

EVALUATION OF THE COUNCIL OF EUROPE'S WORK UNDER THE PROGRAMME LINE "PRISONS AND POLICE" 2016-2019



” It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.

Nelson Mandela

January 2021

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Abbreviations

CDPC	European Committee on Crime Problems
CEB	Council of Europe Development Bank
CEP	Confederation of European Probation
CLCU	Criminal Law Co-operation Unit
CM	Committee of Ministers
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DIO	Directorate of Internal Oversight
MoH	Ministry of Health
Mol	Ministry of Interior
MoJ	Ministry of Justice
NGO	Non-governmental organisation
ODGP	Office of the Directorate General of Programmes
PC-CP	Council for Penological Co-operation
Rec	Recommendation
RNA	Risk and Needs Assessment
SOP	Standard Operation Procedure
SPACE	Council of Europe Annual Penal Statistics
ToC	Theory of Change
VEPs	Violent and extremist prisoners

Executive summary

The evaluation of the programme line “Prisons and police” between 2016 and 2019 was included in the DIO’s work programme for 2020 because of the strategic relevance of the subject. Subjects under the programme line are among the main themes identified in the reports of the CPT and the case law of the European Court of Human Rights (hereafter “the Court”) – the Council of Europe’s monitoring bodies. The target audience for the evaluation includes the member states of the Council of Europe, the Organisation’s staff and other international organisations.

The evaluation assesses the relevance, effectiveness and added value of the programme line. It looks at the standard-setting and co-operation work that, along with monitoring, form the three elements of the Council of Europe’s dynamic triangle.

By way of standards the Committee of Ministers has adopted, during the period under review (2016-2019), three recommendations, two sets of guidelines and a White Paper that apply to all 47 member states. Co-operation activity during this period has comprised 24 substantial projects in 14 member states plus 24 bilateral and multilateral activities.

The evaluation has adopted a mixed-methods approach based on the Theory of Change for the programme line, which sets out how its activities are designed to bring about impact with member states aligning their legislation with Council of Europe standards and equipping their staff to perform their duties in line with them. The main themes of activity during this period have been:

- ▶ to increase the use of alternatives to prison through the development of probation;
- ▶ to improve health care and medical care in prisons;
- ▶ to strengthen independent oversight of police work and penitentiary institutions;

- ▶ to improve prison management and treatment of prisoners, including violent extremist prisoners;
- ▶ to improve treatment of persons under arrest or in police detention with the result that law-enforcement officers are trained to perform their daily duties while respecting Council of Europe standards.

Data collection for the evaluation has included documentary review, two surveys of members of the Council of Europe’s standard-setting committees and 103 semi-structured interviews with stakeholders. The inability to conduct field visits meant that we were unable to visit prisons and other establishments where project activity took place. There is also a lack of comprehensive sets of hard data through which to judge changes in the quality of prison and police services. It is also difficult to attribute changes in law, policy and practice to specific Council of Europe initiatives. These have taken place alongside other reform efforts, so isolating the specific impact of Council of Europe activities is not straightforward.

The evaluation finds that the standard-setting work has been highly relevant in the fields of prisons and probation but could be strengthened in respect of policing, oversight and places of deprivation of liberty other than prisons. Specific standards are lacking in respect of women and there are other topics on which stakeholders consider standards could be produced. Council of Europe standards are fairly widely used to bring about changes in legislation and regulations relating to prisons and probation. Annual Conferences of Directors of Prisons and Probation and other multilateral meetings have provided opportunities to promote the standards. The Secretariat of the Council for Penological Co-operation (PC-CP) has also made efforts to do this but has limited resources. More should be done to encourage the translation, dissemination and implementation of standards.

The work of co-operation activity has been well targeted at areas of need identified by the Council of Europe's monitoring bodies although work with police has been relatively underrepresented in the large co-operation projects. In addition to the countries where co-operation activities have taken place, there are other member states that could have benefited from technical assistance. The Council of Europe should review whether and how future projects might include work with all places of deprivation of liberty rather than just police detention and prisons. Co-operation activity has very much been guided by Council of Europe standards (including those produced by the CPT).¹

In five countries where detailed evaluation of co-operation activity was undertaken, the work was largely in line with needs and priorities. These are Armenia, Bosnia and Herzegovina, Georgia, North Macedonia and Ukraine. These are referred to in the report as the "case study countries" with the nine other countries where projects took place referred to as "non-case study countries".

The work has contributed to significant achievements in the development of alternatives to imprisonment and establishing the independence of health care from the penitentiary system. Very important progress has been made in monitoring and oversight and useful steps have been made towards improvement in prisons at both strategic and practical levels. Nevertheless, in all these areas, much remains to be done to bring policy and practice up to the level required by the Council of Europe's standards. The Council of Europe has raised awareness of human rights standards among police in several member states and contributed to major improvements in conditions in police detention in two partnership projects.

Sustainability of reforms has sometimes been limited by the capacity of beneficiary states in terms of staffing and infrastructure and has been threatened by political or administrative changes. Evaluations of the impact of co-operation projects have been relatively limited, as has on occasions the ability of the Council of Europe to follow up promptly when continuing support was required.

There is no doubt that the work of the programme line in this period has been highly relevant, and to a large extent effective. As for added value, the Council of Europe is highly respected and appreciated for the triangle of standard setting, monitoring and co-operation, access to high-quality expertise and a generally high level of management,

1. These currently take the form of excerpts from reports, checklists and factsheets covering a wide range of issues. They are available at www.coe.int/en/web/cpt/standards.

organisation and co-operation. As the only international organisation in Europe developing international legal standards in the penitentiary field, it compares favourably with other organisations working on the issues. It could do more to use its considerable influence to ensure reforms are taken on board and sustained in this challenging area.

The report makes 12 recommendations, listed below. These have been developed in consultation with the relevant entities in the Council of Europe represented on the evaluation reference group. The importance of recommendations is indicated as high or medium.

The recommendations aim to:

- ▶ encourage a greater focus on policing in standard setting and co-operation;
- ▶ expand the scope of co-operation activity;
- ▶ increase the effectiveness of standards;
- ▶ increase the effectiveness of co-operation;
- ▶ produce a more systematic focus on women;
- ▶ ensure arrangements are in place to set standards and provide assistance for places of detention outside criminal justice.

Recommendations related to standard setting

(1) Greater priority should be given to standard setting in respect of policing. The Organisation should consider how this might best be achieved, for example through the creation of an intergovernmental committee involving representatives from the relevant ministries from member states, or the proposed network of high-level police officials, or some other mechanism.² (High)

(2) The CDPC should consider ways of encouraging member states to translate and disseminate standards produced by the Council of Europe and to integrate these into relevant training activities. (High)

(3) The Organisation should consider how best to strengthen the gender dimension in standard-setting activity, either by improved mainstreaming in recommendations or by developing a specific recommendation on the treatment of women prisoners and non-custodial measures for women offenders. (High)

2. In October 2020, the Council of Europe proposed to set up its own permanent high-level network of the police forces of the 47 member states, available at www.coe.int/en/web/portal/-/setting-up-a-european-network-of-police-forces.

Recommendations related to co-operation

(4) The Council of Europe should give greater priority to co-operation activity in the field of policing, where there is a need in a member state and the funds are, or can be made, available. (High)

(5) The CLCU together with the ODGP should proactively consider widening the range of member states where co-operation activity is offered so that more of those where the CPT has identified serious problems can benefit from the Council of Europe's experience and expertise when funds are, or can be made, available. (Medium)

(6) The benefits of closer and more proactive co-operation between the Action Against Crime Directorate and the Council of Europe Development Bank (CEB), as well as other donors, should be considered so that, where necessary and appropriate, improvements to police custody and prison infrastructure in line with relevant standards can be made alongside the CLCU's technical assistance programmes. (Medium)

(7) While a commitment to sustainability is already made by beneficiary countries, given the need for long-term interventions to bring about lasting improvements in many aspects of prisons and policing, the CLCU in co-operation with the ODGP, member states and donors should consider seeking projects of three to five years in duration, using the Ordinary Budget to maintain continuity between shorter-term projects where necessary and incorporating more opportunities for post-project monitoring and support as part of project design. (Medium)

(8) The CLCU in co-operation with the ODGP should seek to ensure more systematic evaluation and assessment activities in co-operation projects in order to understand the extent and nature of the impact they have achieved. (Medium)

(9) The CLCU should build further on its existing work to ensure that the specific needs of women deprived of their liberty and on probation are addressed in a gender-sensitive way, making use of specialist advice on how best to achieve this where necessary. (Medium)

(10) The CLCU should develop a stronger presumption that civil society organisations should be represented on the steering committees of projects unless there is a strong reason against doing so. (Medium)

Recommendations related to other issues

(11) The Organisation should consider whether adequate arrangements are in place for setting standards covering places of deprivation of liberty outside the police and prison field. (High)

(12) The Council of Europe should consider the extent to which it should provide technical assistance to address gaps in places of deprivation of liberty other than those operated by prisons and police, and which entity should be responsible for it. (Medium)



1. Introduction

This evaluation aims to help optimise the Council of Europe's interventions in the fields of prisons and police. It aims to enhance the coherence of action as well as to identify the added value of the Council of Europe's activities in this area. The work of the Council of Europe is often described in terms of a "dynamic triangle" of standard setting, monitoring and co-operation. Activities conducted and financed under the programme line "Prisons and police" are related to standard setting and co-operation components. The target audience for the evaluation includes the member states of the Council of Europe, the Organisation's staff in Strasbourg and local offices, and other international organisations, including donors, concerned with prisons and policing. The evaluation aims to draw conclusions about the extent to which the Council of Europe's standard-setting work and co-operation projects have contributed to the following outcomes:

- a) member states adapt their national legislation to the relevant Council of Europe standards;
- b) prison and probation services apply Council of Europe standards in their daily work and apply them better;
- c) police and other law-enforcement bodies apply Council of Europe standards in their daily work and apply them better.

In order to draw conclusions, the evaluation has made an assessment of three dimensions: relevance, effectiveness and added value.

Relevance is the extent to which the activities address the problems and issues raised by monitoring bodies in a coherent way. For standard setting, the evaluation has looked at the way in which topics have been chosen and the adequacy of their coverage. On technical co-operation, the evaluation has assessed whether the projects address shortfalls and weaknesses raised by monitoring bodies and meet genuine needs in member states.

Effectiveness refers not only to the extent to which activities have been completed as planned but to the impact they have made on the work of prisons and police. In respect of standard setting, the evaluation has looked at the extent to which norms have been disseminated and applied by member states.

In technical co-operation, the evaluation has collected data on the impact that has been made on law, policy and practice in beneficiary countries as a result of project activities and the coherence and sustainability of the positive changes made.

Assessing added value has involved identification of the benefits that accrue from both standard setting and co-operation work being undertaken by the Council of Europe in comparison with that which is funded or implemented by other bodies in the field; for example, the European Commission, the Norway Grants programme or individual donors. It has also assessed the extent to which the standards are applied in a coherent way by other bodies within the Council of Europe and the extent to which they are referred to and used by other intergovernmental and international civil society organisations.

1.1. Description of the intervention

The Council of Europe undertakes a wide range of activity relating to prisons and police.

The jurisprudence of the European Court of Human Rights ("the Court") and the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) guide the work of the Organisation in the field of prisons and law enforcement. The Department for the Execution of Judgments of the Court also contributes to this field by providing support to the member states to achieve full, effective and prompt execution of judgments.

The Human Rights Commissioner of the Council of Europe and the Special Representative of the Secretary General on migration and refugees have worked on preventing deprivation of liberty of migrants and migrant children. The Parliamentary Assembly of the Council of Europe has organised a campaign to end detention of migrant children. The Children's Rights Strategy 2016-2021 lists protection of children in the context of deprivation of liberty among its priority areas. The Group of States against Corruption (GRECO) has focused on shortcomings in the police. This work is listed under different programme lines and is not included in the scope of the evaluation.

The prisons and police programme line is intended to achieve three intermediate outcomes. These are that:

- a) member states adapt their national legislation to the relevant Council of Europe standards;
- b) prison and probation services apply Council of Europe standards in their daily work and respect them better;
- c) police and other law-enforcement bodies apply Council of Europe standards in their daily work and respect them better.

These intermediate outcomes in turn contribute to the desired impact of member states fulfilling their obligations under the Council of Europe standards and citizens enjoying their rights. In the prisons and police programme line, the expected impact is in five thematic areas: the increased use of alternatives to prison; enhanced health care and medical care in prisons; strengthened independent oversight of police work and penitentiary institutions; improved prison management; and improved treatment of persons under arrest or in police detention.

The theory of change expects the intermediate outcomes to be achieved if three kinds of results are obtained from the various activities undertaken and outputs delivered in the programme line.

These are that:

- a) member states can rely on updated information, standards and practices regarding prison and probation issues;
- b) management, operational and medical staff in prisons have been supported to perform their daily duties in line with the European Convention on Human Rights, other European standards and CPT recommendations;
- c) law-enforcement officers have been trained to perform their daily duties while respecting European standards and best practices.

The standard setting includes the hard and soft law generated by the Organisation. The evaluation covers the relevant standards created by the European Committee on Crime Problems (CDPC) and the Council for Penological Co-operation (PC-CP). In the period covered by the evaluation the following standards have been produced:

- ▶ Guidelines for prison and probation services regarding radicalisation and violent extremism (adopted by the CM on 2 March 2016).
- ▶ White Paper on prison overcrowding (approved by the CM on 28 September 2016).
- ▶ CM/Rec(2017)3 on the European Rules on community sanctions and measures (adopted by the CM on 22 March 2017).

- ▶ CM/Rec(2018)5 concerning children with imprisoned parents (adopted by the CM on 4 April 2018).
- ▶ CM/Rec(2018)8 concerning restorative justice in criminal matters (adopted by the CM on 3 October 2018).
- ▶ Guidelines regarding recruitment, selection, education, training and professional development of prison and probation staff (approved by the CM on 9 October 2019).

In addition, a handbook for prison and probation services on radicalisation and violent extremism was approved by the CM on 22 March 2017; a handbook for recruitment and training of prison and probation staff adopted by CDPC in April 2019; and an updated commentary to the 2006 European Prison Rules adopted by the CDPC in June 2018. Revisions and amendments to the rules themselves were adopted in July 2020.

In the period 2016-19, three publications were produced as a result of multilateral meetings – on combating ill-treatment; on the organisation and management of health care in prisons; and on implementing community sanctions.

On co-operation, the Council of Europe undertakes a variety of work with member states. The evaluation has focused on the work of the Criminal Law Co-operation Unit (CLCU) and in particular the 24 technical co-operation projects that have been undertaken during the period 2016-2019.

The key stakeholders in the programme are:

- ▶ Council of Europe staff members involved in work in the field of prisons and police: this includes the secretariat of the CDPC and the PC-CP involved in the standard-setting and related work; staff of the CLCU involved in programmes of technical co-operation; and Council of Europe staff based in local offices;
- ▶ members of the CDPC and PC-CP, plus expert advisers to the committee and its working groups who have been involved in the preparation of standards and follow-up work;
- ▶ representatives of relevant donors and financing organisations including the EU;
- ▶ representatives from other organisations working in the field of prisons and police and thematic experts;
- ▶ representatives of civil society and academia;
- ▶ representatives of partner institutions including government representatives in beneficiary states.

Table 1. Countries where co-operation projects took place and the main themes covered

Country	Probation and alternatives to prison	Health care in prisons	Monitoring and oversight	Prison management and rehabilitation	Police custody
Albania	X	X		X	
Armenia	X	X			
Azerbaijan		X		X	
Bosnia and Herzegovina		X		X	X
Bulgaria	X	X		X	
Georgia		X			
Latvia					X
Republic of Moldova	X	X		X	
Montenegro		X		X	X
North Macedonia		X	X	X	X
Romania					X
Serbia		X	X	X	X
Ukraine		X	X	X	
Kosovo*		X	X	X	X

1.2. Evaluation methodology

The overall approach to the evaluation has been non-experimental and theory-driven using the Theory of Change presented in Annex C. It is based on the Council of Europe’s evaluation guidelines. The evaluation questions were:

- 1) To what extent is the work in the programme relevant?
- 2) To what extent is the programme effective?
- 3) To what extent does the programme add value?

The methodology for the evaluation is based on triangulation, using a variety of quantitative and qualitative methods to build and test a picture of the relevance, effectiveness and added value of the programme. It uses a mixed-methods approach to answer the evaluation questions. The evaluation matrix can be found in Annex D.

The data-collection methods have involved the following:

- ▶ Document analysis – Analysis of relevant standards produced during and before the period under review; documents prepared by the CDPC and the PC-CP; documents related to 24 co-operation projects in 14 countries, including project descriptions, implementation reports, evaluation reports and other project-related documents; documents providing the historical context of the Council of Europe’s work on prisons and police; CPT reports; academic and media articles related to latest developments in beneficiary states; relevant documents issued by other organisations including the European Union.
- ▶ Surveys of members of the CDPC and PC-CP.
- ▶ 103 semi-structured interviews (listed in Annex E with interview guides in Annex G). A breakdown of interviewees is given in Figure 1. They were selected to represent a range of involvement in the work of the programme line and stakeholder groups. Standard questions were included to enable measurement of stakeholder views of the relevance, effectiveness and added value of the programme.

* All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations’ Security Council Resolution 1244 and without prejudice to the status of Kosovo.

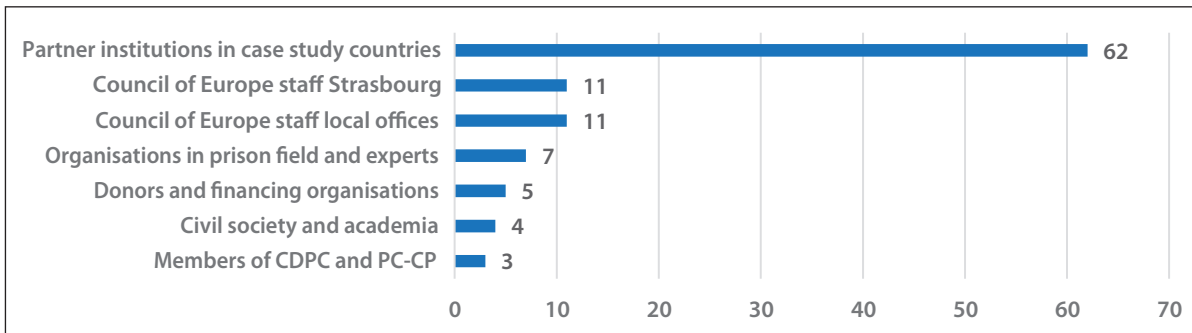


Figure 1. Breakdown of interviews

The data analysis methods included qualitative content analysis (documents and open-ended interview questions), a case study method (documents and open-ended interview questions related to the thematic areas outlined in Table 1) and statistical analysis (SPACE 1 and 2 statistics, national statistics, surveys of CDPC and PC-CP members and structured interview questions).

The evaluation has assessed in detail the relevance, effectiveness and added value in particular of 12 projects in five (out of 14) countries (see Table 1). Sustainability is analysed as an aspect of effectiveness and is not a separate criterion. So, too, are the extent to which work has taken gender and human rights into account and involved civil society organisations.

The five case study countries – Armenia, Bosnia and Herzegovina, Georgia, North Macedonia and Ukraine – are highlighted together with the thematic areas covered by the co-operation projects that took place there. The countries were selected on the basis of:

- ▶ volume and type of interventions in the sector of prisons and police;
- ▶ recentness of interventions;
- ▶ geographic diversity of countries;
- ▶ diversity of socio-political contexts;
- ▶ specific developments in the field in recent years; and
- ▶ size of the countries.

In the remaining nine countries³ where co-operation activities took place but which were not selected for detailed assessment (see Table 1), the evaluation has assessed project documentation and interviewed Council of Europe staff in order to triangulate findings from the case study countries. The nine countries are referred to as “non-case study countries” in the Findings section.

The aim of the work in each of the thematic areas is as follows:

3. Armenia, Azerbaijan, Bulgaria, Latvia, Republic of Moldova, Montenegro, Romania, Serbia and Kosovo*.

(1) To increase the use of alternatives to prison through the development of probation. This work aims to achieve the result of member states relying on updated standards and practices regarding probation issues and the outcome of member states adapting their national legislation to the Council of Europe standards on community sanctions and measures; and to reduce levels of overcrowding in line with the White Paper. Overcrowding acts as a key barrier to compliance with many of the Council of Europe standards.

(2) To improve health care and medical care in prisons. This has the intended result that medical staff in prisons will have been supported to perform their daily duties in line with Council of Europe standards.

(3) To strengthen independent oversight of police work and penitentiary institutions with the result that staff in prisons and law-enforcement agencies are more likely to perform their duties in line with Council of Europe standards because they may face sanctions if they do not.

(4) To improve prison management and treatment of prisoners, with better conditions, less corruption among staff and more rehabilitative approaches for inmates, including for radicalised and violent extremist prisoners. This should have the result that management and operational staff in prisons perform their daily duties in line with the full range of Council of Europe standards including the guidelines regarding radicalisation and violent extremism, the Code of Ethics for Prison Staff and the European Prison Rules.

(5) To improve treatment of persons under arrest or in police detention with the result that law-enforcement officers are trained to perform their daily duties while respecting Council of Europe standards.

Details of all of the projects can be found in Annex A. In all five case study countries, which were selected to provide a good geographical spread and a wide range of projects, the co-operation in the 2016-2019 period followed earlier Council of Europe activity during the period prior to 2016; and further projects

have followed which in large measure look to consolidate and build on the activities during the evaluation period. These are listed in Annex B. In many cases, co-operation projects have been undertaken more or less continuously for long periods, for example, in Bosnia and Herzegovina since 2003. The evaluation of the projects undertaken between 2016 and 2019 is therefore something of a “snapshot” of what is a constantly developing process.

1.3. Difficulties encountered during the evaluation

The evaluation took place during the period when most of Europe was subject to COVID-19 restrictions, which made it impossible to undertake field visits to the case study countries, or to conduct face-to-face meetings with Council of Europe staff in Strasbourg. Interviews were therefore conducted remotely with a variety of stakeholders and in some cases written answers were provided to interview questions. There was good co-operation from local Council of Europe offices in assisting stakeholders to connect with us remotely.

1.4. Limitations of the evaluation

The inability to conduct field visits meant that we were unable to visit prisons and other establishments where project activity took place. Such visits would have provided the opportunity to talk to a range of staff who had been trained and to observe the extent to which co-operation activity might have led to changes in their day-to-day work. There is also a lack of comprehensive sets of hard data through which to judge changes in the quality of prison and police services. It is also difficult to attribute changes in law, policy and practice to specific Council of Europe initiatives. These have taken place alongside other reform efforts, so isolating the specific impact of Council of Europe activities is not straightforward.

In four of the five case study countries, the CPT had made visits in 2019 and 2020. These may provide an important source of information about changes in the police and prison systems, but we have not been able to take these into account as the reports have not yet been published at the time of finalisation of the report.



2. Findings

Evaluation findings are structured by the evaluation criteria of relevance, effectiveness and added value. After each finding, reference is made to the evaluation sub-question(s) to which it relates (listed in Annex D) and to any recommendation linked to the finding. There have been no significant unexpected effects during the programme.

2.1. Relevance of the programme to the Council of Europe's monitoring bodies and the needs of member states

2.1.1. Relevance of standard setting

Finding 1:

The Council of Europe's standard-setting work has been highly relevant in the fields of prisons and probation but could be strengthened in respect of policing and oversight.

Evaluation Question (EQ) 1a – Recommendations 1 and 11

Document review, survey evidence and semi-structured interviews have shown the work of the PC-CP and its parent committee the CDPC to have been

highly relevant to the needs of member states. Most respondents from the PC-CP considered the work very much in line with the needs and priorities of their country in respect of prisons (Figure 2) and just under half in respect of probation (Figure 3).

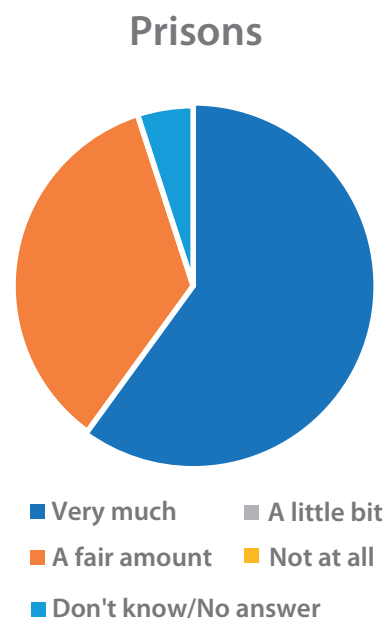


Figure 2. PC-CP members' views on how much the Council of Europe's work is in line with country needs and priorities on Prisons (N=20)

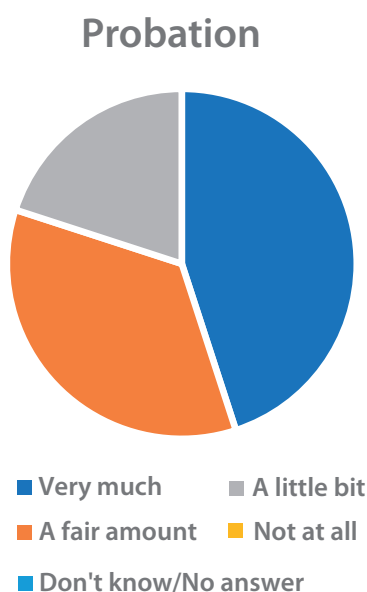


Figure 3. PC-CP members' views on how much the Council of Europe's work is in line with country needs and priorities on Probation (N=20)

The standards found to be particularly relevant to members of the PC-CP are shown in Figure 4.⁴

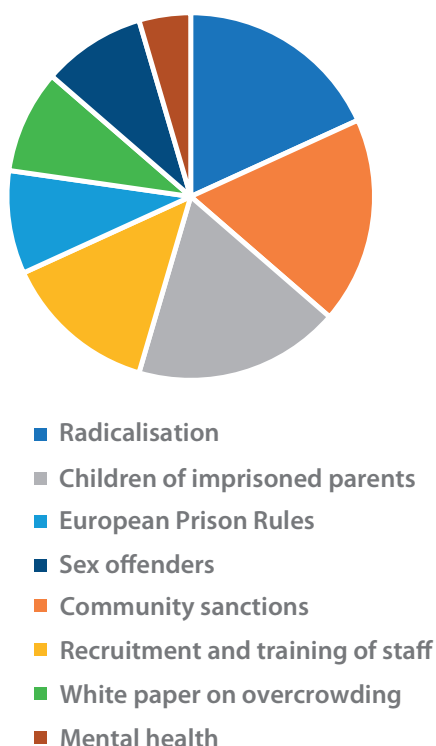


Figure 4. Council of Europe standards mentioned as particularly relevant in PC-CP survey (N=20)

4. Work started on standards on sex offenders and mental health during the evaluation period but have not yet been completed.

During the evaluation period, significant work was undertaken to revise the European Prison Rules, which represent one of the core standards.⁵ The revision process paid close attention to the standards of the CPT and the recent case law of the European Court of Human Rights. Stakeholders valued all of the recommendations, guidelines and handbooks produced during the evaluation period. The White Paper on Prison Overcrowding represented a recognition by the Council of Europe that overuse of imprisonment cannot be resolved by the prison system but requires action by all agencies in the criminal justice chain, particularly prosecutors and judges.

The document review, surveys and findings from interviews have indicated that there remain some gaps in the scope of standard setting, particularly in relation to policing. In 2018, a brief introduction to investigative interviewing was published, but the 2001 Code of Police Ethics remains the only consolidated standard about the work of operational police officers. There is a particular lack of standards in relation to police custody, police oversight and monitoring of police services. Given the prevalence of cases involving police ill-treatment of suspects in the Court and the concerns expressed about it in many reports of the CPT, this is an important gap. The problems that arise most frequently in the cases before the Committee of Ministers in its supervision of judgments and decisions of the Court "concern the control of the action of security forces, inhuman and degrading conditions of detention, and the unjustified deprivation of liberty".⁶ Four out of the six reports of country visits highlighted in the 2019 Annual Report of the CPT mention ill-treatment or excessive use of force by police.⁷

Evaluation interviews found widespread support for a greater focus on policing in the programme line, for example through the creation of a network of police services and greater engagement by the Council of Europe with representatives from the police authorities in member states. A 2017 evaluation of the effectiveness of the Council of Europe support to the implementation of the Court at national level found that the absence of Council of Europe networks with police representatives affect the effectiveness of the Council of Europe's support for combating ill-treatment and impunity in law enforcement.⁸ It

5. The Revised European Prison Rules were adopted by the Committee of Ministers on 1 July 2020, Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules.

6. Council of Europe Committee of Ministers Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights 2019, available at <https://rm.coe.int/annual-report-2019/16809ec315>.

7. 29th General report of the CPT, available at <https://rm.coe.int/16809e80e1>.

8. Evaluation of the effectiveness of the Council of Europe support to the implementation of the ECHR at national level, available at <https://rm.coe.int/evaluation-of-the-council-of-europe-support-to-the-implementation-of-t/168079721a>.

recommended that a high-level regular forum of police representatives be introduced. A proposal for such a network was agreed in 2020.⁹

Detailed standards are also currently lacking in relation to the treatment of persons *de facto* deprived of their liberty in other forms of institution monitored by the CPT – for example, psychiatric and social care institutions. Developing such standards does not form part of the work of the Prisons and police programme line.

Finding 2:

Specific standards are lacking in respect of women and there are other topics on which stakeholders consider standards could be produced.

EQ 1a, 1e – Recommendation 3

The United Nations adopted “Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders” in 2010 – known as the Bangkok Rules, but the Council of Europe has preferred to integrate considerations about women into its standards rather than create anything specific. As the Commentary to the European Prison Rules says, “The Bangkok Rules include comprehensive guidance on the treatment of women prisoners. There is no direct European equivalent to them. The Bangkok Rules should be borne in mind when issues arise relating specifically to the treatment of women, which are not covered by the European Prison Rules.”¹⁰

In interviews, some stakeholders considered that this approach did not adequately address the needs of women who, while representing only 4% of prisoners, often suffer disproportionately from the negative consequences of imprisonment. The European Prison Rules has just one small section on women. One interviewee told us that it is just a tick box incorporation of the UN Bangkok Rules in the European Prison Rules. She had “feared there would not be enough on women and had been proved right”.

Other stakeholders suggested a range of topics on which standards might be produced. These include:

- ▶ the resourcing of prisons and probation;
- ▶ prison infrastructure;
- ▶ social rehabilitation;
- ▶ mutual co-operation between prison and probation staff;

9. The Council of Europe proposed to set up its own permanent high-level network of the police forces of the 47 member states, available at www.coe.int/en/web/portal/-/setting-up-a-european-network-of-police-forces.

10. 1373rd meeting, 8 April 2020. European Committee on Crime Problems (CDPC)b. Draft Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules Commentary.

- ▶ measuring recidivism;
- ▶ regulation of risk assessment;
- ▶ impact of Artificial Intelligence in prisons and probation;
- ▶ mental health in probation work;
- ▶ working with ethnic and other minorities.

Some stakeholders felt that the process for choosing topics for standard setting could be made in a more structured manner.

Finding 3:

Council of Europe standards, particularly the revised European Prison Rules and White Paper on overcrowding, draw appropriately on issues identified in Court judgments and CPT reports and are largely consistent with other standard-setting bodies.

EQ 1a, 3c

The standards of the Council of Europe closely reflect the findings of its monitoring bodies, the European Court of Human Rights and the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The Court makes assessments of the specific circumstances in the cases brought before it and has the final say as to what constitutes a violation of the Court under such particular circumstances. The CPT issues general reports and country reports on specific visits to member states. Both monitoring bodies have been involved in relevant standard-setting activity, particularly the revisions to the European Prison Rules.

The Commentary to the revised European Prison Rules refers to 88 Court judgments and CM/Rec(2018)5 concerning children with imprisoned parents also takes into account the relevant case law concerning the right to family life and the care of infants in prison. Alongside the rules and recommendations relating to police and prisons adopted by the Committee of Ministers, the CPT also publishes its own “standards”. These currently take the form of excerpts from reports, checklists and factsheets covering a wide range of issues.¹¹ The content of these standards is generally consistent with other Council of Europe standards although the CPT considers that the maximum period of solitary confinement should be no longer than 14 days and preferably shorter. The European Rules do not specify a maximum number of days for which solitary confinement may be imposed. In document review and interviews, the evaluation found that the CPT recommendations are widely used in co-operation activity.

11. Factsheets are issued under the authority of the Executive Secretary of the CPT, available at <https://www.coe.int/en/web/cpt/standards#prisons>.

2.1.2. Relevance of co-operation activities

Co-operation activities undertaken during the period under review have comprised 24 projects. Of these, one concerned the development of the SPACE penal statistics programme¹² and another was a regional research project involving four countries. Two of the projects – in Latvia and Romania – involved the Council of Europe as a partner rather than an implementer, with large-scale infrastructure renovation projects funded by the Norway Grants scheme. Of the remaining 20 projects, 12 were funded by the EU, and the remainder by voluntary contributions from one or more member states. One project was partially funded by the United States of America.

Co-operation has also involved bilateral activities funded by the Ordinary Budget of the Council of Europe. These can follow requests from a member state following a CPT report or Court case law, or at the instigation of the Council of Europe. In the period 2016 to 2019, the CLCU organised four high-level conferences of representatives of the Ministries of Interior; 12 bilateral activities in eight member states have taken place, 11 on policing and one on probation. The policing issues covered a broad range of topics including interviewing techniques, hate speech and domestic violence.

Nine multilateral meetings on prisons, police and probation-related issues have taken place between 2016 and 2019, as have a number of bilateral activities (seminars and round tables), which have aimed to fill the gap between projects or to address issues of particular importance to the countries concerned (for example in Bulgaria and Greece).

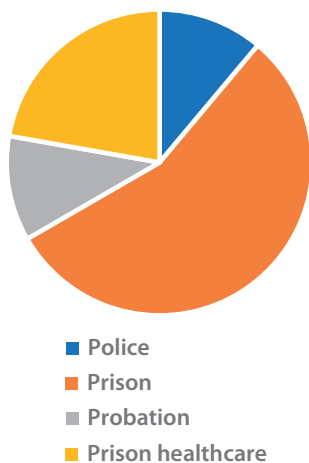


Figure 5. Subjects of multilateral activities 2016-2019

12. The Council of Europe Annual Penal Statistics, better known as SPACE (Statistiques Pénales Annuelles du Conseil de l'Europe) consists of two related projects. SPACE I has provided data on imprisonment and penal institutions annually since 1983. SPACE II has collected data on non-custodial sanctions and measures since 1992 (annually since 2009). SPACE is discussed in section 2.3 on added value.

a) General relevance of co-operation activity

Finding 4:

The work of co-operation activity has generally been well targeted at areas of need identified by the Council of Europe's monitoring bodies, although work with police has been relatively underrepresented in the large co-operation projects.

EQ 1d – Recommendation 4

The aim of co-operation projects has not been to address the full range of shortcomings in the police and penitentiary systems in beneficiary states. Rather they have sought to focus on specific and defined areas of need.

Document review showed that:

- ▶ improving prison management and rehabilitation formed all or part of 20 project outcomes in 11 countries;
- ▶ improving health care in various ways formed all or part of 19 project outcomes in nine countries;
- ▶ improving monitoring and oversight formed all or part of 10 project outcomes in six countries;
- ▶ probation and the development of alternatives to prison formed all or part of five project outcomes in three countries and in a regional research project on reducing overcrowding;
- ▶ work on police custody formed all or part of five outcomes in four countries plus Latvia and Romania, where the Council of Europe was a partner.

Document review has shown that these topics for co-operation activity to a very large degree reflect areas of concern reported by the CPT in their country visits. In some cases, they reflect the need to address violations found in the European Court of Human Rights that have led to supervision of execution of judgments by the Committee of Ministers.

In the five case study countries, of the 65 stakeholders who responded to the interview question, 60 rated the work of the Council of Europe as very relevant, four as quite relevant and one as a bit relevant.¹³

13. The stakeholders represented a range of government and non-government representatives mainly in the five case study countries.

Of course, during the period being evaluated, it cannot be said that co-operation projects targeted all of the areas of concern in the prisons and police field, nor, within a relatively short period, to have addressed let alone resolved all of the specific problems that have been identified. The countries receiving co-operation are characterised by high rates of imprisonment, lack of community-based sanctions, inadequate and overcrowded prisons and poorly trained staff. There is in many countries a “police culture” that does not welcome oversight.

Finding 5:

In addition to the countries where co-operation activities have taken place, there are other member states that could benefit from technical assistance.

EQ 1a – Recommendation 5

There are some member states where the Council of Europe’s monitoring bodies have identified serious problems in their police and penitentiary systems but which have not benefited from co-operation activities, either during the period under review or at any time.

There may be many reasons why these member states have not been assisted; they may not request or accept it, or other organisations may be actively involved. Funding may not be available. One interviewee told us that it is a deficiency that projects are restricted to new member states. The organisation they represented has pressed for Greece to be included. A fully fledged project started in June 2019 thanks to the CLCU’s efforts and the funding from the Human Rights Trust Fund.

A full co-operation project may not be needed to address particular problems that could have been resolved through other bilateral activity. A wide range of member states participate in multilateral meetings. Preparatory research provides an opportunity to assess the extent to which member states may benefit from more substantial technical assistance. There is a case for building on this process to develop a more comprehensive assessment of needs for assistance among both old and new member states, involving the CPT.

Finding 6:

In many countries where co-operation activity has taken place, the poor standard of physical infrastructure of police custody and prisons have limited the relevance and effectiveness of soft measures.

EQ 1a – Recommendation 6

The scope of Council of Europe co-operation activity is necessarily limited. Document review and interviews have indicated that one of the fundamental drivers of whether police, prison, probation and healthcare staff apply Council of Europe standards in their daily work and respect them better is the material conditions in prison and police custody. Council of Europe co-operation projects have included procurement of office and medical equipment, but larger-scale infrastructure refurbishment and construction currently lies well beyond their scope. In two co-operation projects, in Latvia and Romania, where the Council of Europe has worked as a partner in the framework of the European Economic Area (EEA) and Norway Grants, activities have focused on improving conditions of police detention. The Council of Europe’s role was limited to providing advice on the CPT and other standards to be followed in the refurbishment work.

In the other projects there has been a fairly standard approach, which has concentrated on soft measures to bring about change – through the types of activities described in Annex F.

Apart from this partnership activity, co-operation activity has involved only limited engagement with efforts to modernise physical infrastructure. This is despite the fact that “Infrastructure of administrative and judicial public services” is one of the Council of Europe Development Bank’s (CEB) sectors of action and therefore projects are highly relevant.¹⁴ Under this sector of action, the CEB can partially finance projects for the construction or rehabilitation of prisons or police facilities. Projects receive special scrutiny and the CLCU and CPT give advice to ensure that standards are met, particularly the European Prison Rules. During the period under review, in the Republic of Moldova the CEB’s project to construct a new prison in Chisinau was repeatedly delayed and is only now taking shape. In Bosnia and Herzegovina, a high-security prison will open shortly. Loan applications, which generally may not exceed 50% of a project’s eligible costs, are prepared by the borrower in co-ordination with the CEB and are formally submitted by the borrower following appraisal by the bank. Before an application is funded, the Secretary General gives an opinion on admissibility based on

14. The Council of Europe Development Bank (CEB) is a multilateral development bank with an exclusively social mandate. Through the provision of financing and technical expertise for projects with a high social impact in its member states, it actively promotes social cohesion and strengthens social integration in Europe. The CEB has 42 member states, who are the bank’s shareholders. All countries that are members of the Council of Europe are eligible to join the CEB. The bank promotes the values and principles of the Council of Europe but is nevertheless a separate legal entity and financially independent.

the project's conformity with the political and social aims of the Council of Europe.

While obtaining a loan from the CEB may not always be the most suitable or affordable option for a member state, in many countries where co-operation activity has taken place, the poor standard of physical infrastructure of police custody and prisons have limited the relevance and effectiveness of softer measures. Consideration could therefore be given to developing closer co-operation between the CLCU and donors, particularly the CEB, so that where appropriate more comprehensive and coherent programmes can be developed comprising both hard and soft measures.

Finding 7:

Co-operation activity with prisons and the police has been closely guided by Council of Europe standards (including CPT recommendations). It has included a small amount of work on detention outside the criminal justice system.

EQ 1b – Recommendation 12

In terms of the main body of co-operation work that has been undertaken, document review shows that it has been heavily guided by the standards of the Council of Europe. Of these, the European Prison Rules are the most significant along with the recommendations of the CPT. The translation of standards is the responsibility of each individual member state, although where relevant translations are undertaken as part of co-operation projects if they are not available in local languages.

Surveys of members of the CDPC and PC-CP found that they agreed that the co-operation work of the CLCU is linked with the standard-setting and monitoring activities, although to varying degrees. This may reflect a lack of familiarity on the part of respondents with the co-operation work. CDPC members thought it was linked "a fair amount". On prisons, almost three quarters of PC-CP respondents said co-operation projects and other Council of Europe activities outside the work of the PC-CP in the area of prisons and probation were very much or to a fair amount linked with the standard-setting work, although a quarter did not know. There is a similar picture in respect of probation.

Some of the co-operation work has extended beyond the scope of standard setting in the prisons and police programme line. The co-operation project "Enhancing human rights protection for detained and sentenced persons in Serbia" included persons detained under involuntary psychiatric hospitalisation, persons with mental disabilities detained in social welfare institutions and detained patients with

mental disabilities. The project sought to respond comprehensively to the recommendations issued by the CPT in respect of the treatment of these groups. The treatment of all people deprived of their liberty *de jure* or *de facto* is within the focus of the Council of Europe but assistance activities in respect of people outside the criminal justice system do not, *a priori*, belong in the prisons and police programme line.

b) Relevance of specific themes in co-operation activity

The relevance of each theme is described first in the five case study countries and then in those of the other nine non-case study countries where co-operation in that particular thematic area took place. The findings draw on document review and interviews.

Probation and alternatives to prison

Finding 8:

The work of the programme on probation was largely in line with the needs and priorities of beneficiary states.

EQ 1d

Work on probation and alternatives to prison has taken place in Albania, Armenia, Bulgaria and the Republic of Moldova.

a. Case study countries

In Armenia, there is no doubt about the high relevance of the work on probation, which had been talked about since the mid-1990s but without any technical assistance to help its establishment. Following their 2015 visit, the CPT "noted the various legislative and organisational measures (both already taken and planned) to combat prison overcrowding, and strongly encouraged the Armenian authorities to pursue them". As a new concept for the country, help was needed from the Council of Europe to draft the necessary laws and train staff, drawing on international standards and experience.

In Ukraine and North Macedonia, Council of Europe projects did not cover probation, which was receiving other sources of international support and technical assistance. No work was being carried out by any organisation on the development of probation in Bosnia and Herzegovina, despite the country being one of the only member states to lack a probation service. The Council of Europe has previously supported the idea and encouraged the establishment of a probation service.

One of the co-operation projects that did take place during the evaluation period – on structured

sentence management for violent and extremist prisoners (VEPs) – gave priority to the creation of systems for providing post-penal assistance to VEPs after release, a role which in many countries is undertaken in part by a probation service. In 2019 a multilateral meeting was held on developing probation in the Balkans, which encouraged greater use of alternatives to prison in the region.

b. Non-case study countries

Document review has indicated that in Albania and the Republic of Moldova, the CPT has encouraged the authorities to pursue vigorously their efforts to reduce overcrowding by making increased use of alternatives to imprisonment.¹⁵ Bulgaria has been commended by the CPT for introducing electronic monitoring in amendments to the Execution of Punishments and Pre-Trial Detention Act.

Prison health care

Finding 9:

The work of the programme on prison health care was largely in line with the needs and priorities in Armenia, Bosnia and Herzegovina, and Georgia.

EQ 1d

Work on prison health care took place to an extent in all 12 of the countries where the Council of Europe implemented projects.¹⁶

a. Case study countries

After their 2015 visit to Armenia, the CPT reported that “healthcare services in the prisons visited remained understaffed and poorly equipped, and there were problems with access to specialist care, especially psychiatric (while there were many inmates in need of such care). There was also a serious shortage of medication, with a heavy reliance on inmates’ families”. Armenian stakeholders confirmed in interviews that the development of penitentiary health care was a high priority for the government. Apart from an inadequate number of qualified medical staff, doctors were being restricted in what they could

do to help prisoners by prison staff. No psychiatrists were working in penitentiaries, with consultations conducted by phone. The solution was seen to be measures to ensure the professional independence of medical staff as well as increasing capacity. Denial of adequate medical care to prisoners suffering from various diseases was the main issue revealed in judgments made by Court.¹⁷

Bosnia and Herzegovina’s 2014-18 Justice Sector Reform Strategy recognised the need to improve the healthcare system for all prisoners as a priority, and our interviewees confirmed that prison health care had been neglected prior to the project. Project activities were therefore highly relevant. The activities at Sokolac, the new forensic hospital facility, were much needed. As a young facility with mostly new staff, developing protocols was essential to the successful operation of the centre. The protocols developed by the co-operation project covered topics such as admission, individual treatment plans, control and restraint, grievances, human rights, dealing with hunger strikes, and the prevention of ill-treatment.

In Georgia, the healthcare projects responded to an agenda of liberalisation and humanisation following a 2012 scandal involving ill-treatment of prisoners. In its 2014 visit, the CPT found healthcare services in prisons to be improving but made a number of recommendations on some outstanding issues, such as medical confidentiality, recording and reporting injuries observed in prisoners, psychiatric care and psychological assistance to prisoners, suicide prevention and drugs in prison. Four years later, the CPT was very concerned by the persistent serious shortcomings in the provision of mental health care and also recommended changes to the existing procedure for medical screening of injuries. The need for improvements to medical care and mental health treatment for prisoners for prisoners were issues in two supervised judgments of Court completed in 2014.¹⁸

These were all areas that received considerable attention from the Council of Europe co-operation projects. In interviews it was confirmed that health care was clearly insufficient and a severe problem. Interviewees confirmed it was right for the Council of Europe to focus on the issue and mobilise action.

The focus on mental health was also required, as according to one interviewee 90% of prisoners suffer mental health problems, often made worse by “terrible physical conditions and psychological abuse and stress”. Prisoners often faced crises – suicidal

15. Report to the Albanian Government on the visit to Albania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 to 30 November 2018, available at <https://rm.coe.int/168097986b>. Report to the Government of Republic of Moldova on the visit to the Republic of Moldova carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 11 June 2018, available at <https://rm.coe.int/16809022b9>.

16. In Latvia and Romania, the Council of Europe was a partner rather than an implementer.

17. *Ashot Harutyunyan v. Armenia*; see Armenia Factsheet, Department for the Execution of Judgments of the European Court of Human Rights Council of Europe, available at <https://rm.coe.int/168070973c>.

18. Ghavtadze group (23204/07) and Jashi (10799/06), available at <https://rm.coe.int/168070974a>.

thoughts, self-harm, aggression, muteness. Suicide prevention was therefore much needed as well as awareness raising among medical and non-medical staff about mental health issues. There was also a major debate in the country about independent investigation of torture and ill-treatment. The work on the improvement of injury documentation was therefore highly relevant.

In North Macedonia, work on health care was added to the project following a request by the beneficiary. It was needed after the transfer of responsibility from the Ministry of Justice to the Ministry of Health and regional public healthcare centres. A needs assessment identified the shortcomings and weaknesses in the current structure and opportunities for improvements. During their 2016 visit the CPT found that the provision of health care remained totally inadequate and placed prisoners' lives at risk. It also reiterated its recommendation that the national authorities put in place a comprehensive policy for the identification and investigation of allegations of ill-treatment.

b. Non-case study countries

In the six non-case study countries where co-operation activity worked on prison health care, the focus was highly relevant. In Albania, the CPT was very concerned by the lack of progress in prison healthcare services during their 2014 visit.¹⁹ In Bulgaria, they found the situation of prison healthcare services "difficult especially as regards the serious shortage of healthcare staff". Furthermore, "the quality of medical documentation left much to be desired in most of the establishments visited, the quality of medical examinations on admission remained inadequate, and medical confidentiality was still not respected".²⁰ In the Republic of Moldova, CPT visits in 2015 and 2018 found major shortcomings,²¹ as was the case in Montenegro in 2017.²² In Serbia, the CPT were critical of legal safeguards for involuntarily hospitalised

patients, and called for the authorities to step up their efforts to reorganise the system for provision of care to persons with mental disabilities.²³ In Kosovo*, the CPT in 2015 deplored the lack of systematic physical examination on admission of prisoners and the fact that medical examinations/consultations were still often carried out in the presence of prison officers.²⁴ In Ukraine, in 2017 the CPT found very basic health care in poor condition with a lack of medical confidentiality.²⁵

Monitoring and oversight

Finding 10:

The work of the programme on monitoring and oversight was highly relevant to the needs and priorities in North Macedonia and Ukraine and addressed concerns raised by monitoring bodies in Kosovo* and Serbia.

EQ 1d

Work on monitoring and oversight took place in North Macedonia, Ukraine, Serbia and Kosovo*.

a. Case study countries

In North Macedonia, the need for external oversight of law-enforcement agencies (including the prison police) was recognised by the CPT in the early 2000s, identified by the Court in 2012²⁶ and raised as a priority by the EU in 2015. Interviewees confirmed that, within the country, the ombudsperson had pushed for an external mechanism to control the actions of police officers both in the Ministry of Interior and in the penitentiary system. The Council of Europe has played a substantial and long-term role in facilitating discussions between stakeholders. The project was therefore highly relevant.

In Ukraine, a constitutional amendment mandated the creation of a dual system of internal and external prison monitoring and inspection in line with Rule 83 of the

19. Report to the Albanian Government on the visit to Albania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 14 February 2014, available at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806677b7>.

20. Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 25 September to 6 October 2017, available at <https://rm.coe.int/16807c4b74>.

21. Report to the Government of the Republic of Moldova on the visit to the Republic of Moldova carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 5 to 11 June 2018, available at <https://rm.coe.int/16809022b9>.

22. Report to the Government of Montenegro on the visit to Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 16 October 2017, available at <https://rm.coe.int/1680925987>.

23. Report to the Government of Serbia on the visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 26 May to 5 June 2015, available at <https://rm.coe.int/1680697c94>.

24. Report to the United Nations Interim Administration Mission in Kosovo* (UNMIK) on the visit to Kosovo** carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 15 to 22 April 2015, available at <https://rm.coe.int/16806a1efc>.

25. Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 8 to 21 December 2017, available at <https://rm.coe.int/16808d2c2a>.

26. *Hajrulahu v. "the former Yugoslav Republic of Macedonia"* (37537/07), available at <https://rm.coe.int/1680709757>.

United Nations Nelson Mandela Rules. Council of Europe assistance was needed to help streamline the internal mechanism in a way that went beyond controlling staff and helped to encourage improved treatment.

b. Non-case study countries

In Serbia, strengthening safeguards against ill-treatment in police and prisons directly supported the implementation of the CPT recommendations,²⁷ as did the work in Kosovo*, where the focus on transparency also addressed concerns raised in European Union Progress reports.²⁸

Prison management and rehabilitation

Finding 11:

Improving prison management and rehabilitation has rightly been a priority in the countries receiving co-operation assistance.

EQ 1d

Prison management and rehabilitation was addressed to an extent in all 12 countries where the Council of Europe implemented projects, although in Armenia and Georgia outcomes related entirely to prison health care (see above). In all countries, the need for such work had been recommended in CPT reports.

a. Case study countries

In Bosnia and Herzegovina, where the Council of Europe has been working continuously since 2003, prison reform is a long-term task, as it is in many countries. In interviews stakeholders said that there is a strong need for continuity in assistance as well as an overarching aim of harmonising law policy and practice between the two entities which make up the country—the Federation of Bosnia and Herzegovina and Republika Srpska. Co-operation might have been better with European Union projects to improve infrastructure as well as with the multinational project to build a new state-level prison.²⁹

27. Report to the Government of Serbia on the visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 26 May to 5 June 2015, available at <https://rm.coe.int/1680697c94>. And the Report to the Government of Serbia on the visit to Serbia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 31 May to 7 June 2017, available at <https://rm.coe.int/16808b5ee7>.

28. These are annual reports prepared by the European Commission on countries who are not members of the European Union as a component of its enlargement policy.

29. First High Security State Prison in BiH Opened with the EU Support, available at <https://wbif.eu/news-details/first-high-security-state-prison-bih-opened-eu-support>

Stakeholders were particularly positive about the work to create an electronic data system that aims to allow real-time exchange of information between all ministries and agencies in the Federation of Bosnia and Herzegovina and Republika Srpska. This will replace an obsolete system, allow professionals to spend more time with prisoners instead of “drowning in paperwork” and connect with courts, law enforcement and social protection agencies. The comprehensive record, including previous convictions and contact with social protection and law enforcement, should help to find the best way for prisons to work with prisoners.

The case-management system does not, however, seem to include the new high-security prison which has been created at the state level of Bosnia and Herzegovina. This prison is planning to use an advanced system originally developed for use in Serbia. Nor is there yet sufficient funding for the system to be rolled out across all of the prisons.

Bosnia and Herzegovina is one of three countries to have focused on VEPs in the period under review.³⁰ The project there came about as a result of the initiative of the local Council of Europe Office. Despite only currently having 14 such prisoners out of approximately 2 500, all of whom are in Federation prisons, all prisons in the country are involved in developing structured sentence management for violent and extremist prisoners. The evaluation was informed that more than 100 people from Bosnia and Herzegovina are awaiting extradition from Syria. If convicted, some may be held in the new high-security state-level prison when it opens, but many may be accommodated in prisons in the Federation of Bosnia and Herzegovina and Republika Srpska depending on the offence. The relevance of the project lies in the risk that VEPs pose to the public if they are not deradicalised. The Council of Europe guidelines say that “Although prisoners and probationers at risk of being radicalised or of becoming violent extremists represent a small number in the Council of Europe member States, it is nevertheless important to put sufficient resources and efforts into dealing with this problem efficiently given the potential danger it represents for society”.³¹

In North Macedonia, the need for focus on prison management is highlighted by the visit of the President of the CPT to discuss the “dire situation in prisons” with the Prime Minister following the publication of the report of the 2016 visit.³² The programme attempted

30. A regional project involving five countries started in 2019 and has not formed part of this evaluation.

31. Guidelines for prison and probation services regarding radicalisation and violent extremism, available at <https://rm.coe.int/16806f3d51>.

32. President of the CPT discusses the dire situation in prisons with Prime Minister Zaev in Skopje, available at www.coe.int/en/web/cpt/-/president-of-the-cpt-discusses-dire-situation-in-prisons-with-prime-minister-zaev-in-skopje.

to address the widespread existence of corruption – “with every aspect of imprisonment up for sale at Idrizovo Prison” according to the CPT³³ – through a Code of Ethics and Corruption mitigation plan.

In Ukraine, the CPT noted that the development of constructive relations between staff and all the prisoners, based on the notion of dynamic security, is a crucial factor in the effort to combat inter-prisoner intimidation and violence. It recommended that all penitentiary staff coming into contact with inmates should be trained in recognising indications of suicide risk. The CPT recommended too that all staff members working in the establishment, including senior officers, continue to receive a regular message from the highest level that i) any penitentiary official committing or aiding and abetting ill-treatment will be held accountable and that ii) they should oppose all forms of corruption and shall inform superiors and other appropriate bodies of any corrupt practices within the establishment. The three topics of dynamic security, suicide prevention and inspection/oversight were all pursued by the Council of Europe project.

Ukraine’s state penitentiary service was terminated in 2016 with three entities emerging – the penitentiary, probation and healthcare services. The project was therefore very timely as the new structures presented a major challenge. Prisons have been a high priority in part because of the large number of cases in the European Court. For the last five to seven years a deep systemic change has been underway with the aim of changing the philosophy from punishment to rehabilitation and developing a more prisoner-centred approach to the management of prisons. The improvement of pre-trial detention received less priority from the cooperation project than the treatment of sentenced prisoners, although separate work by the Council of Europe was pursued in respect of law and policy.

b. Non-case study countries

In Albania, the EU found in 2016 that penitentiary legislation “needs to be effectively implemented and brought into line with European standards. Corruption in the prison system remains a serious concern.”³⁴

33. Report to the Government of “the former Yugoslav Republic of Macedonia” on the visit to “the former Yugoslav Republic of Macedonia” carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 6 to 9 December 2016, available at <https://rm.coe.int/pdf/168075d656>.

34. Commission Staff Working Document – Albania 2016 Report. Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2016 Communication on EU Enlargement Policy, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_albania.pdf.

Following a 2015 visit to Azerbaijan, the CPT recommended that steps be taken to upgrade the skills of custodial staff in handling problematic situations without using unnecessary force, and preventing inter-prisoner violence and intimidation; and to increase prisoners’ involvement in purposeful activity and contact with the outside world.³⁵

In the Republic of Moldova, the Council of Europe were asked to continue the work of the Norwegian Mission of Rule of Law Advisers to Moldova when it moved out of the country in 2017. The Bulgarian MoJ approached the Council of Europe after a pilot judgment from the Court about conditions and treatment in prison.³⁶ The CPT also made a public statement about the scale of the problems.³⁷

In Montenegro in 2016, the treatment of convicts and detainees needed “to be brought into line with international standards” and the EU reported that “the availability of rehabilitation programmes remains limited”.³⁸

In Serbia, “overcrowding, poor living conditions, difficult access to specialist treatment programmes and inadequate access to healthcare in prisons” were still a matter of concern to the EU in 2016, while in Kosovo*, there was “an urgent need to provide inmates with meaningful activities and work opportunities”.³⁹

Police custody

Finding 12:

The work of the programme on police custody was much needed, given the problems of ill-treatment and lack of knowledge among police officers about required standards.

EQ 1c, 1d

35. Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 15 to 22 June 2015, available at <https://rm.coe.int/16808c5e40>.

36. Neshkov and Others v. Bulgaria, available at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-150771%22%7D>].

37. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Public statement concerning Bulgaria 26 March 2015.

38. Commission Staff Working Document – Montenegro 2016 Report. Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2016 Communication on EU Enlargement Policy, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_montenegro.pdf.

39. Commission Staff Working Document – Kosovo* 2016 Report. Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2016 Communication on EU Enlargement Policy, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf.

Work on police custody took place in six countries, including through the two partnership projects financed by Norway Grants in Latvia and Romania.

a. Case study countries

In Bosnia and Herzegovina, the project “Enhancing human rights protection for detained and sentenced persons” included for the first time both the regular police and the court police in the four jurisdictions.⁴⁰ Stakeholders said in interviews that police officers lacked knowledge about what they were expected to do – one said that “prior to training 95% of participants had not heard of [the] CPT let alone human rights”. The involvement of all police agencies at all levels to harmonise practice was particularly welcomed, as this had been carried out in prisons in an earlier project.

In North Macedonia, ill-treatment and impunity required a wide-ranging approach. As well as the 2014 CPT report’s recommendation that “national authorities strenuously reiterate the message of zero tolerance of ill-treatment of persons deprived of their liberty”, the UN’s Monitoring body, the SPT, were concerned in 2017 that medical screening is not carried out systematically upon arrival at police stations and that suspects rarely sought legal advice.

b. Non-case study countries

In Latvia, the partnership project with Norway Grants involved physical renovation and training was accompanied by legislative analysis and reform and the development of best practices and publicity. A similar partnership in Romania combined physical improvements and the training of police staff on the protection of human rights. While the improvements to detention centres in Latvia and Romania were undoubtedly needed, the centres are fundamentally inappropriate settings. The CPT makes clear that it is “unacceptable for the police authorities to continue to hold detainees for months on end”.⁴¹

In Kosovo*, an independent assessment found that while the beneficiaries were broadly satisfied with the project and the implementation approach, “in some instances, there were some doubts about the project relevance for local priorities. However, the majority assessed the project as relevant for the given context and essential to address requirements stemming from the EU *acquis communautaire* on Justice, Freedom, and Security.”

40. Court Police are responsible for escorting detainees to and from court and for security at court.

41. Report to the Romanian Government on the visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 19 February 2018, available at <https://rm.coe.int/16809390a6>.

2.2. Effectiveness of the programme in improving law, policy and practice

2.2.1 Effectiveness of standard setting

Finding 13:

Council of Europe standards are fairly widely used to bring about changes in legislation and regulations relating to prisons and probation, although the extent of their impact is not fully known.

EQ 2a, 3b – Recommendation 8

The expected results of this component of the programme are that member states are able to rely on updated information standards and practices regarding prison and probation issues and that they adapt their national legislation in line with them.

Six out of 17 countries in the PC-CP survey reported that Council of Europe standards, information and practices had been “very much” used to bring about changes in legislation and regulations relating to prisons, and a further seven stated that they had been used “a fair amount”, with three reporting that they were used “a little bit”. Similar use was reported in respect of probation. The European Prison Rules were described as having a particular significance for member states – by one respondent as “not-so-soft soft law”.

Respondents from some member states reported direct influence with changes reported on laws and policies relating to the execution of criminal sanctions, classification systems for prisoners, deradicalisation and the use of isolation. A representative from one member state wrote in their survey response that “Handbook and Guidelines on Radicalisation have been blended into Recommendations and Seminars on this subject. SPACE statistics are used for benchmarking. Guidelines regarding recruitment and training of staff have been compared with staff training.” Another wrote that that “the Rules on Prisons and Probation form the foundation for relevant practice and policy”.

The generally positive picture of the effects of the standards was confirmed in interviews, with the Council of Europe’s standard-setting work in this field widely acknowledged to be of a very high quality. One external organisation working on prisons told us that the standards are “really useful though not all are implemented. They provide good guidance for those that do want to implement them and good support for prison services. Some are more popular

than others. They provide goals for lower performers and checklists for better ones”.

One external international organisation said that they had themselves established an expert group on children of imprisoned parents, which is looking at how to implement the recommendation.⁴² Another such organisation told us that production of guidelines is “very, very positive”, covering the most relevant topics and based on a bottom-up approach involving experts and a participatory approach.

It was suggested by a number of interviewees that the Council of Europe “only goes so far. It can seed the ground, for example on training and recruitment of staff, but does not have resources to do more”. Despite the limitations, the standards have reportedly been influential in bringing about change.

Despite this, one scientific expert said that there is “no real knowledge of the extent to which standards make an impact”. Another agreed that “the Council of Europe does not monitor the impact of the guidelines and this is a gap”. This could partly be rectified in respect of countries where co-operation activity takes place if more evaluation and assessment activities are incorporated into projects.

Finding 14:

Apart from the European Prison Rules, recommendations and guidelines have been translated into relatively few languages.

EQ 2a – Recommendation 2

Some stakeholders felt that more could be done to disseminate standards. In the PC-CP survey, 16 out of 17 member states reported using networks of e-mail recipients to disseminate standards and 13 used conferences, workshops and seminars. Relatively little use is made of social media and Council of Europe material – other than CPT reports – seldom figure in mainstream media reports. The recommendations are produced in English and French but, beyond these, countries have to translate material themselves. Figure 5, using data accessed from the Council of Europe website, shows how few translations are so far available for standards produced in the 2016-2019 period.⁴³

A number of interviewees and survey respondents said that that dissemination and implementation is the weakest area of the PC-CP’s work. According to one, “standards are communicated to civil servants in countries who tick a box. There is little ownership at national level although where countries have a representative on the PC-CP Working Group then

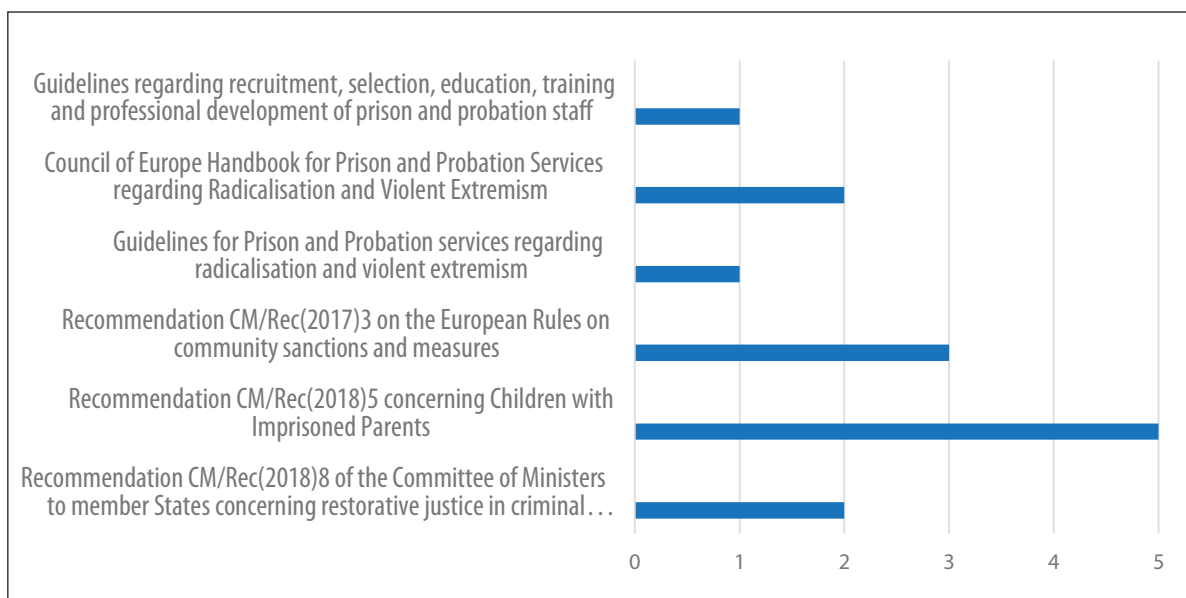


Figure 6. Translations of standards produced in the period 2016-19⁴⁴

42. Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents, available at <https://rm.coe.int/cm-rec-ommendation-2018-5-concerning-children-with-imprisoned-parents-e/16807b3438#:~:text=1.,decisions%20which%20may%20affect%20them>.

43. Accessed 3 November 2020.

44. Source available at www.coe.int/en/web/prison/conventions-recommendations, accessed 18 November 2020.

they do more.”They told us that there has been good follow-up on the restorative justice recommendation, with a scientific expert setting up a network to promote it, and on children of imprisoned parents, where a European NGO has promoted it and translated it. But “some recommendations fall flat”.

Finding 15:

Annual Conferences of Directors of Prisons and Probation and other multilateral meetings are used to promote the standards and the PC-CP Secretariat has worked well to do so but has limited resources.

EQ 2a, 2d – Recommendation 2

The PC-CP secretariat comprises two members of staff and there is no budget for dissemination. Staff have been active in speaking at a number of conferences and meetings while the annual Conference of Directors of Prisons and Probation is an important vehicle for disseminating standards.

Twelve respondents to the PC-CP survey reported that this “very much” contributes to promoting and further developing the standard-setting work undertaken by the PC-CP and a further five said that it does so “a fair amount”. The multilateral, regional and bilateral activities of the CLCU – as well as the co-operation projects – also provide mechanisms for dissemination. The Conference on Prison Overcrowding held in Strasbourg in 2019 broke new ground in engaging with prosecutors and judges as well as prison officials in order to build on the White Paper.

2.2.2. Effectiveness of co-operation activities

Evidence about the effectiveness of co-operation activities draws on document review, survey data, interviews and statistical data.

The majority of respondents to the CDPC and PC-CP surveys who answered the question considered that co-operation projects and other Council of Europe activities outside the work of the committees had a fair amount of impact on prisons in their countries. Only one of the respondents represented a country with a co-operation project during the evaluation. It is likely that respondents are thinking about the impact of bilateral or multilateral activities. Of the 27 respondents to the two surveys, 14 gave no answer or did not know.

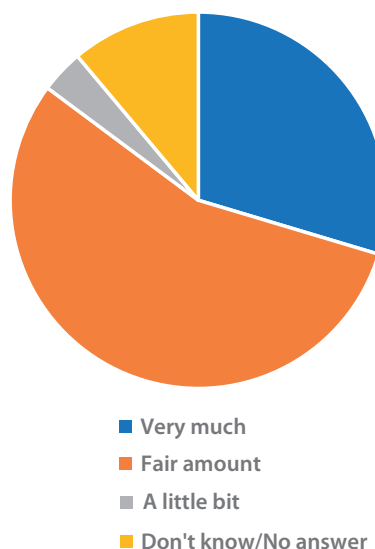


Figure 7. What, if any impact on prisons has been made in your country by co-operation projects and other Council of Europe activities outside the work of the PC-CP? (N=13)

A similar picture emerged in respect of probation. With regard to the impact on the police, of the three members of the CDPC who answered the question, one considered a fair amount of impact had been made and two a little bit.

In the five case study countries, of the 58 stakeholders who responded to the interview question, 38 rated the work of the Council of Europe as very effective, 17 as quite effective and three as a bit effective. No respondents selected the option “not effective”. The types of activities carried out in each of the countries are shown in Annex F.

Probation and alternatives to prison

Finding 16:

The Council of Europe has played an important role in creating a probation service in the law of Armenia, but much remains to be done to optimise the work of the institution through training, awareness raising and improved equipment. The capacity of existing probation systems has been enhanced in Bulgaria and the Republic of Moldova.

EQ 2b

The development of alternatives to imprisonment and a probation service do not figure specifically as an expected result in the programme line’s current Theory of Change. They contribute indirectly by reducing the unnecessary use of imprisonment,

relieving overcrowding and rehabilitating people in conflict with the law. This in turns makes it easier for staff in prisons to perform their duties in line with Council of Europe standards.

a. Case study country

The main result of the Council of Europe’s work in Armenia has been the adoption of the Law on Probation in May 2016. In addition, co-operation has involved pilot projects in two areas; development of training curricula on selected probation topics; provision of office equipment for the support of everyday work (computers, printers, faxes, stationery); providing electronic monitoring (EM) devices; and a promotional film in both Armenian and English language.

The Council of Europe’s work in Armenia has undoubtedly played a major part in the creation of the probation service. As a result, the country has seen a steady increase in the numbers of probation cases and the prison population is falling with some evidence of a substitution effect.

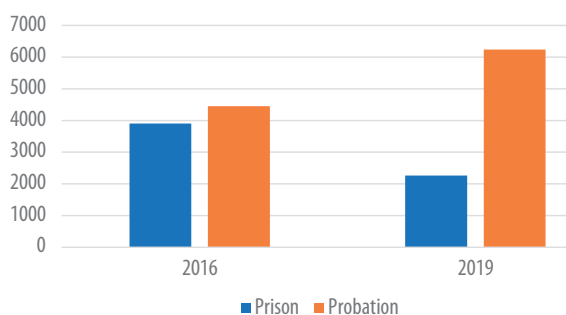


Figure 8. Numbers of people in prison and under probation in Armenia 2016-2019⁴⁵

According to a local expert, since 2016, the conditional release rate has risen from 4% to 15% with a 2% reoffending rate among conditional release cases. It is not known how the reoffending rate compares with earlier periods.

The biggest contribution was providing assistance in the drafting of the legislation establishing the probation system, which was a long-term task. Stakeholders confirmed that this was a major achievement brought about through the work of international and local experts.

The law is not perfect however – not all of the recommendations made by the project were accepted. Probation services, for example, do not work in the pre-trial or post-release phases. The law is therefore being reviewed as part of the new Council of Europe project.

45. Data from SPACE 1 and SPACE 2 2016 and 2019.

As for the development of the probation service as an institution, there has been less progress. A 2018 ombudsman report on probation found weaknesses including inconsistencies between laws in respect of the powers and responsibilities of staff and uncertainty about whether they should have a civil service role or be more independent. Almost all probation staff initially came from the former alternative sanctions division of the penitentiary department, whose role, since 2005, had been the registration and surveillance of court orders, particularly in respect of conditionally released prisoners. Initially the idea was to recruit new people into the new service. Many of the staff stayed on, although there has been some change in mentality, particularly in two pilot areas, with the role being seen more about support than surveillance.

Electronic monitoring has made no progress despite being part of the co-operation project. Plans since 2016 to buy equipment from the state budget have continually been postponed. There was some piloting during the Council of Europe project, but the equipment has not been used since then.

Some work was done to make judges aware of the new probation service, but more is needed. Many of the outstanding challenges are being addressed in a new Council of Europe project that started last year, after an almost two-year gap. There is a four-year strategy on the development of probation and plans to revise the law, and to introduce new risk needs assessment and case-management tools.

The EU has concluded that “instructions to prioritize alternative sentences have already been translated into practice; however, legal amendments and strengthening of the Probation Service, including funding for GPS monitoring in case of house arrest are needed”⁴⁶

b. Non-case study countries

In Albania, work was limited to the provision of legislative analysis of the proposed Law on Probation. According to the European Union, “the new Law on Probation has been drafted and is pending approval by the Parliament”⁴⁷. In Bulgaria, training activities took place with judges and probation staff and e-learning resources translated into Bulgarian. In the Republic of Moldova, the Council of Europe has presented a comprehensive options analysis for the

46. Joint staff working document, SWD(2020)17, available at <https://ec.europa.eu/transparency/regdoc/rep/10102/2020/EN/SWD-2020-17-F1-EN-MAIN-PART-1.PDF>.

47. Commission Staff Working Document – Albania 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0354&from=EN>.

reorganisation of the structure of the central and regional probation offices; and recommendations to amend the Law No. 8/2008 on probation to address the status of probation employees. Changes have not yet been made due to political instability but are in the government's plans. The probation service has been equipped with tools, instruments and training.

The Council of Europe has not been involved directly in the development of probation in other member states during the period, other than through the regional research project, which resulted in country-specific recommendations aimed at reducing prison overcrowding. The countries involved were Armenia, Georgia, the Republic of Moldova and Ukraine.⁴⁸

Other than in Armenia, where the Council of Europe's work has played a role in the reduction of the prison population, it is difficult to assess the effects of projects on the use of imprisonment.

Figure 9 shows trends in the prison populations between 2016 and 2019. The prison population fell in Albania, Bulgaria and the Republic of Moldova but rose slightly in Georgia. Reliable data are not available for Ukraine. Numbers on probation fell in Bulgaria and Georgia, the only countries for which data are available. It is not possible to draw conclusions from these data.

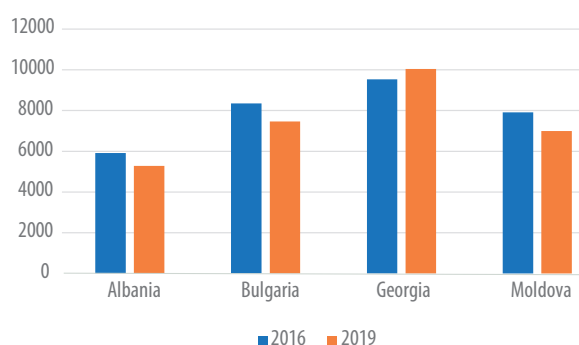


Figure 9. Changes in the prison population in the period 2016-2019 in Albania, Bulgaria, Georgia and the Republic of Moldova

Prison health care

Finding 17:

The Council of Europe has played an important role in establishing the independence of health care from the penitentiary system in Armenia and Georgia and improving its quality.

EQ 2b

48. Belarus and Azerbaijan were initially expected to participate but Belarus decided not to and Azerbaijan withdrew during the project.

The main expected result of the co-operation activity is that medical staff have been supported to perform their duties in line with Council of Europe standards.

a. Case study countries

In Armenia, following an assessment, guidelines were introduced, equipment purchased, and training provided. The government adopted a decree establishing a *Penitentiary Medicine Centre* (a state non-profit organisation), as a direct outcome of the implementation of the project. In Georgia, in two projects, results have included a strategy on healthcare quality control in prisons; revised prison healthcare standards; methodology for inspection of application of the healthcare standards in prisons; a quality monitoring tool for mental health service delivery developed for the Public Defender's Office; a mental health strategy; a new advanced form for documenting injuries of inmates; a mental healthcare screening tool and crisis intervention strategy; a psycho-social rehabilitation programme; a suicide prevention programme; large-scale training of staff.

Institutionally, important legislative changes have seen responsibility for prison health move to more independent entities in both Armenia and Georgia, where thanks to assistance from Council of Europe projects medical staff have been made independent from the prison service in line with Council of Europe standards. Concrete examples of improvements in Armenia include medical examination of prisoners on admission and release, more appropriate transfers to civil hospital of prisoners who need specialist care and better prescription of drugs. Doctors are no longer involved in certifying prisoners as being fit to be placed in a punishment cell, although they can require their removal if they are not fit to be there. The Head of the Medical Service is now able to request a psychiatric examination for a prisoner – previously this needed a court decision. The level of psychiatric care has improved.

In Georgia, a medical service independent of the prison system has also been established and provides better access to care, with the CPT in their 2018 visit noting "further improvement in prisoners' access to both primary and secondary health care in all prisons visited". The Ombudsman's Annual Report for 2017 was positive about the adequacy of health care and mentioned the importance of creating the medical service. Particular improvements have been made in pre-trial detention centres known as isolators, which now provide 24-hour-a-day medical cover in the eight large centres where previously health care relied on paramedics in ambulances. Council of Europe expertise was needed on the new labour regulation for staff, drafting documents and guidance on, for example, how to deal with hunger strikes.

Evidence about the effectiveness of the mental health project was generally positive. Interviewees told us that medical staff and managers mention that there is now more commitment to identifying mental health problems among prisoners at an early stage. Staff are more confident about how to assess problems thanks to training.

In both Armenia and Georgia, while responsibility for prison health care has been made independent from the penitentiary service, it has not been transferred to the Ministry of Health (MoH). The CPT strongly encouraged the Georgian authorities to proceed with concrete preparations for the transfer of prison health care to the Ministry of Health, comprising precise deadlines, but no progress has been made.

Whether ultimate responsibility for providing health care is given to the MoH or remains under the prison administration, both authorities have to assume certain responsibilities. In Armenia, the current arrangements are seen as an interim solution before a move to the MoH. In Georgia by contrast, there is no longer current discussion about moving prison health to the MoH, but it does have general oversight and sets standards. Health matters in prisons such as food rations are dealt with by joint orders of MoJ and MoH ministers. Some stakeholders told us that the MoH are not ready to take over prison health and did not take part as much as they could have in the co-operation projects.

Despite the progress, and the reported achievement of project outcomes, there are still problems in both Armenia and Georgia. In Armenia, the lack of qualified staff is a major problem and complaints to the ombudsman about prison health care are still commonplace, as illustrated in Table 2. The EU has reported that “regarding the lack of quality medical care for prisoners, Armenia plans to establish special wards in public hospitals”.⁴⁹ This may be a way to bring about further improvements.

Table 2. Complaints to the ombudsman in Armenia in the period 2016-2019⁵⁰

Complaints to Human Rights Defender by prisoners/relatives	2016	2017	2018	2019
Total complaints	582	834	897	943
Healthcare complaints	106 (18%)	256 (30%)	257 (29%)	229 (24%)

Finding 18:

Much needed new equipment and training has helped to raise the quality of medical care in Armenia, although a small amount of equipment has not been fully utilised because of a lack of trained staff.

EQ 2b

49. Joint staff working document, SWD(2020)17, available at <https://ec.europa.eu/transparency/regdoc/rep/10102/2020/EN/SWD-2020-17-F1-EN-MAIN-PART-1.PDF>.

50. Data from Ombudsman’s Office of the Republic of Armenia.

To address the problems in Armenia, 11 penitentiary institutions were provided with the necessary medical equipment for primary health care, including dental sets, X-ray machines and surgical kits. The Ministry of Justice renovated the infirmaries in each of the establishments. The list of equipment provided by the Council of Europe was in line with international standards and is mostly being used, although a small amount is not being used because staff have not been trained.

The Council of Europe project provided training for staff, both highly specific medical training and training on ethics. Medical topics included early response and preventing heart attacks and strokes as well as health promotion. Training was well received although some interviewees said that the topics should have been more closely linked to the new equipment and that separate training for doctors and nurses is sometimes required. The mortality rate in prisons fell from 72 per 10 000 in 2015 to 44.1 in 2018.⁵¹

Finding 19:

Important progress has been made on the documentation of injuries in Georgia, although an effective system of monitoring how it is used is not in place.

EQ 2b

Particularly significant in Georgia was the development of a protocol in temporary isolators – pre-trial detention facilities under the Ministry of Internal Affairs – so that doctors record injuries before and after arrest. The project developed the forms and trained the doctors. Based on the UN Istanbul Protocol, the comprehensive documentation of injuries, including psychological harm, is used on the basis of orders from the minister. Cameras are now allowed to photograph injuries and doctors trained on how to use them, in line with the recommendation by the CPT in their 2018 report. While there is an obligatory medical examination on arrival and discharge in all institutions, the injury form is obligatory in isolators but only in the penitentiary if prisoner complains. The CPT have recommended that the form be obligatory in all institutions, but it is not clear if the law has been amended to provide for this.

The medical examination has two parts. One, injury documentation (including photographic), which leads to referral where necessary to the prosecutor

51. Data from Council of Europe Annual Penal Statistics: SPACE I – 2016 Table 13, available at https://wp.unil.ch/space/files/2019/02/SPACE-I-2016-Final-Report_Updated_190207.1.pdf and Council of Europe Annual Penal Statistics – SPACE I 2019 Table 28, available at https://wp.unil.ch/space/files/2020/04/200405_FinalReport_SPACE_I_2019.pdf.

(up to 2019) and since then to a newly formed State Inspection Service that is responsible for the prosecution of public officials. And, two, a risk assessment of medical conditions when a doctor decides whether the detainee needs to go to hospital or stay in an isolator. A higher number of cases with allegations are going to the State Inspection Service. The form is often used by investigators and is likely to be used in evidence if a prosecution is brought. Lack of evidence was previously a problem in torture cases.

More broadly, an effective system of evaluation and monitoring has not been developed, so it is not known how well the procedure for the documentation of injuries is working in practice. Resistance was reported from doctors who were happy to use the old form. But they accepted it eventually, recognising that multiple injuries – all of which require careful documentation – are rare. Work is now underway on monitoring tools to check the quality of the completed forms.

In Bosnia and Herzegovina, the project has developed healthcare protocols in prisons comparable to those in the community applicable with the existing resources and developed clear procedures for the management of 110 forensic patients in the newly opened facility at Sokolac. One stakeholder told us that the training on health had succeeded in teaching the trainees, but high-ranking managers do not ensure it is put into practice. By contrast, another said that since his prison was refurbished “conditions are much better, especially health care”.

More detailed evidence may be contained in the report of the CPT’s visit to Bosnia and Herzegovina, which took place in June 2019. A month earlier, the European Union published a report that said that “despite improvements, healthcare services in prisons lack resources and in particular medical staff”.

In North Macedonia, reforms in the provision of healthcare services to prisoners were initiated as part of the project to strengthen the protection of the rights of prisoners through introducing effective mechanisms for dealing with cases of ill-treatment and corruption. The health ministry was given responsibility for prison health care but without necessary preparation. Therefore, the Council of Europe waited until the authorities were in a position to benefit from input from the Council of Europe. The EU has described the healthcare system in prisons as “dysfunctional”.⁵²

52. Commission Staff Working Document – North Macedonia 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf.

b. Non-case study countries

Some progress has been made in Albania, where a manual on mental healthcare in prison and a strategy on suicide prevention were drafted and a wide variety of training of medical and non-medical staff provided. Following the project, “the government has started preparing plans for the establishment of a special institute for the treatment of persons with mental illness in prison and has renovated premises in the Lezha prison to serve as an intermediary facility to treat people with mandatory medical treatment in prisons”.⁵³

In Azerbaijan, Council of Europe efforts to align the primary healthcare services in prisons to international standards and best practice and to introduce a wider range of non-pharmacological mental healthcare services have had limited impact with monitors continuing to report on “poor medical care”.⁵⁴ As the project final report acknowledges, “a real impact will require additional assistance to the Azeri authorities, and it can be visible only at a later stage”.

In Bulgaria, after the development of a strategy, action plan and training of staff during the co-operation activity, the Council of Europe have accepted that “clear further steps remain to be taken”.⁵⁵

In the Republic of Moldova such steps are being taken as part of the continuing efforts to improve health care, with the installation of medical equipment and the drafting of a code of ethics and a mental health strategy, both of which await adoption. Regulations on the provision of health care to persons in detention and on the management of medicines within the prison system were revised.

In Montenegro, Guidance on Healthcare of Detained and Sentenced Persons and related protocols were revised, staff training provided, work done on the feasibility of a new Special Prison Hospital and rehabilitation programmes developed, including for drug addicts and psychiatric patients. The EU has reported that “some improvements were made to healthcare

53. Commission Staff Working Document – Albania 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020SC0354&from=EN>.

54. Azerbaijan 2019 Human Rights Report, available at www.state.gov/reports/2019-country-reports-on-human-rights-practices/azerbaijan/.

55. Final Narrative Report of Project Support for the implementation of Court judgments and CPT standards and recommendations.

services”, which are likely to reflect the impact of the project.⁵⁶

In Serbia, where the Council of Europe co-operation produced a new mental health strategy, individual treatment plans for detained patients with mental disabilities, risk-assessment tools and training for staff, “revision and improvement of treatment programmes in prisons and prison medical facilities is ongoing”.⁵⁷

In Kosovo*, training was provided on mental health issues, transmissible diseases, medical ethics, recording injuries related to ill-treatment; a suicide prevention strategy submitted for adoption and protocols to facilitate the transfer of the prison health care from the MoJ to the MoH submitted to the authorities for adoption. The Council of Europe themselves reported that “progress was made in managing more effectively healthcare services in prisons”.⁵⁸ The EU reported in 2020 that “the prison system continues to comply broadly with the UN Standard Minimum Rules for the Treatment of Prisoners and with the European Prison Rules”.⁵⁹

Oversight and monitoring of prisons and police

Finding 20:

While very important progress has been made through international research and legislative assistance in North Macedonia and Ukraine, models for monitoring and oversight have not yet proved capable of full implementation. Serbia and Kosovo* have made good progress in this area.

EQ 2b, 2e

56. Commission Staff Working Document – Montenegro 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/montenegro_report_2020.pdf.

57. Commission Staff Working Document – Serbia 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf.

58. Final Action Narrative Report – Enhancing the protection of human rights of prisoners in line with Council of Europe and European Committee for Prevention of Torture (CPT) standards.

59. Commission Staff Working Document – Kosovo* 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf.

Although they are critical requirements of Council of Europe standards, the development of oversight and monitoring of prisons and police does not figure specifically as an expected result in the programme line’s current Theory of Change. Co-operation activity in this area contributes to prison staff and law-enforcement officers performing their duties in line with Council of Europe standards, not by supporting or training them but by preventing, deterring and investigating unlawful actions.

a. Case study countries

In North Macedonia, the work to develop monitoring and oversight has been highly effective in terms of identifying an appropriate model for the country and creating the legislative basis for its operation. There are some shortcomings in its operation, although these are largely outside the influence of the project. The final model was developed after research, study visits and consultations by the Council of Europe in a series of projects. There are two components to the model – a specialised unit within the prosecution office and an Ombudsman Plus arrangement for civilian oversight.

There has been a major success in helping to create a specialised department in the prosecution office, which started work in October 2018. Since then, there have been 248 cases against 446 persons with police powers or members of the prison police submitted to this section upon suspicion of criminal offence. As a result of investigations, six police officers have been put in custody and 18 have been indicted.⁶⁰

It is not perfect, as more independence in terms of budget and annual reporting had been sought. There is a shortage of investigators and the exclusion of the military from the scope of the department has caused some difficulties. The European Commission has reported that “while the set-up of the external oversight mechanism of the police is complete, the absence of genuinely independent investigators may impede the work of the unit to effectively address police impunity”.⁶¹ The absence of independent investigators in the prosecution office does not fall within the remit of the project implemented by the Council of Europe but a separate twinning project.

The arrangements for civilian oversight involving NGOs appointed by parliament and the ombudsman have also been successfully put in place. The Ombudsman Plus model was developed after

60. Commission Staff Working Document – North Macedonia 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Region, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf.

61. Ibid.

detailed research and considerable assistance was given to the preparation of relevant legislation. A working arrangement between the ombudsman and civil society representatives has yet to be agreed. In the view of one stakeholder, Council of Europe experts should have advised that the law be more precise about some of the matters now under dispute.

Ukraine has also seen new agencies created for the investigation and prosecution of public officials, but the main focus of the Council of Europe work has been on the development of an internal inspection mechanism in the penitentiary service. According to one stakeholder, the Council of Europe was “very good at promoting it, making it operational and developing professional standards for the first time”.

Inspection is new to Ukraine, although checks were carried out by staff from prison headquarters. The project helped to introduce provisions for both internal and external inspection. The department of internal inspection has nine staff to inspect 121 facilities. The objective is not to punish failings but identify shortcomings, make recommendations and raise performance levels. From 2017, consultants and experts developed standards in all areas, stages and procedures. The standards are based on the European Prison Rules and adapted from the four tests for a healthy prison used by Her Majesty’s Inspectorate of Prisons in the UK.

Following a simulation exercise led by Council of Europe experts in a women’s prison, 40 inspections a year are now undertaken, looking not only at human rights but broader efficiency issues. Some 99% of recommendations that do not involve funds (material/human resources) are reportedly implemented. Six months is allowed for implementation. Then there is a control inspection to check that action has been taken. The penitentiary department also controls how recommendations have been implemented, as does the healthcare service. Some recommendations are not feasible in the short term, but they are logged and taken account of in future budget planning.

Currently a draft law on dual inspection is being drafted that will include a more fully independent and external monitoring body alongside the internal inspection. Templates are also being developed for prisons themselves and the MoJ so they can audit themselves. There is not yet agreement about which agency should conduct the external inspection. While the Council of Europe considers it appropriate for the ombudsman to take this on, with more than 100 penitentiaries in the country this may not be feasible because of the workload implications.

b. Non-case study countries

In Serbia, Council of Europe work has supported the revived Commission for the Prevention of Torture and Ill-treatment. Around 190 public prosecutors and police officers have completed training sessions on the methodology for investigations into allegations of torture and other forms of ill-treatment. A rulebook on applying police powers, which regulates the treatment of individuals detained in police custody, was adopted in June 2019. Amendments to the criminal code, which were adopted in May 2019, introduced harsher penalties for torture committed by staff working to keep public order or in detention facilities. This suggests the co-operation activity has had a considerable effect.⁶² Recommendations were also issued for the consolidation of three existing complaints systems alongside support for inspection mechanisms and monitoring methods related to the human rights of persons with mental disabilities.

In Kosovo*, where the Police Inspectorate’s internal regulatory framework and working methodology were upgraded and regulations on internal prison inspection improved, the EU has reported that “on the prevention of torture and ill-treatment, the situation remains satisfactory and the authorities have shown a sustained commitment to preventing these practices in all circumstances”.⁶³ The Prison Inspectorate continues working with a methodology based on the “Mandela rules”.⁶⁴

Prison management and rehabilitation

Finding 21:

Useful steps have been made towards improvement in prisons at both strategic and practical levels, but further progress is likely to require continuing support for a long period as well as improvements to infrastructure.

EQ 2b – Recommendations 6 and 7

62. Commission Staff Working Document – Serbia 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf.

63. Commission Staff Working Document – Kosovo* 2020 Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf.

64. Ibid.

The main expected result of the co-operation activity is that management and operational staff in prisons have been supported to perform their duties in line with Council of Europe standards.

a. Case study countries

In Bosnia and Herzegovina, three projects have developed risk needs assessment protocols and a pre-release programme developed for radicalised prisoners; a comprehensive strategy for selection and training of prison staff in high-security units; a case-management system for violent and extremist prisoners; a handbook containing a set of specific treatment programmes offered to prisoners on which staff of all 14 prisons were trained; and technical specifications developed for the future IT system to record prison data.

Stakeholders were very positive about the creation of the electronic data-management system, but this is not yet operational and not all of the funds have been raised for it to be implemented across the prisons in the Federation and Republika Srpska.

The training programmes developed have provided support to both new and existing treatment officers. Feedback was positive about the value of a guide on the treatment approach to prisoners, which was the first document to show staff how they need to work, incorporating laws, bylaws international standards. One interviewee reported initial scepticism on the part of staff “but people started to receive it more and more”, being receptive to the argument that ill-treatment leads to trials and damages paid by that state that could be used to raise salaries. A more cautious assessment was made by one stakeholder who praised the very professional training but questioned whether it had led to changes in practice. The May 2019 EU report says that “there are no programmes to accompany the reintegration in society of former prisoners”.

Such post-penal programmes are being developed for the currently small number of VEPs who have been the focus of two projects during the evaluation period. Before these projects, there was no systematic approach to this group of prisoners at all and no tools for dealing with them. The project made it possible to recognise leaders, followers and opportunists and to introduce multidisciplinary work with them with the aim of resocialisation and reintegration after release. Whereas before staff did not take the issue seriously, now there is strategic management of VEPs, a high-quality risk needs assessment and a case-management system being developed. We were told that “significant numbers of prisoners have been released with no recidivists among them. They showed remorse”.

Despite this progress the EU has reported that “legislation on the prison system is neither sufficiently harmonised throughout the country nor fully aligned with European and international standards” and “there is no countrywide strategy on the prison system”.⁶⁵

In North Macedonia, the project aimed to introduce effective prison management, dynamic security and mechanisms for combating inter-prisoner violence and to improve the treatment of sentenced persons through the introduction and implementation of specific treatment programmes. Whether the intensity of the programme has matched the scale of the challenge was questioned by some stakeholders in interviews, who pointed out that the low numbers of prison staff and lack of sufficient space for them within prisons have limited the effects of training.

While all of the project activities were carried out, concern was reported from stakeholders that in prisons, while everything was carried out, little has changed as a result and implementation of measures is very low. For example, although staff are trained to provide treatment programmes there is little follow-up to see whether they are being used. Instead, new programmes are introduced. The Council of Europe has taken the view that once programmes have been introduced it is up to the beneficiary to use them. But frequent changes in prison management, lack of institutional memory in headquarters and limited resources have prevented this from happening. While there are good relations with the beneficiary, there is little leverage, so the focus tends to be on developing new projects rather than consolidating the gains from previous ones. More positively, an assessment tool for identifying radicalised inmates is being used. Awareness has been raised among prison staff and between 10 and 20 radicalised inmates have been identified.

It has also been suggested in interviews that the Council of Europe could do more to apply pressure to ensure the recommendations they make for legislative changes are accepted in full. For example, the 2019 law on the execution of sanctions was modified in parliament to remove the clause recommended by the Council of Europe that would have required prison directors to have relevant experience as a condition of appointment. It was suggested that the Council of Europe (and/or the CPT) could have sought to influence Members of Parliament to retain the requirement, although the CPT had previously

65. Commission Staff Working Document – Bosnia and Herzegovina. 2020 Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf.

met with the Prime Minister and understood that this requirement would be in the legislation. The European Commission has reported in 2020 that “progress on the ground is very slow, in particular as regards the detention conditions in some prison sections and the dysfunctional healthcare system”.⁶⁶ The CPT visited North Macedonia in December 2019 and their report may enable an assessment to be made of any improvements in the situation they found in 2016. A meeting of the President of the CPT with the Prime Minister in December 2020

highlighted the necessity for North Macedonia to establish a professional prison service with clear reporting lines and effective management oversight. The steps required to provide minimum conditions of detention for persons held in Idrizovo and Skopje prisons as well as the development of a purposeful regime were discussed. There was also recognition that the Ministry of Health needed to play a more proactive role in improving the provision of health care to prisoners.⁶⁷

In Ukraine, the main results were the provision of advice on legal amendments; the drafting of a prison management manual; the development of social and life skills courses for prisoners; and a code of ethics for staff. But the main achievement of the Council of Europe work has been to integrate the concept of rehabilitation and a prisoner-centred approach into the discourse of the criminal justice system. Rehabilitation was brought into a draft law and while not yet passed, a new framework for prison policy has been developed. The penitentiary system has opened up. Previously there was resistance to change but advice is now welcomed at all levels. Concrete changes include prisoners using cell phones and refurbished reception areas and visiting areas. A multidisciplinary approach to suicide prevention has also been introduced, which while not completed has led to a new approach in juvenile prisons in particular.

In a large country like Ukraine, it is a huge task and long journey to ensure that this high-level framework trickles down to prison staff. The strategy for achieving this was developed with input from the Council of Europe in a document “Passport to Reform”, which was more fully “owned” by the Ukraine government than a detailed European Union strategy. Ukraine also

saw practice developments in five pilot prisons where staff were trained to provide resocialisation courses for prisoners and the principles of dynamic security. The former were highly practical courses focusing on the resettlement needs of prisoners on release.

b. Non-case study countries

In Albania, work was done on recruitment, training, management and rehabilitation programmes, although the CPT in 2018 found only slight improvements.⁶⁸

In Azerbaijan, a reform strategy and action plan were drafted, training provided on principles and practice of prison management, and a personal officer scheme developed in three pilot prisons. Despite these efforts to improve operating standards of security, rehabilitation and human rights in prisons, monitoring has found that conditions continue to be “sometimes harsh and potentially life threatening”.⁶⁹ A better situation may be found in the three pilot prisons where the Council of Europe has sought to bring about change.

In Bulgaria, the Council of Europe’s work to reduce overcrowding and protect human rights may have had some impact in the period 2016–2018 but the Helsinki Committee have reported that prison conditions in many detention facilities remained “inhuman and degrading”.⁷⁰ There were reports of overcrowding in some facilities, inter-prisoner violence, prison staff corruption and inadequate sanitary, living and medical facilities.⁷¹

In the Republic of Moldova, while progress has been made, political instability has meant that some of the legal reforms recommended by the Council of Europe have yet to be implemented, although some regulations have been changed. While the 2018–21 co-operation project has ambitious aims, the EU has reported that “local stakeholders’ institutional capacities to implement strategies remain weak” and the effectiveness of the project has been further limited due to the COVID crisis.

In Montenegro, the EU reports that an ethics committee was established for monitoring compliance with the provisions of the new code of ethics for prison staff developed by the Council of Europe

66. Commission Staff Working Document – North Macedonia 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf.

67. Council of Europe anti-torture Committee (CPT) visits North Macedonia and hold talks with the Prime Minister on the need to improve the treatment of persons held in prisons, available at www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-visits-north-macedonia-and-hold-talks-with-the-prime-minister-on-the-need-to-improve-the-treatment-of-per.

68. Report to the Albanian Government on the visit to Albania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 to 30 November 2018, available at <https://rm.coe.int/168097986b>.

69. Azerbaijan 2019 Human Rights Report, available at www.state.gov/reports/2019-country-reports-on-human-rights-practices/azerbaijan/.

70. Bulgaria 2019 Human Rights Report, available at www.state.gov/reports/2019-country-reports-on-human-rights-practices/bulgaria/.

71. Ibid.

and noted improvements to family visits, staffing and the working environment. Yet safeguards for persons deprived of their liberty are however still not sufficient and serious discrepancies remain between regulatory standards and practice.⁷² The CPT found a significant number of allegations of physical ill-treatment within the prison establishments in 2017.⁷³

Progress has been made in Serbia and in Kosovo*, where improvements made by co-operation projects are being sustained. In Serbia, where four offending behaviour programmes and a pilot pre-release course were developed and piloted, the responsibilities of the Centre for Training and Vocational Training have now been extended to provide more frequent and advanced training to all prison staff.⁷⁴

In Kosovo*, a rulebook on prison staff recruitment, training curricula and risk and needs assessment (RNA) tool and treatment programmes were developed and piloted and more humane disciplinary proceedings put in place. The piloting of the RNA tool and rehabilitation programme for short-term sentences had to be repeated with the evaluation finding the second programme “was managed in all aspects and all participants were actively involved”.⁷⁵

A training strategy for correctional staff and guidelines on the internal processing of prisoner complaints and requests were also developed. While there is no specific strategic framework in place for the prison system, conditions vary widely among the different establishments and meaningful activities such as rehabilitation programmes remain limited, the prison service “has focused more on engaging prisoners in work vocational training programmes and education”.⁷⁶

72. Commission Staff Working Document – Montenegro 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/montenegro_report_2020.pdf.

73. February 2019, CPT/Inf (2019) 2 pp. 4-5.

74. Commission Staff Working Document – Serbia 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/serbia_report_2020.pdf.

75. Evaluation Report: Piloting of the risk/needs assessment tool and rehabilitation programme for short term sentences.

76. Commission Staff Working Document – Kosovo* 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy, available at https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf

Police custody

Finding 22:

A range of tools has been developed and training provided to improve the knowledge and attitudes of the police and the procedures they follow in their work. There are some indications of positive effects, although the challenges in many countries will require a long-term commitment to produce sustainable change.

EQ 1c, 2b, 2e – Recommendation 7

The main expected result of co-operation activity in this area is that law-enforcement officers have been trained to perform their daily duties while respecting European standards and best practices.

a. Case study countries

In Bosnia and Herzegovina, police officers involved in the project were very positive in interviews about its role in providing tools to ensure there are no complaints by detainees. Training covered all topics – informing an arrested person of their rights, procedures for the use of force proportional to resistance, and the rights to contact lawyers, inform their family and see a doctor. Questionnaires for detainees are reportedly widely but not universally used in the daily work of police in all four jurisdictions. According to one officer, 99% of the guidelines produced by the project can be implemented – they are in the law, mostly internal regulations, although procedures had to be modified.

The guidelines produced for police were based on those originally prepared for prisons – they were thought to be well drafted and conceived but lacked nuance on the difference between police custody and imprisonment.

One innovation was that trainers used in the project were from the prison service. They were experienced in working with Council of Europe projects and fully aware of CPT findings. The quality of their training was appreciated by international experts involved in the project.

There were indications in interviews that how police deal with detainees has improved, because of the questionnaires completed by detainees on arrival about their treatment and ability to access their rights – a practice recommended by the CPT. The questionnaires go to the internal control section in the police who investigate any malpractice, if necessary. The forthcoming report of the CPT visit in June

2019 may be able to confirm whether improvements have indeed taken place.⁷⁷

In North Macedonia, work to train police in professional standards and improve detention conditions was carried out alongside activities to strengthen the internal control mechanism within the police. Standard Operating Procedures (SOP) for the Detention of Persons Deprived of their Liberty were upgraded and adopted by the Ministry of Interior. The EU has reported that systematic implementation of safeguards against ill-treatment by police needs to be ensured, in line with the SOP.⁷⁸

A total of 625 police officers benefited from a training course on human rights, police ethics and the use of force, with pre-training and post-training tests reportedly showing considerable improvements in trainees' knowledge. The final project report notes that trainers felt that the module on police ethics could be extended even further with additional practical activities to support the training material.

One stakeholder said that while the Ministry of Interior (Moi) has shown a great deal of interest in this area and disciplining of police has improved, the police still protect each other and see themselves as "untouchable". Another agreed that there is a new culture in the Moi and measures are taken against police but this is "just a small step forward". For this stakeholder there is still too much in the way of political influence, with promotions based on quotas rather than merit or professionalism. On 28 March 2018, the Moi issued a binding instruction addressed to law-enforcement and intelligence agents conveying the message of zero tolerance for torture and ill-treatment. In this instruction, the minister highlighted that any excessive force or torture by law-enforcement and intelligence agents shall be punished.⁷⁹ There have however been recent protests against police brutality against Roma persons, with NGOs reporting that beatings are a disturbingly frequent occurrence.⁸⁰ How frequent may be learned

from the report of the CPT visit to North Macedonia in December 2019.

An independent evaluation of the Human Rights Policing project in Kosovo* found that the activities "made it possible to develop a good knowledge base, through the development and updating of human rights training materials, and the delivering of training of trainers and cascade training".

b. Non-case study countries

Major improvements to conditions in police detention have been made in Latvia and Romania, with the CPT reporting on material conditions of a generally good standard in Latvia and generally adequate one in Romania at least for short periods of detention. In the case of Latvia, the CPT wrote that "comparing them with several old establishments seen during previous visits is like comparing day and night".⁸¹ In Latvia, physical renovation and training was accompanied by legislative analysis and reform and the development of best practices and publicity. In Romania, police were trained on the protection of human rights.

However, the CPT has made clear that persons on remand should not be held in police detention facilities, but this remains the situation in Romania.⁸² There is a question about whether the Council of Europe co-operation project should in effect work, albeit as a minor partner, in areas where unacceptable practices exist without a stronger commitment by the beneficiary to reform them.

CPT findings after its 2017 visit to Montenegro indicate "some overall improvement in the treatment of persons detained by the police" and that "the number of allegations of ill-treatment by police officers received during the visit was lower than in 2013".⁸³

In Kosovo*, an evaluation of the project found that activities carried out "made it possible to develop a good knowledge base, through the development and updating of human rights training materials,

77. Source available at www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-bosnia-and-herzegovina-1.

78. Commission Staff Working Document – North Macedonia 2020 Report. Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions; 2020 Communication on EU Enlargement Policy: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf.

79. Hajrulahu v. the former Yugoslav Republic of Macedonia, available at <https://hudoc.exec.coe.int/eng#%7B%22tab-view%22:%5B%22document%22%5D,%22EXECIdentifier%22:%5B%22004-6454%22%5D%7D>.

80. North Macedonia: Roma protest against police brutality 26 September 2020, available at <https://apnews.com/article/media-police-archive-police-brutality-b458ca2342f4540a8ce7862466626ea8>.

81. Report to the Latvian Government on the visit to Latvia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 12 to 22 April 2016, available at <https://rm.coe.int/pdf/168072ce4f>.

82. Report to the Romanian Government on the visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 19 February 2018, available at <https://rm.coe.int/16809390a6>.

83. Report to the Government of Montenegro on the visit to Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 9 to 16 October 2017, available at <https://rm.coe.int/1680925987>.

and the delivering of training of trainers and cascade training”⁸⁴

But according to the latest US State Department report, there have been “continuing allegations that detainees were tortured and mistreated by police”⁸⁵

The CPT has also highlighted centralised police detention facilities as a promising practice. Little work has been done to promote this during the period under review.

Factors influencing effectiveness

Four cross-cutting issues influencing the effectiveness of the programme are discussed below. These are sustainability, follow-up, gender and human rights issues, and the involvement of civil society.

Sustainability

Finding 23:

The sustainability of co-operation projects has been mixed and has been affected by political or administrative changes in some beneficiary states.

EQ 2b, 2c – Recommendation 7

Finding 24:

Assessment and evaluation of the impact of co-operation projects have been relatively limited.

EQ 2c – Recommendation 8

Document review and semi-structured interviews have indicated much work in projects that has contributed to sustainability. The most significant are the legal opinions and recommendations, which when adopted and implemented should ensure that Council of Europe standards are properly reflected in national legislation. Examples include the Probation Law in Armenia, and changes to 11 laws in North Macedonia (three with a two-thirds majority) creating oversight mechanisms for all state institutions with police powers.

84. Enhancing human rights policing in Kosovo*, Project assessment report 2019.

85. 2019 Country Report on Human Rights Practices in Kosovo* by the U.S Department of State, available at www.state.gov/reports/2019-country-reports-on-human-rights-practices/Kosovo/.

Article 34(3) of the law on execution of sentences in Republika Srpska, one of the entities in Bosnia and Herzegovina, also makes literature prepared by international bodies during the course of co-operation projects mandatory in training curricula for prison staff – something that should ensure sustainability.

Creating an appropriate legal framework is necessary but not sufficient to bring about improvements. As noted above, the probation service in Armenia and the oversight mechanism in North Macedonia are yet to fulfil their remit.

The sustainability of training is perhaps the most difficult to address. In Ukraine, 13 courses developed by the project between 2015 and 2018 were incorporated into the training curriculum of the penitentiary service in 2020. In North Macedonia, interviewees said that training was not fully embedded. The creation of a cadre of accredited trainers in prisons and police in each of the entities has laid a sound base for sustainability in Bosnia and Herzegovina.

In terms of continuation, replication or expansion of work undertaken in co-operation projects, experience has been mixed. Armenia’s probation and health-care developments stalled somewhat after the end of the project. In Georgia, following the dissolution of the Ministry of Corrections in 2018, interviewees informed us that many medical staff were dismissed, including those trained by Council of Europe projects. One consequence of staff cutbacks has been that the necessary piloting and scaling up of staff to ensure multidisciplinary responses to crises in prison have never happened. While some of the skills learned during the project may be being used – for example on de-escalation or placing at-risk prisoners with other prisoners – the implementation was “abruptly shut off”.

In Ukraine, by contrast, many specific achievements were reported in documentary evidence and by interviewees but the most important was the change in the attitudes of penitentiary administrators about the mission of the system. This should help to ensure sustainability but there is a shortage of funds in the country. Some interviewees were concerned about the continuing level of commitment to prison reform. Interviewees also pointed to the underlying problems of overcrowding and poor infrastructure and conditions that will require large-scale and long-term investment to resolve.

It was also suggested by several stakeholders that there is a need for more in the way of assessment and evaluation of the co-operation activities. This is not simply in order to learn lessons – important though that is – but because if there is follow-up on long-term impact, senior managers would pay more attention to

ensuring ongoing implementation of the policies and practices developed during projects. Formal independent evaluations have rarely been undertaken but even without these, local offices could be given responsibilities to undertake more in the way of post-project assessment than simply preparing a final report. This would enable the Council of Europe to understand whether the outcomes of past projects have been fully implemented before embarking on future activities. In Kosovo*, such an evaluation showed the need to repeat a pilot training programme for prison staff that had not properly been implemented.

Follow-up

Finding 25:

There were gaps between projects in some beneficiary states that reduced momentum for reform.

EQ 2b – Recommendation 7

The need for continuing assistance from the Council of Europe after the end of projects was noted in many of the other countries. The final report on the co-operation project in Azerbaijan noted that “a real impact will require additional assistance to the Azeri authorities, and it can be visible only at a later stage. Continuous political support for deepening the positive impact of the project is needed and the efforts of the new Project that is about to start should aim at this direction”. The question arises as to whether specific projects are long enough to make a difference or should be longer; and whether new projects which follow up progress made should be launched as quickly as possible to avoid the loss of momentum.

In Armenia, where there was a two-year gap between the end of the 2014-17 probation project and the new one, it was seen by interviewees as an omission by the Council of Europe not to continue with the development of the probation service. This is in part because not all of the Council of Europe’s initial recommendations were taken up, particularly in respect of the structure of the new probation service. As a result, structures from the old alternative sanctions division were replicated. A more immediate follow-up project was necessary to raise awareness of the new service and to stimulate better training for probation staff, which remains a gap. For one stakeholder, probation “needed resources, equipment, but was abandoned and lacks support”, although this is being rectified in the current project.

There was a gap too in the support for penitentiary reform in Ukraine, and a strong view that the work on VEPs in Bosnia and Herzegovina “needs follow up otherwise it falls flat and is in vain”. In fact, two continuation projects are underway to build on the work undertaken in the period 2016-19.

Gender

Finding 26:

Although all of the co-operation activity was underpinned by human rights concerns, there was some variation between projects in the extent to which gender issues were specifically addressed. Where it was, gender-specific approaches were developed in relation to the treatment of women prisoners. There have been limited actions to address the needs of transgender people, migrants, child offenders and other vulnerable and marginalised groups in co-operation activities.

EQ 1b, 1e, 2b – Recommendations 3, 9

As the co-operation activity was very much guided by the standards of the Council of Europe, human rights concerns have been very much taken into account in the design and implementation of the programme. Data from document review, surveys and semi-structured interviews indicate that the extent to which gender concerns have been reflected is more mixed. So too is the extent to which the programme has had an impact on women, including pregnant women, and addressed the needs of transgender persons, migrants, child offenders and other vulnerable and marginalised groups.

While it has produced no specific standard on women, the vast majority of PC-CP members who responded to the survey thought that the committee had taken account of a gender perspective in its work on prisons, police and probation “very much” (32%) or to “a fair amount” (42%). The CDPC and PC-CP each nominate a member to be the gender rapporteur. The revised European Prison Rules make no reference to transgender prisoners, although the commentary notes that “prisoners who selfidentify with a gender different from their biological sex and transgender prisoners may not fit the binary male and female accommodation categories and therefore require different arrangements”.⁸⁶

In co-operation activity, the extent to which gender issues were addressed has varied considerably. The CLCU has used the CPT recommendation “Women Deprived of their Liberty” and from 2018 the factsheet “Women in Prison”.⁸⁷ In close co-operation with the CLCU, the Council of Europe’s gender adviser prepared a gender mainstreaming toolkit in 2019 with a section

86. Recommendation [Rec\(2006\)2-rev](#) of the Committee of Ministers to member States on the European Prison Rules; and Commentary, available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900016809c9086.

87. CPT (2000), CPT/Inf(2000)13-part: Women deprived of their liberty; CPT Factsheet (2018), CPT/Inf(2018)5: Women in prison.

on “gender equality in the penitentiary system”⁸⁸ As noted above, there is no specific Council of Europe standard on women deprived of their liberty.

In terms of design, project proposals and descriptions have generally included analysis of gender issues, but the level of detail has varied a good deal. This variety partly but not wholly reflects the nature of the project outcomes, outputs and activities and the extent to which these specifically include a gender dimension. Specific outcomes for women were mentioned in the reports of only two projects, both relating to health care.

Almost all projects have reported that they sought wherever possible to ensure balanced gender representation in the membership of working groups, selection of trainers and involvement in study visits. They have encouraged the beneficiary institution to ensure gender-balanced participation in the training and other project activities. In the police and prisons field, women have traditionally been underrepresented among the regime, security and management staff, while in many countries medical staff, psychologists and psychiatrists are mostly women.

In Armenia, the project was informed that there was only one woman probation officer, although the balance has improved since then. The number of women recruited to the probation service has increased and there is no discrimination.

In terms of the focus of the work, while women represent on average 4% of prisoners, their needs are very different from men and special arrangements, policies and practices are required. Probation in Armenia appears to give special attention to work with vulnerable groups. On the healthcare side, in Armenia, in every project manual there are separate modules for females, juveniles, LGBTI people and drug addicts, while in Georgia a special training curriculum was designed for vulnerable groups. Many women in pre-trial detention face acute psychological distress and the multidisciplinary response developed in the co-operation project helped to stabilise them. The approach was not adapted for younger prisoners, however.

In Bosnia and Herzegovina, there were specific references to women in the protocols for searching and control and restraint. Other protocols developed for Sokolac are gender-blind, for example complaints, and contingency plans, which were considered to be the same regardless of the patient’s gender.

In Kosovo*, training topics and case studies related to LGBTQ rights, women, migrants, Roma and other

minorities were part of all training with the police and Police Inspectorate. A project assessment reported that “a significant number of topics, issues, documents and discussions dealt with investigation of police ill-treatment of LGBT, police operations in multi-ethnic environments and the prevention of gender-based violence”⁸⁹

In the Republic of Moldova, the project is “trying to ensure deeper insights to overcome the traditionally paternalistic attitudes of the national partners”⁹⁰

In Ukraine, there has been a growing awareness of gender, with the co-operation project involving the Council of Europe gender adviser in the development of life skills courses and the inspection standard including a module on women in prison. In two gender-awareness sessions explaining the notion and raising awareness of the issue of gender stereotypes, “the female audience felt awkwardly silent, while some of the usually very active prison governors were challenging the very theme of gender and did not see any problem with gender representation or the gender issue in general”⁹¹ To address this, the project arranged for the Council of Europe gender adviser to talk to teachers at the in-service training centre and to the MoJ department of penitentiary inspections. Books on gender stereotyping were distributed and the terms of reference of consultancy assignments to comment on legislation incorporated the need to integrate a gender perspective.

Role of non-governmental organisations

Finding 27:

There was considerable variation between beneficiary states in the extent to which NGOs were involved in projects and in what capacity. While there may be reasons for this, in some countries civil society has a good deal to contribute to the long-term sustainability of reform efforts.

EQ 2b – Recommendation 10

Document review and semi-structured interviews have shown that the involvement of NGOs in the co-operation activity varied across the projects and countries. In some there was none. In some countries, NGOs were consulted about the project and were involved as observers on steering groups. In others,

88. Council of Europe Gender mainstreaming toolkit for co-operation projects, available at <https://rm.coe.int/final-gender-mainstreaming-toolkit-februar-2019-public-access/1680936820>.

89. Enhancing human rights policing in Kosovo* Project assessment report 2019.

90. Promoting a human rights compliant criminal justice system in the Republic of Moldova Progress Report 2019.

91. Final Narrative report “Further Support to Penitentiary Reform 2015-2018”.

NGOs were heavily and directly involved, notably in the development of probation in Armenia, the development of the external oversight mechanism in North Macedonia and post-release rehabilitation activities in Montenegro. There were examples of financial grants being made to civil society organisations.

The variation may have reflected the fact that there are not many civil society organisations concerned with police and prison issues. If there are, they may not have the trust of the government agencies, particularly if they are involved in criticising conditions or the treatment of prisoners. In Ukraine, the Council of Europe project report explained that “well-informed and value-based civil society activists defending human rights of prisoners are equipped with highly critical views of the state authorities. Their ungrounded expectations of quick success inside the post-Soviet system tend to interfere with progress and constructive co-operation of delivering what is possible”. There were also concerns in Ukraine about the quality of the work of NGOs who provide services to prisoners. The project report notes that “prison governors prioritise the contribution of religious groups with their humanitarian aid edge”.⁹²

Some stakeholders felt that projects needed wider engagement with civil society. Some representatives were involved in training as experts but there was no real dialogue about where the challenges lie with the civil society organisations who provide continuity.

Some stakeholders suggested that the Council of Europe needs to attempt to encourage the extent to which national NGOs are listened to by government, insisting that the opinions of all stakeholders are taken into account as a condition of co-operation activity. NGOs were thought to have an important role in helping to change public attitudes and connecting prison and police reform with wider social issues.

2.3. Added value of the Council of Europe’s work

Finding 28:

The Council of Europe is highly valued for the triangle of standard setting, monitoring and co-operation, access to expertise and a generally high level of management, organisation and co-operation. It could do more to use its influence to ensure reforms are taken on board and sustained.

EQ 3a

⁹² Final Narrative report “Further Support to Penitentiary Reform 2015-2018”.

Data from document review, CDPC and PC-CP surveys and semi-structured interviews has shown that the work of the Council of Europe is highly valued.

Some 30% of respondents to the CDPC and PC-CP surveys considered that the standard-setting work of the Council of Europe provides “very much” added value in the field of prisons, probation

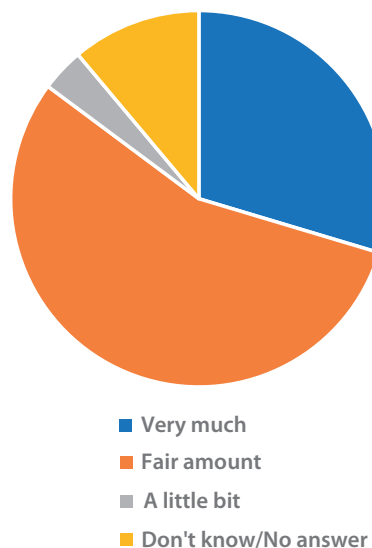


Figure 10. Response to the question “To what extent does the standard-setting work of the Council of Europe provide added value or a unique contribution in this field?” (N=27)

Of the 54 stakeholders who responded to the relevant interview question, 49 rated the work of the Council of Europe as adding a great deal of value, three as adding some added value and two a bit of added value.

There was wide agreement among interviewees and survey respondents that the Council of Europe is the most respected and influential organisation on prison matters in Europe. In comparison with other organisations working in the field, the main advantages were seen to be:

- The size and reach of the organisation compared, for example, to the European Union, providing diversity but shared experience.
- The clear value base of the Council of Europe and its commitment to rule of law, democracy and human rights.
- The high level of member state representation on Council of Europe committees.
- The high-quality rules, standards, recommendations and guidance provided, particularly in the prison field. The European Union does not have any of these. On the whole, the standards

are consistent with and provide more details and practical guidance than other international bodies. The standards on solitary confinement in the revised European Prison Rules do not however reach the level of the UN Nelson Mandela Rules (nor the level set by the CPT).⁹³

- e) The fact that the Council of Europe is less overtly “political” than European Union bodies and aims to achieve consensus through member state sign-off.
- f) The significance of the European Court of Human Rights and the CPT.
- g) Close co-operation with other organisations such as Europris and the CEP.

A number of survey responses and interviewees mentioned the value provided by the annual penal statistics (SPACE) published by the Council of Europe. The data are collected, verified and analysed for the Council of Europe by a team of experts from the University of Lausanne.

In the PC-CP survey, 17 out of 20 respondents said that the SPACE statistics contribute to promoting and further developing the standard-setting work in respect of prisons “very much” (nine respondents) or “a fair amount”. Fifteen of the 20 respondents said the same in respect of probation (eight “very much” and seven “a fair amount”). Survey responses and interviews indicated that they are used in member states for benchmarking and comparison with other countries, to communicate to the judiciary, politicians, the media and public and to support bids for funds. They also encourage the development of statistics in member states. The Council of Europe was awarded the 2019 International Corrections and Prisons Association (ICPA) President’s Award as recognition for the collection and collation of the SPACE statistics, which play a key role in enabling public authorities to make informed policy decisions in the penal field. The release of the statistics each year is widely covered by the media.

A number of survey respondents and interviewees also mentioned the value of the European Programme for Human Rights Education for Legal Professionals (the HELP programme). This provides online courses for member states on a wide range of legal topics, including alternatives to detention, CPT standards and access to justice for women.⁹⁴

93. Unlike the CPT standards or the Nelson Mandela Rules, the European Prison Rules still do not specify a maximum number of days for which solitary confinement may be imposed, available at www.penalreform.org/blog/separation-and-solitary-confinement-in-the-revised-2020/.

94. HELP Platform available at <http://help.elearning.ext.coe.int/>.

Standards and recommendations of the Council of Europe are widely used by other organisations. No other regions have comparable detailed guidance on these topics. Examples were also given of Council of Europe standards being used outside the region – by the American Probation and Parole Association and in Central Asia. Among the stakeholders in co-operation projects, the Council of Europe’s value was seen not only in terms of its standards and rules but the range of experiences in member states. As one stakeholder put it, the Council of Europe is an “outsider with good understanding of where problems are and good knowledge of what it should look like”.

The Council of Europe was valued in all countries because of its ability to recruit high-quality international experts from member states, some of whom had experience of working with standard-setting and monitoring bodies. More significant for many stakeholders was the fact that the international experts involved in the co-operation projects had specialist professional and practical experience. This compared well with other organisations’ projects in one country where experts were reported by stakeholders to have not always possessed practical experience in prison.

A contrast was also drawn with the work of the Norway Grants programme, which often looks to export models and approaches developed by the donor state in its own country. The methodology of the Council of Europe is designed to identify the most appropriate institutional or practice model for the beneficiary state. The development of the Ombudsman Plus model in North Macedonia followed thorough research into oversight practices in other member states. Ensuring that beneficiary states take ownership of reforms seems to have been a higher priority for the Council of Europe than other project implementers.

The added value of the Council of Europe was particularly noted in Bosnia and Herzegovina, where “it is one of the few organisations that can bring 4 jurisdictions together”. In other countries projects were thought to be very well planned and implemented. The Council of Europe was very closely involved, attending every working group and training, “much closer than other donors”. Stakeholders in other countries also compared the intensity of the Council of Europe involvement favourably with other organisations.

The Council of Europe’s work has generally complemented the work of other organisations and avoided duplication.

It was suggested that the Council of Europe could have added even more value by greater advocacy for change with high levels of government. Some stakeholders thought that high-level input could have been provided from Strasbourg to support co-operation as the Council of Europe name has “special weight for institutions”, which it should use more as it is listened to and really respected. It could use stronger language.

There was, however, a recognition of the limits as to what the Council of Europe can do. As one stakeholder said, the Council of Europe can only show the way and how to do things. There needs to be a commitment from the member state side to invest in the reforms. The readiness of national decision makers is key.



3. Conclusions

The main conclusion of this evaluation is that the Council of Europe's programme line "Prisons and police" has undertaken very relevant and often effective work to protect human rights in the field of police and prisons and that a high degree of added value has been provided by the Organisation's work.

In terms of the immediate outcomes, the work of the programme line has been very successful in enabling member states to rely on updated standards and practices and quite successful in supporting and training prison staff and police officers to perform their duties in line with those standards. The links between the findings, conclusions and recommendations are shown in Table 3.

Eight findings are not linked to specific recommendations. Findings 9-11 reflect the fact that the work of the programme was largely in line with the needs and priorities of member states. Findings 16-20 indicate the strong contribution to progress made by the co-operation activity.

Relevance

In terms of relevance, while the work has not been comprehensive in the sense of addressing every issue in every member state, the standard-setting and co-operation activities have had a high level of coherence with issues identified in court judgments, reports on execution of judgments and CPT reports, although steps could be taken to increase coherence even further.

Coherence could also be increased if greater priority were given to standard setting and co-operation in relation to policing matters and consideration given to how best to develop standards for places where people are deprived of their liberty outside the criminal justice system.

On policing, there are no consolidated standards in respect of policing work other than a code of ethics from 2001; and no steering committee involving members of the interior ministries. There are

examples of work with police in the co-operation projects and particularly important developments in monitoring and oversight. There have been positive developments in this regard since the end of the period under review. But during that period, work with the police has been underrepresented among project activities.

There is also a question for the future about whether both the standard setting and co-operation activity should address the treatment of people in all places of deprivation of liberty, including psychiatric hospitals and social care homes. These institutions are all monitored by the CPT and although some work to improve them is done by the CLCU, it does not fall within the scope of the prisons and police programme line.

Co-operation activity has generally been well targeted at areas of need identified by the Council of Europe's monitoring bodies and strongly guided by standards. There are other member states that could benefit from technical assistance either through projects or other bilateral activity. In many countries where co-operation activity has taken place, the poor standard of physical infrastructure of police custody and prisons has limited the relevance (and effectiveness) of softer measures. In the five countries studied in detail for this evaluation, co-operation projects have been highly relevant. The scope of co-operation activity could be expanded.

Effectiveness

Council of Europe standards are of high quality and have been fairly widely used to bring about changes in legislation and regulations relating to prisons and probation, although the extent of their impact is not fully known. Apart from the European Prison Rules, recommendations and guidelines have been translated into relatively few languages. The effectiveness of standard setting could be increased if more were done to encourage the translation and dissemination of the standards and their implementation.

The evaluation has found a high level of satisfaction with the work among representatives of member states and many examples of concrete changes which have come about as a result of co-operation activity. Long-term impact is harder to assess and to a large part dependent on the commitment and capacity of member states to prioritise reform in this area. Co-operation projects have played an important role in assisting member states to apply standards in their law and policy; and to support prison staff and law-enforcement officers in performing their duties in line with those standards in practice. Examples of legal changes include the creation of a probation service in the law of Armenia and of an oversight mechanism in North Macedonia; and the establishment of health care independent of the penitentiary service in Armenia and Georgia. Useful steps have been made towards improvement in prisons at both strategic and practical levels, but further progress is likely to require continuing support for a long period as well as improvements to infrastructure. The Council of Europe has contributed to major improvements in conditions in police detention in Latvia and Romania and raised awareness of human rights standards among police in other states. More attention could be given to how police detention is used and organised.

Sustainability of the changes brought about by co-operation activity has been mixed. There was considerable variation between beneficiary states in the extent to which NGOs were involved in projects and in what capacity. While there may be reasons for this, in some countries civil society has a good deal to contribute to the long-term sustainability of reform efforts. In many countries, co-operation projects have been followed up with further assistance from the Council of Europe. More post-project support, monitoring assessment and evaluation of the impact of activities are among the measures that could increase the effectiveness of co-operation, whether conducted by local offices or centrally.

There was considerable variation too between beneficiary states in the extent to which gender issues were specifically addressed in projects. Some gender-specific approaches were developed in relation to the treatment of women prisoners but there have been limited actions to address the needs of transgender people, migrants, child offenders and other vulnerable and marginalised groups in co-operation activities. A more systematic approach to women could be taken and there is potential scope for a specific standard to be created in respect of women prisoners.

Added Value

The Council of Europe is highly valued for the triangle of standard setting, monitoring and co-operation, access to expertise and a generally high level of management, organisation and co-operation. Its standards are to a very large degree consistent with those of other bodies and are widely used by them. The Council of Europe is seen to have many advantages compared to other organisations but works well in co-operation activity to complement other activities. The Council of Europe could do more to use its influence to ensure reforms are taken on board and sustained.

Theory of Change

The evaluation has been based on the Theory of Change (ToC; Annex C), which in broad terms remains valid in the light of our findings. The evaluation has validated examples of each of the kinds of outputs and the way in which they contribute to the results and outcomes.

There are three ways in which the ToC could more fully reflect the work of the programme line. The first relates to alternatives to prisons and probation services. One intermediate outcome is that “prison and probation services apply Council of Europe standards in their daily work and respect them better”. Probation is not, however, mentioned at the expected results level, nor indeed in the title of the programme line.

The second omission relates to the external monitoring and oversight of police and prisons by national bodies such as the ombudsman. While the development of such oversight undoubtedly contributes to prison staff and law-enforcement officers performing their duties in line with Council of Europe standards, it is not by supporting or training them but by preventing, deterring and investigating unlawful actions. This mechanism could be included in the ToC.

The third issue is that the work of the programme line already includes some activities outside the criminal justice field. This report recommends that work is undertaken by the Council of Europe to identify the best way for standards to be set and assistance provided in respect of places of detention in the health and social care fields. If the programme line continues or expands work in this field, this will need to be reflected in the ToC.

Table 3. Links between findings, conclusions and recommendations

FINDINGS	CONCLUSIONS	RECOMMENDATIONS
<p>(1) The Council of Europe’s standard-setting work has been highly relevant in the fields of prisons and probation but could be strengthened in respect of policing and oversight.</p> <p>(4) The work of co-operation activity has generally been well targeted at areas of need identified by the Council of Europe’s monitoring bodies, although work with police has been relatively underrepresented in the large co-operation projects.</p>	<p>Greater focus on policing in standard setting and co-operation.</p>	<p>(1) Greater priority should be given to standard setting in respect of policing. The Organisation should consider how this might best be achieved, for example through the creation of an intergovernmental committee involving representatives from the relevant ministries from member states, or the proposed network of high-level police officials, or some other mechanism.</p> <p>(4) The Council of Europe should give greater priority to co-operation activity in the field of policing, where there is a need in a member state and the funds are, or can be made, available.</p>
<p>(5) In addition to the countries where co-operation activities have taken place, there are other member states that could benefit from technical assistance.</p> <p>(6) In many countries where co-operation activity has taken place, the poor standard of physical infrastructure of police custody and prisons have limited the relevance and effectiveness of soft measures.</p> <p>(21) Useful steps have been made towards improvement in prisons at both strategic and practical levels, but further progress is likely to require continuing support for a long period as well as improvements to infrastructure.</p>	<p>Expand the scope of co-operation activity.</p>	<p>(5) The CLCU together with the ODGP should proactively consider widening the range of member states where co-operation activity is offered so that more of those where the CPT has identified serious problems can benefit from the Council of Europe’s experience and expertise when funds are, or can be made, available.</p> <p>(6) The benefits of closer and more proactive co-operation between the Action Against Crime Directorate and the CEB, as well as other donors, should be considered so that, where necessary and appropriate, improvements to police custody and prison infrastructure in line with relevant standards can be made alongside the CLCU’s technical assistance programmes.</p>
<p>(13) Council of Europe standards are fairly widely used to bring about changes in legislation and regulations relating to prisons and probation, although the extent of their impact is not fully known.</p> <p>(14) Apart from the European Prison Rules, recommendations and guidelines have been translated into relatively few languages.</p> <p>(15) Annual Conferences of Directors of Prisons and Probation and other multilateral meetings are used to promote the standards and the PC-CP Secretariat has worked well to do so but has limited resources.</p>	<p>Increase effectiveness of standards.</p>	<p>(2) The CDPC should consider ways of encouraging member states to translate and disseminate standards produced by the Council of Europe and to integrate these into relevant training activities.</p>

FINDINGS	CONCLUSIONS	RECOMMENDATIONS
<p>(21) Useful steps have been made towards improvement in prisons at both strategic and practical levels, but further progress is likely to require continuing support for a long period as well as improvements to infrastructure.</p> <p>(22) A range of tools has been developed and training provided to improve the knowledge and attitudes of the police and the procedures they follow in their work. There are some indications of positive effects, although the challenges in many countries will require a long-term commitment to produce sustainable change.</p> <p>(23) The sustainability of co-operation projects has been mixed and has been affected by political or administrative changes in some beneficiary states.</p> <p>(24) Assessment and evaluation of the impact of co-operation projects have been relatively limited.</p> <p>(25) There were gaps between projects in some beneficiary states that reduced momentum for reform.</p> <p>(27) There was considerable variation between beneficiary states in the extent to which NGOs were involved in projects and in what capacity. While there may be reasons for this, in some countries civil society has a good deal to contribute to the long-term sustainability of reform efforts.</p> <p>(28) The Council of Europe is highly valued for the triangle of standard setting, monitoring and co-operation, access to expertise and a generally high level of management, organisation and co-operation. It could do more to use its influence to ensure reforms are taken on board and sustained.</p>	<p>Increase effectiveness of co-operation.</p>	<p>(7) While a commitment to sustainability is already made by beneficiary countries, given the need for long-term interventions to bring about lasting improvements in many aspects of prisons and policing, the CLCU in co-operation with the ODGP, member states and donors should consider seeking projects of three to five years in duration, using the Ordinary Budget to maintain continuity between shorter-term projects where necessary and incorporating more opportunities for post-project monitoring and support as part of project design.</p> <p>(8) The CLCU in co-operation with the ODGP should seek to ensure more systematic evaluation and assessment activities in co-operation projects in order to understand the extent and nature of the impact they have achieved.</p> <p>(10) The CLCU should develop a stronger presumption that civil society organisations should be represented on the steering committees of projects unless there is a strong reason against doing so.</p>
<p>(2) Specific standards are lacking in respect of women and there are other topics on which stakeholders consider standards could be produced.</p> <p>(26) Although all of the co-operation activity was underpinned by human rights concerns, there was some variation between beneficiary states in the extent to which gender issues were specifically addressed in projects. Where it was, gender-specific approaches were developed in relation to the treatment of women prisoners. There have been limited actions to address the needs of transgender people, migrants, child offenders and other vulnerable and marginalised groups in co-operation activities.</p>	<p>More systematic focus on women.</p>	<p>(3) The Organisation should consider how best to strengthen the gender dimension in standard-setting activity, either by improved mainstreaming in recommendations or by developing a specific recommendation on the treatment of women prisoners and non-custodial measures for women offenders.</p> <p>(9) The CLCU should build further on its existing work to ensure that the specific needs of women deprived of their liberty and on probation are addressed in a gender-sensitive way, making use of specialist advice on how best to achieve this where necessary.</p>
<p>(1) The Council of Europe's standard-setting work has been highly relevant in the fields of prisons and probation but could be strengthened in respect of policing, oversight and places of deprivation of liberty other than prisons.</p> <p>(7) Co-operation activity with prisons and the police has been closely guided by Council of Europe standards (including CPT recommendations). It has included a small amount of work on detention outside the criminal justice system.</p>	<p>Consider arrangements for standard setting and co-operation for places of detention outside criminal justice.</p>	<p>(11) The Organisation should consider whether adequate arrangements are in place for setting standards covering places of deprivation of liberty outside the police and prison field.</p> <p>(12) The Council of Europe should consider the extent to which it should provide technical assistance to address gaps in places of deprivation of liberty other than those operated by prisons and police, and which entity should be responsible for it.</p>

4. Recommendations

The importance of each recommendation is indicated as either high (five) or medium (seven).

Standard setting

(1) Greater priority should be given to standard setting in respect of policing. The Organisation should consider how this might best be achieved, for example through the creation of an intergovernmental committee involving representatives from the relevant ministries from member states, or the proposed network of high-level police officials, or other mechanism. (high)

(2) The CDPC should consider ways of encouraging member states to translate and disseminate standards produced by the Council of Europe and to integrate these into relevant training activities. (high)

(3) The Organisation should consider how best to strengthen the gender dimension in standard-setting activity, either by improved mainstreaming in recommendations or by developing a specific recommendation on the treatment of women prisoners and non-custodial measures for women offenders. (high)

Co-operation

(4) The Council of Europe should give greater priority to co-operation activity in the field of policing, where there is a need in a member state and the funds are, or can be made, available. (high)

(5) The CLCU together with the ODGP should proactively consider widening the range of member states where co-operation activity is offered so that more of those where the CPT has identified serious problems can benefit from the Council of Europe's experience and expertise when funds are, or can be made, available. (medium)

(6) The benefits of closer and more proactive co-operation between the Action against Crime Directorate and the CEB, as well as other donors, should be considered so that, where necessary and appropriate, improvements to police custody and

prison infrastructure in line with relevant standards can be made alongside the CLCU's technical assistance programmes. (medium)

(7) While a commitment to sustainability is already made by beneficiary countries, given the need for long-term interventions to bring about lasting improvements in many aspects of prisons and policing, the CLCU in co-operation with the ODGP, member states and donors should consider seeking projects of three to five years in duration, using the ordinary budget to maintain continuity between shorter-term projects where necessary and incorporating more opportunities for post-project monitoring and support as part of project design. (medium)

(8) The CLCU in co-operation with the ODGP should seek to ensure more systematic evaluation and assessment activities in co-operation projects in order to understand the extent and nature of the impact they have achieved. (medium)

(9) The CLCU should build further on its existing work to ensure that the specific needs of women deprived of their liberty and on probation are addressed in a gender-sensitive way, making use of specialist advice on how best to achieve this where necessary. (medium)

(10) The CLCU should develop a stronger presumption that civil society organisations should be represented on the steering committees of projects unless there is a strong reason against doing so. (medium)

Other issues

(11) The Organisation should consider whether adequate arrangements are in place for setting standards covering places of deprivation of liberty outside the police and prison field. (high)

(12) The Council of Europe should consider the extent to which it should provide technical assistance to address gaps in places of deprivation of liberty other than those operated by prisons and police, and which entity should be responsible for it. (medium)



5. Lessons learned

In the context of the findings of monitoring bodies, there is a large need for both standard setting and co-operation activity. The decisions that are made about what to do involve a wide range of considerations including the availability and scale of funding. With more funds, the Council of Europe could undoubtedly do more, but **it should avoid being totally donor driven and needs to retain the coherence of its work.**

The methodology of co-operation seems effective and well regarded with steering groups overseeing projects and working groups ensure that beneficiaries “own” the deliverables. The creation of policy and strategic documents setting out priorities for reform over the medium to long terms have featured in several projects, although stakeholders have made clear that **ownership by the beneficiary is crucial in ensuring sustainability.** The establishment of cadres of trainers within institutions who can act as change agents has been a particularly significant approach. Even with cascade training, project activities themselves are only likely to reach a relatively small percentage of staff so continuing training opportunities are crucial if change is to be embedded.

The development of pilot projects, in particular in prisons or probation, has been a good technique to show what could be achieved. Whether the activities have been sustained in the pilots let alone rolled out more widely is difficult to say with certainty.

Study visits were particularly valued as being good for mutual awareness. These seem to have been particularly successful when high-level staff were involved, such as the Minister of Justice, and

where specific models of practice were studied. More study visits would have been useful, especially to the Baltic states where reform has been undertaken in the context of the Soviet legacy.

Projects were generally thought to be very **well planned and implemented, with close involvement from the local offices** while the project was operating.

Local offices are reliant on project funding and this limits the work they can do to follow up on project activity and assess impact. Active local offices with a permanent head also have the ability to advocate strongly with national authorities for Council of Europe standards to be met. **Having staff in the field with a budget to follow up work in the prisons and police field could have advantages,** although examination of the feasibility of this approach goes beyond this evaluation.

There is no doubt that the work of the Council of Europe is highly valued. While the COVID pandemic arrived in Europe after the end of the period covered by this evaluation, a number of stakeholders took the opportunity to comment on the positive way in which the Council of Europe has responded to the crisis both in terms of standard setting and in its co-operation activity. The PC-CP issued a statement on 17 April 2020 and co-operation activities have been flexible about the organisation and scheduling of activities. In addition, **healthcare-related projects have used available funding to assist prisons to safeguard prisoners and staff from infection** through the provision of equipment, although this will not have been part of the original plan.

Annex A – List of co-operation projects 2016-2019

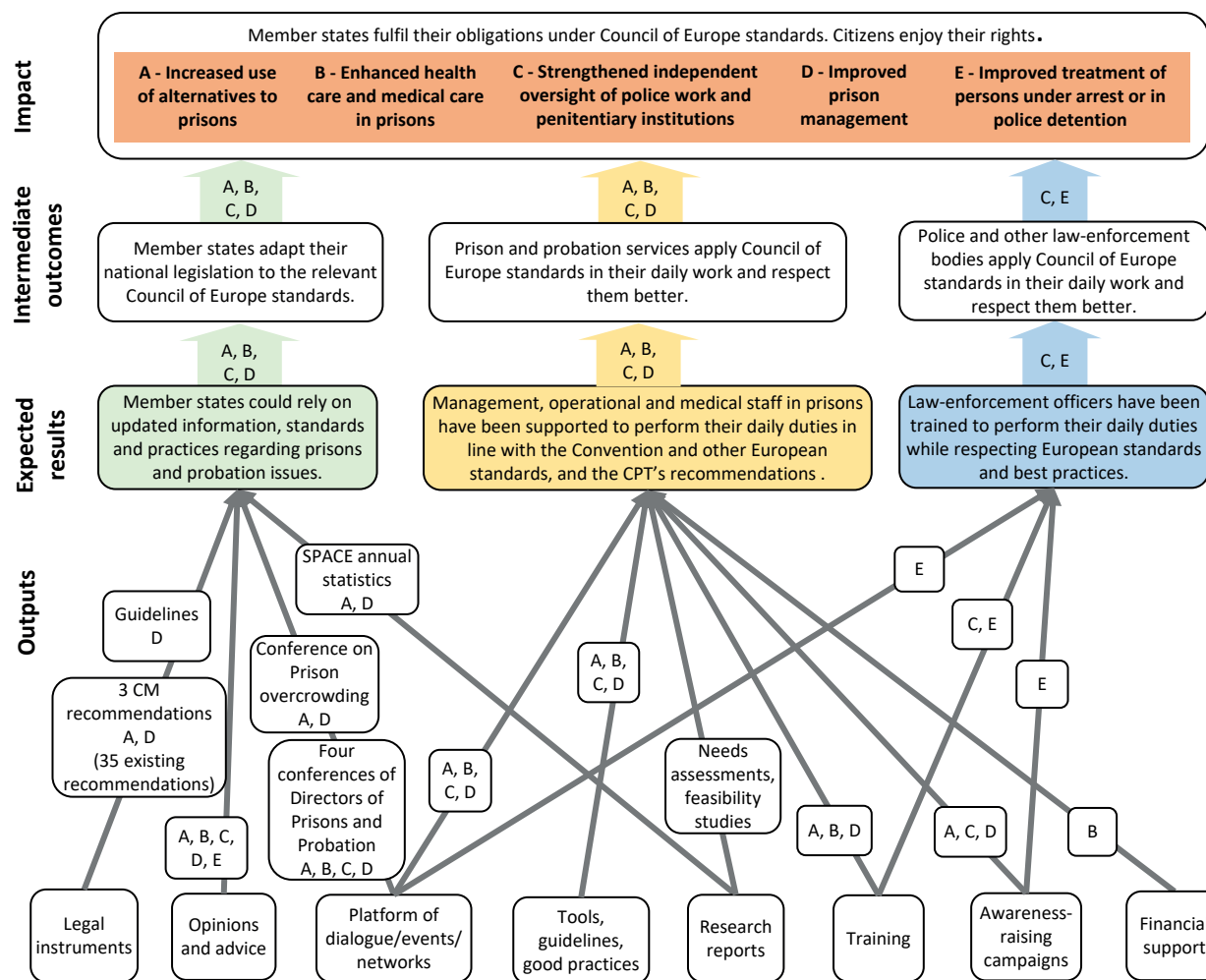
Enhancing the protection of human rights of prisoners in Albania in line with Council of Europe and European Committee for Prevention of Torture (CPT) standards	Albania
Support to prison reform and the fight against radicalisation in prisons	Albania
Support to the establishment of probation service	Armenia
Strengthening health care and human rights protection in prisons	Armenia
Further support to the penitentiary reform	Azerbaijan
Supporting reintegration of violent and extremist prisoners	Bosnia and Herzegovina
Enhancing human rights protection for detained and sentenced persons	Bosnia and Herzegovina
Structured sentence management for violent and extremist prisoners	Bosnia and Herzegovina
Support for the implementation of Court judgments and CPT standards and recommendations	Bulgaria
Human rights and healthcare in prisons and other closed institutions in Georgia II	Georgia
Improving mental health care of persons detained in Georgia	Georgia
Improving the standard of Latvian state police detention centres	Latvia
Promoting human rights compliant criminal justice system	Republic of Moldova
Enhancing human rights protection for detained and sentenced persons	Montenegro
Development of a more elaborate SPACE report and EU network of prison monitoring bodies	Multilateral
Support the establishment of an external oversight mechanism	North Macedonia
Enhancing human rights policing	North Macedonia
Strengthening the protection of the rights of sentenced persons	North Macedonia
Strengthening the capacity of the pre-trial detention system to comply with the relevant international human rights instruments	Romania
Enhancing human rights protection for detained and sentenced persons	Serbia
Further support for the penitentiary reform	Ukraine
Enhancing human rights in policing in Kosovo*	Kosovo*
Enhancing the protection of human rights of prisoners in line with Council of Europe and European Committee for Prevention of Torture (CPT) standards	Kosovo*
Criminal justice responses to overcrowding of prisons	Regional (Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine, Belarus)

Annex B – Five case study countries: projects before 2016 and after 2019

Before period of evaluation	Evaluation project	After period of evaluation
Reducing the use of custodial sentences in line with European standards in Armenia 2013-14	Support the establishment of probation service in Armenia 2014-17	Support the scaling up of the probation service in Armenia 2019-2022
Harmonisation of Bosnia and Herzegovina sanctions policies and practices with European standards 2013-2016 ⁹⁵	Enhancing human rights protection for detained and sentenced persons 2016-19	Strengthening human rights treatment of detainees based on European standards and best practices in Bosnia and Herzegovina 2019-22
	Supporting reintegration of violent and extremist prisoners 2017-2018	
	Structured sentence management for violent and extremist prisoners 2018-2020 (extended to 2021)	Regional project enhancing penitentiary capacities in addressing radicalisation in prisons
Human right and healthcare in prisons and other closed institutions in Georgia	Human rights and healthcare in prisons and other closed institutions in Georgia (2) 2018-19	Juvenile and adult detainees support (JADES) 2019-2021
North Macedonia	Support the establishment of an external oversight mechanism 2015-2016	
	Human rights policing 2016-2019	
Capacity building of the law-enforcement agencies for appropriate treatment of detained and sentenced persons 2012-2015	Strengthening the protection of the rights of sentenced persons 2016-19	
Support for prison reform in Ukraine 2011-13	Further support for the penitentiary reform in Ukraine 2015-18	SPERU – Further support for the penitentiary reform in Ukraine 2019-21
Human rights policing		
Strengthening the protection of the rights of sentenced persons		

95. <https://rm.coe.int/bih-success-story-eud-newsletter-eng-2017/1680717efd>.

Annex C – Theory of Change



Annex D – Evaluation matrix with relevant findings under each question

Sub-questions	Measures/indicators	Data-collection instruments	Data sources	Data analysis
1. Evaluation question – Relevance: To what extent is the programme relevant?				
1a) To what extent is the work in the programme line comprehensive? Findings 1, 2, 3, 5, 6	1.1. Extent of coverage of issues identified in Court judgments, reports on execution of judgments and CPT reports by Council of Europe’s standard-setting and co-operation work	a) Document review	<ul style="list-style-type: none"> ▶ Relevant standards produced by the Council of Europe and commentaries ▶ Documents prepared by the CDPC and the PC-CP, including minutes of meetings, action plans and conference/seminar agendas and reports ▶ Documents related to co-operation projects including project proposals, appraisals, interim reports and final reports ▶ Documents providing the context of the Council of Europe’s work on prisons and police ▶ Media articles on the latest developments in beneficiary states ▶ Relevant documents issued by other organisations working in the field of prisons and police 	Quantitative and qualitative content analysis. How much are judgments and CPT reports mentioned in documents?
		b Semi- structured interviews	<ul style="list-style-type: none"> ▶ Council of Europe staff members involved in work in the field of prisons and police; this includes the secretariat of the CDPC, and the PC-CP involved in the standard-setting and related work; staff of the CLCU involved in programmes of technical co-operation; Council of Europe staff based in local offices; and staff of CPT ▶ Sample of members of CDPC and PC-CP; plus expert advisers to the committee and its working groups ▶ Representatives of relevant donors ▶ Representatives from other organisations working in the field of prisons and police and thematic experts ▶ Representatives of civil society, academia and journalists ▶ Representatives of partner institutions (including government representatives, the judiciary, etc.) in beneficiary states 	Quantitative and qualitative content analysis of interviews
		c) Survey	Surveys of CDPC and PC-CP members	Analysis of survey responses

Sub-questions	Measures/indicators	Data-collection instruments	Data sources	Data analysis
1b) To what extent is the work coherent? Findings 7, 26, 27	1.2 Links between the standard-setting and co-operation work 1.3 Extent of standard approach in co-operation activities	b) Semi-structured interviews	<ul style="list-style-type: none"> ▶ Council of Europe staff members involved in work in the field of prisons and police; this includes the secretariat of the CDPC, and the PC-CP involved in the standard-setting and related work; staff of the CLCU involved in programmes of technical co-operation; and Council of Europe staff based in local offices ▶ Sample of members of CDPC and PC-CP; plus expert advisers to the committee and its working groups 	Quantitative and qualitative content analysis of interviews
		c) Survey	▶ Survey of CDPC and PC-CP members	Analysis of survey Responses
1c) Has the programme promoted promising practices recently highlighted by the CPT? Findings 12, 22	1.4 Extent to which promising practices are mentioned in standards or promoted in co-operation	a) Document review	<ul style="list-style-type: none"> ▶ Relevant standards produced by Council of Europe and commentaries ▶ Documents related to co-operation projects including project proposals, appraisals, interim reports and final reports 	Quantitative and qualitative content analysis
1d) To what extent is the work of the programme in line with the needs and priorities of beneficiary states? Findings 4, 8, 9, 10, 11, 12	1.5 Level of satisfaction of national partners 1.6 Examples of needs and priorities met	a) Document review	Documents related to co-operation projects including project proposals, appraisals, interim reports and final reports	Quantitative and qualitative content analysis
		b) Semi-structured interviews	Representatives of partner institutions (including government representatives, the judiciary, etc.) in beneficiary states	Quantitative and qualitative content analysis of interviews
		c) Survey	Survey of CDPC and PC-CP members	Analysis of survey responses
1e) To what extent have gender and human rights concerns been taken into account in the design and implementation of the programme and what has the impact been on women, including pregnant women? How has the programme addressed the needs of transgender persons, migrants, child offenders and other vulnerable and marginalised groups? Findings 2, 26	1.7 Extent of focus of standards on gender (and transgender) 1.8 Extent of impact on women, migrants, child offenders and other vulnerable and marginalised groups?	a) Document review	<ul style="list-style-type: none"> ▶ Relevant standards produced by Council of Europe and commentaries ▶ Documents prepared by the CDPC and the PC-CP, including minutes of meetings, action plans and conference/seminar agendas and reports ▶ Documents related to co-operation projects including project proposals, appraisals, interim reports and final reports ▶ Documents providing the context of the Council of Europe's work on prisons and police 	Quantitative and qualitative content analysis
		b) Semi-structured interviews	<ul style="list-style-type: none"> ▶ Council of Europe staff members involved in work in the field of prisons and police; this includes the secretariat of the CDPC, and the PC-CP involved in the standard-setting and related work; staff of the CLCU involved in programmes of technical co-operation; and Council of Europe staff based in local offices ▶ Sample of members of the CDPC and the PC-CP; plus expert advisers to the committee and its working groups ▶ Representatives of partner institutions (including government representatives, the judiciary, etc.) in beneficiary states 	Quantitative and qualitative content analysis of interviews
		c) Survey	Survey of CDCP and PC-CP members	Analysis of survey responses

Sub-questions	Measures/indicators	Data-collection instruments	Data sources	Data analysis
2. Evaluation question – Effectiveness: To what extent is the programme effective?				
<p>2a) To what extent, through which mechanisms and under which conditions has the work in the programme line resulted in member states being able to rely on updated information, standards and practices regarding prisons and probation issues? To what extent has the work been used?</p> <p>Findings 13, 14, 15</p>	<p>2.1 Changes in legislation and regulations (in line with relevant intervention objectives)</p> <p>2.2 Policy changes (in line with relevant intervention objectives)</p> <p>2.3 Stakeholder perceptions on:</p> <ul style="list-style-type: none"> ▶ changes in practices (in line with relevant intervention objectives), best practices, successes and/or failures and the reasons for these <p>2.4 Ways in which relevant ministries in member states have disseminated Council of Europe material</p> <p>2.5 Level of member state involvement in Council of Europe activities such as conferences, meetings and project-related meetings</p>	a) Document review	<ul style="list-style-type: none"> ▶ Documents related to co-operation projects including project proposals, appraisals, interim reports and final reports ▶ Media articles on the latest developments in beneficiary states 	Quantitative and qualitative content analysis using process tracing to assess the likely causes of changes in policy and law
		b) Semi-structured interviews	<p>Representatives of civil society, academia and journalists</p> <p>Representatives of partner institutions (including government representatives, judiciary, etc.) in beneficiary states</p>	Quantitative and qualitative content analysis using process tracing to assess the likely causes of changes in policy and law
		c) Survey	Survey of CDPC and PC-CP members	Analysis of survey responses

Sub-questions	Measures/indicators	Data-collection instruments	Data sources	Data analysis
<p>2b) To what extent, through which mechanisms and under which conditions has the work of the programme line resulted in enhanced capacities of management, operational and medical staff in prisons to perform their daily duties in line with the Court and other European standards and the CPT's recommendations?</p> <p>Findings 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27</p>	<p>2.6 Extent to which Council of Europe recommendations and guidance have been incorporated into operating procedures and training curricula in the police, prison and probation systems</p> <p>2.7 Stakeholder perceptions on:</p> <ul style="list-style-type: none"> ▶ improved awareness ▶ increased motivation ▶ improved knowledge/ expertise/ capacity ▶ improved institutional capacities (in line with relevant intervention objectives) ▶ changes in practices (in line with relevant intervention objectives), best practices, successes and/ or failures and the reasons for these <p>2.8 Trends in key indicators relating to:</p> <ul style="list-style-type: none"> ▶ prison sentences and alternative sanctions ▶ trends in the number of death in places of deprivation of liberty ▶ trends in complaints against prison staff and police, including of ill-treatment ▶ trends in the number of independent oversight visits to prisons and police custody 	a) Document review	Documents related to co-operation projects including project proposals, appraisals, interim reports and final reports	Quantitative and qualitative content analysis using process tracing to assess the likely causes of changes in capacities to meet standards
		b) Semi-structured interviews	<ul style="list-style-type: none"> ▶ Council of Europe staff members involved in work in the field of prisons and police; this includes the secretariat of the CDPC, and the PC-CP involved in the standard-setting and related work; staff of the CLCU involved in programmes of technical co-operation; and Council of Europe staff based in local offices ▶ Representatives from other organisations working in the field of prisons and police and thematic experts ▶ Representatives of civil society, academia and journalists ▶ Representatives of partner institutions (including government representatives, the judiciary, etc.) in beneficiary states 	Quantitative and qualitative content analysis using process tracing to assess the likely causes of changes in capacities to meet standards
		c) Survey	Survey of CDPC and PC-CP members	Analysis of survey responses
		d) Statistical analysis	<ul style="list-style-type: none"> ▶ SPACE 1 and 2 statistics ▶ National statistics 	Trend analysis

Sub-questions	Measures/indicators	Data-collection instruments	Data sources	Data analysis
2c) What is the sustainability of technical co-operation projects? Finding 23, 24	2.9. Plans for continuation, replication or expansion of work undertaken in co-operation projects	a) Document review	<ul style="list-style-type: none"> ▶ Documents related to co-operation projects including project proposals, appraisals, interim reports and final reports ▶ Media articles on the latest developments in beneficiary states 	Quantitative and qualitative content analysis
		b) Semi-structured interviews	Representatives of partner institutions (including government representatives, the judiciary, etc.) in beneficiary states	Quantitative and qualitative content analysis of interviews
		d) Country visits	d) Country visits	
2d) What has been the impact of other bilateral and multilateral activities? Finding 15	2.10 Extent of Involvement of member states in activities	a) Document review	Documents prepared by the CDPC and the PC-CP, including minutes of meetings, action plans and conference/seminar agendas and reports	Quantitative and qualitative content analysis
		b) Semi-structured interviews	<ul style="list-style-type: none"> ▶ Council of Europe staff members involved in work in the field of prisons and police; this includes the secretariat of the CDPC, and the PC-CP involved in the standard-setting and related work; staff of the CLCU involved in programmes of technical co-operation; and Council of Europe staff based in local offices ▶ Sample of members of the CDPC and PC-CP; plus expert advisers to the committee and its working groups ▶ Representatives of partner institutions (including government representatives, the judiciary, etc.) in beneficiary states 	Quantitative and qualitative content analysis of interviews
		c) Survey	Survey of CDPC and PC-CP members	Analysis of survey responses
2e) To what extent, through which mechanisms and under which conditions has the work of the Organisation resulted in enhanced capacities of law-enforcement officers to perform their daily duties while respecting European standards and best practices? Finding 20, 22	See 2.7 and 2.8	a) Document review	Documents related to co-operation projects including project proposals, appraisals, interim reports and final reports	Quantitative and qualitative content analysis using process tracing to assess the likely causes of changes in capacities to meet standards
		b) Semi-structured interviews	<ul style="list-style-type: none"> ▶ Council of Europe staff members involved in work in the field of prisons and police; this includes the secretariat of the CDPC, and the PC-CP involved in the standard-setting and related work; staff of the CLCU involved in programmes of technical co-operation; and Council of Europe staff based in local offices ▶ Representatives from other organisations working in the field of prisons and police and thematic experts ▶ Representatives of civil society, academia and journalists ▶ Representatives of partner institutions (including government representatives, the judiciary, etc.) in beneficiary states 	
		c) Survey	Survey of CDPC members	Analysis of survey responses
		d) Statistical analysis	<ul style="list-style-type: none"> ▶ SPACE 1 and 2 statistics ▶ National statistics 	Trend analysis

Sub-questions	Measures/indicators	Data-collection instruments	Data sources	Data analysis
3. Evaluation Question – Added value: To what extent does the programme add value?				
3a) To what extent does the work of the Council of Europe complement and/or duplicate the work of other organisations? What are the comparative advantages and disadvantages of the Council of Europe in comparison with other organisations? Finding 28	3.1 Comparison of different organisations' approaches, strengths and weaknesses 3.2 Complementarity and duplication 3.3 Synergies achieved through co-operation	a) Document review	<ul style="list-style-type: none"> ▶ Relevant standards produced by Council of Europe and commentaries ▶ Documents prepared by the CDPC and the PC-CP, including minutes of meetings, action plans and conference/seminar agendas and reports ▶ Documents related to co-operation projects including project proposals, appraisals, interim reports and final reports ▶ Documents providing the context of the Council of Europe's work on prisons and police ▶ Media articles on the latest developments in beneficiary states ▶ Relevant documents issued by other organisations working in the field of prisons and police 	Quantitative and qualitative content analysis
		b) Semi-structured interviews	<ul style="list-style-type: none"> ▶ Council of Europe staff members involved in work in the field of prisons and police; this includes the secretariat of the CDPC, and the PC-CP involved in the standard-setting and related work; staff of the CLCU involved in programmes of technical co-operation; and Council of Europe staff based in local offices ▶ Sample of members of the CDPC and PC-CP; plus expert advisers to the committee and its working groups ▶ Representatives of relevant donors ▶ Representatives from other organisations working in the field of prisons and police and thematic experts ▶ Representatives of civil society, academia and journalists ▶ Representatives of partner institutions (including government representatives, the judiciary, etc.) in beneficiary states 	Quantitative and qualitative content analysis of interviews
		c) Survey	Survey of CDPC members	Analysis of survey responses
3b) To what extent are Council of Europe outputs used by other organisations? Finding 13		a) Document review	Relevant documents issued by other organisations working in the field of prisons and police	Quantitative and qualitative content analysis
		b) Semi-structured interviews	<ul style="list-style-type: none"> ▶ Representatives of relevant donors ▶ Representatives from other organisations working in the field of prisons and police and thematic experts 	Quantitative and qualitative content analysis of interviews

Sub-questions	Measures/indicators	Data-collection instruments	Data sources	Data analysis
3c) To what extent are the Council of Europe standards consistent with those of other standard-setting bodies Finding 3		a) Document review	<ul style="list-style-type: none"> ▶ Relevant standards produced by Council of Europe and commentaries ▶ Relevant documents issued by other organisations working in the field of prisons and police 	Quantitative and qualitative content analysis
		b) Semi-structured interviews	<ul style="list-style-type: none"> ▶ Council of Europe staff members involved in work in the field of prisons and police; this includes the secretariat of the CDPC, and the PC-CP involved in the standard-setting and related work; staff of the CLCU involved in programmes of technical co-operation; and Council of Europe staff based in local offices ▶ Representatives from other organisations working in the field of prisons and police and thematic experts ▶ Representatives of civil society, academia and journalists 	Quantitative and qualitative content analysis of interviews

Annex E – List of interviews

Council of Europe staff in Strasbourg	
Donche Boshkovski	Programme Manager, CLCU
Larisa Bykova	Programme Manager, CLCU
Hugh Chetwynd	Head of Division, Secretariat of the CPT
Carlo Chiaromonte	Head of Criminal Law Division and Secretary of CDPC
Gerard Greneron	Programme Manager, CLCU
Raluca Ivan	Programme Manager, CLCU
Ilias Kalamaras	Programme Manager, CLCU
Kresimir Kamber	Lawyer, Registry of the European Court of Human Rights
Luljeta Kasa	Programme Manager, CLCU
Tanja Rakusic-Hadzic	Head of Unit, CLCU
Ilina Taneva	Secretary of PC-CP
Local Council of Europe staff	
Marica Bender	Senior Project Officer, Bosnia and Herzegovina
Milica Djordevic	Senior Project Officer, Serbia
Diana Ghazaryan	Senior Project Officer, Armenia
Gjakush Kabashi	Senior Project Officer, North Macedonia
Eteri Kamarauli	Senior Project Officer, Georgia
Olena Lytvynenko	Deputy Head of Office, Ukraine
Vahagn Muradyan	Deputy Head of Office, Georgia
Arman Poghosyan	Senior Project Officer, Armenia
Anastasia Saliuk	Programme Manager, Republic of Moldova
Antuen Skenderi	Senior Project Officer, Albania
Predrag Sofronac	Programme Manager, Bosnia and Herzegovina
Committee members	
Annie Devos	Member of PC-CP Working Group 2016-2019, Chair 2020
Vivien Geiran	Chair of PC-CP 2016-2019, Member 2020
Jesper Hjortenberg	Vice Chair, CDPC
Experts	
Nicola Carr	Scientific Expert, PC-CP
Rob Canton	Scientific Expert, PC-CP
John McGuckan	International Expert
Martin Seddon	International Expert

International organisations	
Pedro Das Neves	CEO, IPS Innovative Prison Systems
Kim Ekhaugen	Director of International Unit, Norwegian Correctional Service
Kirsten Hawlitschek	Executive Director, Europris – the European Organisation of Prison and Correctional Services
Andrea Huber	Deputy Chief, Rule of Law Unit, OSCE Office for Democratic Institutions and Human Rights
Olivia Rope	Interim Executive Director, Penal Reform International
Willem Van de Brugge	Secretary, General Confederation of European Probation
Other	
Marcelo Aebi	Professor of Criminology, University of Lausanne; Director of SPACE Penal Statistics
Gyorgy Bergou	Head of the Secretariat of the Partial Agreement on the Council of Europe Development Bank (CEB)
Nicholas Brooke	Consultant, Corrections Consulting

Armenia	
Norayr Balayan	Executive Partner (former Head of Department of Legal-Organisational Issue of the Ministry of Justice of Republic of Armenia)
Arshak Gasparyan	Director of Social Justice NGO
Laura Gasparyan	Expert at National preventive mechanism of prevention of torture
Shushan Ghukasyan	Former Deputy Head of Anti-corruption and Penitentiary Policy, Development Department of the Ministry of Justice
Hasmik Harutyunyan	Legal expert at Protection of Rights
Hayk Khemchyan	Child Protection Specialist (former senior project officer in charge of the “Support the Establishment of Probation Service” project)
Kamo Manukyan	Head of Penitentiary Medicine Center
Arsen Navarsardyan	Legal expert at State Commission for the Protection of Economic Competition of the Republic of Armenia (former Head of Probation Service)
Armen Ohanyan	Deputy Head of “Centre for the implementation of legal education and rehabilitation programmes”, SNCO
Nina Pirumyan	Head of Human rights research and educational centre
Gevorg Simonyan	Head of Probation Service
Gohar Simonyan	Head of Department for the Prevention of Torture and Ill-treatment

Bosnia and Herzegovina	
Dragana Alic	Police Officer, Bosnia and Herzegovina
Samir Bajric	Zenica Prison
Radmila Dekic	Doboj Prison
Nermina Delibasic	Zenica Prison
Zeljko Dragojevic	Director, Court Police of Republika Srpska
Franjo Dujo	Chief Commander Court, Police of Bosnia and Herzegovina
Miralem Duranovic	Inspector for Execution of Criminal Sanctions, Bosnia and Herzegovina
Dzenad Grosu	Chief Commander, Court Police of Bosnia and Herzegovina
Mario Kristo	Busovaca Prison

Bosnia and Herzegovina	
Vedad Hajdarevic	Zenica Prison
Nusret Hambo	Deputy Head of Security, State Prison, Bosnia and Herzegovina Ministry of Justice
Senad Hukic	Deputy Commander, Court Police of Brcko District
Muhamed Huskic	Inspector Service for Foreigners Affairs, State Investigation and Protection Agency
Redzo Kahric	Zenica Prison
Boris Knezevic	Inspector Service for Foreigners Affairs State Investigation and Protection Agency
Pedrag Kovacevic	Trebinje Prison, Republika Srpska
Bojan Koprivica	Director, Forensic Facility, Sokolac
Misel Krajisnik	Unit for professional standards and internal control
Darko Kusic	Security Supervisor, Court Police of Republika Srpska
Aleksandar Majdov	Assistant Prison Governor, Bijeljina Prison
Aleksandar Milisavic	Head of District Centre, Prijedor Court Police of Republika Srpska
Nenad Mirknoj	Inspector for Supervision of Prison Facilities, Republika Srpska
Biba Sabic	Prison Officer, State Prison
Goran Selak	Banja Luka Prison, Republika Srpska
Edis Skopak	Head of Field Unit, Sarajevo Court Police of Bosnia and Herzegovina
Iskra Stojcinovic	Inspector, Unit for international co-operation
Nebojsa Tonkovic	Acting Head of the Bosnia and Herzegovina Supervisory Body for Implementation of the Bosnia and Herzegovina Strategy for Preventing and Countering Terrorism, Republika Srpska Ministry of Interior
Darko Vujicic	Banja Luka Prison, Republika Srpska
Elma Prcic Bilic	Project manager EU(D)

Georgia	
Rusudan Beriashvili	Doctor of Medicines
Giorgi Burjanadze	Deputy Public Defender
Tsira Chanturia	Head of Office
Vakhtang Gabrichidze	Deputy Head of the Department of Temporary Detention
Nika Kvaratskhelia	National Prevention Mechanism
Nino Makhashvili	Psychiatrist
Sopio Tabaghua	Psychiatrist
Nana Zavrashvili	Psychiatrist

North Macedonia	
Dejan Andonov	Assistant Minister, Internal Control Department, Mol
Vaska Bajramovska-Mustafa	Deputy Ombudsman
Zaklina Prozaroska	Bureau for Public Safety, Mol
Annabelle Regal	Programme Manager, EU delegation
Professor Trpe Stojanovski	Part of the external oversight mechanism Civil Oversight Unit
Danica Stoshevaska	Programme Manager, EU Delegation

Ukraine	
Denys Chernyshov	Ex-Deputy Minister of Justice
Viktor Gorlenko	Head of Donor Co-ordination and International Co-operation Group of Directorate for Strategic Planning and European Integration
Valery Kalivoshko	Head of the Department of Resocialisation of the State Department of Execution of Criminal Sanctions
Vitaly Khvedchuk	Deputy Director, Social Education and Psychology Department, SCESU Administration
Vladyslav Klysha	Head of International Department
Inna Liniova	EU Pravo Justice project
Olga Sandikova	Former Project Manager of "Further Support for the Penitentiary Reform"
Andriy Spivak	Justice Sector Manager, EU Delegation
Vladimir Sushenko	Professor of Law
Iryna Zharonkina	EU Pravo Justice project
Volodymyr Trokhymchuk	Head of the MoJ Penitentiary Inspection

Annex F – Types of activities undertaken in co-operation activity

Probation	Opinions and advice	Platforms of dialogue, events, networks	Manuals, tools, guides and good practices	Research reports	Training	Awareness-raising campaigns	Financial support
Albania	Draft law on probation reviewed						
Armenia	Concept paper on probation	Study visits	Guidance on programmes	Impact study of pilots	Training material and training for probation staff	Promotional film	Electronic monitoring equipment
Bulgaria			e-learning modules translated		Training for judges and probation staff		
Republic of Moldova	Concept note on reorganisation		Risk needs assessment tool	Needs assessment	Training curriculum		

Prison health care	Opinions and advice	Platforms of dialogue, events, networks	Manuals, tools, guides and good practices	Research reports	Training	Awareness-raising campaigns	Financial support
Albania	Expert opinion on health care and on compulsory treatment orders	Study visits	Manual on mental health and a strategy on the prevention of suicide	Assessment report on health care	Training on prevention and treatment of transmissible diseases in prison		
Armenia	Expert assessment on needs of the prison healthcare sector	Study visits	New by-laws, assessment, guidelines, training material	Comparative study paper and overview of Council of Europe standards	Modules on health prevention and promotion and medical ethics		Medical equipment
Azerbaijan	Legislation on health-care services reviewed	Study visits	Council of Europe manual on prison health care and medical ethics translated	Assessment of healthcare services	Health promotion and medical ethics		

Prison health care	Opinions and advice	Platforms of dialogue, events, networks	Manuals, tools, guides and good practices	Research reports	Training	Awareness-raising campaigns	Financial support
Bosnia and Herzegovina		Round tables on suicide prevention	Protocols for enhancing health care and human rights in closed environment		Training on protocols and staff of psychiatric centre		
Bulgaria	Strategy on health care developed		Council of Europe manual on prison health care and medical ethics translated		Training on medical ethics and health care		
Georgia	Strategy and action plan on healthcare quality control in prisons	Joint workshop with the EU to raise the awareness of the Ministry of Correction staff	Mental healthcare screening tools and advanced form for documenting injuries		Training on mental health		
Republic of Moldova	Revision of legal framework			Assessment of need for equipment			Medical equipment
Montenegro	Revised guidance on health care of detained and sentenced persons			Feasibility study on forensic psychiatry	Training on Istanbul Protocol		
North Macedonia		Round table on needs assessment		Needs assessment			
Serbia	Recommendations on mental health strategy		Protocol on medical services in prison				
Ukraine		Study visit			Training with ICRC		
Kosovo*	Recommendations on transfer to Ministry of Health	Study visit			Training on mental health care		

Oversight and monitoring	Opinions and advice	Platforms of dialogue, events, networks	Manuals, tools, guides and good practices			Opinions and advice	Platforms of dialogue, events, networks
North Macedonia	Advice on models on external oversight mechanism	Study visit		Models of oversight		Seminars to raise awareness of the external oversight mechanism among national stakeholders and professionals	
Serbia	Recommendations on improvement of custody record system				Training for members of the Commission for the Prevention of Torture and Ill-treatment		
Ukraine		Study visits	Guidelines and manual for inspectors				
Kosovo*	Advice on improving Police Inspectorate's internal regulatory framework	Study visit	Monitoring tool for inspectors when visiting prisons	Needs assessment	Training strategy and training for inspectors		

Prison management and rehabilitation	Opinions and advice	Platforms of dialogue, events, networks	Manuals, tools, guides and good practices	Research reports	Training	Awareness-raising campaigns	Financial support
Albania	Advice on amendments to law on prison regime		Code of ethics, staff recruitment rulebook	Three assessment reports	Seven training curricula developed		
Azerbaijan	Advice on action plan on prison reform		Personal officer scheme in three pilot prisons	Assessment report	Prison manager trained in human rights		
Bosnia and Herzegovina	Expert recommendations IT systems	Study visits	Guidelines for dealing with persons deprived of liberty in closed environment, tools for VEPs		12 police officers to deliver peer training on human rights modules		

Prison management and rehabilitation	Opinions and advice	Platforms of dialogue, events, networks	Manuals, tools, guides and good practices	Research reports	Training	Awareness-raising campaigns	Financial support
Bulgaria			Guidelines and protocols, rehabilitation programmes		Training for governors and staff for combating ill-treatment		
Republic of Moldova	Assistance on revision of the legal framework of the penitentiary system		RNA tool on prisoners' pre-release rehabilitation and post-release supervision	Development of study on reoffending after probation	Curriculum for induction training of prison staff		
Montenegro	Legislative, institutional and organisational aspects of overcrowding assessed		Code of ethics, five programmes		Training curricula and methodology for evaluating training		
North Macedonia	Advice on independence of prison managers	Study visits	Code of ethics training manual, RNA, treatment modules		Prison management and on programmes		Equipment
Serbia			Four offending behaviour programmes	Training needs assessment	Cascade training of prison staff		
Ukraine	Assessment of five draft laws and advice on Passport to Reform strategy	Study visits	Code of ethics, suicide prevention guidelines, prison management manual		Training on social skills courses		
Kosovo*	Rulebook on prison staff recruitment reviewed	Study visit	RNA tool and treatment programmes, complaints procedure		Training strategy and training on dynamic security		

Police custody	Opinions and advice	Platforms of dialogue, events, networks	Manuals, tools, guides and good practices	Research reports	Training	Awareness-raising campaigns	Financial support
Bosnia and Herzegovina			Guidelines for dealing with persons deprived of liberty in closed environment		Human rights training with all 10 police services		
Latvia	Legal analysis	International conference			Training for police	Publicity	
Montenegro	Advice on training curriculum				Police training curricula developed, Training of Trainers and cascade training		
North Macedonia					Revision of human rights modules for police managers, training for police		
Romania							
Kosovo*	Law on Police, the Code of Ethics and Standard Operation Procedure (SOP) on police holding cells reviewed	Study visit			12 new modules on human rights, police ethics and the prevention of ill-treatment		

Annex G – Interview guides

Interview Guide 1

Council of Europe staff members involved in work in the field of prisons and police;

a) Secretariat of the CDPC and PC-CP involved in the standard setting and related work.

Relevance

1. What would you say are the most important purposes of the CDPC and PC-CP committees?(1d)-1.6)
2. Do the CDPC and PC-CP committees play any role in respect of the CoE's cooperation projects? Should they do so? Examples? (1b)-1.2)
3. Thinking about the work undertaken by the CDPC and PC-CP between 2016 and 2019 in the field of prisons, police and probation, what have been the most important achievements and the biggest challenges? (2a)-2.1, 2.2, 2.3)
4. In terms of the standard setting work of the Committees, can you explain how the decision is reached to produce a particular recommendation or other guidance? (1d)-1.5, 1.6)
5. To what extent does the work of CDPC and PC-CP take account of other parts of the Council of Europe such as the CPT or ECtHR? Which other parts of the Council of Europe work do you consider relevant for the CDPC and PC-CP? (1a)-1.1)
6. To what extent have gender and human rights concerns been taken into account in the work of the CDPC and PC-CP? How has the programme addressed the needs of transgender persons; migrants, child offenders; and other vulnerable and marginalised groups? (1e)-1.7, 1.8)

Effectiveness

7. To what extent and in which way have the CDPC and the PC-CP: (2a)-2.1, 2.2, 2.3)
 - ▶ assisted member States to develop modern penal policies
 - ▶ assisted member States in the implementation of the European Prison Rules, the European Rules for juvenile offenders, the Council of Europe Probation Rules, as well as the other relevant recommendations in the penitentiary field, for example, by promoting and encouraging the implementation of the practical measures suggested in the Council of Europe Handbook for Prison and Probation Services regarding Radicalisation and Violent Extremism
 - ▶ contributed to ensuring harmonised laws and practices in the execution of sanctions and measures throughout Europe
 - ▶ followed up of the Conferences of Directors of Prison and Probation Services
 - ▶ ensured the collection and publication of SPACE I and SPACE II statistics
 - ▶ taken due account of a gender perspective and of building cohesive societies in the performance of its tasks
8. What role do the CDPC and PC-CP play in the dissemination of standards to member states? Examples? (2a)-2.4)
9. Does the CDPC and PC-CP monitor the impact of the standards they produce and how? (2a)-2.1, 2.2, 2.3)
10. What role does the CDPC and PC-CP play in respect of the SPACE prison and probation statistics? To what extent and in which way were these used? (2a)

Added Value

11. Do you consider that CoE's involvement adds particular value in the field of prisons, police and probation? If so, how? Is there a unique contribution? (3b)
12. What can CoE learn from other organisations working in this area? Are there overlaps or complementarities with work done by other organisations? (3a)-3.1, 3.2, 3.3, 3c)
13. Do you think that there are any changes that should be made to the work of the Committees to increase their relevance, effectiveness and added value?

1 b) Staff of the CLCU involved in programmes of cooperation

Relevance

1. How does the CoE decide on the kind of cooperation projects it should become involved in and the countries where they should take place? (1a)-1.1, 1b)-1.2, 1c)-1.4)
2. In what ways and to what extent have projects responded to the needs of the beneficiaries and the needs of the country where implemented? (1d)-1.5, 1.6)
3. To what extent are the projects coherent with other work undertaken by the Council of Europe such as the European Court of Human Rights and CPT? (1b)-1.2, 1c)-1.4)
4. What are the key features in developing technical cooperation projects and what parties are involved in the process? (1b)-1.3)
5. How do you ensure that gender issues are taken into account in developing the projects? (1e)-1.7, 1.8)

Effectiveness

6. What do think are the main achievements of the cooperation projects in the period 2016- 2019? (2b), 2e)-2.6, 2.7, 2.8)
7. Do you consider the objectives of those projects were met? Examples of concrete changes? (2b), 2e)-2.6, 2.7, 2.8)
8. Were the chosen implementation modalities and partnerships conducive for achieving the stated objectives? (2b), 2e)-2.7, 2.8)
9. In your experience what are the factors likely to lead to successful outcomes in cooperation projects? (2b), 2e)-2.7, 2.8)
10. What are the main challenges facing cooperation projects? (2b), 2e)-2.7, 2.8)
11. To what extent can you monitor the effects of cooperation projects?
12. To what extent have the projects established processes and systems that are likely to prolong their impact? Is there a system for learning lessons from projects to inform future practice?

Added Value

13. Do you consider that CoE's involvement adds value in the field of prisons, police and probation? If so, how? Is there a unique contribution? (3b)
14. What can CoE learn from other organisations working in this area? Are there overlaps or complementarities with work done by other organisations? (3a)-3.1, 3.2, 3.3, 3c))

c) CoE staff based in local offices (15-20 interviews);

Relevance

1. How does the CoE decide on the kind of cooperation projects it should become involved in and the countries where they should take place? (1a)-1.1, 1b)-1.2, 1c)-1.4)
2. In what ways were the projects relevant to the needs of the beneficiaries and the needs of the country? (1d)-1.5, 1.6)
3. Have any changes occurred in the external environment during the implementation that undermine or enhance the relevance of the projects? (1d)-1.5, 1.6)
4. What are the key features in developing technical cooperation projects and what parties are involved in the process? (1b)-1.3)
5. How do you ensure that gender issues are taken into account in developing the projects? (1e)-1.7, 1.8)

Effectiveness

6. What do you think are the main achievements of the cooperation projects in the period 2016-2019? (2b), 2e)-2.6, 2.7, 2.8)
7. Do you consider the objectives of those projects were duly met? (2b), 2e)-2.6, 2.7, 2.8)
8. What concrete impact has those projects made? What has changed, including any catalytic effects? Examples? (2b), 2e)-2.6, 2.7, 2.8)
9. In your experience what are the factors likely to lead to successful outcomes in cooperation projects? (2b), 2e)-2.6, 2.7, 2.8)
10. To what extent has the project established processes and systems that are likely to prolong its impact? (2c)
11. What have been the main challenges and risks facing cooperation projects in general or specific projects? (2b), 2e)-2.6, 2.7, 2.8)
12. Have there been good practices inherent to the projects which could be useful to share beyond the projects context?

Added Value

16. How would you describe the added value provided by the CoE's involvement? (3a)
17. Which other entities or donors are working in this area in your country? What made CoE projects unique? (3a)-3.1, 3.2, 3.3)
18. What can CoE learn from other organisations working in this area? Are there overlaps or complementarities with work done by other organisations? (3a)-3.1, 3.2, 3.3, 3c)
19. What recommendations can you make for similar projects in the future?

Interview Guide 2

Members of CDPC and PC-CP; scientific advisers to the PC-CP working groups

1. What would you say are the most important purposes of the CDPC and PC-CP committees?
2. Thinking about the work undertaken by the CDPC and PC-CP between 2016 and 2019 in the field of prisons, police and probation, what have been the most important achievements?
3. In terms of the standard setting work of the Committees, can you explain how the decision is reached to produce a particular recommendation or other guidance?
4. To what extent does the work of CDPC and PC-CP take account of other parts of the Council of Europe such as the CPT or ECtHR? Which other parts of the Council of Europe work do you consider relevant for the CDPC and PC-CP? (1a)-1.1)
5. Do the CDPC and PC-CP committees play any role in respect of the CoE's cooperation projects? Should they do so?
6. What role do the CDPC and PC-CP play in the dissemination of standards to member states?
7. Does the CDPC and PC-CP monitor the impact of the standards they produce and how?
8. What role does the CDPC and PC-CP play in respect of the SPACE prison and probation statistics?
9. How would you describe the added value provided by the CoE's work? (3a)
10. Do you consider that CoE's involvement adds value in the field of prisons, police and probation? If so, how? Is there a unique contribution? (3b)
11. What can CoE learn from other organisations working in this area? Are there overlaps or complementarities with work done by other organisations? (3a)-3.1, 3.2, 3.3, 3c)
12. To what extent have gender and human rights concerns been taken into account in the work of the CDPC and PC-CP? How has the programme addressed the needs of transgender persons; migrants, child offenders; and other vulnerable and marginalised groups? (1e)-1.7, 1.8)
13. Do you think that there are any changes that should be made to the work of the Committees to increase their relevance, effectiveness and added value?

Interview Guide 3

Representatives of relevant donors and financing organisations

1. What has been your involvement in the work of the CoE on prisons, police and probation?
2. Are you familiar with the objectives of the Council of Europe's work in this field and the ways in which the Organisation seeks to achieve them? If so, do you think it is relevant and appropriate?

Relevance:

3. From your perspective what are the major problems related to police and prisons, probation in those countries you work? (1a)-1.1, 1d)-1.6)
4. Do you think there are any gaps in the standard setting and cooperation work? (1a))
5. Do you think the CoE takes proper account of gender and other human rights issues in developing projects? 1e)-1.7, 1.8)

Effectiveness and Added Value

6. How useful are the standards set by the Council of Europe in this field? (2a))
7. What particular strengths are provided by the involvement of the COE in cooperation projects?
8. Are there any weaknesses in the way the CoE works in the field of prisons, police and probation?
9. In your opinion, what is the unique role of CoE work in those areas? Do you consider that CoE's involvement adds particular value in the field of prisons, police and probation? If so, how? Is there a unique contribution? (3b)
10. Is there anything you would suggest should be changed in the way that the CoE works in this field? What recommendations would you make for the future CoE work?

Interview Guide 4

Representatives from other organisations working in the field of prisons and police

Relevance

1. Can you tell us briefly about the work you do in the field of prisons, police and probation?
2. From your perspective what are the major problems related to prisons, police and probation which need to be addressed? (1a)-1.1, 1d)-1.6)
3. How much do you know about the work of the Council of Europe in the area of prisons, police and probation? 3b)
4. Have you any knowledge of or involvement in cooperation projects in which the CoE are involved

Effectiveness

5. How useful, do you think, are the standards produced by the CoE? (2a))
6. What impact do the standards have on your organisation? (2a))
7. What impact do you think they have on prison, police and probation services in CoE member states? (2a))
8. If so, do you have an opinion on the effect they have had? (2a), 2b), 2e))
9. What do you think should be the priority for future projects?
10. How well does the CoE work in partnership with your organisation? (3a))
11. To what extent have gender and human rights concerns been taken into account in the work of the CoE? How has the programme addressed the needs of transgender persons; migrants, child offenders; and other vulnerable and marginalised groups?

Added Value

12. What is the added value provided by the Council of Europe's work in this area? (3a))

Interview Guide 5

Representatives of civil society, academia and journalists

Relevance

1. What is your role in respect of prisons, policing and probation?
2. From your perspective what are the major problems and needs to be addressed by potential donors on prison, police and probation services in member states?
3. How much do you know about the work of the Council of Europe in the area of prisons, police and probation?

Effectiveness

4. How useful are the standards produced by the CoE?
5. What impact do the standards have on your organisation?
6. What impact do you think they have on prison, police and probation services in CoE member states?
7. Have you any knowledge of cooperation projects in which the CoE are involved?
8. If so, do you have an opinion on the effect they have had?
9. To what extent have gender and human rights concerns been taken into account in the work of the CoE? How has the programme addressed the needs of transgender persons; migrants, child offenders; and other vulnerable and marginalised groups?
10. What recommendations would you make for the future CoE work?

Added Value

11. What added value does the CoE provide in this area?

Interview Guide 6

Representatives of partner institutions in beneficiary states in the framework of case studies

Relevance

1. From your perspective what are the major problems in your area of jurisdiction (in the areas of police, prisons and probation) in your country? (1d)-1.6)
2. What exactly are your priorities as a line ministry/organisation? (1d)-1.6)
3. Why did you need support for this particular topic/area? In what respect was it relevant to your needs? (1d)-1.5, 1.6)
4. Are there still uncovered needs to be addressed by potential donors? (1d)-1.5, 1.6)
5. To what extent have gender and human rights concerns been taken into account in the work of the CoE? How has the programme addressed the needs of transgender persons; migrants, child offenders; and other vulnerable and marginalised groups?

Effectiveness

6. Have the CoE projects contributed to improvement of the overall situation and in what respect? (2b), 2e))
7. What made those projects distinctive? (2b), 2e))
8. Did you cooperate with other organisations, NGOs or donors working in those specific areas? (3a))
9. To what extent have the projects' objectives been reached? Examples? {specific examples will be given}
10. To what extent was the project implemented as envisaged? If not, why not? (2b), 2e))
11. Were you confronted with any project implementation risks? (2b), 2e))
12. Did you have sufficient resources to implement the project? If not what additional activities do you think should have been undertaken?
13. Was the reporting (including the budget reporting process) smooth and easy?
14. Did you have communication or other problems with the grant maker?

15. What could have been improved?

16. What concrete impact has the project made? (2b), (2e)

17. What has changed? Examples? (2b), (2e)

18. How will the effects of your project continue after its completion? (2c)

Added Value

19. To your knowledge what is the unique role of CoE work in the country in the areas of police, prisons and probation? (3a)

20. What recommendations would you make for the future work if similar funding opportunities occur?

Annex H – Relevant sections of the Terms of Reference

Evaluation of the Council of Europe’s work under the programme line “Prisons and police”

*Terms of reference
Directorate of Internal Oversight
Evaluation (2020)1
27 January 2020*

1. Introduction

The Council of Europe is the continent’s leading human rights organisation. It promotes human rights, democracy and the rule of law in Europe and beyond. The Organisation’s 47 member states have signed up to the European Convention on Human Rights, the implementation of which is overseen by the European Court of Human Rights. The Programme and Budget document explains the functioning and operation of the Organisation in further detail.⁹⁶

The 2020 work programme of the Directorate of Internal Oversight (DIO) includes an evaluation of the programme line “Prisons and police” (Programme). It covers a general objective, three expected results and several projects funded by extra-budgetary resources.⁹⁷ The evaluation is expected to contribute to the improvement of the Council of Europe support to resolve systemic and structural problems in police and prison matters in Europe.

These terms of reference provide a description of the proposed evaluation approach, design and time frame.

2. Prisons and police

2.1. The legal basis for the work in the Council of Europe

The Council of Europe has various hard and soft standards that address the issue of detention and policing (see Annex 1).

2.2. Work conducted under the programme line

The Prisons and police programme line in the Programme and Budget 2016-2017 and 2018-2019 documents lists the following objective:

“The objective of this programme line is that member States adapt their legislation to the relevant Council of Europe standards and that prison and probation services, police and other law enforcement bodies apply these standards in their daily work and better respect them”.

Under this objective, the documents list three expected results with two to five indicators⁹⁸ under each:

96. Council of Europe Programme and Budget 2020-2021, p. 9-17.

97. Council of Europe Programme and Budget 2016-2017 (p. 61); Council of Europe Programme and Budget 2018-2019 (p. 65). The current Programme and Budget document 2020-2021: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680994ffd.

98. The Council of Europe Programme and Budget 2018-2019 also presents information on targets and a baseline.

Programme and Budget 2016-2017

EXPECTED RESULTS	PERFORMANCE INDICATORS
<p>Expected result 1 Member States have been able to rely on updated information, standards and practices regarding prisons issues.</p>	<ul style="list-style-type: none"> ▪ Number of revised texts (target: 3 – revised European Rules on community sanctions and measures (Recommendation R (92)16 and Recommendation Rec (2000)22)) and updated commentary to the European Prison Rules (Recommendation Rec(2006) 2). ▪ Availability of a draft White Paper on prison overcrowding. ▪ Availability of updated statistics SPACE I and SPACE II. ▪ Availability of a manual containing indicators of radicalisation of prisoners to violent extremism and good practices regarding prevention of and dealing with this phenomenon.
<p>Expected result 2 Management, operational, and medical staff in prisons have been supported to perform their daily duties in line with the ECHR and other European standards and CPT's recommendations.</p>	<ul style="list-style-type: none"> ▪ Number of multilateral meetings organised to exchange good practice on topics of specific interest for prison and probation services (target: 4). ▪ Availability of a handbook on Standards and ethics in electronic monitoring in 3 languages. ▪ Number of countries where specific projects have been developed and implemented (target: 6).
<p>Expected result 3 Law enforcement officers have been trained to perform their daily duties while respecting European standards and best practices.</p>	<ul style="list-style-type: none"> ▪ Number of countries where specific projects have been developed and implemented (target: 3). ▪ Number of countries where bilateral activities addressing the relevant jurisprudence of the Court and the Committee of Ministers recommendations were organised (target: 5).

Programme and Budget 2018-2019

EXPECTED RESULTS AND INDICATORS

		Target 2018-2019	Baseline 2016
EXPECTED RESULT 1	Member States could rely on updated information, standards and practices regarding prisons and probation issues.		
	Number texts proposed for adoption by the Committee of Ministers (updated commentary to the European Prison Rules (Recommendation Rec(2006)2), a recommendation on children of imprisoned parents and recommendation on restorative justice and penal mediation).	3	1
	Date of the Conference on prison overcrowding involving the ministries of justice, the judiciary and prison and probation services.	<i>Before 31/12/2018</i>	
	Date of availability of updates annual penal statistics SPACE I and SPACE II.	<i>Before 31/12</i>	
	Number of actions to assist national authorities in implementing the Guidelines and Handbook for prison and probation services regarding radicalisation and violent extremism.	2	-
	Evidence that member States have taken concrete measures to improve practices regarding prisons and probation		
EXPECTED RESULT 2	Management, operational, and medical staff in prisons have been supported to perform their daily duties in line with the ECHR and other European standards and CPT's recommendations.		
	Number of multilateral meetings organised to exchange good practice on topics of specific interest for prison and probation services.	4	2
	Number of publications on standards and good practice on topics of specific interest for prison and probation services drafted and translated.	2	2
	Number of countries where specific projects have been developed and implemented.	6	7
	Number and type of legal amendments introduced following the cooperation activities.	5	-

In order to achieve these results, the secretariat conducts standard-setting work performed by two structures: the European Committee on Crime Problems (CDPC) and the Council for Penological Co-operation (PC-CP) financed by the Ordinary Budget of the Organisation. In addition, a number of regional and bilateral co-operation activities are funded by the Ordinary Budget as well as extra-budgetary contributions.

Specifically, the European Committee on Crime Problems (CDPC) is responsible for overseeing and co-ordinating the Council of Europe's activities in the field of crime prevention and crime control. It identifies priorities for intergovernmental legal co-operation, makes proposals to the Committee of Ministers on activities in the

fields of criminal law and procedure, criminology and penology, and implements these activities.⁹⁹ The CDPC holds two plenary sessions every year, in which the following participate:

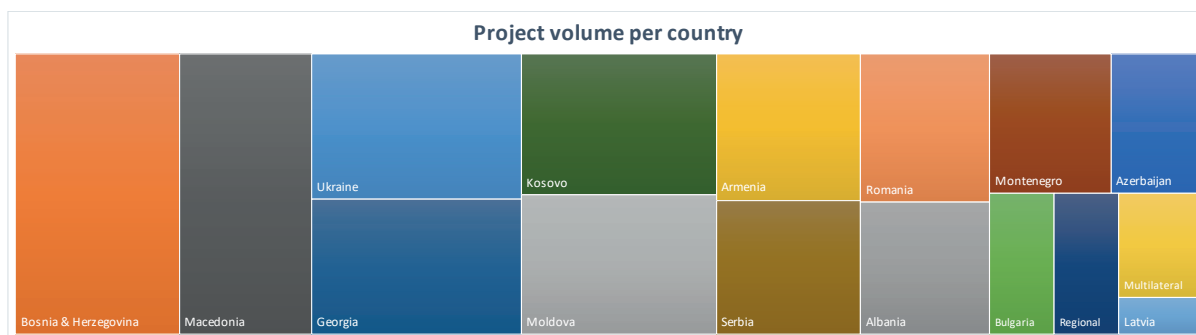
- ▶ national delegations from member states
- ▶ representatives of the Parliamentary Assembly and of the Congress of Local and Regional Authorities of Europe
- ▶ representatives of the European Union
- ▶ observers from Canada, the Holy See, Japan, Mexico and the United States of America
- ▶ observers from intergovernmental and non-governmental organisations.

The Council for Penological Co-operation (PC-CP) is a subordinate body to the CDPC holding one plenary meeting per year. It has a working group composed of nine members who meet four times a year and who are elected in their personal capacity by the CDPC. These are high-level representatives of prison administrations or of services entrusted with the implementation of non-custodial sanctions or measures or researchers or other experts having a thorough knowledge of penological questions.

The PC-CP drafts standard-setting texts, reports, opinions, collects information regarding the implementation by the prison and probation services of the relevant recommendations adopted by the Committee of Ministers, supervises the annual collection of statistical data related to prisons and to non-custodial sanctions and measures (SPACE I and II), organises meetings and high-level conferences of the directors of prison and probation services of the 47 member states.¹⁰⁰

The Criminal Law Co-operation Unit assists the beneficiary countries in integrating the Council of Europe standards in their penitentiary, probation and law-enforcement institutions through bilateral co-operation activities and projects. The main objective is to help the member states improve their legislation and practice related to the work of the police as well the execution of penal sanctions and measures.

During the budgetary cycles 2016-17 and 2018-2019, 24 co-operation projects were conducted in 14 countries (Annex 2). The volume of co-operation activities is shown below.



The proportion of resources devoted to standard setting and co-operation is 10% to 90% (in 2018-2019) and 44% to 56% (in 2016-2017).

Overall expenditure for the programme line amounted to (in thousands of euros):

Year	Ordinary Budget	European Union Joint Programmes	Voluntary contributions	Total
2016	2 016.7	1 800.9	554.6	4 372.2
2017	2 052.6	2 527.4	1 240.7	5 820.7
2018	1 770.0	2 784.0	594.0	5 148.0
2019 ¹⁰¹	1 070.0		965.0	

99. [Terms of reference of the CDPC \(2018-2019\)](#); [Terms of reference of the CDPC \(2016-2017\)](#).

100. [Terms of reference of the PC-CP \(2018-2019\)](#); [Terms of reference PC-CP \(2016-2017\)](#).

101. The amounts indicated for 2019 reflect expenditure from January to June 2019 reported in the Programme and Budget Interim Progress Review for 2019.

The evaluation will be theory-driven using the Theory of Change presented in Annex 3. The Theory of Change is based on a preliminary review of the Programme and Budget document and the information contained in the Project Management Methodology (PMM) tool and will be discussed and refined in consultation with the Organisation's staff during the inception phase.

2.3. Contributions of different Council of Europe institutions and entities and other bodies

The jurisprudence of the European Court of Human Rights ("the Court")¹⁰² and the findings of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)¹⁰³ guide the work of the Organisation in the field of prisons and law enforcement. The Department for the [Execution of Judgments](#) of the Court also contributes to this field by providing support to the member states to achieve full, effective and prompt execution of judgments.

The Human Rights Commissioner of the Council of Europe and the Special Representative of the Secretary General on migration and refugees has worked on preventing deprivation of liberty of [migrants](#) and [migrant children](#). The Parliamentary Assembly of the Council of Europe has organised a [campaign](#) on this topic. The [Children's Rights Strategy](#) 2016-2021 lists protection of children in the context of deprivation of liberty among its priority areas.

This work is listed under different programme lines and is not included in the scope of the evaluation.

Other international bodies in the field

The United Nations work on criminal justice issues at a global level. The United Nations Convention against Torture came into force in 1987 and requires governments to take effective legislative, administrative, judicial or other measures to prevent acts of torture. Goal 16 of the Sustainable Development Goals – Peace, justice and strong institutions – places the fight against ill-treatment high on the international agenda. The [United Nations Office on Drugs and Crime](#) (UNODC) is the dedicated UN agency whose work in the area of Criminal Justice Reform covers: [police reform](#), [prosecution services](#), the [judiciary](#) (the courts), [access to legal defence and legal aid](#), [prison reform and alternatives to imprisonment](#), and [restorative justice](#). Other agencies such as the UNDP and UNICEF are also involved in the field of law enforcement to some extent.¹⁰⁴

At European level, an important body in the field of [law enforcement](#) and [torture prevention](#) is the Organization for Security and Co-operation in Europe (OSCE). Furthermore, the European Union has adopted the [Charter of Fundamental Rights](#) of the European Union, in particular Articles 4 and 19(2), the [Regulation \(EU\) 2016/2134](#) of the European Parliament and of the Council of 23 November 2016 concerning trade in certain goods that could be used for capital punishment, torture or other cruel inhuman or degrading treatment or punishment, and updated the [Guidelines](#) on EU Policy Towards Third Countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In the area of law enforcement, its Agency for Law Enforcement Training (CEPOL) develops, implements and organises training for the police and other law-enforcement officials. The EU currently has a participatory status with the CDPC.

The evaluation will further look into various bodies' specific roles in the field of prisons and police and identify the added value of the Council of Europe's work in comparison with those.

3. The Evaluation Approach

3.1. Rationale and purpose

The evaluation of the programme line "Prisons and police" was included in the DIO's work programme for 2020 because of the strategic relevance of the subject. The statistics of the Court show that in 2018, the most frequently found violations concerned Article 3 (inhuman and degrading treatment) with 208 (18%)

102. Thematic factsheets of the Court on criminal justice and detention can be consulted here: www.echr.coe.int/Pages/home.aspx?p=press/factsheets&c=-.

103. The CPT organises visits to places of detention in order to assess and report on how persons deprived of their liberty are treated: www.coe.int/en/web/cpt/visits. The CPT secretariat also maintains a resources web page with links to standards, tools and publications on relevant topics: www.coe.int/en/web/cpt/resources.

104. UNDP (2019), *Projet d'appui à la formation continue de la police nationale de Côte d'Ivoire*, UNDP; UNDP (2018) *Final Evaluation of the project "LOTFA Support to Payroll Management (SPM) and MoA Police development (MPD)"*, UNDP; UNICEF (2016), *Evaluation of Capacity Development for Police on Child Protection in Fiji, Kiribati and Vanuatu*, UNICEF; UNICEF (2013), *Evaluation of the Impact of Juvenile Justice Workshops on the Practice of trained Police Officers between 2005-2011 in Iran*, UNICEF.

cases and Article 5 (right to liberty and security) with 232 (16%) cases.¹⁰⁵ Similarly, the annual report on the supervision of the execution of judgments of the European Court of Human Rights lists the subjects under the relevant programme line among the main themes under enhanced supervision by the Committee of Ministers with actions of security forces (17%), lawfulness of detention and related issues (12%), conditions of detention – medical care (10%) and right to life – and protection against ill-treatment in specific situations (10%) accounting for 49% of overall cases under enhanced supervision.¹⁰⁶

An [evaluation of the effectiveness of the Council of Europe to support the implementation of the European Convention on Human Rights at national level](#) conducted in 2015-16 has found that the absence of Council of Europe networks of police representatives affects the effectiveness of Council of Europe support to combat ill-treatment and impunity in law enforcement.

The evaluation thus aims to help optimise the Organisation's interventions in this field. It has the potential to enhance the coherence of action as well as to identify the added value of the Council of Europe.

3.2. Scope

The evaluation will cover all activities conducted under the programme line "Prisons and police" between 2016 and 2019. Activities under other programme lines will be outside the scope of this exercise, even if they aim at similar objectives and are involved in joint activities.

Geographic coverage of the evaluation includes Council of Europe member states, as well as other states and entities that have benefited from technical co-operation activities of the Council of Europe in the field of prisons and law enforcement.

3.3. Evaluation objectives, criteria and questions

The evaluation's objectives are to evaluate the degree to which the Council of Europe effectively and sustainably achieves its intermediate outcomes and objectives in the field of prisons and police, the relevance, coherence and co-ordination of the different types of intervention of the Organisation and the added value of the Council of Europe's interventions in comparison with those of others in the field.

The evaluation will assess the Council of Europe's activities in the area against the evaluation criteria of relevance, effectiveness and added value. The evaluation questions are as follows:

1. To what extent is the programme relevant?
2. To what extent is the programme effective?
3. To what extent does the programme add value?

The evaluation matrix in Annex 4 specifies proposed related sub-questions and measures for these main evaluation questions and provides details on the data-collection methods that are planned to be used to answer them.

3.4. Evaluation methodology

The evaluation will be conducted in accordance with the DIO's Evaluation Guidelines.¹⁰⁷ It will use a mixed-methods approach to answer the evaluation questions and a gender-sensitive evaluation methodology. The following sections describe the different methods intended to be used.

Document review

In order to obtain an in-depth understanding of the Council of Europe's work in the area of police and law enforcement and to draw some preliminary conclusions about its effectiveness, the following types of documents will be reviewed:

- ▶ relevant standards;
- ▶ documents prepared by the CDPC and the PC-CP;

105. Annual report of the European Court of Human Rights 2018 (p. 171). Accessible at: www.echr.coe.int/Documents/Annual_report_2018_ENG.pdf.

106. 12th Annual Report of the Committee of Ministers on the supervision of the execution of judgments and decisions of the European Court of Human Rights (2018). Accessible at: <https://rm.coe.int/annual-report-2018/168093f3da>.

107. Evaluation Guidelines of the Directorate of Internal Oversight, [DD\(2014\)238 Final \(Eng\)](#).

- ▶ documents related to co-operation projects, including project descriptions, implementation reports, evaluation reports and other project-related documents;
- ▶ documents providing the historical context of the Council of Europe’s work on prisons and police;
- ▶ media articles on the latest developments in beneficiary states;
- ▶ relevant documents issued by other organisations working in the field of prisons and police.

Semi-structured interviews

Semi-structured interviews will be conducted with a sample of the following types of stakeholders:

- ▶ Council of Europe staff members involved in work in the field of prisons and police;
- ▶ members of the CDPC and PC-CP;
- ▶ representatives from other organisations working in the field of prisons and police and thematic experts;
- ▶ representatives of donors funding relevant co-operation activities; and
- ▶ representatives of partner institutions (including government representatives, the judiciary, civil society, etc.) in beneficiary states in the framework of case studies (see section below).

Interviews will be conducted in person or on the phone/by Skype. They will follow interview guidelines that will be adapted whenever needed to each stakeholder group. An interview protocol will be drafted for each interview and interview data will be analysed systematically with the help of an analytical grid.

Survey

A survey will be conducted among members of the CDPC and PC-CP on questions of relevance and effectiveness.

The interview guide for representatives of partner institutions and civil society in beneficiary states will also contain a few structured closed questions at the end to facilitate the collection of quantitative data among this stakeholder group regarding the relevance, effectiveness and added value of the Council of Europe’s support.

Case studies

The evaluation team will conduct field visits (of four or five days each) in order to assess the work on prisons and police in five beneficiary countries in detail. During these field visits semi-structured interviews (and for some interviewees, a survey) will be conducted with relevant Council of Europe staff, representatives of partner institutions and representatives from civil society and other organisations working on prisons and police (see the section above).

In addition, for each case study, an expert assessment will be conducted by a national or international subject-matter expert. The assessment shall contribute to answering questions on relevance and effectiveness and will be based on a template containing standardised questions provided to the expert. The assessment shall outline the main issues in the country, the main positive or negative developments in the field over the past five years and potential reasons for these developments.

A purposive sampling strategy will be applied to identify the five countries that are proposed to be visited. Sampling criteria include the following:

- ▶ the volume of interventions in the sector of prisons and police;
- ▶ the recentness of interventions;
- ▶ the geographic diversity of countries;
- ▶ the diversity of socio-political contexts;
- ▶ specific developments in the field in recent years;
- ▶ the size of the countries.

The countries for field visits are to be confirmed during the inception phase.

Observation

The evaluation team may observe relevant events related to the Council of Europe work on prisons and police, such as the meetings of the CDPC and PC-CP.

3.5. Organisational arrangements

Evaluation management

The evaluation team will be comprised of an evaluator from the DIO under the supervision of the Head of the Evaluation Division and (an) external consultant(s) with the following distribution of tasks.

Task	DIO	External consultant(s)
Finalisation of the Terms of Reference	X	
Recruitment and contracting of the consultant(s) and management of the contract(s)	X	
Organisation of interviews with stakeholders for the inception phase	X	
Conducting inception interviews and document review during the inception phase		X
Drafting of draft and final inception reports based on the Terms of Reference outlining the Theory of Change, the detailed evaluation methodology and time plan		X
Quality assurance of the draft inception report		X
Organisation of a reference group meeting	X	
Participation in a reference group meeting on the inception report	X	X
Collection of comments from stakeholders on the draft inception report	X	
Facilitation of and participation in data collection, analysis and reporting (including semi-structured interviews in Strasbourg, accompanying the consultant(s) on at least two of the five field missions, organisation of and participation in reference group meetings, collecting comments from stakeholders on inception and draft reports)	X	
Data collection for the evaluation in accordance with the methodology specified in the inception report		X
Drafting of a working paper on the field missions outlining emerging findings on the evaluation questions		X
Data analysis in accordance with the methodology specified in the inception report		X
Drafting of draft and final evaluation reports		X
Quality assurance of the draft evaluation report	X	X
Organisation of a reference group meeting	X	
Collection of comments from stakeholders on the draft evaluation report	X	
Participation in a reference group meeting on the evaluation report	X	X

The evaluation team is expected to meet on at least six occasions:

- ▶ inception meeting combined with inception interviews with stakeholders – two to three days (Strasbourg);
- ▶ at least two joint field missions – four to five days (locations to be selected during inception phase from proposed case study locations);
- ▶ discussion of the draft inception report with the reference group – one day (Strasbourg);
- ▶ interviews with Council of Europe staff in headquarters – two to three days (Strasbourg);
- ▶ discussion of the draft report with the reference group – one day (Strasbourg).

The evaluation process will be guided by a reference group, which will provide comments on draft documents related to the evaluation and preliminarily discuss the feasibility of the implementation of recommendations. The reference group will consist of representatives of the Action against Crime Department, the Directorate of Programme and Budget (DPB), the Office of the Directorate General of Programmes (ODGP) and the Private Office.

An external evaluation consultant with subject-matter expertise will be contracted separately by the DIO to provide quality assurance throughout the evaluation process by commenting on the draft inception report and the draft evaluation report.

Evaluation process

The evaluation process will include four phases.

Inception phase

During the evaluation inception phase the evaluation team will review documentation and hold preliminary interviews that serve to obtain an overview of the Council of Europe interventions in the field of prisons and police and to scope the evaluation. The team will produce a draft inception report in line with the quality requirements for inception reports outlined in Annex 12 of the [Evaluation Guidelines](#). The inception report is quality assured by the DIO. The inception report will be finalised taking into consideration comments from the reference group. The reference group will in particular discuss issues related to the scope and objectives of the evaluation and the evaluation questions but can also provide suggestions on methodology.

Implementation phase

During the implementation phase the evaluation team will collect data using the methods described in the methodology section of this concept note.

Reporting phase

During the reporting phase, the evaluation team will analyse the data using methods proposed in the evaluation matrix and produce a draft report in line with quality requirements outlined in Annex 15 of the [Evaluation Guidelines](#) that will be quality assured by the DIO and submitted to the reference group for comments. The reference group will provide comments on factual errors contained in the report as well as the feasibility of the implementation of proposed recommendations.

Follow-up phase

After the finalisation of the evaluation report, the management of concerned entities will be requested to provide a management response to the evaluation, in which they will specify whether or not they accept the recommendations and how they intend to implement them. In accordance with the Evaluation Policy, the DIO will regularly request updates on the implementation of evaluation recommendations as part of the follow-up procedure for all evaluations and report on it to the Secretary General and the Committee of Ministers.

The Council of Europe undertakes a wide range of activity relating to prisons and police. This evaluation aimed to help identify how the Council of Europe's interventions in these fields could be optimised, to enhance the coherence of its action as well as to illustrate the added value of the Council of Europe's activities. The recommendations of the report aim to: encourage a greater focus on policing in standard setting and co-operation, increase the effectiveness of standards and co-operation, promote consideration of the gender dimension of activities and reflection on the arrangements in place to set standards and provide assistance for places of detention outside criminal justice.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.