

FACTSHEET

France – General Prison Information

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The aim of this factsheet is to provide an insight into the conditions of French prisons. This factsheet is intended for guidance only, and is not designed to be a comprehensive guide to all prisons in France. People who require any further information or clarification on a particular prison should contact Prisoners Abroad or the prison administration directly. Addresses can be found at www.justice.gouv.fr/minister/DAP/etablissement.htm

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Glossary

Maison d'Arrêt: a prison for people who are on remand and people who are serving a maximum one year sentence

Etablissement pour peines: The place where people who have been sentenced are held

Examining Magistrate (or *Juge d'Instruction*): When a serious crime has been committed, an Examining Magistrate is nominated and is in charge of investigating/preparing the case for the trial. He does not have any power to sentence the person.

Chambre de l'Instruction: a second-degree jurisdiction, which, in appeals, has to examine the decision made by the Examining Magistrate and can therefore decide either to confirm or to cancel their decision.

Avocat: A legal representative who is responsible for assisting people who are charged with an offence. He will assist people from the moment they are arrested to the time they are tried.

Mandataire: A volunteer working with the prison administration to help prisoners (e.g. a prison visitor). To register, a person needs only to have his full civil and political rights and must have no criminal record. A list of available representatives can be provided to detainees by the prison administration.

Prison director: this term is the equivalent of the prison governor.

Directeur Régional des Services Pénitentiaires: Local Director of the Prison Administration. This director is the immediate superior of the prison director. The decision made by the prison director can be appealed before the Local Director.

Indigent: This term applies to people who do not have financial resources within the prison and do not receive any financial assistance from their family and friends. They are therefore considered to be vulnerable, and need to be provided with further assistance.

1 General prison

There is one kind of prison for those on remand (see 1.1) and there are two for sentenced prisoners (see 1.2).

1.1 Maison d'Arrêt

A *Maison d'arrêt* houses those who are on remand or who are serving a sentence of less than one year.

Most of the *Maisons d'arrêts* are badly overcrowded and prisoners may be held in a cell with three or four others. Where possible, prisoners of the same nationality will be kept together. Conditions vary from prison to prison. Prisoners are rarely able to work and so spend most of their time locked up in their cell. There is usually running water and a toilet in the cell. Televisions and radios are allowed in the cell (although the prisoners have to pay for them). Prisoners are allowed to wear their own clothes but there are sometimes no adequate washing facilities and so the cells are often full of wet clothes.

1.2 Etablissements pour peines

There are two types of these prisons: *Centre de détention* and *Maison Centrale*. Only people who have been definitively sentenced can go to these prisons. In both types of prison, prisoners have their own cell. Prisoners in these prisons are allowed to decorate their cell unless it is an obstacle to the safety and security of the prison. In the *Centres de détention*, doors of cells are often opened during daytime and prisoners are free to move in their wings. Work, education and sports facilities are generally much better than in remand prisons.

A *Maison Centrale* is a high security prison designed for dangerous offenders. The discipline is stricter than in the *Centre de détention*.

2 Personal effects

Prisoners are allowed to keep some of their personal effects in their cells (for instance wedding rings, family pictures). They are also able to keep the items bought at the canteen (see Section 4), some newspapers and some books. Medication can be kept in the cell although the director can decide that a prisoner is not authorised to do so.

3 Food and drink

Prisoners are provided with three basic meals a day. In longer-term prisons, prisoners can cook for themselves in their wings. Prisoners often need to supplement the prison diet. They are able to order some foods via the *cantine*. Hot drinks are often made in the cell using a *thermo-plongeur* (a heating element) and a water container but prisoners have to buy these.

4 Cantine

The *Cantine* is a virtual shop in the prison from where the prisoner can buy food (which does not need to be cooked), drinks (except alcohol), toiletries, cigarettes and

stationery (stamps, envelopes, papers and pens), newspapers and magazines. If a newspaper or a magazine is not on the list, the prisoner can write to the director of the prison and ask him for permission to order it directly from the publisher. The regulations dealing with the *cantine* vary from prison to prison. Prisoners normally receive a weekly list of the items they can order from this shop and they have to tick the boxes which correspond to the items they want to receive. The prices of the items have to be indicated on the form; they are fixed by the director of the prison except for cigarettes, bread and newspapers and are usually higher than outside.

Prisoners also have the opportunity to buy some items which are not on the list (for instance clothes, computers or books. This is called a *cantine exceptionnelle*. These items can usually be chosen from a mail order catalogue, but prior authorisation from the director is necessary.

5 Health facilities

A medical examination is compulsory on arrival at the prison. All medical treatment is available free. All prisons have a medical team, comprising of general practitioners and specialists (dentists, dermatologists etc.). The size of the team depends on the number of prisoners. When a prisoner needs to see a doctor, he must initially see the nurse of the prison, who is responsible for arranging appointments. The request to see the doctor has to be made in writing. The doctor can order admission to the prison infirmary, to the prison hospital at Fresnes, or to a nearby hospital. In exceptional cases, prisoners can receive private treatment provided they have the money and the permission of the director of the local area. Psychiatric help is also available.

6 Work opportunities

All prisoners are entitled to work; people on remand can work unless the Examining Magistrate decides not to authorise them to do so. Work depends on availability and nobody can be forced to work. Typically, the work will be in industry or may include the assembly of small household or industrial products.

The wages are, in practice, almost three or four times lower than outside. The regulations dealing with social protection outside do not apply to work in prison. Therefore, there is no contract of employment and people are not entitled to benefits (sickness, industrial injury or unemployment benefits). Wages are paid by the prison administration into the prisoner account as follows: 80% for *cantine*, 10% for gate money and 10% for victim compensation. The *cantine* money can be spent by the prisoner whilst in jail, whereas the gate money is only given to the prisoner on release. If there is no claim for victim compensation, these funds are added to the gate money.

If the prison director wants to ban a prisoner from working (for a limited or unlimited period of time), he has to inform the prisoner of the decision he is planning to make. The prisoner is then entitled to request an appointment with the director. He may be assisted by a lawyer (who can be a legal aid lawyer) and/or a translator. The director cannot refuse to arrange this appointment.

7 Receiving and accessing money

The safest way to send money to a prisoner is through the British Foreign and Commonwealth Office. The money must be sent as a postal order, banker's draft or cash to the desk officer for France in the Consular Directorate at the Foreign and Commonwealth Office in London. The Consul will be notified of the money deposit and will arrange for the inmate to receive the money in local currency. Although it is difficult to judge how long this process will take, it is usually no longer than three weeks. This is a cheap and safe way to send money. The FCO can only make one payment per month per inmate. The postal order should be sent to The French Desk, FCO Consular Directorate, 2 Old Admiralty Building, London SW1A 2PA.

8 Visiting

Visits can be received at least once a week for sentenced prisoners and three times per week for remand prisoners. Prior to the first visit, all visitors must arrange for a Visitor's permit (*permis de visite*) to be issued by the *Juge d'Instruction* (for remand prisoners) and by the prison director (for sentenced prisoners). People should contact the local British Consulate for the name and address of where to send their visiting permit application. These permits must be requested at least three weeks in advance, must state the relationship with the prisoner, or the reason for the visit, and must include a photocopy of the visitor's passport, photocopy of birth certificate and two passport photos. Applicants should include a self-addressed envelope, with a French postage stamp or enclosing an International Reply Coupon (which can be obtained from British post offices), if they require a reply by mail.

The prison director can only refuse to grant a permit if the visit might endanger the security of the prison. If the Director refuses to grant a permit, the friend/family member can re-apply; if the Director still refuses, the person can appeal to the *Directeur Régional des Services Pénitentiaires*. If the appeal is rejected, a complaint can be brought before the *Tribunal Administratif* (Administrative Court).

The Examining Magistrate can refuse a visiting permit to a friend/family member without giving a reason. However, if a detainee has spent over one month on remand, the Examining Magistrate cannot refuse a visiting permit to his family members without giving a written explanation. A refusal can be appealed before the *Chambre de l'Instruction*.

If the visitor has obtained a permit when the prisoner was on remand, he normally retains it for the full duration of his friend/relative's detention (i.e. after sentencing/conviction). Even if the detainee is then transferred to another prison, this visiting permit is still valid.

Once the visiting permit is granted, the visitor must arrange a time and date for the visit within the prison visiting times, and must show his passport upon arrival. Usually, the maximum number of visitors is three adults, or two adults and two children, or one adult and three children. Extended visits are possible for visitors travelling a long way but permission for these must be requested in advance by the prisoner from the prison Director.

It is usually possible to bring a parcel of indoor clothing (T-shirts, underwear, towel, track-suit etc) and a package of paperback books, but nothing else can be brought in without prior permission from the Director.

At Christmas time, it is possible to bring in one 5 kg food parcel. Prisons have strict rules regarding what is allowed in a Christmas parcel, and each year guidelines are issued by the French authorities as to what containers or food you can put in. For those family members who are unable to visit the prison in person, the French Red Cross runs a scheme in December whereby you send money to the Red Cross branch nearest the prison. Staff then put together a parcel, within the prison guidelines, and take it in for the prisoner. As soon as we receive them, normally towards the end of November, Prisoners Abroad sends out guidelines regarding parcel contents and the Red Cross scheme to any family members who have completed a family registration form. Please contact us if you do not think you are on our database and if you would like us to send you the guidelines.

9 Letters and parcels

There is no limit to the number of letters that can be sent or received; however mail may be confiscated or censored by the prison. Whilst on remand, all letters to and from a prisoner go through the office of the Examining Magistrate and are sometimes held back for translation. Mail often gets heavily delayed, especially during the first month or so. During the remand period, the Examining Magistrate can refuse all contact with the outside world (letters and visits), but this can only be for a set period and must be justified in writing. Remand prisoners to whom this rule is applied will still be able to contact and receive visits from their lawyer.

All letters should be clearly marked with the person's name, prison number, and address, and should have the sender's name on the back. Parcels are not accepted by post unless permission has been granted by the Director in advance (and only clothes or paperback books may be allowed).

In the *Centres de détention*, phone calls are allowed to family members and people who have visiting permission. Normally only one call per month is allowed; however, in some prisons, the regulations allow one phone call per week.

10 Education and training

Most French prisons have courses for a wide range of examinations but nearly all of them are in French. Often there are training courses in practical skills but these are in French too. Larger prisons may have French language courses for foreigners.

Prisoners can take correspondence courses which are provided by two organisations called Auxilia and CNED. They will have to pay their own enrolment fees, but can ask the prison administration to make a contribution towards the payment by means of a letter to the person in charge of education in the prison. People who are considered vulnerable ("*indigent*" – see Section 12) are entitled to have the fees of correspondence courses paid in full by the prison administration.

11 Disciplinary sanctions

All prisoners are subject to a set of prison rules, which are laid down in the Code of Criminal procedure and the regulations of the prison. A breach of those rules can lead to disciplinary sanctions.

There are three categories of disciplinary offences. For a first-degree offence (e.g. violent behaviour towards prison staff or a fellow inmate, possession of drugs), the person can serve a maximum of 45 days of confinement. For a second-degree offence (e.g. insulting or threatening prison staff), the maximum is 30 days and for the third (e.g. insulting a fellow detainee) the maximum is 15 days.

If a prisoner commits a disciplinary offence, a member of prison staff can decide to report the incident. This report is sent to the Chief Warden who decides whether the incident has to be brought before the disciplinary commission or whether the case can be closed. If the case is brought before the commission, the detainee receives a notification in which the offence must be detailed, the article of the Code of Criminal procedure in relation to the offence must be given and the date must be indicated. The prisoner must also be informed of his rights to have access to his disciplinary record and to be helped by a lawyer and an interpreter. Any investigation into the offence is conducted by prison staff.

The detainee is entitled to ask for the assistance of a private lawyer or a legal aid lawyer (if financially eligible for it), which can be very useful for this kind of procedure. The detainee can also ask for the nomination of an independent representative (*mandataire*). A reasonable delay between the incident and the hearing of the case has to be granted to the detainee in order to prepare his defence. The code of criminal procedure lays down a minimum delay of three hours. If the detainee decides to be assisted by his lawyer, this delay has to be longer in order to respect the right of the detainee to meet his lawyer before the hearing.

For someone who speaks little or no French, an interpreter has to be provided from the beginning of the procedure (not only for the hearing but also for the meeting with the lawyer or a representative).

The case is heard before a disciplinary commission; the director of the prison is in the chair and is helped by two members of staff. The director is the only one who makes the decision.

If the director considers that the prisoner is guilty of the offence, he can give a warning to the prisoner, remove privileges (e.g. prevent the detainee from buying things at the *cantine* or from receiving any visits from family or friends) or send the prisoner to confinement. The director cannot prevent the prisoner from sending or receiving letters or receiving visits from his lawyer.

If the detainee is sent to confinement, he only has the right to one hour per day out of the cell; he cannot take part in any activities (work, sport or study courses).

The prisoner can lodge a complaint against the disciplinary sanction before the local director of the prison services (who is called in French "*directeur régional des services pénitentiaires*"). The prisoner has a 15 day period (from the day he receives his decision) to place his appeal. If the prisoner does not receive an answer from this director within one month, this must be considered as a rejection. A further appeal can be made to the Administrative Court. The help of a lawyer is strongly advised in this instance.

12 Vulnerable prisoners

Prisoners who are considered *indigent* may be entitled to additional assistance from the French prison authorities. A vulnerable person, as determined by the prison authority, is someone:

- who has not had more than 45 Euros (the equivalent of about £30) during the month when he is asking to be considered as a vulnerable person
- whose expenditure is not more than 45 Euros
- who did not have more than 45 Euros in the previous month

Other criteria can be taken into consideration such as educational achievements, behaviour in the prison, health or lack of contact with family.

Prisoners who are identified as being *indigent* may be entitled to some or all of the following: priority access to work, free education or cultural activities, toiletries, clothes (including shoes and sportswear); and, on release, a phone card, a transport ticket and information about other available assistance.

The information provided in this factsheet is intended for information purposes only. It is not intended to constitute, nor does it constitute legal advice. Prisoners Abroad recommend that professional legal advice should always be sought. The information contained in this factsheet is subject to change and may not be up-to-date or accurate. Prisoners Abroad gives no warranty and makes no representation regarding the accuracy or completeness of the information provided. Prisoners Abroad will not be held responsible for any loss or damage arising from the use of the information provided.

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