

FRANCE –

The information published by the Prison Administration and the discussion in the media and on internet by the main actors (criminologists, associations, Government) are very complete and lively.

1. The document “Repères chronologiques – chronological landmarks » (Fr1) describes the evolution of the Prison administration since 1654. Some recent changes were:

- 1970 Introduction of “judiciary supervision” to avert remand custody,
  - 1972 Creation of the “Magistrates dealing with the mitigation of sentences – juges d’application des peines ”,
  - 1975 Development of "Conditional Release and suspended sentences" – sursis avec mise à l’épreuve),
  - 1981 Abolition of the death penalty,
  - 1983 Creation of the “Council for the prevention of delinquency”, introduction of community work (travail d’intérêt général – TIG). Project for building private prisons with “dual management” for 15.000 inmates,
  - 1987 The prison service is redefined. Apart from the expiation of a pronounced sentence and public security, rehabilitation becomes a main goal. The obligation to work in prison is abolished,
  - 1994 The prison health service is performed by the local hospitals so that the detainees have access to the same services as ordinary citizens,
  - 1998 Law for the prevention and repression of sexual crimes (protection of minors),
  - 2000 “Law for the presumption of innocence”.
- 2 reports on the living conditions in French prisons (Floch, Hyst/Cabanel).

2. The SPIP (Service Pénitentiaire pour l’Insertion et la Probation” created in 1949 (Fr2) was reorganised in 1999. In the Paris headquarters and the 103 local branch offices (antennas) for closed and open prisons (milieu fermé/ouvert) some 2760 “Conseillers d’insertion et de probation – counsellors” (CIP) and “Social workers” (ASS) are employed. The guards and the “Conseillers” are formed at the ENAP (Ecole Nationale d’ l’Administration Pénitentiaire). All prison visitors and volunteers act under the authority of the local prison director, the “Conseillers” of the SPIP and the prison guards for security matters.

The mission of the SPIP is essentially to:

- Promote re-socialisation of the delinquents,
- Carry through the sentence pronounced by the judge,
- Help the detainee with legal matters (solicitor, judge),
- Facilitate the detainees’ access to general/vocational training and leisure activities,
- Recommend treatment in case of narcotic or alcohol dependence,
- Deal with the legal administration and report to the judge,
- Co-operate with the panels for the enforcement of the verdict (commission d’application des peines) and propose deserved mitigations of a sentence,
- Prevent a general deterioration of the detainee and maintain family links,
- Help detainees in their transition to freedom, etc.

In the “open prison system”, the SPIP works in co-operation with the “magistrate for the enforcement of sentences – JAP” for the follow-up of those delinquents who benefit from community work, suspended sentences, conditional release, probation and electronic

supervision. Since 1999 (decree 776, art.D583) “on the advice of the magistrate (JAP), a voluntary prison visitor can exceptionally be asked for assistance by the prison director”.

On 1.1.2007, 23.162 prison guards were responsible for 60.400 detainees (= 1 guard per 2,6 inmates), but 2766 “Conseillers” dealt not only with the 60.400 incarcerated inmates, but also with the 145.675 people living in the “open” system. “Lien-Social” says that the lack of personnel makes the accomplishment of their mission impossible (Fr3). The number of “rehabilitating” personnel would have to be at least doubled, if the SPIP were to cope with properly with the administration, define individual measures of re-socialisation, prepare the release from prison more carefully and follow people under probation more efficiently. In 1/2007, the SPIP published a study under the title “50 years of evolution” (Fr4). The Ministry of Justice defined the purpose of the SPIP activities in a 5-page paper “Donner du sens à la peine pour éviter la récidive - giving meaning to a sentence to avert re-offending” (Fr5).

3. Every year the Prison Administration (Ministry of Justice) publishes the “Chiffres clé”, (key figures) with monthly adjustments. The latest report available on internet is dated 1.1.07 and comprises 11 pages (Fr6): Some details:

- There are 190 prisons; 11 more will be opened in 2007/8. At present, 50600 places are available, 13200 more will follow before 2011,
- 2200 staff work in the medical and psychological consultation units,
- In 2006, 86594 people were incarcerated and 85713 released. The average age was 34,5 years, the average time of incarceration 8,3 months. There were 11 escapes, 550 severe aggressions against staff, 93 suicides and 506 at attempts of auto-mutilation. 30,6 % of the prisoners were on remand with an average duration of 4 months (which a public commission evaluated at 5,7 months ?!), 19,7 % were foreigners and the prison population rate was 95 per 100.000 people. The total number of inmates was 64.461 which means 12631 more than the available places. The occupancy rate was 119% (125% in May 2008).
- With regard to re-socialisation measures, 21.605 detainees followed “remunerated training” and 60,1 % vocational training, 46.785 participated in general schooling and 5.034 followed correspondence courses (Auxilia, CNED). 6.138 detainees took an exam with a success rate of 76%. 148 advisors of the employment agency ANPE-Justice dealt with 17.415 applicants for a job on leaving prison. The average sport activity time per detainee was, it appears, 4 hours per week.
- With regard to religion, altogether 1015 people worked in prisons of whom 332 were remunerated chaplains and 683 volunteers (536 Catholics, 254 Protestants, 94 Muslims, 74 Jews, 16 orthodox). Another source (GNCP) says that the Catholic chaplaincy comprises 185 chaplains, 180 volunteers and 145 helpers. Unlike prison visitors, Chaplains usually meet the detainees in their cells. The prisoners are allowed to follow religious instruction and participate in religious services. Imams usually celebrate only the Friday prayers.
- 147 of the 190 prisons have an outside Prison Visitors’ Centre to prepare the families for meeting the detainees inside prison. There are 25 accommodation facilities for visiting families coming from far away. Introduced in 2003, there are today (only) 7 “unités de visites familiales” which allow longer-term detainees to spend 6 to 72 hours in small flats inside prison with the whole family.

4. In 2006 the following Associations of Prison Volunteers worked in partnership with the SPIP (Fr7) and received subsidies of Euro 822.954,- (+18% compared with 2005):

- \* AIDES: Courses on detoxification for prisoners and their families during and after incarceration. Mediation, listening, information.
- \* ANVP (Association Nationale des Visiteurs de Prison). Essentially through « active listening » some 1000 volunteers give moral support to some 6000 detainees whom the SPIP designates. The “visiteurs”, selected by the ANVP and approved by the SPIP and the prison director, follow courses in behavioural psychology, are informed by the ANVP website, participate in conferences on a departmental level and can follow week-end training courses proposed by the prison administration. The approval process can last up to 12 months. Usually a voluntary prison visitor meets 1 to 2 inmates once a week for one hour in the lawyers’ parlour . Once a week in many prisons, 2 volunteers welcome the newly arrived inmates in the “quartier arrivant” and propose the ANVP’s one-to-one visits. These meetings are usually quite animated.  
The ANVP website provides information not only about the principles and the working method of the association (déontologie), but publishes monthly press reviews and comments on general problems of prison matters. For example, the ANVP offered its proposals on the new “penitentiary law” which is in preparation by the government. The headings were “Sanctioning differently”, “to accompany the detainee better” and “in favour of dignified detention conditions”. At present, the ratio “detainee:voluntary prison visitor” is 60 to 1; the ANVP encourages volunteers of all ages to join them in order to arrive soon at a ratio of 20 to 1.
- \* AUXILIA - 150 staff and 1500 teachers work 500.000 hours annually to teach handicapped people by correspondence, people out of work and prisoners (French, technical and paramedical subjects, accountancy, basic courses up to diplomas). Auxilia (Fr10) runs a “Centre for professional re-education of handicapped people” and a “Women's accommodation centre for social reintegration”. Auxilia is active also in Belgium, Switzerland, Germany and Spain.
- \* La CIMADE (Fr11) is an association of Protestant origin which works today mainly as an ecumenical charity for migrants, asylum seekers and refugees. 700 volunteers and 120 staff in 60 local groups deal annually with 25.000 foreigners helping them with their integration into France or the return to their country of origin. In 2005 the Cimade signed a partnership deal with the Ministry which allowed their members to take care of the foreigners in the 26 retention centres (Centres de rétention administrative) which are run by the police. The people retained in these "centres" for between 2 and 32 days increased from 24.500 in 2002 to 35.000 in 2009. About 14.500 of these illegal or sentenced immigrants of 163 nations were sent back to their own country, the others released to live in France. Per the Court of Audit the total cost of the retention centres was 190 Million Euros which results in Euro 13.220 per effectively repatriated foreigner. When illegal immigrants (les sans-papiers) become clandestine workers and are caught, they may end up in prison where they represent more than 2 % of all detainees.  
Following the persistent criticism by the CIMADE of the immigrants' treatment and living conditions, the Interior Ministry cancelled their exclusive access to the Centres (and the subsidy of 4,6 Million Euros) and gave 15 of them to 6 other associations (officially to stimulate competition).
- \* CLIP (Club informatique pénitentiaire) was founded in 1985. Some 180 volunteers teach computer technology in 46 prisons. According to the Prison Administration, 1206 diplomas were obtained in 2006 (of which 125 were by minors).

- \* LE COURRIER DE BOVET is an association of about 800 volunteers who keep in touch with prisoners through correspondence (pen friends) and help illiterate people (including in prisons) with their correspondence (family, administration, translations). As 30 % of the detainees can be considered illiterate and 20 % are foreigners, the demand for help is considerable. The ECRIVAINS PUBLICS have basically the same function.
- \* LE SECOURS CATHOLIQUE (which is part of the worldwide Caritas Internationalis) works mainly among the poor, the detainees leaving prison and those sentenced to Community Service (Fr12). Financial help, clothes, food and other basic needs are catered for. A multitude of services is offered (hostels, letters to the detainees “amitié sans visage – friendship without face”, transport of families to detention centres, service “Prison-Errance”, etc.).
- \* GENEPI (Groupement national d’enseignement aux personnes incarcérées) is a unique organisation in Europe. 1000 University students in 70 prisons help detainees to make up for missed schooling both in general education and special subjects. Since its foundation in 1976, 12.000 “Génépistes” have taught in prisons. On the Genepi website and in public meetings, students talk very freely about their views of prison and what it ought to be.
- \* The FREP’s (Fédération Relais Enfants-Parents) essential aim is to keep alive the relationship between incarcerated parents and their children. 400 volunteers and 50 professionals regrouped in 12 regional centres, work in “expression workshops”, mediation and educational assistance. The FREP is a partner of the European EUROCHIP association.
- \* FARAPEJ (Fédération des associations réflexion, action, prison et justice) comprises 45 associations with 2000 members, 150 staff and 700 volunteers. They are active for (ex)prisoners and their families and work with local administrations in favour of alternative sanctions to incarceration.
- \* SIDACTION (ensemble contre le Sida – together against aids) supports associations in their fight against aids and hepatitis (information, counselling, finances, treatment).
- \* UFRAMA (Union des fédérations régionales d’associations de maisons d’accueil des familles et proches de personnes incarcérées) is a federation of regional associations running 85 of the 145 prison visitors centres. 80 associations are regrouped in 6 regional federations. More than 500.000 people are affected permanently by imprisonment which is about 1 % of the whole population. 80 % of the staff is voluntary. “How to explain to a child why dad is in prison – le mystère de la patte bleue” is a very attractive leaflet for children (F10A). The state subsidies have been reduced now for some years. As the 12 new prisons will be run entirely by a private company, UFRAMA and other volunteer organisations fear that they will no longer part of the re-integrative work with released delinquents.
- \* LA CROIX ROUGE FRANCAISE (Red Cross) (Fr11) supports the most deprived prisoners enabling them to finish their prison term in dignified conditions (50 % are without work at the moment of incarceration, 62 % of them are less than 25 years old). To prevent despair and suicide, the Red Cross has put in place a telephone helpline for prisoners, as they have existed in England, Italy and Germany for some time. The Red Cross plans the creation of accommodation facilities for ex-prisoners who find themselves in social isolation after long prison sentences. It already runs 6 hostels. In 2004, it launched the campaign “1000 TIGs” (1000 community jobs to prevent incarceration).

- \* The FNARS (Fédération Nationale des Associations d'Accueil et de Réinsertion Sociale) comprises 500 voluntary and public organisations. In 1300 accommodation and service centres 16.000 places are available for people in need. 450.000 people are cared for annually. FNARS organises seminars, conferences and provides information on the social situation in France, accommodation, work, re-socialisation and legal advice.
- \* VIE LIBRE, founded in 1953, is an association of former alcoholics who accompany dependent people in their daily misery, suggest methods of curing the problem and try to lead them towards lasting reintegration into normal life.

5. In addition to the above “official partners”, the SPIP says that 521 local and regional associations of prison volunteers existed in France in 2006 which were subsidized by the state with Euro 3.155.723. Among them are for example:

- SOLIDAIRES – Founded in 1981, this association (Fr17) of 20 volunteers organises the Family Visitors’ Centre at the Bois d’Arcy (Yvelines) prison. On visiting day 100 to 200 family members go through this unit to visit detainees inside prison.
- FAIRE (Insertion sociale et professionnelle des détenus) gives literacy courses and teaches professional skills. Rehabilitation.
- MRS (Mouvement de Réinsertion Sociale) was founded in 1969. 65 volunteers in the Paris region accompany 600 released detainees annually and try to (re)adapt them to life outside prison through practical help . The MRS proposes a “responsabilisation contract” to selected detainees and promise them accommodation, training, medical and legal help against the obligatory acceptance of one of 3 job offers and indemnification of the victims for their criminal acts.
- AVISO (Association pour la visite et le soutien aux détenus et leurs familles), runs a Montpellier prison visitors’ centre.
- PRISONNIERS SANS FRONTIERES supports volunteer associations in the former African French colonies to improve detention conditions (Fr18). 5000 African volunteers visited 28.000 detainees in 2006 in 75 prisons.
- L’ARMEE DU SALUT (Salvation Army) was already active in 1928 in the Cayenne convict prison (bagne). When it was dissolved in 1946, the Salvation Army repatriated the 4000 inmates and many of them found shelter and work from 1952 onwards in the “Rademont Home”. At present, it appears that 10 Chaplains and their helpers pay 3000 visits per year to 500 detainees in 30 French prisons. They prepare Christmas gifts and organise community work. In their centres for the homeless, the Salvation Army lodges, in addition to their usual clients, many former detainees.
- PARCOURS DES FEMMES is an association operating in the Lille region which prepares incarcerated women for release and accompanies them as long as is required to prevent re-offending. In 2006, 189 women in need were assisted. The association’s website is very complete and reflects the problems of leading imprisoned women back into society.
- L’ASSOCIATION SAINT VINCENT DE PAUL was created in 1833 in Paris and is today an enormous charity working in 130 countries. In France, they run several Family Visitors’ Centres such as in Draguignan, Nanterre, Paris-La Santé and Maubeuge.
- L’ESTRAN deals with 500 ex prisoners per year after their release with a 3-weeks’ accommodation and co-ordinated help from the social services. L’Estran is part of the the UFRAMA federation.
- FRAMAFAD (Fédération régionale des maisons d’accueil des familles et amis de détenus) runs 18 prison visitors' centres in the East of France,
- ACT-UP, Paris fights against AIDS and drug dependence. Information.
- “LES PETITS FRERES DES PAUVRES” are part of the international federation of the “Little Brothers of the Poor”. Every year in France 500 volunteers and 380 full-time staff

assist about 25.000 needy people above 50 years of age. Among them are many ex prisoners who live in isolation after years of incarceration. The organisation runs hostels, day and rehabilitation centres.

- RPSA (Relais Prison Sambre Avesnois), Maubeuge has 40 active volunteers who visit prisoners and their families, run a Prison Visitors' Centre through which 250 people per week pass and organise literacy courses.
- ACCORD, Strasbourg works with 22 people (4 professionals) in family and penal mediation and restorative justice for adolescents, help for the victim, cross border legal matters and advice,
- Since 2001, DECLIC, Strasbourg and "Les Chemins de l'Insertion et de la Citoyenneté", Besançon have organised walks with the detainees whose imprisonment is coming to an end. In 2008, 10 detainees and 10 volunteers walked 700 kms from Verdun to Strasbourg. It appears that "good hikers re-offend less".
- "Libertà" is the association for Corsican "political" prisoners, "Skazell Vreizh" for the Bretons and "Senideak" for the Basques.

There are many other local associations, some of them regrouped in FARAPEJ, such as

- L'Espoir at Orleans
- Grand Large-Aarde at Evreux
- ARAPEJ at Valence
- La prison dans la ville, Brest
- Les amis de l'Horeb, Toulon
- Repousser les murs, Loos
- Association Espoir, Colmar
- L'Arc-en-Ciel at Douai
- ASEPEL at Lyon
- Ruptures, Lyon
- AFAPA, La Halte at Auxerre
- Le Cri, Marmande
- L'envolée, Montreuil  
(free journal for prisoners).

Apart from the CIMADE, there are other associations which work for foreigners and refugees, such as

- GISTI (Groupe d'information et de soutien des Immigrés) specialises in legal advice for foreigners,
- MIB (Mouvement de l'Immigration et des Banlieues) fights against the « double sanction » which means imprisonment with subsequent expulsion from France (the outlaws of modern times),
- APTM (Association pour l'accompagnement social et administratif des Migrants et de leurs familles), Paris which works in co-operation with PAS (Plate-forme d'Accueil et de soutien aux étrangers en situation précaire) and CADA (Centre d'accueil des demandeurs d'Asile) - (Fr19).
- ANAFE (Association nationale d'assistance aux frontières pour les étrangers).

6. There is ample information about prisons and its problems through numerous websites, such as the SPIP, ANVP, GENEPI, MRS and, for example:

- a) "L'Observatoire International Prison – OIP" (Fr20) which was founded in 1990 by a former political detainee. The OIP not only reproduces information, laws and their projects, but also maintains an ample inventory of books and thematic publications on security, health, psychiatry and addiction, and comments frequently on current prison matters with a sharp tongue. This organisation considers imprisonment as a slur on human dignity. As France does not have local "Independent Monitoring Boards", the "OIP groupes locaux d'observation" record cases of dysfunction in French prisons and report them in detail (similar to ANTIGONE in Italy). The magazine "dedans-dehors" describes the reality in French prisons through thoroughly researched articles. The OIP is a very militant organisation which launches petitions, for example, against wearing handcuffs during medical treatment in hospital, is in favour of the liberation of the "Action Directe"

terrorists and organises public protest gatherings such as the one against “overcrowding in French prisons” on the 2<sup>nd</sup> October 2007. In retaliation to OIP's outspokenness, the Administration suspended their annual subsidy of Euro 10.000 2 years ago.

- b) BAN PUBLIC informs the public about prisons and incarceration throughout Europe on their website “prison.eu.org”. They militate in favour of the abolition of disciplinary confinement (Fr21) and the recovery of full civil, civic and commercial rights on release from prison. A dissertation of 1998/2002 by Claire Chagnot with the title “La prison et les associations” was published on their website which describes the work of the main French voluntary prison associations in their environment (Fr23).
- c) Pierre-Victor Tournier and Annie Kensey have researched and written on most prison-related subjects, such as re-offending, overcrowding, education, remand in custody and interpretation of statistics. The CESDIP at Guyancourt, founded in 1983, is both a “laboratory” of the French state research institution (CNES) and the ministry of justice.
- d) EXIT, Montpellier (Fr24) publishes on its website not only detailed statistics of the French Judiciary and Prison Administration, but has also a whole register of associations which can help in case of AIDS, dependence on drugs, alcohol and “double punishment” (prison + deportation).

Under “prison and information” one can find

- the website of a prison guard (which is considered a non-official website of the prison administration),
- “Prison”, the website of Ph. Auzenet, a former protestant prison chaplain who argues strong in favour of more humanity in prisons. He has written a book “Quand la justice nous casse – when the judiciary destroys us” and a fairly disillusioned article on “the re-socialisation of detainees” (Fr24A),

7. France has no official “Confederation of Prison Volunteers” although FNARS and FARAPEJ regroup quite a number of associations. However, there are 2 alliances which unite most of the bigger organisations:

- “Collectif Octobre 2001” (Fr25) was created in remembrance of the abolition of capital punishment in France in 1981. National and international organisation reflect on subjects of prison life. The “Collectif” continues to demand the abolition of the death penalty world-wide. Among its members are the “Association française de Criminologie”, Amnesty International, the “International Federation of Human Rights” as well as all the big French prison volunteer organisations.
- The “Groupe National de Concertation Prison – GNCP” (Fr26) which comprises 9 major organisations (ANVP, the Catholic and Protestant chaplaincy, GENEPI, FARAPEJ, FNARS, Red Cross, UFRAMA, Secours Catholique) has organised a “week of actions” all over France with seminars, debates, presentations, films and exhibitions to raise awareness of prison issues every year since 1991. Among past mottos were
  - \* 1991 - "La prison est-elle un remède à la délinquance" (is prison a remedy for delinquency?),
  - \* 2001 - "La prison: pour qui, pour quoi?" (Prison: for whom, for what?),
  - \* 2006 - "La prison, s'en sortir" (how to overcome incarceration),
  - \* 2007 - "La prison, c'est pas automatique" (prison is not the only solution),
  - \* 2009 - "La citoyenneté ne s'arrête pas aux portes des prisons" (Civil rights do not stop in front of prison gates).

If ever the French prison volunteer associations wanted to form a “National Association” similar to the Italian “Associazione Nazionale Volontariato Giustizia” or the new Spanish “Consejo Social Penitenciaria”, the GNCP could certainly offer a suitable framework.

8. Three events which marked the French prison milieu in the past 10 years:

- In 2000, Véronique Vasseur published a book “Médecin Chef à la Santé, Paris – Chief Medical Officer at the Paris prison La Santé” in which she describes the true conditions of incarceration, the distress of many inmates and the aberrations of the penal system. This book had a tremendous impact on the French public and generally in prison circles.
- In 2000, following the “law on the presumption of innocence”, the number of remand prisoners, which had climbed to 23.000 in the years 1995/97, should have fallen substantially. It diminished indeed to 16.000 in 2001, but was back to 22.700 in 2004. The heavy-handed use and abuse by magistrates, of keeping people on remand in custody virtually at their discretion, became evident to the public through the “affaire d’Outreau”, in which an incompetent magistrate kept 18 people detained from between 1 to 3 years, one of whom committed suicide. In 2005, all suspects were acquitted with the apologies (very rare) from the president of the appeal court (Fr27). A report by a national commission in 2006 (Fr27A) confirmed the increasing number of remand prisoners attaining an average duration of incarceration of 5,7 months in 2007 (the SPIP talks of only 4 months?).
- In September 2005, Gil Robles (Fr28), the European human rights commissioner, conducted an enquiry into French prisons. The report of 110 pages was very critical of the general prison conditions, the treatment of foreigners and expulsion procedures. The ANVP expressed its general agreement with the findings except for the recommendation that a way out of the problem would be the accelerated building of new prisons.

9. For foreign French speakers here are a few interesting documents:

- “Des intervenants extérieurs pour changer la prison”, Ceras 2002. A prison volunteer, a prison chaplain and a prison director discuss the meaning of incarceration and the necessary reforms (Fr29),
- “Des témoins des conditions de vie des prisonniers” in « Témoignages » (Fr30). Prison visitors describe the precarious situation of the inmates, the lack of perspective and the high risk of re-offending without outside help.
- MRAP: “Jeunes de France, racisme et discrimination dans la police, la justice et la prison ». (Fr31) Why do « foreign-looking » young people feel badly treated by the police, discriminated against in job research, and why are so many of them in prison?
- “Réinsertion des détenus” on the website “Prisons” – or why re-socialisation is either not taking place at all or only in an incoherent fashion (Fr31A),
- Le “Centre d’analyses stratégiques: Contrôleur des lieux d’enfermement » (Fr32). This article talks about the forthcoming introduction of the equivalent of the English "Chief Inspector of Prisons" or the Canadian "Correctional Investigator". France has been reminded repeatedly by the Council of Europe to create this function. In July 2008 Mr.

Jean-Marie Delarue (former director of the “remand sentencing system”) was appointed by presidential decree for 6 years as the first “Controleur général des prisons”. As he has the reputation of not being politically aligned, he was deemed acceptable even to the usually very critical “Observatoire Européen des Prisons - OIP”.

In April 2009 he presented his first alarming report on French prisons.

- “A qui profite la prison – who benefits from prison? » Réseau Citoyenneté, 1/2004 (Fr33).
- « Garde et réinsertion, la gestion des prisons » (Fr34) is the report by the « Cour des Comptes – the Auditor general » of 2006 which severely criticises the conditions of imprisonment, heavy administrative procedures and the SPIP which administers the social side of prisons as well as it can, but which does not have the means of putting in place a coherent system of rehabilitation.
- “Perben 2” of 2004 was a series of dispositions which generally tightened the existing laws. With regard to penal matters, the “Wasmann-Report” contained 87 proposals, among them for example:
  - \* between the verdict and its enforcement, weeks and months elapsed often through lack of court, prison and probation staff (people sentenced to community service were not uncommonly asked 12 months after the verdict to start their service). The immediate employment of 1000 staff could have cleared up the backlog quickly, but there was no money available;
  - \* to ease the overcrowding of prisons, the author suggested the increase of the semi-detention capacity from 1900 to 5000. However, as only 3,5 % (in total 299) of all French judges worked as JAP (examining judge who adjust sentences for prisoners), each of them would have had to deal with 680 dossiers. The chronically understaffed SPIP could not have followed either with regard to the necessary accompanying measures such as finding jobs and logging. In addition, many detainees preferred to remain in prison anyway rather than to be subjected to electronic bracelet control, have no job and no accommodation outside. (Fr35, 35A).
- Wikipédia (Fr36A) gives on 10 pages a far less glowing account of French prisons than the Ministry of Justice does (see paragraph 2 and 3 above).
- "Le système pénitentiaire est-il réformable? Can the penitentiary system be reformed?" is a public speech in 6/2006 by the Director of the French Prison Administration, Mr. Claude d'Harcourt in which he described facts and problems and their possible improvements. Highly appreciated by most prisons directors and the voluntary associations for his courage and outspokenness he was dismissed by the Minister of Justice in 10/2009.

10. The annual budget of the Ministry of Justice for 2008 clearly showed Mr. Sarkozy’s determination to reform the Judiciary. Whereas the total budget increased by only 1,6%, the government allowed a 4,6 % increase for the judiciary (Fr37), among them:

- 1600 prison guards more will be hired (they were already promised in 2002),
- 400 additional posts to improve the functioning of the courts,
- Allocations to the associations of victims were increased by 14,7% and a magistrate will be appointed at every court to defend the victims' rights,
- Before 2012, 13.000 new prison places (+24%) will be created in addition to the present 50.600 places,

- 156 “tribunaux d’Instance” (kind of small jurisdiction which deals in legal cases of up to Euro 8000,-) of the existing 470 will be closed which will, it appears, increase the efficiency of the judiciary (many feel that it will diminish the proximity of justice and equality of the citizens before the law).
- One million Euros only for combating re-offending,
- Probable limitation of the number of detainees who will benefit from free legal assistance (attorneys appointed by the prison administration),
- “Intention” only to promote alternatives to imprisonment and relief measures.

A prison reform on the basis of 120 recommendations is in preparation and should be submitted to Parliament before the end of 2009 (Fr38). In the meantime, the new Minister of Justice has pushed through the “loi des peines plancher – minimal sentences” concerning re-offenders and the “retention de sûreté – keeping people in custody after termination of their sentence, if re-offending cannot be excluded” (Fr39). The tendency of the new government seems to follow more the American “zero tolerance” method than the Scandinavian concept of integration through rehabilitation. The organisations of prison volunteers observe this tendency with reservation – and make it known on their websites.

12.6.2008 – With 63.000 detainees and 125 % overpopulation (European average 103%), the numbers in French prisons are at an all-time high. To ease overcrowding, the Minister of Justice announced the following measures:

- More frequent reductions and mitigation of prison sentences (aménagement des peines) which have been increased by 34 % in the last 12 months.
- 3040 new prison places will become available before the end of 2008 and individual cells will be guaranteed from 2013 onwards.
- 2500 electronic bracelets are in service today. 2000 more will be made available every year from now on. Apparently all people awaiting trial will be eligible, those sentenced to less than 6 months or those with sentences of less than 2 years with 6 months remaining.

15.12.2009 -

1. After 10 years of preparatory discussions, the new "correctional law - loi pénitentiaire" was finally published in 11/2009. The "Observatoire International Prison", the "Jeunes Avocats" and the political left are very opposed to the whole law of the centre-right wing government. Voluntary associations, such as the "Secour Catholique - Caritas", regret also the missed opportunity for a true penitentiary reform which would deal not only with administrative aspects and minor changes, but would focus on rehabilitation as its main objective. The "Association Nationale des Visiteurs de Prison" which had co-operated in the elaboration of the law, was disappointed too, because main expectations such as the right to individual cells, more conditional liberations for all delinquents (including re-offenders and sex offenders), an effective rehabilitation policy and conformance with the 2006 "European Prison Rules" have not been met. Hereafter follow a few changes from the previous law:

- All detainees up to 2 years (instead of one) will now be eligible for parole and community work except for re-offenders for whom the one-year sentence barrier remains. Violent and sex offenders are excluded also. They require a psychological expertise before considering any alleviation of the sentence (right-wing politicians are up in arms against this "lax and dangerous" disposition). The proposed liberalisation is valid only to detainees who can justify a steady professional activity or educational program, the necessity of outside medical treatment, obligatory presence in the family or a serious rehabilitation effort. Experts think that these dispositions will not make much difference to the present situation, because recidivists represent 50 to 60 % and delinquents sentenced for acts of

violence and sex offences together more than 40 % of the detainees (in 2008 only 13 % of all inmates benefited from mitigated sentences).

- Solitary confinement has been reduced from 45 to 30 days.
- All detainees are now obliged to accept at least one rehabilitating activity which the prison management can offer (work, apprenticeship, basic schooling, studies, treatment).
- The role of Associations and Volunteers is mentioned in general terms only and will be defined, it appears, at a later stage by decree.
- The right to phone to the family is mentioned - provided enough phones are available in the prisons which is presently by far not the case.
- The law stipulates at least 3 family visits per week for remand prisoners and one visit for sentenced inmates. When the administration disallows such visits, it must justify the refusal. A prolonged family visit up to 72 hours every 3 months is promised too for the future (unites de visite familiale).
- The right to an individual cell is optional - which gives much more freedom to the Administration to continue the present policy.
- In conformance with Human Rights, the Solicitor General's appeal against a verdict is reduced from 2 months to 20 days.
- Several paragraphs deal with the future policy of the electronic bracelets.

Summing up the 100 paragraphs one could say that there is not much left of the spirit of the "108 European Prison Rules" agreed by France too, and even less of the rehabilitation effort and thoroughly thought-out Canadian Correctional Law.

2. In 12/2009 the "Institut national d'études démographiques - INED" published a study on "Suicide in Prison - a European comparison". France with 115 suicides in 2008 or about 20 suicides per 10.000 inmates/year is almost 100 % above the average of other European countries. Revealing, but somehow logical, is that the suicide of remand prisoners and those condemned for serious crimes (homicide, rape, aggravated violence) is twice as high as the rate for already judged inmates and less delinquents of less severe crimes. Suicide for prisoners is 5 to 6 times higher than for the ordinary population outside.

3. A French enquiry by the "Cahier de démographie pénitentiaire" of 1998 and reconfirmed recently says that 47 % of the inmates never receive any visit during their entire detention. The reasons are various: the family is a long way away particularly in the case of foreigners, poverty, mental problems, personal isolation, but mainly the fact that delinquency and incarceration split families irreconcilably, which is true particularly in cases of sexually related crimes. Another reason is the estrangement of families from the detainee through gradual drifting apart as the time of separation goes on. 10 % of all marriages brake down during the month following detention. (La Croix, 28.10.2008).

It is likely that these figures apply to other European countries too. The legislator, the judiciary and the prison administration do or can do little to ease the loneliness and desperation of prisoners. "Social" prison staff, prison chaplains, many lawyers and volunteers do a lot to alleviate the situation, but their number is far too limited to have a significant impact.