

Prisons in France

French prisons (191 establishments in January 2012) are run by the prison administration, depending from the Ministry of Justice since 1911. The role of the prison in France is to protect society from dangerous persons. Beyond the deprivation of liberty, it also involves the path of their rehabilitation to prevent the risk of recidivism. It has of a central administration and decentralized services (interregional directions, prisons, integration and probation services).

History - key dates

Penal Code of 1791: prison is a place of punishment but also for improving the convict, through work and education. Creation of the prison.

1819: Louis XVIII creates the Royal Society for the improvement of prisons.

1875: Creation of the individual imprisonment which gives rise to the Company General of Prisons in 1877.

1885: Creation of parole.

1891: Creation of conditional imprisonment.

1911: The prison administration is attached to the Ministry of Justice (instead of the Ministry of the Interior).

1945: Establishment of policy for the social rehabilitation of the convict. It includes the principle of modulation of penalties and the obligation and right to work.

1958: Creation of the judge for the application of sentences, and probation committees.

1959: Creation of suspension with probation.

1972: Reduction of sentences for good behaviour.

1975: Creation of detention centres oriented towards rehabilitation and development of alternative sentencing.

1981: Abolition of the death penalty.

1983: Creation of the penalty of community service.

1999: Creation of prison services for integration and probation (SPIP) combining in a single structure all reintegration activities.

2002: Orientation Law. Programming the construction of 13200 rooms.

2006/2007: The new European prison rules, adopted on 11 January 2006 by the 46 member states of the Council of Europe, becomes the charter of the prison administration.

2008: Act on preventive detention.

The tasks of the prison administration

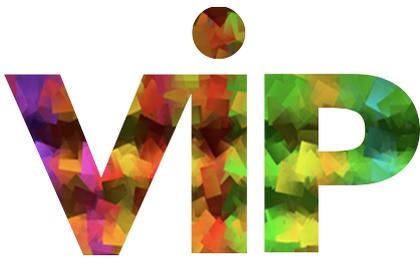
The prison public service has a dual mission: the enforcement of judgments and criminal convictions for the maintenance of public security and social reintegration of convicts.

Measures imposed for the enforcement of sentences occur before or after judgment and are executed either in prisons or in an open environment, with or without prior confinement.

In collaboration with public partners and associations, the prison administration implements integration services for inmates or persons having a restriction on freedom: hosting, training, employment or medical care.

Establishments

In France there are 191 establishments: 106 prisons for detainees and short sentences, 79 establishments for sentenced prisoners and 6 centres for under eighteen. Each institution has its own internal rule. Almost all



French departments includes at least one prison.

The more numerous are called in French “Maison d'arrêt”, they are for provisional detention. They also welcome short term convicts (in theory, a sentence whose balance does not exceed two year at the time of judgement).

Conditions of detention are based on the principle of individual imprisonment. Due to overcrowding, this principle is in fact not much respected.

The detention centres welcome convicted prisoners and are categorised as follows:

- “centres pénitentiaires”, mixed institutions comprising at least two different detention regimes (prison, detention centre and/or centre welcoming the difficult cases).
- “centres de détention” centres welcoming the prisoners sentenced to more than one year and who have positive perspectives for rehabilitation. The regime is mainly directed towards rehabilitation.
- central prisons for convicts whose perspectives of rehabilitation are more distant. This is where security devices are most strengthened.
- centres of semi-freedom receiving convicts admitted to enforcement placement outside without surveillance or semi-freedom: the convict can leave the prison to carry out a professional activity, follow a course or receive medical treatment;
- detention facilities for offenders under 18.

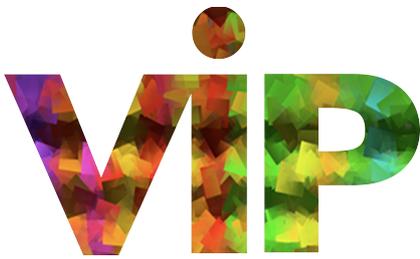
There is a plan to build thirty new centres (launched in 2002 by a program of 13 200 new places) and to modernise some, in order to have a better repartition on the territory. The first prison run under public-private partnership has been opened in Roanne on January 2009. Unfortunately the new establishments also have some problems. They may be not well located, far from city centres and not well reachable by public transports (especially for the first and the last parlours). They are not well indicated from the exterior. Their architecture suffer from conception mistakes, such as the absence of protected areas from bad weather, large and dangerous atriums, absence of natural light, telephone areas without privacy.

Criticism in institutional and non governmental reports

Regularly, French prisons are subject to criticism, whether at the national level (reports from parliament in 2000, from the National Commission on Security Ethics and from non governmental organisations such as the International Observatory of Prisons) or international level such as reports from the United Nations or from the European Committee for the Prevention of Torture. This last denounces since 1991 "inhuman and degrading treatment," especially on issues of health, solitary confinement and overcrowding. The administrative isolation is considered inhuman and degrading because of its excessive length. It acknowledges, however, the efforts by France to develop alternative sentences. Reports from the Parliament are very critical of the overcrowding conditions of detainees, unsanitary conditions and chronic understaffing. Prison policy of the successive governments has been criticized, either for their inaction or for a full-repressive policy.

Living Conditions

The living conditions of inmates are very much criticised, especially since the publication of a book by the Surgeon General, Veronique Vasseur. Since then, many reports have shown the overcrowding and the chronic lack of resources (lack of guards, lack of psychologists, etc.). Under the previous government, the construction of new prisons was the only decision taken to deal with the increasing number of inmates. Regarding the lack of workforce, no mass recruitment of guards nor psychologists have so far been achieved. The new government may have a different view, focusing more on limiting imprisonment for short-term sentences. In July 2009 for example, the State was condemned by the tribunal of Nantes "to repair the damage to three detainees because of unworthy detention conditions". In may 2011, France has been condemned by the European court of human rights.



Too many security measures are general and systematic without any adaptation to the personality of the inmate. Some decisions are not justified and absurd. They create a sense of arbitrary.

Some prisons are very old and dirty, even new ones can be not well maintained. There exist too many defects and imperfections (airtightness, ventilation) not repaired and insufficient maintenance and cleaning. Cold water is the only provided in the non renovated cells. When there is hot water, the temperature cannot be modified and is not always convenient. Electric capacity is incompatible with the needs. In some centres the noise is very strong even at night.

Too often the guards omit to pick up inmates inscribed to an activity, a religious office or a medical consultation. In many establishments, there is a lack of activities organised. In some sections they may be completely absent.

Privacy is not considered as a priority (absence of telephone booths, telephones installed in the halls, difficulty to communicate freely by mail).

Mixing prisoners

In the "Maisons d'arrêt", all offences and crimes are mixed. It is the same in detention centres and in prisons. Sex offenders are not always isolated because of material difficulties given the proportion they represent (21,4%). In "Maisons d'arrêt", there are often separations according to the origins and nationalities. These separations, often criticized, are implemented because of cohabitation difficulties and the differences in the ways of life of detainees.

Maximum security prisoners

Some two hundred prisoners have the status of "maximum security prisoner". Their movements within a centre are limited, and they benefit from increased surveillance. This status is criticized by many families of prisoners, by some lawyers and organizations such as the International Observatory of Prisons and the European Committee for the Prevention of Torture because it causes psychic and physical damages.

Overpopulation

Overcrowding in France is well known and heavily affects short sentences and the remand prisoners awaiting trial. In 2003, a report by the European Committee for the Prevention of Torture (a body of the Council of Europe), had reported "inhuman and degrading treatment" in French prisons, consequences of overpopulation.

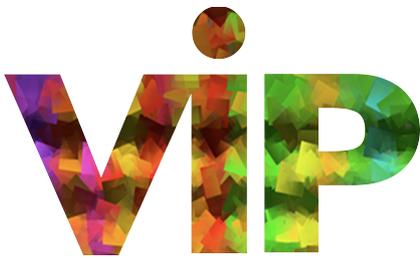
The evolution of the prison population and the number of places in France is the following:

- In 2006: 50 207 rooms for 60 771 inmates (density of 121%).
- July 2007: 50 557 rooms for 61 810 inmates (density of 122%).
- In June 2008, the density was estimated to 126%, an absolute record.
- August 1, 2012: 57 236 rooms for 66 748 inmates (density of 116%), plus 10 104 people under electronic surveillance.

Ten institutions or sections have a density greater than 200%, 42 have a density between 150 and 200%, 51 between 120 and 150, 36 between 100 and 120% and 87 have a density less than 100%.

The construction of 13000 additional rooms, decided in 2002, was to be completed in 2011 to allow a total of 63 500. However, the financial crisis has reduced the number of new places built.

This overpopulation doesn't appear to be linked to a higher incarceration rate than in the other countries as shows the table below for the countries involved in the VIP project. As a comparison, let's mention that the rate in the United States of America is 716.



Incarceration rates

Country	Prisoners per 100000 population
Austria	104
France	102
Italy	109
Netherlands	87
Poland	220
Romania	149
Spain	150
Turkey	168

Source: *International Center for prison studies (Oct. 2012)*

Health conditions

The European Commission for the Prevention of Torture (CPT) notes that the medical care of particularly watched prisoners, of inmates with mental illness and the treatment of acute pain is becoming degrading. Particularly watched prisoners are constantly chained to the hospital bed and they can not see a doctor without police presence. The CPT also notes that patients suffering acute pain were placed in isolation cells, treated under constraint and forced to remain naked in a cell, subject to regular visual inspection of the prison staff. Such a situation akin to inhuman and degrading treatment for the patient (and is also degrading for the staff). In some centres, psychiatric care is impossible due to the lack of resources. The suspension of sentences for medical reasons are restrictive and the prisons continue to welcome men and women who need care that cannot be provided.

HIV and AIDS

Like is in all prisons around the world HIV/AIDS is particularly prevalent, particularly due to the over-representation of drug users. Since 1990 there is a decrease in the proportion of HIV but its prevalence rate is seven times higher than in the global population. Medical facilities are inadequate, especially for treating AIDS cases in clinical stage 2 or higher, that are growing.

Mental difficulties

The difficult living conditions increase the severity of mental illness and cause many depressions. Prisons have a large population of people with mental disorders. In 2004, 80% of male and 70% of female inmates had at least one psychiatric disorder and often several:

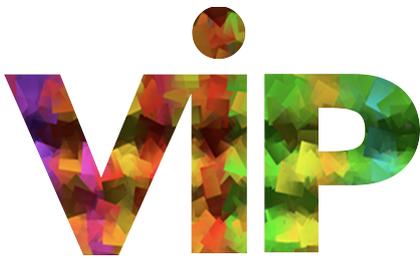
- 47% have depressive disorders;
- 34% are addicted to illegal drugs or alcohol;
- 24% suffer psychotic disorders including 8% of schizophrenics, 8% a chronic psychosis non schizophrenic, 3% had schizoaffective disorder and 5% other types of psychotic disorders.

In addition, 20% of prisoners have already been through psychiatry hospitals before incarceration.

There is a lack of psychiatric experts to respond to the demands of expertise.

Self-harm and suicide

To self-harm behaviour, we have to add around a hundred suicides per year (twice more than twenty years ago). The suicide rate is five to six times higher than the national average and is one of the highest in Europe. Among the 42 countries of the Council of Europe, France has the highest rate of suicides in prisons: 17 per 10000 prisoners in France, 6,7 per 10000 in Spain, 10,3 per 10000 in Germany.



Sexuality

Sex is strictly forbidden in common areas (including the parlour, showers, walks, workshops, gyms, etc.). However, condoms are freely available (in the male prisons), especially because there are homosexual relations in cells. The cell is considered as a home, and sexuality is therefore allowed. Sexual intercourse are forbidden in the parlours, although each year "parlour-babies" born. However, they are allowed in the Units for Family Life that a prisoner and his family can occupy for a whole weekend.

Family relationship

Inmates can be visited by family and friends in parlours. It is sometimes difficult for relatives or friends to get a "permit access" (from the director of the prison or from the judge). Waiting time can be several months. Parlours are watched by guards. In the provisional detention centres, they last between 30 à 60 minutes and are mainly opened during week days. In the other types of prisons, they can last up to 3 hours and are mainly opened during week-ends and bank holidays. Sexual intercourse are forbidden but since 2003, Units of family life are experimented in a few number of centres. Only long term sentences have access.

Since the 80s, under the influence of experiments in Europe (Eurochips association), non profit groups organise visits of the children.

Operations are conducted to maintain family links of prisoners. For example accommodation of children less than 18 months with their imprisoned mothers, improved parlours with playing areas for children, appointments are facilitated through computer, waiting rooms for families.

Units for family visits are implemented (and are planed in all new centres). They allow long-term sentenced to welcome several members of their family. Family parlours are also more numerous since 2007.

Reintegration

Reintegration is the means for society to protect itself. The development of links with the society (through work and family) is key for the social stabilisation of ex-prisoners. It is the mission of the integration and probation services (SPIP) depending on the prison administration, that start to intervene in the prison.

In prison, they facilitate the access of inmates to health and social care, to training and to work. They are supposed to provide the help required for maintaining the family relationships. They pay a specific attention to poverty, illiteracy and drug dependance. They have to prepare the inmate to the exit and to reintegration, in particular through adaptation of sentences.

Outside of the prison, they are in charge of checking the respect of obligations given to the convicts who benefit from freedom restrictions or from adaptation of sentences. They must foster a re-socialisation dynamic with the person. Unfortunately, its human resources are limited and it reduces its capacity of action. The probation services are often lacking human resources, adapted training for the staff, premises (eg. telephone with the exterior, office for interviews).

Adaptation of sentences

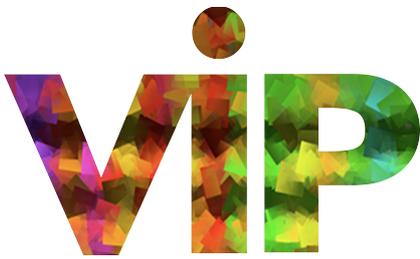
The jurisdiction of application of sentences may adapt sentences of imprisonment by asking one of the following measures: furloughs, parole, suspended sentences for medical reasons, semi-captivity, work release or electronic surveillance. These adaptations are supposed to prepare for the reintegration, to fight against recidivism, to maintain or restore family, social and work relationships.

Electronic surveillance

Placement under electronic surveillance, or electronic bracelet, allows to assign a convict in a specific location, according to a timetable decided by a judge, at the time of sentencing or when adapting a sentence.

Access to libraries

Access to culture is one of the elements of the integration path. The majority of inmates are illiterate (50%).



Each prison has a library available to all inmates. The probation and integration services (SPIP), in conjunction with the prison directors, the cultural organisations of towns and local areas, program activities like artistic workshops (visual arts, writing, theatre, music).

According to a report from the Ministry of Culture and Communication in January 2005, the current trend of multiplying small places inside a prison is a concern. It strengthens of the self-sufficiency of the sections and accentuates the feeling of "prison within a prison".

The average size of the library remains very limited due to its low usage. For example the detention centre of Reims has 15 m² for 190 inmates, at Villefranche-sur-Saône there are 60 m² for 600 inmates. The average size is about 40 m², much below the recommended size that is 100 m² for 100 inmates. An agreement between the prison administration and the Direction of the Book recommend 80 m² as a minimum to allow a rational organisation of the space.

The equipment is lacking, and there is not enough furniture adapted to relaxing reading (sofa, coffee table). Inmates have a low access to multimedia content, to periodicals, to technical and documentary books, to foreign language texts.

Access to computers

Access to computer devices has been organised only recently and following a very restrictive approach, with a control of the hard disks and no possibilities to include communication devices. The acquisition of computers is requiring previous authorisation and the cost is very high (only possible to buy to one or two providers). The conditions change from one centre to another, so prisoners have to abandon material forbidden in a new place while it was permitted in the previous one.

Internet access is forbidden, while it can be a major tool for work, access to leisure and for social integration. The training courses preparing to the "Computer and internet certification" are done with software recreating fictive web. The few equipment accessible in prison is going to decline as new computers are centred on communication. It is the same for game terminals, only the older ones are allowed.

However, six centres are experimenting the introduction of internet in specific web centres (Cyber-base Justice).

Access to training

Most of half of the prisoners have as a maximum a primary school level and do not have vocational qualification. The illiteracy rate is around 15%, higher than the national average. Training, whether general or vocational, is therefore an essential tool for rehabilitation. A strong effort is done for that purpose, in collaboration with the institutional partners.

General training: More than 20% of prisoners benefit from a general training given by teachers provided by the Ministry of education to the Ministry of Justice. Program includes basic training in maths, French, general knowledge.

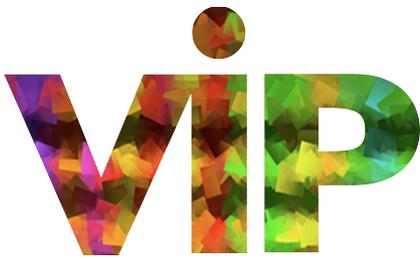
Vocational training: it is mostly centred on the services and construction sectors, for pre-qualifying and qualifying schemes. Distance courses are also accessible.

In 2008 the vocational training is provided by non profit associations (46%), Greta (27%), private companies (15%), AFPA (7%) and various (5%). In 2008:

- 4 126 prisoners have benefited from a qualifying program;
- 6 959 from a basic training;
- 21 972 are inscribed in a training program;
- 6033 adult inmates were candidates for examination and 72% (4383) were received.

The training possibilities as seen as insufficient in many centres and are also insufficient because of overpopulation. As a consequence, teachers have to make choices that generate discrimination (eg. no preparation to the basic certificate in the women section).

Working possibilities



There is a right to work on a voluntary basis of the detainee. It offers the possibility of receiving income, to keep or to acquire vocational habits and to acquire qualification. For the administration, it is a management tool and it serves to decrease the tension. The workforce employed for the prison service is useful for the daily functioning of the establishments. The income generated guarantees the compensation of victims and it is useful to prepare the exit. It is the first step to reintegration and it decreases recidivism. But unfortunately, there is not enough working activities proposed to the inmates. In 2010, 24001 prisoners have had a remunerated activity. That is 39,1% of the prisoners. On these 24001, 17497 have been paid for work done in prison, representing only 27,7% of inmates. The rest is made of prisoners following a vocational training scheme, and of prisoners allowed to work during the day while sleeping in the jail. Also often, the work proposed is not full time and not on a yearly base.

There is the possibility to work for the prison itself, called the “general service”. In this case, the people are employed by the prison administration and carry out maintenance of the premises or tasks necessary for the functioning of the prison, such as cooking, food distribution, library permanence, maintenance of the green spaces, animation of video workshops, etc. The organisation of this general service may lack coherence. Several inmates occupy several jobs at the same time, while it is not mentioned on their initial task list. As a result the remuneration is not always compliant with the tasks achieved. Also there are less job opportunities for women, and when there are, they are less differentiated (cleaning and staff restaurant).

Apart from the “general service”, there's the production work. It includes four categories of employment: work in workshops for private companies (that acquire concessions within the prisons), or for associations, work in workshops on behalf of the Industrial Board of Prisons (IPEN) or work in the cells.

Voluntary prisoners are provided by the prison administration to make (usually) non qualified work (also because they have a low school level and usually no qualification). Work is organised in accordance with the local environment (possible clients in the employment area), the premises (possibility to install equipment), and the constraints from each centre.

Apart from a few qualified work, like as digital archiving, the work usually consists of simple tasks, repetitive, without added value, but requiring to be accurate, such as the packaging, folding of leaflets, assembling brochures, forming small objects or handling.

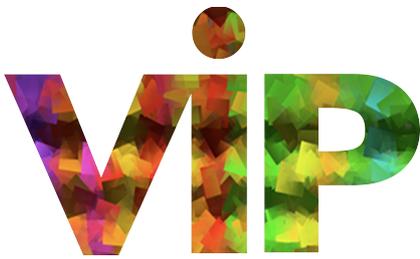
When the tasks require a qualification, the necessary training is not always provided by the company. There is a simple transmission of knowledge, acquired by practising, between inmates.

Some alternate schemes (training/working) have been observed with the example of a vegetable school-farm managed by a training organisation.

When it is allowed, the work in cells is a source of problem as the cell becomes the workshop. The material and the tools needed limit considerably the space available that is already reduced. And there is a tendency to have long working days to compensate the low hourly income.

As detailed in Article 717-3 of the Code of Criminal Procedure, "the labor relations of prisoners are not subject to an employment contract." It is therefore a derogatory law that applies in prison. Only the hygiene and safety regulation of the Labour Code apply in detention. They do not have the same rights, they do not pay for unemployment (so they cannot benefit from unemployment after). They also pay too little for the pension to have it validated. If they are ill or if they have an accident, they do not receive money during their work interruption. They also don't benefit from payed leaves. They don't have union rights. They don't benefit from trial period.

There is no work contract in prison, but an "act of commitment" since 2009 (section 33 of the Prisons Act of 24 November 2009). The text is signed by the director and the prisoner, and sets out the rights and obligations of the worker as well as the working conditions and remuneration. A prisoner has to ask to be recognised and integrated as a worker. He can dismiss and also can be dismissed for disciplinary reasons. The prisoners “selected” to work are more numerous than the prisoners effectively working. In many prisons,



it is also higher than the possible number of jobs. So the non-worked days are frequent and

When they do not work for companies but for the prison, they only receive between 20% and 33% of the minimum hourly wage. When they work for external companies, the minimum hourly rate is 4,03 euros instead of 9 euros in the outside world. But it is often reported that usually this minimum is not respected. In addition companies only pay 10 to 20 % of taxes instead of 50-60%. So with the crisis, many small and medium companies are complaining that works in prison creates a distortion of competition.

It is difficult for the administration to find work for the prisoners for several reasons. The economic situation of the area is mentioned as the first cause. Prisons may be in competition together if they are geographically close. The nature of the production, with little added value or little productivity performed by low qualified workers put the prisons in competition with the establishments employing disabled workers who are performing the same kind of tasks. The identification procedures of external visitors make longer the administrative process of product transportation, especially if the carrier is a different company from the work provider. Architectural and security constraints exclude some types of productions because they are dangerous or their volume is too large. Inside the prison, the circulation flow can be also very long. Sometimes the basic product have to be hand-carried because vehicles cannot circulate. The image is the last but not the least reason. Many companies do not want to have their image associated with delinquency and exploitation of low-paid workers. They may even include it in their ethic charter and include confidentiality clauses with their subcontractors when these last employ prisoners.

Fluctuation of work demand is done by decreasing the hours done by each worker or by decreasing the number of workers (unfortunately, this is the most common case). For some prisons, their capacity to adapt the level of the workforce is a commercial argument to convince work providers. Adaptation to overload is more difficult. It may require transfer from one centre to another (if there are voluntary prisoners for this). Another possible adaptation may be made by enlarging the daily or weekly working time. Working times happens to take place at night or during the week-end.

The wages are also low because of the organisation of a prison that reduces the number of hours worked. On a sample of 19 establishments, the analysis of time-sheets shows an average of 32 hours per week with a minimum of 28 hours and a maximum of 37 hours. In this sample, work starts between 7h15 and 8h, stops between 11h and 12h, re-start between 12h45 and 14h and finishes between 15h15 and 17h45. Workers often arrive with some delays and absenteeism is important (due to timetable conflicts, by order of importance: medical appointment, refusal to work, parlours, illness, suspension, audiences, notifications, permission to leave, absence of working clothes, activities). All these factors make difficult the planning of the production in a working day.

Working time is also reduced by pauses, and closing of the workshop. The breaks (15-20 minutes per half-day) are deducted from the wages. The annual closing, most of the time in August and for the end of the year are not opening any indemnification. There is only one example of establishment where the concession pays 300 euros for the annual leave.

All this is in contradiction with the European prison regulation that stipulates that the organisation and methods of work within prisons must be as close as possible as the ones existing for similar work outside, in order to prepare the prisoners to normal vocational life.

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