



Strasbourg, 10 January 2017
cdpc/docs 2016/cdpc (2016) 22 - e

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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Meeting of the CDPC sub-group on prison overcrowding
7 December 2016 (9.30 - 17.30)
Eurojust, The Hague, The Netherlands

EXECUTIVE SUMMARY

Document prepared by the Secretariat
Directorate General I - Human Rights and Rule of Law

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The CDPC Sub-group, chaired by Ms Marjorie Bonn (The Netherlands):

- Approved its meeting agenda and took note of the information provided by its Chair and by the Council of Europe Secretariat;
- Noted that SPACE statistics for the last couple of years show a slow decrease of the total number of prisoners in Europe (about 2-3%) and also less countries facing overcrowding problems (a decrease from 22 to 19). It was noted though that calculation of prison space and prison capacity vary from country to country and this distorts the comparison of data at European level;
- Had a round table presentation of the situation with recent legislative and/or judicial reforms in the penal field in the countries represented at the meeting (Bulgaria, Denmark, Greece, Hungary, Ireland, Italy, Lithuania and The Netherlands). **The Netherlands** informed of the legislative and other changes which led to the closing down of five prisons and to significant reduction of the prison population, as well as to renting out prison places to other European countries. This last experience was beneficial to staff from the countries concerned as it allowed learning other prison practices. **Greece** informed that due to a legislative change facilitating early release of prisoners their number was reduced by roughly 20%. Nevertheless overcrowding is still a problem and is due mainly to high numbers of foreigners in prison. Negative effect had also the fact that the legislative amendments to the Criminal Code, the Criminal Procedure Code and the Code for execution of sanctions were made by three separate groups of experts which did not communicate between each other to avoid problems with terminology and correlation between the laws. **Lithuania** informed that since a penitentiary reform was carried out in 2012 there is no problem with overcrowding. There was reduction by 46% of pre-trial prisoners and 25% reduction of sentenced prisoners. Expanded use of suspended sentences, the use of electronic monitoring and of conditional release helped reduce prison numbers. In **Italy** following the pilot Torregianni judgement of the ECtHR a combination of legislative and structural measures led to a reduction of the prison population by 15%. The measures aimed at reducing prison entries and using more conditional release possibilities and alternative sanctions, as well as at less use of pre-trial detention measures. In parallel between 2009 and 2016 6 000 more prison places were created. Problems cause organised crime gangs (about 10 000 prisoners) as in the prisons where they are kept there is overcrowding. In **Bulgaria** the creation of the probation service in 2005 helped reduce the use of imprisonment and currently prisons are not overcrowded. Amendments to the Law on execution of sanctions are expected to be adopted by the end of 2016 by the Parliament and this will allow reducing further imprisonment and hopefully improving prison conditions which are poor. In **Hungary** prison overcrowding is still a problem and an Action plan was adopted in December 2015 as a result of which new prison places were created. In **Ireland** there is 25% decrease of the prison population which is due not only to legislative but also to practical measures taken. A recent legislative change following which the practice to send high numbers of fine defaulters to prison is much less common and this has helped reduce prison numbers. The fact that the new Director of the prison service was previously Director of the Probation Service also helps taking steps for more use of alternatives to prison;
- Had a round table discussion regarding the possible practical follow-up to be given to the White Paper on prison overcrowding;
- Concluded that in order to reduce prison numbers and to successfully prevent and deal with prison overcrowding all relevant authorities need to constantly cooperate and coordinate their actions and to make full use of the information and the proposals contained in the White Paper;
- Decided that the members of the sub-group should prepare short information regarding the situation in their respective country with examples of the good practices presented during the meeting. Decided that Bulgaria will send information regarding prison hostels; Ireland regarding sanctioning of drunken driving; Italy regarding their latest data collection and calculation of prison capacity; Denmark regarding the use of imprisonment from the point of view of prosecution and in particular in relation to requests for mutual legal assistance;

- Welcomed the proposal that each prison should define its maximum capacity and should respects it, as creating new prison places without other strategies for reduction of prison population and of closing down of old unsanitary prisons leads to increased number of prisoners;
- Agreed that regular research and analysis of the main reasons leading to sending persons to prison are needed in order to take relevant decisions in case of increased prison numbers;
- Agreed that there is a need for coordination of decisions taken by different authorities and bodies which impact rates of imprisonment and/or which can increase/decrease the use of alternatives;
- Agreed that SPACE and also national statistics related to prisons and to community sanctions and measures are a very useful and important source of information and comparison of the situation in Europe and need to be supported and further developed;
- Agreed that in order for imprisonment to have a positive effect as a sanction prisons need to offer good material conditions, to have enough places and space and to offer good rehabilitation programmes. Therefore financial support is very important in order to ensure continuity of penal policies. Another important factor is raising awareness among magistrates in order for them to make more use of well adapted alternative sanctions and measures;
- Agreed that the politicians, the media and the public opinion need to be won for the cause and that therefore prison and probation services need to invest more in public relations and in promoting penitentiary reforms;
- Agreed that the CPT and the ECtHR need to take into consideration the negative impact on imprisonment and on prison conditions of such external factors like the economic crisis and the increased flow of foreigners, including refugees and illegal immigrants.
- Decided that the members should send the requested information to the Secretariat not later than 15 January 2017.

AGENDA / ORDRE DU JOUR

Meeting of the CDPC sub-group on prison overcrowding / Réunion du sous-groupe du CDPC sur le surpeuplement carcéral

7 December / 7 décembre 2016 (9.30 - 17.30)
Eurojust, The Hague, The Netherlands

1. Opening of the meeting / Ouverture de la réunion

2. Adoption of the draft agenda / Adoption du projet d'ordre du jour

3. Information provided by the Secretariat / Informations fournies par le Secrétariat

4. Round table discussion regarding the practical follow-up to be given to the White Paper on prison overcrowding / Table ronde concernant les suites pratiques à donner au Livre Blanc sur la surpopulation carcérale

CM(2016)121-add3
English / Français

Rec (99) 22
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English only

5. Summing up and Conclusions / Résumé et conclusions

6. Any other business / Questions diverses

LIST OF MEMBERS / LISTE DES MEMBRES

BULGARIA / BULGARIE

Nadya RADKOVSKA
General Directorate "Execution of Sentences", Ministry of Justice, PC-CP member

DENMARK / DANEMARK

Jesper HJORTENBERG
Member of Eurojust, CDPC Bureau member

GREECE / GRECE

Maria GALANOU
Lawyer-PhD, Member of the Central Scientific Council for Prisons in Ministry of Justice (external expert), Athens, Greece

HUNGARY / HONGRIE

Rita Emese TÖRÖK (Dr.)
Legal expert, Ministry of Justice, Department of International Criminal Law and Human Rights

IRELAND / IRLANDE

Vivian GEIRAN
Head of the Irish Probation Service, **Chair** of the Council for Penological Co-operation (PC-CP)

ITALY / ITALIE

Carlo VILLANI
Magistrate, Director of the Office dealing with High Security Prisoners

Alessandra VIVIANO
International Relations Unit of the Department of Penitentiary Administration

LITHUANIA / LITUANIE

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Senior legal adviser, Ministry of Security and Justice, Department for legislation and legal affairs, Section criminal law

DIRECTORATE GENERAL I / DIRECTION GÉNÉRALE I

**HUMAN RIGHTS AND RULE OF LAW / INFORMATION SOCIETY AND ACTION AGAINST CRIME
DIRECTORATE**

**DROITS DE L'HOMME ET ETAT DE DROIT / DIRECTION DE LA SOCIÉTÉ DE L'INFORMATION ET DE LA
LUTTE CONTRE LA CRIMINALITÉ**

Criminal Law Division / Division du droit pénal

Carlo CHIAROMONTE

Head of Criminal Law Division - Secretary to the CDPC

Chef de la Division du droit pénal - Secrétaire du CDPC

Iliana TANEVA

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