1. whereas the lack of political will to turn the Code into a Common Position runs counter to the leading role played by the European Union and its Member States in promoting legal instruments aimed at controlling all international public and private arms transfers, notably the Arms Trade Treaty;

1. Deplores the current political impasse on the adoption of this Common Position, in the light of the tenth anniversary of the Code;

2. Calls on the Slovenian Presidency to make the adoption of the Common Position a permanent item on the agenda of each General Affairs Council meeting until such time as the issue has been resolved;

3. Urges those EU Member States that are opposed to a legally binding Code to reconsider their position;

4. Believes that the EU's contribution to an internationally binding Arms Trade Treaty will gain in credibility as soon as its own arms control regime becomes legally binding;

5. Is convinced also that, in parallel with the adoption of the Common Position, action should be taken, inter alia, to:

(a) prevent irresponsible arms transfers by strict application of the Code's criteria to both companies and national armed forces;

(b) improve and apply brokering controls, and prevent illegal arms trafficking by air and sea;

(c) ensure prompt investigation of recent allegations of violations of arms embargoes;

(d) prevent the selling-off to private brokers of arms collected in the course of ESDP and SSR operations and other EU initiatives and their subsequent transfer;

(e) improve the transparency and quality of data submitted by Member States in the context of the Annual Report on the Code;

6. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

The particular situation of women in prison and the impact of the imprisonment of parents on social and family life

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European Parliament resolution of 13 March 2008 on the particular situation of women in prison and the impact of the imprisonment of parents on social and family life (2007/2116(INI))

(2009/C 66 E/09)

The European Parliament,

— having regard to Articles 6 and 7 of the EU Treaty and Article 4 of the Charter of Fundamental Rights of the European Union, signed on 12 December 2007 (\(^1\)), which concern the protection of human rights,

having regard to the Universal Declaration of Human Rights, in particular Article 5 thereof, the International Covenant on Civil and Political Rights, in particular Article 7 thereof, the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (the European Convention for the Prevention of Torture) and the Optional Protocol to that Convention on the establishment of a system of regular visits by international and national bodies to places of detention,

having regard to Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, its protocols and the case law of the European Court of Human Rights,

having regard to the European Convention for the Prevention of Torture, which established the European Committee for the Prevention of Torture and Inhumane and Degrading Treatment, and the Committee's reports,

having regard to the United Nations Standard Minimum Rules for the Treatment of Prisoners of 1957, and the declarations and principles adopted in this regard by the United Nations General Assembly,

having regard to the United Nations Convention on the Rights of the Child of 20 November 1989,

having regard to the resolutions and recommendations adopted by the Committee of Ministers of the Council of Europe, and in particular Resolution (73)5 on Standard Minimum Rules for the Treatment of Prisoners, Recommendation R(87)3 on the European Prison Rules and Recommendation R(2006)2 on the European Prison Rules,

having regard to the recommendations adopted by the Parliamentary Assembly of the Council of Europe, and in particular Recommendation R(2006)1747 on a European prisons charter and Recommendation R(2000)1469 on Mothers and Babies in Prison,


having regard to Rule 45 of its Rules of Procedure,

having regard to the report of the Committee on Women's Rights and Gender Equality (A6-0031/2008),

A. whereas under international and European conventions (5), anyone imprisoned should be treated with respect for their human rights, and prison conditions should be in line with the principles of human dignity, non-discrimination and respect for privacy and family life and be subject to regular evaluations by independent bodies,

B. whereas the specific needs and circumstances of women in prison should be taken into account in judicial rulings and criminal law and by Member States' penal institutions,

C. whereas visible measures adapted to the specific needs of women should be put in place, including the application of alternative sentences,

D. whereas pregnant women in prison should be able to receive the required support and information and essentials for a healthy pregnancy and motherhood, in particular a balanced diet, appropriate sanitary conditions, fresh air, exercise and antenatal and postnatal care,

E. whereas all prisoners, male and female, should have equal access to health care, but prison policies should be particularly attentive to the prevention, monitoring and treatment of physical and mental health problems specific to women,

F. whereas a mother's mental and physical health is linked to that of her child,

G. whereas a large number of women in prison suffer or have suffered from addiction to drugs or other substances that may be the cause of mental or behavioural disorders and require medical treatment as well as appropriate social and psychological support, as part of a comprehensive prison health policy,

H. whereas it is known today that a large number of women prisoners have been the victims of violence, sexual abuse or mistreatment by their family or partner and suffered a state of deep economic and psychological dependence, and that this has contributed directly to their criminal record and brought physical and psychological consequences, such as post-traumatic stress,

I. whereas prison staff should be adequately trained and have sufficient awareness as regards equal opportunities and the specific needs and circumstances of women prisoners; whereas particular attention should be paid to the most vulnerable, i.e. minors and those with disabilities,

J. whereas the maintenance of family ties is an essential means of preventing repeat offences and aiding social reintegration and is the right of all prisoners, their children and other family members, and the exercise of this right is often complicated for women in particular by the scarceness and, therefore, potential geographical remoteness of women's detention centres,

K. whereas the best interests of children should always be a consideration in decisions on whether to separate them or keep them with an imprisoned parent, bearing in mind that, in all cases, the enjoyment of parental rights by the other parent should be guaranteed, along with appropriate procedures for ensuring that emotional ties are maintained with the original family circle (siblings, grandparents and other family members),

L. whereas, by signing the above-mentioned Convention on the Rights of the Child (and other international instruments), the States Parties undertook to guarantee all children, without discrimination and regardless of the legal status of their parents, the enjoyment of all rights provided for under the Convention, including the right to adequate health care, leisure and education, and this commitment should also apply to children living with the imprisoned parent,

M. whereas the role of penal institutions, beyond the punishment of illegal activities, should be to aid social and professional reintegration, bearing in mind the situations of social exclusion and poverty that many prisoners, male and female, have often experienced,

N. whereas many women who are imprisoned are, at that point, involved in ongoing legal proceedings (abandonment, the fostering or adoption of children, divorce or separation, eviction etc.), which remain unresolved, placing them in a position of defencelessness and a permanent state of uncertainty and stress,
O. whereas prisoners are often unaware of the social resources available to them, and, in many cases, the lack, loss or invalidity of their administrative documents (identity papers, health card, family record card, etc.) prevents them, in practice, from exercising the rights enjoyed by nationals of each Member State,

P. whereas equal access for male and female prisoners to employment, vocational training and leisure activities during their imprisonment is fundamental to their psychological wellbeing and their reintegrati

Q. whereas the educational, training, employment, leisure and personal development opportunities available to male and female prisoners, however extensive, are not sufficient by themselves, and mentoring programmes should be drawn up to facilitate prisoners’ involvement in the planning and development of their journey towards reintegration,

R. whereas women in prison should have access, without encountering discrimination of any kind, to employment, voluntary work and varied vocational training and civic education measures designed to facilitate their reintegration once the sentence has been served and adapted to job market requirements,

S. whereas the successful social reintegration of male and female prisoners and the prevention of repeat offences depend on the quality of supervision given during the sentence and, in particular, on the partnerships established with businesses and social assistance organisations, as well as on the monitoring and social and professional assistance provided after the sentence has been served,

T. whereas there is a serious need for gender-disaggregated, comprehensive, comparable and updated data and statistics,

**Prison conditions**

1. Encourages Member States to invest sufficient resources in modernising and adapting their prison infrastructures and to implement the above-mentioned Recommendation R(2006)2 of the Council of Europe so that prison conditions ensure respect for human dignity and fundamental rights, in particular as regards accommodation, health, hygiene, diet, ventilation and light;

2. Repeats its call for the Commission and Council to adopt a framework decision, on the basis of Article 6 of the EU Treaty, on minimum standards to protect the rights of prisoners (as recommended, moreover, by the Council of Europe in its above-mentioned Recommendation R(2006)2), and asks the Council to circulate and promote the application of the Council of Europe’s prison rules for the greater harmonisation of prison conditions in Europe, including the consideration of the distinct needs of women, and to set out clearly the rights and obligations of male and female prisoners;

3. Asks the Commission to include in its annual human rights report an evaluation of respect for male and female prisoners’ fundamental rights and of special prison conditions for women;

4. Urges Member States and candidate countries to ratify the Optional Protocol to the European Convention for the Prevention of Torture on the establishment of a system of regular visits by international and national bodies to places of detention and asks the Council and Commission to encourage the ratification of this convention and its protocol as part of the external policy of the European Union;

5. Underlines that compliance with national and international legal standards in the running of detention centres should be verified by regular inspections by the competent authorities;

6. Asks Member States to adopt the necessary measures to ensure the smooth running of penal institutions and the safety of staff and all prisoners by putting a stop to the situations of violence and abuse to which women and people from ethnic and social minorities are particularly vulnerable;
7. Calls on each Member State to facilitate access for women prisoners to prevention campaigns targeting the general public, dealing with issues such as the early detection of breast cancer and cervical cancer, and to ensure that they have the same access to national programmes concerning family planning:

8. Recalls the ‘specific nature’ of women’s prisons and insists that security and reintegration arrangements aimed at women should be put in place; recalls further that for women who have been abused, exploited and excluded resettlement arrangements in a supportive environment responsive to their individual needs is important;

9. Asks Member States to incorporate gender equality into their prison policies and detention centres and to take greater account of women’s specific circumstances and the often traumatic past of women prisoners, in particular through awareness-raising and appropriate training for medical and prison staff and the re-education of women in fundamental values by:

a) incorporating gender mainstreaming into data collection wherever possible to render visible the problems and needs of women;

b) setting up, in each Member State, an investigatory committee and permanent monitoring systems for an effective assessment of prison conditions, in order to be able to detect and remedy any aspects of discrimination still affecting women in the prison system;

c) highlighting in local, regional and national debates the needs of women prisoners and former prisoners to encourage the adoption of positive measures in relation to social resources, housing and training, etc.;

d) having a predominance of female staff and women medical staff where women are detained;

10. Calls on Member States to guarantee women equal, non-discriminatory access to health care of all kinds, which should be at a standard equivalent to that provided for the rest of the population in order effectively to prevent and treat illnesses specific to women;

11. Recalls the need to take measures to ensure that the distinct needs of women prisoners in terms of hygiene in penal institutions and the provision of the necessary hygiene facilities are better taken into account;

12. Asks Member States to adopt a comprehensive prison health policy that allows the identification and treatment of physical and mental disorders occurring following imprisonment and to provide medical and psychological assistance to all prisoners, male and female, suffering from addictions, with respect, however, for the specific circumstances of women;

13. Asks Member States to take all measures necessary to provide psychological support to all women prisoners and, in particular, those that have been the victims of violence or mistreatment, mothers raising children alone and juvenile offenders, in order to assure them better protection and improve their family and social relations and, therefore, their chances with regard to social reintegration; recommends that prison staff should receive training on and be made aware of the particular vulnerability of these prisoners;

14. Recommends that the imprisonment of pregnant women and mothers with young children should only be considered as a last resort and that, in this extreme case, they should be entitled to a more spacious cell, and an individual cell if possible, and should be given particular attention, especially in terms of diet and hygiene; considers, furthermore, that pregnant women should receive antenatal and postnatal care and parenting classes of a standard equivalent to those provided outside the prison environment;
15. Draws attention to the fact that when women give birth without complications in prison, the child is usually separated from the mother within 24 to 72 hours after birth, and welcomes any alternative solution from the Commission and the Member States;

16. Stresses the need for the judicial system to ensure that children's rights are respected in the consideration of matters relating to the imprisonment of mothers;

17. Calls on Member States to respect fully the development of sexual orientation and the different forms of family life, provided they are in conformity with the law;

18. Stresses the needs to end the detention of girls and boys aged 18 and under in adult prisons;

**Maintaining family ties and social relations**

19. Recommends that alternative penalties to imprisonment, such as community-based sentences, should be favoured to a greater extent, particularly for mothers, provided that the sentence imposed is short and the risk to public safety low, where their imprisonment could result in serious disruptions to family life, in particular if they are single parents or have young children, or are responsible for looking after dependent or incapacitated persons; underlines that the judicial authorities should take account of these factors, in particular the best interests of the accused parent's child, when deciding on the sentence; recommends, likewise, considering the possibility of adopting similar measures to those established for mothers for male prisoners with custody of children or who have other family responsibilities;

20. Underlines that the repercussions of isolation and distress for the health of pregnant women prisoners could also have, in turn, harmful, or even dangerous, consequences for the child, and that these consequences should be considered very carefully in handing down a prison sentence;

21. Insists, moreover, on the need for the judiciary to ascertain whether there are children to consider before taking a decision to remand a defendant in custody, and when handing down the sentence, and to ensure that measures are taken to guarantee their rights in full;

22. Asks Member States to increase the number of women’s detention centres and to spread them more evenly across their territory so that it is easier for women prisoners to maintain family ties and friendships and to take part in religious services;

23. Recommends that Member States should encourage penal institutions to adopt flexible rules concerning arrangements for the frequency, duration and scheduling of the visits that family members, friends and others should be entitled to make;

24. Asks Member States to make it easier for families to stay in touch, in particular imprisoned parents and their children, unless this is counter to the child’s best interests, by creating a visiting environment with an atmosphere distinct from that of prison that allows joint activities and the appropriate emotional contact;

25. Urges Member States to fulfil their international obligations by ensuring equal rights and treatment for children residing with the imprisoned parent and to create living conditions adapted to their needs through the provision of separate cells removed, where possible, from the ordinary prison environment, through their attendance at local nurseries or schools and through flexible and generous arrangements for outings with other family members or with child protection officials, enabling their healthy physical, mental, emotional and social development, and with suitable facilities and qualified staff to assist prisoners who are mothers with their parental responsibilities and the necessary care; recommends also that, in the case of minors residing in prison, the other parent should be able to exercise his or her parental authority;
26. Notes with regret that many women in prison are single mothers who lose contact with their children, sometimes forever; asks the Commission and the Member States to deliver and implement alternative policies in order to avoid total separation;

27. Urges Member States to guarantee free legal assistance for all prisoners on matters relating to imprisonment, which, in the case of women prisoners, should be specifically geared to family law in order to address issues relating to fostering, adoption, legal separation and gender violence, etc.;

28. Recommends the development of awareness and information campaigns concerning local social services, as well as ongoing procedures to update personal and family administrative documents and those pertaining to health care, so that women prisoners can exercise their full rights as citizens;

29. Asks Member States to provide psycho-social treatment to ensure the best possible preparation for the separation of women prisoners from their children and to lessen its negative impact;

Social and professional reintegration

30. Recommends that Member States should adopt the measures necessary to ensure that all prisoners, male and female, are offered the chance of adequately paid and varied work that will permit their personal development, without any segregation on the basis of gender or any other form of discrimination, and recommends that Member States should, to this end, set up partnerships with companies;

31. Asks Member States to invest more resources, including through the application of Community financial instruments such as the European Social Fund and Progress, in the development in prisons of lifelong literacy and education programmes and vocational training adapted to job market requirements and possibly leading to a qualification;

32. Stresses that these programmes should include language courses, including the teaching of the national language in question (or at least one of them) for the benefit of foreign prisoners, information technology courses and courses in social and professional behaviour;

33. Underlines the fundamental role of non-governmental organisations in the social and professional reintegration of prisoners, in particular women, and therefore asks Member States to encourage the development of these organisations' activities in the prison environment, including by increasing the funding allocated to them, making the conditions for access to prison by their members less rigid, and raising the awareness of prison staff as regards the need for good cooperation with these organisations;

34. Considers that, except in cases of high risk to public safety and long sentences, greater use of semicustodial arrangements allowing male and female prisoners to work or take vocational training outside prison walls could aid their social and professional reintegration;

35. Stresses that working conditions for male and female prisoners, in particular pregnant women and women who have just given birth, should be in conformity with national and Community legislation, and regularly monitored by the competent authorities;

36. Underlines the need to encourage the involvement of male and female prisoners in a programme aimed at professional development and social reintegration, in particular by means of a personal report and by ensuring that these efforts are assessed annually;

37. Considers it a matter of priority to ensure that, in each detention centre, male and female prisoners who so wish have access to personal guidance and mentoring for the definition, implementation and completion of their plans for personal development and social reintegration, which should continue following their release from prison;
38. Recalls the need to apply social assistance measures, during imprisonment and afterwards, aimed at preparing prisoners for and helping them with reintegration, in particular as regards finding accommodation and employment, so as to prevent social exclusion and repeat offences;

39. Underlines the importance of maintaining and promoting male and female prisoners' contact with the outside world, including through access to the written press and to the media and through communication with social assistance bodies, NGOs and cultural, artistic and other organisations approved by the prison authorities;

40. Stresses that regular access for all prisoners to sports and recreational activities, and to artistic and cultural education opportunities, is crucial to maintaining their psychological well-being and improving their chances with regard to social reintegration;

41. Asks the Commission to pay particular attention to the prison population in its action programme to combat social exclusion;

42. Recommends that Member States should pay special attention to male and female prisoners of foreign nationality, in particular as regards linguistic and cultural differences, help these prisoners remain in contact with their relatives and grant them access to contact with their consulates, to prison resources and programmes, and to comprehensible information; also recommends that they should take into account the specificity of foreign women in the planning of prison activities, train agents for working in a multicultural context, both in and out of prison, and provide mediation services, both in and out of prison;

43. Asks Member States, in the context of social and professional reintegration, to take all measures necessary to incorporate into their national legislation provisions favouring the recruitment of female former prisoners, in particular mothers raising children alone and juvenile offenders, in both the public and private sector;

44. Encourages Member States to exchange information and best practice in relation to prison conditions, in particular those for women, and in relation to the effectiveness of vocational training and social reintegration measures; considers it important, therefore, to encourage and finance the involvement of the authorities and actors on the ground in the creation of innovative programmes and best practices, as well as in national and international conferences and debates, as a means of providing motivation and generating positive cooperation;

45. Asks the Commission, together with the Member States, to promote the carrying-out of prison-related research from a gender point of view and to fund studies on the causes of crime, the context in which offending behaviour occurs and the effectiveness of penal systems, with a view to improving the participation of prisoners, male and female, in social, family and working life;

* * *

46. Instructs its President to forward this resolution to the Council and Commission, and the parliaments and governments of the Member States and candidate countries.