

***MULTILATERAL MEETING***  
***FOREIGN PRISONERS***

***Strasbourg, 20-21 April 2017***

**Concept Paper**

The protection of human rights, including those of the persons deprived of their liberty, is one of the core areas of the Council of Europe's support to its member states. Standards, monitoring and technical assistance are provided to their institutions, in particular to prison administrations, to ensure that all prisoners, including foreign prisoners, are dealt with in a humane way.

The increasing number of foreign suspects and offenders detained in prisons of many Council of Europe member states has created more challenges for the prison administrations in terms of management, treatment and preparation for release of these prisoners and for the management of the prison population as a whole.

The relevant standards developed by the Council of Europe provide member states with a framework of necessary measures to treat all prisoners, independent of their nationality, with respect for their human rights and with regard to their particular situation and individual needs.

The Committee of Ministers' Recommendation (2012)<sup>12</sup> concerning foreign prisoners provides in particular clear guidance and support to member states to improve the management and treatment of foreign prisoners with focus on the need to:

- take positive steps to avoid discrimination and to address specific problems that foreign prisoners may face;
- establish a prison regime which accommodates the special welfare needs of foreign prisoners and prepares them for release and social reintegration;
- allocate foreign prisoners by taking into account the need to alleviate their potential isolation and to facilitate their contact with the outside world;

- ensure equal access to a balanced programme of activities by taking specific measures to counter the difficulties that foreign prisoners may face;
- ensure that foreign prisoners have access to the same health care and treatment programmes that are available to other prisoners;
- select staff who work with foreign prisoners based on criteria that include cultural sensitivity, interaction skills and linguistic abilities and train them appropriately;
- ensure that good order, safety and security are maintained through a process of dynamic security and interaction with foreign prisoners;
- regularly evaluate policies for dealing with foreign suspects and offenders on the basis of scientifically validated research and revise them where appropriate.

The case law of the European Court of Human Rights and the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during country visits reveal the need for prison administrations to further increase their efforts to improve the management and treatment of foreign prisoners.

The multilateral meeting will bring together representatives of prison administrations from all Council of Europe member states to exchange and promote good practices in dealing with foreign prisoners and to introduce new approaches in their systems in line with the Council of Europe standards.

Particular reference will also be made to the standards set out in the Committee of Ministers of the Council of Europe Recommendations Rec(2006)2 on the European Prison Rules, Rec(99)22 concerning prison overcrowding and prison population inflation, Rec(2003)22 on conditional release (parole), Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse and to relevant CPT standards.

The above-mentioned Recommendations and standards are available on the website of the Criminal Law Cooperation Unit of the Council of Europe:

<http://www.coe.int/en/web/criminal-law-coop> and on the CPT website: [www.cpt.coe.int](http://www.cpt.coe.int)

As with other multilateral meetings on penitentiary issues, organised in recent years, the meeting on foreign prisoners is expected to be an important forum for exchange of experience and good practices on the implementation of Council of Europe standards through peer-to-peer discussion.

The meeting is also expected to facilitate the broader dissemination and subsequent use of the Council of Europe Publication “Combating Ill-treatment in Prison”, a handbook for prison staff with focus on the prevention of ill-treatment in prison.

Ultimately, it is hoped that the exchange of good practices among practitioners will encourage a more positive, professional and efficient approach in the prison services.