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THE COUNCIL OF EUROPE: A STANDARD-SETTER FOR HUMANE PRISON CONDITIONS IN EUROPE

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Council of Europe: The European Organisation with an unique expertise in the penitentiary field

- Standard-setting (EPR most well known but many recommendations)
- Monitoring - ECtHR, CPT
- Capacity building assistance activities



Prison Overcrowding

- The Council of Europe Annual Penal Statistics (SPACE) - collect data on prison density since 1983
- The CPT started elaborating standards regarding minimum prison space per prisoner since the 90-ties
- The ECtHR - more and more judgements on prison conditions since 2010-ties, more often pilot judgements



Prison Overcrowding

- CM/Rec(99)22 concerning prison overcrowding and prison population inflation.
- European Prison Rules of 2006 (revised in 2020) - a number of rules on prison conditions and humane treatment of prisoners, on restricting the use of solitary confinement.
- 30th Council of Europe Conference of Ministers of Justice “Modernising Justice in the Third Millennium” discussed prisons in today’s Europe (Istanbul, November 2010).
- 17th Conference of Directors of Prison Administration (Rome, November 2012), a meeting with judges and prosecutors, CCPE, CCJE, CDPC, PC-CP on ways to reduce prison overcrowding.
- White Paper on Prison Overcrowding - 2016 (CDPC; PC-CP; PC-OC; CCJE; CCPE; CPT; ECtHR; PACE; Execution of Judgements Dept).
- High Level Conference on Prison Overcrowding, April 2019, Strasbourg (shared responsibility for overcrowded institutions among legislative, executive and judicial authorities).



Some key points in the White paper

- Root causes: (a) penal policy and legislation; (b) the limited use of alternatives to pre-trial and to prison; (c) length of detention on remand; (d) other factors.
- How to address prison overcrowding: (a) deprivation of liberty as a measure of last resort; (b) revision of penal law; (c) prison capacity and number of prisoners; (d) recidivism; (e) monitoring mechanisms; (f) coherence among major actors and national strategies, including work with the media and the public opinion.
- Increased prison capacity is not a solution on its own.



“Prison is an expensive way of making a bad person worse”

Douglas Hurd, Tory Home Secretary, 1991 UK
White Paper

Thank you for your attention!

For more information:

www.coe.int/prison