

From national practices to European guidelines: interesting initiatives in prisons management

Marie Crétenot

European Prison Observatory. Detention conditions in the European Union



With financial support from the
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**FROM NATIONAL PRACTICES TO EUROPEAN GUIDELINES: INTERESTING INITIATIVES IN PRISONS
MANAGEMENT**

Marie Crétenot
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INDEX

Introduction	p. 10
The European prison rules (EPR)	p. 10
Chapter 1: Detention regime and activities	p. 12
Italy: Prison university centres	p. 14
France: Cyber bases	p. 15
Chapter 2: Collective expression on the conditions of detention	p. 16
England and Wales: User Voice Prison Councils	p. 17
Chapter 3: Contacts with the outside world	p. 20
England, Wales and Scotland: The Assisted Prison Visits Scheme	p. 21
France: Familial visit units and intimate visiting rooms	p. 22
Scotland: Video visits	p. 24
Chapter 4: Participation in public life, elections	p. 26
Poland: Polling stations in prison	p. 26
Chapter 5: Dynamic security	p. 28
England: Grendon, a Therapeutic Community Prison	p. 29
10 key recommendations	p. 32
References	p. 34
Marie Crétenot	p. 36
The European Prison Observatory	p. 36

INTRODUCTION

The European Prison Observatory (EPO) was launched in Rome in February 2013 and operates in 8 countries (France, Great Britain, Greece, Italy, Latvia, Poland, Portugal, Spain). Through quantitative and qualitative analysis, the EPO monitors and analyses the present conditions of the different national prison systems and the related systems of alternatives to detention in Europe, comparing these conditions to the international norms and standards relevant for the protections of inmates' fundamental rights, particularly the European Prison Rules (EPR) of the Council of Europe.

The analysis of the conditions of detention in the countries where the EPO operates highlights the fact that none of those countries are actually applying the Council of Europe's philosophy, or are respecting many of its recommendations. However, this study revealed several interesting initiatives in accordance with the Council of Europe philosophy that could be an inspiration for other countries.

The most interesting ones are presented below in specific chapters: they represent experiments that have been implemented on a systemic basis and have been submitted to some sort of evaluation, and which can therefore be characterized as "good practices". In some cases, the philosophy was not fully respected, but one or several countries had nevertheless developed measures or initiatives that still remain interesting and need to be highlighted. These countries' specificities are pointed out in the general introduction of each chapter (with a mention of the country in **bold**).

THE EUROPEAN PRISON RULES

Adopted for the first time in 1973 by the Committee of Ministers of the Council of Europe, then revised in 1987 and 2006, the European prison rules (EPR) aim to standardise the prison policies of the member states in order to create common norms and practices. Written by the Council for Penological Cooperation of the Council of Europe, the EPR take into account the norms for the treatment of prisoners established by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the jurisprudence of the European Court of Human Rights (ECtHR), as well as results of the research in penology which state that a totalitarian and authoritarian prison is more likely to produce negative psychosocial effects including lack of initiative, apathy, emotional instability and unexpected aggressive phenomena – (Walker, 1983; McKay et.al., 1979) and opposition to the institution and to the staff (Sparks, Bottoms and Hay, 1996). On the other hand, the psychological equilibrium of inmates is improved, and it is easier to maintain good order, when their different needs are respected (Zamble, 1992; Morgan, 1994, Snacken, 2011):

- The need for a "basic comfort": accommodation respecting the norms of decency and hygiene; protection against any physical abuse, access to medical services of good quality.
- The need to have a form of control over one's own future and on one's environment: the availability of a range of activities, from which the inmates can choose; encouragement to participate in the organisation of prison life and recognition of the right of association.

- The need for meaning, long-term aims and motivations: the possibility to practice activities which involve the inmates' skills and reveal their positive potential; the possibility of developing regular contacts with the outside world, to have moments of intimacy, to develop a personalised and helpful relationship with the prison staff.
- The need for equity: equivalent rules and procedures for everyone, a clear definition of the rights and duties, as well as a personal explanation of the decisions.

The European prison rules (EPR) are based on two main principles: the principle of normalisation which aims to organise life in prison in order to bring it as close as possible to life outside the prison walls, and the principle of responsabilisation, closely related to normalisation, which aims to give to the inmates the opportunity to have personal responsibilities in the everyday life of the prison.

On the basis of those principles, the Council of Europe encourages the member states to develop social life in prison, to give priority to an “open” regime of detention which would create a certain degree of autonomy, to allow the inmates to enjoy activities involving their skills and to develop those activities in conditions as close as possible to the outside world (which includes, for instance, wages at the level one can find in the rest of the society). But also to allow inmates to develop regular contacts with the outside world, to take part in the elections, referendums and other aspects of public life, to be able to have a collective discussion – with or without the prison administration – about their general conditions of detention; and to create mediation mechanisms in order to solve disputes and discuss controversial issues and to give them priority over the disciplinary procedures and sanctions.

CHAPTER 1: DETENTION REGIME AND ACTIVITIES

To support the principle of normalisation and to reduce the harmful effects of imprisonment the Council of Europe European Prison Rules stress that life in prison should approximate “as closely as possible the positive aspects of life in the community” (Rule 5) and that all detention should “be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty” (Rule 6). This means in particular that:

- “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” (Rule 18-1)
- “prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy” (Rule 19-3); “adequate facilities shall be provided so that every prisoner may have a bath or shower, at a temperature suitable to the climate, if possible daily” (Rule 19-4)
- “the regime provided for all prisoners shall offer a balanced programme of activities” (Rule 25-1) and allow all prisoners to spend as many hours a day outside their cells as necessary for an adequate level of human and social interaction” (Rule 25-2). In the commentary of the EPR, the Council of Europe states that “is unacceptable to keep prisoners in their cells for 23 hours out of 24” and that “the aim shall be that the various activities undertaken by prisoners should take them out of their cells for at least eight hours a day”.

With regard to vocational activities, the Council of Europe emphasises that “prison authorities shall strive to provide sufficient work of a useful nature” (Rule 26-2) and that this work must be exercised in conditions that “resemble as closely as possible those of similar work in the community, in order to prepare prisoners for the conditions of normal professional life” (Rule 26-7). In accordance with this principle, “work opportunities offered to prisoners should be relevant to contemporary working standards and techniques and organised to function within modern management systems and production processes”; “provisions for health and safety, working hours and even involvement in national social security systems should mirror that for workers on the outside” and “all prisoners should ideally be paid wages, which are related to those in society as a whole.” (Commentary of the EPR).

With respect to educational activities, the Council of Europe stresses that “every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations” (Rule 28-1), that “priority shall be given to prisoners with literacy and numeracy needs and those who lack basic or vocational education” (Rule 28-2), and that “the education of prisoners shall 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” (Rule 28-7). For the Council of Europe, it is essential - given the social vulnerability of inmates (low level of education and lack of qualification) – to enable them to participate in activities that develop their skills and social capital.

Concerning the material conditions of detention, the standards of the Council of Europe are generally not respected. Almost everywhere cells and spaces for common activities do not meet privacy or hygiene and health requirements. In recent years 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 detainee 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 establishments. In some newer prisons, cells are equipped with a shower and toilet that afford privacy, but in other cases there is generally only a sink separated from the rest of the cell only by a curtain or a low wall. The basic right to a daily shower is recognised only in three member countries of the EPO; **Spain, Portugal and Greece**. However, even in these countries hot water is not always guaranteed.

The recommendations of the Council of Europe are also not respected with regard to the possibility to spend many hours outside the cell and benefit from a balanced programme of activities. Activities provided in detention are generally insufficient to cover the period of a normal day and allow prisoners to spend at least eight hours a day out of cell. Moreover, in most countries, prisons generally operate under a closed door regime, so that inmates are sometimes forced to stay in their cells for 22 or 23 hours a day. In this context, two countries, **Greece** and **Spain**, distinguish themselves by allowing inmates to spend between 6 to 11 hours outside cells (even apart from activities), walking in the wing, congregating for social interactions or exercising in the open air. In **Spain**, each prison has its own rules, but in general, the prisoners can spend up to ten and a half hours outside cells. They can leave the cell from 8am to 2pm and from 4:30pm to 9pm. In **Greece**, inmates are allowed to congregate outside cells 10 and a half to 11 hours per day (four and a half hours or five hours in the morning, six hours in the afternoon). They also have the opportunity to exercise in the open air six to eight hours per day, depending on the season (two to three hours in the morning and from 2:30 or 3:30pm until 30 minutes before sunset). In **Italy** this has been possible in a small minority of prisons for many years. Now the government, in response to the ECHR Torreggiani judgment, is trying to allow all medium security inmates (the vast majority) to spend at least eight hours per day outside their cells. The number of vocational activities is usually less than the prisoners would need and they most often occur under conditions far removed from those outside. Jobs in prison are not always paid. In **Latvia**, for example, sentenced prisoners may be employed without remuneration. In **Greece**, in addition to a symbolic remuneration, cleaning and maintenance of prison facilities activities result in the reduction of the actual length of the sentence. Prisoners are never allowed to strike or to join trade unions and in most EPO countries prisoners who work do not benefit from the entirety of the national social security system (e.g. no compensation for industrial injury or occupational disease, no affiliation to unemployment insurance, etc.). In **Italy**, however, prisoners may receive compensation for industrial injury or occupational disease and can be part of the unemployment insurance scheme alongside every other worker. In **Spain**, prisoners may also receive compensation for industrial injury or occupational disease and can have unemployment insurance (but they cannot receive compensation in case of disease). In **Poland**, as a result of a Constitutional Court judgement (P20/09), prisoners are now guaranteed to get at least the minimum wage, pro-rata in the case of part-time employment. However, the recent economic crisis and a lack of measures to encourage companies to employ prisoners (e.g. tax exemptions), has reduced the number of inmates who work. In **Greece**, a selective scheme of casualty insurance exists, for inmates who work in some specifically defined job positions and attend vocational training programmes.

The educational activities of inmates take place under the auspices of external educational institutions in all EPO countries. Priority is given to inmates whose educational skills are limited. However, relevant initiatives and programmes remain insufficient and not all courses are available in all prisons. In **France** for example, university courses are only accessible through distance learning programs, and the cost

may be quite expensive. Nevertheless, some countries make special effort to allow inmates access to different levels of education, particularly university courses, under conditions as closely as possible to those of the outside. In **Italy** and **Poland**, partnerships have been established with universities to allow prisoners to follow university courses in prison. In **France**, multimedia spaces with supervised access to the Internet are available in some prisons to allow inmates to train in computer and Internet use or to take online courses (maths, spelling, grammar, etc.).

ITALY: PRISON UNIVERSITY CENTRES

In Italy, there are some standing agreements between prisons and universities, according to which a small part of the jail is set aside for student prisoners. Cells in these areas are generally open from 8:00am to 8:00pm (although for reasons of space not all students can study in the area). Lecturers visit and give courses (in philosophy, political science, etc.) and the university quality assures tutoring and exams. The first centre was established in Turin in 1998 and as of 2014 university centres exist in about 15 prisons. In 2014 was established and formalised (by University of Padova and prison administration) a National coordination board of university centers in prison, in order to connect different experiences and define common guidelines (a draft is presently under preparation). Inmates in Padua University Centre have access to the Internet since 2011.

For student prisoners this experience is positive: “Thanks to this measure, I realise that I am now able to think, which was impossible before” explains a detained student. “Studying, even more than working, allows you to stay away from a certain atmosphere and bad temptations” highlights another student, who is completing his second year in political science and believes “Studies provide us with new tools to judge our daily life”. “The experience of the prison university centre radically changes the detained students” adds the governor of Padua's prison. “They manage to adopt a critical stance when they think about their past. In their cases, re-offending is very rare” (*Courrier International*, Nov. 18th, 2008).

In Poland, in the last few years, a similar agreement has been signed between the Technical University in Radom and a local prison and under the agreement part of the Polytechnic Institute's library has been located in the facility.

FRANCE: CYBER BASES

In 2007, the Ministry of Justice decided to experiment in prison supervised access to computers with Internet in order “to bridge the digital divide and illiteracy”. Called “Cyber bases”, this experiment is now being conducted in seven prisons (for minors, men and women). In these prisons, inmates may, after authorisation of the prison governor, practice surfing the Internet, looking at different pre-selected websites - usually the websites of public services (concerning social rights, job search, accommodation search, etc.) or some information websites like Wikipedia (they are allowed to interact, or use email only under supervision; when visiting these sites without supervision prisoners do not have the right to use their keyboards).

Cyber bases are also used as part of training. Inmates can undertake, supervised or unsupervised, online exercises (often in maths and French) on websites chosen by the teaching staff or receive

training in computer science, Word and Excel or CV writing. According to the trainers and the prisoners concerned Cyber bases have positive outcomes for those who are unfamiliar with computers, web searching and Word and Excel packages. It allows them to learn about and use these tools and to access more interactive forms of learning through online exercises. However, for those who master computer skills, the fact that the Internet is so limited by prison regulations is frustrating and makes it less interesting. Websites that can be viewed are too few and procedures that can be performed on the internet are too limited (Paquelin, 2012). As a result independent prison monitors have requested an extension of cyber bases to all prisons and greater access to Internet.

CHAPTER 2: COLLECTIVE EXPRESSION ON THE CONDITIONS OF DETENTION

For the Council of Europe, “subject to the needs of good order, safety and security, prisoners shall be allowed to discuss matters relating to the general conditions of imprisonment and shall be encouraged to communicate with the prison authorities about these matters” (Rule 50). For example, by allowing them “to elect representatives and form committees that can express the feelings and interests of their fellow-inmates” (Commentary of the EPR).

This recommendation stems from research findings showing that the inmate does not become a passive object in prison, that he remains a “social actor” who reacts to the way he is treated (Debuyst, 1990) and that the less the prisoner is being listened to, the more conflicts there are in detention (Woolf, 1991). For the Council of Europe, “security is not only about control measures, search or increasing the number of obstacles, it is essentially guaranteed by the relational life quality in the establishment”. Security “is more about learning to listen to the other, building a good relationship with him or her and solving problems than looking at each other like dogs and cats. Thus, the question of consulting and involving the inmates in the life of establishment has to figure in the chapter about good order” (A. Vallotton, former President of the Council for Penological Co-operation of the Council of Europe, PC-CP, 2013). “Good order in all its aspects is likely to be achieved when clear channels of communication exist between all parties underlines the Council of Europe in the commentary of the EPR”.

Indeed, it has been established that an absence of structures which allow the inmates to express their disagreements and opposition creates a culture more prone to violence. (Chauvenet et al, 2005). “If no importance is given to the words, if people are literally talking to themselves, if nobody is there to listen and to act on their words, one can witness the use of processes other than speaking” (Delarue, 2013).

Even if the possibility to express oneself in prison seems important, very few of the EPO countries have taken measures to follow that recommendation. The right to have a collective expression regarding the detention conditions – through, for example, elected representatives – is not respected. However, some countries such as **Italy** and **France** have legislated in order to actively register inmates' opinions on several aspects of life in detention, like food or activities.

In **Italy**, the article 27 of the Penitentiary law states that recreational, sport and cultural activities are organised by a commission composed of a prison guard, prison teachers, a social worker and prisoners' representatives. Prisoners' representatives cannot remain in office for more than four months. The method of nomination of prisoners' representatives varies being defined by the internal regulations of each prison (article 62 of the Prison Regulation).

The Prison Regulation (Dpr 230/2000) assigns three detainees for each prison facility the power of supervision on food preparation and quality. According to the article 12, “inmates' representatives assist in quality and quantity control and verify that all food taken is used for preparing meals”. Prisoners can also present their findings to the prison governor. Prisoners “who are representatives can be released from some hours by work or school in order to accomplish their task” and the inmates “who work for the penitentiary administration will be paid during these periods”. In addition, article 12

of the Penitentiary Law states that prisoners' representatives have to take part in the management of the library.

In **France**, there have been pilots of inmates' committees. The experiment, which started in May 2010, is limited at present to less than five prisons. The inmates can talk about several subjects such as daily life concerns (activities, the visiting rooms' schedule, the price of the products sold in the establishment etc.) with the exception of security matters or individual situations. The feedback on those pilots shows that they have had positive impacts on the inmates' life in detention and on the inmates' relationships with the prison staff. However, the inmates who are part of this experience are in the main named or accepted by the prison administration, and not elected by other inmates and so are not truly representative of the prisoners.

The measure which is closer to the Council of Europe's recommendation is the one set up in six prisons in the **United-Kingdom**. Led by an organisation of ex-offenders called User Voice, whose goal is to reduce offending by working with the most marginalised people in and around the criminal justice system to ensure that practitioners and policy-makers hear their voices, Prison Councils are organised through an electoral process.

ENGLAND AND WALES: USER VOICE PRISON COUNCILS

The Prison Councils fall in with a 1991 recommendation made by Lord Woolf after an investigation into the Strangeways prison riot in Manchester in 1990. In his report, Lord Woolf emphasised that "if prisoners have a greater understanding of what is happening to them in prison and why, they are less likely to be aggrieved and become disaffected. This should in turn, improve relation between staff and prisoners" (Woolf, 1991).

The Prison Councils experiment began in summer 2009 and is now implemented in ten prisons that provides for prisoners serving shorter sentences, longer sentences, young offenders and sex offenders (HMP Camp Hill, HMP Albany, HMP Parkhurst, HMP Rye Hill, HMP Wolds, HMP Birmingham, HMP Maidstone, HMYOI Aylesbury, HMP Buckley Hall, HMP Pentonville).

The User Voice Prison Council has been developed as a mechanism to bring some representative democracy inside prisons and is run on an election model. Prisoners are asked to form and run particular parties, each representing common challenges faced by prisoners and the prison system. For example, one party will be concerned with preparation for return into the community and through-the-gate services. Another party focuses on strengthening and improving the relationships between prisoners with staff. User Voice works closely with prisoners and staff in exploring what each party may concern itself with including those covering Housing and Employment, Training and Education and Community and Environment. Then User Voice follows the campaign process by organizing workshops with candidates and supporters. Each party chooses a spokesperson who has the opportunity to present his party's manifesto to other prisoners and candidates recruit a campaign team to help. On election day votes are cast for one of the parties and not for individual candidates. The votes are counted and the number of seats allocated to each group is proportionate to the number of votes won.

The make-up of the council includes the Council Chair (a senior member of staff responsible for decisions), prison staff and elected prisoners., A range of other attendees, such as members of the local business community, prison education providers, local councilors and the chaplain may participate. The council meets regularly, between once a week and once a month, depending on the prison's needs, and minutes are distributed throughout the prison by council members. Council members must

attend all meetings and engage with the wider prison population, ensuring key problems are identified and that these inform priorities. Once decisions are taken, all members must abide by, and support, their implementation (for example, in Camp Hill: re-instating Open University support for prisoners, the provision of a local guest house list for families visiting, new children's toys for visits, deep cleaning in visitor areas and putting suggestion boxes in all wings).

At first, many staff expressed apprehension and at times outward hostility towards councils, thinking "that their status within the prison hierarchy would suffer or be compromised as prisoners were given a stronger voice and increased control over their environment". But, then, the key theme emerging for prisoners and staff "was that the council is good for everyone" (Schmidt, 2013).

The benefits of the prison councils are various. "By establishing a council that allowed prisoners to be recognised through constructive dialogue, efforts centered on community betterment allowed a sense of collective responsibility to be developed". Councils assist prisoners "in conceptualising themselves as people (beyond 'prisoners' or 'offenders'), and more importantly, as people that have value and worth. Participating in the council enables "them to construct new roles that they saw as productive, helpful, and beneficial to others". By giving them a voice and responsibilities, prison councils increase their self-confidence, self-esteem, sense of purpose, sense of usefulness and sense of maturity. "Taking part in the council and constructing problem-solving proposals" is a "transformative experience for prisoners". Sharing this experience with ex-offenders is also significant. "For many prisoners, especially those serving long sentences, encountering someone 'come out the other side' intact meant hope and a future outside".

Prisons councils also improve the quality of staff/prisoner relationships. "From engaging together on the council, staff got to know prisoners 'as a person, not just a prisoner'", while prisoners were better able to understand the pressure and constraints staff work under. Dialogue breaks down barriers and stereotypes. "As a result, empathy flowed from these new dynamics, which increased mutual respect in the facilities with established councils" (Schmidt, 2013). At the Albany site, for example, there has been a 37 per cent reduction in complaints from prisoners. At Parkhurst, the number of segregation days – a good indicator of tensions- has been reduced from 160 to 47 days through experience of prison council (User Voice, 2010).

However, experience shows that "the governor's level of commitment is critical to setting the tone for the introduction, implementation, and ongoing legitimacy of the council" (Schmidt, 2013).

CHAPTER 3: CONTACTS WITH THE OUTSIDE WORLD

For the Council of Europe, the ability to maintain contact with the outside world is fundamental because these contacts are vital for counteracting the damaging effects of imprisonment.

According to the European Prison Rules, “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” (Rule 24-1). “Prison authorities should strive to create the circumstances to allow them to maintain it as best as possible” and they “should be alert to the fact that modern technology offers new ways of communicating electronically. As these develop, new techniques of controlling them are emerging too and it may be possible to use them in ways that do not threaten safety or security.” Moreover, “the restriction must be the least intrusive justified by the threat. Thus, for example, correspondence can be checked to see that it does not contain illegal articles but needs only to be read if there is a specific indication that its contents would be illegal. Visits, for example, should not be forbidden if they pose a threat to security but a proportionate increase in their supervision should be applied” (Commentary of the EPR).

The EPR also emphasise the duty of authorities to “facilitate links with the outside world” and to “allow prisoners to maintain and develop family relationships in as normal a manner as possible”, “to provide them with the appropriate welfare support to do so” and to allow them to benefit from “intimate family visits over a long period”, 72 hours for example (Rule 24-5 and commentary of the EPR).

Those recommendations aim to protect the right to respect for private and family life, guaranteed by the Article 8 of the European Convention on Human Rights (ECHR). They echo the results of penal research, especially those of the “desistance” branch, which highlight the importance of preserving or developing the ‘social capital’ of the inmates (Ditchfield, 1994; Farrall, 2004). Research shows that the existence and maintenance of good family relationships helps to reduce re-offending, and that the support of families and friends on release can help successful reintegration back into the community. Family support, the possibility to be legally part of a social network, and development of emotional and stable relationships are, indeed, essential in the processes of reinsertion into society and prevention of reconviction. This stability can provide inmates with the moral and material support needed to enhance their motivation to change, and allows them to develop another self-identity. This will help the inmates not to think of themselves as just offenders, in order to be more socially integrated (Maruna, 2007). Moreover, the maintenance of regular contacts with a parent, whilst they are in prison, can have a positive impact on the child given that constructive family relationships can improve the life chances for children. Young people’s involvement in offending as well as the development of substance misuse or mental health problems have all been linked to poor family relationships. (Ditchfield, 1994; Boswell, 2002). If prisons can be encouraged to take the role of families seriously, expected outcomes for both the parent in prison, and the child whose parent is in prison, will be improved. This, in turn, will have wider positive impact on families and communities.

None of the EPO countries completely respects these recommendations. For instance, the principle stating that visits should not be forbidden if they represent a threat to security, but that, in such a

case, supervision should be reinforced, does not exist or is rejected in all of them. They all have measures to suspend or to refuse visits. The visits usually occur in places where the intimacy is not guaranteed (collective rooms or uninterrupted surveillance by the prison staff). Furthermore, non EPO country has developed the possibility for the inmates to exchange electronic messages. However, some countries distinguish themselves by legislation or practices more in accord with the Council of Europe's philosophy that can be described as 'good practices'. **Italy**, for example, applies the principle which states that written or telephone communications can only be controlled (read or listened to) on the basis of a judicial authority's decision, which is taken when reasons exist to suspect that an offence has been committed or that a break-out is being prepared (article 37 of the Prison Regulation (Dpr 230/2000) and article 18 of the Penitentiary Law (354/1975). **England, Wales and Scotland** have established a plan of financial assistance to allow low income families to visit their relatives. **Scotland** distinguishes itself through piloting a videoconferencing system. In several prisons in **France** there are specific areas called family life units or "family living room" where the inmates can see their relatives in full privacy for periods of up to 72 hours.

ENGLAND, WALES AND SCOTLAND: THE ASSISTED PRISON VISITS SCHEME

Visiting prisoners can be extremely expensive for families, especially if the prisoners are far from home. Introduced in 1988, the Assisted Prison Visits Scheme (APVS) provides financial assistance to prisoners' close relatives and partners who are in receipt of income-related benefits or have particular health difficulties. The scheme covers travel, food and children costs, and, in some circumstances, helps towards the expense of overnight accommodation. Funded by the National Offender Management Service (NOMS) and managed by the Assisted Prison Visits Unit (APVU) on behalf of NOMS and the Ministry of Justice. APVU also administers the scheme on behalf of the Scottish Prison Service.

Specifically, it covers visits to all convicted and remand prisoners, civil prisoners and people held in prison under the 1971 Immigration Act, including young and prisoners released on temporary license. It applies to close relatives, partners, sole visitors over 18, and to escorts to those qualifying visitors of prisoners in England, Wales and Scotland.

- The close visitors category includes spouses and civil partners, ascendants, descendants, collateral kin, including adoptive and step family and persons who were *in loco parentis* for a significant period during the prisoner's childhood. It does not include family-in-law.
- The partners category includes persons with whom the prisoner was living, as a couple, in an established relationship, immediately before the period of remand or imprisonment was imposed.

A sole visitor is someone who is the prisoner's only visitor during a four-week period immediately before the date of the first assisted visit, whatever the relationship between them is. A person escorting a qualifying young person (prisoner's spouse or partner, carer or any person the former authorise) or adult to visit someone in prison may also be eligible for assistance. To qualify, the applicant must receive one of the income-based existing supports and allowances or tax credits or hold a health certificate, and/or have their income below a certain amount.

The APVS allows two assisted visits every 28 days, with a maximum of 26 visits per 12 months period. They can be saved up to allow two or more consecutive visits to take place during one return

journey. Additional visits may be authorised if considered necessary for resettlement purposes or the welfare of the prisoner or the visitor. A maximum of 13 assisted prison visits per 12 month period can be used to meet a prisoner who is released on temporary license.

Applicants can choose the travel option they want (rail, bus/coach, private motor vehicle, ferry, car hire, taxi, air travel), but will be refunded on the basis of their receipts with the repayment being limited to the cheapest method available. Depending on the length and/or the difficulty of the journey, costs of meals and an overnight stay can be also covered. The cost of any child care can also be paid if the applicant decides not to take a qualifying visitor who is under 16 to the prison. Visitors with special needs (medical condition or age over 75 years) can apply for an escort and more expensive travel costs, including non-restricted car hire costs. Assistance can also be authorised if the visit has been canceled for prison operational reasons or because the prisoner has been transferred to another establishment and the visitor has already traveled to the original prison.

To apply, one must complete an application form, have the confirmation of visit stamped on arrival to the prison, and post the completed application form along with proofs of expenditure to the Assisted Prison Visits Scheme within 28 days of making the visit. The initial claim and processing of an application normally last three to four weeks. Information and assistance on how to claim are available in some prison visit areas, some local employment offices, and in the prisoner induction leaflet. But, the level of bureaucracy attached to making a claim can be a hindrance with some prisoners' families finding it difficult to understand and navigate the claim process. However, the APVS scheme remains a crucial service and without it many families would not be able to visit their loved ones.

FRANCE: FAMILIAL VISIT UNITS AND INTIMATE VISITING ROOMS

The decision to create, in prison, areas allowing the inmates to meet their relatives in places where full privacy is respected is a direct consequence of the advocacy of former inmates. During the 1980s, they dared to testify, in order to give evidence of the sexual frustration in prison and of the pain that it creates. Also important was the publication of psychiatric and medical studies underlining the psychosomatic impacts of sexual abstinence in prison (Perrin, 1985; Gonin, 1991). Consequently, discussions began within the prison administration, leading in 1995 to the writing of a report encouraging the development of intimate family visits. The proposition was accepted by the Ministry of Justice in 1997, but the familial visit units (*Unités de vie familiale*, UVF) were not created until 2003 when they were piloted in three different prisons for inmates serving long sentences. In 2009, the possibility to access the family life units was generalised to all prisons. Two different facilities are available:

- The familial visit units (UVF) are furnished apartments with two to three rooms. They include an outside space (terrace or small garden) and are located within the prison grounds but outside the detention area. There, the inmates are allowed to receive one or several relatives for 6 to 72 hours.
- The intimate visiting rooms (*parloirs familiaux*) are an intermediary measure between the familial visit units and the traditional visiting rooms. In these small rooms – about 10 square meters, the inmates can receive visitors without surveillance for half a day. They are equipped with a shower, a fold-out couch, a table, several chairs, a television set, and a few domestic electric goods, such as a kettle or a coffee percolator. These rooms are mainly

used to replace family visit units when the prison architecture does not allow the building of UVF.

However, only 29 in 191 prisons in France are currently equipped with UVF or intimate visiting rooms and for the most part they are limited to prisons for inmates serving medium to long-term sentences. However, UVF are under construction in another 41 prisons (including remand centers for defendants and offenders receiving prison sentences of less than two years).

The regulations allow inmates to access UVF (or intimate visiting rooms) every three months. Those who do not have permission to go outside prison have priority. To access familial visit units or intimate visiting rooms, two requests have to be addressed to the prison governor: the first one by the inmate, the other one by the relatives. Anyone with a visit entitlement can apply: family members (husband, spouse, brother, sister, children, parents) or friends. Minors can access those facilities only with an adult (who cannot be the inmate) and they have to provide an authorisation signed by those who have parental authority for them. The highest number of people allowed to visit the inmate at the same time differs from one prison to another, but generally varies between 3 and 4. The visit duration is set by the prison governor depending on the inmates' needs and prison capacity. A progressive principle is generally applied: the first visits in UVF often last 6 hours, the next ones last 24 hours and, afterwards, 48 hours. Eventually, they can last 72 hours, but only once a year.

Visits take place without any member of the prison staff being present, except if there is an incident or a security patrol. Before any patrol (usually in the morning and in the evening), the prison staff have to warn the inmate and his visitors. Apart from patrols, the UVF are submitted to only one outside control: video surveillance. During the visit period, the inmates and the visitors can organise their activities as they want, especially meals which are cooked in the UVF with products bought by the inmate.

By allowing the inmate to meet his or her relatives in a place outside of detention, without any member of the staff, the UVF introduces privacy and an individual experience which contrasts with the public and collective nature of detention. The inmates and their relatives have privacy and they are able to share everyday moments. Studies have shown that those measures allow inmates to renew relationships with their children or with relatives who had previously stopped visiting. "The facility's quality and the intimacy that it generates explain those phenomena" explains one of them (Rambourg, 2006). "The pleasant setting and the intimacy of the meeting are more appropriate than the visiting rooms for the quality of exchanges. This encourages the inmate's relatives to invest the time to visit because they are not concerned anymore with the stress created by the lack of privacy, the anxiety coming from the signs of imprisonment and the frustrating meeting which stems from those conditions". Studies also show that such measures reduce tension in detention, allowing the prison staff to adopt a different approach to inmates.

SCOTLAND: VIDEO VISITS

After the closing of HMP Peterhead and HMP Aberdeen, two prisons located in the north-east of Scotland, many prisoners have been relocated. Therefore, since the beginning of 2014 a video visit service has been developed as a response to increased traveling distance. Funded by the Scottish Prison Service (SPS) and developed in partnership with APEX – an organisation which works with ex-offenders, the video conferencing technology allows families and friends to 'virtually

visit' inmates.

The visitors do not need a new visit entitlement (the SPS website explains that 'the video visit come off [one's] normal visit entitlement') and they are still welcome to visit their relative in person. The visit should only be booked at least a day in advance, using a special phone number. Then, the visitors have to go to the APEX offices in Aberdeen, five minutes before their visiting time, with a photographic ID. The calls are limited to one hour.

The SPS made it clear that this pioneering service was not a threat to security. In fact, quite the opposite is true: it appears to help reduce re-offending, as underlined by Helen Chamier-Tripp, Apex Scotland's Service Development Manager: "we fully understand the importance of maintaining meaningful contact with family and friends while in prison and realise that family contact and support is high on the list of factors helping to reduce offending behaviour" (SPS website). The SPS explain that "the same security standards applied to visiting procedures in establishments will be met by the new internet-based service" (SPS website). For example, prisoners have to name the persons they are talking to.. This successful trial is now to be made permanent.

CHAPTER 4: PARTICIPATION IN PUBLIC LIFE, ELECTIONS

“Considering that rehabilitation of prisoners, aimed at their reintegration into society – giving them all the rights and duties accorded to other citizens – is one of the purposes of criminal sanctions” the Council of Europe “regrets that in many countries persons convicted of a criminal offence are barred from voting, in some cases even for some time after their release from prison. A more modern approach would be to limit the withdrawal of the right to vote to crimes committed against the democratic process (for example, election fraud, illicit pressure on voters or candidates, participation in a military putsch, participation in terrorist activities as established by a court judgment)” (Resolution 1459 (2005) 1 Abolition of restrictions on the right to vote).

The Council of Europe also “stresses the importance of protecting the voting rights of vulnerable groups such as prisoners”. Thus, in the EPR, it is emphasised that “prison authorities shall ensure that prisoners are able to participate in elections, referenda and in other aspects of public life, in so far as their right to do so is not restricted by national law” (Rule 24-11). “The prisoner permitted to vote shall be afforded opportunities to inform himself of the situation in order to exercise his right” and “authorities should play a facilitative role and not make it difficult for prisoners to vote” (Commentary of the EPR).

In penal research, the right to vote is indeed seen as an important part of social reinsertion given that it is a symbol of citizenship, as well as a sign of one's participation in society (Snacken, 2011). However, none of the EPO countries has taken into account the Council of Europe's recommendation to limit the deprivation of civic rights to people who committed offences against the democratic process; instead in **Italy**, for example, prisoners sentenced to more than five years lose the right to vote. In the **United-Kingdom**, the deprivation is automatic for any prison sentence. Moreover, the possibility for those who do have the right to vote to actually exercise their right is generally limited by the lack of polling stations in prison. In **Greece**, pre-trial detainees and convicted inmates whose sentences are not final, have the right to vote in national and European Parliament elections, but deprivation of political rights is either automatic or ordered by courts in a wide range of cases as a consequence of the final sentence. In this context, **Poland** distinguishes itself: electoral registers are especially created and polling stations are set up to make the participation of the inmates in the public life easier.

POLAND: POLLING STATIONS IN PRISON

In 1991 in Poland a new law on elections passed by the Sejm and Senate allowed prisoners to choose deputies and senators. Since the Polish entry to the European Union inmates may also choose the Members of the European Parliament.

There are nevertheless some limitations. Some prisoners may be deprived of their civil rights. According to the criminal code such a measure may be ordered, for a period of one to ten years, if the inmate was sentenced to at least three years of imprisonment for an offense committed for

motives deserving the special condemnation, and is maintained following release. However, it has to be emphasised that courts do not apply this measure often. In 2010, deprivation of public right was ruled only against 15 inmates.

Guaranteeing the inmates' right to vote in local elections is a more difficult issue. According to the law on local elections inmates can vote only when the prison where they stay corresponds with their place of residence. Questions concerning the constitutionality of these local arrangements remain open. Nevertheless, for other types of elections, the turnout of prisoners is significant, thanks to the procedure set up to enable them to vote. During last parliamentary election, in 2011, 46,101 prisoners voted. The voter turnout amounted to 58.7 per cent of eligible prisoners. In some facilities, the voter turnout reached 67.98 per cent.

At least five days before the elections prison authorities prepare the list of inmates who will be entitled to vote on election day and forward it to municipal authorities who are responsible for creating the electoral register - after that there is no possibility to add a prisoner to a register, thus some of the prisoners who were moved to another prison just before the elections might be deprived of the right to vote. The register is then passed to the district electoral commission which will conduct the elections in the prison. The municipal councils set up polling stations in every prison where at least 15 inmates have the right to vote. In justified cases the municipal council, at the request of prison governor, is able to dispense with creating a polling station – although this has never occurred to our knowledge.

On election day prison radio informs the inmates of the order in which the various wings will vote and at what time. The guards pass from cell to cell asking who wants to vote and voters are taken to the room where the elections are held. Inmates who initially refused to vote and then changed their mind are also taken to vote. Voting is held in a place that looks like a normal polling station, with a table, the electoral register, voting booths and ballot boxes, maintaining the secrecy of voting. Inmates can access the electoral programs of candidates solely through the available media (press, TV, radio, etc). If a candidate for a deputy or a senator expresses a desire to meet with inmates, the Prison Service arranges a meeting.

CHAPTER 5: DYNAMIC SECURITY

For the Council of Europe, measures of physical and technical security (physical barriers, video surveillance, electronic control, searches, instruments of restraint, disciplinary punishment, etc.) must be minimised to treat inmates with humanity as much as possible, to avoid damage to their physical and mental health and also to prevent the occurrence of incidents due to an unsustainable system. Indeed, it is established that, far from aiding security, measures that are too intrusive or restrictive can generate negative psycho-social effects and incidents which undermine reintegration (Wolf, 1991; Morgan, 1994; Snacken, 2011).

Thus, the Council of Europe recommends in particular:

- not to practice routine strip searches and limit their use to cases where there is reason to believe that a “prisoner has something secret about his person or when is designated as a high risk-prisoner” (Rule 54-2 and commentary)
- to conduct searches on inmates' property or cell normally in their presence (Rule 54-8)
- to use handcuffs, restraint jackets and other body restraints only “if necessary, as a precaution against escape during a transfer 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” (Rule 68-2)
- to use disciplinary procedures only as mechanism of last resort (Rule 56-1)
- to use solitary confinement as a disciplinary punishment only in exceptional circumstance and for short period of time (no higher than 14 days and preferably lower) (Rule 60-5 and 21st General report of the CPT)
- to apply special high security or safety measures only in exceptional circumstances and for as short a time as possible (Rule 53-1 and commentary).

To maintain order, the Council of Europe recommends instead to focus on dynamic security, that is “the development by staff of positive relationships with prisoners based on firmness and fairness, in combination with an understanding of their personal situation” (Recommendation Rec(2003)23). This requires sustained interactions between prisoners and prison staff particularly in the context of activities, “mechanisms of restoration and mediation to resolve disputes with and among prisoners” (Rule 56-2) and opportunities for inmates to have an active prison regime and to “make personal choices in as many of the affairs of daily prison life as possible” (Recommendation Rec(2003)23).

This more qualitative approach to security is based on the results of the research that show that “for the avoidance of prison disturbances it was essential to treat prisoners with justice, fairness and equity” and that “good order in all its aspects is likely to be achieved when clear channels of communication exist between all parties” (Commentary of the EPR).

These recommendations remain poorly followed in the countries of the EPO. Strip-searches are often routine. However, in **France**, a law of 24 November 2009 limits the use of strip searches to cases where there is evidence to suspect an escape risk or the bringing in, taking out or circulation of prohibited objects or substances, but only if other methods of control (e.g. electronic means of detection) are insufficient. Under this law, prisoners should not be systematically strip-searched after a visit, work or

a temporary release. After several legal proceedings to enforce this law, it is now followed in most prisons. On cell searches, the majority of countries do not comply with the recommendations and conduct searches without the presence of detainees. Only in **Spain** are searches performed in principle in the presence of inmates. With regard to instruments of restraint, handcuffs are often routinely used during transfers and frequently used in prison especially for some prisoners considered “dangerous”. Only in **Italy** are handcuffs never used in detention. Concerning solitary confinement as a disciplinary punishment, some countries comply with the recommendations of the Council of Europe not to impose it for more than two weeks. In **Italy**, such solitary confinement cannot last more than 15 days whereas in **France**, for example, it can last up to 30 days. In **Spain**, it is limited to 14 days and in **Greece** 10 days. In **Scotland** and **Northern Ireland**, this sanction is prohibited and prison rules state that segregation is not to be used as punishment.

No country has enshrined in legislation the principle of prioritising mechanisms of restoration and mediation to resolve disputes rather than disciplinary proceedings. Moreover, prisoners who present the most risk are generally subject to very severe and restrictive regime, with very few opportunities to participate in activities or to maintain contacts with the outside world.

In this context, the functioning of the Grendon Prison in **England** should be highlighted. Here the principles of dynamic security are applied.

ENGLAND: GRENDON, A THERAPEUTIC COMMUNITY PRISON

HMP Grendon is a therapeutic community prison open since 1962 that has a focus on prisoners with antisocial personality disorders (Inside Time, 2013). This unique establishment proves that following the Council of Europe's recommendations can lead to direct results. It highlights the fact that treating the inmates in a more humane way does not imply an increase in disorder: in fact, quite the opposite is true.

The prison (designed for 238 inmates) mainly accepts high risk offenders. To be admitted to Grendon, a prisoner must apply and demonstrate that he is determined to change. For example, a willingness to stay drug free is needed (Inside Time, 2013). If Grendon is unique, it is because in this prison, which was created at the height of ‘penal welfarism’, the emphasis is on measures and programmes for sentenced prisoners that will encourage and develop individual responsibility in accordance with the EPR (Rule 102). Its aim is “to facilitate and promote the welfare of each individual inmate” (Genders and Player, 1995). Indeed, a progressive therapy starts shortly after admission.

Grendon's prison works as a “therapeutic democratic community” according to Nick Hardwick, Chief Inspector of Prisons. The establishment is divided into 5 wings and each wing can be seen as a semi-autonomous “therapeutic community” of just over 40 residents. Every community develops its own constitution. Indeed, meetings and discussions are an important aspect of therapy (UK Ministry of Justice – (UKMOJ), 2014). All the inmates, who are referred to as *residents*, have the right to vote on all aspects of prison life. During the Monday and Friday meetings, they can vote to elect a president and a vice-president – who are both prisoners, and to amend the constitution of the prison other than the rules prohibiting drugs, violence and sex. Life in prison is also an important subject of the meetings: for instance, the inmates vote to decide which prisoners do paid work (Brookes, 2010), or whether a resident should leave therapy or not – even though staff retain a veto on those decisions. Moreover, the community can order sanctions when the rules of the community are not respected. In accordance

with the Council of Europe's recommendation which states that "it is in the interest of prisoners as a whole that prisons should run smoothly and they may well have useful suggestions to make" and that "for this and other reasons, they should be given the opportunity to pass on their opinions to the prison administration" (Commentary of the Rule 50), those meetings allow the inmates to realise that they have responsibilities and that they are part of a community and as such the meetings convey an essential sense of normality.

Furthermore, in the meetings, new ways to deal with conflicts are developed. An "alternative" regime on security matters is used. Mechanisms of self-regulation are often preferred to sanctions and problems are discussed within the communities: "If a resident seems to have a challenging behaviour, the other inmates will talk about it during the meetings, to set objectives for him in order to understand the source of the problem. And, in case of an incident, a special meeting can be scheduled to prevent it from becoming out of control" explains Nick Hardwick (UKMOJ, 2014). Consequently, sanctions are only used as a last resort. It corresponds to the Council of Europe's call for "mechanisms of restoration and mediation to resolve disputes with and among prisoners" (Rule 56-2).

During the other days, small therapy groups of about eight inmates are set up. In those sessions, the group discusses different parts of the residents' life. It can include early life experiences, employment, relationships, offences, or behaviour within the prison. Every topic has to be discussable (Brookes, 2010), but the residents are encouraged to discuss their particular target areas which are encapsulated in a Therapy Plan, drawn up in parallel with their Sentence Plan (HM Prison Service, 2004). As explained by Michael Brookes in his study about Grendon, the dialogue between residents is a key aspect of therapy: "The process of interpersonal feedback and personal accountability make residents more aware of the consequences of their actions. Accordingly, in a therapeutic community environment, it is fellow residents who often provide the strongest challenges to other residents. This is because they may have often lived similar lives. Consequently, their challenges may have greater strength and validity" (Brookes, 2010).

Moreover, the dialogue in those small groups is improved by the placement of inmates in specific wings, which are in fact "autonomous therapeutic communities". For instance, wing A is specifically reserved for those who have committed "offences that involve some sexual motivation" (Akerman, 2010). Therefore, intimate details regarding the resident's sexual identity can be discussed in order to disrupt "offence paralleling behaviour", that is behaviour which is "functionally similar to behavioural sequences involved in previous criminal acts". This approach allows the inmates to talk about themselves without the fear of feeling shame: for example, discussions about the use of pornography are more productively "challenged by other residents than by staff, whose views can be construed as moralistic" (Akerman, 2010).

In Grendon the inmates spend 10.5 hours a day outside their cell from Monday to Thursday, and 7 hours the remaining days. Besides the meetings, there are many activities organised in the prison: sports, art (for example, theatre) as well as working and studying. The inmates also have time to spare in order to think by themselves, which is important regarding the intensity of therapy (UKMOJ, 2014).

Besides therapy, the relationships between the inmates and the prison staff at Grendon are very different from what happens in most of the establishments. In accordance with the EPR which states that "the staff are to treat prisoners in a manner which is decent, humane and just" (Commentary of the Rule 75), the prison officers treat the residents in a decent way. A resident explained to Michael Brookes that being treated as a human being could be surprising for an inmate recently admitted to Grendon: "to be spoken to as an individual, to be called by your first name, to shake a member of staff by the hand, to be made to feel welcome, to have a sense that a prison officer is concerned about you

and your well-being is, for many prisoners, an unusual experience” (Brookes, 2010b). Moreover, there is no segregation unit to separate inmates from the wing (HM Chief Inspector of Prisons for England and Wales, 2009).

It is also important to note that the contacts with the outside world are more developed than elsewhere. In addition to the traditional visiting times, family days are held every six months. The residents can spend a full day (10am until 4pm) with their family.

Grendon’s approach has impressive results:

- They improve the residents’ life quality: on the Measures of Quality of Prison Life (MQPL) survey, they are the highest scoring prison on all but three of the dimensions and above average on all. The number of self-inflicted injuries are fewer: there are 29 incidents per 1000 prisoners per year, compared to 130 per 1000 per year in mainstream prisons. With regard to violence, 98 per cent of prisoners agree – and no one disagrees – that violence between prisoners in Grendon is rare (Richard Shaker and Elizabeth Sullivan, 2010 p. 260). Loneliness is reduced and although ‘friendship’ is rarely acknowledged prisoners have expressed that they had formed ‘positive relationships’ with other inmates (Rivlin, 2010).
- Even though it is not its primary aim, therapy helps reducing re-offending. Indeed, prisoners who stayed 18 months at Grendon show reductions in re-offending rate of around one-fifth to one-quarter compared to the general prison control group (Marshall and Home Office Research and Statistics Directorate, 1997). Furthermore, this study, which followed 702 prisoners for four years post-conviction, was largely confirmed by a follow up after seven years (Taylor, 2000).

TEN KEY RECOMMENDATIONS

From the examples of 'good practice' brought together in this report, the European Prison Observatory (EPO) offers ten key recommendations for further consideration to improve human rights standards in the EPO countries and more broadly across the European Union (EU). They are based on the two key principles of the European Prison Rules of normalisation and responsabilisation:

1. The development of a representative democracy inside prisons in England and Wales has been beneficial for prisoners, staff and the wider society. The development of a constructive dialogue helps to improve staff-prisoner relationships; it is transformative for prisoners and leads to a general reduction in tension across the institution. Prison governors across the EU must be encouraged to commit to the development of prison councils in all establishments.
2. Across the EU, strip searches and solitary confinement should be banned. Cell searches should only be conducted in the presence of the prisoner.
3. The development of mediation and restorative practices over the use of disciplinary proceedings is almost entirely absent across the states involved in the EPO. It is recommended that the EU gather evidence on positive mediation as a restorative practice across the Union and actively communicate this research to the penal systems of the member states.
4. Grendon Prison in Buckinghamshire, England demonstrates a half century of how the effectiveness of dynamic security, and a therapeutic approach in delivering a better quality of life in prison lead to lower re-conviction rates. The EU should encourage the development of a trial and evaluation of the Grendon model in each member state.
5. Poland has demonstrated that allowing prisoners the same democratic rights as other citizens, acts of a symbol of citizenship and continued social participation without challenging security. The EU should promote the universal prison franchise as demonstrated in Poland to encourage the responsabilisation and normalisation of prisoners to strengthen democracy in the EU.
6. Most prisoners come from the most disadvantaged communities in the EU and many are resident in prisons that are far away from family and friends. In these circumstances maintaining vital relationships can be difficult because visits can be very expensive for families on low incomes; it can be felt as a burden for those visiting imprisoned relatives. Meeting the travel costs for family and friends on social security payments, as demonstrated by the Assisted Prison Visits Scheme in England and Wales, and Scotland should be standard practice across the EU.
7. When family members visit prisoners, the need for privacy and the possibility of intimacy are paramount. Research on the private visiting rooms in France show them to be of benefit to relatives and friends, and to enhance family links while not compromising security. Research

also indicates that tension in prison is reduced if prisoners are permitted private visits. The French Familial Visit Unities (UVF) system should be implemented in all French prisons and trialled in prisons in every EU country.

8. Digital technology offers the possibility of maintaining contact with family and friends even if travel is not possible. Across the EU, those who are unable to travel to visit prisoners (because of distance, illness, disability or age) would benefit from the adoption of the video visits schemes as developed by APEX and the Scottish Prison Service. The technology required is low cost and secure as demonstrated in Scotland. The EU should promote the development of 'video visits' across the member states.
9. There is an urgent need to bridge the digital divide for those who are on medium and long term prison sentences. The twenty-first century has witnessed a digital revolution and the speed of change means that prisoners can be cut off from such developments and are at a significant social disadvantage as a result. There is a need to establish a comprehensive programme of secure cyber-access across the EU as has been piloted in the French penal system. The technology exists to make such access secure and for certain sites to be blocked.
10. Access to courses focused on learning development should be the norm across the European Union. Evidence from Italy shows access to University education can be transformative for the individual in terms of self-reflection and personal development and, further, it can broaden employment opportunities following release.

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THE EUROPEAN PRISON OBSERVATORY

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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.

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