



# The Social Reintegration of Ex-Prisoners

in Council of Europe Member States

## **Executive Summary and recommendations**

The Quaker Council for European Affairs

**Produced by the Quaker Council for European Affairs (QCEA)**

This report was researched and written by Joe Casey and Ben Jarman, and edited by Ben Jarman and Liz Scurfield.

We are indebted to the following people for their feedback on drafts of this report: Rachel Brett, Carolan Goggin and Oliver Robertson of the Quaker United Nations Office, Geneva; Kimmett Edgar and Nicholas McGeorge of Friends World Committee for Consultation; Eka Iakobishvili of the International Harm Reduction Association.

The Quaker Council for European Affairs (QCEA) was founded in 1979 to promote the values of the Religious Society of Friends (Quakers) in the European context. Our purpose is to express a Quaker vision in matters of peace, human rights, and economic justice. QCEA is based in Brussels and is an international, not-for-profit organisation under Belgian Law.

**Publication date: May 2011**

# 1 Executive summary and recommendations

## 1.1 Executive summary

The Religious Society of Friends (Quakers) has a long history of campaigning for prison and criminal justice reform. Working within this 350-year tradition, the Quaker Council for European Affairs (QCEA) is actively involved in promoting respect for human rights in the way society deals with crime. QCEA carried out extensive research into the conditions of women in prison in member states of the Council of Europe (CoE), in partnership with the Quaker United Nations Office (QUNO) in Geneva, Quaker Peace and Social Witness (QPSW) in the UK and the Friends World Committee for Consultation (FWCC) representatives to the UN Crime Commission in Vienna. The subsequent 2007 QCEA report, *Women in Prison* concluded that whilst in many cases prison sentences do little to reduce the risks of reoffending, the social cost to both prisoners and their families is disproportionately high.<sup>1</sup>

To support this recommendation, QCEA investigated the use of alternative sanctions to imprisonment in CoE member states. The resulting report, published in early 2010, presented a range of alternatives to prison, which 'when implemented and assessed effectively, are often more successful at providing society with a suitable and effective response to crime and more often than not significantly less expensive'.<sup>2</sup>

Nevertheless, QCEA recognises that imprisonment will remain a part of European criminal justice systems, as 'a last resort'<sup>3</sup> to be used where there is a pressing case to control offenders so that they cannot harm others.

We argue in this report that whenever prison is used, it must be rehabilitative. Most offenders sent to prison will eventually be released. It is therefore incumbent on prison systems to invest adequately in rehabilitative programmes, so that prisoners have a better chance of reintegrating into the community after their sentence is finished. Such a policy respects the human rights and human dignity of those who break the law, but this is not the only reason to favour rehabilitation in prison management. An effective rehabilitative prison system can bring financial benefits too. Policing, investigating, and administering criminal justice systems are all expensive, as is imprisonment itself. This is not to mention the negative effects of crime on the community. Justice systems which can successfully rehabilitate offenders will save money and better meet the needs of society, since the alternative (longer and longer sentences) produces an unsustainable

---

<sup>1</sup> Wetton, C. & Sprackett, J., *Women in Prison: A Review of the Conditions in Member States of the Council of Europe*, February 2007 [online], accessed 2 February 2011, available at <http://www.quaker.org/qcea/prison/Final%20Report%20Part1.pdf>

<sup>2</sup> Loffman, M. and Morten, F., *Investigating Alternatives to Imprisonment*, Quaker Council for European Affairs, January 2010 [online], accessed 2 February 2011, available at <http://www.quaker.org/qcea/prison/Alternatives%20to%20Imprisonment.pdf>, p. 98

<sup>3</sup> Council of Europe, *Recommendation Rec(2006) 2 of the Committee of Ministers to member states on the European Prison Rules*, adopted 11 January 2006 [online], accessed on 1 March 2010, available at <https://wcd.coe.int/viewdoc.jsp?id=955747>

solution. These issues are explored in Chapter 3 followed by a short outline of how we have compiled the evidence used in this report in Chapter 4.

There are many challenges to meet in making a rehabilitative prison system work. Among them is prison overcrowding. This problem is analysed in Chapter 5. Overcrowded prisons strain the resources invested in them and achieve less success in rehabilitating prisoners, because they are reduced to 'coping' rather than fulfilling their primary, rehabilitative function.

Another challenge is ensuring that prisoners' transition after their sentence is properly managed. This involves a balance between managing ex-offenders and the crucially important goal of connecting them to services and opportunities (such as housing and employment) that will lend stability after the initial shock of leaving the regimented, structured life of prison. These need not be mutually exclusive goals. The role that probation services can play is explored in Chapter 6.

Prisons must also understand and address the factors that, in many cases, drive criminal behaviour. Rehabilitation programmes for alcohol and drug addiction are vital in this regard as are programmes that aim to help prisoners understand the motivations and reasons for their crimes. Policy and best practice in alcohol and drug rehabilitation, and in sex-offender rehabilitation, are surveyed in Chapters 7 and 8.

Yet the main challenge for prisoners remains how they will readapt to life in the community after their release. Preparation for this should begin immediately after their admission to prison. This is a huge adjustment for the prisoner and their families to make, especially after a longer sentence, and one where a number of factors come into play. Education (Chapter 9) is vital; if successfully completed it can have benefits both by offering prisoners employment skills they may not have had before and by allowing prisoners a different perspective on their lives. Preparation and support for prisoners to help them with the search for housing and employment are also important, as is the availability of training to improve their financial skills and thereby plan for the financial uncertainty and period of unemployment that may follow release. Current policies and best practice in these areas are explored in Chapter 10. Prisons should also try as far as possible to ensure that prisoners are able to stay in close touch with their families. Families provide the kind of motivation and support that official agencies simply cannot, and prison administrations must therefore make sure that they do not break family ties. This theme is explored in Chapter 11.

Chapter 12 argues for the inclusion of prisoners in society more generally by arguing for the ending of blanket bans on prisoner voting. Finally, Chapter 13 makes the case for greater use of Restorative justice practices within and alongside the existing criminal justice system. Restorative justice aims to deal with conflicts (in this case, those caused by crime) by helping those affected explore the harm done and how it might be repaired. Such interventions may not be suitable in all cases and must be done with the consent of the individuals concerned, but have been shown to powerfully

affect both offenders' and victims' perspectives on crimes. They work because they address the individual needs and issues caused by crime.

At the core of all these issues and approaches is the fact that prisoners, for all that they may have committed acts that society disapproves of or even abhors, remain individual people, and they remain members of the wider community. If law-abiding behaviour arises out of respect or consideration for other members of our community, then dealing with crime solely by excluding its perpetrators from the same community that desires their future respect and consideration is unlikely to work. Continuing to exclude them after their release from prison merely exacerbates the problem, as does allowing prisons to become so overcrowded that prison staff cannot know or address the individual needs of prisoners. Proponents of an ever-more punitive prison policy must confront this uncomfortable truth.

There is no 'catch-all' solution to criminality and the policies and practices described in this report will not all apply to all offenders. However, exploration of best practice is worthwhile. Such practices, combined with a realistic policy on sentencing and prison population, may allow prisons to become genuinely rehabilitative. In so doing, prisons could be made to serve better the society that invests so heavily in them.

## **1.2 Chapter summaries and recommendations**

### **Chapter 6: Probation services and reintegration**

Probation, which historically has been focused primarily on rehabilitation, is increasingly having contradictory aims of control and supervision imposed on it by the confused priorities of criminal justice systems. Probation systems fulfil a wide range of functions in different states, but most systems combine some form of punitive/controlling supervision with some form of rehabilitative support. Recent best practice by probation services around Europe suggests that assistance, advice and services, especially those that link the prisoner to a wider support network and to employment, help prisoners reintegrate. Such advice and support has the potential to reduce reoffending. Probation supervision is being used with a wide range of offenders in CoE member states. Probation services have a good deal of freedom to decide how to supervise offenders.

#### **Recommendations**

1. Member states should ensure that:
  - a. they collect statistics cross-referencing the use of different supervision measures with reoffending rates, so that the success of particular interventions can be measured
  - b. probation supervision of ex-prisoners is planned so that rehabilitation is at least as important as their control and supervision
  - c. probation services (or those supervising prisoner release) have a legal duty to refer their clients to advice services covering practical matters such as housing, access to financial services, and finding employment

- d. they consider applying more liberal conditions regarding parole and probation supervision in the case of women prisoners (especially mothers), in line with a gender-sensitive prison management policy
  - e. probation services (or those supervising prisoner release) involve their clients' families in planning and decision-making relating to their release<sup>4</sup>
  - f. probation services review whether the reintegration services provided to women prisoners are sensitive to the specific health and other needs of women
  - g. all prisoners have an automatic right to request such input from probation services, regardless of whether their supervision by probation services is compulsory or not
  - h. they consider the use of ex-offenders (who have reintegrated) as counsellors, mentors or advisers for others who are newly released
  - i. options such as open prisons and halfway houses are used to the maximum possible extent for women prisoners.
2. Member states should take seriously the need to engage wider support in reintegrating prisoners into society. In particular:
    - a. employers should be offered incentives to employ released prisoners, for example by waiving employers' social security payments for a period of time
    - b. greater involvement by the private sector and charities should be sought in providing work placements and work experience for prisoners nearing their release.

## Chapter 7: Drug and alcohol rehabilitation

Drug dependence is a significant factor driving much criminality, both because of the expense of feeding a drug addiction and the difficulty of integrating in normal community life if that addiction reaches acute proportions. The relationship between alcohol misuse and criminality is less commented on, but alcohol is thought to be a factor in much violent crime. Harmful dependence on drugs and alcohol are therefore problems that prisons, if they are to be rehabilitative, should address. However, it must be remembered at all times that prison is an inappropriate environment in which to address drug dependence *per se*; non-custodial forms of treatment should be used except where it is absolutely necessary to imprison offenders. Prison must never be used merely to punish drug addiction, which should primarily be seen as a healthcare problem.

Where there is a compelling argument to imprison offenders who also happen to be dependent on drugs or alcohol, addiction programmes in prison must be available on the same basis as outside. Prisons in all member states that responded to our questionnaire offer prisoners drug addiction treatment. Most also offer alcohol addiction programmes, though provision in this area is less consistent. However, the success of both types of

---

<sup>4</sup> This matter is dealt with in more detail in Chapter **Error! Reference source not found.**

programme is often compromised by a range of factors, especially the discontinuities between treatment inside and outside prison.

There are also healthcare implications concerning the use of drugs in prison. Drugs and alcohol are known to circulate in prisons, despite the best efforts of prison authorities to prevent this. It is probably impossible to completely control the trade in prison contraband; the high profit to be made on the prison black market can tempt visitors or corrupt staff to try and bring contraband into prisons. This means that efforts to treat addiction need to be balanced by pragmatism in confronting the reality that in some cases, prisoners will continue to use drugs. Prisoners who are dependent on drugs and alcohol should be rewarded if they take responsibility for their health and their addictions, but should not be put at risk if they do not. Drug and alcohol treatment in prison should be seen as a healthcare matter, and it should be recognised that prison may not in fact provide the best environment for such treatment.

### Recommendations

3. Member states should ensure that they:
  - a. treat drug dependence as a health issue in the community, rather than in prison, except where criminal convictions other than for the drug dependence itself are judged to necessitate imprisonment
  - b. accurately and regularly monitor demand for drug and alcohol treatment programmes so that demand for them does not exceed supply
  - c. ensure that **both** drug **and** alcohol treatment programmes are available to all prisoners who wish to participate in them
  - d. **both** ensure that release plans are factored into prisoners' drug and alcohol treatment, so that early release or short sentences do not disrupt their treatment, **and** ensure that drug and alcohol treatment in prison are fully integrated with readily available programmes in the mainstream healthcare system, so that prisoners can make the transition after their release
  - e. offer incentives such as prison privileges or reductions in sentence for good behaviour to prisoners who successfully demonstrate that they have stopped using drugs
  - f. make measures such as needle exchanges available so that prisoners who are using drugs intravenously in prison do so with the minimum possible risk to their health.
4. Member states should ensure that for offenders whose drug or alcohol misuse has been a factor in their criminal behaviour, sentencing decisions should be taken so that:
  - a. non-custodial forms of treatment are prioritised except where there is a pressing public safety concern
  - b. in prison, foreign nationals and those who are serving short sentences are not discriminated against by being unable to access treatment programmes solely because they are shortly

to be released or transferred, or to be deported at the end of their sentence.

## **Chapter 8: Sex offender rehabilitation**

Recidivism by sex offenders is among the most controversial issues in criminal justice in Europe. Especially in the case of child sex offenders, the public response to such crimes is one of abhorrence, and the factors motivating them are often complex, personal, and different to many of those motivating other forms of crime. Criminal justice systems in the Council of Europe therefore usually treat sex offenders with intensive programmes such as those from the Czech Republic and Sweden outlined in Chapter 8. These programmes mostly operate in prisons or secure psychiatric units – a response that could be characterised as part-punitive, part-medicalised.

A holistic approach to rehabilitation is important. No single programme acts in isolation. Most sex offenders, like most other prisoners, will be released in the end; yet they face greater challenges in the sense that the nature of their crimes may make it harder to seek the support of others in coming to terms with what they have done. Assistance therefore needs to be imaginative and able to respond to this problem, and must continue after release, when the offender may be most in need of support, and most at risk of recidivism. The Circles of Support and Accountability (CoSA) projects offer a model for such interventions.

### **Recommendations**

5. The Council of Europe should extend its investigation of good criminal justice practice to identify and share good practice in the reintegration of sex offenders, to complement work already in progress on their management and control.<sup>5</sup> In particular:
  - a. information should be sought on the implementation of CoSA in Britain, Belgium, the Netherlands and elsewhere
  - b. information should be sought on other measures that successfully integrate sex offenders into the community
  - c. resolutions should be drafted on successes in this area with a view to sharing good practice among member states.
6. Member states should balance the management, supervision, monitoring and control of sex offenders with specific measures that seek to support their social reintegration. In particular, they should:
  - a. consider carefully whether voluntary schemes such as CoSA may complement the work of their probation services
  - b. investigate which existing civil society groups may be willing to publicise the scheme among their members
  - c. trial such schemes and monitor and evaluate their success
  - d. implement the programmes more widely if they reduce recidivism.

---

<sup>5</sup> Council of Europe, *Reinforcing measures against sex offenders: Report to the Committee on Legal Affairs and Human Rights*, Doc. 12243, 4 May 2010 [online], accessed on 20 January 2011, available at <http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc10/edoc12243.htm>



## Chapter 9: Education and prisoner rehabilitation

Education has the potential to be a major driver of rehabilitation. At best, it opens prisoners' minds to new possibilities and ways of understanding that can give them a way out of the cycle of reoffending. It can also have knock-on effects elsewhere, for example by raising prisoners' skills so that they are more likely to be able to access a stable job after release, which in itself will help with reintegration. Considered more broadly, courses that encourage prisoners to think in a different light about family and other personal relationships may lead to better communication within families and a more positive, stable home environment.

Yet the level of educational achievement among prisoners in the CoE member states is low, and alarmingly few prisoners are accessing education and gaining qualifications. Most member states' governments identify short sentences and prisoners' lack of motivation as major causes. Rather under half say that oversubscription and the unavailability of courses cause low enrolment, but less than a fifth of those surveyed believe that childcare commitments or prisoner transfers prevent enrolment, though there is some evidence to the contrary. Most member states allow prisoners to make use of distance learning courses, and most make at least some level of computer access possible for prisoners. However, under a third allow prisoners to use the internet, and even these do so with restrictions. In most CoE states, prisoners can begin a course in prison for completion after release, and they are encouraged to do so. However, ex-prisoners face a range of problems in completing such courses, including course availability, cost, and work and family commitments. Provision of education to ex-prisoners after their release relies largely on the work of NGOs, but the state's education services and private companies play a part as well.

### Recommendations

7. Member states should ensure that education is placed at the centre of efforts to rehabilitate prisoners. In particular, they should:
  - a. listen to prisoners' own ideas about what their individual educational priorities are
  - b. encourage greater participation in prison education, for example by exploring incentives that can be offered to prisoners for such participation
  - c. adequately fund education provision within prisons, recognising the long-term saving associated with lower reoffending rates
  - d. collect and collate better records about prisoners' educational background before their imprisonment, and their educational attainment while in prison, and use such records as a central measure of the effectiveness of their prison services
  - e. make the identification of educational needs and the planning of education a central part of planning each prisoner's release.
8. Member states should, as far as possible, reduce the practical difficulties that prevent prisoners from accessing potentially rehabilitative education services. In particular, they should:

- a. reduce the negative impact of short prison terms by exploring alternatives sanctions to replace them
- b. prevent women prisoners who have a child with them in prison from being excluded from prison education, by ensuring that the prison provides childcare
- c. explore ways to provide prisoners with greater access to educational materials and courses using computers and the internet
- d. explore ways to enable more prisoners to complete educational or vocational training programmes in the community
- e. link prison education services more closely to those outside the prison walls, so that prisoners are not prevented from completing courses started in prison by their local non-availability after release
- f. explore the standardisation of prison education provision to avoid situations in which prisoners' transfer disrupts their education plans
- g. explore ways in which basic prison qualifications can be accredited as the equivalent of basic school qualifications, so that prisoners can enter other courses in mainstream education after their release
- h. ensure that there is proper recognition and accreditation of **all** courses completed in prison, with resulting qualifications integrated to the country's qualification regime
- i. for courses for which a provider cannot be found outside prison, to allow prisoners to return on a voluntary basis to prison after the completion of their sentence, to finish courses they would otherwise be unable to finish
- j. provide support and advice to prisoners whose family or work commitments might lead them to drop a course they started in prison before completion.

## **Chapter 10: Housing, employment and financial management**

Making sure that ex-prisoners have a chance to access housing and employment is of paramount importance to the prevention of reoffending. Neither is likely to achieve their full benefit unless prisoners can successfully manage their own finances after their release.

Many interventions can be offered in prison that will help maximise the chances of successful rehabilitation. Prisoners are often without a stable home when they enter prison, and many return to society with no or substandard housing. In some cases the fact of their imprisonment may be used as a spurious justification for their being denied access to accommodation after release. 'Halfway houses' provided by prison and probation authorities provide only a short-term solution but do so positively in numerous member states. Different authorities are responsible for housing in different member states, and they are rarely the same as those responsible for ex-prisoners. But collaboration and communication between

these different authorities is clearly important, and could take their cue from the well-defined Norwegian 'return guarantee', which defines the responsibilities of both sides so that they cooperate to ensure that ex-prisoners have the best possible chance of reintegrating with law-abiding society.

Prisons can do even more to resolve the problem of prisoner unemployment after release; the provision of education and work programmes can and do have great benefits. However, opportunities to integrate this work into life outside the prison walls are being missed. Prisoners' ties with family and friends (which can in turn help with areas like housing) can be made more positive if they are able to contribute financially while in prison. Prison administrations are missing a rehabilitative opportunity if prison programmes do not both cover effective financial management skills and provide the opportunity to put them into practice by allowing serving prisoners to plan for their release and save a proportion of their earnings whilst in prison. The provision of such opportunities in Council of Europe member states appears to be inconsistent, as does the relationship between prison wages and national minimum wages.

### **Recommendations**

9. Member states should give active consideration to the role that can be played in prisoner reintegration by meaningful and fairly paid work **accessible throughout the whole of a prison sentence**. In particular, they should:
  - a. consider allowing social enterprises to be set up in prison
  - b. consider clarifying and defining the terms on which prisoners can conclude contracts with employers in prisons
  - c. strive to resolve ambiguities over prisoners' tax status, after due debate and consultation on the desirability of prisoners' tax payments
  - d. clarify the relationship and balance between security and rehabilitation, as applied to the question of prison work, lest those ambiguities lead to destructive conflict between prisons and prison employers
  - e. find ways to reconcile the legitimate security concerns of prison and the legitimate business concerns of employers, so that it is possible (initially at least) to resolve disciplinary issues within the framework of the employment contract
  - f. engage in open public debate and consultations about the means and ends of prison work and their impact on the desired results of imprisonment
  - g. consult the public to find a socially acceptable means of accommodating the fact that prisoners have few living costs, for example by ensuring a proportion of prisoners' wages are set aside for charitable donations
  - h. support the aims of long-term rehabilitation by ensuring that prison enterprises are not expected to take on an unsustainable burden of employing short-sentence prisoners in menial, unskilled work.

10. Member states should prepare prisoners for reintegration by:
  - a. monitoring the unemployment rate of prisoners before and after their incarceration, and making this an explicit measure of the success of imprisonment
  - b. ensuring that prisoners have, and know they have, access to education in effective personal financial management
  - c. ensuring that prisoners are able to reinforce their financial skills by allowing them to save for their families, or for the period after their release
  - d. working with banks and other private or third-sector organisations to help remove practical obstacles to prisoners' management of their finances after release, for example by helping prisoners to open bank accounts outside prison.
11. Member states should ensure that prisoners are able to access housing after release by:
  - a. keeping accurate records of prisoners' housing situation before prison, updating this during the sentence, and using it to identify housing needs after release
  - b. ensuring good communication between prison authorities and those responsible for housing, and defining clearly institutions' responsibilities towards prisoners
  - c. ensuring that prisoners' own needs and wishes are taken into account, for example making housing authorities aware of prisoners' own wishes as to where they feel they need to be housed in the interests of their rehabilitation.

## **Chapter 11: The role of family and friends in reintegration**

Prisoners' family relationships are among the most important factors in their rehabilitation. A stable home environment can be a base of strength while a prisoner faces the challenges of finding a new job, adapting to a different lifestyle 'on the outside'. This is especially true when the prisoner in question has served a long sentence. Family contact is so important because it has the capacity to reinforce most or all other potentially rehabilitative interventions. Families do this by offering practical support and reinforcement, but perhaps more importantly because they reinforce prisoners' motivation and tenacity in pursuing goals.

Prisons must therefore facilitate contact between prisoners and their families, so that the socially isolating effects of prison are mitigated. Unnecessary practical restrictions on family contact should be removed. Most CoE member states we surveyed do not centrally monitor or track the average distance of prisoners from their families, though some countries have the explicit aim of keeping prisoners close to their homes where possible. A majority in our sample allow prisoners to receive visitors once a week or more, but a significant minority allow visits as infrequently as once a month, and one country (Lithuania) unacceptably cuts off visits altogether as a disciplinary measure. Prisoners' communication with family and friends is relatively unrestricted if using letters or making telephone calls, but a significant number of countries do not allow daily telephone calls, and

prisoners rarely have access to email or other electronic means of communication. This reliance on pre-internet media is apparent also in the means by which prisoners are allowed to keep up with events and developments in the outside world. Print media and television are dominant, and very few prisoners are able, as a matter of course, to keep up with news and developments using the internet. Good practice in resettlement planning suggests that quality family contact can have a great impact even on serial reoffending. If prisons facilitate an honest and full exchange of views, taking into account the needs of both sides, families can help to make reintegration work.

## **Recommendations**

12. Member states should ensure that prisons recognise the strain placed on prisoners and their families by imprisonment and release, and provide support as appropriate. In particular, prisons should:
  - a. aim to appraise themselves of a prisoner's family and social networks, and their rehabilitative potential, from the beginning of the prisoner's sentence
  - b. when receiving a new prisoner (either at the start of a sentence or after a transfer), immediately and directly inform the prisoner's family about how they can stay in contact, what the regulations are regarding visits, and who to contact with questions or worries
  - c. facilitate communication between prisoners and their families about the problems that have been caused by their imprisonment and the worries that arise from the prospect of their release
  - d. involve prisoners and their families in the prisoner's release planning well before the release date
  - e. link needs identified by the prisoner and their family to courses, counselling or other interventions that will assist their reintegration
  - f. recognise the potential that families have to reinforce and build on the prison's own work
  - g. allow prisoners home on conditional release before the end of their sentence so as to acclimatise them to life outside prison gradually.
13. Member states should facilitate continued contact between prisoners and their families during the period of a prisoner's incarceration. In particular, they should:
  - a. collect and compile information on how far prisoners are kept from their families, aiming to reduce this distance wherever possible
  - b. remove restrictions on prisoners' communication with their families, including those that arise from the cost of such communication being beyond prisoners' means
  - c. recognise that the rights of prisoners' children to parental contact are independent from judgements about whether the prisoner has a right to see their children

- d. make it easier for prisoners to use appropriately controlled and restricted internet access to communicate with members of their family and keep abreast of developments in the outside world
  - e. collect feedback from families and prisoners about the quality of prison visits and, as far as possible, act on this feedback to mitigate the stresses of visits
  - f. expand the availability of longer visits, conjugal visits and conditional release for family contact.
14. Member states should recognise the individuality of prisoners and the fact that their rehabilitation may not be served by the same measures in all cases. In particular, they should:
- a. be flexible in allowing prisoners who have no family ties, or feel that their family is not the appropriate environment to live in post-release, to nominate and involve others such as extended family members or trusted friends in their reintegration
  - b. publicise befriending schemes to prisoners
  - c. mitigate the isolation of foreign prisoners whose families are unable to visit them in person by making available additional opportunities for contact by other means and being flexible by allowing greater flexibility in the prison regime (for example by allowing them to make and receive calls outside the usual hours where necessary).

## **Chapter 12: Prisoners and voting**

Several CoE member states exercise a blanket ban on prisoner voting, and numerous others a variety of bans that apply to individual categories of prisoners. In some cases, the ban extends after the prisoner's release. The recent *Hirst vs. United Kingdom* case is one of a range of judgments from the European Court of Human Rights (ECtHR) in which it is made clear that a blanket ban based solely on the fact of imprisonment is not acceptable. At best, disenfranchising prisoners fails to protect the public or reform the offender. At worst, it undermines democracy and the legitimacy of the government, and contributes to the continued exclusion of the prisoner.

### **Recommendations**

15. The Council of Europe should consider:
- a. clarifying in which cases it considers it acceptable for member states to remove the franchise from prisoners.
16. Member states should:
- a. remove all blanket bans on prisoners voting
  - b. define clearly the basis on which prisoners may receive bans and issue sentencing guidelines
  - c. remove any restrictions that are judged to be necessary as soon as the prisoner's sentence is over.

## Chapter 13: Restorative justice and prisoner reintegration

Procedures based on restorative justice (RJ) provide a structure within which those directly affected by a crime can decide how to deal with its aftermath. This kind of decision is often left to chance in more traditional sanctions, and both victims and offenders can struggle to overcome the impact of the crime on their lives as a result. RJ can have different applications. It has the potential to turn offenders away from crime when their activities first bring them into contact with the justice system: hitherto the use of RJ has mostly aimed to provide an alternative to incarcerating those who have committed minor offences, in the hope that real understanding of the consequences of their actions may prove a more persuasive deterrent than a prison term.

But the enormous, life-changing effects of more serious crimes, especially those involving violence, mean that RJ practices **also** have enormous potential as a tool to mitigate the isolating effects of imprisonment. In facilitating contact between the prisoner and those affected by their actions, RJ provides the forum for a genuine admission of guilt and remorse. It can thereby facilitate the reintegration of serious offenders who have been imprisoned. RJ can also involve the community in the rehabilitation of offenders. As such, it returns power to those whose lives have been affected and can assist prisoners' reintegration. In particular, many people in prison feel remorse, yet prison systems offer few opportunities that enable prisoners voluntarily to make amends. The neglect of the human need to put things right frustrates prisoners' legitimate desires to become contributing members of society.

### Recommendations

17. The Council of Europe should consider further investigation of the contribution that can be made by RJ practices to offender rehabilitation. In particular:
  - a. further research into the implementation of RJ in prisons should be carried out with a view to sharing good practice and preparing guidelines on its use.
18. Member states should implement RJ programmes for prisoners, alongside other programmes aimed at the rehabilitation and reintegration of offenders. In particular:
  - a. consideration should be given to the use of RJ (particularly victim-offender mediation) for prisoners who have committed serious crimes
  - b. preparations for release should be guided by restorative principles, with the parties involved open to acknowledging harms, and taking responsibility for repairing the harm done
  - c. the release of prisoners at the end of their sentence should be guided by the principle that their full citizenship rights be restored to them
  - d. prison administrations should consider carefully whether a prison itself is the appropriate environment for RJ meetings to take place

- e. if they decide it is, all necessary steps should be taken to provide a suitable environment within the prison in which RJ meetings can take place, and to mitigate the impact of security measures on victims visiting prisons.



'We cannot impose these serious penalties upon individuals unless we make a great effort and a new effort to rehabilitate men who have been in prison, and secure their chance to resume their places in the ranks of honourable industry. The present system is not satisfactory.'

*Winston Churchill, in a speech to the House of Commons, 20 July 1910*



**Quaker Council for European Affairs Aisbl**

Square Ambiorix 50

B - 1000 Bruxelles

Phone: +32 2 230 49 35

Fax: +32 2 230 63 70

E-mail: [info@qcea.org](mailto:info@qcea.org)

Website: [www.quaker.org/qcea](http://www.quaker.org/qcea) (until summer 2011)  
[www.qcea.org](http://www.qcea.org) (thereafter)

Association internationale sans but lucratif

Internationale vereniging zonder winstoogmerk

Moniteur Belge no. 11 732/80

No d'entreprise: 0420.346.728

Bank: Giro 000-1499848-34

IBAN: BE 68 0001 4998 4834

BIC: BPOTBEB1