



24/11/2012

17th Conference of Directors of Prison Administration
with the participation of
Directors of Probation Services
"Foreign Prisoners"

Rome, 22-24 /11/2012

CONCLUSIONS
of the meeting of representatives of European prison and probation services, judges, prosecutors and experts in the penitentiary field, dedicated to prison overcrowding

The participants in the meeting of representatives of European prison and probation services, judges, prosecutors and experts in the penitentiary field (Rome, 24 November 2012):

Endorsing Committee of Ministers' Recommendation n° R(92)17 concerning consistency in sentencing, Recommendation n° R(99)22 concerning prison overcrowding and prison population inflation, Recommendation Rec(2003)22 concerning conditional release and Recommendation Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse;

Underlining that sentencing policies have a major impact on prison population flux and turnover and that therefore prison overcrowding cannot be successfully combatted without revisiting sentencing and release practices;

Reiterating in this respect that consistency in sentencing should not result in harsher penal sanctions and that imprisonment should be used as a last resort and measures should be taken to avoid recourse to pre-trial detention as far as possible;

Recalling the recommended introduction of legislative restrictions to the use of custodial sentences for frequently committed less serious offences and of indications for grading the array of non-custodial sanctions and measures to be used as reference sanctions for certain offences;

Stressing that the extension of the prison estate should not be used as the only method for combatting prison overcrowding;

Underlining that measures should be taken to reduce the length of prison sentences and the time actually spent in prison by the increased use of early and conditional release (parole);

Underlining further the need for efficient supervision and aftercare measures which allow for the properly prepared return of prisoners to free life in society and for the ensuing reduction of recidivism rates;

Being aware that restorative justice methods and work with the offenders, the victims and the families can be an efficient way of dealing with crime and its effects without recourse to imprisonment;

Welcoming the recent adoption of Recommendation (2012)12 concerning foreign prisoners and being aware of the fact that, once duly implemented, it can have a positive effect on reducing the number of foreign prisoners and thus contribute to tackling the problem of prison overcrowding;

Agree that the following measures could be taken in order to combat effectively prison overcrowding and to better reintegrate offenders:

- **Member states should provide for** the use of custodial sanctions only as a last resort in case of persons who have committed serious offences and who cannot be dealt with safely and efficiently by other measures and should make more use of the system of community sanctions and measures;
- **Prosecutors and judges** in fulfilling their functions should consider all the possibilities for limiting the use of pre-trial detention to the strict minimum and for keeping the time spent in pre-trial detention as short as possible;
- **The prison authorities** should set maximum capacity for each prison establishment taking into account the relevant Council of Europe standards and should take all necessary measures to respect it;
- **The Council of Europe** should help the national authorities in maintaining a successful dialogue and co-operation between judges, prosecutors, prison and probation services and in involving them in defining and planning penal policies and strategies in order to combat prison overcrowding and prison population inflation, including by holding similar joint meetings on a regular basis;
- **The Council of Europe should assist, notably through the European Committee on Crime Problems (CDPC)**, its member states in developing at a European level of:
 - (a) coherent criteria regarding the calculation of time spent in custody abroad, including custody before trial, in order to reduce, where possible, the remainder of custodial sentences to be served;
 - (b) penal policies which include decriminalization of certain types of less serious offences; reclassification of the list of offences punishable by imprisonment; diversion from the formal criminal procedure; victim-offender mediation and other restorative justice interventions; early release; increased use of community sanctions and measures and the tangible reduction in the use of imprisonment.