

**30th Council of Europe Conference of Ministers of justice**  
**“prisons in today’s Europe”**  
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**INTRODUCTORY REMARKS**

**Mr Mauro PALMA**  
**President of the European Committee for the Prevention of Torture and**  
**Inhuman or Degrading Treatment or Punishment**

Mr Chairman, Ministers, Deputy Secretary General, Ladies and Gentlemen

It is an honour for me, as President of the European Committee for the Prevention of Torture – the CPT, to introduce the issue before us this afternoon: Prisons in today’s Europe.

Fyodor Dostoyevsky’s well-known proposition, that “the degree of civilization in a society can be judged by entering its prisons”, has been echoed by many prison reformers and politicians over the years, and an adaptation of it can be found in the draft Resolution this Conference intends to adopt. However, if we take a cold, objective look at the situation in countries across Europe, would we really want our societies to be judged on the basis of the state of our prisons today?

With few exceptions, prison populations are rising in Europe, often at an alarming rate. The result in many countries is prisons bursting at the seams – overcrowding has become a scourge that Europe has not yet found the means to eradicate.

The CPT is constantly seeing the consequences of *overcrowding* during its visits – dilapidated material conditions, poor hygiene, reduced activities, overburdened health care services, and too few staff to cope. It often leads to increased tension between staff and prisoners, and between prisoners themselves. Not to mention the ever deteriorating working conditions faced by prison staff. Inevitably overcrowding undermines the process of rehabilitation, potentially leading to increased reoffending.

A second major concern of the CPT relates to the situation of persons in *pre-trial detention*, who often have to endure the worst conditions. In too many countries, prisoners on remand are confined to their cells for up to 23 hours a day, without being offered any activity, and this frequently for months on end and on occasion for years. And there are far too many persons in pre-trial detention – they represent 30% of the prison population in some countries. Action must be taken to reduce the length of pre-trial detention and to offer every inmate a meaningful regime. Above all, measures are required to ensure that persons are remanded in custody only when this is absolutely necessary, as resort to this highly invasive measure should be the exception rather than the norm.

Of course, the situation concerning prisons is by no means unremittingly bleak. Significant initiatives are being taken in many parts of Europe to promote the use of alternative sanctions. There are well-functioning prisons preparing inmates for life in the community. Further, good practices involving local communities and civil society organisations, both in working with inmates in prison and in assisting them when they are released, can be found in many European countries.

The challenge is to build upon these good practices and initiatives. Endless prison building in the hope – usually vain hope – of keeping pace with the number of persons being sent to

prison is not a viable alternative. Such an approach is scarcely realistic in the current economic environment.

The member States of the Council of Europe have long recognised that prison conditions and the treatment of prisoners merit a European approach. A body of "soft" law has been developed – most notably, the European Prison Rules, revised and updated in 2006, but also other recommendations on issues such as conditional release, management of long-term prisoners, probation and juvenile offenders. In addition, for some two decades now, the CPT has been examining the situation in prisons throughout the continent, making recommendations and cooperating with States to overcome deficiencies which may lead to inhuman or degrading treatment. For its part, the European Court of Human Rights has well-established case law in the area of prisoners' rights and is increasingly finding violations of the European Convention on Human Rights, on the grounds of the inadequacy of conditions of detention.

An architecture exists and we can be proud of the very real improvements that it has made possible – the European Prison Rules have served as the basis for many legislative reforms in recent years, and numerous changes have occurred in response to judgments of the European Court of Human Rights and recommendations of the CPT. This is positive. However, as you Ministers are well aware the situation on the ground is far from rosy and in some countries prisons are in a critical state. I have already mentioned two major challenges confronting prisons in today's Europe: overcrowding and excessive recourse to - and excessive length of - pre-trial detention. But this certainly does not exhaust the list of areas of concern. Two other important issues have been highlighted in the report for this Conference presented by the Minister of Justice of Turkey; namely, the growing number of foreign nationals in our prisons, and the need to find alternatives to the imprisonment of juvenile offenders. In addition, I want to highlight the crucial importance of investing in staff working in prisons. Indeed, the cornerstone of a humane and effective prison system will always be properly recruited and trained prison staff.

So, where do we go from here?

The Council of Europe strives to provide a foundation for each country to develop an approach towards criminal justice and imprisonment which adheres to common European standards. These standards are based on two fundamental tenets: respect for the inherent dignity of the human person and a belief in the social reintegration of offenders. Although a great deal has been achieved, this is clearly unfinished work.

The draft Resolution before you recognises this fact. It advocates a comprehensive assessment of the current situation and refers to the possible need to reinforce the legal framework in the penitentiary field. The long-standing idea of a legally binding European instrument on certain prison-related matters has even been put back on the table. Similar thoughts are surfacing in other international fora. The pro and cons of a binding instrument certainly deserve to be looked at once again, as such an instrument could be an indispensable component of a strategy capable of transforming prison conditions in Europe.

By virtue of its track record in the penitentiary field, the instruments at its disposal and its geographical scope, the Council of Europe is the best placed organisation to achieve the necessary development of prison policy in today's Europe. At the same time, the European Union should be closely associated with our activities in this field. The Union has a clear interest in improving prison conditions in its member States, in order to ensure the smooth functioning of mutual recognition instruments in the area of judicial cooperation. Provided the two Organisations work in harmony, avoiding unnecessary duplication of activities, they can together have a major impact on the treatment of prisoners throughout Europe.

Distinguished participants, ensuring satisfactory conditions of detention in prisons will never be a vote-winner. However, I am sure we all agree that it is an essential long term investment for our societies. Let's use this Conference as a stepping stone towards taking

up the challenge thrown down by Dostoyevsky, and ensure that our prison systems fully reflect the values that we hold so dear.

Thank you for your attention.