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**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**Drafting Working Committee on prison overcrowding**

**1<sup>st</sup> MEETING**

**Strasbourg, 8-9 December 2014**  
**9.30 am – 5.00 pm**  
**Agora building, Room G04**

**Concept paper**

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

CDPC website: [www.coe.int/cdpc](http://www.coe.int/cdpc)  
CDPC e-mail: [dgi-cdpc@coe.int](mailto:dgi-cdpc@coe.int)

## **Background**

Prison overcrowding continues to be an acute problem in many Council of Europe member states. Some CPT reports and the rising case law of the European Court of Human Rights, including its pilot judgments, reveal deteriorating prison conditions. This is an evidence of the gravity of the situation. Therefore there is a clear need to examine which measures could be taken in order to reduce prison overcrowding in Europe.

An initiative was launched on the occasion of the 17th Council of Europe Conference of Directors of Prison Administration (Rome, 2012) at a special meeting held between European judges, prosecutors and prison and probation directors. The participants adopted conclusions which stated inter alia the following:

*“ 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.”*

## **Action**

It was therefore decided to set up a “Drafting Working Committee on prison overcrowding” under the aegis of the European Committee on Crime Problems (CDPC) in order to assist the national authorities in starting a dialogue between judges, prosecutors, legislators, decision-makers and prison and probation services with a view to agreeing on a long-term national strategy and on specific actions to deal with prison overcrowding. Representatives of the European Committee for Crime Problems (CDPC), the Committee of Experts on the Operation of European Conventions on Co-Operation in Criminal Matters (PC-OC), the Council for Penological Co-operation (PC-CP), the Consultative Councils of European Judges (CCJE) and of European Prosecutors (CCPE), the European Court, the CPT, the PACE and the Office of the HR Commissioner will take part in its work.

## **Objectives**

A White Paper on prison overcrowding reflecting the current situation in Europe will be drafted and guidelines will be put forward/presented to the national authorities in order to help them in finding solutions to this problem adapted to their national systems.

## **Draft Agenda**

1. **Opening of the meeting** (8 December 2014, 9.30 am)
2. **Election of the Chair of the Committee**
3. **Adoption of the draft agenda**
4. **Information provided by the Secretariat**
5. **Prison overcrowding: a realistic overview of the current situation in Europe**
6. **Main reasons for prison overcrowding:**
  - a) length of pre-trial custody (length of criminal proceedings)
  - b) long-term prison sentences and lifers
  - c) lack of opportunities for conditional release
  - d) lack of alternative sanctions and measures
  - e) foreign prisoners
7. **(New) tools to reduce overcrowding**
8. **Objectives and outcomes of the Committee's work - White Paper on prison overcrowding?**
9. **Any other business**
10. **Dates of next meetings**
11. **End of the meeting** (9 December 2014, 5.00 pm)

## Working documents

Conclusions of the Special meeting held on the occasion of the 17th Conference of Directors of Prison Administration (Rome, 2012)	<a href="#">Conclusions</a>
Closing speech by Mr Philippe Boillat at the 19th Conference of Directors of Prison and Probation Services (Helsinki, 2014)	<a href="#">Closing speech</a>
Closing speech by Mr Mauro Palma at the 19th Conference of Directors of Prison and Probation Services (Helsinki, 2014)	<a href="#">Closing speech</a>
Resolution (92)17 on consistency in sentencing	<a href="#">Rec (92)17</a>
Resolution (99)22 on prison overcrowding and prison population inflation	<a href="#">Rec (99)22</a>
Data on crime and criminal justice statistics	<a href="#">European Sourcebook</a> <a href="#">Statistical data regarding crime and administration of criminal justice</a>
Data on prison density	<a href="#">Data</a>
Data on risk factors	<a href="#">Data</a>

## **List of members**

### **Committee of Experts on the Operation of European Conventions on Co-Operation in Criminal Matters (PC-OC)**

Ms Barbara GOETH-FLEMMICH, Director, Head of Division for International Penal Law, Ministry of Justice (Austria)

Ms Imbi MARKUS, Legal Counselor, International Judicial Co-operation Unit, Estonian Ministry of Justice (Estonia)

### **Consultative Council of European Judges (CCJE)**

Mr Bart VAN LIEROP, President of the CCJE (The Netherlands)

Mr Richard AIKENS, Vice-President of the CCJE (United Kingdom)

### **Consultative Council of European Prosecutors (CCPE)**

Mr Cedric VISART DE BOCARME, member of the CCPE Bureau (Belgium)

### **Council for Penological Co-operation (PC-CP)**

Mr Mauro PALMA, Advisor to the Minister of Justice, PC-CP Chair (Italy)

Ms Alina BARBU, Directorate of Drafting Legislation, Ministry of Justice, PC-CP Vice-Chair (Romania)

### **European Committee on Crime Problems (CDPC)**

Mr Jesper HJORTENBERG, CDPC Chair (Denmark)

Mr Hans KROGH HARESTAD, Senior Adviser in the Correctional Service department (Norway)

### **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)**

Mr Jim MCMANUS, CPT member (United Kingdom)

### **European Court of Human Rights (ECtHR)**

Mr Hasan BAKIRCI, member of the Secretariat

### **Office of the Commissioner for Human Rights**

Mr Hasan Bermek, Adviser

### **Parliamentary Assembly (PACE)**

Ms Meritxell MATEU PI (Andorra) ALDE, Chairperson of the AS/Jur's Human Rights Sub-Committee

Mr Günter SCHIRMER, Deputy to the Head of Secretariat, AS/Jur's Human Rights Sub-Committee