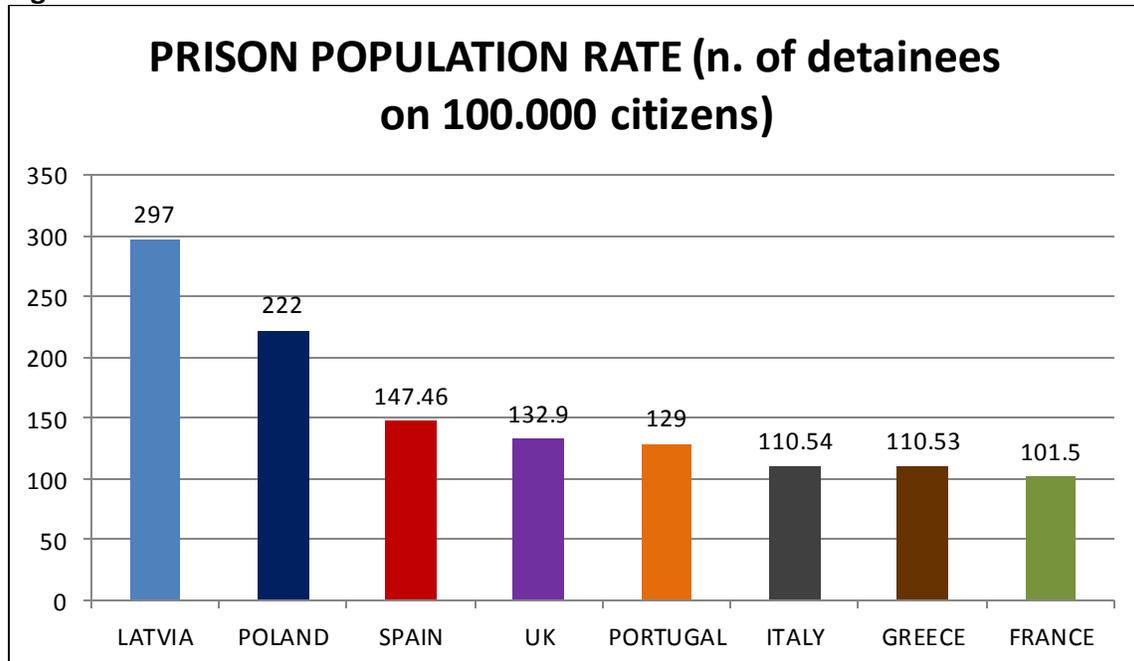
High prison population rate in Latvia and Poland can be explained by their recent history, in particular their belonging to the Soviet bloc until the end of the eighties.

Tab. 2

	Prison population rate
Latvia	297
Poland	222
Spain	147,46
United Kingdom	132,9
Portugal	129
Italy	110,54
Greece	110,53
France	101,5

The Greek prison population rate is updated to January 1^o, 2013. The UK rate is an average of its different jurisdictions (England and Wales, Scotland and Northern Ireland). These data are available in the national report of the United Kingdom.

Fig. 2



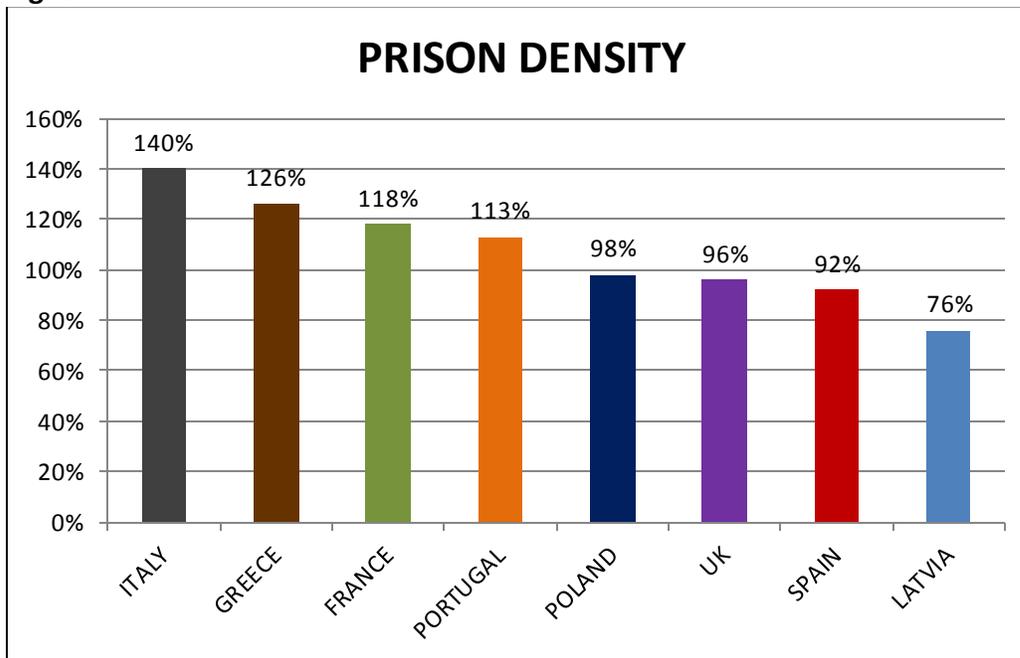
PRISON DENSITY

Prison density is an index of the overcrowding of the prison system (the ratio between total prison population and total capacity of the prison facilities).

Tab. 3

	Prison density
Italy	140%
Greece	126%
France	118%
Portugal	113%
Poland	98%
United Kingdom	96%
Spain	92%
Latvia	76%

Fig. 3

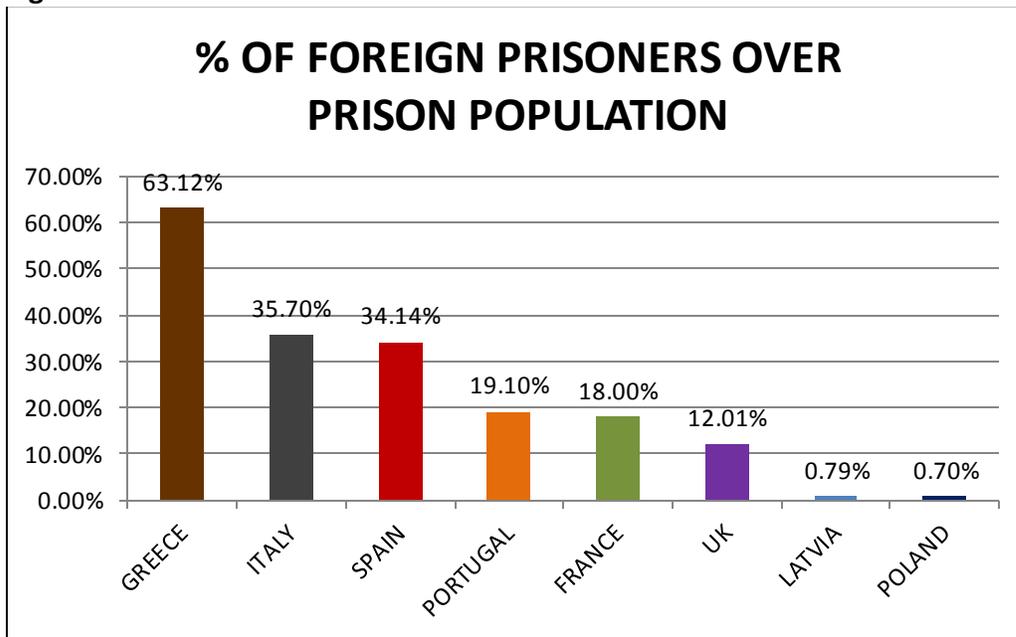


PERCENTAGE OF FOREIGN PRISONERS OVER PRISON POPULATION

Tab. 4

	% of foreign prisoners over prison population
Greece	63,12%
Italy	35,70%
Spain	34,14%
Portugal	19,10%
France	18,00%
United Kingdom	12,01%
Latvia	0,79%
Poland	0,70%

Fig. 4

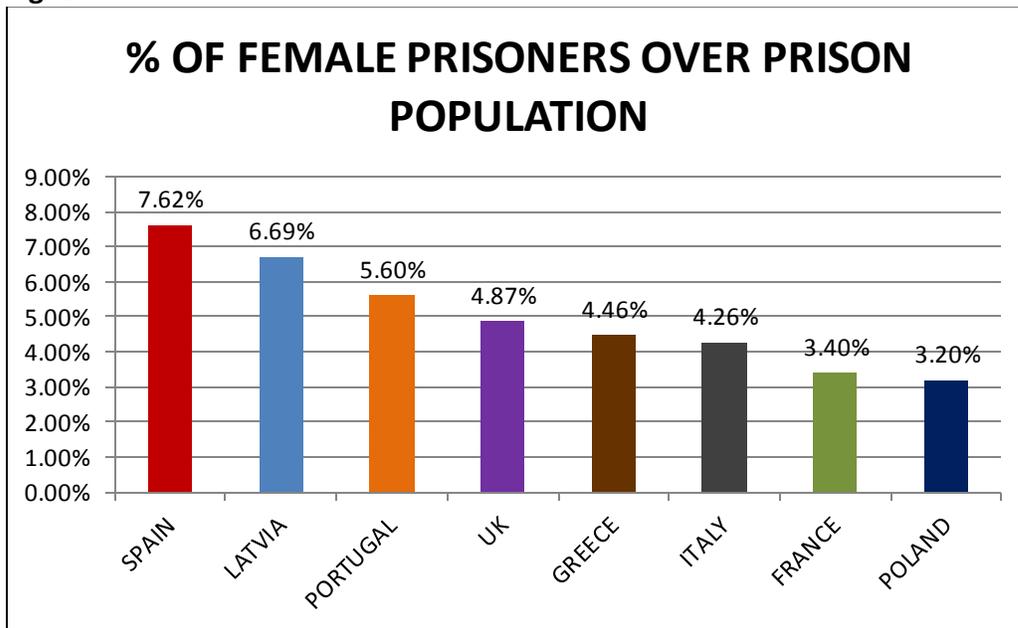


PERCENTAGE OF FEMALE PRISONERS OVER PRISON POPULATION

Tab. 5

	% of female prisoners over prison population
Spain	7,62%
Latvia	6,69%
Portugal	5,60%
United Kingdom	4,87%
Greece	4,46%
Italy	4,26%
France	3,40%
Poland	3,20%

Fig. 5

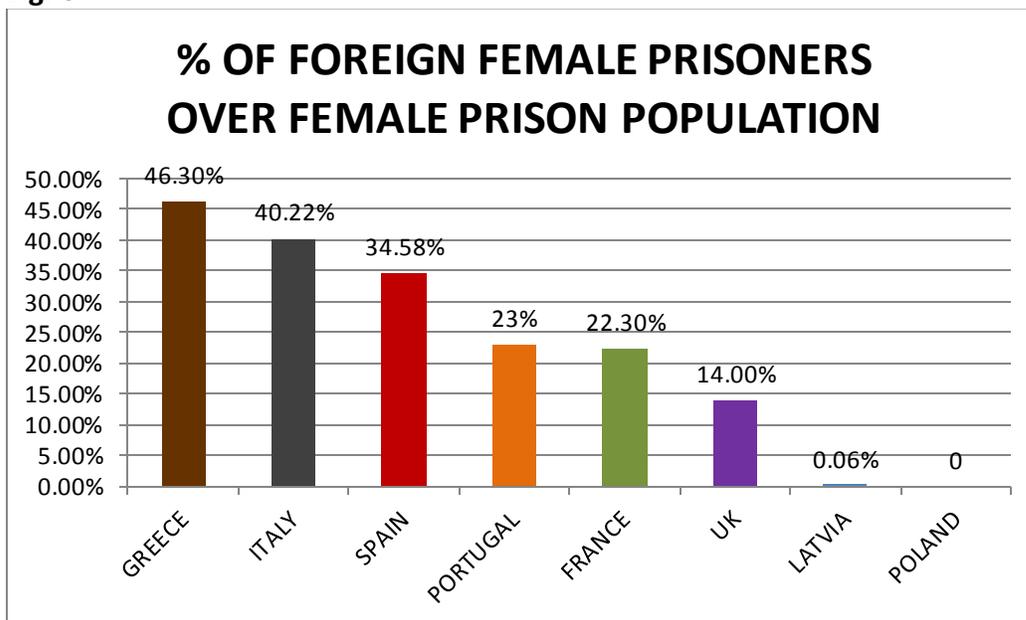


PERCENTAGE OF FOREIGN FEMALE PRISONERS OVER FEMALE PRISON POPULATION

Tab. 6

	% of foreign female prisoners over female prison population
Greece	46,30%
Italy	40,22%
Spain	34,58%
Portugal	23%
France	22,30%
United Kingdom	14,00%
Latvia	0,06%
Poland	N/A

Fig. 6

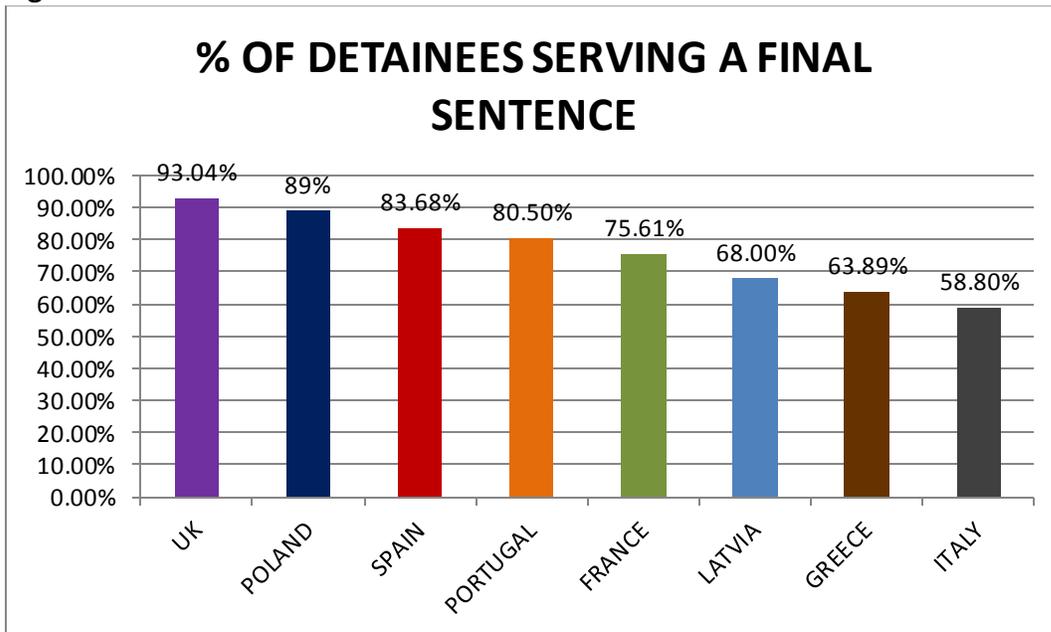


PERCENTAGE OF DETAINEES SERVING A FINAL SENTENCE

Tab. 7

	% of detainees serving a final sentence
United Kingdom	93.04%
Poland	89%
Spain	83.68%
Portugal	80.50%
France	75.61%
Latvia	68.00%
Greece	63.89%
Italy	58.80%

Fig. 7



HEALTH

The European Prison Rules pay great attention to the safeguard of health inside prison. Many aspects are specifically considered: the organisation of prison health care, the duties of the medical staff (i.e. medical confidentiality), the need to pay special attention to specific difficult circumstances (admission, isolation, etc.) or to peculiar needs (drug addiction, infectious diseases, mental health, etc.). Indeed medical issues are one of the most relevant (and often problematic) matter during detention. They affect, directly or indirectly, many aspects of the daily-life in prison and they are closely related to human rights safeguard (Mann et al., 1994).

Starting with admission, the European Prison Rules prescribe to record “any visible injuries and complaints about prior ill-treatment; and subject to the requirements of medical confidentiality, any information about the prisoner’s health that is relevant to the physical and mental well-being of the prisoner or others” (15.1 e - f). Moreover, “as soon as possible after admission, information about the health of the prisoner on admission shall be supplemented by a medical examination” (16 a). In many cases, nevertheless, CTP reports relate that injuries observed upon arrival or sustained in prison are often not recorded at all or not correctly recorded. All national regulations order that each prisoner shall be visited within a few hours or days upon arrival. However, due to a lack of funding or unwillingness of professionals to work in prisons, physicians have in some cases reduced their presence in prison, so it happens that the first visit takes place several days after the admission or it consists merely of a few questions and does not include a comprehensive physical examination.

As for allocation, the European Prison Rules prescribe: “The accommodation provided for prisoners, and in particular all sleeping accommodation, shall respect human dignity and, as far as possible, privacy, and meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, heating and ventilation” (18.1). Almost everywhere cells and spaces for common activities do not meet hygiene and health requirements. Recently many countries have been condemned by the European Court of Human Rights for inhuman and degrading treatment because of the conditions of detention imposed on a prisoner in an overcrowded prison. The cleanliness of cells and sanitary facilities varies across different prisons but commonly many facilities violate the hygiene and health standards, especially the older ones. Frequently the actual access to shower is not guaranteed as the regulations order, and hot water is not always available. Sanitary facilities rarely allow some privacy. Prisoners seldom if ever receive what they need for hygiene purposes (for cleaning, including toiletries and general cleaning implements and materials), contrary to national regulations.

Moreover, the European Prison Rules prescribe that “special provision shall be made for the sanitary needs of women” (19.7), but, in practice, women’s sanitary needs are not always remembered or respected.

Furthermore, as for nutrition, although in particular cases medically authorized diets are commonly allowed (in accordance with the article 22.6 of the European Prison Rules: “The medical practitioner or a qualified nurse shall order a change in diet for a particular prisoner when it is needed on medical

grounds”), there are widespread complaints about the insufficiency and poor quality of food and the article 22.1 (“Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work”) is not always respected.

The number of deaths and suicides in the adult prisons is one of the serious issues related to health. To give a general picture of the phenomena:

- in France, in 2012 we record 71 natural death and 123 suicides;
- in Greece, we record 40 deaths throughout 2012: 10 within prisons, 18 in public hospitals, 3 on leave, and 9 in Korydallos Prison Hospital; the attempted suicides throughout 2012 are 61 (the number of committed suicides, probably included in the number of attempted ones, is not available);
- in Italy the total number of deaths inside penal institutions in 2012 is 153 (according to the Ministry of Justice) and 154 (according to the Ngo Ristretti Orizzonti); the total number of suicides is 56 (according to the Ministry of Justice) and 60 (according to the Ngo Ristretti Orizzonti). In both cases, indeed, the Ministry of Justice considers only people died inside the prisons, while the Ngo considers also prisoners, who died outside;
- in Latvia, the total number of deaths in 2012 is 32 (including 2 death cases outside the prison - one in a civil hospital and one in a police facility where the person was transferred for investigation reasons). The total number of suicides is 7;
- in Poland in 2012 there were 107 deaths (28 in the treatment facilities outside the penitentiary units, 89 for natural causes, and 18 as a result of self-harm). The data include prisoners who have died in prisons, prison hospitals and during medical transport. There were 18 deaths caused by self-harm and 143 suicide attempts. This datum includes prisoners who have died in prisons, hospitals and during the medical transport;
- in Portugal the total number of deaths in penal institutions in 2012 is 66 and the number of suicides is 16;
- in Spain, the total number of deaths in penal institutions in 2012 is 164 (44 in Catalonia). The total number of suicides is 23 in Spain and 5 in Catalonia;
- in the United Kingdom, the total number of deaths in penal institutions in 2012 is 183 in England and Wales, 21 in Scotland and 9 in Northern Ireland (the figures relate to deaths of serving prisoners whether within prison walls or in an outside hospital). The total number of suicides is 58 in England and Wales (suicides within prison walls and in outside hospitals). The figures related to Scotland and Northern Ireland were not yet available at the time of writing, as they were subject to the outcome of fatal accident inquiries in Scotland while they were still subject to Coroner's inquests to ascertain the cause of death in Northern Ireland).

As for deaths and suicides of juvenile prisoners, in some countries the data are not available (Greece, Portugal and Spain). In France, Italy and Latvia there weren't deaths and suicides of juvenile prisoners in 2012. In Poland between 2008 and 2010 there were no deaths in penal institutions for juveniles, while in 2011 and 2012 one death per year occurred. In 2012 there were no suicides in penal institutions for juveniles. Since 2009 two suicides have occurred. In both cases the information necessary to determine if the data include prisoners who died outside the prison is not available. Finally, in the UK the total number of deaths in prison in 2012 is 5 - all suicides in England and Wales – (the figure relates to deaths of serving prisoners whether within prison walls or in outside hospitals).

As we can see, it is not always possible to specify if the data related to deaths include only the inmates who died inside the prisons or if they also include those who died outside the prisons (for example, in ambulances, in hospitals etc.).

All the issues mentioned above are some good reasons to understand why monitoring the health safeguard in prison is a key issue.

ORGANISATION OF PRISON HEALTH CARE

As for the organisation of prison health care, European Prison Rules order that “medical services in prison shall be organised in close relationship with the general health administration of the community or nation” (40.2) and “health policy in prison shall be integrated into, and compatible with, national health policy” (40.3). International pressure towards reform is demonstrated also by the World Health Organisation, which strongly recommend that closer links be made between prison and public healthcare (Hayton, Gatherer and Fraser, 2010). The common objective is to make prison health services as similar as possible to the external ones, following article 40.3 of the European Prison Rules (“Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation”), which has been reaffirmed by the Health 2020 program (Kickbusch and Behrendt, 2013; WHO, 2013).

Analysing the national reports, we notice that, from a legal point of view, only in France, UK and Italy is the responsibility to deliver health care in prison managed by the Ministry of Health, as it is in the rest of society. In the other countries, prison medical services belong to the prison administration structure. In those countries, we can find exceptions in relation to some specific topics (i.e. in Latvia the Ministry of Health covers the costs of medication for TB and HIV/AIDS as well as laboratory analysis for HIV/AIDS patients, while in Poland public healthcare facilities cooperate with penitentiary units in providing medical services, especially in cases that endanger the life or health of the prisoner), but often, as in Portugal, the relationship between the two systems is tenuous or non-existent: even if in 2007 a process of integration of prison health services into the National Health Services was enacted, in practice this integration has been a drawn out, complex process with practical results that are difficult to define. To make matters worse, lately the trend has been towards the outsourcing of health care to private contractors.

Even where the medical services in prison belong to the National Health Service, often medical, surgical and psychiatric services are insufficient. In Italy there is not enough prevention, diagnosis and therapy. In the UK some prisons have good provisions, but in general it is difficult to reach effectively those in need, in particular those suffering from mental health problems and self harm prisoners. In Italy and France the distance between theory and practice produces waiting times that are longer than on the outside and difficulties in the organisation of escorts to transfer prisoners to external hospitals. The gap between theory (what the law orders) and practice is a common issue. In Portugal, the more specialized medical services are theoretically available, but in practice sick prisoners have great difficulty gaining access to them, given the security and administrative obstacles that are placed in their way.

On a more general note, almost everywhere medical units are insufficiently equipped. Therefore not in every prison a physician is available around the clock, and specialists cannot intervene on a regular

basis. In Greece even nursing duties are performed by untrained members of the prison (custodial) staff, often assisted by prisoners assigned to nursing jobs in the context of prisoners' work, due to lack of professional nurses. In Poland a common practice of the Prison Service is to shift the responsibility of taking care of disabled prisoners to cell mates. Critiques on the quality of treatment and health care staffing levels in Latvia, are raised by prisoners, Ombudsman and the CPT alike.

Therefore, we can assert that rule 40.5 of the European Prison Rules ("all necessary medical, surgical and psychiatric services including those available in the community shall be provided to the prisoner") is rather ignored in the European prison systems we have observed.

MEDICAL HEALTH CARE PERSONNEL

The European Prison Rules (41.1) assert that: "every prison shall have the services of at least one qualified general medical practitioner". It doesn't always happen. In Greece, for example, in most prisons there is not even one permanent medical practitioner of any qualification, and prisoners are examined by visiting doctors who offer their services for two hours each week. In Latvia, in 2010, 2 of 12 prisons did not have a single general medical practitioner. Moreover, even if a permanent medical practitioner is present in every establishment, often the needs outnumber the number of practitioners. In France, for example, there are, on average, 3,5 full-time practitioners per 1.000 inmates, but in some other prisons there are less than two medical practitioners working full time for 1.000 inmates. In the UK, many inspection reports speak of long waits to see a doctor. Another aspect raised by the polish report is the medical staff training: most of the practitioners do not fulfil their statutory requirement of continuing education.

The European Prison Rules also assert that: "the services of qualified dentists and opticians shall be available to every prisoner" (41.5). Most of the national reports are critical about the implementation of this rule, as prisoners' needs are not satisfactory met. In principle, dental care must be made available within all prisons, given the widespread needs in particular among prisoners with a drug addiction. But the waiting list are considerable (i.e. 3 months in Portugal), even in case of urgent need: in France the waiting time for an emergency consultation is more than one week in over one prison out of five (21%). While in the past dental prostheses were often freely distributed in great number, nowadays this happens very rarely (in Italy for example) because of the lack of funding, and many prisoners complaint that dentist work is reduced to dental extractions only (according to the Latvian report). Poland is a happy and welcome exception in this respect, because, according to the report of the Supreme Audit Office, in 2012 every prisoner got on average 3 visits from a dentist. In general opticians consult in prison when called by the general physician, but also in this case the waiting time is considerable.

INFECTIOUS OR CONTAGIOUS CONDITIONS

There is widespread attention to the contagious conditions inside prison, in order to avoid the spread of infectious diseases. In all countries the law provides some measures to isolate a prisoner suffering

from an infectious or contagious condition (or suspected of being so). In some cases the decision is the responsibility of the doctor (i.e. in France and Poland), in others it is shared between doctor and governor (Greece).

In general, solitary confinement for health reasons is not only prescribed by law, but also assured in practice (Italy). Only in Portugal, even if the statute foresees this specific issue and sets out a process of evaluation and establishes specific contagion-prevention measures to be followed by the institutional authorities, this process is in fact rarely followed and the infectious sick are not isolated (at best there may be some sort of control as to who may enter the cells occupied by them).

If the procedure of isolating prisoners found to have an infectious disease or to be in a condition which may threaten the health or wellbeing of others is usually considered a best practice, the risks of social exclusion resulting from isolation need to be taken into consideration. In July 2013, for example, there was an epidemic of salmonellosis in Barczewo Prison (Poland). 68 people (prisoners and wards) were sick. According to the data obtained from prison authorities, several relevant measures were taken in order to block the spread of the disease, i.e. diet meals, regular disinfection of kitchen, laundry and toilets in cells, training for staff and prisoners, etc., but also the suspension of phone calls, walks, cultural activities and transports. More in general, the negative effects of the “specialized” care units inside prison are well known (R. Lines, 2007). After all, it is true that the European Prison Rules prescribes to isolate “prisoners suspected of infectious or contagious conditions for the period of infection and providing them with proper treatment” (42.3 f), but they also order to ensure “that prisoners carrying the HIV virus are not isolated for that reason alone” (42.3 g). Furthermore, “the medical practitioner or a qualified nurse reporting to such a medical practitioner shall pay particular attention to the health of prisoners held under conditions of solitary confinement, shall visit such prisoners daily, and shall provide them with prompt medical assistance and treatment at the request of such prisoners or the prison staff” (43.2) and “the medical practitioner shall report to the director whenever it is considered that a prisoner's physical or mental health is being put seriously at risk by continued imprisonment or by any condition of imprisonment, including conditions of solitary confinement” (43.3).

HEALTH CARE OUTSIDE PRISON

“Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals, when such treatment is not available in prison” (European Prison Rules, article 46.1). In general, the possibility of being transferred to an external hospital is feasible. The reason lies in the actual impossibility of achieving every kind of services inside prison (surgical operations, examinations, medical treatment, etc.). The main problem here is the time and procedure. In Greece, for example, the legal procedure for programmed transfers for health reasons is time consuming and inflexible, adding further problems to the already downgraded health care for inmates as the prison administration has to wait twenty days for the approval of the proposed transfer and more until the actual approved transfer. So it frequently happens that the visits in external hospitals are effectuated with great delays. In Italy and France this is justified by saying that there are not enough police staff for the transfers. Sometimes the delays cause bigger health problems for the patients and even death. Unfortunately it is commonly not easy to define if the denial/delay of treatment, medical care or

diagnosis is caused by gross incompetence or intentional wrongdoing because the line between the two is often indistinct (Vaughn, 1999).

In some cases the most serious consequences affect in particular prisoners suffering from mental illness. In the UK the high prevalence of mental health issues and self-harm among prisoners make it difficult for services to effectively reach those in need. In England and Wales prisoners with more complex mental health problems have been found to have good access to mental health staff (although sometimes they should be diverted to more appropriate facilities, e.g. admitted to National Health Service hospitals and are not), but services for patients with common mental health problems are less developed. In some prisons daytime therapeutic support services and access to counselling are limited.

PEOPLE SUFFERING FROM MENTAL ILLNESS

The European Prison Rules request that: “specialised prisons or sections under medical control shall be available for the observation and treatment of prisoners suffering from mental disorder or abnormality” (47.1).

Moreover, European Prison Rules prescribe that: “the prison medical service shall provide for the psychiatric treatment of all prisoners who are in need of such treatment and pay special attention to suicide prevention” (47.2).

Everywhere we can find separate facilities (or branches inside prisons) where mentally ill prisoners can be addressed. In some cases (Spain and UK), the main issue is whether they function well and if there are enough to address the number of prisoners with mental health problems. Such units are often geared towards prisoners thought to be at risk of self-harm or suicide.

Even when inmates are hospitalised in public hospitals, the conditions are very harsh: in France, for example, for security reasons, prisoners are frequently placed in isolation wards, in locked rooms where there is no other furniture than a mattress. And this is the case even when such measures are not medically justified. In some instances there are no toilet facilities. A bucket is made available for the patient’s needs. Therefore, the risks related to segregation are accentuated, as in the above-mentioned case of infectious diseases. Moreover, those conditions raise at least two main ethical issues: the respect of human dignity and the controversial dual loyalty, toward security and care (Pont, 2012).

Furthermore, medical treatment is frequently poor: in Portugal, the law sets forth various provisions for the special care of mentally ill prisoners, including internment in public mental health institutions or in prison mental-health units specifically set up for that purpose. In practice there is very little in the way of therapeutic attention for the mentally ill: the only method commonly used is calming patients when their behaviour grows unbearable, which typically means making them spend a few days in the prison hospital, where they are often indiscriminately restrained with drugs. Also in Italy psychopharmacological drugs are used in high quantities both inside prisons and in judicial psychiatric hospitals, where people can be restrained until a judge certifies that they are no more dangerous for society. It is the same in the UK, where prisoners are not released at the end of their sentence if they are still mentally ill.

PRISONERS WITH DRUG ADDICTIONS

Together with mental illness, drug addiction is one of the most widespread and serious health issues inside European prisons.

The European Prison Rules prescribe: “When examining a prisoner the medical practitioner or a qualified nurse reporting to such a medical practitioner shall pay particular attention - among the other issues - to dealing with withdrawal symptoms resulting from use of drugs, medication or alcohol” (42.3 d).

Starting from the analysis of the staff involved in the treatment of drug related problems, in general there are special health services, physicians, psychologists or social workers (and sometimes psychiatrists) whose job it is to give support to prisoners. Also there exist various counselling programs (detoxification, etc.). In some prisons there are special wings (drug-free) or therapeutic units where, as in Poland, prisoners participate in meetings where they have an opportunity to learn about addiction, develop their motivation to maintain abstinence, as well as acquire specific skills to prevent the recurrence to addiction. In general, they have to agree to regular urine tests in order to stay on those special wings.

Because of limited resources, however, meeting the needs of all the prisoners with drug addictions can be problematic. Therefore, there is a general consensus that drugs are easily found in prisons and many inmates continue or start to use drugs inside; accordingly, the use of illegal substances amongst prisoners is still high.

As for treatment, in some exceptional cases, like in Greece, drug-addicted prisoners are sent to a prison psychiatric clinic. Sometimes, methadone is the used treatment, by a graduated therapy progressively decreasing the doses. But it happens, as in Portugal, that, although methadone programs exist, often nothing more than tranquillizers are given. Although programs of harm reduction aimed at giving information and spreading knowledge are rather used, Spain is the only country where strong programs of harm reduction (i.e. through the dispensation of sterile injection equipment) are implemented. In France, the Ministries of Health and of Justice are looking into the introduction of an experimental syringe exchange programme. Even if influential and careful empirical studies have shown that syringe distribution is not followed by an increase in illicit drug use and is not compromising security, such programs still struggle to be accepted and implemented (Kerr et al., 2004; Stover, Nelles, 2003).

EDUCATION

Empirical research on the socio-demographic features of prisoners has pointed out the low level of education and lack of qualification inside prisons (Morgan, Liebling, 2007; Combessie, 2001: 37).

From an utilitarian point of view, if crime is a negative externality with enormous social costs, schooling can reduce criminal activity and crime rates (Lochner, Moretti, 2001). Also the human rights approach underlines the need to implement the education activities inside prison, in order to provide the opportunities to “help prisoners to re-order their lives in a positive manner [...] encouraging the prisoner to develop as a person” (Coyle, 2009: 94).

LEVELS AND TYPES OF EDUCATION PROGRAMS

The European Prison Rules assert that: “Every prison shall seek to provide all prisoners with access to educational programs which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations.” (28.1). Almost everywhere educational institutions operating in prisons include all levels of instruction up to the university level. However, due to a common lack of resources, not all types of education are provided. In England and Wales, for example, even if the National Offender Management Service provides evening classes at every prison and encourages prisoners to profit from the educational programs provided, this does not mean that there is a right to the educational course of choice. The prison authorities have a wide discretion as to what educational facilities they provide and who is to benefit from them.

In Italy almost everywhere we can find literacy courses for foreigners as well as primary and post primary school courses. In France, in the same way, primary level education and programs against illiteracy are provided in every prison. But we have to stress that commonly pre-trial detainees do not have access to educational programs (as in Portugal for example). In almost all institutions for sentenced prisoners there are high school courses; but sometimes, as in France, the number of places is very limited, or the range of possibilities is restricted (in Italy we can find many courses offered by technical institutes but few artistic, linguistic or scientific high schools).

A FEW NUMBERS

The number of prisoners attending an educational program varies in each country.

In the UK, in the 2008/09 academic year, there were 98.324 prisoners engaged in learning and skills in custody.

In Italy about 3.000 prisoners are enrolled in literacy courses. A slightly smaller number are those enrolled in primary school. There are more than 4.000 in post primary school and about the same number in high school. The prisoners enrolled in university are a few hundreds. But only about 35-50% pass from one class to another, in part because of mandatory transfers.

In France, according the latest data collected (in 2011), 16.149 of the 63.901 people being detained by the prison service were participating in educational programs, which represents about 25% of the prison population. Of those, 63% enrolled in basic education and literacy programs; 12,2% took classes of a secondary school level, and 1,4% took university courses.

In Poland 3.146 prisoners are attending an educational program, in particular: 16 Primary School, 310 Middle School, 633 Secondary School, 162 supplementary Secondary School, 757 in Vocational School, 84 in Post Secondary School, 283 Technical Secondary School and 901 Vocational Courses.

In Spain, as for School education, 10.661 men and 1.251 women are attending adult basic education courses; 3.947 men and 4.416 women High School; 44 men and 55 women Languages Courses; 22 men and 22 women have passed the Higher degree Entrance Exams and 8 men and 8 women are attending Vocational College Higher degree. As for University education, 1.004 men and 1.127 women are attending courses.

In Latvia 43% of the total number of prisoners were involved in formal education programs in 2011/2012 (in particular 1.070 in general education programs, 1.355 in vocational education programs, 5 in higher education programs) and 357 prisoners were involved in informal education programs.

In Greece and Portugal this kind of quantitative information is not available (only the number of programs is accessible).

INTEGRATION WITH THE EXTERNAL EDUCATION SYSTEM AND DISTANCE LEARNING

European Prison Rules also assert that “As far as practicable, the education of prisoners shall: a) be integrated with the educational and vocational training system of the country so that after their release they may continue their education and vocational training without difficulty; and b) take place under the auspices of external educational institutions.” (28.7). In general, the schooling system inside prison is run by the Ministries of Education. Courses are usually taught by teachers, who are temporarily assigned to prison. However, in addition to formal education programs, we can find many informal education programs (in Latvia 357 prisoners were involved in informal programs in 2012), run by NGOs, student associations, volunteers, etc. To this end “it is also important to provide opportunities for cultural activities alongside more formal education since this will provide a further context in which prisoners may develop their sense of self-worth” (Coyle, 2009: 94). The main point is that the education activities remain under the auspices of external bodies: in Greece, most of the educational and training programs are implemented in prison by external institutions but some courses are organized by members of prison staff.

Significant differences exist among the countries whether prisoners have the opportunity to enrol in distance learning courses. Such learning is possible in the UK, Spain, France and Portugal. In Spain, as a development of the penitentiary legislation, a collaboration agreement with the Universidad Nacional

de Educación a Distancia (UNED) has been signed. According to the agreement, prisoners can study under identical conditions as the rest of the citizens, at least as far as the university services are concerned (direct access to older than 25 years, grades, degree and doctorate). Students have appropriate mentoring, support for distance and didactic material. In the UK, prisons may be able to offer prisoners the opportunity to enrol in distance learning courses, e.g. with The Open University. But no funding is provided for prison higher education; inmates are expected to apply for loans, although funding may be provided by outside agencies, for example the Prisoners Education Trust. In France, inmates may follow courses through distance learning programmes via organisations that come under the authority of the Ministry of National Education. Inmates must however bear the costs of distance learning programmes, which may be quite expensive. In Portugal prisoners can apply to universities offering remote studies programmes. Nevertheless, there seems to be a lack of interest on the part of many inmates.

Elsewhere, distance learning is not envisaged or facilitated. Even when such a possibility exists, prisoners often cannot afford the high costs.

LIBRARIES

“Every institution shall have a library for the use of all prisoners, adequately stocked with a wide range of both recreational and educational resources, books and other media.” (EPR 28.5); moreover, “Wherever possible, the prison library should be organised in co-operation with community library services.” (EPR 28.6). Libraries are indeed present in many prisons, but the number and variety of resources varies: some libraries are well equipped, others very poorly. In some cases there is only one central library. In big prisons, there are small libraries within the sections. Prison libraries are often poorly supplied in books of foreign languages: in Latvia, in particular, many remain stocked with outdated books from soviet time, predominantly in Latvian and Russian. In Poland, due to the fact that prison libraries obtain books from public Polish libraries, they do not typically possess many books in foreign languages. Although the law requires it, in Italy and Portugal the offers in languages other than Italian and Portuguese are very limited or non-existent. The availability of DVDs and other audio-visual publications is very low since computers or DVD players are rare or prohibited in detention.

Also the access to the library can be sometimes difficult for organisational or security reasons: in Greece, for example, prison libraries are normally open on working days for at least two hours, in the morning and in the afternoon. In practice, they may be open for less time or not open at all due to lack of staff. Moreover, all prisoners have access to the library on condition that they do not meet prisoners kept in other sections of the same prison. In general, in some cases prisoners can go to the library and easily choose a book, in others they have to apply for a book and wait till it is brought to them. In Poland, not every prison library is equipped with a reading room and in some libraries the prisoners have access to books only via a librarian (the same applies to Italy).

There are some good examples of connection to the public libraries, in order to provide services as much as possible similar to those of the outside community (i.e. the Edinburgh prison library, designed and built by prisoners, won the UK Libraries ‘Change Lives Award’ in 2010). But as a rule few prison libraries are connected to public libraries in the community.

TRAINING AND WORK OPPORTUNITIES

As for prisoners' socio-economic characteristics prior to their imprisonment, they are to a greater extent unemployed and have no qualifications (Morgan, Liebling: 2007; Combessie, 2001).

To get a job during detention is likely the most shared target among prisoners. "Finding a way of earning a living is the most important part of a prisoner's ability to reintegrate into society on release from prison. For many prisoners their time in prison may be the first opportunity that they have had to develop vocational skills and to do regular work. The main purpose of requiring prisoners to work is to prepare them for a normal working life on their release from prison, not to make money for the prison administration or to run factories for the benefit of other parts of the Government" (Coyle, 2009: 89). According to the Association for the Prevention of Torture, work inside prison should not have a punitive character and it should be remunerated. Moreover, working hours should not exceed those in outside work and the normal standard of health and safety at the workplace must be applied (APT, 2002).

European Prison Rules assert that: "Prison authorities shall strive to provide sufficient work of a useful nature." (26.2) Such activities have to be considered a positive element of the prison regime rather than punishment (26.1). In general terms, according to the national rules, it is possible to work both for the prison administration and private companies. However, employability depends on the availability of work places, and during the economic crisis prison work opportunities have significantly decreased almost everywhere.

A FEW NUMBERS

In France there are currently about 17.800 prisoners working in prison (28% - they were 37% in 2000). About half of them (47,5%) work for the prison administration (or for private firms if the prison is privately run) and will carry out work related to the running of the prison, such as maintenance, work in the kitchen or food distribution within the prison. Prisoners might also get production jobs, which they will carry out in workshops or within their prison cells, from private companies (45,5%) or from the prison industrial service (7%).

Approximately 5.300 job posts are available for 12.500 prisoners in the 34 Greek prisons.

In Italy only about one prisoner in five works.

In 2012 no more than 30% of Polish prisoners were given the opportunity to work (including paid and unpaid).

In Latvia on 31 December 2011 only 1.224 sentenced prisoners (591 in the prison maintenance, 633 in work offered by enterprises/private employer) and 8 pre-trial detainees (7 in the prison maintenance, 1 for private employer) of a total of 6.561 prisoners were in some employment.

In Portugal more than one-third of the inmate population live without any purposeful activity.

In short, the right to work is non-existent because of the shortage of jobs available inside prisons, and a large proportion of the prison population remains without opportunity to gain the skills that could enhance the likelihood of obtaining gainful employment once released (Solomon et al., 2004).

QUALITY OF JOBS

Nearly everywhere the quality of jobs is really far from having a useful nature. For what concerns work under the prison administration, in particular, it is unqualified work, even named domestic job (i.e. in Italy), and the majority of these jobs are in cleaning and maintenance of prison facilities.

Jobs in prison are not always paid. In Poland all institutions provide limited opportunities to do volunteer and unpaid work for the benefit of the unit. Prisoners can dispense meals, work in the kitchen or help with cleaning. In Latvia, sentenced prisoners may be employed with or without remuneration. In Greece, instead of payment, cleaning and maintenance of prison facilities activities result in the reduction of the actual length of the sentence.

Work opportunities outside prison are always possible in theory, but in reality this rarely happens. Also working inside prison for private companies is a sporadic possibility, except for the UK, where a growing number of private companies are doing business in prison. Some of them have been criticised for reducing their workforce while increasing the size of their prison contract. They pay prisoners very low wages, and may request overtime, with reports of some prisoners working up to 60 hours a week. In some cases the national rules are particularly advanced. In France, for example, the law allows prisoners to be self-employed, on condition that they get authorisation from the warden. Actually some prisoners have managed to work independently in the last few years. But they are a very small number because there are many concrete difficulties (mainly related to the lack of access to the necessary electronic tools of communication).

VOCATIONAL TRAINING

“Work that encompasses vocational training shall be provided for prisoners able to benefit from it and especially for young prisoners” (26.5) and “Prisoners may choose the type of employment in which they wish to participate, within the limits of what is available, proper vocational selection and the requirements of good order and discipline” (26.6).

Prison work should be an opportunity to develop confidence and skills needed to return to society (Coyle, 2009).

As general rule, personal vocational training is rarely taken into account. Even if the national laws call for vocational training programs in order to meet rehabilitative goals (and indeed there are isolated attempts by selected employers to this end), the development of prisoners' skills and qualifications is not provided as general practice. The majority of jobs simply cover daily prison needs (e.g. cleaning, cooking, food distribution, etc.) and there are no personal development plans or preparation schemes for life after release. The “production” jobs are simple and repetitive, therefore they don't require any special skills.

In Spain and UK the opportunities for vocational training are more numerous: in Spain many courses are available in a variety of fields (industry, services and agricultural sector), while in the UK many prisoners get the chance to get training and thus improve their skills (inside or outside prison), but such opportunities can differ across the prison estate.

Therefore, to get a job is considered a lucky chance in the main, whatever the kind of work and independently from personal predisposition. What is more, work is sometimes used as a bonus or to convince people to become informers to the police. It happens that the latter doesn't appreciate vocational training: in Portugal, i.e., the abandonment of training programs is sometimes very high maybe also because of obstructing matriculation by the police who may see this activity as an increase of their own workload.

SIMILARITIES AND DIFFERENCES WITH THE OUTSIDE WORK

“The organisation and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life” (26.7).

The working conditions in prison are quite different from those of similar work in the community. As for the quality of jobs, we already stressed how, in practice, the work inside prison is often mundane, repetitive and unskilled. Most of the jobs are not demanding and inmates' duties are limited in comparison to similar work outside the prison. Manufacturing jobs often differ from the ones used in the community, where companies have put in place highly automated production line or have relocated their factories to Asian countries. As for the kitchen jobs, while the methods of work should in theory be similar, controllers have observed a number of health and safety violations in prison kitchens.

As for the conditions of work, many prisoners' rights are not safeguarded: they are not allowed to strike and cannot join trade unions. Even if commonly they have holidays and weekly breaks, it doesn't always happen: some jobs, notably kitchen jobs, will be able to require prisoners to work for a whole month without any day off. Therefore there is no regulation of working times.

The main difference between work inside and outside prison is related to remuneration. European Prison Rules assert “In all instances there shall be equitable remuneration of the work of prisoners.” (26.10). But we noticed that the salaries are always lower, not only related to the outside work, but also according to what the law prescribes. In the UK, for example, prisoners are not paid the minimum wage and some private companies pay around £2 an hour for prisoners' labour. Many prisoners are paid much less, with the prisons taking a variable amount of their salary. In many cases we noticed prison work is not paid (i.e. in Poland). In Italy salaries have been blocked for the past twenty years and more, in spite of very many petitions of prisoners who regularly win at court (by law prisoners must be given a salary not inferior to two thirds of that stated for the same job by the national contract).

Furthermore, European Prison Rules prescribe “Prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to allocate a part of their earnings to their

families” (26.11) and “prisoners may be encouraged to save part of their earnings, which shall be handed over to them on release or be used for other approved purposes” (26.12).

Indeed, almost everywhere the prisoner doesn't receive the total amount of the salary and in general a part of it is kept to pay for food and fines. In France, generally speaking, inmates earn an average of 330€ per month (excluding taxes) for full-time equivalent. On this income, 20% is levied on the portion going from 200€ to 400€ and 25% on the portion that exceeds 400€, for the compensation of the victims. Then, another 10% is levied on the remaining amount of income and is placed in a blocked account, destined to the inmate on his day of release.

Similarly, in Portugal, a prisoner is commonly paid between 60 and 100€ per month, amount then to be divided into quarters, one going to a reserve account which is to be made available when the prisoner is released, another going to a disposable-fund account that can be used to purchase goods in the prison store, another to pay for any imposed restitution, fines, costs or other obligations, and a final quarter to pay for food. In Spain there is no specific law for prison labour and state data are not available, but according to the last data available for Catalonia, the payroll by daily working day to December 2012 was 10,99€.

SAFETY PRECAUTIONS AND SOCIAL SECURITY

European Prison Rules assert that “Health and safety precautions for prisoners shall protect them adequately and shall not be less rigorous than those that apply to workers outside” (26.13) and that “Provision shall be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by national law to workers outside” (26.14).

By law, almost everywhere health and safety precautions for prisoners are the same as for those who work outside. Regulations on occupational health and safety are also applied to prisoners. However, in fact we noticed many differences. In France, i.e., even if Labour Inspection may intervene directly in prison, it rarely does. Moreover, its recommendations are not always put into practice. For instance, a report drawn in 2008 shows that over a third of the recommendations made over the past three years had not been put into practice, mostly because of the expenses engendered.

In Portugal, even if adequate prevention policies of labour risks are prescribed by law, there is no labour insurance and there are no safety measures in the workplace, mainly due to lack of adequate protection equipment.

The European Prison Rules also prescribe that: “As far as possible, prisoners who work shall be included in national social security systems” (26.17).

In some countries, like Italy or Latvia, prisoners regularly employed have the right to social security. Elsewhere, as in the UK and Portugal, they are not included in the national security system (they will be when released from prison). In most countries prisoners who work do not benefit from the national social security system in its totality. In Poland, i.e., they can't make full use of privileges connected with insurance (e.g. healthcare): despite the fact that they are paying for this insurance, they have not the possibility of using the public medical healthcare system. In Spain sometimes payrolls without a social security number are found. In France, prisoners who work do not receive compensation in case of dismissal, layoffs or leaves due to sickness or accident at work. In case of work accident or of occupational disease, the inmate may receive an allowance only when the accident or disease has left

him/her with a handicap. On the other hand, healthcare expenses are taken care of. In addition, prisoners contribute to the pension scheme according to common law. They may as such acquire pension rights. Nonetheless, the system of acquisition of pension rights relies in most cases on the amounts of income that a person has received. As the amounts of income paid to prisoners are well below ordinary minimum wage, prisoners find themselves disadvantaged and are left with a very small possibility to acquire such pension rights.

Therefore, even where prisoners, who work, are enrolled in the national social security system on the same level as free citizens, the strength of the rights meet in fact numerous limitations.

SECURITY

Security is a very important issue in everyday prison life. The security measures used towards prisoners are crucial in maintaining order inside the institutions and in ensuring both the personnel's safety (prison officers, educators, doctors, nurses, psychologists, psychiatrics, volunteers and so on) and prisoners' safety.

According to the European Prison Rules: "The security measures applied to individual prisoners shall be the minimum necessary to achieve their secure custody" (51.1), and "The security which is provided by physical barriers and other technical means shall be complemented by the dynamic security provided by an alert staff who know the prisoners who are under their control" (51.2). "As soon as possible after admission, prisoners shall be assessed to determine: the risk that they would present to the community if they were to escape and the risk that they will try to escape either on their own or with external assistance" (51.3). Each prisoner shall then be held in security conditions appropriate to these levels of risk" (51.4), and "The level of security necessary shall be reviewed at regular intervals throughout a person's imprisonment" (51.5).

The national reports highlight that everywhere the main security measures used are:

- physical control;
- cell searches;
- isolation in dedicated sections.

Regarding the searches, especially corporal searches, European Prison Rules assert that "There shall be detailed procedures which staff have to follow when searching: all places where prisoners work and congregate, prisoners, visitors and their possessions and staff" (54.1). "The situations in which such searches are necessary and their nature shall be defined by national law" (54.2). "Staff shall be trained to carry out these searches in such a way as to detect and prevent any attempt to escape or to hide contraband, while at the same time respecting the dignity of those being searched and their personal possessions" (54.3). European Prison Rules try to protect prisoners and the other persons during the searches, stating that: "Persons being searched shall not be humiliated by the searching process" (54.4), "Persons shall only be searched by staff of the same gender" (54.5), that "There shall be no internal physical searches of prisoners' bodies by prison staff" (54.6) and that "An intimate examination related to a search may be conducted by a medical practitioner only" (54.7).

CORPORAL CONTROL

Physical controls are certainly the main security measure used in the prisons that are analysed in the National reports. These controls can be done at every moment, especially after some activities (such as working activities, recreational activities, educational courses, but also after meetings with family members, friends, volunteers etc.).

Physical controls are various and can be executed on different invasiveness levels:

1. The first is the common physical control, touching various parts of the body of the searched. The aim of this security measure is to detect if the subject hides illegal objects.
2. The second is strip-searching: prisoners must take off their clothes, keeping only their underwear on.
3. The third is the most invasive: an x-ray exam and the control of the oral, anal and vaginal cavities.

Physical controls and strip-searches are made by prison officers of the same gender of the person searched (prisoners or visitors). In France the internal physical search is occasional and can be done only on the decision of the judge (for palpation and strip-search the decision of the director of the prison is sufficient). In Greece, after 2011, vaginal searches are recorded in a Vaginal Search Register with the name of the doctor who conducts the search, the reasons which justify it, the date and time of the search and explicit reference to the public prosecutor's order, on the basis of which it is conducted. In Eleona-Thiva (Greece) women's prison such a search is conducted only with the prisoner's consent and only after a positive drug detection test.

Cell searches generally happen without warning and when the prisoners are not inside their cells. The main aim of these controls is to verify the presence/absence of objects forbidden inside the prison. Usually, findings of these searches are drugs, alcohol, weapons (that can be used to assault prison officers or other detainees) or other instruments that can be used to escape.

As we have seen earlier, even visitors (such as family members, volunteers, teachers, legal representatives, social workers etc.) can be searched by the prison officers. For this reason the European Prison Rules underline that: "The obligation to protect security and safety shall be balanced against the privacy of visitors" (57.9).

All the national reports highlighted that everyone should be searched if s/he wants to enter prison. Even in this case the typologies of control are various and present a wide degree of invasiveness. The most common type of control is the metal detector. Also physical controls are often used to prevent visitors to bring inside the prison forbidden objects. In some cases visitors could be strip-searched. Finally, the most invasive type of control for visitors is the internal physical search. Generally only family members are searched by palpation and sometimes strip-searched whereas the other visitors (volunteers, advocates etc.) pass only through the metal detector. According to the national reports, visitors' controls seem to be particularly invasive in Portugal, in fact there are complaints of sexual abuses during the strip-searches.

ISOLATION

Isolation is a form of punishment given to prisoners that do not respect the rules of the institute, thereby jeopardizing the security of the sections and the prison in general. The main aim of the isolation (as a disciplinary punishment) is to punish the inmate and separate him/her from the other inmates in order to prevent the possibility of emulation. As emerged in the national reports, isolation is used everywhere. The duration of this punishment varies from country to country, but it is a common practice that the legal length of this punishment is rarely respected (generally the isolation lasts longer than it should).

Isolation is a dangerous practice because it can expose inmates to several kinds of abuses: during the isolation they are alone, in a situation of vulnerability and without the help and support of their cellmates and the other detainees. As the Spanish report underlines: “It’s during this solitary confinement where inmates denounce the majority of cases of ill-treatment, abuses and humiliations; in fact Amnesty International and the European CPT have been reported most of these situations”. Isolation is usually correlated with prisoners’ self-injury and even suicide.

OTHER FORMS OF CONTROL

We have highlighted the main security measures used in the prisons of each country involved in the European Prison Observatory. In addition, there are other measures used to maintain the security inside the prisons:

- Video surveillance (used in all prisons);
- Handcuffs and the obligation to remain in the cell (cf. Prison conditions in Portugal);
- Drug detection test (cf. Prison conditions in Greece);
- Transfer to another cell, section and even to another prison (this could be the consequence of brawls, fights, riot etc.).

During the last years, the Italian Prison Service has tried to develop a particular type of security, a dynamic security that follows (at least theoretically) the prescription of the European Prison Rules (51.2). The main aim of dynamic security is to abandon the idea of a constant control of prisoners, where the prison officers must follow him in all his movements. This form of control is based on prisoners’ responsibility and acquaintance with the prison officers. The dynamic security should, on one hand, recognize the skills of the prison staff and, on the other hand, should allow a better distribution of the (limited) resources in order to cope with the chronic shortage of prison officers in the seriously overcrowded Italian prisons.

The Greek report shows serious understaffing and no will to ensure a dynamic security. According to some reports (confirmed by the Greek Federation of Prison Service Personnel) one unarmed prison officer is responsible for the supervision of 300 inmates, and at night in some prisons the situation is worse (1/450). For the same reason (understaffing), perimeter security with armed staff is also rudimentary. There are no risk assessment procedures during admission. According to the CPT, there are high levels of violence among inmates and there are powerful groups of prisoners who dominate and exercise control over other inmates. There are no security regulations except for some general and abstract references in the Penitentiary Code. In practice, in order to prevent negative and disordered situations stemming from cultural and personal differences, prison staff seek to obtain prisoners’ homogeneity; they isolate and segregate provocative inmates by moving them within the same prison or transferring them to other prisons, even by locking them inside cells and dormitories or unlocking them in different shifts.

SAFETY

In this section we will analyse the topic of prisoners' safety. It's important to discuss this topic because prisons are dangerous places characterized by several factors such as deprivation, suffering, asymmetrical power relationship and often violence (cf. Edgar et al., 2003; Chauvenet et al., 2008). In the management of these factors, inmates are involved together with all social actors that work in prison: the prison staff (cf. Bennet et al., 2008). For this reason, we will discuss the topic of prisoners' safety facing some issues linked to the relations between prisoners and prison staff, in particular the prison officers (cf. Liebling et al., 2011): the discipline and punishment, the use of force by the prison officers, the use of instruments of restraints and weapons and the possibility to make requests and complaints.

DISCIPLINE AND PUNISHMENT

Concerning the issues of discipline and punishment, the European Prison Rules assert: "Disciplinary procedures shall be mechanisms of last resort" (56.1), and: "Whenever possible, prison authorities shall use mechanisms of restoration and mediation to resolve disputes with and among prisoners" (56.2), and: "Only conduct likely to constitute a threat to good order, safety or security may be defined as a disciplinary offence" (56.3).

Despite what is prescribed by the European Prison Rules, only the Spanish penitentiary law holds the use of disciplinary procedures to be a mechanism of last resort. The laws of the other countries don't prescribe this. According to the reports, in all the countries disciplinary procedures are used very often and, unfortunately, they seem to constitute the ordinary form of prison management.

The disciplinary procedures are used in many cases: when a prisoner answers offensively or does not show respect to prison officers, when prison officers detect forbidden items inside a prisoner's cell (for example drugs, alcohol...) or items he/she holds without permission, when a detainee refuses to do his/her work or recreational activities or when he/she is involved in fights, assault etc. In every country, it seems that prison officers have much authority in deciding to open disciplinary proceedings against a prisoner, which gives them a great power of control over the prisoners.

According to the European prison rules "Any punishment imposed after conviction of a disciplinary offence shall be in accordance with national law" (60.1), "The severity of any punishment shall be proportionate to the offence" (60.2), "Collective punishments and corporal punishment, punishment by placing in a dark cell, and all other forms of inhuman or degrading punishment shall be prohibited" (60.3), "Punishment shall not include a total prohibition on family contact" (60.4), "Solitary confinement shall be imposed as a punishment only in exceptional cases and for a specified period of time, which shall be as short as possible" (60.5) and "Instruments of restraint shall never be applied as a punishment" (60.6). In practice there's a wide range of disciplinary procedures used, most of them

are common in the prisons of all the country analysed: exclusion from working activities (with the suspension of salary), exclusion from the cultural and recreational activities, loss of work (France), prohibition to leave the cell (for several days), solitary confinement (for a variable length of time), deprivation of objects (such as TVs) (England and Wales) for a period of maximum one month (France), prohibition to receive money from the outside world for several months or to purchase anything else but hygiene products, tobacco, or correspondence tools (France, Latvia), prohibition to make phone calls, transfer to another cell, unit or prison. In Italy, a disciplinary procedure automatically cancels the reduction of the period of detention (45 days every 6 months) that the law assigns to the prisoners who behave correctly.

As stated by European prison rules, “A prisoner who is found guilty of a disciplinary offence shall be able to appeal to a competent and independent higher authority” (61) and then request a review of the procedure. In England and Wales, for instance, if a prisoner (or a member of staff) believes the punishment or the conviction for a disciplinary offence was flawed because it was illegal, unfair, or incorrect procedures were followed, they can draw this to the attention of the governor or director. If the governor agrees, the punishment may be remitted or the conviction rejected, if the adjudication was conducted by a governor. If it was conducted by an independent adjudicator, the prisoner can request a review by a senior district judge. In Greece the punished prisoners can appeal to the Court for the Execution of Sentences (which is a three member judicial council), in Spain they can appeal to the judge of Execution, In Portugal to the Tribunal de Execução de Penas. Nevertheless these attempts to revise the punishments are often useless and ineffective because they are rarely revised. Usually the duration of these procedures is very long and there is the risk that the judge implements the sanctions.

USE OF FORCE

About the issue of the use of force, the European prison rules prescribe that “Prison staff shall not use force against prisoners except in self-defence or in cases of attempted escape or active or passive physical resistance to a lawful order and always as a last resort”(64.1) and that “The amount of force used shall be the minimum necessary and shall be imposed for the shortest necessary time” (64.2). They prescribe also that there should be some stipulations about “the various types of force that may be used, the circumstances in which each type of force may be used, the members of staff who are entitled to use different types of force, the level of authority required before any force is used and the reports that must be completed once force has been used” (65). Finally European prison rules assert that: “Staff who deal directly with prisoners shall be trained in techniques that enable the minimal use of force in the restraint of prisoners who are aggressive” (66).

As we can see, the European Prison Rules try to balance the prison officers’ use of force and the respect for the detainees’ rights through some constraints and limitations. These constraints and limitations refer both to those who use the physical force and to the modalities through which they must be applied. Therefore, the European Prison Rules seem to admit that prisons are dangerous places, characterized by the threat of violence used by prisoners to attack prison officers, who must protect themselves using, in turn, physical force towards inmates. These rules define the cases in which physical force can be used trying to manage and maybe limit such practices, which are probably considered impossible to eliminate from prison. As has stated, for example, Edney (1997: 289): “we

know better but we tend, at the same time, to assume that if prisons are peaceful everything is well within. From my experience as a prison officer this confidence is misplaced because violence does occur and the threat of violence against prisoners is ever present, not only from other prisoners but from prison officers who employ force as an instrument of social control within prisons”.

As highlighted by the national reports, ideally, the prison officers’ use of force should be used only in exceptional cases defined by law: to deal with prisoners’ violent acts, to prevent escape attempts and in case of resistance to officer’s orders, as prescribed by the European Prison Rules. The national laws authorize the use of force only as a last resort but, in practice, it is used often and in several cases without compliance with the rules. This has been emphasized by several reports, particularly by the Italian, the French, the Portuguese and that of the United Kingdom (specially in relation to juveniles). The French report underlined how the director of the prison has to be informed of every use of force, but in practice, this report is often incomplete or absent. If the criteria for using force are not respected by the agent, they could constitute acts of violence that might involve his/her penal responsibility. However the judicial proceedings of such acts are rare because the hierarchy of the prison and the judges in charge of the case often justify the use of force, even excessive force, by the behaviour of the prisoner and by saying “how hard this job is” (cf. Prison conditions in France). The Portuguese report highlighted a “wide and indiscriminate use of force by the officers, without any sort of professionalism or respect for the physical integrity of the prisoners. In the Portuguese prison the use of force becomes legitimated whenever order is arbitrarily declared to be at risk” (cf. Prison conditions in Portugal).

Another very important issue to discuss is access to prison of other law enforcement agencies. The European Prison Rules assert that “Staff of other law enforcement agencies shall only be involved in dealing with prisoners inside prisons in exceptional circumstances” (67.1), “There shall be a formal agreement between the prison authorities and any such other law enforcement agencies unless the relationship is already regulated by domestic law” (67.2). This agreement should stipulate: “the circumstances in which members of other law enforcement agencies may enter a prison to deal with any conflict, the extent of the authority which such other law enforcement agencies shall have while they are in the prison and their relationship with the director of the prison, the various types of force that members of such agencies may use, the circumstances in which each type of force may be used, the level of authority required before any force is used, the reports that must be completed once force has been used”(67.3).

The national reports highlight that everywhere other law enforcement agencies may enter the prison only in exceptional circumstances, for example in case of prisoners’ disobedience, revolts, riots etc. These cases are generally very rare.

INSTRUMENTS OF RESTRAINS AND WEAPONS

About the use of instruments of restraint, the European Prison Rules prescribe that “The use of chains and irons shall be prohibited” (68.1), and that some instruments such as handcuffs, restraint jacket and other body restraints should be used only “if necessary, as a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority unless that authority decides otherwise, or by order of the director, if other

methods of control fail, in order to protect a prisoner from self-injury, injury to others or to prevent serious damage to property, provided that in such instances the director shall immediately inform the medical practitioner and report to the higher prison authority” (68.2). In rule 68.3 and 68.4 the European Prison Rules assert that the “Instruments of restraint shall not be applied for any longer time than is strictly necessary” and “The manner of use of instruments of restraint shall be specified in national law”.

As highlighted in the reports, the most common instruments of restraint used in prison are handcuffs. Handcuffs are used especially for transfers but in some cases could be used for any displacement out of the cell of prisoners who are considered “dangerous” (cf. France). In Greece, the Penitentiary Code provides also that the use of handcuffs should be avoided when the inmate is juvenile, sick, elderly or pregnant. In Poland the most severe instruments of restraint are straitjackets and restraining belt, they are applied to immobilize the prisoner and are used only in a special soundproof room. They can be used only if no other coercive measure will be effective. A variety of actions are allowed under the prison rules in UK: physical (using physical force without equipment), mechanical (using equipment such as handcuffs or leg restraints, staves and batons), chemical (using medication), environmental (for example, seclusion), technological (for example, electronic tagging, pressure pads or alarms), psychological (for example, repeatedly telling someone that they are not allowed or that it is dangerous to do something, or depriving a detainee of something that is necessary for what they want to do, such as a walking aid). In Portugal, the most common actions of restraint are handcuffing and immobilization by brute force. A particular problem present in Portugal is also the use of chemical restraints, which can occur in the psychiatric-hospital prison or any of the mental health units of the other Portuguese prisons. This problem was noted in the CPT report of 2012 (cf. Prison conditions in Portugal). The Latvian report too shows the use of various instruments such as handcuffs, batons and electric shock, as well as the use of physical force and the use of special fighting methods to deal with the possibility of escape, assault etc.

About the use of weapons, the European Prison Rules assert that “Except in an operational emergency, prison staff shall not carry lethal weapons within the prison perimeter” (69.1), “The open carrying of other weapons, including batons, by persons in contact with prisoners shall be prohibited within the prison perimeter unless they are required for safety and security in order to deal with a particular incident” (69.2) and that “Staff shall not be provided with weapons unless they have been trained in their use” (69.3).

As highlighted in the national reports in almost every country it is prohibited to carry inside the prison perimeter lethal weapons such as guns. This is not the case in Latvia: Adult males in pre-trial detention or those serving their sentence in closed or semi-closed prisons are guarded by officials of prisons armed with a service weapon. Other pre-trial prisoners or sentenced persons are guarded in prisons by officials of prisons without weapons (Latvian report). All the other countries allow the use of such weapons only in exceptional cases in order to deal with particular events such as riots and revolts. Despite that, in Portugal, prison officers can use other potentially lethal methods: “assaults with punches and kicks by groups of guards on prisoners isolated in cells, typically during the night, is an example of a common, potentially lethal practice (Examples of this practice can be found in the CPT report of 2012). Then there are actual weapons that the guards can use inside the prison - from nightsticks, to teasers, and up to shotguns that fire beanbags. They can also call for dogs to be brought in” (cf. Prison conditions in Portugal).

REQUEST AND COMPLAINTS

According to the European Prison Rules “Prisoners, individually or as a group, shall have ample opportunity to make requests or complaints to the director of the prison or to any other competent authority” (70.1), “If mediation seems appropriate this should be tried first” (70.2) and “If a request is denied or a complaint is rejected, reasons shall be provided to the prisoner and the prisoner shall have the right to appeal to an independent authority” (70.3). “Prisoners shall not be punished because of having made a request or lodged a complaint” (70.4) and “The competent authority shall take into account any written complaints from relatives of a prisoner when they have reason to believe that a prisoner’s rights have been violated” (70.5).

Thus, as stated by The European Prison Rules and by almost all national laws, every prisoner can make requests or complaints to the director of the prison, to any other competent authority or to any NGO. Despite this possibility, some problems remain. The first one is related to the time needed for a response, which usually is very long (and the response is succinct). The second is related to the consequences for the prisoners. In Portugal and in Poland, for example, prisoners that make a complaint may suffer some kind of reprisals – such as daily provocations or the possibility to be transferred to another prison – by the prison staff and the director. These problems can deter prisoners from making complaints.

Recently, in Greece, a direct telephone line has been put in operation by the Ministry of Justice, to facilitate the procedures of complaints.

ACTIONS PROMOTING REHABILITATION

Since the Seventies various reflections on the purpose of punishment have pointed out the *decline* of the rehabilitative ideal (Allen, 1981). Nevertheless, rehabilitative programs have continued to be implemented both inside and outside prison (Garland, 2001). More recent analyses talk about the survival or revival of rehabilitative impulses and a new legitimacy for rehabilitation, which is now *utilitarian, managerial* and *expressive* (Robinson, 2008).

According to the human rights approach, prison authorities have to offer a multiplicity of opportunities to prisoners in order to ameliorate detention conditions, also through the maintenance of contacts with the outside world. “Prisons should be places where there is a full programme of constructive activities which will help prisoners to improve their situation. At very least the experience of prison should not leave prisoners in a worse condition than when they started the sentence but should help them to maintain and improve their health and intellectual and social functioning” (Coyle, 2009: 88).

The actions to promote rehabilitation are many. We will concentrate on the following issues:

- contacts with the outside world;
- program of activities offered by the prison regime (including work, professional training and education);
- release of prisoners;
- sentenced prisoners;
- life-sentence.

CONTACTS WITH THE OUTSIDE WORLD

In general terms, “Prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons” (24.1).

More specifically, European Prison Rules assert: “The arrangements for visits shall be such as to allow prisoners to maintain and develop relationships in as normal a manner as possible” (24.4). Moreover, “Prison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so.” (24.5)

The number of calls a prisoner can make or visits he/she can receive varies among countries and types of prison (closed, semi-closed, open prison) or juridical status (on remand or sentenced).

Sometimes there is no limit to the number of phone calls a prisoner can make (in Greece i.e.). But, in fact, apart from potential problems of accessibilities in overcrowded prisons (calling time is often limited to a few hours a day so there are frequently queues), the main obstacle for prisoners is that they must pay to make a phone call, although charities sometimes distribute free phone cards to those

in need. Sometimes, also the opportunity to communicate by telephone is restricted for some prisoners: in Poland, for example, a person held in pre-trial detention has no right to make phone calls. Also the number of visits a prisoner can receive in a week varies among countries and prison regimes. In general terms a prisoner may receive between 1 and 4 visits a week. However, most prisons being overcrowded, those standards can rarely be met, especially in remand prisons. The length of the visits is predetermined by the internal rules and procedures of the prisons, but it will generally last for 30 to 60 minutes. In practice it happens that the duration is reduced to 15 minutes by the entry and screening procedures through which the visitors must first pass. The arrangements for visits seldom if ever allow inmates to maintain and develop relationships in as normal a manner as possible. Privacy is almost impossible. Standard visits take place in rooms where dozens of tables and chairs are placed. They are typically supervised by one guard and a video surveillance system. Moreover, for security reason, conditions of visits can be even more oppressive: in Italy for 41 bis prisoners (defined as highly dangerous prisoners), a dividing glass is prescribed. Also in Greek prisons closed visits take place in a cubicle with a separating glass over a telephone. Open visits are exceptional and are permitted between husbands and wives with children. Foreign nationals can receive open visits by representatives from their embassies. At present in Greek prisons there is no family or conjugal visit scheme.

There are some experimental conjugal visits. In France, for example, once per trimester, prisoners must, in theory, be given the possibility to receive a visit, without surveillance, in the UVF (a studio) or at the very least a room with a bed called “salon familial”. However, only 17 French prisons out of 191 have UVFs and only 7 have a “salon familial”. UVF visits can last from 6 to 72 hours and those in a “salon familial” will last 6 hours maximum. More in general, conjugal visits are often granted for exceptional cases and used as rewards instead of as a proper right.

It happens that the families can't afford the cost of the travel to prison. In some cases, as in the UK, partners or close relatives who are on certain welfare benefits can claim financial help with the travelling costs of up to 2 visits per month from the Assisted Prison Visits Unit.

In no case prisoners can communicate with families or other persons by e-mail or other web instruments.

As a result, the arrangements for visits and the few means of communication permitted to prisoners are very limited and do not allow to maintain systematically adequate contact with the outside world.

PRISON REGIME

Prisoners are meant to engage in a range of activities during their time in custody, in order to facilitate order but also rehabilitation. In this sense, “the regime provided for all prisoners shall offer a balanced programme of activities” (25.1) and “this regime shall allow all prisoners to spend as many hours a day outside their cells as are necessary for an adequate level of human and social interaction” (25.2).

We have already described education, work and professional training activities. What is important to reflect on here is whether those activities (together with others like sport, cultural activities, offending behaviour programmes, etc.) have a concrete rehabilitative power, other than allowing an improvement in detention conditions.

As a general rule, prisons don't offer a large range of activities. If there are some prisons, where the activities are many and well organized, there are many others where the prisoners have nothing to do and stay in their cells all day long. The job and training offer is insufficient, and the number of socio-cultural activities is too small in proportion to the number of prisoners, especially in remand prisons where overcrowding is large. Thus, only a small number of prisoners have the opportunity to engage in organized meaningful activities such as education, vocational training, organised physical exercise, recreational activities, etc. Often treatment activities are only for sentenced and not for pre-trial prisoners. Therefore, in most prisons the majority of inmates remains locked up in their dormitories or cells, their sole occupation being reading, playing board games or watching television.

As for the number of hours prisoners spend outside their cells to engage in activities (other than work, education, treatment programmes or religious services) or to associate together will vary from one establishment to another, depending on the availability of constructive activities and supervisory staff. It often happens that, due to the lack of activities available in most closed prisons, prisoners typically leave their cells for only one or two hours of yard time.

RELEASE OF PRISONERS

The European Prison Rules assert that: “all prisoners shall have the benefit of arrangements designed to assist them in returning to free society after release” (33.3.) and “steps must be taken to ensure that on release prisoners are provided, as necessary, with appropriate documents and identification papers, and assisted in finding suitable accommodation and work” (33.7).

Prisoners are assisted in finding suitable accommodation and work by the prison administration only in very exceptional cases. In Italy this happens when volunteers take care of it. In Portugal, some orientation is offered by a small number of solidarity associations. In France former prisoners may ask to benefit from the assistance of the integration and probation penitentiary service of their place of residence, for a period of six months following their release. This service may put them in touch with accommodation facilities, but the general rule is that once released, former inmates fall under the competence of common social safety nets, in terms of job or accommodation seeking. In Latvia persons released from prisons have the right to register with the State Employment Agency to receive the status of an unemployed person. Local government city councils have to provide low income persons released from a prison with living space if these persons were living in the administrative territory of the relevant local government before sentencing and it is not possible to return to the residential space they occupied previously. The relevant authority shall notify local government, whose duty is to provide assistance, not later than six months before s/he is released from prison. In Spain, orientation programmes are being developed for social and vocational reintegration as well as accompanying programmes but, in general, it is very difficult to have access to such programmes, and usually inmates are released from prison with nothing. Also in Greece the post-release support is rudimentary. A small financial aid for certain categories of released prisoners is provided by the Workforce Employment Organization (OAED), but only a small number of prisoners can take advantage of some financed professional occupation programs. Prison social workers and Epanodos (central reintegration centre) give information about bodies and services offering aftercare. Some programmes for psychological support and legal counselling have been set up with European Union funding, along

with some workshops for job training. In the UK resettlement teams within prisons can provide advice but their proactivity varies. They might also run courses to help prisoners get ready for release. Advice and support are also provided by charities/third sector organisations, but the coverage can be patchy. Services are locally and/or regionally commissioned and can be provided in-house, by contracted voluntary sector partner and by local authorities. In Poland during a six-month period preceding the release, a prisoner may be allowed a 14-day discharge to find accommodation and work. During this period, the prisoner is to be placed in a prison that is situated as close as possible to his/her domicile. The prisoner is also entitled to information concerning acquiring essential help, especially addresses and competences of social institutions and organizations dealing with the provision of medical and material aid, finding work and accommodations and legal advice. The prison warden should make this information available to the prisoner. A significant budget is spent for post-penitentiary help (accommodation, subsidies for rental rates, legal counselling, current employment promotion, skill enhancement courses, countering criminal characteristics of aggression and violence, specialised treatment and rehabilitation, acquisition of identification documents, material support, grants to NGOs for post-penitentiary help programs). These financial resources are obtained from the salaries of working prisoners and criminal penalty fines.

Therefore, if Poland can be considered a good example of welfare policy for the release of prisoners, the majority of prison administrations can't be considered systematically engaged in actions promoting the rehabilitation of released offenders. What is more, due to a lack of resources, not all the released prisoners are provided with immediate means of subsistence, clothes or sufficient means to reach their destination, as European Prison Rules (33.8) stipulate.

SENTENCED PRISONERS

The European Prison Rules include many statements about the regime of sentenced prisoners. In general terms, “in addition to the rules that apply to all prisoners, the regime for sentenced prisoners shall be designed to enable them to lead a responsible and crime-free life” (102.1); more specifically, “as soon as possible after such admission, reports shall be drawn up for sentenced prisoners about their personal situations, the proposed sentence plans for each of them and the strategy for the preparation for their release” (103.2). Furthermore, “sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans” (103.3) and “such plans shall as far as is practicable include: a. work; b. education; c. other activities; and d. preparation for release” (103.4).

By law, in all the countries covered by the present project all sentenced prisoners should receive an individual sentence plan, which should include education, work, vocational training, drug dependency treatment, etc. The main problem is that the plan is not always implemented during detention. The reasons lie, first, in the lack of non-custodial staff designated for the planning activities: wardens, social workers, psychologists, sociologists, criminologists, etc. The responsibility of the staff may also have some influence: in Poland, some tutors put their best efforts to create individual plans for the prisoners and to take care of carrying them out, while other tutors tend to be less creative – they give prisoners tasks that are not useful for their personal development and they do not supervise or assess their progress.

Secondly, the possibilities of implementing integration actions are often reduced because of the lack of jobs or vocational training options in prison, thus the program content is often empty and the sentence plan has no practical effect. In some cases, individual programs are implemented only for some inmate categories: in Greece, i.e., just for inmates who participate in fully developed therapeutic drug detoxification programs.

National laws provide for the participation of inmates in drawing up their individual sentence plans (in Portugal also the family has to be consulted). Often prisons are unable to meet the requests of the prisoners. In reality, in most cases the only participation of the prisoner in the drawing up of his individual sentence plan is whether to accept or not to participate in the proposed activities. Furthermore, even if it is true that refusal to participate in such activities does not entail disciplinary sanctions because treatment is considered voluntary, non-participation may involve the delay or inability to access certain prison benefits.

The European Prison Rules also state that: “there shall be a system of prison leave as an integral part of the overall regime for sentenced prisoners” (103.6). Almost everywhere (except in Latvia) there is a system, which allows leaves, for a few days, to maintain familial links, to prepare social rehabilitation or to deal with serious circumstances. The main issue here is that in all the cases the decision is taken by the judge (in Greece by a three-member body, presided over by the interim judge) and it is a discretionary, not an automatic decision. So, for many prisoners, approvals are not common. Specific categories of prisoners are excluded from these types of leave. To give an example: in England and Wales, those on the escape list, those convicted but not yet sentenced and those subject to extradition proceedings are excluded from the so-called Release on Temporary Licence (ROTL). Even without formal exclusions, foreign and homeless inmates, as well as those lacking a supportive social and family network, are also usually excluded from prison leave scheme.

Finally, the European Prison Rules assert “prisoners who consent to do so may be involved in a programme of restorative justice and in making reparation for their offences” (103.7). Programs of restorative justice are beginning to get regularly integrated into mainstream criminal justice implementation only in the UK. In Greece, Poland, Latvia and Portugal they don't exist at all. In Italy, France and Spain there has been just some isolated experimentation, mainly in the juvenile prison system.

LIFE-SENTENCE

The European Prison Rules state that: “particular attention shall be paid to providing appropriate sentence plans and regimes for life sentenced and other long-terms prisoners” (103.8).

Life-sentences are part of all the national jurisdictions with the exception of Portugal, where the maximum sentence that can be imposed is 25 years. Nevertheless, even in Portugal, there are complaints of effective life sentences: be they due to a sentencing scheme of consecutive, aggregated sentences which in effect far exceed the 25 years stipulated by law, to the super-imposition of more sentences incurred while serving the original sentence, or the age of the prisoner at the time of the conviction, many are those who see themselves as serving a “life sentence” (even if they, theoretically, can be appealed, reduced and do admit leaves).

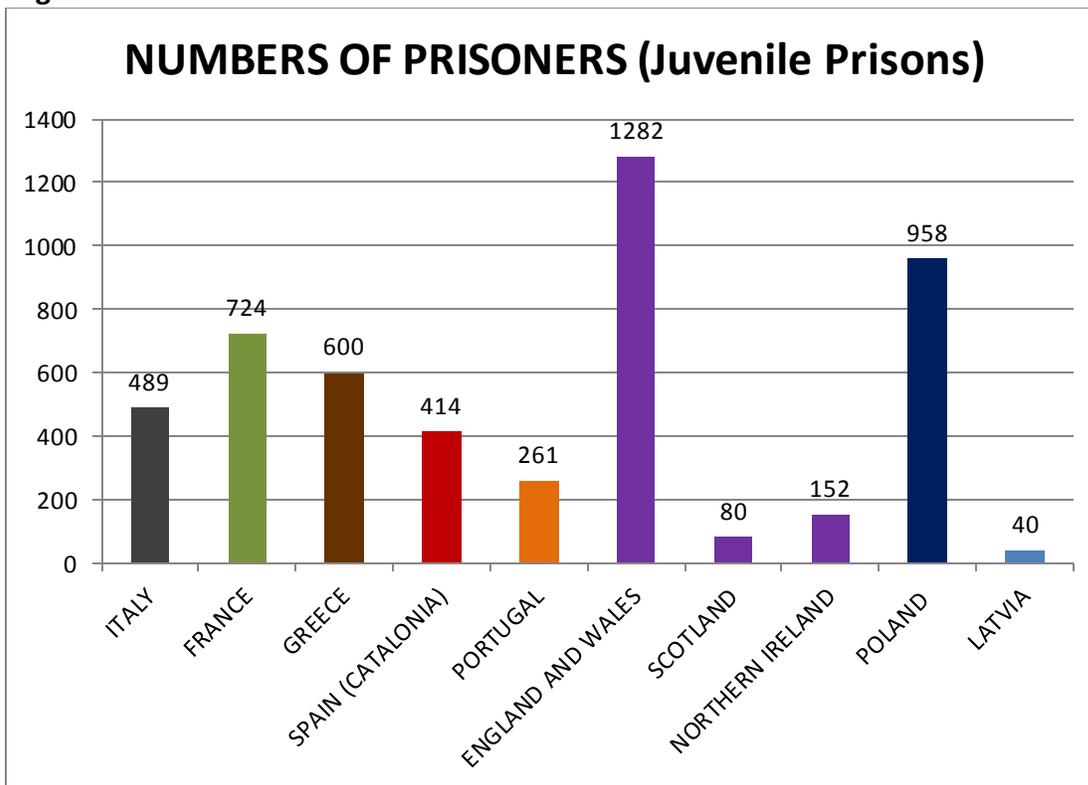
Everywhere prisoners serving life sentence are eligible for alternative measure after having served a certain amount of the sentence (around 20 years). Almost everywhere there are also prisoners serving actual life sentence. In Italy, i.e., prisoners condemned for specific crimes (among them mafia related crimes and acts of terrorism) have access to alternative measures only if they cooperate with justice. If a prisoner serving a life sentence for one of those crimes does not cooperate with justice, maybe because he has no information to give to the judges, he will become an 'actual lifer'. In the UK, in very exceptional cases, the judge may decide that the requirements of retribution and deterrence can be satisfied only by a prisoner remaining in prison for the rest of his/her life. In this case, the judge will not set a minimum term of imprisonment. These are known as 'whole life tariffs'. In France, since 2008, the law provides for the possibility to hold offenders who have committed serious crimes and are still considered "dangerous" even after they have served the whole of their sentence, These people can be placed indefinitely in a "socio-medico-legal centre" (housed in a prison).

Finally, in general there are no special plans and life prisoners are treated in the same way as other prisoners. As for other inmates, their sentence plans should be drawn up individually, but due to a lack of resources, the possibility to participate in work, training, education or cultural activities is often limited also for lifers. In England and Wales, for example, the difficulty in enrolling in courses that would help to demonstrate risk diminution (due to lack of resources to provide such courses in overcrowded prisons), makes release all the harder to achieve.

JUVENILE PRISON SYSTEM

A BRIEF OVERVIEW ON THE DATA OF THE JUVENILE PRISON SYSTEMS¹

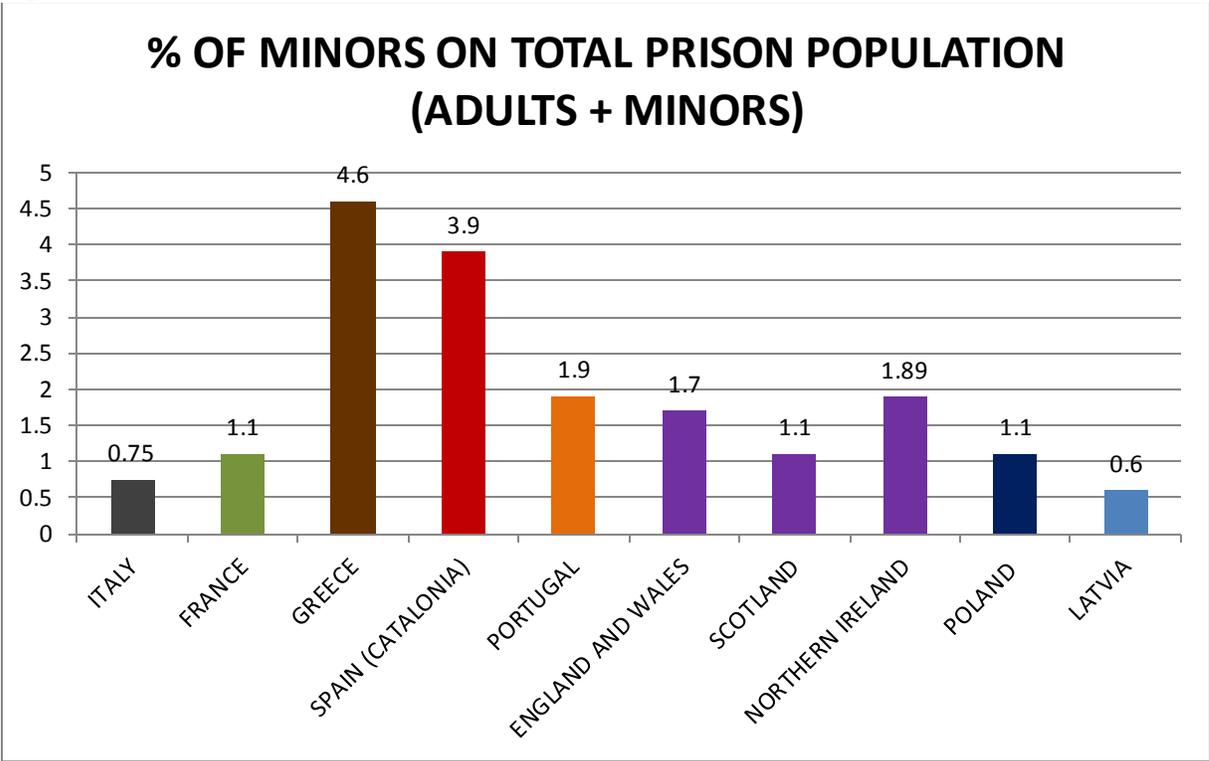
Fig. 8



The figure for Greece includes minors (15-18), young adults (18-21) and prisoners between 21 and 25 years old, who remained in juvenile institutions to continue their education program. Separate figures are not available. The figure for England and Wales includes children between 15-17 years old.

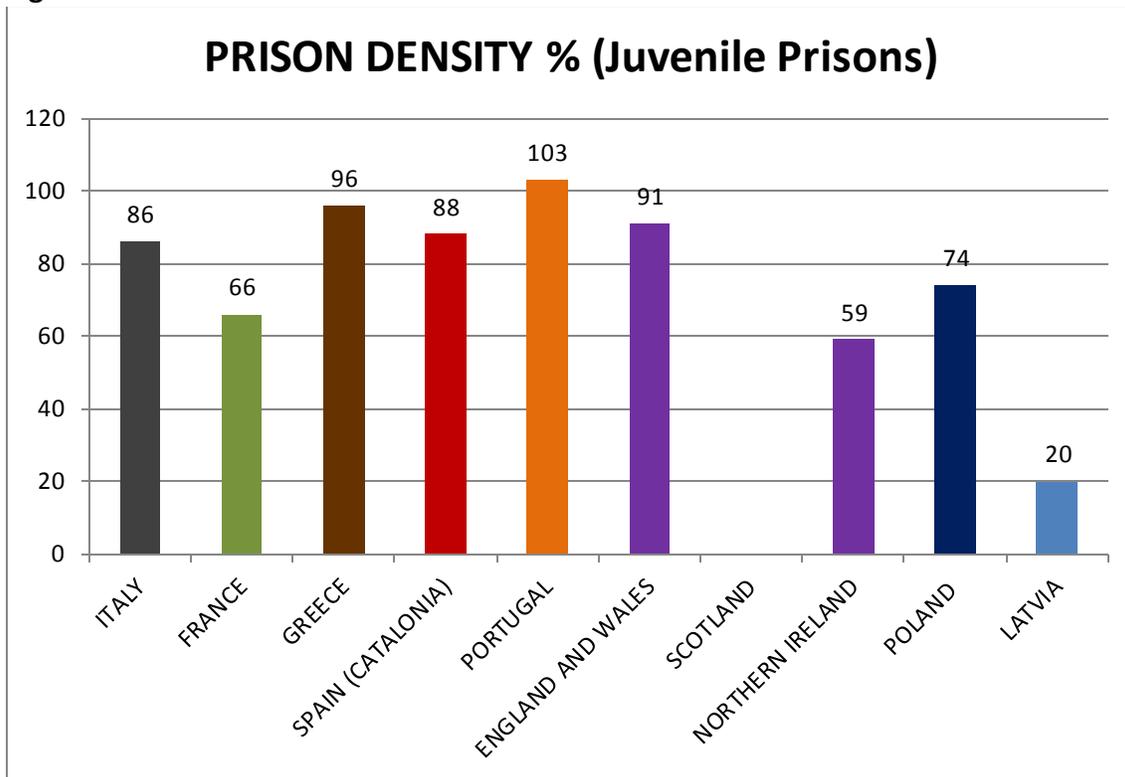
¹ All data reported in the following pages are updated to December 2012.

Fig. 9



The figure for Greece includes minors (15-18), young adults (18-21) and prisoners between 21 and 25 years old, who remained in juvenile institutions to continue their education program. Separate figures are not available. The figure for England and Wales includes children between 15-17 years old.

Fig. 10



The figure for Greece includes minors (15-18), young adults (18-21) and prisoners between 21 and 25 years old, who remained in juvenile institutions to continue their education program. Separate figures are not available. The figure for England and Wales includes children between 15-17 years old.

WHAT EUROPEAN PRISON RULES PRESCRIBE REGARDING DETAINED CHILDREN

(35.1) Where exceptionally children under the age of 18 years are detained in a prison for adults the authorities shall ensure that, in addition to the services available to all prisoners, prisoners who are children have access to the social, psychological and educational services, religious care and recreational programs or equivalents to them that are available to children in the community.

(35.2) Every prisoner who is a child and is subject to compulsory education shall have access to such education.

(35.3) Additional assistance shall be provided to children who are released from prison.

(35.4) Where children are detained in a prison they shall be kept in a part of the prison that is separate from that used by adults unless it is considered that this is against the best interests of the child.

Regarding the European Prison Rules, children, who for committing a crime were sentenced to custody, should be detained in institutions for juveniles, otherwise, if taken to a prison for adults, they

should spend their time in completely separate units. As shown in various reports, each country presents traits worth to be highlighted.

In Italy, children 14-18 years old and in Poland 13-17 years old spend their period of detention in institutions completely separate from those for adults. In both cases, the management and the organization of children's institutions is separate from that of adults. Both in Italy and in Poland, if young delinquents are still imprisoned at the age of 18 or 17, they remain in the juvenile institutions until they are 21. In Latvia the juvenile prisons host children under the age of 18 and, similar to Italy, also young adults aged 18 to 21, on decision of the prison authorities. In Portugal, only children between 12 and 16 years old can be committed to an Education Centre of the Justice Ministry, because at the age of 16, children accused of criminal offences are judged before a court for adults and, if found guilty, they may be taken to an adult detention centre. In Greece children aged less than 18 years old are kept in special institutions together with young adults (18-21 years old) and exceptionally with men up to 25 years old remained in these special youth institutions for educational purposes. Female juvenile prisoners live in the same institution with adults, being kept in a separate section. In France, minors are detained in special units of a prison or in a prison specially designed for minors. For this reason in France there are 46 special units for minors, domestic for special sentences (i.e. semi-liberty/day release). In Spain the state prison administration does not have any competence concerning juvenile offenders, because this matter is managed by the autonomous communities.

England and Wales have probably the most varied juvenile penitentiary system. The secure children's homes (SCHs) are run by local authority social services departments and are overseen by the Department of Health and the Department for Education. SCHs generally accommodate girls aged 12-16, boys aged 12-14, and boys assessed as 'vulnerable' aged 15-16, who have been sentenced to custody or remanded to secure accommodation. They can also be used as secure accommodation for children solely on welfare grounds. They have a high ratio of staff to children and tend to be small facilities, ranging in size from six to 40 places. Secure training centres (STCs) are provided by private contractors commissioned by the Ministry of Justice and are for vulnerable children up to 17 years who have been sentenced to custody or remanded to secure accommodation. They differ from Young offender institutions (YOIs) in that they have a higher staff-to-young offender ratio (three staff to eight children) and are smaller in size, ranging from 50 to 80 places. YOIs are run by the Prison Service and the private sector and accommodate 15 to 17 year olds who have received custodial sentences or have been remanded to custody. Separate YOIs accommodate young people who are 18 to up to 21. YOIs tend to house from around 200 to over 800 children and young people and have a lower ratio of staff to children than either STCs or SCHs. YOIs are considered to be inappropriate accommodation for more vulnerable children. Minors in Scotland should go to a secure unit or to a young offender institution, but this depends on various factors such as the age and whether or not they are subjected to a supervision requirement. In Northern Ireland the youth justice follows what we can call a "justice model" rather than a "welfare model" (which operates in Scotland for those under 16).

As we see, almost every country seeks to follow the European Prison Rules by separating minors from adults. As highlighted in several national reports, the legal prescription (not only the ones of the European Prison Rules but also those of the countries) to separate minors from adults is disregarded in many cases. The French report say, for example, that young girls are rarely separated from the women, because they are few in number and are generally grouped together with the women, in the same establishment and in the same units, in adjacent cells. In Portugal the seventeen and the eighteen years old are treated by their criminal justice system in the same way as the adults and incarcerated in

their prisons. In Greece the minors are detained with young adults and sometimes with men up to 25 years old.

The Italian report highlighted that it may happen that the shortness of the period spent in prison does not permit the child to be inserted in a school class and that sometimes the compulsory education can not be organized, as it should be, by the Department of Education. The Portuguese report underline (citing the 2002 CPT report) that many young detainees were excluded from the school programs because the classes were full and that there weren't enough educational activities for the minors.

Both the Greek report and the Portuguese report stated that staff isn't specially trained to deal with young prisoners, that the buildings are not designed for young persons (for example the prison for juveniles and young adults of Avlona was previously a military prison) and that also the prison regime is not adapted to the needs of the minors.

INTIMIDATION, ABUSES, VIOLENCE

Unfortunately also in juvenile prisons, as in adult prisons, there can be episodes of intimidation, abuse and violence by the staff. As highlighted by the UK report, an inspection report on Ashfield, a privately run YIO, defined it as a "hotbed of violence and abuse", where bones were broken, levels of self-harm soared and children were routinely subjected to invasive strip-searches. So embedded was this culture of control by physical force that such dangerous practices had become normal to the young inmates and to the staff. Another report in another juvenile prison shows high and endemic levels of violence with on average two fights or assaults every day. Some of these were classed by the Inspectorate as 'very serious' and involved groups of young people in 'very violent, pre-meditated attacks on a single individual with a risk of very serious injury'. The inspectors found that children lived in fear of gang violence with little confidence that staff could keep them safe. This atmosphere of violence and chaos was exacerbated, the Inspectorate reported, by staff using batons to hit or threaten the young inmates, against the prison's own rules, and using solitary confinement to punish children unlawfully.

The Portuguese report, similarly, highlighted episodes of brutality in one "school prison" at Leiria (housing prisoners 16 – 21 years old, who often end up staying there up to their 25th birthday) such as dogs used to intimidate children forced to line up naked, and a program that keeps them locked in their cells 22 hours a day without any activities for the first few months.

EFFECTS OF THE ECONOMIC CRISIS ON THE PRISON SYSTEM

The serious economic crisis of the last few years has impacted mainly on the more disadvantaged social categories. Prisoners and their families are among the most affected by the crisis, owing to the increasing instability. Let us examine the many facets of the situation.

First, it should be interesting to investigate if the crisis has had an impact on the type of crimes recorded. But it is a contentious ground: the links and the directions between economic crises and crime are hotly disputed. In wider terms, as a constructionist approach has highlighted, official statistics raise various problems in the ability to show the real trend of crime (Kitsuse and Cicourel, 1963).

Therefore, the following data have to be read keeping in mind those limits: we are presenting just some examples that should require a more in depth analysis.

In Italy, i.e., in 2011, at the core of the economic crisis, robberies have increased by 15% and house thefts by 28% compared with the figures of 2010. On the whole, the number of crimes reported to the authorities has increased by 5,4% (murders are stable around 500-550 per year, while during the Eighties there were around 2.000). In Greece, soaring unemployment (official rate of 27,8% in October 2013) and increasing relative and absolute poverty initially fuelled a significant increase in the number of property and violent offences. Police-recorded crime statistics showed that between 2009 and 2011 the total annual volume of burglaries and thefts rose by 33%, the respective numbers of robberies increased by 41% and of homicides by 29%. This trend seems to be reversing, as part of the redundant workforce is leaving the country. Thus, since 2012, the total annual number of robberies, burglaries and thefts has been reduced by about 17%, and the number of homicides by 10%.

What did it happen to the prison population rates?

The picture is patchy. In some countries the prison population increased during the crisis. Recent trends have been characterised by a rising prison population in the UK, and a decrease of resources to deal with it. In Greece, between 2009 and 2013 the number of inmates increased by 6,3%, whereas between 2003 and 2008 it had increased by 33,5%. 2008 was the last of a 6-year decreasing prison population trend in Portugal. From then on, the prison population grew steadily by 31%, to the point of today's 20% over capacity.

In other countries, the prison population decreased. In Poland, over the years 2008 - 2012 the prison population dropped from 85.920 inmates to 84.399 (meanwhile, general prison capacity was increased; nevertheless, combating overcrowding maybe the main reason for this trend). In Spain the number of inmates fell by 10%. This fact gives rise to different interpretations other than this crisis, that we can quickly summarize as follows: a significant number of foreign inmates expelled from Spain, a legal change in the crime of drug trafficking that has reduced some sentences prior to this type of criminal offence, the so-called "back door strategies" which are causing a reduction in numbers, such as the suspension of the execution of the penalty, and more conditional and similar release procedures. In Italy the prison population is slowly but progressively decreasing. On 31st December 2013, Italian prisons hosted 62.536 detainees (being less than 62.000 at mid-January 2014, according

to unofficial data), while on 31st December 2012 they were 65.701. The economic crisis played a role in that process, as it reshaped the Government priorities as well as the social worries. Thus, it has become possible to assume some reformative measures because of the lessened focus on the moral panic regarding individual security.

In most cases the economic crisis has had an impact on the annual budget of the prison administration. In Poland in the years 2008 – 2012 expenditures on prisons fell to 175 million euros. In Greece we record reductions in public spending on the prison system by 18,4%, from 136 in 2009 to 111 million euros in 2013 (by 15,4% if some extra funds are included). In Latvia, due to the austerity measures undertaken by the government to receive financial bailout, prisons budget in 2010 was reduced by 26% compared with 2009 and went down from 42 to 31, 3 million euros.

But it is important to highlight that even where the economic crisis has had no impact on the annual budget of the prison administration, as in France (1,9 billion euros in 2008, 2,51 in 2013), most of the additional funds were allocated to increase the prison estate (construction of new prisons under public-private partnerships) rather than rehabilitation initiatives such as the development of activities in detention.

A common consequence of the budget reductions is the worsening of everyday life quality in prison: in Italy, many prison sections have been closed because of lack of funds for the upkeep (the bad prison conditions being frequently decried by the media), and therefore causing more overcrowding. In Latvia, at the end of 2008, in order to reduce maintenance costs, a prison was closed and several prisons were merged under the same central administration, the number of prisons dropping from 15 to 12. In Poland, the budget reduction mainly affected investments in improving the living conditions of inmates. Some of the investments were delayed or even cancelled. There has been a lack of finances even for the most urgent repair expenses and significant reductions on post-penitentiary assistance. In 2008, prison authorities spent on this issue over 3,8 million euros whilst in 2012, only 1,95 million euros. In the UK, this trend, together with overcrowding and churn, has brought on a number of effects, e.g. in the services that prisons are able to deliver (resettlement, drugs treatment, mental health care etc.) as well as in the conditions that inmates have to endure (e.g. slopping out, reduced time outside cells, violence and self harm incidents).

The reduction and drop of health services and food are among the most worrying consequences. Again in Poland, despite the increase in the overall capacity of penal institutions, prison authorities did not provide the new workplaces for the employees of the prison health care. This had a direct impact on the availability of medical care given to inmates. In Greece, the daily cost of food per inmate has decreased by 28% between 2003 and 2013 (from 3,2 euros in 2003 to 2,4 euros in 2013) while food prices have skyrocketed. This means that an increasing part of imprisonment cost has shifted to the inmates themselves in a time when family support declines. In Latvia an attempt to reduce the ratio of calcium in inmates' diet to allegedly save prison service resources in a time of economic crises led to a constitutional claim brought by an inmate, which resulted in the Constitutional Court declaring the provision unconstitutional in 2010. In Portugal claims of hunger as a result of bad quality and insufficient quantity of food are heard. Decreasing budgets and increasing numbers of inmates shrunk the daily allocation for food per inmate from 4 euros to 3,5 euros. In a prison, the bread has been rationed because otherwise the last inmates to arrive got nothing.

Another serious consequence of the crisis is related to labour. In Poland, over the years 2008 - 2012, the number of employed inmates decreased by more than half (from 20.083 in 2008 to 9.426 in 2012). However, the reasons of this situation can be sought only indirectly in economic crisis. A judgement of

the Constitutional Court of 23 February 2010 (P 20/09) had a greater influence on that issue. As a result of that ruling remuneration of working inmates was equalized to the minimum wage level. This caused a significant increase of labour costs, which led to a huge reduction in the number of companies interested in providing work for inmates. The economic crisis enhanced that trend. In France, the crisis has exacerbated the decline in labour supply provided by the private partners. Much of the work available for inmates is industrial labour, a sector in decline in France, which was also hit by the crisis. The number of inmates employed in the industrial sector has decreased by 9% since 2008. In some cases, the staff too suffered from the consequences of the crisis. Prison staffing in the UK fell overall by 11,4 per cent between 2010/11 and 2012/13. In England and Wales staff numbers declined from 49.348 to 43.160 in this period; in Northern Ireland from 2.348 to 1.992 (typically against the UK trend, numbers in Scotland rose from 4.178 in 2010/11 to 4.350 in 2012/13, an increase of 4,1%). In Greece, salary cuts (up to 50% of net annual income) have forced many prison officers to retire earlier. At the same time, the Ministry of Justice has not been allowed to hire prison guards since 2009. Extreme understaffing (shifts with 1-2 prison guards per 400-450 inmates, staff working for weeks without a day off) threatens inmates' personal safety. In this context, special police forces have repeatedly been asked to enter prisons to suppress riots or to search the cells for weapons. We already highlighted that also the health care staff is affected by the crisis: in Portugal, the slow transfer of responsibility for inmate health care from the penitentiary system to the national health care system continues, while shrinking budgets result in some medical staff not being paid and others being fired. In Latvia, on 1st July 2009, the monthly salary of all prison officers and staff was reduced by almost 24% (23,9%); from the 1st August until the 31st December 2009 all prison officers, staff and educators had to switch to a part-time 32 hour working week. This situation was seriously criticised by the CPT during its visit to Jekabils Prison in 2009, where one or two prison officers were responsible for supervising more than one hundred inmates during the day. At night, there was no permanent staff presence in the units, a mobile group of prison officers instead performing checks from time to time. Last, the impact of the crisis is felt at the political level. In France, the Government highlights the context of fiscal restraint to turn down any proposal to improve conditions of detention or to take into account the inmates' families (strengthening social protection of prisoners, financial support to families to enable them to cope with the expenses, increased training etc.). As a consequence of the crisis, many European governments felt the necessity to reduce the prison population rates. In Latvia, comprehensive Criminal Law amendments were adopted on 13 December 2012 with the purpose of liberalising Latvia's penal policy and bringing down the prison population. Several criminal offences were decriminalised, alternatives to imprisonment were expanded for a wider range of crimes, thresholds for minimum and maximum sanctions were lowered for a wide range of crimes. Lower sanctions were fixed for property crimes (like thefts, robberies, fraud), which are not connected with the "threat to a person's life or health". At the same time new custodial sanction – short term detention (from 15 days to 3 months) – was introduced for criminal offences, community service will be applicable in the case of conditional sentences, imprisonment in cases of minor offences and less serious offences is to be applicable only when the aim of the punishment cannot be reached by lighter sanctions.

In Greece, the effects of the acute financial crisis on correctional policy have been contradictory so far. On the one hand, cuts in public spending encourage 'state-of-emergency' legislation (e.g. Law 4043/2012) in an attempt to curb the increase of the prison population. On the other hand, the unprecedented actual levels of economic insecurity, the legitimacy crisis of the state and the

systematic effort of the mass media to divert public anger away from the economic and political elite are contributing towards a more punitive treatment of inmates. Media coverage does not focus any more on unacceptable living conditions and human rights violations in prisons, but on the 'lenient' treatment of inmates by prison officers. Revelations that a 'swimming pool' has been constructed in the prison psychiatric unit, that inmates are allowed to buy 'smoked salmon' from prison canteens and news about the escape of a terrorist who vanished on his seventh furlough caused major public scandals recently. This kind of media coverage puts pressure on prison authorities to enforce restrictive prison rules and disciplinary or criminal charges against prison personnel members to avoid negative publicity.

We notice therefore that the impact of the crisis has involved recurring violations of prisoners' human rights. As we already highlighted in the introduction, this is a violation of article 4 of the EPR, which asserts that: "Prison conditions that infringe prisoners' human rights are not justified by lack of resources".

SUMMARY

In composing the final report of the “Detention in Europe” workstream, our main focus was on the following topics: health, education, training and work opportunities, security, safety, actions promoting rehabilitation, and the juvenile penitentiary system. For each issue we tried to highlight how and to what degree the conditions in the participating countries, as conveyed by the data collected in each report, comply with the European Prison Rules (EPR). Here we give an overview of our findings.

Health

Despite the EPR provision that healthcare in prison should be integrated with the national systems, only in France, Italy and the UK, are the national Ministries of Health responsible for delivery in prison. However, medical, surgical and psychiatric services in prison are scarce in all the countries involved. A permanent medical practitioner is not always present in every establishment, and even when one is, demand often exceeds capacity to deliver care. Despite EPR rules and national laws setting clear guidelines on this matter, acutely contagious sick prisoners are not always isolated, while risks related to solitary confinement are often overlooked (the same is true for mental illness treatment and suicide prevention, as the high number of suicides indicate). Further, due to the shortage of resources, meeting the needs of all the prisoners suffering from drug addiction can be problematic, despite the provisions of EPR 42.3. Harm reduction policies are not implemented, with the sole exception of Spain.

Education

In most of the participating countries, educational institutions that operate in prison include all levels of education, up to university. This conforms with EPR recommendations. However, due to a lack of resources, the types of courses and opportunities offered are often limited (in particular for higher education). Educational courses are commonly run by the Ministries of Education (as prescribed by the EPR), but informal education programmes exist, sometimes organized by members of prison staff (i.e. in Greece). Distance learning is offered only in France, Spain, Portugal and the UK, but prisoners can rarely afford it because of the high costs. Libraries exist everywhere but, despite EPR provisions, access is sometimes made difficult for security or organisational reasons and the availability of foreign language books is limited.

Training and work opportunities

Despite EPR provisions, in most cases work opportunities inside prison are scarce and of very low skill acquisition value. Jobs in prison are not always paid. In each country the law gives prisoners the opportunity of working outside prison, but in practice this rarely happens. Even if, in order to meet rehabilitative goals, national laws call for vocational training programmes, individual training needs are rarely taken into account. Although EPR provisions require that they should resemble as closely as possible those on the outside, working conditions in prison are quite different, in particular as regards to remuneration, quality of the work, health and safety and workers' rights such as to strike, holidays

and the possibility of joining trade unions. Prisoners are often excluded from national social security systems.

Security

The EPR state that security measures applied to prisoners should be the minimum necessary to achieve their secure custody. In all the countries surveyed the most common security measures are physical searches (of prisoners and visitors), cell searches and isolation of prisoners in dedicated sections. Physical searches have different levels: a) touching various parts of the body b) strip-searching and, in exceptional cases, c) examination of internal cavities. Cell searches are mainly carried out to check for contraband items. They generally happen without notice and when prisoners are not present. Isolation as a form of punishment seems to be used everywhere. It is important to underline that this can be very problematic, for example because it exposes inmates to various forms of abuse by prison officers.

Safety

The national reports make clear that, despite the EPR stipulation that the use of disciplinary procedures and force against inmates should be mechanisms of last resort, in fact they are used very often in almost all the monitored countries and seem to constitute the ordinary form of prison management. Typically prison officers have arbitrary control over the inmates and exercise the power to decide whether or not to initiate disciplinary procedures against them.

In conformity with the EPR, the use of lethal weapons inside the prison perimeter is forbidden in almost all the reporting countries (except in extraordinary cases). The EPR also state that every prisoner should have the opportunity to make requests or complaints. In general this is possible everywhere, but with two main problems: response times and the consequences for the prisoners, who might be subjected to reprisal by staff.

Actions promoting rehabilitation

Contrary to EPR provisions, visiting arrangements and the means of communication permitted to prisoners (letters and phone calls, excluding web tools) are very limited and do not allow for maintaining adequate contact with the outside world. As for the prison regime, only a small number of prisoners are afforded opportunities to engage in meaningful activities such as education, vocational training, organised physical exercise, recreational activities, and so on. As stipulated by law in all the monitored countries, sentenced prisoners should receive individual sentence plans, but the lack of non-custodial staff, work opportunities and vocational training programmes reduces the possibilities to implement such tailored rehabilitation programmes. After release, only in exceptional cases (Poland is a good example) are prisoners assisted by the prison administration in looking for suitable accommodations and a job. Programmes of restorative justice for adults are only implemented in the UK.

Juvenile penitentiary system

There is no overcrowding in the juvenile prison systems of the monitored countries, the prison density of their juvenile prisons being below 100%. Almost every country tries to follow the EPR provision to separate minors from adults, but several reports (in particular the French, Portuguese and Greek ones) indicate that in some cases this rule is disregarded. Other problems in the juvenile prison system pertain to the organization of educational courses and their accessibility (Italy and Portugal), and to

prison facilities and prison regime features, which generally are not adapted to the needs of minors (Greece). Cases of abuse, intimidation and violence have been reported in some facilities in Portugal and the UK.

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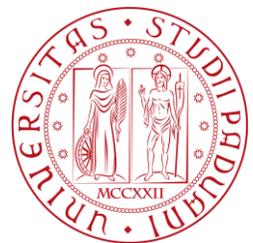
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