



**Survey on the self-determination
of persons facing criminal proceedings**

Countries that participated to the survey



This report is the result of a survey conducted by European Caritas. We'd like to thank the detainees, their families, the people in detention and those recently released who have kindly answered our questions. We'd also like to thank all public services' agents, associative and Church partners who have kindly helped with collecting of all the answers necessary for the survey, particularly Jérôme Morillon. The analysis of the study data and writing were carried out by Clémence Brosse, with the contributions of Bertrand Mignot, Jacqueline de Bourgoing and Emily Trombik, under the coordination of Jean Caël. It's based on a large-scale consultation in European prisons between September 2016 and March 2017, in order to identify « good practices ». The direct speech of those concerned made it possible to identify activities contributing to their self-determination. They find an echo in the European Penitentiary and Probation Rules and in other documents elaborated by the Council of Europe

The summary of the questionnaires collected in each of the 11 participating countries was compiled by the Secours Catholique. The purpose of this paper is to report on these data and to identify sources of inspiration for public services, associations and chaplaincies working alongside persons deprived of their liberty.

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SELF-DETERMINATION: HOW PERSONS SENTENCED BY JUSTICE CAN REGAIN CONTROL

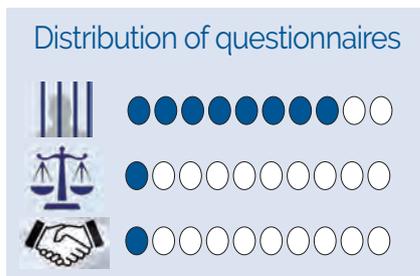
THE SURVEY'S APPROACH

It was conducted in **eleven European countries** with three categories of stakeholders, by organizations¹ acting in the judicial field:

 Mainly persons deprived of their liberty, but also their families, as well as recently released persons,

 Staff from prison, rehabilitation and justice,

 Associative actors and prison chaplaincies.



Approximately **1200 questionnaires** were processed, 83% of which were from persons deprived of their liberty. 8 countries reported between 28 to 465 questionnaires each², while 3 countries³ sent only a single response.

Being able to express oneself makes it possible to stay socialized; being able to choose would make it possible to keep intact our faculty to decide once we're released.



The survey's approach is **to listen, analyze and pass on the words of persons deprived of their liberty**. We consider the opinion of those living directly in difficult situations as **the best source of knowledge to improve the situation**.

Without pretending to scientific rigor or representativeness, we wanted to highlight their words by crossing cultures, feelings, socio-political contexts, professional practices and civil society actors' involvement in the prison-justice field. The purpose of the survey was to start with representations, the factors likely **to (re)claim an autonomous citizen's life**.

Our overarching approach has been the concept of **self-determination**. We would like this survey to contribute to **the promotion of good practices that help persons facing criminal procedures feel more fulfilled and responsible**

1- Prison chaplains, prison visitors, associations defending the rights of detainees, in connection with their families, public bodies of justice, health, social, control as well as other national networks and local associations.

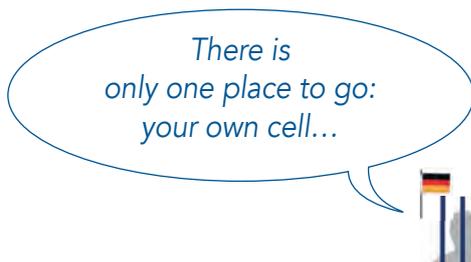
2 - These are Albania, Germany, Spain, France, Ireland, Kosovo, Lithuania, Portugal.

3 - Belgium, Bulgaria, Slovenia.



WHAT IS SELF-DETERMINATION?

We identified the concept of self-determination as **the common feature** which we aim for with our supporting practices. We hope to find examples of empowering activities. However the abstract nature of this concept and the fact that in detention few elements encourage detainees to practice self-determination has shifted our vision.



To truly practice self-determination, the person must have **the opportunity to choose between several options**.

WHY SHOULD WE PROMOTE IT?

The persons carrying out this study were faced with detainees' lack of interest. This study seeks to discover how the promotion of self-determination may help to recover self-confidence and wish during and after judicial treatment. Thus, the survey was based on the following questions:

- What do persons facing criminal proceedings think about the idea of the prison allowing them to take charge of their lives and act as citizens?
- How do they mobilize for such actions?
- How can justice institutions promote citizenship in and outside detention?
- What role can the partners of this campaign, their network and civil society play in this dynamic?

We developed **six questions** (2 for persons deprived of their liberty, 2 for justice institutions, and 2 for associations and chaplaincies). The questionnaire was distributed according to the available time of the volunteers and employees of each collaborating country, as well as the goodwill of the prison institutions.



HOW WE CONCEIVED THE STUDY

THE QUESTIONNAIRE

QUESTIONS FOR PERSONS DEPRIVED OF THEIR LIBERTY



Q1 Although life behind walls is hard, are there moment or places where you have the opportunity to express yourself to to choose?

- o You can name several; How could this help your reintegration?
- o You can explain why you enjoy them or not, and what personal advantage you get from them.
- o If such opportunities don't exist, what activity could you imagine?

Q2 What are the necessary conditions for them to take place in the best possible way?

QUESTIONS TO JUSTICE'S INSTITUTIONS



Q3 Which « good practices » (strategies, programs, activities) prepare detainees in the best way to be responsible citizens?

- o Please specify each time the type of prison and length of sentence.
- o Have these activities also had positive effects on staff?
- o *Optional: Which European rules could we use to develop them? Would you have quantitative information?

Q4 Could you indicate the areas in which prisoners have been making progress?

- o Rehabilitation abilities, self-esteem and personal dignity, health, restoration of family ties, awareness of the damage caused by the offense, another area (according to your public service missions)
- o Could you select 3 in order of importance?

QUESTIONS TO PARTNERS



Q5 Can you give examples of good practice that you are implementing, or examples of successful partnerships?

This can concern both actions inside and outside detention.

- o Could you indicate the conditions for their success and the results you've obtained?

Q6 Which actions could improve the situation of prisoners for the benefit of society as a whole?

These may be actions that you've put in place, or that are put in place by another actor outside your network, or that no one has experimented (open question).

OUR COMMON BASELINES

The survey respondents each have different types of procedures and live in different contexts. However, they all give a **central and constitutive value** to their actions: **respect for and the promotion of the dignity of those deprived of their liberty.**

In addition, they relied on the Council of Europe's Prison and Probation Rules as the basis for their advocacy.

Making someone into a citizen is ultimately the best way to fight recidivism.



OUR OBJECTIVE

Our ultimate goal is to develop advocacy based on the knowledge we've gathered through the survey, in order to **promote the self-determination** of those deprived of their liberty **for a better reintegration into society.**

This work aims to sensitize and involve both stakeholders whose decisions could have a positive impact on the empowerment of persons deprived of their liberty, as well as society itself. The advocacy can be broken down not only at a European level, but also for each participant in his-her country, on a regional level or directly at the level of an institution.

the survey also produced the added benefit of sharing practices, developing exchanges, and strengthening the partnership between the campaign's participants.

Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules

- 5** Life in prison shall approximate as closely as possible the positive aspects of life in the community.
- 27.6** Recreational opportunities, which include sport, games, cultural activities, hobbies and other leisure pursuits, shall be provided and, as far as possible, prisoners shall be allowed to organise them.
- 50** Subject to the needs of good order, safety and security, prisoners shall be allowed to discuss matters relating to the general conditions of imprisonment and shall be encouraged to communicate with the prison authorities about these matters.
- 90.2** The prison authorities should encourage members of the public to volunteer to provide services in prison where appropriate.

Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules

- 38** Probation agencies shall encourage and facilitate support agencies to undertake their inherent responsibility to meet the needs of offenders as members of society.
- 67** Wherever possible, offenders shall be enabled to make an active contribution to the formal assessment. This includes giving due weight to the offenders' views and personal aspirations, as well as their own personal strengths and responsibility for avoiding further offending.
- 78** Offenders shall be fully informed beforehand about any proposed intervention. Every attempt shall be made to ensure their active participation in such interventions.

French 2009 Prison Act

- Art 29** Subject to the maintenance of good order and security of the establishment, detained persons are consulted by the prison administration on the activities proposed to them.

METHODOLOGY

Depending on the prison context we observed a great disparity in the ways the questionnaire was distributed. Whether individually or collectively, whether the interviewees were accompanied to answer questions or not; whether questions were asked by prison staff or independent persons; whether the answers were anonymous or not ...

Three categories of stakeholders were interviewed, each with two open questions.

All of the survey's respondents were interviewed by our partner organizations' staff and/or volunteers. **The respondents to the survey** (mainly persons deprived of their liberty – most of which detained –, prison and judicial staff, national education, health, associations, chaplaincies) **were selected because they knew the investigator or because the prison administration had directed them** towards it.

Partner organizations **hadn't decided ahead upon a sample and specific criteria** for respondents (distribution of respondents by age, sex, type of prison, nature and length of sentence, etc.). However, the collaborators drew up **a distribution manual** for the questionnaire so that it would be understood and properly distributed similarly by the many people who passed it on to the respondents.

All of these « unknowns » **prevent us from attributing representativeness and scientific significance** to our results. Their value is essentially **qualitative**: it is the wording expressed by the persons deprived of their liberty themselves that gives this inquiry its density and meaning through the richness and sincerity of the provided answers.

LIMITATIONS

In the prison context, **freedom of speech and action is limited.**

It was important for the questionnaire to be issued by people who knew this context well and who had established a trusting relationship with the respondents. The survey's collaborators therefore relied on their networks.



The **affluence of data** and limited time available required us to make choices and **prioritize some elements to be analysed over others.** We started with a first stage of data synthesis within each country. Despite a common global grid, this process led to a loss of specific national data information.

We chose to underscore the commonalities between the partners in order to show that beyond borders, beyond contexts, the needs and aspirations of marginalized people come together on the essential aspects.

In addition, the diversity of contexts that has already been highlighted impacted data collection in some countries. For example, some partners found it more **difficult to distribute the questionnaire** because the prison administration refused them permission. In other cases, partners were not given a choice in who they could survey.

Finally, many partners faced refusals from persons deprived of their liberty because they didn't understand the questionnaire or its interest. These detainees believe that **prison can hardly be a place of empowerment, as they experience it exclusively as a place of control and infantilization.**

DATA ANALYSIS METHODOLOGY

This survey isn't a sum of national surveys. Each partner compiled a summary of its collected data, which subsequently forms the basis of this analysis.

Our approach was based on the postulate mentioned in our introduction which ultimately asks – through various forms – the same question to three categories of stakeholders: **what conditions are necessary so that persons deprived of their liberty can enjoy a favourable context for learning and a peaceful exercise of self-determination?**

The analysis was therefore structured to identify the conditions common to all partners.

ARE THESE COMMON FACTORS FOR EMPOWERMENT?

ARE THERE COMMON NEEDS
SHARED BY ALL THE RESPONDENTS?

WHAT ROLE CAN CIVIL SOCIETY TAKE IN
THE SELF-DETERMINATION OF PERSONS DEPRIVED OF THEIR LIBERTY?

In order to cross-analyze the heterogeneous data, inventories were designed for each of the three types of issues (empowering spaces, needs and conditions, and the role of civil society), which allowed data to be compared with each other and to identify those common to all partners.

A. Identifying factors for empowerment

On the basis of the quotations contained in the summaries, a directory of the activities named by the respondents was developed. This classification made it possible to identify the **activities that were common to all the partners** and to analyse the content of these joint activities.



TYPES OF FACTORS OF EMPOWERMENT

- TRAINING / WORK / EMPLOYMENT
- HEALTH / CARE
- PARTICIPATION IN DETENTION LIFE
- ACTIVITIES OUTSIDE WALLS
- SPORTS
- BOARD GAMES, FESTIVE EVENTS
- ARTISTIC AND LITERARY ACTIVITIES
- SUPPORT GROUPS
- MAINTAINING FAMILY TIES
- MAINTAINING LINKS WITH THE OUTSIDE WORLD (other than family relations)
- RELIGIOUS WORSHIP
- ADVOCACY AND AWARENESS
- OTHER

B. Identifying the needs

Many of the quotes in the summaries referred to needs. It was important to be able to analyse them as they were expressed by the respondents as a prerequisite for empowerment and reintegration.

Based on the expressed needs, a directory was designed, making it possible to identify the contents of the needs and to cross-reference the ways in which they were expressed in the different countries.



C. Identifying conditions favouring self-determinating actions

Three main types of conditions were identified:

MATERIAL CONDITIONS

POLITICAL CONDITIONS

PSYCHO-SOCIAL CONDITIONS

D. Identifying civil society's role

The role of civil society was analysed to see how it can make a difference within as well as outside the prisons.

LIST OF NEEDS

PSYCHOSOCIAL NEEDS, DURING DETENTION, TO (RE)BUILD

- Being supported, encouraged, building self-esteem
- Communicating, sharing, exchanging
- Belonging to a group, to society
- Relaxing

NEEDS TO PREPARE FOR THE FUTURE

- Maintaining or acquiring new personal and / or professional skills

OTHERS

Prolong the hours of activities so that we do not stay for 22 hours in the prison cell because our soul is crying.



**AFTER TWO YEARS SHARING EXPERIENCES AND INFORMATION
BETWEEN PARTNERS FROM DIFFERENT CONTEXTS AND WITH DIFFERENT OBLIGATIONS
WHAT LESSONS CAN WE LEARN FROM THIS?**

PRESENTING THE SURVEY'S RESULTS

1ST OUTCOME: THE NEED TO BE RECOGNIZED AS A HUMAN BEING

5 out of the 8 summaries developed by the partners claim that current or recently released detainees frequently expressed the need to be recognized and respected as a human person. This need for others to **recognize their humanity** is a key condition to their ability to choose and feel empowered.

Any cerebral activity (learning, arts) to avoid negative, sterile thoughts that prevent standing... to avoid medication... an hour or two of music [activity] is equal to 2 valiums and 2 aspirins!



I remember going to NA (Narcotics anonymous) meetings in my last prison and doing some addiction treatment programs. This was probably the first time I'd ever done something to really help myself because I want more in life now. It was liberating to go and speak my own truth in a safe and secure environment.



The important thing is to kill time, not to go crazy.



2ND OUTCOME: SELF-DETERMINATION FACTORS COMMON TO ALL PARTNERS

This need for humanity for detainees comes in three forms: **maintaining dignity, identity and mental health**, in spite of their detention.

We find that activities help give a meaning to a prison sentence. Thus, it seems that the more the respondents have benefited from empowering programs during their detention, the more they feel positively about it. The majority of quotes in the summaries (77%) point to specific expectations in terms of activities (sports, professional training, work in detention etc).

When the respondents were asked what these factors for empowerment were, 3 appeared common to all the partners (despite the diversity of contexts).

MAINTAINING LINKS WITH THE OUTSIDE

REFERING TO THE VISITS BY PERSONS FROM OUTSIDE THE PRISON

Inside prison there is no trust, we need volunteers and social organizations.

That more people would come from outside.



EDUCATION, WORK, EMPLOYMENT

I want to work and keep my family. I want to run my own business.

I will never forget my first week working in the prison kitchen. We had to be up really early to get the prisoners' breakfast ready. The days were long and I hadn't had a job in years. I really enjoyed working in the kitchen. It gave me a reason to get up in the morning and I was able to take pride in my work and in myself for the first time since I can remember.



SPORTS

Sporting and artistic activities helps them use their time efficiently.

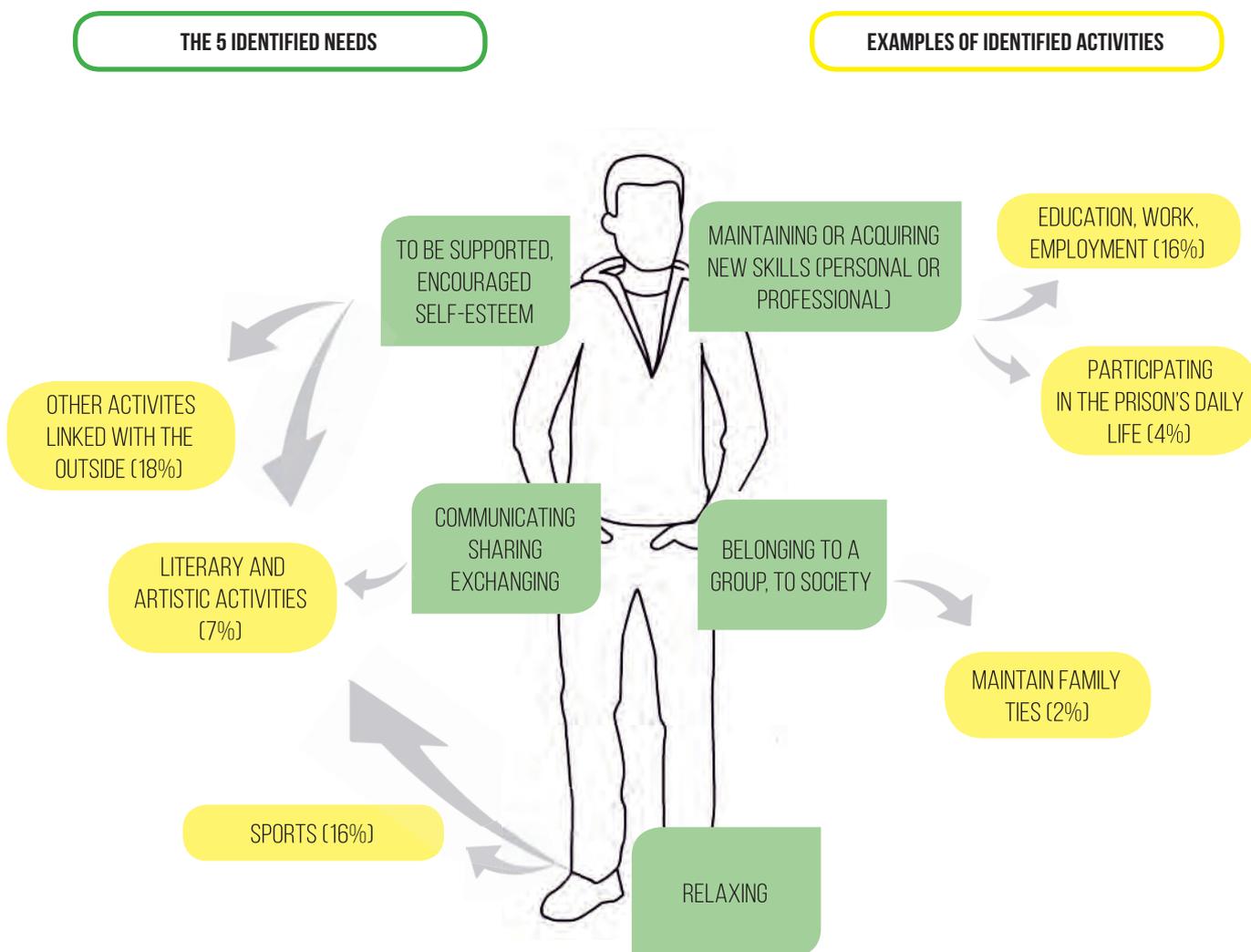
I feel better when I exercise, then the whole frustration vanishes.



3RD OUTCOME: NEEDS EXPRESSED BY PERSONS DEPRIVED OR THEIR LIBERTY

All categories of need appear to have significant importance to the respondents (except the need to belong to a group, which is secondary).

It is interesting to [link these needs to the categories of activities](#) identified so as to better understand what these needs are and what they truly call for.



The distribution of these needs is [quite similar between the different stakeholder](#) who were interviewed with the exception of the importance given to the need to relax. In fact, detainees give a greater importance to this need, which isn't taken into consideration by the other stakeholders.

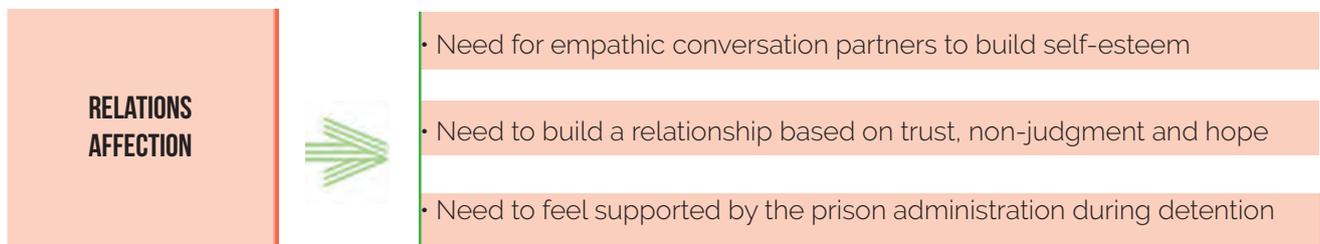
4TH OUTCOME: NECESSARY CONDITIONS TO DEPLOY EMPOWERING ACTIONS

To achieve the goal of empowering persons deprived of their liberty, all conditions must be met. The **majority of conditions identified in the summaries are psychosocial and political**. Depending on partners and contexts, the precise content of the targeted conditions differs. However, they refer to the same problems.

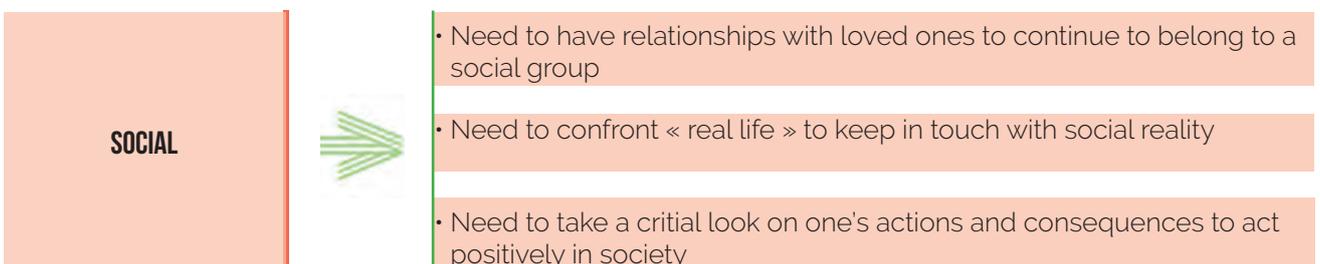
A. Psychosocial conditions

The conditions cited by the partners refer on the one hand to what affects them as humans and their ability to feel and experience emotions, and on the other hand to what allows a person to be connected to his or her social environment. It's interesting to note that the detainees more often cited psychosocial conditions than the prison administration and external partners intervening in detention.

Condition for the person deprived of liberty according to



Remaining open to outside ideas and being able to express very clearly your own can erase some of prison's effects. Staying informed of the evolution of customs from the outside world leads to greatly improving our understanding of society.



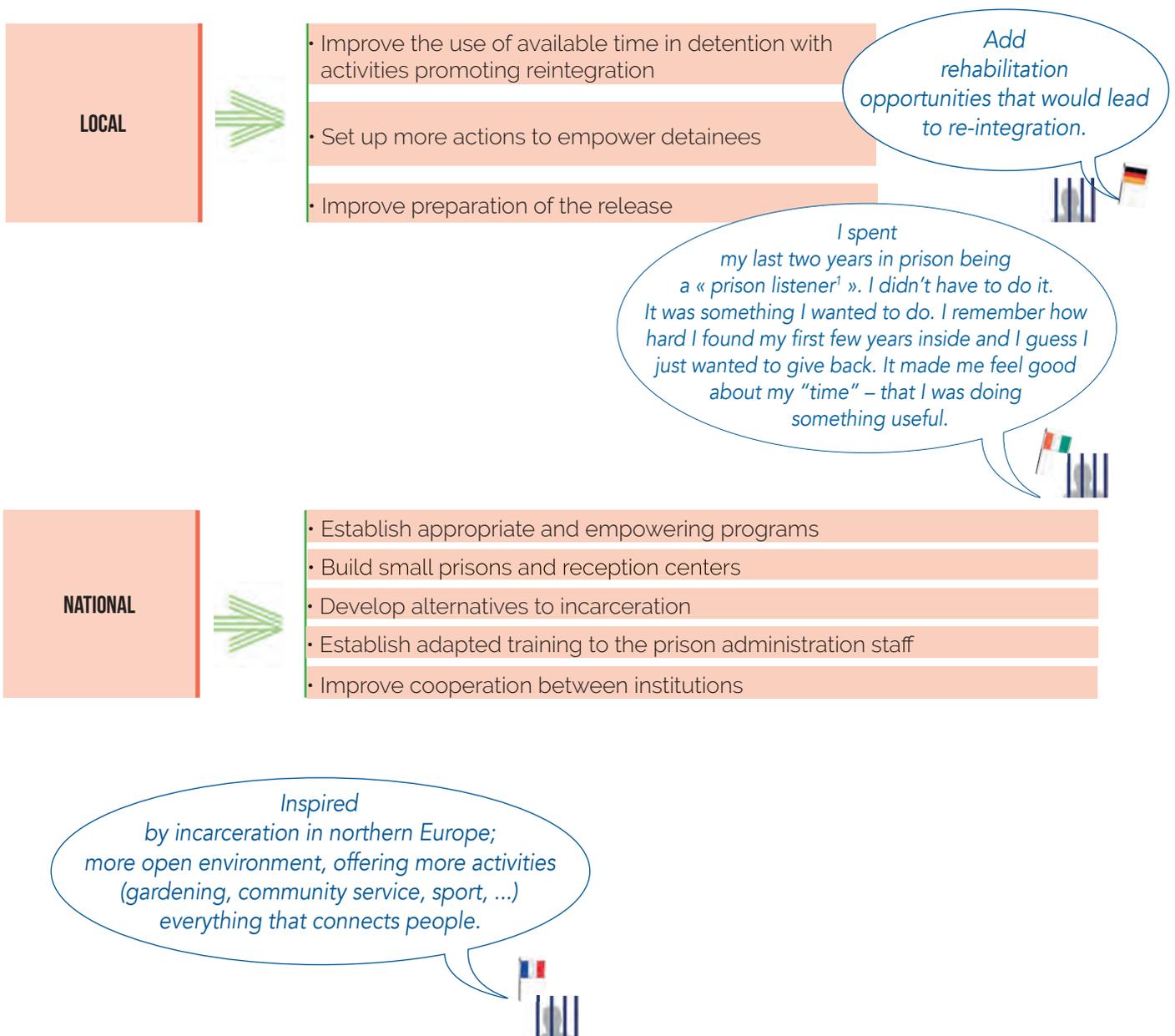
The Internet will open the doors of culture, art, beauty. The Internet will free us from mediocrity, ignorance, contempt, idleness.

Allowing the detained person autonomy in managing his or her personal documents through the provision of means, including material ones, can protect confidentiality.

B. Political conditions

Conditions that can enhance empowerment in prison are often political. These decisions may be at the local level (the penitentiary establishment). Most often though, they depend on decisions taken on a national or even European level.

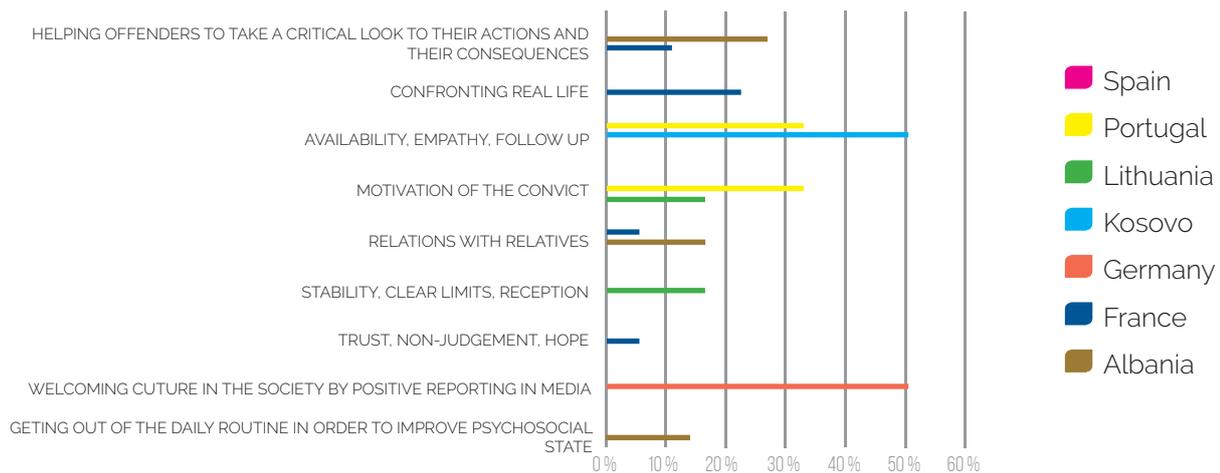
Decision-making political conditions



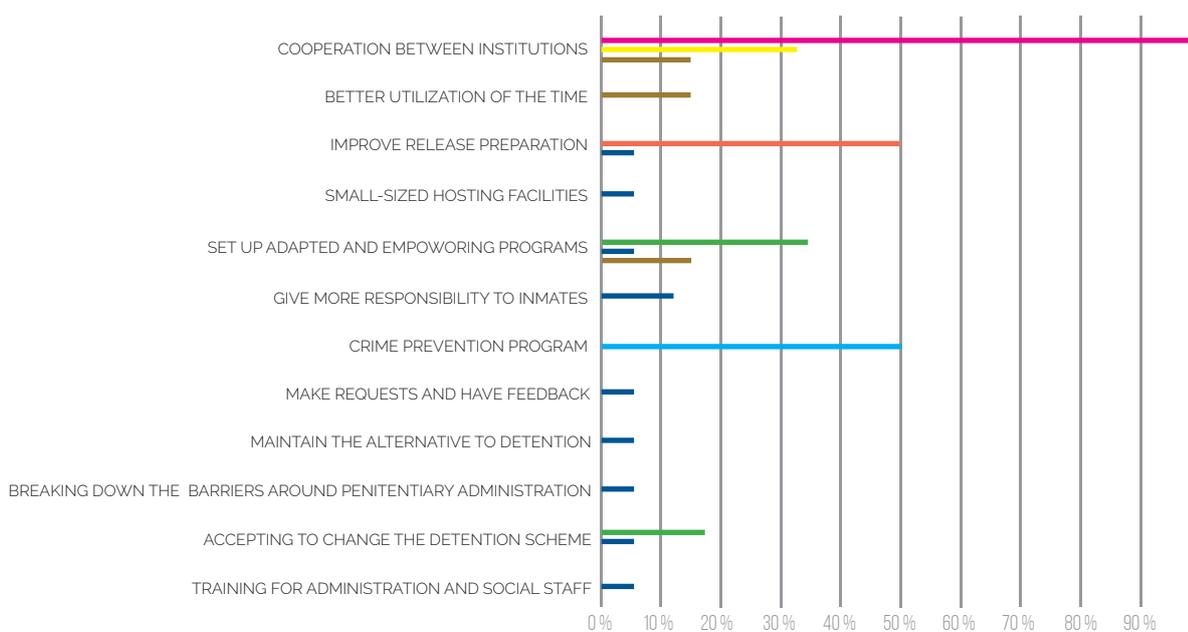
1 - The prison listeners network is a support service to reduce suicide attempts and self-harm in prisons. This network of detainees mobilizes to support those who have difficulty accepting their detention. Similar systems exist in France.

TABLES REPRESENTING THE CONDITIONS NECESSARY FOR THE DEPLOYMENT OF EMPOWERING ACTIONS

PSYCHOSOCIAL CONDITIONS IDENTIFIED



POLITICAL CONDITIONS IDENTIFIED



5TH OUTCOME: THE ROLE OF CIVIL SOCIETY

Civil society has an important role both inside and outside detention centers. Yet only one-third of countries have referred to civil society in their synthesis.

For the « outside » to come « inside »

Within the prisons, it's mainly the detainees who will frequently request the visit of outsiders. They expect from them **relationships based on trust, honesty, being able to speak without feeling judged, being supported while preparing their release**, and so on. Countries unanimously noted expressions of this kind¹.

For the « inside » to open to « outside »

Organizations working in the prison-justice field point to the importance of **raising awareness among civil society** to change the way they see detainees.

The recent Jean-Jaurès Foundation's² report on the increased severity of the French towards detainees once again demonstrates the need to devote ourselves to this problem with all our strength.

Actions such as conducting studies on the reality of prisons, disseminating positive messages in the media, communicating the testimonies of people living this reality, supporting those who have served their sentence can help switch detainees' reputation.

This approach naturally leads to advocacy so that persons deprived of their liberty can lead lives that are freer, more responsible and more connected to the outside³.

As for the prison administration, prisoners stressed the importance of improving the relations between external visitors and penitentiary centers in order to jointly optimize detainees reintegration efforts⁴.



1 - See European Prison Rule 90-2

2 - <https://jean-jaures.org/nos-productions/les-francais-et-la-prison>

3 - See European Prison Rules No. 5, 27-6, 50

4 - See European Prison Rule No. 38

WHAT CAN WE LEARN FROM THIS SURVEY?

An essential result of this survey is the need for persons deprived of their liberty to **have their humanity recognized**. This element is essential for understanding an element that is essential to understand the links between dignity and empowerment: the need to be recognized as a human being is a prerequisite for a person to question his or her internal and external resources, leading to being capable of choice and self-determination.

The interviewed detainees frequently felt that the prison sentence as it is carried out (primarily in prisons with a focus on security), does not allow the incarcerated person to be considered as a human being. In the case of alternative measures, it's the absence of a real support that is denounced.

However, it is interesting to note that when detainees benefit from adapted and empowering programs, such as addictions programs in Spain and Ireland, they positively perceive their incarceration time.

After analyzing the types of activities targeted by the interviewed detainees (sport, outside visits,

vocational training), it's clear that they seem to respond to basic aspirations more than to empowering ones. This result is due to several factors. We chose two:

- On the one hand, the detainee respondents consider that their basic needs in prison (eating, relaxing, feeling, etc.) are very poorly satisfied. It's then difficult to plan activities for self-determination when few activities offer the simple freedom to exchange, discuss or relax (or do so only at the margin).
- On the other hand, the respondent detainees have trouble identifying other types of activities than those they already enjoy. We find that the more the Prison Service stimulates self-determination, the more detainees are able to project themselves and identify solutions adapted to their needs and aspirations. The lack of projection and imagination is closely linked to the poor capacity for choice and empowerment offered in the prisons context. In the case of alternative measures, the lack of support and the weak support of civil society results in fatalism rather than self-determination.





The questions asked were not related to the detainees needs, but to the factors of self-determination and the conditions necessary to create to foster self-determination. Much of the identified activity was more related to primary needs.

The needs expressed by detainees mark a strong difference between the detention time and the moment of release. Thus, we find on the one hand **a majority of « immediate » needs during their sentence**, closely associated with the identified psychosocial conditions (to communicate, to exchange, to relax, to socialize, to be supported, accompanied, to regain self-esteem), and on the other hand **« long-term » needs drawn towards the future** (need to preserve professional skills or acquire new skills, need to strengthen personal skills, need to give sense to the sentence to prepare their future).

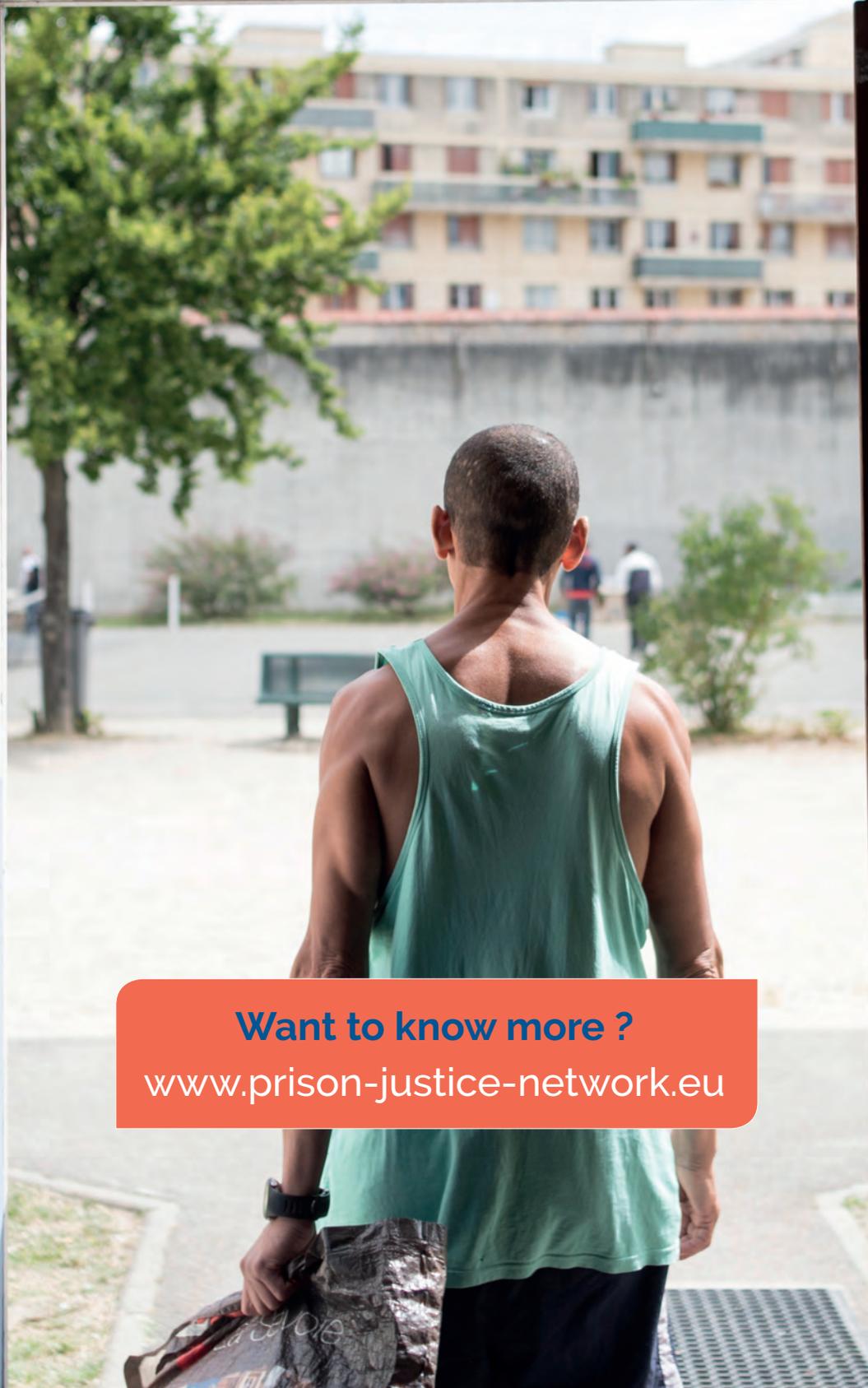
This **diversity of needs** and **the importance** given by

respondents to psycho-social needs bring us back to the need to consider detainees as human beings. The need for support, accompaniment, listening, relaxing is essential in the process of reintegration and empowerment because they participate in the process of recognizing the human character of detainees.

The majority of political conditions noted by all respondents involve both the local and the national political will. in order to establish practices that promote self-determination in detention, **prisons must have financial, human, organizational and technical resources at their disposal**.

The role and place of civil society in the process of empowering detainees is also essential and highly appreciated by those concerned. It is up to us all to raise society's awareness regarding the reality of prison and reflect on the meaning and means that all public services devote to giving access to rights and reintegrating those who have done their time.

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Want to know more ?
www.prison-justice-network.eu