

Country Report: France

For this report, we used a variety of sources including academic studies, websites of French NGOs working in prisons and news articles. A television documentary shown on France 2 on 5 June 2004 provided the information for the section on Fleuris-Mérogis prison.

1. Introduction

In 2005, France's¹ total prison population was 52,908 (see table 1 below). In January 2005, there were 997 people under electronic tagging, an increase from 2001.² In June 2005, there were 20,910 pre-trial prisoners and 38,876 sentenced prisoners. The average length of time spent awaiting trial in 2004 was 4.3 months.³ In June 2005, there were 744 juveniles imprisoned in Metropolitan and Overseas France, accounting for 1.2 per cent of the prison population.⁴

Table 1: Figures relating to the prison population in France.

Total prison population	52,908 in Metropolitan France
Prison population rate (per 100,000 of national population)	88*
Pre-trial detainees/remand prisoners (as a percentage of prison population)	36.1%
Women prisoners as a percent of prison population	3.7%
Juveniles/minors/young prisoners (as percentage of prison population)	1.1%
Foreign prisoners (percentage of prison population)	21.4% (1 April 2003)
Number of establishments/institutions	185 (2002)
Official capacity of prison system	48,090
Occupancy level (based on official capacity)	110.0%
Recent prison population trend (year, total prison population in metropolitan France, number of people, per 100,000 of the population, who are imprisoned)	1992: 48,113 (84) 1995: 51,623 (89) 1998: 50,744 (86) 2001: 46,376 (78) 2004: 55,028 (91)

*based on an estimated national population of 60.34 million at September 2005.

All figures from 1 September 2005, unless otherwise indicated in brackets.

Source: International Centre for Prison Studies (ICPS), World Prison Brief, France

<http://www.prisonstudies.org/>

In June 2003, overpopulation endangered the quality of life of the prisoners and working conditions of the staff. Members of the prison staff were unable to work well and the

¹Figures refer to Metropolitan France unless otherwise stated.

² *Ministère de la Justice*, DAP (May 2005), as referenced in Association Nationale des Visiteurs de Prison [on-line], accessed on 3 April 2007, available at http://www.anvp.org/article.php3?id_article=103

³ *Association Nationale des Visiteurs de Prison* [on-line], accessed on 7 January 2007, available at <http://www.anvp.org/?/ministry>

⁴ *Ministère de la Justice*, available at http://www.anvp.org/article.php3?id_article=103

atmosphere was tense. According to the law, each prisoner should have an individual cell. At the Prison de Loos, Lille, four or five female prisoners slept in a cell of 12m² and one of the women had to sleep on a mattress on the floor. At Maison d'arrêt de Toulon, three prisoners were in a cell of 10 or 11m² (which included the toilet) and some prisoners slept on mattresses on the floor.⁵ In June 2005, the occupancy rate of prisons was at 116.5 per cent according to Groupement Etudiant National d'Enseignement aux Personnes Incarcérées (GENEPI) and 110 per cent according to the International Centre for Prison Studies, Kings College London (ICPS) rising to 200 per cent in some districts.⁶

There are thirty-five supervisory staff and one social worker per 100 prisoners.⁷ There are 825 chaplains.⁸

Jacques Chirac and Nicholas Sarkozy have made crime one of their political priorities and have promised to build twenty-eight new jails before the end of their term (mid-2007), bringing the number of available prison beds to 60,000.⁹

2. Women prisoners in France

The number of women in prison in January 2005 was 2,129, 3.6 per cent of the prison population.¹⁰ There are fifty-five prison or detention centres accommodating women prisoners in France.¹¹

The problem of a small number of prisons for women spread across a large geographical area is as problematic for France as for other European countries. The situation is worse for convicted prisoners than for pre-trial prisoners as three out of four establishments for convicted women are in the north of France and Baumettes, in the South, does not take women serving a sentence of more than seven years.¹² There are no high security establishments or high security prison wings/sections for women. Dangerous women prisoners are dispersed within the prison estate and, if their behaviour disturbs prison order, they are transferred from one prison to another 'generally without prior warning or informing their close relations'.¹³

⁵ **Communication from the Council of Europe:** Council of Europe, *Rapport au Gouvernement de la République française relatif à la visite effectuée par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) dans le département de la Réunion*, du 13 au 20 décembre 2004, CPT/Inf(2005)21 (Strasbourg, 21 December 2005). Available at www.cpt.coe.int/documents/fra/2005-21-inf-fra.htm

⁶ *Association Nationale des Visiteurs de Prison* [on-line], accessed on 7 January 2007, available at www.anvp.org

⁷ *Groupement Etudiant National d'Enseignement aux Personnes Incarcérées (GENEPI)* [on-line], accessed on 7 January 2007, available at <http://www.genepi.fr/>

⁸ *ibid.*

⁹ *British Broadcasting Corporation (BBC)*, French jail population hits new high [on-line], accessed on 7 January 2007, available (since 8 April 2003) at www.bbc.co.uk

¹⁰ *Ministère de la Justice* [on-line], accessed on 7 January 2006, available at www.justice.gouv.fr/minister/DAP/chiffres2005.htm

¹¹ *Women, Integration and Prison: an Analysis of the Processes of the Socio-Labour Integration of Women Prisoners in Europe, French National Report* [on-line]; coordinated by SURT, Associació de dones per la Reinserció Laboral (January 2005), p. 8. Accessed on 3 April 2007, available at http://mip.surt.org/en/final_results.html

¹² *ibid.*, p. 39.

¹³ *ibid.*, p. 41.

Women, who serve their sentence in all-female sections of male prisons, have limited access to workshops, sports halls, library, media library, medical personnel etc., as described by staff and the French National Assembly report of 2000. Having to strictly separate the sexes means additional security measures for the prison. In contrast, in all-female prisons programmes are 'shaped by local management in ways that relate to the particular characteristics of the inmates, and this specificity often makes them pilot establishments for innovations from which the inmates gain most.'¹⁴

Women prison population in France from 1994 to 2005

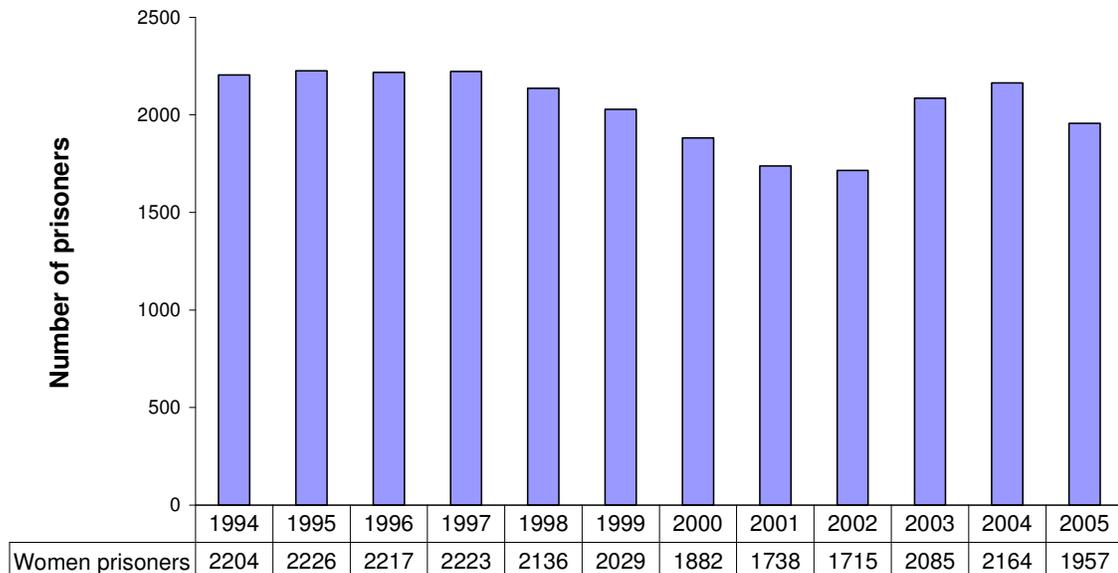


Figure 1: The women prison population in France from 1994 to 2005.

Source: Years 1994 - 2003: *Les conditions de détention en France de l'Observatoire IP en 2003* (The conditions of detention in France, 2003 report by the International Observatory of Prisons, France).
 Source: Years 2004 - 2005: The International Centre for Prison Studies (ICPS), Kings College London.

A report into the socio-labour integration processes of prisoners (MIP)¹⁵ draws attention to the silence surrounding women in prison at a policy level:

'None of the statistical data published in the *Annual reports* of the Prison authorities relating to various aspects of living conditions in detention which are likely to be the subject of policy debate, are broken down by sex...Further, none of the 30 emergency recommendations and...“medium-term” recommendations made by the Senate concern women. Only the French National Assembly report contains some recommendations relating to the “specific” problems encountered by the women inmates’.¹⁶

The report goes on to say that this ‘results in an ignorance of their possible needs, and explains well why they are not taken into account as a possible target group for prison policy measures’,

¹⁴ *ibid.*, p. 40.

¹⁵ This European project was originally called Women Integration Prison (WIP), but the W got changed to an M by mistake, hence the (MIP), see *French National Report*, available at <http://mip.surt.org/docs/national%20report%20France.pdf>

¹⁶ *French National Report*, p. 35, available at http://mip.surt.org/en/final_results.html

and that the differing needs of female prisoners are taken into account because they are mothers, not because they are women.¹⁷ ‘In addition,’ writes MIP, ‘policies undertaken by the prison authorities can only be done in the name of one logic, universal and egalitarian, and not in the name of positive discrimination’.¹⁸ The logic of child welfare is used to justify positive discrimination for juveniles and inmate mothers.¹⁹ The presence of mother and babies and of juvenile girls is mentioned in management reports and interviews as a disadvantage to other prisoners as energies will be focused towards these two groups and additional security measures may be put in place, for example the placing of additional restrictions on other prisoners’ movements when babies are being taken on walks.²⁰

The familial situation of 154 female prisoners

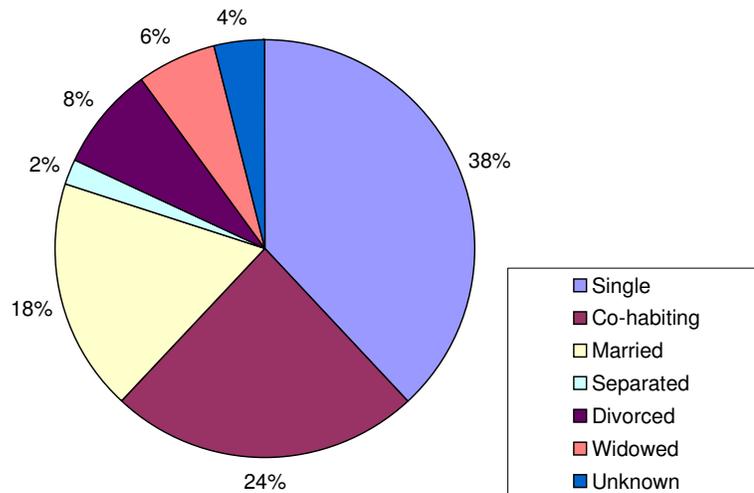


Figure 2: Familial situation of 154 women prisoners surveyed by Parcours de Femmes.
 Source: Parcours de Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

¹⁷ *ibid.*, p. 36.

¹⁸ *ibid.*

¹⁹ *ibid.*, p. 37.

²⁰ *French National Report*, p. 38, available at http://mip.surt.org/en/final_results.html

Crimes for which women prisoners are sentenced

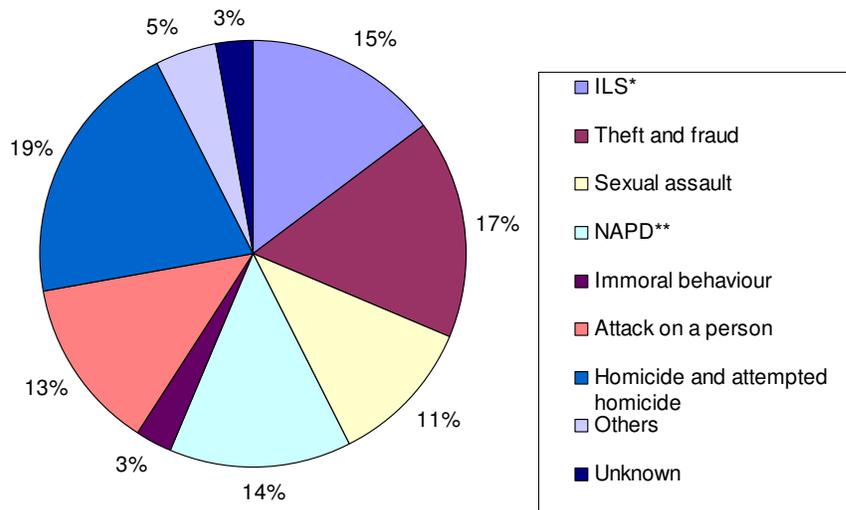


Figure 3: Pie chart showing the crimes for which 154 women prisoners surveyed by Parcours de Femmes were sentenced. Source: <http://parcoursdefemmes.free.fr> ILS*: Offences against narcotics legislation. NAPD**: Non-assistance of a person in danger.

Prostitution is not illegal in France although pimping, the overt sale of sex and ‘passive soliciting are’;²¹ Until February 2003, France’s 18,000 prostitutes can only be prosecuted if they breach the peace. However, a contentious bill passed by the French Senate on 13 February 2003 outlaws street prostitution and ‘passive soliciting’ i.e. advertising the sale of sex through posture or dress. Convicted prostitutes face up to two months in prison and a fine of up to 3,750 euros. Prostitutes say the law endangers them by exposing them to unscrupulous pimps and customers.²² The bill also punishes clients if the prostitute is disabled, pregnant or considered otherwise vulnerable.²³

In February 2002, local officials in Bordeaux launched an initiative of targeting the clients of prostitutes, the first time in French history. Four men went to court in September 2002 under an old legal provision of ‘sexual exhibition’.²⁴

Certain cells in the prison are reserved for new arrivals, each of whom may spend ten days there. This is an observation period during which educational and health assessments are carried out and the prisoners’ general behaviour observed. Over a quarter of prison suicides

²¹ BBC, French face jail for hiring prostitutes [on-line], accessed on 3 April 2007, available (since 11 September 2002) at <http://news.bbc.co.uk/2/hi/europe/2252390.stm>

²² BBC, French prostitutes rage against crime bill [on-line], accessed on 3 April 2007, available (since 5 November 2002) at <http://news.bbc.co.uk/2/hi/europe/2407817.stm>

²³ BBC, French left indignant over crime bill [on-line], accessed on 3 April 2007, available (since 21 October 2002) at <http://news.bbc.co.uk/2/hi/europe/2346767.stm>

²⁴ BBC, available at <http://news.bbc.co.uk/2/hi/europe/2252390.stm>

take place in this period.²⁵ There were 109 suicides in the general prison population in 2004, eighteen escapes and thirty-eight attempted escapes.²⁶

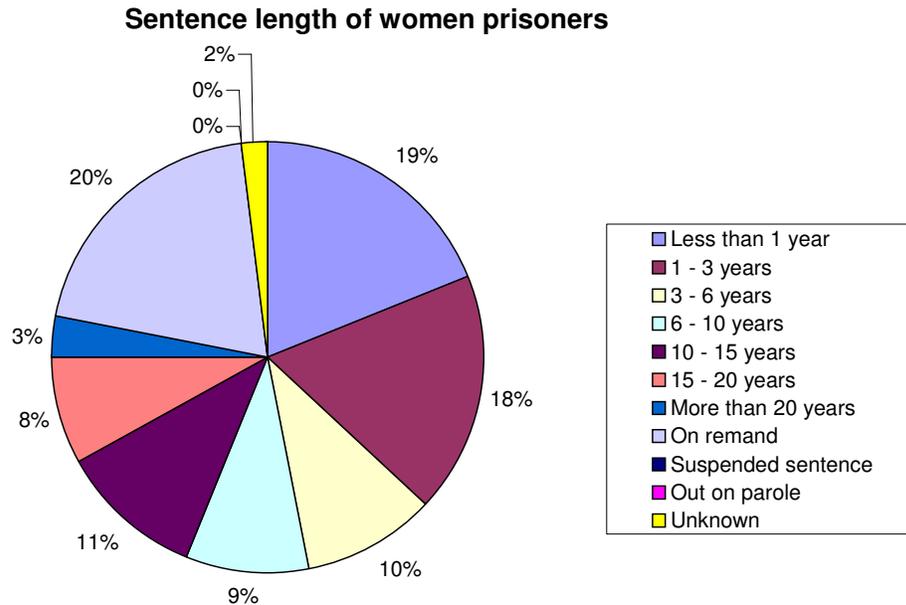


Figure 4: Pie chart showing the sentence length of women prisoners surveyed by Parcours de Femmes. Source: Parcours de Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

Fleury-Mérogis

Details in this section are mainly taken from a television documentary about Fleury-Mérogis prison shown on France 2 on 5 June 2004.

Fleury-Mérogis is the largest women’s prison in Europe and holds 300 women. In May 2003, two thirds of the prisoners were awaiting trial and two thirds were foreign nationals. (In the whole of France, foreign nationals make up twenty-one per cent, indicating that foreign nationals are overrepresented amongst women.)²⁷ Forty per cent were imprisoned for drug crimes and twenty-eight per cent for robbery. The oldest prisoner was seventy-one and the youngest was fifteen.

There are 150 female guards who have had a training of between ten and twelve months. The position of prison guard is not highly regarded outside the prison. The governor was glad guards were armed as they were afraid of ‘mutinies’.

Prisoners have an interview on arrival as an introduction into prison life and to see what their problems are. Contact is made with the prisoner’s family to tell them about visiting arrangements, to get them to bring clothes and to get them to make arrangements for any

²⁵ Association EXIT [on-line], accessed on 3 April 2007, available at <http://prison1.free.fr/vie/vie1.html#arrivee>

²⁶ Ministère de la Justice, June 2005. See Association Nationale des Visiteurs de Prison (ANVP) [on-line], accessed on 3 April 2007, available at <http://www.anvp.org/?/ministry>

²⁷ Ministère de la Justice [on-line], accessed on 3 April 2007, available at <http://www.justice.gouv.fr/>

children. Social services are also alerted if children are involved as children may not always have been left with an adult and may still be at school.

Half the number of prisoners entered prison with psychological problems. The governor questions whether prisons are replacing psychiatric hospitals. She says the high number of mental health cases makes it difficult for the other prisoners especially in the communal spaces. The prison doctor saw high numbers of psychosomatic health problems as well as drug addiction cases. The prison doctor said many women had better health care in prison than out e.g. blood tests. In 2003, there were four suicides at Fleury-Mérogis and one in 2004. For that reason, they now have two women to a cell.

The prison director acknowledged the importance of visits, saying that there should be family or conjugal visits although the latter do not exist at Fleury-Mérogis. Visits are not suspended as punishment unless drugs are passed during a visit. Visitors may bring food but this must be consumed during the visit. Body-searches are required at the end of each visit.

Prisoners are allowed to change cells if they do not like their cell mate. A prisoner said the most difficult time in prison is after the 17:00 walk in the afternoon when prisoners are locked up until the next day.

There is a hierarchy amongst the prisoners; those imprisoned for more serious crimes are not spoken to by the others.

Fifty prisoners worked doing prison maintenance, earning 150 euros a month. Fifteen prisoners worked in the kitchen, earning 200 euros per month. Work in the workshops is paid per item produced. Twelve women are undergoing training in the garden which qualifies them to be horticultural assistants in places such as garden centres. A prisoner at Fleury-Mérogis said she had been in Rennes before and preferred her present location as she had not had work in Rennes.

3. Regime and daily life

Women prisoners in France are sometimes addressed by their surname. Prisoners must answer whenever a supervisor calls them and must remain visible through the hatch. A pat down search is carried out on leaving the cell. A cell in Fresnes will contain two metal bunk beds, two stools, a table of approximately one metre and a wardrobe.²⁸ Prisoners are allowed to keep their wedding ring and photographs of their family. Prisoners are allowed a maximum of five outfits, and jewellery (except religious symbols) and nail varnish is forbidden. In some prisons, revealing clothes are not allowed to be worn.²⁹

There is a prison shop where prices should be on a level with 'those usually noted in the immediate vicinity'. Higher than normal pricing is sometimes found, especially where a private company runs the shop. Joint actions by prisoners frequently include the lowering of shop prices in their demands. The prison shop means that prisoners who can afford to do so can improve their living conditions.³⁰ Technical goods such as televisions, small fridges and computers can sometimes be rented from the prison authority. Some prisons even have their own internal television channels.

A toilet bag is given to the prisoners on arrival at the prison. However, its contents are not renewed and poor prisoners may not be able to afford to buy more. Each cell has a hand

²⁸ *Prisons de femmes en Europe*, Observations France [on-line], accessed 2 April 2007, available at <http://prisons.de.femmes.free.fr/france.html#population>

²⁹ *ibid.*

³⁰ *Association EXIT*, available at <http://prison1.free.fr/vie/vie2.html>

washbasin; some prisoners have hot water in their cells.³¹ Showers are collective and do not have doors. Prisoners have a right to three showers per week but are usually allowed one after sport and work. Modern prisons have cells with a separate part for toilets but in many older cells the toilet is in the main part of the cell. Intestinal disorders were reported at Mountluc, Lyon (for women), where prisoners in shared cells would not use the toilet due to lack of privacy and prisoners may refuse their daily walks so that they can use the toilet.³²

Meals are eaten in the cells three times per day.³³ Prisoners are allowed to take a walk for at least an hour a day. The cell has to be cleaned and the bed made before prisoners can go down for their walk.³⁴ No alcohol is allowed in prison and to be found drunk is a disciplinary offence.³⁵

4. Contact with the outside world

Letters and telephone calls

Prisoners' mail should not be restricted but it can be read, translated, censored or kept by the prison. Only parcels containing clothes and books are allowed.³⁶

Visits

Prisoners awaiting trial have a right to one visit a week and convicted prisoners three a week. Supervisors can see and hear what goes on. Prisoners and their families can see each other without any glass or barrier between them. In 1993, the European Committee for the Prevention of Torture and Inhuman and Degrading Punishment (CPT) recommended to France that it should make conjugal visits possible. Pilots have been launched in three prisons including one women's prison: Rennes. Baumettes in Marseilles has a mother and children space for longer visits. Children who live far from the prison can have whole day visits and their birthdays can be celebrated.³⁷

Relais is an NGO which helps promote family bonds between prisoners and their families. Relais brings children to visit their parents in prison, and it is their responsibility to ensure the child does not smuggle anything into the prison so children are not searched. One of the Relais workers said 'men are less faithful than women so women do not get as many visits, men have their pride, and they are ashamed of coming to visit.'³⁸

The 'Association Nationale de Visiteurs de Prison' (ANVP) is an NGO that supports prisoners' families in maintaining family ties with prisoners. They may act as an intermediary between the prisoner and the family, help them with visits and may give material aid. ANVP also accompanies prisoners leaving prison and offers temporary housing for recently released prisoners, prisoners on leave and families of prisoners.

³¹ Association EXIT, available at <http://prison1.free.fr/vie/vie3.html>

³² Prisons de femmes en Europe, available at <http://prisons.de.femmes.free.fr/france.html#population>

³³ GENEPI, available at <http://www.genepi.asso.fr/Eng/GENEPI.htm>

³⁴ Prisons de femmes en Europe, available at <http://prisons.de.femmes.free.fr/france.html#population>

³⁵ Association EXIT, available at <http://prison1.free.fr/sante/sante4.html#alcool>

³⁶ Association EXIT, available at <http://prison1.free.fr/vie/vie5.html>

³⁷ Council of Europe, CPT/Inf (2005) 21, available at www.cpt.coe.int/documents/fra/2005-21-inf-fra.htm

³⁸ From documentary shown on France 2 (5 June 2004)

5. Motherhood in prison

Percentage of women prisoners with children under 18

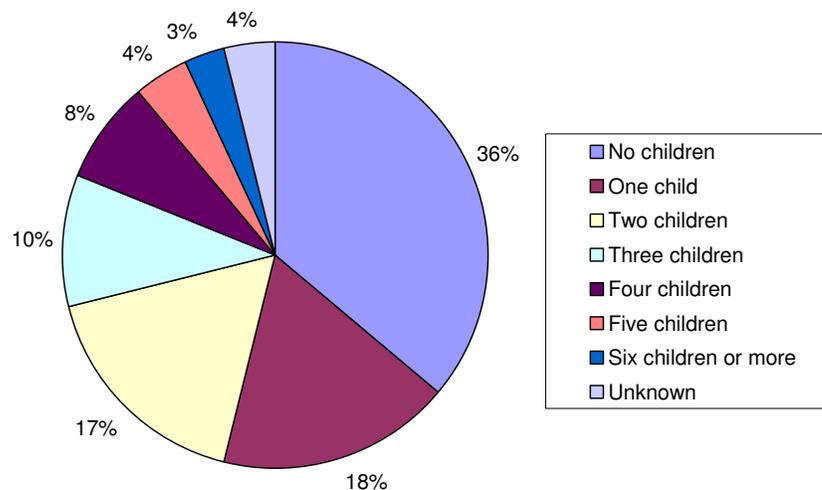


Figure 5: Pie chart showing the percentage of women prisoners with children under eighteen. Source: *Parcours de Femmes* surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

Pregnancy and birth

Prisoners are transferred to a public hospital for the birth where they remain for three days. Women may be handcuffed during the transfer; some are chained by a hand or leg to the bed. In 1999, a woman was shackled for the duration of labour and in the presence of two officers who made sexist and humiliating comments.³⁹ An officer from Fleury-Mérogis said prisoners were not manacled for the birth. Birth certificates of babies born in prison do not state the name of the prison just the street name and number.

Babies in prison

Out of fifty-five prisons or detention centres accommodating women, twenty-five are able to receive mothers and babies. Fleury-Mérogis and Montluc have nurseries; Marseilles, Loos, Nîmes, Rennes, Nantes, Nice, Dijon and Toulouse have between one and six cells for mother and children, often with a communal room. Other mothers may be imprisoned in buildings which are not designed for the purpose. The age limit for children staying in prison with their mothers is eighteen months with special exceptions permitted.⁴⁰ One prisoner said she would not want her child to stay longer and that by 18 months children can already walk and they should be able to see different things. The average length of stay for babies is between seven and eight months. Eighty per cent of children leave prison with their mother and so do not

³⁹ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁴⁰ Marlene Alejos, Quaker United Nations Office (QUNO), *Babies and Small Children Residing in Prisons*, March 2005, p. 35 [on-line], accessed on 3 April 2007, available at <http://www.quno.org/geneva/pdf/200503Babies-Small-Children-in-Prisons-English.pdf>

undergo a separation.⁴¹ In the six months following separation, young children may stay with their mother for short periods. Children are usually cared for in the mother's family; ten per cent of young children are fostered or cared for by social services.⁴² Babies undergo a search at each entry and exit of the prison.

Whether a child resides with their mother in prison is the decision of the mother, in principle with the agreement of the father, and neither the judiciary nor the prison administration can object to it.⁴³ A mother simply notifies the director of the prison who will place her in an institution with suitable facilities. The guiding principle of Circular 99-2296 on this issue is the rights of parents to retain their parental authority not the best interests of the child; therefore, there is no mechanism, as in other countries, for deciding whether the child should reside in prison. The only exceptions to this are if the child's health, security or morality is at risk or if no prison has facilities to accommodate a mother and child. If a father is not in agreement with the mother's decision to keep her child in prison a judicial decision presided over by a family judge might forbid the baby to live in prison. The mother can decide at any time to terminate the child's residence in the prison, needing only to inform the head of the institution. If a mother chooses not to keep her baby in prison the authorities are required to make all efforts to allow a child to reside elsewhere.⁴⁴

Familial situation of mothers in prison

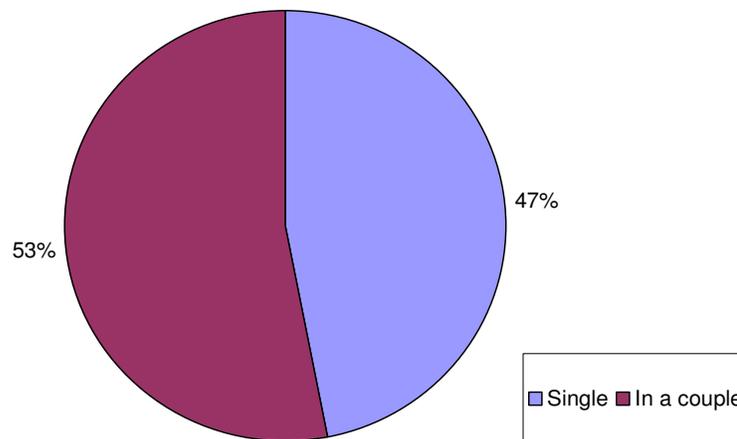


Figure 6: Pie chart showing the familial situation of mothers in prison. Source: a survey by Parcours De Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

There are repeated assertions in the circular that the children of prisoners should not be deprived of their liberty. The prison provides the child with its basic material needs. Children in prison are their mother's responsibility with the assistance of social services. Since the child

⁴¹ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁴² *ibid.*

⁴³ Alejos (QUNO), *Babies and Small Children Residing in Prisons*, p. 40, available at <http://www.quno.org/geneva/pdf/200503Babies-Small-Children-in-Prisons-English.pdf>

⁴⁴ *ibid.*

is not considered as incarcerated, the prison authorities are not responsible for meeting the child's social needs; where such state assistance is needed it should be provided by other departments/institutions.⁴⁵ Prison staff have a responsibility to 'observe the mother-child relationship, to facilitate any information required by the mother and to reinforce family links.'⁴⁶ The aid of voluntary staff is encouraged. There is no mechanism for monitoring the effect of imprisonment on the child. In emergency cases, the Prosecutor (Procureur de la République) may place the child in temporary residence, on being informed of a concern.⁴⁷

Conditions for mothers and babies vary greatly but are always described by staff and prisoners as the best in the prison. Section D.400, together with D.401-2, of the Code of Penal Procedure is devoted to 'the protection of the mother and the child'. According to this Code, pregnant prisoners should 'profit from an adapted medical follow-up and their childbirth should be carried out in the ward appropriate to their health'. Mothers must only be held in cells with hot water and a minimal surface of 15m²; the doors must be open during the day and they must have access to a courtyard where they can walk away from the presence of other prisoners, and to a place where they can make the child's meals.⁴⁸ It should be said preferential conditions are given for the good of the child not the mother. A parole board judge refused a request of parole from a pregnant woman because it was deemed better for her child to begin its life in detention where it would have better material conditions and medical care than at home.⁴⁹

Mothers should have access to work and training whilst in prison. However, the implementation of this varies. In some prisons there is no one to take care of their children during the day and so they cannot work despite wishing to.⁵⁰ However, other prisons have been more accommodating: classes are scheduled later in the day to allow women to work in the mornings and mothers can leave their babies in a nursery while they take classes. Nursery staff within the prison take the children out for walks, etc. and efforts are made to allow children out of the prison to attend playschools.⁵¹ As always, it is easier to take account of women's needs in this way in prisons with a lot of female prisoners.⁵²

Children on the outside

If a child cannot be looked after by its mother in prison, it is often the maternal grandparents who care for them. The public prosecutor's department of the Court of Appeal of Versailles systematically refuses requests for visits by children of between seven and sixteen years old. Visitors are dependent on the goodwill of the prison authorities to let them visit.

In 2003, there were only a small number of prisons which had a special visiting area for children. The establishment of Bois d'Arcy has created a special visiting room for children. In 2003, the prison administration indicated that the arrangement of special rooms especially suitable for children's visits was an objective for 2004.⁵³

⁴⁵ Alejos (QUNO), *Babies and Small Children Residing in Prisons*, p. 42, available at <http://www.quno.org/geneva/pdf/200503Babies-Small-Children-in-Prisons-English.pdf>

⁴⁶ *ibid.*, p. 43.

⁴⁷ *ibid.*, p. 44.

⁴⁸ *French National Report*, p. 37, available at http://mip.surt.org/en/final_results.html

⁴⁹ *ibid.*, p. 38.

⁵⁰ *ibid.*, p. 60.

⁵¹ From documentary shown on France 2

⁵² *French National Report*, p. 60, available at http://mip.surt.org/en/final_results.html

⁵³ L'Observatoire international des prisons (OIP), *Les conditions de détention en France*, rapport 2003, (Paris: La Découverte, 2003).

6. Health

General

Problems with prison health care remain: confidentiality is not always observed, access to health care is often slow, for example, oral contraceptives may be interrupted due to not being able to obtain the next set of pills, treatment of HIV positive prisoners is sometimes interrupted (according to the National AIDS Council,), continuity of care on release from prison is also difficult and in the event of an emergency, prisoners cannot always alert staff.⁵⁴

Often, it is the guards who decide whether the prisoners should see a doctor and they are often present when the prisoner is being seen by the doctor. It is rare for a woman to be handcuffed while she sees the doctor. However, one female prisoner from Fleury-Mérogis was handcuffed while giving birth in a civilian hospital.⁵⁵ Medical confidentiality is often broken because of a shortage of staff, meaning that, for example, guards may sometime have to distribute medicine.⁵⁶

Prisoners have health insurance like the rest of the population. Each prison is affiliated to a public hospital. Prisoners requiring medical attention must address a written request to the infirmary within the prison to see a general practitioner or a specialist and it will be organised for them.⁵⁷

Mental health

In 2003, l'Observatoire International des Prisons (l'OIP) reported that thirty per cent of women prisoners suffered from mental problems on arrival at prison. Of these, forty-two per cent suffered from an anti-social personality disorder, fifty-five per cent suffered from anxiety, fifty-four per cent suffered from drug or alcohol addiction and forty-two per cent had psychosomatic problems. There was one psychiatrist per 100 prisoners.⁵⁸

In 1999, thirteen per cent of women prisoners said they had had a psychiatric hospitalisation in the year prior to imprisonment, a higher rate than for male prisoners.⁵⁹ There is only one psychological service for women in the country: nine places at Fleury-Mérogis. Women with mental health problems will often remain in prison.

HIV and sexual health

The rate of HIV amongst prisoners is between three and four times higher than in the general population. Women prisoners have higher rates of AIDS and hepatitis B and C than male prisoners.

Amenorrhoea (absence of menstrual periods) is frequent amongst women prisoners.⁶⁰

⁵⁴ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁵⁵ OIP, *Les conditions de détention en France*

⁵⁶ *ibid.*

⁵⁷ *Association EXIT*, available at <http://prison1.free.fr/sante/sante2.html>

⁵⁸ OIP, *Les conditions de détention en France*

⁵⁹ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁶⁰ *ibid.*

Substance abuse

There are programmes available to treat prisoners with drug and alcohol addiction, some of which deal with hepatitis C and AIDS.⁶¹ According to GENEPI, one in three prisoners are affected by drug addiction.⁶² A British national held in a French prison wrote the following:

“This place (prison) is horrific. Girls are using prescribed tablets to get “high”. If you have a sleeping problem, anger, or depression the psychiatrist spends about 10 minutes with you and by the evening you’re equipped with maybe 2 - 5 tablets...the majority of prisoners are in for narcotics anyway.”⁶³

In 1999, seventy-eight per cent of the women in Fresnes were drug addicts. Drug substitution programmes are possible in prison (started as part of the fight against HIV) but, in practice, these are difficult to run. Doctors are not obliged to use drug substitution and prisons generally use a ‘cold turkey’ method which is frequently ineffective. If a drug substitution programme has been started before entry to prison, replacement drugs can be delivered from the original health care provider. Again, this is not often done in practice.⁶⁴ Only two per cent of the thirty to forty per cent of drug-using prisoners received substitution drugs in 1999 and there were no substitution programmes in forty-four establishments.⁶⁵ Prisoners are not issued with clean syringes and they are, therefore, at risk of hepatitis and HIV. Alcohol-dependent prisoners have a right to receive a detoxification programme.⁶⁶

⁶¹ OIP, *Les conditions de détention en France*

⁶² GENEPI, available at <http://www.genepi.asso.fr/Eng/GENEPI.htm>

⁶³ *Prisoners Abroad*, Prisoners Abroad News, spring 2005, p. 3 [on-line], accessed on 7 January 2006, available at www.prisonersabroad.org.uk It should be noted that consumption of antibiotics, etc. by the general population is considered very high in France.

⁶⁴ Association EXIT, available at <http://prison1.free.fr/sante/sante4.html>

⁶⁵ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁶⁶ Association EXIT, available at <http://prison1.free.fr/index.html>

7. Education, work and training

Activities undertaken in detention by 154 women prisoners

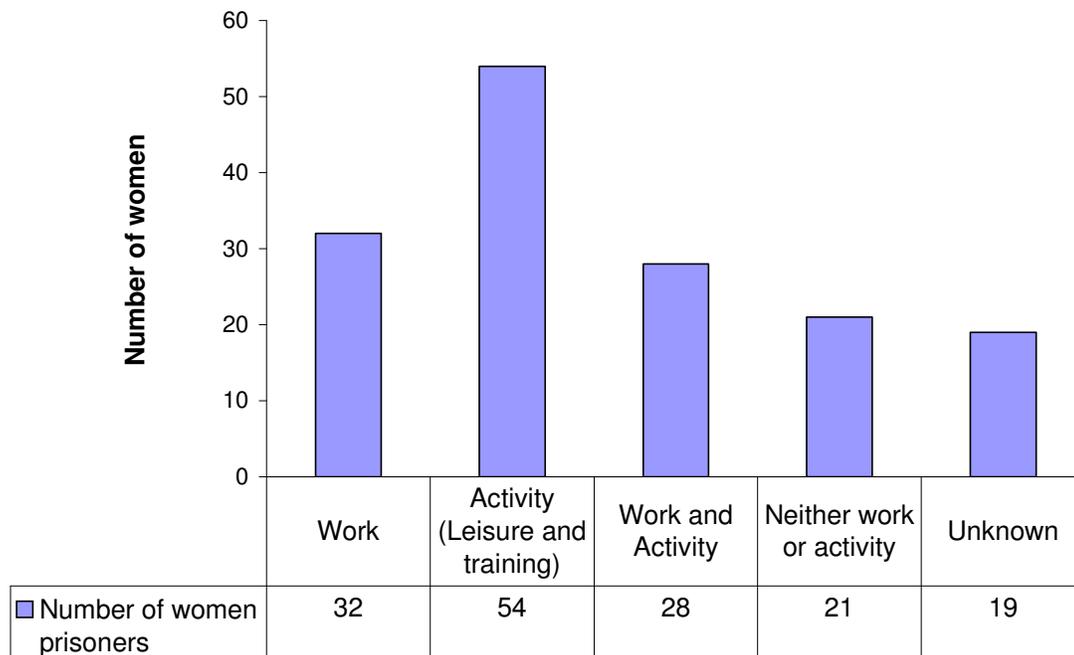


Figure 7: Activities undertaken in detention by 154 women prisoners. Source: a survey by Parcours de Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

As in other countries, training, work and education for women prisoners all suffer from the same problem: the small numbers of female prisoners make organising any productive activity difficult. Female prisoners in men's prisons may be at a disadvantage, 'it seems normal... that training is proposed to women less frequently in prisons where women are a minority.'⁶⁷ There is also less choice of training.⁶⁸ MIP received several accounts of direct gender discrimination in men's prisons with a female wing, often attributed to a concern over productivity: 'in one jail, where the women's wing contains only about 50 places, a staff member we interviewed explained: "From what I've known, there isn't any work for the women's wing. We don't have a workshop where a concessionaire supplies work during the whole year, like for men. Here, it's now and then, small jobs to get done in an emergency..." Another is still more explicit: "Here the men work first, and when they can't cover everything, the women are given work."'⁶⁹

Women in large women's prisons are usually the best off as greater numbers allow staff to organise a greater range of activities at varying times to meet the needs of women, e.g. mothers, and 'women who wish to work seem to find a job relatively rapidly, provided their detention time is long enough.'⁷⁰ Larger prisons also have more suitable workshop and training

⁶⁷ French National Report, p. 59, available at <http://mip.surt.org/docs/national%20report%20France.pdf>

⁶⁸ Prisons de femmes en Europe, available at www.prison.de.femmes.free.fr/france.html

⁶⁹ French National Report, p. 58, available at http://mip.surt.org/en/final_results.html

⁷⁰ *ibid.*

space.⁷¹ The situation in prisons where prisoners are awaiting trial is harder still: prisoners spend an unforeseeable and often very short time in prison, sometimes being transferred at short notice. This does not allow education and training to be completed and paid work is less likely to be offered.⁷² However, there are plans to make exam registration easier to allow for the transient prison population and to allow recently released prisoners to take exams for which they have prepared in prison.⁷³

Education

There has been education in prison since the 1960s. Primary school level education must be given in all prisons. Prisoners who cannot read, write or count are the first to receive it. Over half of the total prison population are illiterate and illiteracy is systematically screened for upon arrival.⁷⁴ There is a great difference in the educational level of the female prisoners.⁷⁵ Because women make up such a small proportion of the total prisoner population it is difficult to put in place special programmes for them. More and more prisoners mean there are fewer resources available for them, including a lack of teachers.

Prisoners can also take correspondence courses, often supplied by the National Centre for Distance Learning and Auxilia.⁷⁶ Qualifications gained do not record that they were taken in prison. There is a formal accreditation system for educational achievements, recorded for thirty-two per cent of adult prisoners and ninety-eight per cent of juveniles. A similar project has begun in some prisons for recording vocational skill acquisition.⁷⁷

In 2003, over eighteen per cent of the general prison population participated in classes every week of the school year, and 34,884 prisoners signed up for a class. Out of these, 58.2 per cent were for basic literacy, French language for foreigners and preparation for the General Training Certificate; 30.5 per cent for diploma level 5 education, CAP-BEP, Brevet; 8.7 per cent for diploma level 4, Baccalauréat and university access courses (for those without Baccalauréat), and 2.5 per cent for higher educational studies. This does not include distance learning courses which involved another 4,187 prisoners. Prisoners receiving education increased by twenty per cent in 2003 and there was an increase in full-time teachers to 587.⁷⁸ Statistics for women only were not given in the report, perhaps reflecting the fact that data may not be gender-disaggregated by the French Ministry of Justice, and hence not available.

NGOs also have a part to play. Examples include the 'Computer Prison Club' (CLIP), the National Student Group for the Education of Imprisoned Persons (GENEPI), the Permanent Education Institute (INSTEP) and the Support Training for Social and Professional Reinsertion.⁷⁹

⁷¹ *ibid.*

⁷² *French National Report*, pp. 57-58, available at http://mip.surt.org/en/final_results.html

⁷³ *ibid.*, p. 58.

⁷⁴ *ibid.*, pp. 53-54.

⁷⁵ OIP, *Les conditions de détention en France*

⁷⁶ Auxilia propose aux plus défavorisés (personnes handicapées, personnes en détention, chômeurs RMistes) de les aider à se réinsérer socialement et professionnellement en leur apportant une formation personnalisée. See *Auxilia* [on-line], accessed on 3 April 2007, available at <http://www.auxilia-formation.org/>

⁷⁷ *French National Report*, p. 55, available at http://mip.surt.org/en/final_results.html

⁷⁸ *ibid.*, pp. 54-55.

⁷⁹ *ibid.*, p. 54.

School level of 154 women prisoners

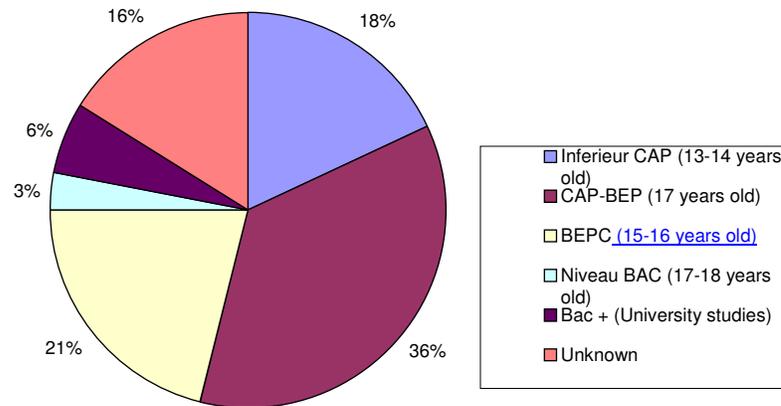


Figure 8: School level of 154 women prisoners. Source: a survey by *Parcours De Femmes* surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

Work

Since June 1987, prisoners have not been required to work. Work is now a right not an obligation or part of the sentence and is seen as a means of social rehabilitation. (An example of this attitude is that it is easier for prisoners to get a reduced sentence if they are working because it is seen as ‘a proof of reintegration and good behaviour’.⁸⁰) However, the right to work does not guarantee the same employment rights as the rest of the population: ‘inmates do not have any protection against dismissal, have no paid vacations, are not paid for technical unemployment or in case of sickness or working accidents; and they are not protected by any union and cannot go on strike.’ However, prisoners do benefit from health and safety legislation, pensions and, for women, maternity and family allowances.⁸¹

In 2003, only four out of ten prisoners (male and female) were in work.⁸² At the beginning of 2004, approximately 10,000 prisoners were working for private companies, earning an average salary of 350 euros a month. 7,000 prisoners were working within the prison at 175 euros a month. 1,300 prisoners were employed by the Prison Industrial Control (RIEP) earning an average of 450 euros a month and 3,000 prisoners were on paid professional training programmes earning an average of two euros an hour.⁸³

Work, such as packaging, is provided by private companies or by the Industrial Control Service, a public body which sells the products made by the prisoners. Most female prisoners are paid per piece. Work may also involve the general running of the prison, such as cooking and cleaning which is paid at a different rate. The minimum wage for such work is 2.68 euros per

⁸⁰ *French National Report*, p. 52, available at http://mip.surt.org/en/final_results.html

⁸¹ *ibid.*, p. 51.

⁸² *ibid.*, p. 57.

⁸³ *ibid.*, p. 51.

hour in prisons for prisoners awaiting trial, and 2.90 euros per hour in sentenced prisons; this is checked monthly in all workshops.⁸⁴

The MIP report points out that, regardless of the aims of prison work, it ‘opens very limited perspectives for the time after prison: there are only a few jobs offered, and these activities provide neither training nor up-skilling, and pay only a very small income.’ One of the women interviewed in the study used the term ‘slavery’ when talking about repetitive tasks for low pay and several said they had refused work because the remuneration was so low. Keeping busy proved to be an incentive for working as well as earning money.⁸⁵

The prison authorities manage the bank account of each prisoner. Thirty per cent of money earned by the prisoner is retained by the prison for administrative costs and ten per cent is kept for that prisoner’s release.⁸⁶

Training

One in twenty prisoners (both men and women) receives training.⁸⁷ There are several problems in providing training. Public institutions are not always scrupulous about keeping up payments and there is a shortage of physical space for both storing supplies and teaching, (especially in mixed prisons and where pre-trial prisoners are held).⁸⁸ It is sometimes difficult to find teachers and there is a high turnover of staff so courses sometimes end when teachers leave.⁸⁹

Classes included training in office technology, cooking, building industry, audiovisual technology and hairdressing. It is compulsory for all such training to include beginners’ computing (office automation and management software), multimedia and the internet.⁹⁰ In one prison, with a high number of foreign women, French as a foreign language class had been set up.⁹¹

The MIP report points out that training is rarely accessible to very poor women because the complexity of organising staff, schedules and rooms means prisons cannot fulfil the desire to learn and work. This means that women, who *have* to earn money, forego training although they are the most in need of it.⁹²

The Code of Criminal Procedure recognises women’s minority position and allows for groups of fewer than five ‘if the number of inmates makes it necessary.’ However MIP did not observe any training groups of fewer than ten, principally due to the training providers not wishing to provide expensive training for only a few prisoners. In these cases, only NGOs like GENEPI will get involved.⁹³ GENEPI is a student association which aims to reintegrate prisoners into society through the two pronged approach of visiting prisoners for educational/social/cultural activities and public awareness-raising. There are 850 members, mostly voluntary students who work in about sixty prisons. Activities include exam coaching, drama, art, chess and computing.⁹⁴

⁸⁴ *French National Report*, p. 51, available at http://mip.surt.org/en/final_results.html

⁸⁵ *ibid.*, p. 52.

⁸⁶ *ibid.*, p. 51.

⁸⁷ OIP, *Les conditions de détention en France*

⁸⁸ *French National Report*, p. 57, available at http://mip.surt.org/en/final_results.html

⁸⁹ *ibid.*

⁹⁰ *ibid.*, p. 56.

⁹¹ *ibid.*

⁹² *ibid.*, p. 60.

⁹³ *ibid.*, p. 59.

⁹⁴ GENEPI, available at <http://www.genepi.asso.fr/Eng/GENEPI.htm>

8. Minority groups

Juveniles

Between 1996/97 there was a thirteen per cent increase in the number of girls held, as opposed to a seven per cent increase for boys.⁹⁵

9. Staff and management

Generally speaking no male guards are employed in 'contact' positions in women's prisons.⁹⁶

10. Additional information

Release

Prisoners may have sentence reductions of three months per year or seven days per month for good conduct if they show they have made serious efforts at social re-adaptation. 99,762 sentence reductions were given in 2004. 35,589 prisoners were given permission to go out; the vast majority to maintain family links and the percentage of non-returns was 0.8 per cent. Women benefit more from early release than men. In 1997, only 39.9 per cent of women served a full sentence as opposed to 62.9 per cent of men. Nine per cent of women were released on parole whereas the figure for male prisoners was 6.5 per cent. A judge may also allow a prisoner to work or train outside returning to prison each night.⁹⁷

Having a criminal record is a severe disability in the job market. However, it can be erased after a time if sufficient 'reintegration proofs' of housing/training/employment are met.⁹⁸ Released prisoners leave with an average of 130 euros but twenty per cent leave with only eight euros.⁹⁹ Sixty per cent of released prisoners do not have a job.¹⁰⁰ Certain prisoners are entitled to a 're-insertion allowance'.¹⁰¹

⁹⁵ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁹⁶ OIP, *Les conditions de détention en France*

⁹⁷ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

⁹⁸ *French National Report*, p. 69, available at http://mip.surt.org/en/final_results.html

⁹⁹ *ibid.*, p. 70.

¹⁰⁰ *ibid.*, p. 70.

¹⁰¹ *Association EXIT*, available at <http://prison1.free.fr/index.html>

Recidivism among women prisoners

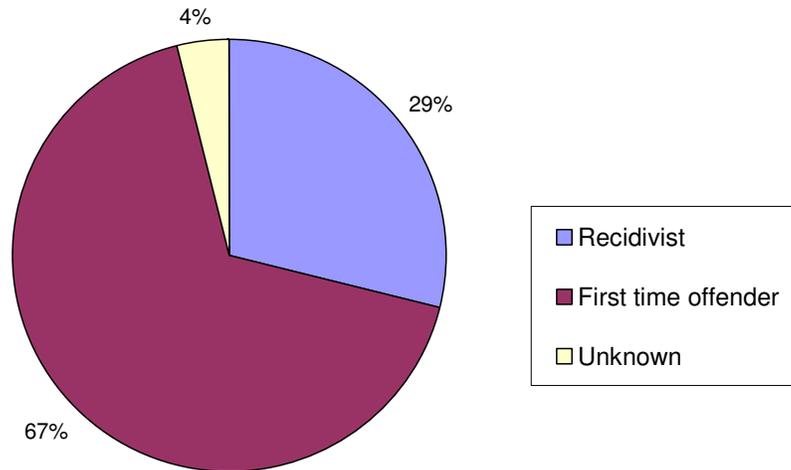


Figure 9: Source: a survey by Parcours De Femmes surveyed 154 women prisoners during 2005, some of whom (thirty-one per cent) left prison during the course of the year. Available at <http://parcoursdefemmes.free.fr>

Gender stereotyping

Stereotypes of women are found in the prison system: ‘many prison staff in particular emphasise that women are less “dangerous”, making female detainees “calmer”, their greater need for intimacy or their greater sensitivity, which leads them to “cope less well” with detention or disciplinary actions, but also “to snivel a lot”.’¹⁰²

Women prisoners, in fact, benefit from certain gender preconceptions. Whilst their small numbers mean women prisoners face particularly difficult material conditions, they are likely to be the first to receive improvements due to their perceived ‘sensitivity’. One staff member said: “Knowing both prisons [i.e. male and female], the conditions of detention are clearly more favourable for women than for men! The hygienic conditions are better, they can even (be) protect(ed) from the sun. Women are taken better care of than men. For women, toilets can be closed. They are allowed to have more things. One is more tolerant to women... the conditions in prison are better for women.”¹⁰³

Women’s prisons are less offensive to the local community and, thus, are less likely to be moved to an inaccessible rural location than male prisons, as happened in Versailles. This may be attributable to the absence of watchtowers on female prisons due to women’s lower security classification.¹⁰⁴ The chief of detention at Rennes reported: “It [the prison] has never been highly secured: there is no [watchtower], the security of the perimeter is very light. The windows of the cells are not barricaded, it’s only a grate. All the doors of the cells in the detention centre have a dormer window, it’s not highly secured! I’ve worked in prison for 15

¹⁰² *French National Report*, p. 41, available at http://mip.surt.org/en/final_results.html

¹⁰³ *ibid.*, p. 66.

¹⁰⁴ *ibid.*, p. 41.

years and I can tell, here everything is done to help reintegration. Women can ask for 15 permissions to leave, to study, to cure themselves, to maintain family links...: they go out! They take the metro, they go to Pont Chailloux¹⁰⁵, and they come back! Here, it's much easier than anywhere else."¹⁰⁶

The MIP researchers noted both gender-biased attitudes and gender-emancipated attitudes among staff and the latter were found particularly among women prison directors or women implicated in the activities of the prisons' social work.¹⁰⁷ Prisons de Femmes notes that activities are frequently ones traditionally associated with femininity: sewing, kitchen work, flower arranging.¹⁰⁸ Polls on activities have been taken in two prisons and most of the prisoners who answered the questions responded positively to activities that reproduced the traditional feminine role, and regretted that there were not more of them. According to a woman from the national employment agency (in charge of looking for jobs for released women), ex-prisoners generally ask for training in sales, clothing, retail distribution, hairdressing and beauty. The three most wanted sectors are in sales, secretarial work, and health and personal assistance.¹⁰⁹

Prisons must try to balance the ideal scenarios with the realities of the market - although that should not be an excuse for a gender-bias in provision of employment and training in prison. MIP writes: 'This double constraint is a constant preoccupation of the social actors in the prison world, but also of the inmates themselves when they register for learning activities. On this issue, a local vocational training chief explained to us: "Here in the women wing, we have a pre-qualifying training programme which is named 'pub and bar food'...The women are trained to work in café-brasseries, to cook the meals, or to wait at tables, in the kitchen or at the bar. Before that, we proposed...an accounting type of training, but it did not lead on to jobs outside. Whereas with café-brasserie training the demand is real."¹¹⁰

This represents a serious dilemma in terms of equality for women prisoners. Whilst it does not seem laudable to sacrifice ex-prisoners real employment chances for an abstract cause of gender equality it does appear that prison activities are reinforcing women's wider disadvantages and it is particularly depressing that this is happening to what is generally the poorest and least educated segment of the population - prisoners. It should also be recognised that women's requests for traditionally feminine activities and jobs are not made from a level playing field of equality in the French work force.

¹⁰⁵ Pont Chailloux is a hospital in the Rennes area

¹⁰⁶ *French National Report*, p. 66, available at http://mip.surt.org/en/final_results.html

¹⁰⁷ *ibid.*, p. 62.

¹⁰⁸ *Prisons de femmes en Europe*, available at <http://prisons.de.femmes.free.fr/france.html#population>

¹⁰⁹ *French National Report*, p. 63, available at http://mip.surt.org/en/final_results.html

¹¹⁰ *ibid.*, p. 64.