



Multilateral Meeting

Management of Prisoners' Regime

Strasbourg, 14-15 May 2019

Concept Paper

The protection of the human rights of persons deprived of liberty is an important area of the Council of Europe standard setting, monitoring and technical assistance in the prison field. Support is provided to relevant institutions of the member States, in particular the prison administrations, to ensure that all prisoners are treated humanely and with respect for their dignity and rights.

In several prison systems, however, prisoners are subjected to a poor regime with little or no attention to their rehabilitation as preparation for release. The case law of the European Court of Human Rights and the findings of the monitoring bodies of the Council of Europe, in particular the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), show that imprisonment has in several cases been combined with a special restrictive regime, total isolation and segregation and poor prison conditions.

This situation has revealed the necessity for prison administrations to increase their efforts to improve the management of prisoners' regime with sentence planning, based on the assessment of individual risks and needs, necessary interventions and participation in properly designed programmes and a progressive change of the regime so as to reduce disruptive behavior in prison and re-offending after release.

All **detention** should be managed to facilitate the reintegration into free society of persons who have been deprived of their liberty. Alongside with ensuring security, good order and discipline in penal institutions, prisoners need to be provided with decent living conditions, active regimes and constructive preparations for release. The regimes for prisoners serving particularly long sentences should seek to compensate in a positive and proactive way for the detrimental effects from long imprisonment.

Good management and good order in prison should respect diversity, tolerance and human dignity of both prisoners and staff as this helps avoid situations conducive to **radicalisation and violent extremism**. In order to establish individual treatment programmes aimed at successful rehabilitation of prisoners, assessment tools specifically tailored to identify risks of

radicalisation should be developed and used from the outset of the implementation of a penal sanction and repeated at regular intervals as necessary when there is a concern that the prisoner might be undergoing a process of radicalisation.

The provision of a regime of purposeful activities and positive staff-inmate relations are also essential to reinforce **dynamic security** within the prison. The existence of positive relations between staff and prisoners, based on the notions of secure custody and care, is a decisive factor in this context. Developing dynamic security will also depend on staff possessing and making use of appropriate interpersonal communication skills.

Inter-prisoner violence which often occurs in the form of intimidation and serious physical attacks, especially against vulnerable prisoners, needs also to be dealt with by committed and well-trained staff and through appropriate allocation of prisoners.

Remand prisoners are frequently subjected to a poor regime combined with various types of restrictions. The detention on remand can have severe psychological effects with a high suicide rate. Due to its intrusive nature and bearing in mind the principle of presumption of innocence, remand detention should only be used as a measure of last resort, for the shortest time possible and based on case-by-case evaluation of the risks. This calls upon the need to devise and implement a comprehensive regime of out-of-cell activities. The longer the period of remand detention, the more varied the regime should be.

Particular attention should be paid to upholding the rights and safety of **juvenile offenders** and promoting their physical, mental and social well-being when subjected to any form of deprivation of liberty. Juvenile offenders should be held in detention centres specifically designed for them, with reintegration programmes based on individualised assessments and proper methods of intervention.

Special attention should also be paid to the requirements of **women** such as their physical, vocational, social and psychological needs when making decisions that affect any aspect of their detention.

Life sentence and other long-term prisoners should not be segregated on the sole ground of their sentence. Individual planning for the management of these prisoners based on risk assessment should aim at securing progressive movement through the prison system.

Dangerous offenders should be treated with due regard for their particular situation and individual needs while at the same time protecting the staff and other prisoners. The risk management of dangerous prisoners should, where appropriate, have the long-term aim of their safe reintegration into the community in a manner consistent with public protection from the risk posed by the offender. This should involve an individual plan that contains a staged process of rehabilitation through appropriate intervention.

Solitary confinement imposed as punishment or a security measure can have a damaging effect on the mental, somatic and social health of prisoners, therefore the regime should be as positive as possible and directed at addressing the factors which have made the measure necessary. The security measures applied to individual prisoners should be the minimum necessary and special high security or safety measures should only be applied in exceptional circumstances. This calls for regular reviews of placement decisions, based on

continuous individual assessment of the prisoner by staff specially trained to carry out such assessment.

The prison regime for **foreign prisoners** should accommodate their special welfare needs and prepare them for release and social reintegration. In order to ensure equal access to a balanced programme of activities, prison authorities should, where necessary, take specific measures to counter the difficulties that foreign prisoners may face.

These standards are reflected in a number of Recommendations of the Committee of Ministers of the Council of Europe, mainly Rec (2006)2 on the European Prison Rules, Rec. R(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, Rec.(2003)23 on the management by prison administrations of life sentence and other long-term prisoners, Rec(2008)11 on the European Rules for juvenile offenders subject to sanctions or measures, Guidelines for prison and probation services regarding radicalisation and violent extremism, CM/Rec(2014)3 concerning dangerous offenders, CM/Rec(2012)12 concerning foreign prisoners and R(97)12 on staff concerned with the implementation of sanctions and measures.

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

The meeting will bring together senior officials and professionals from all Council of Europe member states to share their different experiences and good practices regarding management of prisoners' regime and to identify, through peer-to-peer discussion, ways of introducing new approaches in their systems in line with the Council of Europe and CPT standards.

The meeting is expected to facilitate a better understanding and implementation in practice of higher standards for reducing prisoners' re-offending and it is hoped that the exchange of good practices among practitioners will encourage a more positive, professional and efficient approach in the prison services.