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by the European Union  
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Implemented  
by the Council of Europe

## PROJECT SUMMARY

<b>Title of the Project</b>	Support to Council of Europe for EU Network of prison monitoring bodies (“European NPM Forum”)
<b>Project Financing</b>	EUR 345,000 funded 90% by the European Union and 10% by the Council of Europe
<b>Donor</b>	European Union (EU)
<b>Duration</b>	24 months (21 July 2023 – 20 July 2025)
<b>Target</b>	National Preventive Mechanisms bodies (NPM) from EU Member States

### 1. BACKGROUND AND PRIOR COOPERATION

The European network of prison monitoring bodies, i.e. the European NPM Forum, consists of an interactive peer-to-peer network that has been carefully set up and nurtured under the four previous EU/Council of Europe joint projects, which started in 2016. It brings together National Preventive Mechanisms (NPMs) in EU member States, mandated to conduct regular monitoring visits to all places of deprivation of liberty in their respective jurisdictions.

NPMs are key players in the protection of fundamental human rights of persons deprived of their liberty in prisons, but also in other places of deprivation of liberty (police stations, psychiatric establishments, social care homes, etc.). The role of NPMs is to independently visit these places at national and local levels, write reports on their findings, and examine their compliance with fundamental human rights of persons deprived of their liberty. They also issue recommendations to the authorities concerned and suggest improvements.

Since the entry into force of the OPCAT in 2006, the Council of Europe has been assisting in setting up NPMs in Europe and providing support to these bodies. In continuation of previous efforts and cooperation, the project allowed to establish and maintain a loose network of NPMs. This included support for their establishment, initial training of their members and staff, and the transfer of knowledge and expertise from its expert monitoring body, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT).

The network provides a forum for exchange and discussion to assist European NPMs in carrying out their mandate effectively and independently, and consequently enhancing mutual trust in detention conditions in EU Member States and beyond. Indeed, while the project only financially supports EU NPMs, the Forum goes beyond and supports non-EU member states, as well as non-Council of Europe members states, notably countries in the MENA region (Morocco and Tunisia).

### 2. OVERALL OBJECTIVE OF THE EUROPEAN NPM FORUM

The Joint Project aims at steadily harmonising standards of detention in all places of deprivation of liberty, improving the effectiveness of monitoring methodologies and, in the long run, enhancing

detention conditions in the region through independent and objective monitoring and combined action at national, regional and international level, including through enhanced judicial cooperation within the European Union (EU).

The main objective of the Project aims at maintaining and supporting the now well established European NPM Forum. The Project will continue facilitating the regular exchange aiming at developing NPMs' capacity and methodology to carry out their mandates effectively and independently through discussing different matters relating to deprivation of liberty and exchanging best practices, lessons learnt and common challenges. The objective is to contribute to the monitoring by regular objective inspections and gradual improvement of detention conditions (both in the pre- and the post-trial stage) in EU Member States. This involves reliance on common criteria and methods for monitoring as well as the development of a common understanding of the precise requirements (standards) that govern the treatment of detained persons in the EU, the Council of Europe region, and beyond.

In line with the EU priorities, the Project will pay particular attention to assisting NPMs in the effective monitoring of procedural rights of suspects and accused persons subject to pre-trial detention (PTD) and on material detention conditions, as stated in the EU Recommendation adopted on 8 December 2022, laying down minimum standards in an effort to reduce the population in EU detention facilities and tackle the overcrowding problem. Although Member States should comply with Article 5 of the European Convention on Human Rights (ECHR) requirements, in practice significant divergences exist among Member States in relation to important aspects of pre-trial detention, such as the use of pre-trial detention as a last resort and the review of pre-trial decisions.

Although all Member States are bound to comply with Article 5 of the European Convention on Human Rights (ECHR), in practice significant divergences exist in relation to important aspects of PTD. In some of them, PTD is treated less as an exceptional measure than as a normal part of the process of prosecuting suspected offenders, thus considerably increasing prison density.

Reducing PTD's use would provide relief to overburdened prisons and to the detained persons within them. The newly adopted EU Commission recommendation on PTD is clear: "Member States should impose PTD only where strictly necessary and as a measure of last resort, taking due account of the specific circumstances of each individual case. To this end, Member States should apply alternative measures where possible." In this regard, the NPMs will be assisted inter alia in their efforts to promote and monitor social rehabilitation in EU detention facilities. Through its thematic activities, the Project will aim at providing guidance and clarity for national NPMs in the monitoring of detention standards, including prevention of radicalisation.

Beyond the topic of PTD, the Project will strive towards an increased understanding of the role and mandate of NPMs, reaching out to persons deprived of their liberty and to professionals at the same time. The action concerns the operation and further development of the European NPM Forum, as established in 2016, in order to continue fostering peer exchange and critical reflection and to develop common guidance and working methodologies. Targeted support and capacity building towards EU NPMs in further strengthening their capacities to effectively and independently carry out their mandate, improving their working methods and impact, and exchanging their experience and good practices in monitoring, will continue throughout the implementation phase. Furthermore, targeted training activities, including through a series of relevant HELP courses, to enhance capacity building of members and staff of EU NPMs in a number of areas relating to their mandate, and to harmonise practices across EU Member States, will be an important part of the project intervention. Finally, the Project will continue disseminating relevant, objective and updated information on detention conditions in the EU for the use of political and judicial decisions makers, the dissemination and promotion of relevant standards (including the revised European Prison Rules), and the

development of tools which allow access to such information on detention conditions, notably based on NPM findings and reports.