

CHECK AGAINST DELIVERY!

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Closing address

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and Rule of Law, Council of Europe

*19th Council of Europe Conference of Directors of Prison and Probation
Services*

*“Shared Goals, Shared Values in Prison and Probation”
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Mr President, Ladies and Gentlemen, dear friends,

The end of two days of intensive work, interesting presentations and vivid discussions is approaching. I would like to thank you all for your presence and your contributions. Your sense of belonging to common values and common objectives seems to me largely acquired.

Mr Mauro Palma has just done a brilliant overview of our work, an overview that will be valuable for the rest of our activities in the field of prison and probation cooperation. I thank him very much for that. For my part, I will limit myself only to a few comments and suggestions.

A first observation: in my capacity as head of the Secretariat of the Committee of Ministers in its monitoring and enforcement functions of the European Court of Human Rights judgments, I recall, once again, that persons deprived of liberty still enjoy all the fundamental rights guaranteed by the European Convention on Human Rights, with the obvious exception of the right to liberty. I also underline that too many cases before the Court concerning prison overcrowding lead to inhuman and degrading treatment. I am addressing especially to the heads of the prison services to do everything in their power in order to remedy this situation contrary to the inherent dignity of every human being.

A second observation: custodial sentences should be assessed against the following standard: do they contribute to reducing criminality or, on the

contrary, do they give rise to an increase in criminality? In light of the statistics provided to us, it would seem that there is no direct correlation between an increase in incarcerations and crime reduction.

It is therefore appropriate to take into consideration the range of alternative measures to detention as probation, community work, restorative justice, electronic monitoring, programs of psychological and medical care, vocational training supplies, employment and housing possibilities.

The custodial sentence cannot therefore be considered as the complete solution to criminal justice.

Having said that, this is not to deny that for some offenders prison should remain a valid means of incapacitation – for those who have committed serious and violent crimes and who present a real risk of continuing on this path.

A third observation: the number of those sent to prison depends to a large extent on legislation, penal policy and sentencing practices. The prison system is an integral part of the criminal justice system and not just a hidden and forgotten place at the end of it for which only the prison administration is responsible. There is no perfect system that would be exportable and applicable as such under any circumstances. Each situation must be examined in the light of a set of parameters such as the legal system or the cultural and social traditions.

Because of this inter-relation between all components of the criminal justice system any delay or malfunction in one place has its repercussions on the rest of the elements constructing it.

As an example, in the case of lengthy criminal proceedings the number of pre-trial detainees rises constantly causing overcrowding.

Another example, the obligation introduced by the legislation to have a minimum sentencing threshold can be the cause of sending more offenders for a shorter term to prison than necessary.

Yet another example: some legal systems allow for long term prison sentences or life imprisonment without parole – incompressible sentences – which is the main cause for the increase of a growing number of detainees for long periods of their lives.

Therefore, there is a pressing need to review the purposes of imprisonment. Such a revision should not only be limited to the immediate treatment of individual prisoners and their conditions of detention, but rather it should address more broadly the purposes of imprisonment and of punishment in general. Prison and probation services cannot deal with these issues on their own. Therefore a dialogue at national and international level should be initiated between the institutions concerned (involving all stakeholders, including judges and prosecutors) and with the help of internationally known prison and probation experts regarding:

- how to make the criminal justice system more effective (how to speed up criminal proceedings and to introduce sufficient and efficient alternatives to pre-trial detention in order to have less persons in prison waiting the end of their trial);
- how to make more targeted and sparing use of imprisonment (i.e. how to control the size of the prison population);
- how to enhance the use of community sanctions and measures; and
- how to improve the working environment of staff and the conditions of detention (including treatment of prisoners and preparation for release).

These are some of the questions you are asked to find an answer.

As I already said in my opening address of the Conference yesterday morning and as we have just been reminded today by Mauro Palma, the Council of Europe is ready to engage in such a dialogue at European level creating a task force for this purpose. It is time to urgently seek the most appropriate responses to crime. This does not automatically imply a heavy and rigid criminal reaction but appropriate and flexible responses.

Allow me to thank all our speakers and moderators for their contribution to the success of this Conference.

I would like also to thank the interpreters for their valuable contributions and all of you for your participation.

I look forward to meeting you at a future meeting and I wish you a pleasant journey home.