

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (82) 16

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON PRISON LEAVE

*(Adopted by the Committee of Ministers on 24 September 1982
at the 350th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that it is in the interests of member states of the Council of Europe to establish common principles on crime policy ;

Considering that prison leave contributes towards making prisons more humane and improving the conditions of detention ;

Considering that prison leave is one of the means of facilitating the social reintegration of the prisoner ;

Having regard to experience in this field,

Recommends the governments of member states :

1. to grant prison leave to the greatest extent possible on medical, educational, occupational, family and other social grounds ;
2. to take into consideration for the granting of leave :
 - the nature and seriousness of the offence, the length of the sentence passed and the period of detention already completed,
 - the personality and behaviour of the prisoner and the risk, if any, he may present to society,
 - the prisoner's family and social situation, which may have changed during his detention,
 - the purpose of leave, its duration and its terms and conditions ;
3. to grant prison leave as soon and as frequently as possible having regard to the aforementioned factors ;
4. to grant prison leave not only to prisoners in open prisons but also to prisoners in closed prisons, provided that it is not incompatible with public safety ;
5. to take all necessary measures in order that prison leave may be granted where possible, under well-defined conditions, to foreigners whose families do not live in the country ;
6. to take all necessary measures to grant prison leave where possible to homeless persons and persons with difficult family backgrounds ;
7. to consider the possibility of granting leave for offenders subject to "security measures" and detained elsewhere than in prison ;

8. to use the refusal of prison leave as a disciplinary sanction only in cases of abuse of the system ;
9. to inform the prisoner, to the greatest extent possible, of the reasons for a refusal of prison leave ;
10. to provide the means by which a refusal can be reviewed ;
11. to consult with other than prison authorities where appropriate and to seek their co-operation and that of the agencies and persons who can contribute to the better functioning of the system ;
12. to elicit the support of all prison staff ;
13. to provide the resources necessary for the system to function effectively ;
14. to supervise closely and evaluate the continuous functioning and development of any prison-leave system ;
15. to keep the public widely informed of the aims, operation and results of the system.