

Implementation of Recommendations : EPR, ERJO, CoE Probation Rules

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EPR (2006): Review of legislation (34 countries)

• Albania	Yes	• Moldova	Yes
• Armenia	Yes	• Monaco	Yes
• Austria	Yes	• Montenegro	Yes
• Azerbaijan	Yes	• Poland	No (+)
• Belgium	No (+)	• Portugal	Yes
• Bulgaria	Yes (?)	• Romania	Yes
• Croatia	Yes	• Russia	Yes (?)
• Cyprus	Scheduled	• San Marino	Scheduled
• Czech Republic	No (int)	• Serbia	Yes (?)
• Denmark	Yes	• Slovak Republic	Yes (?)
• Estonia	Yes	• Slovenia	Yes (?)
• Finland	Under rev	• Spain	No (+)
• France	Yes	• Spain (Catalonia)	No (int)
• Georgia	Yes	• Sweden	Yes
• Germany	Yes	• Switzerland	Yes
• Iceland	Under rev	• Turkey	Yes
• Lithuania	Yes	• UK : E&W	No (+)

EPR: Translation, Training Staff, Availability Staff, Availability Prisoners (33)

• Albania	+	+	+	+	• Monaco	+	+	+	+
• Armenia	+	+	-	-	• Montenegro	-	+	+	+
• Austria	+	+	or	or	• Poland	+	+	+	+
• Azerbaijan	+	+	+	+	• Portugal	+	?	?	?
• Belgium	+	+	-	-	• Romania	+	+	+	+
• Croatia	+	+	+	+	• Russia	+	+	+	?
• Bulgaria	+	+	+	+	• San Marino	+	S	+	+
• Czech Rep	+	+	+	+	• Serbia	+	+	+	+
• Denmark	+	+	?	?	• Slovak Rep	+	+	+	+
• Estonia	+	+	+	+	• Slovenia	+	+	+	+
• Finland	+	+	+	+	• Spain	+	+	+	+
• France	+	+	+	+	• Spain (Catal)	+	+	+	?
• Georgia	+	+	+	+	• Sweden	+	+	+	or
• Germany	+	+	+	+	• Switzerland	+	+	+	+
• Iceland	-	-	+	+	• Turkey	+	+	+	+
• Lithuania	+	+	+	+	• UK : E&W	+	-	-	-
• Moldova	+	+	+	+					

EPR: Implementation measures, Best practices (34 countries)

• Albania	No	Yes	• Moldova	Yes	No
• Armenia	No	No	• Monaco	Yes	Yes
• Austria	Yes	Yes	• Montenegro	Yes	Yes
• Azerbaijan	Yes		• Poland	Yes	
• Belgium		Yes	• Portugal	Yes	No
• Bulgaria	No		• Romania	Yes	Yes
• Croatia	Yes	Yes	• Russia	Yes	Yes
• Cyprus	Yes		• San Marino	Yes	
• Czech Rep	Yes	No	• Serbia	Yes	Yes
• Denmark	Yes		• Slovak Rep	No	No
• Estonia	Yes		• Slovenia	No	Yes
• Finland	Yes	Yes	• Spain	Yes	
• France	Yes	Yes	• Spain (Cat)	Yes	Yes
• Georgia	Yes	Yes	• Sweden	No (+)	No
• Germany	No	Yes	• Switzerl	Yes	Yes
• Iceland	No	Yes	• Turkey	Yes	Yes
• Lithuania	Yes	Yes	• UK : E&W	No	No

EPR: Summary (34)

- Large variety of issues and responses; 34/47 !
- Legislation (26), problems (4); best practices (18)
- CPT, ECtHR !
- Legislation versus practice?
- Legislation: (not always details)
 - General framework (F: “Labellisation”)
 - New prisons (LH, Croatia)
 - Staff: use of force (Arm), searches (DK), discipline (Mold)
 - Fundamental rights: visits (Arm, TU), religion, correspondence, education, pensions, consent to labour (Mold), nutrition, hygiene (Mold)
 - Reintegration: individual detention plan (CH)
 - Reduce prison population: EM, parole, early release foreign prisoners (Au, Mold, Poland)

EPR: Summary

- Implementation: translation, training, information (staff, professionals, public), OPCAT, NGO's
- Problems: overcr (1), resources (1), security (1), activ (1)
- Best practices: Basic Principles EPR:
 - Fundamental rights: material conditions, overcrowding, hygiene, visits, correspondence, medical care, ECtHR cases, Ombudsm
 - Normalisation: prison regime, work, education, internet (Icel), external standards and inspection, social security
 - Reintegration (remand + sentenced!): prison regime, IDP, mental disorders, addictions, contacts outside world, prison leave, conditional release; media & public
 - Prison staff: professional ethos (rights, dynamic security)? "Training". Support? Twinning projects
 - Imprisonment as last resort? NCSM, parole, probation service
- Council of Europe + European Union

ERJO (2008): Review of legislation (32 countries)

• Albania	Yes	• Lithuania	Yes
• Armenia	No	• Moldova	Scheduled
• Austria	Yes	• Monaco	Yes
• Azerbaijan	Yes	• Montenegro	Yes
• Bulgaria	Yes	• Poland	Yes
• Croatia	Yes	• Portugal	Yes
• Cyprus	Scheduled	• Romania	Yes
• Czech Rep	Scheduled	• Russia	No
• Denmark	Yes	• San Marino	Scheduled
• Estonia	Yes	• Serbia	Yes
• Finland	Yes	• Slovak Rep	Scheduled
• France	Yes	• Slovenia	No
• Georgia	Yes	• Spain (Catalonia)	No (+)
• Germany	No (+)	• Switzerland	No
• Iceland	No (+)	• Turkey	No
• Italy	No (+)	• UK : E&W	No (+)

ERJO: Translation, Training Staff, Availability Staff, Availability Juvenile Offenders (30)

• Albania	+ + - -	• Lithuania	+ + + ?
• Armenia	S + - -	• Moldova	- + + +
• Austria	+ + + +	• Monaco	+ + + +
• Azerbaijan	+ + + +	• Poland	S - + -
• Bulgaria	- + + +	• Portugal	S + - -
• Croatia	S S S S	• Romania	S - + -
• Czech Rep	+ + + ?	• Russia	- - + +
• Denmark	- + + +	• San Marino	- ? - -
• Estonia	- + + +	• Serbia	S + ? ?
• Finland	S - + ?	• Slovak Rep	S - S S
• France	+ + + -	• Slovenia	+ + + +
• Georgia	+ + + +	• Spain (Catal)	+ + + -
• Germany	+ + + +	• Switzerland	+ + + +
• Iceland	- - + +	• Turkey	S - - -
• Italy	- + + ?	• UK : E&W	+ - + +

ERJO: Implementation measures, Best practices (27 countries)

• Albania	Yes	Yes	• Italy	Yes	Yes
• Armenia	No	No	• Lithuania	Yes	Yes
• Austria	Yes	Yes	• Moldova	No (T)	No (T)
• Bulgaria	Yes	Yes	• Poland	Yes	Yes
• Croatia	Yes ?	Probl	• Romania	Yes	Yes
• Cyprus	Yes ?		• Russia	Yes	Yes
• Czech Rep	Yes	Yes	• San Marino	NO (S)	Yes
• Denmark	Yes	Yes	• Serbia	Yes	Yes
• Estonia	Yes	No	• Slovenia	Yes	Yes
• Finland	Yes	Yes	• Spain (Cat)	Yes	Yes
• France	Yes	Yes	• Switzerl	Yes	Yes
• Georgia	Yes	Yes	• Turkey	No	No (S)
• Germany	No (+)	Yes	• UK : E&W	No	No
• Iceland	No	Yes			

ERJO: Summary (32)

- Less variety, less responses
- Best practices (19), training (19), less legislation (17), translation (12) : 2008 or other reasons?
- Same problems (4): resources, punitive tendencies
- Summary:
 - More emphasis on rehabilitation, education, sports, contacts outside world, importance of staff skills, inspections
 - Cultural mediation (Cat)
 - More emphasis on imprisonment as last resort
 - More emphasis on implication of external services, NGOs, media
 - EU funding, UNICEF, European Observatory on juvenile delinquency

CoE Prob R (2010): Legislation (31)

• Armenia	No	• Moldova	Yes
• Austria	Scheduled	• Monaco	No
• Azerbaijan	No	• Poland	Scheduled
• Bulgaria	No	• Portugal	No
• Croatia	No (int)	• Romania	No
• Czech Republic	No (int)	• San Marino	Scheduled
• Denmark	No (+)	• Serbia	No
• Estonia	No (+)	• Slovak Rep	No
• Finland	No	• Slovenia	Scheduled
• France	Yes	• Spain	Yes
• Georgia	Yes	• Spain (Cat)	No
• Germany	No	• Sweden	Scheduled
• Iceland	No	• Switzerl	No
• Lithuania	Yes	• Turkey	Yes
• Luxembourg	No	• UK : E&W	No

CoE Prob R: Translation, Training Staff, Availability Staff, Availability Offenders

• Armenia	- + - -	• Poland	S - + ?
• Austria	+ + + ?	• Portugal	- + + ?
• Bulgaria	? + + +	• Romania	- ? + ?
• Denmark	+ S S ?	• San Marino	- - - -
• Finland	S - + ?	• Serbia	- - - -
• France	+ + + ?	• Slovak Rep	- - - -
• Georgia	+ + + -	• Slovenia	- - + +
• Germany	+ + - +	• Spain	+ ? S S
• Lithuania	S + S S	• Spain (Catal)	S + + S
• Luxemb.	+ S + ?	• Sweden	- ? + or
• Moldova	+ + - -	• Switzerland	+ ? + ?
• Monaco	+ - + or	• Turkey	S S + ?
		• UK : E&W	+ - + ?

CoE Prob R: Implementation measures, Best practices (25 countries)

• Armenia	No	No	• Moldova	No	Probl
• Austria	No	No	• Poland	Yes	Yes
• Bulgaria		Yes	• Romania	No	
• Croatia	Yes	No	• San Marino	NO (S)	No (S)
• Czech Rep	Yes	No	• Serbia	No (S)	
• Denmark	Yes	No	• Slovenia	No (S)	No (S)
• Estonia	No	No	• Spain	Yes	Yes
• Finland	No	No	• Spain(Cat)	Yes	Yes
• France	Yes	Yes	• Sweden	Yes	
• Germany	No (+)	Yes	• Switzerl	?	No
• Iceland	Yes		• Turkey	Yes	Probl
• Lithuania	Yes	Yes	• UK : E&W	No	
• Luxemburg	Yes(in)	No			

CoE Prob R: Summary (31)

- Legislation: 6
- Implementation: 12
 - Translations (CEP Website)
 - Inspections
 - EU Twinning projects
- Problems: 5
 - Indifference decision makers, lack of social services & cooperation (Mold); prison sentence (Tu); workload (Port)
- Best practices: 9
 - Assessment of offenders, prevention recidivism
 - Research
 - Public
 - Not: social inclusion, reduction imprisonment

Discussion

- 1) Impact of CoE Recommendations?
 1. Best practices?
 2. Problems?
 3. Suggestions?

- 2) CoE : international standard setting, monitoring and technical assistance = sufficient?

Discussion

3) Resolution n°2 on Prison Policy in Today's Europe (30th CoE Ministers of Justice Conference (Istanbul, 24-26 November 2010) - Options:

- (a) Is further standard-setting work needed to improve implementation and prison conditions?
- (b) Is a binding instrument regulating certain aspects of prisons feasible?
- (c) Should it be coupled with practical measures and exchange of best practices?
- (d) Are only practical measures and exchange of best practices sufficient in this respect?

Discussion

- 4) Imprisonment as last resort, fostering community sanctions and measures (juveniles/adults)?
 1. Best practices?
 2. Prison & probation services?
 3. Judges & prosecutors?