

26 November 2010

MJU-30 (2010) RESOL. 2 E

### **30TH COUNCIL OF EUROPE CONFERENCE OF MINISTERS OF JUSTICE**

(Istanbul, Turkey, 24 - 26 November 2010)

#### **RESOLUTION No. 2 on prison policy in today's Europe**

THE MINISTERS participating in the 30th Council of Europe Conference of Ministers of Justice (Istanbul, Turkey, 24 - 26 November 2010),

1. Welcoming the report of the Minister of Justice of Turkey "Modernising Justice in the Third Millennium: - transparent and efficient justice; - prisons in today's Europe" and the contributions made by the delegations attending the Conference;
2. Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5) and its Protocols and the case-law of the European Court of Human Rights related to prison conditions and the treatment of prisoners;
3. Recalling furthermore the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) and the ensuing work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in monitoring the treatment and strengthening the protection of persons deprived of their liberty;
4. Recalling also the Convention on the Transfer of Sentenced Persons (ETS No. 112) and its additional protocol (ETS No. 167);
5. Endorsing the standards contained in the European Prison Rules (Recommendation Rec(2006)2 of the Committee of Ministers to member States) and the other relevant Committee of Ministers' recommendations;
6. Noting the pertinent findings and recommendations issued by the Council of Europe Commissioner for Human Rights following his country monitoring visits;
7. Bearing in mind the United Nations Standard Minimum Rules for the Treatment of Prisoners;

8. Noting the relevant work and in particular the existing Framework Decisions of the European Union in the field;
  9. Recognising that prison conditions in general and treatment of prisoners in particular are an important indicator of the level of protection of human rights and fundamental freedoms in a country;
  10. Underlining that public confidence as well as international co-operation in criminal matters depend on the quality of national justice systems including the enforcement of sentences;
  11. Noting that a number of Council of Europe member States currently struggle with rising prison overcrowding which results in deteriorating prison environments and working conditions for prison staff;
  12. Recalling that deprivation of liberty is to be executed in full respect of personal dignity and integrity and that preparation for release and reintegration of each offender is to begin from the outset;
  13. Recalling, moreover, that in line with Recommendation No. R (92) 16 on the European Rules on community sanctions and measures and with Recommendation CM/Rec(2010)1 on the Council of Europe Probation Rules, alternatives to custody are to be developed and widely used in order to reduce the use of imprisonment, improve public safety and better assist offenders in maintaining a crime-free life;
  14. Mindful of the need to enhance international co-operation in order to enable foreign nationals to serve their sentences in their country with a view to improving their social reintegration;
  15. Mindful of the need to ensure both satisfactory standards of treatment of prisoners and adequate status and working conditions for prison staff in all Council of Europe member States;
- \* \* \*
16. REAFFIRM that it is necessary to guarantee the humane and efficient execution of sanctions in all member States, particularly when it involves the deprivation of liberty;
  17. INVITE the Committee of Ministers to entrust the European Committee on Crime Problems (CDPC), in co-operation with the Steering Committee for Human Rights (CDDH) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), to:
    - a) evaluate the measures taken by member States to follow the European Prison Rules, the European Rules for juvenile offenders subject to sanctions and measures, the Council of Europe Probation Rules and the other relevant Council of Europe standards in the area;
    - b) take stock of problems faced by prison administrations, more particularly prison overcrowding, remand in custody, treatment of foreign nationals in prison as well as other topics which may require additional guidance through standard-setting;
    - c) consider, in the light of the outcome of such an assessment and stock-taking, the necessity to reinforce the legal framework in that field, including the feasibility and advisability of a legally binding instrument regulating certain aspects of detention conditions, prison management and the treatment of prisoners or undertaking other measures to achieve this aim, including the identification and dissemination of best practices;

\* \* \*

18. WELCOME the compilation and publication of the Council of Europe Annual Penal Statistics (SPACE), which have been collected for more than 25 years;
19. CALL UPON, in this respect, national authorities to continue to provide accurate and timely data and to support by all means SPACE as a valuable tool in guiding the member States' penal policies;
20. WELCOME the Council of Europe Conferences of Directors of Prison Administration (CDAP) which should meet annually as an important forum bringing together Directors General of national prison administrations, prison professionals, internationally renowned experts and international governmental and non-governmental organisations in order to discuss priority issues of common interest and to agree on future activities in the penitentiary field;
21. INVITE the Committee of Ministers to entrust the European Committee on Crime Problems (CDPC), in the light of the conclusions of the 15th CDAP (Edinburgh, 9-11 September 2009), to consider ways of involving judges, prosecutors, prison and probation services in a joint discussion concerning imprisonment, as well as community sanctions and measures with a view to avoiding prison overcrowding and improving social reintegration of offenders whilst protecting public safety;
22. URGE the CPT to pursue its monitoring activity with a view to strengthening the protection of persons deprived of their liberty, thereby contributing to any further standard-setting work in this field and assisting member States in implementing such standards;
23. INVITE the competent bodies of the European Union to take due account of the Council of Europe's experience in the area of setting standards in the prison field and with mechanisms for monitoring their implementation, in order to ensure coherence and avoid duplication;
24. ASK the Secretary General of the Council of Europe to present a report on the steps taken to give effect to this Resolution on the occasion of their next Conference.