

## How to Break Out of Prisons

Article by Samir Jeraj

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As prison populations rise across much of Europe, Greens have focused on legislation, decriminalising certain offences while endorsing a liberal approach to prisons centred on resocialisation and better conditions. However, campaigners push for more radical solutions, such as replacing prisons with detention houses rooted in communities.

Europe's prison population in 2023 was 499,000, a 3.2 per cent increase on the previous year, and not far off the population of Malta (550,000). Since 1993, the prison population has grown, with only brief periods of stability or decline. Since the end of post-Covid measures, such as early release schemes, the prison population of Europe has been steadily rising. Last year, Sweden's right-wing government reportedly prepared to rent places in Estonian prisons as it struggled with overcrowding.

The political context behind this trend is a shift towards more punitive approaches, including expanding pre-trial detention (now accounting for one in five prisoners in Europe) and longer sentences, with the Council of Europe noting them as a factor in overcrowding in France, Romania, and Greece.

### Leading reform in Germany

Greens have tended to have less of a profile on criminal justice and prisoners, which is perhaps surprising given both their general commitment to human rights and liberal approach to social issues. But, where they have had an influence on these policy areas, they have advanced liberal approaches, emphasising rehabilitation and alternatives to prison, while seeking to reform the criminal justice system to remove certain behaviours, such as cannabis use, from criminal law.

In Germany's federal system, criminal justice policy is set by the federal government, but prison policy and practice are matters for each state government. That includes, for example, the number and size of prisons, staffing levels, and if and how many prisoners share a cell. Helge Limburg served 13 years as a Green parliamentarian in the state government of Lower Saxony, including as a member of its prisons committee, and has been a federal member of parliament for the past four years.

At the federal level, the trend over the past 15 to 20 years has been to increase criminal penalties, according to Limburg. This includes changes that Greens support, such as increasing criminal penalties for sexual abuse and hate crimes, and ones they have opposed, such as new laws responding to the risk of terrorism.

The German Greens at the federal level of government have focused on reforming criminal justice by removing particular offences from the criminal system, legalising cannabis and reforming how non-payment of public transport fines work.

"We punish in Germany, even with criminal law, if you go by public transport without buying a ticket and in the end, you can be sent to prison," Limburg said. The Greens succeeded in halving the penalties for this as part of the "traffic light" Coalition government with the Social Democrats and the Liberals.

However, their aim had been to remove non-payment of transport fares from criminal law completely and make it a matter for civil law, as is the case for car drivers who receive parking fines.

The evidence shows that these types of offences, where non-payment of a fine can lead to prison, disproportionately affect poor and vulnerable people. In 2018, the then Green Party London Assembly Member (and now MP) Sian Berry exposed that 20 per cent of all criminal convictions of women in the city were for non-payment of TV license fines, compared to under 2 per cent for men.

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“We took cannabis out of criminal law, using cannabis is legalised, not completely the way I would have preferred, but we took it out of the criminal law,” Limburg said, adding that it was his personal opinion that using drugs should be decriminalised. The law that was passed by the German Parliament allows for people to possess up to 50 grams in private homes and 25 grams in public places, with smoking allowed in most public places. However, purchase is only allowed through specific and tightly controlled “cannabis clubs”. The plan is to assess the impact of the law, which may lead to better access through licensed sale.

“The basic direction we want really [is] to check every, every point in criminal law, if it shouldn’t be shifted out, and if you even need to punish it at all,” Limburg said.

## **Resocialisation**

Where people are sent to prison, Limburg says, the Greens push for “resocialisation” of people who have committed a criminal offence, balancing it against punishment where it is justified, particularly for crimes such as murder and sexual violence.

The Green approach is that everyone should have the chance and opportunity to resocialise, despite the “hard learning” in practice that there are people who are unable or unwilling to engage in this type of rehabilitation. “Our basic aim in prison policy, and we try to establish it where we make the prison law in the states, is that there always is not only the aim of punishment, but the aim of social work, resocialisation, contact, making people work, making people have contact out of the prison,” Limburg said.

They also push for alternatives to prison. “We tried to establish [a] programme where people who could not pay their fine, instead of going to prison, could work in public institutions or something, and pay the fine with work,” he explained. This was a programme at state level that Limburg felt was quite successful but needed investment in social workers and infrastructure. Prisoners were able to leave and work a relatively normal day to support resocialisation while returning to prison in the evening and over the weekend. “This was one of our main aims, to avoid people going to prison if it’s not necessary. And when they are in prison, we try to establish that you take most of the time during the day out of the prison,” he said.

## **Improving conditions in Austria**

Austrian Green MP Alma Zadić served as the justice minister in a coalition government with the centre-

right Christian Democrats from 2020 to 2025. “I really wish that Greens would claim the Ministry of Justice more often all over Europe, because the Ministry of Justice has the potential to change a lot of society issues,” she said.

One of the biggest challenges in Austria, Zadić said, was the lack of investment in prisons over a 20 to 30-year period, coinciding with a rise in the prison population, which led to overcrowding. In addition, prisons needed renovation or replacement in order to meet “humane” standards, she explained. “It’s never easy to prioritise funding for prisons, because these are not very popular decisions, as you can imagine. But I think it’s important, because our society is being judged by how it treats those who are the least fortunate,” Zadić said.

Her priorities were renovation to improve conditions for prisoners and working conditions for staff. “What we need in prisons is not only prison guards. We need people who support the prisoners, be it doctors, be it psychologists, psychiatrists, and social workers, and to make these jobs attractive for this group of people was also one of my priorities,” she said.

Zadić also worked on reforming Austria’s system of “forensic centres” for people with a mental illness who have committed a crime. “The situation in Austria was unfortunately that once you are in this forensic centre, you almost have no chance of getting out,” she explained. It was also arbitrary as to why someone might end up there, meaning that people who had committed relatively minor offences could find themselves institutionalised, she added. Zadić’s changes effectively raised the level of harm a person would have to perpetrate to be placed in a forensic centre.

Zadić also worked on a system of “postponing” someone being sent to prison on a short sentence of a few months, and instead allowing other interventions and monitoring of behaviour. This meant that if no further offences were committed during this period, the person would not have to go to prison. “Those people usually have jobs, families. And so it sometimes also helps these people to regulate their lives,” she said, adding that the evidence showed short prison sentences were ineffective because there was no time for interventions delivered inside prison to have an effect, while the exposure to more serious criminals, coupled with the disruption of their working and family lives, made inmates more likely to reoffend.

Looking forward to the changes she would like to see in Austria, Zadić said she wants to see better staffing with a focus on “reintegration” for prisoners and support and programmes for them once they leave prison. On top of this, she wants alternatives to short prison sentences, such as voluntary work. “I think we need prisons that empower people, that help people to be reintegrated into society, because not all the people that are in prison have high criminal energy,” Zadić said. “I would like to see that we have the right programmes in place, but also the right buildings, because very often it’s also the prison architecture that defines how people in prison behave, whether they are aggressive or not.”

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## **Beyond reform**

There are, however, more radical approaches available that would align with green political values,

according to Veronique Aicha from the organisation Rescaled. “We’re not prison reformers, meaning we’re not trying to improve prisons, either in education or trying to make prisons greener, for example, making sure there’s grass in a prison. That’s prison reform,” she said. “We believe the structure in itself of a prison is not humane, is not effective, is not working for anybody.”

Instead, Rescaled advocates for prisons to be replaced by a system of “community-based detention houses” that are small-scale, integrated into the community, and differentiated. Part of Rescaled’s work is to support the development of a shared concept for what a sustainable community-based detention house would look like.

For example, Exodus Groningen is an NGO in the northern Dutch city that runs a mixed-gender house for 12 people who are nearing or at the end of their sentence. Exodus Groningen uses an approach called “your power”, which focuses on residents’ strengths across work, housing, finances, relationships, and meaning. Residents of the house manage their own schedules, but are required to take part in activities, work, or education for at least 26 hours a week. The programme includes finding suitable work, shared living responsibilities, financial assistance, relationship building, and finding leisure activities. This, the organisation says, “promotes comprehensive personal development and social reintegration.”

“When we talk about detention houses, it’s not only the architecture that is different, it’s also rooted in a community and in a city, and then you need to look at the ecosystem of a detention house, meaning that it’s linked to health care, that it’s linked to education systems,” Aicha said.

Criminal justice and prison policy seem to be areas where Greens have had less of an impact, choosing not to take up these ministries in government. However, it is clear that there are progressive and liberal policy changes to make, as well as more radical approaches if there is attention to the issue from Green Parties.



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