

## A plea for increasing self-determination in prisons and for people under judicial control

The concept of prison evolves; it should not be a place only dedicated to safety and sentence, where we are infantilized and helpless, that leave us as misfits lacking everything when we are released.  
*(Quote from France)*

I really enjoyed working in the prison kitchen. It gave me a reason to get up in the morning and I was able to take pride in my work and myself for the first time  
*(Quote from Ireland)*

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**Advocating for self-determination in prisons seems counter-intuitive at first. However, various studies<sup>2</sup> have demonstrated that the promotion of self-determination is much more effective than the traditional method of coercion used in prisons. Self-responsibility can be exercised, and self-determination practiced without jeopardizing the goals of the prison system. This experience of self-determination and active citizenship is a key factor for successful reintegration.**

**We, the European Caritas (Associations) and partners that have been engaged in working with prisoners and detainees for many years believe that the promotion of self-determination is of utmost importance in prisons. The recent survey that we conducted in eleven countries throughout Europe, based on 1,200 questionnaires, provides substantial empirical evidence to support our position, and offers new insights.<sup>3</sup>**

### What is self-determination?

Self-determination means having sufficient human agency to achieve personal empowerment. This involves both knowing and having what it takes to achieve goals for the ultimate attainment of optimal human functioning and well-being.

This is an ideal that is pursued by all human beings. That is why impediments towards the attainment of this ideal can immensely affect personality and outlooks on life. The widely known self-

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1 The two quotes above, as well as all the others, are taken from our study.

2 van der Kaap-Deeder, J., Audenaert, E., Vandeveld, S., Soenens, B., Van Mastrigt, S., Mabbe, E., & Vansteenkiste, M. (2017). Choosing when choices are limited: The role of perceived afforded choice and autonomy in prisoners' well-being. *Law and Human Behavior*, 41(6), 567-578.

Koop, G.(2019). Correction between coercion and self-determination.

3 Learn more about the study and the European Network on <http://prison-justice-network.eu>

determination theory popularized by Deci and Ryan<sup>4</sup> identifies three psychological needs that are considered to be innate and universal:

- Competence: People need to gain mastery of tasks and learn different skills.
- Connection or Relatedness: People need to experience a sense of belonging and attachment to other people.
- Autonomy: People need to feel in control of their own behaviours and goals.<sup>5</sup>

“If these universal needs are met, the theory argues that people will function and grow optimally. To actualize their inherent potential, the social environment needs to nurture these needs.”<sup>6</sup>

## The importance of self-determination in the prison context

In our survey the most common pattern in the responses of prisoners was that they wanted to have more self-determination as opposed to a complete loss of autonomy, lack of valuable training and reduced contact with the outside world.

By the same token, promoting self-determination in prisons is much more effective than traditional repressive methods. In everyday life in prison, inmates are hardly given any freedom of choice. However, a key factor for successful reintegration is that prisoners experience themselves as self-determined and self-effective people and citizens – as it is the only way they can take responsibility for themselves, their families, the community and deliver restitution for damages. Giving prisoners the option to choose and to take responsibility may also help to ease the burden on prison administration. It can be practiced in compliance with the goals of the prison system and will help in reducing recidivism.

## Our competence and background

European Caritas (Associations) and partners have been engaged in working with prisoners and detainees for many years. Our capability to address the multifaceted issues affecting prisoners and ex-offenders is reinforced by the thousands of volunteers and employees we have, and the approaches we have developed through our work with our partners.

Our argument for the promotion of self-determination stems from a conviction that self-determination is integral to basic human dignity and should therefore be available to everybody. Whatever their origins and acts have been, every individual retains their sacred dimension. The members of this self-determination campaign have experimented and rely on this value rooted in Christian anthropology. It finds an echo in a social-political context where it is commonly understood that respect for the dignity of all members of the society is a condition of fruitful social organisation and welfare: through mutual self-recognition, dialogue, and exchange of services all citizens can contribute to social enrichment. Nevertheless, these natural and positive values are rarely applied in prison.

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4 Edward L. Deci, & Richard M. Ryan (2008). Self-Determination Theory: A Macrotheory of Human Motivation, Development, and Health. In: Canadian Psychology 49, 182–185.

5 Verywell Mind. (2019). How Does Self-Determination Theory Explain Motivation? <https://www.verywellmind.com/what-is-self-determination-theory-2795387> [Accessed 27 May 2019]

6 <https://www.learning-theories.com/self-determination-theory-deci-and-ryan.html> (Accessed 28 June 2019)

## Our study

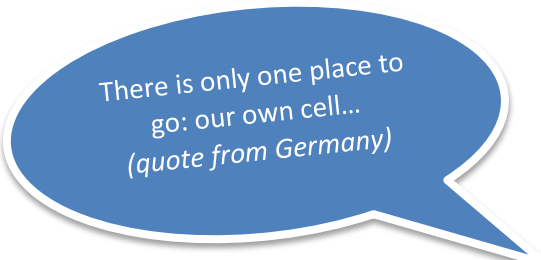
To get a better understanding of how the self-determination of people under judicial control can be promoted, a network consisting of caritas organizations and other members such as visitors, chaplains of different religions, social workers and lawyers – all involved in working with prisoners and ex-convicts – conducted a survey in eleven European countries. Approximately 1,200 questionnaires were processed, 83% of which came from detainees. The remaining questionnaires were submitted by NGOs and other prison stakeholders, including staff and prison chaplaincies. The results of our study confirmed the significant importance of self-determination in the context of prisons and revealed best practices.<sup>7</sup>

## Our demands

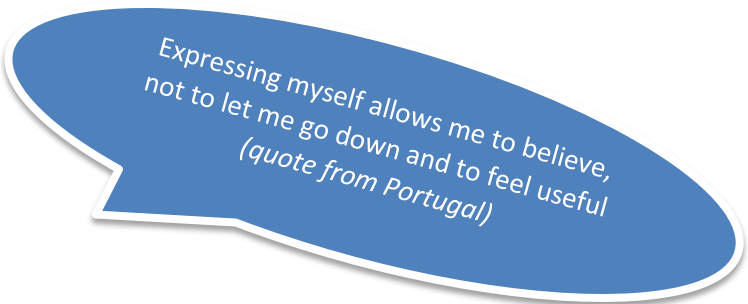
Our demands are rooted in the recommendations of people serving prison sentences or those in pre-trial situations, striving to live their lives in a self-determined way. We believe that our findings and direct facilitation of best practices can serve as a crucial tool for policy makers. We rely on the European prison rules (EPR)<sup>8</sup> as a common legal framework and advocate for a change of practices in order to promote self-determination in penal institutions.

We ask the penal authorities as well as the relevant bodies engaged in social services to:

- Support prisoners to **preserve their human dignity** and enable them to reveal their capacities.
- **Strengthen the link with civil society** to enable prisoners to engage in community affairs.
- **Promote alternative sanctions** as a much better support for reintegration than imprisonment.



There is only one place to go: our own cell...  
*(quote from Germany)*



Expressing myself allows me to believe, not to let me go down and to feel useful  
*(quote from Portugal)*

## Support prisoners to preserve their human dignity

We regard human dignity as non-negotiable, as it belongs to a person without any prerequisites. In a prison context, this can mean the ability to choose between options – be it regarding the seemingly trivial choices of meals, clothes or visiting hours. However, the penal system frequently denies inmates any ability to choose and demands obedience and conformism. It must be made very clear that human dignity and personal autonomy are inextricably intertwined.

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<sup>7</sup> Link to the Matrix will be inserted when available

<sup>8</sup> <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>

## Our findings

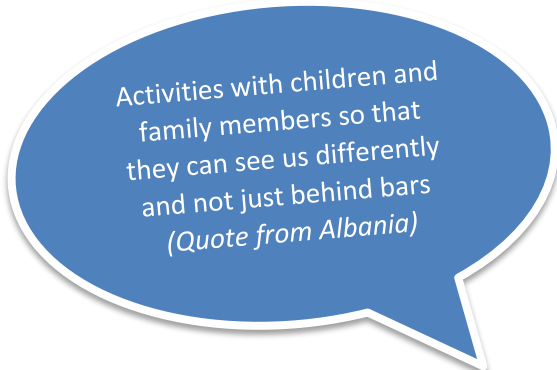
Many respondents in our study expressed their need for humane treatment. Preserving dignity in prison is the first step towards fostering self-determination. The pursuit of humanity was equally addressed when they expressed their desires to be “seen differently and not just behind bars” and wished to be considered as a “whole person” and not just as a detained person. Factors they named were the lack of intimacy and lack of appropriate treatment by prison staff. Under those circumstances, preserving their sense of identity as well as physical and mental health are important preconditions for living with human dignity.

To this end, we ask for concrete implementation of EPR 1 to 4 in all penal institutions:

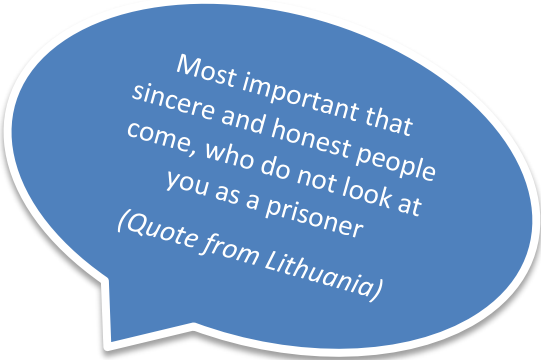
All persons deprived of their liberty shall be treated with respect for their human rights (EPR 1). Prison conditions that infringe on prisoners’ human rights cannot and must not be justified by a lack of resources (EPR 4).

## Promoted actions<sup>9</sup>

- *Penitentiary pastoral Portugal (Bragança)*: Intensive course for personal valorization, inner pacification, management of thoughts and emotions, personal and social development (Training “Novahumanitas”)
- *Caritas Spain (Barcelona)*: Personal Growth Workshop: Mindfulness (alternating different techniques such as yoga, meditation, relaxation. Led by music, stories)



Activities with children and family members so that they can see us differently and not just behind bars  
(Quote from Albania)



Most important that sincere and honest people come, who do not look at you as a prisoner  
(Quote from Lithuania)

## Strengthening the link with civil society

Human beings are by definition relational beings. They are constituted by their relatedness to others. It is our goal to move from a mere corrective and retributive understanding of justice to a restorative understanding. The only way we can raise awareness of these basic principles and develop an open-minded and welcoming society is to have the courage to initiate such encounters with civil society members and show that it works.

## Our findings

The study outlined a twofold role for civil society: People coming from the outside support prisoners by way of providing guidance, listening and animating workshops, which play an essential role in reintegration. This is much appreciated and very important for many prisoners as they long for relationships based on trust, honesty, being able to speak without feeling judged and moral support while preparing for their release. On the other hand, these visits symbolize that the prisoners are still part of society. In the study, organizations working in the prison-justice field point to the importance

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<sup>9</sup> These are examples. To learn more: (Link to Matrix and Rediet framework when available)

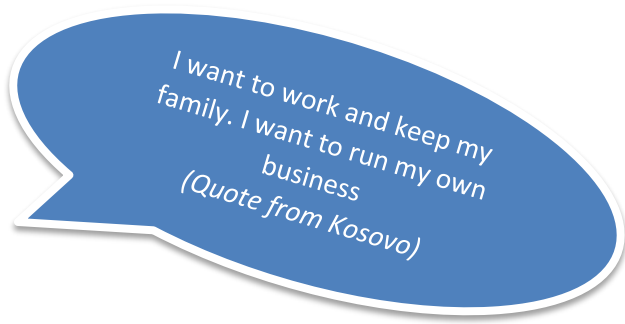
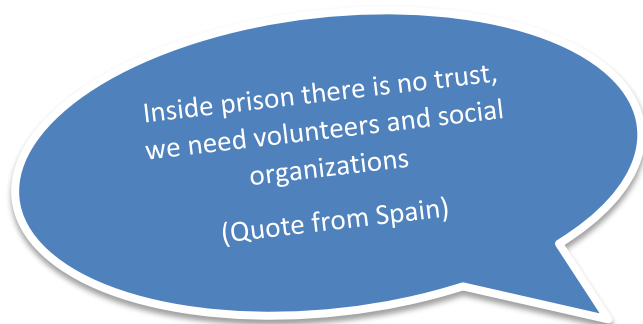
of raising awareness among civil society to change the way people see detainees. Keeping the link with civil society also means enabling prisoners to support their relatives and, therefore, to act as responsible members of society.

European Prison Rules encourage prison authorities to strengthen the links with the outside:

- Prison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so (EPR 24.5).
- The prison authorities should encourage members of the public to volunteer in providing services in prison where appropriate (EPR 90.2).
- The prison authorities shall continually inform the public about the purpose of the prison system and the work carried out by prison staff in order to encourage better public understanding of the role of the prison in society (EPR 90.1).

### Promoted actions

- *General directory of vocational training, in link with Caritas Albania (Tirana):* Professional courses within the institution, certified by the Ministry of Labor. Currently: tailoring, computer skills, English language, hairdressing, third-age care, office administration, etc.
- *Caritas France (Rennes):* Isolated women on leave hosted in a family. Families say as evidence that a trustful and warm relationship, even for a weekend, is very helpful especially for those women, who serve long term sanctions.



### Promoting alternative sanctions

Focusing on alternative sanctions instead of incarceration is a logical follow-up to what has already been said about human dignity and self-determination. It's not possible to learn to live in freedom, when one is in prison. As a plus, alternative sanctions usually result in lower recidivism rates and lower administration costs. Moreover, there is a significant body of scientific research that imprisonment should only be used as a last resort.<sup>10</sup>

### Our findings

Prisoners pointed out that it is difficult for them to feel empowered when simple freedoms – such as exchange with others, practicing activities which facilitate relaxation or discharging aggressiveness hardly exist. These utterances, together with facts and findings, suggest that it would be wise to make an effort to promote alternatives to imprisonment.

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<sup>10</sup> cf: Handbook of basic principles and promising practices on Alternatives to Imprisonment. United Nations. April 2007. ISBN 978-92-1-148220-1.

## Promoted actions

- *Various Caritas Germany Members (e.g. Cologne, Koblenz, Mettmann):* Anti-violence training for offenders. Participating due to a judicial directive or as a part of probation, successful participants can avoid or shorten the duration of incarceration.
- *NGO “Farm of Moyembrie” Emmaüs-France in partnership with Caritas France (Moyembrie):* Passage of prison sentence in external placement. Growing self-confidence at a different rhythm for each person, family links are restored, agricultural skills are gained and global reintegration in an outdoor environment is progressively developed.

## Conclusion

Our study shows that the need for self-determination of detainees and persons under judicial control is a recurring commonality, i.e. a cross-cultural and cross-national feature in all of the surveyed prisons, independent of the differing penal systems. To foster the exercise of self-determination is therefore the main focus of our supporting practices.

Following the theory of self-determination, the freedom and opportunity to choose between several options is a key factor. A lack of opportunities for a self-determined life endangers the personal dignity of the people under judicial control.

Hence, we are asking decision-makers to implement the recommendations that we have developed based on the results of our study, and our extensive expertise acquired through years of working with prisoners all over Europe.

- ***Promote any action which contributes to enabling persons to preserve their human dignity while in prison.***
- ***Take measures and support all activities that strengthen the connection between prisoners and the outside world, to facilitate immediate access to rights after release to avoid recidivism.***
- ***Develop alternatives to detention under criminal law and promote their effective implementation. This necessitates support from social workers, volunteers and civil society..***

By changing the structures from within, by promoting a self-determined life for prisoners, a successful reintegration and a peaceful coexistence in society can be achieved.