



The Council of Europe
and European prison reform



Le Conseil de l'Europe
et la réforme pénitentiaire européenne



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Convention for the Protection of Human Rights and Fundamental Freedoms (1950, CETS 005)

Objectives

Usually called the European Convention on Human Rights (ECHR), it establishes a number of fundamental rights and freedoms:

- The right to life • Prohibition of torture • Prohibition of slavery and forced labour • The right to liberty and security • The right to a fair trial • No punishment without law • The right to respect for private and family life • Freedom of thought, conscience and religion • Freedom of expression • Freedom of assembly and association • The right to marry • The right to an effective remedy • Prohibition of discrimination.

Other rights are guaranteed by additional protocols to the European Convention on Human Rights (CETS 009, 046, 114, 117, 177, 187, 194 and 204).

Methodology

The European Court of Human Rights was set up in Strasbourg in 1959 to ensure that the signatory states honoured their commitments. Applications against states can be lodged by individuals, groups of individuals or other states.

The Committee of Ministers supervises the execution of the Court's judgments. The Secretary General of the Council of Europe may request a state to provide explanations as to the manner in which its domestic law ensures the implementation of the ECHR.

Achievements

The Convention has redefined the relationship between governments and those they govern. Anyone who believes that a member state has violated his or her fundamental human rights can lodge a complaint with the Court, whose rulings are binding on the state concerned and lead governments to reform national legislation and practice.

www.echr.coe.int

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Abolition of the death penalty

Objectives

Two protocols to the European Convention on Human Rights have been signed by almost all Council of Europe member states:

- Protocol No 6 (1983, CETS 114) abolished the death penalty in peace time, but did not exclude it in respect of acts committed in time of war or of imminent threat of war;
- Protocol No 13 (2002, CETS 187) provides for the abolition of capital punishment in all circumstances, even for acts committed in time of war.

Methodology

Since 1989 abolition of the death penalty has been a pre-condition for joining the Council of Europe.

The message is passed at the intergovernmental level but also reaches the general public by means of Goodwill Ambassadors and awareness-raising campaigns.

Achievements

No execution has taken place on the territory of the CoE's member states since 1997. For more than 10 years Europe has been a *de facto* death penalty free area.

As a result of the Council of Europe's campaign, 10 October is now European Day Against the Death Penalty.

www.coe.int/Files/DeathPenalty

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

Objectives

Set up by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987, CETS 126), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visits places of detention in order to assess how persons deprived of their liberty are treated.

Methodology

The CPT is a non-judicial preventive body whose remit is to protect persons deprived of their liberty through:

- unannounced visits to police stations, prisons, immigration detention centres, psychiatric hospitals and other places where persons are deprived of their liberty;
- the right to interview in private persons deprived of their liberty;
- the issuance of a report containing recommendations aimed at improving the situation in the country visited;
- an ongoing dialogue with the authorities of the state visited based upon the findings contained in the report.

The CPT is composed of independent, impartial experts from a variety of professional backgrounds (lawyers, medical doctors and specialists in prison or police matters) and complements other human rights protection mechanisms, such as the Council of Europe Commissioner for Human Rights and the European Court of Human Rights.

Achievements

- More than 250 visits and more than 200 reports on the treatment of detainees and conditions of detention in European countries;
- Development of a whole range of standards on how persons deprived of their liberty ought to be treated;
- Tangible impact of recommendations, including renovation of prisons, improved medical care of detainees, and better legal safeguards for arrested persons.

www.cpt.coe.int

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European Prison Rules

Objectives

The European Prison Rules (EPR) are a set of recommendations issued by the Committee of Ministers to national governments. They establish the minimum standards regarding prison staff, prisoners and pre-trial detainees.

The Rules govern every aspect of life in prison including:

- contacts with the outside world
- hygiene and nutrition
- healthcare, education and exercise
- the prison regime
- transfer of prisoners between establishments
- detention of untried and unsentenced prisoners
- selection and training of prison staff and management.

The Rules were first adopted in 1973 and have been revised twice, in 1987 and 2006.

Methodology

The current EPR are founded on the case law of the European Court of Human Rights. They constitute a basis for the work of the CPT, which helps to revise and update them. Through its surprise visits and inspections the CPT ensures that internationally accepted standards are implemented. The Rules require member states to create inspection agencies and independent monitoring systems at national level.

The Rules are the outcome of the member states' joint work in the fields of standard setting, monitoring and cooperation and assistance. They have a positive influence on government policies, national laws, sentencing practice, the treatment of prisoners and prison management.

Achievements

- The Rules constitute comprehensive guiding principles for all prison establishments, ensuring that acceptable minimum standards are applied to persons deprived of their liberty;
- The regular revisions of the EPR have led to human rights improvements in the treatment of prisoners and other detainees;
- The Rules have introduced transparency and openness into the traditionally closed prison environment and allow comparisons across the Council of Europe's 47 member states.

www.coe.int/prison

-> **European Prison Rules**



Enforcement of sanctions and extradition

European Convention on Extradition (1957, CETS 24)

Governs the extradition between CoE member states of persons who are to stand trial or serve a sentence.

Additional treaties:

- Additional Protocol to the European Convention on Extradition (1975, CETS 86)
- Second Additional Protocol to the European Convention on Extradition (1978, CETS 98)

European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (1964, CETS 51)

Allows offenders in the above categories to leave the country where they were sentenced and establish their ordinary residence in another country under the supervision of its authorities. If the enforcement of a sentence is conditionally suspended in one country, the convention specifies conditions for its enforcement by another country.

European Convention on the International Validity of Criminal Judgments (1970, CETS 70)

This convention enables the enforcement in one country of sanctions imposed by another country's courts (provided that the act for which the sanction was imposed is an offence in both countries and the judgment is final and enforceable).

Convention on the Transfer of Sentenced Persons (1983, CETS 112)

The convention aims to facilitate social rehabilitation by giving convicted foreign prisoners the possibility of serving their sentence in their own country and lays down the procedure for enforcement of the sentence after transfer to the home country.

Additional treaty: Additional Protocol to the Convention on the Transfer of Sentenced Persons (1997, CETS 167).

Achievements

These treaties take into account the human dimension and improve treatment of offenders, in particular by helping those convicted abroad to retain or re-establish links with their home country.

www.conventions.coe.int

Commissioner for Human Rights

Objectives

The Council of Europe Commissioner for Human Rights, an independent institution within the Organisation, promotes awareness of and respect for human rights in the 47 member states. The Commissioner:

- seeks to foster the effective observance of human rights and to assist member states in the implementation of human rights standards;
- identifies possible shortcomings in law and practice and co-operates with national ombudsmen and other human rights structures;
- provides advice and information on the protection of human rights in member states.

Methodology

- Works with the highest representatives of government, parliament, the judiciary, human rights protection institutions and civil society;
- Reports on and analyses human rights practices in member states and recommends possible improvements;
- In certain cases the Commissioner makes recommendations regarding a specific human rights issue;
- Improves public understanding of Council of Europe human rights standards through targeted activities on various themes, in order to engage governments in dialogue with civil society and educational institutions;
- Cooperates closely with national ombudsmen, national human rights institutions and other structures that safeguard human rights at national level.

Achievements

Instrumental in safeguarding and improving human rights protection in Europe.

www.commissioner.coe.int

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European Committee on Crime Problems (CDPC)

Objectives

- Implementation and harmonisation of national policies;
- Development of policies common to the member states in the fields of criminal law, criminal procedure, crime prevention and the treatment of offenders;
- Promotion of criminological research and study of crime policy in Europe to identify future fields of action;
- International co-operation in the penological field to further implementation of the European Prison Rules and of the European rules on community sanctions and measures*;
- Review of the functioning and implementation of CoE conventions and agreements in the penal field. Improvement of their practical application where necessary;
- Preparation of the Conferences of European Ministers of Justice (with the European Committee on Legal Co-operation - CDCJ).

Methodology

An annual plenary meeting of national delegations of all CoE member states, representatives of PACE and of the Congress. Representatives of the UN and the EU, CoE observer states and observers from inter-governmental and non-governmental organisations also participate.

Achievements

The CDPC has proposed for adoption by the Committee of Ministers more than twenty binding instruments and some 100 recommendations on various aspects of criminal law.

The CDPC has become an important player in the promotion of criminological research and the development of crime policy in Europe.

* The European rules on community sanctions and measures concern alternatives to custody, probation and after-care for former prisoners. See the Committee of Ministers' Recommendation No. R (92)16 of 19 October 1992.

www.coe.int/cdpc

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Conferences of Directors of Prison Administration (CDAP)

Objectives

These conferences are practical opportunities to discuss the recommendations of the Committee of Ministers, the European Prison Rules (EPR), new research findings and proposals and priority topics - e.g. women in prison, healthcare, education, juveniles or foreign prisoners - and other important issues.

The conference, held every two years since 1972, allows prison officials to take stock of good practice and possible problems in the implementation of Council of Europe standards.

Methodology

The regular nature of these meetings allows prison officials to develop a network of contacts, giving them direct access to information and comparisons concerning trends in prison rules and penal policy.

Since 2000 separate conferences of probation service directors have also been organised to discuss the role of probation and better use of non-custodial measures as an alternative to prison.

Achievements

- The conferences are the biggest assemblies of prison service professionals in Europe;
- They permit the development of best practice in prison establishments;
- They facilitate the translation of theoretical standards into practical norms;
- They also allow prison directors to make themselves heard at the international level.

www.coe.int/prison

-> Further Activities

-> Conferences

Council for Penological Co-operation (PC-CP)

Objectives

The PC-CP is an advisory body to the European Committee on Crime Problems (CDPC), offering expertise and advice on penal policy.

Methodology

The Council brings together prison governors, researchers, academics and probation directors, who are elected for a five-year term. They hold between three and five meetings a year to discuss preparations for the Conferences of Prison Directors, the Annual Penal Statistics (SPACE I / SPACE II) and updates and revisions of the European Prison Rules (EPR) and to draw up specific texts for adoption by the Committee of Ministers.

The Council for Penological Co-operation:

- monitors the development of European prison systems and of the services concerned with the implementation of community sanctions and measures;
- examines the functioning and implementation of the EPR and the European rules on community sanctions and measures, and makes proposals for improving their practical application;
- regularly reviews the EPR and proposes updates where necessary;
- drafts new legal instruments on the basis of ad hoc terms of reference and issues reports on penological matters;
- formulates opinions on penological matters at the request of the CDPC and of member states;
- prepares the Conferences of Directors of Prison Administration (CDAP) and appoints the rapporteurs.

Achievements

Support for development of the penal systems of CoE member states.

Helped create the EPR and SPACE - key tools for understanding and improving penal policy.

www.coe.int/prison

-> Further Activities

-> Committees



Legal assistance in criminal matters

European Convention on Mutual Assistance in Criminal Matters (1959, CETS 30)

Participating states agree to afford each other the widest possible assistance in gathering evidence and hearing witnesses, experts and defendants. The convention sets out the rules for this mutual support.

Additional treaties:

- Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (1978, CETS 099)
- Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (2001, CETS 182)

European Convention on the Transfer of Proceedings in Criminal Matters (1972, CETS 73)

Under this convention a country (party to the Convention) may request another country to take proceedings against a suspected person in its stead.

Achievements

These conventions improve and facilitate criminal proceedings at the international level.

www.conventions.coe.int

Annual Penal Statistics of the Council of Europe (SPACE)

Objectives

To enable a comparative analysis of prisons and prisoners (SPACE I) and of alternatives to custody (SPACE II) in CoE member states by providing a complete picture for each country.

Methodology

The data are produced by the national authorities under the guidance of the Council for Penological Co-operation and verified by CoE consultants.

The statistics are obtained by means of questionnaires and include information on the prison population, the flow of entries, length of imprisonment and incidents (escapes, absconding, deaths and suicides), as well as alternatives to custody and the number of offenders affected.

The final reports are available to the public.

Achievements

Provision of accurate, comparable statistical data offering the most comprehensive and extensive source of information on penal issues in European countries.

Thanks to their reliability, the SPACE data have contributed to the development of penal policy at the national and international levels for more than 20 years.

www.coe.int/prison

-> Further Activities

-> Statistics SPACE

Training and support for judicial and legal professionals

Objectives

The Council of Europe works with courts, ministries of justice, public prosecution services, experts, legal assistants and justice system users to improve the functioning of justice in the member states.

The Council of Europe specifically trains and supports:

- Judges
- Lawyers
- Prosecutors
- Court clerks
- Enforcement agents
- Notaries.

Methodology and Achievements

- The Consultative Council of European Judges (CCJE) advises on issues related to the independence, impartiality and competence of judges;
- The European Programme for Human Rights Education for Legal Professionals provides material to be used in the training of judges and prosecutors to give them a better understanding of the European Convention on Human Rights (ECHR), as interpreted in the case law of the European Court of Human Rights;
- The Consultative Council of European Prosecutors (CCPE) works to improve prosecutorial practices;
- The Council of Europe organises colloquies on European law to help harmonise the rules applicable to lawyers, who play a key role in safeguarding the right to a fair trial;
- The CoE assists member states in developing and reinforcing their systems of execution of court decisions in civil and commercial matters, with a focus on improving both execution procedures and the practices of enforcement agents;
- The CoE also promotes the role of notaries as guarantors of legal security in a democratic society.

www.coe.int/lisbon-network

www.coe.int/ccje

www.coe.int/ccpe

www.coe.int/help



for further information:
www.coe.int



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