

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

Management Response &
Action plan



January 2021

Name of Evaluation Report:	Evaluation of the Council of Europe’s work under the Programme Line “Prisons and Police” 2016-2019		
Date of Evaluation Report:	January 2021	Date of the Action Plan:	April 2021

Overall management response to the evaluation:

The Council of Europe’s work under the Programme Line “Prisons and Police” corresponds to core human rights and to needs identified notably in the reports of the CPT and in the European Court of Human Rights’ case-law (notably under Article 3 ECHR, prohibition of torture). Beyond monitoring, it entails important standard-setting work (three recommendations, two sets of guidelines and a White Paper adopted by the Committee of Ministers during the period under review) and largescale co-operation activities. The challenges posed in the course of the last months and years in relation with the treatment of persons deprived of their liberty in the context of the COVID-19 pandemic, or the policing of mass demonstrations in our member states, only confirms the relevance of this work.

The Secretariat recognises the utility of the recommendations issued as a result of the present evaluation with a view to further enhancing the Organisation’s activities in this essential field. They have all been either accepted or are under active consideration by the management. The actions envisaged for their implementation are set out in the Action Plan below.

ACTION PLAN

Management Decision ¹	Entity in charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
<p>Recommendation 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. (High³)</p>				
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> Under consideration	DGI, DPB	The creation of a Network of national correspondents of police authorities will be proposed in the next Programme and Budget (to be adopted in 2021). The option of the creation of an intergovernmental committee could be explored at a later stage in the light of the experience of the Network, if approved, and the strategic priorities of the Organisation, keeping in mind the current budgetary restrictions.	31/12/2021	Director General of DGI, Director of DPB
<p>Recommendation 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)</p>				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	CDPC	Each time the CM adopts standards (a recommendation for example) prepared by the CDPC, the CDPC and/or its subordinate bodies (PC-CP and PC-OC) issue(s) an official invitation to distribute this text among the competent authorities. The Secretariat will invite the CDPC to include in future communications an invitation to national authorities to translate those standards into their language and to foster their use in relevant national awareness-raising or training activities. Such a practice is already well-established at the Secretariat level, but transforming it into a formal invitation from the CDPC could have an added value.	31/12/2021	Director General of DGI

1 The Management decision concerns the Recommendation (Accepted, Rejected, Under consideration).

2 For implementing accepted recommendations.

3 Recommendations have been classified as either "high" or "medium" in terms of the assessment of their importance following the evaluation.

Management Decision ¹	Entity in charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
Recommendation 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)				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DGI, CDPC	The Secretary General has highlighted gender mainstreaming as a key focus for the Strategic framework for the next four years. The gender dimension will continue therefore to play an important part in the standard-setting work and will be included in the draft terms of reference of all committees, including the CDPC. The issue of whether specific recommendations on the treatment of women are necessary to fill gaps will be examined in this context.	31/12/2021	Director General of DGI
Recommendation 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)				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DGI	Co-operation activities in the field of policing will be offered where there is a need in a member state, provided funds are (or can be made) available. This issue will notably be addressed through police related activities/projects as part of forthcoming projects notably within the Horizontal Facility phase III. For other countries where there are no Action Plans, implementation will very much depend on acceptance by the member state concerned and funding possibilities are narrower.	31/12/2022	Director General of DGI

Management Decision ¹	Entity in charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
Recommendation 5: The CLCU together with the Office of the Directorate General of Programmes 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)				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DGI (in consultation with ODGP)	<p>"Prisons and police" is a priority area for all Action Plans, as well as for the Horizontal Facility covering countries without an Action Plan in SEE. For other countries where there are no Action Plans, the CLCU in cooperation with ODGP will offer co-operation activities in particular to those countries where important needs were identified by CPT reports; however implementation will depend on funding possibilities, as well as acceptance by the member state concerned.</p>	31/12/2022	Director General of DGI
Recommendation 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)				
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> Under consideration	DGI (in consultation with CEB)	<p>Serious financial (and political) resources are needed for prison reforms involving infrastructure. DGI and the CEB have established a practice of cooperation in project preparation when it comes to the financing of penitentiary facilities. The Bank and the CPT Secretariat co-operate on a regular basis for project preparation and follow-up. An enhanced participation of AACD / CLCU will be considered in particular where technical assistance programmes are ongoing.</p> <p>In addition to that, the AACD / CLCU will promote the possibility of CEB loans as an option for member state seeking a loan for prison and law enforcement infrastructure; however it is clear that the responsibility for actual commitment/engagement would remain between the member state and the CEB.</p>	31/12/2022	Director General of DGI

Management Decision ¹	Entity in charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
<p>Recommendation 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)</p>				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DGI (in consultation with ODGP)	In line with this recommendation, ongoing negotiations for the Horizontal Facility phase III (Western Balkans and Turkey) are seeking longer-term projects. Further consideration will be given to other regions. ODGP is ready to continue encouraging long time-spans for projects in the area of prisons (time-span for Action Plans is 4 years). When it comes to the possible bridging between projects through Ordinary Budget, resources are finite. Implementation of this part of the recommendation would require additional resources or other activities would have to be stopped.	31/12/2022	Director General of DGI
<p>Recommendation 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)</p>				
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> Under consideration	DGI (in consultation with ODGP)	Most of the current CLCU projects have planned evaluation, though result evaluations. When it comes to carrying out “more systematic” impact evaluation of projects in the “Prisons and police” area: to bring really useful information on impact, such evaluation should be carried well after the end of a project, which raises an issue regarding funding that is no longer available after the end of the project. Alternatively, further resources would be needed outside of individual projects. Feasibility will be considered.	31/12/2022	Director General of DGI

Management Decision ¹	Entity in charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
Recommendation 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)				
<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input checked="" type="checkbox"/> Under consideration	DGI	<p>The CLCU addresses the issue of women’s specific needs in its projects based on the European Prison Rules, CPT standards on Women in prison and on Women deprived of their liberty, as well as the gender mainstreaming toolkit for co-operation projects, in particular the section on “gender activities in the penitentiary system” which the CLCU contributed to prepare together with the Council of Europe gender adviser. The Secretary General has highlighted gender mainstreaming as a key focus for the Strategic framework for the next four years. Consideration will be given by the CLCU/AACD as to whether improvements are possible, including through possible specialist advice.</p>	31/12/2022	Director General of DGI
Recommendation 10: The CLCU should develop a stronger presumption that civil society organisations should be represented on the steering projects unless there is a strong reason against doing so. (Medium)				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DGI	<p>Civil society organisations (CSO) are regularly involved in our projects at least at the level of steering committees, which allows them to have a very good overview of the developments in the project, and provides also a forum for communication between the CSO and prison authorities. The CLCU will strive to include more CSO in project implementation. This is currently the case in Azerbaijan, Turkey, Montenegro and in a regional project on deradicalization in prisons.</p>	31/12/2022	Director General of DGI

Management Decision ¹	Entity in charge	Planned Actions ² (determined by Entity)	Target Date for Action	Person Responsible for Action
Recommendation 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)				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	DGI	Standards are already set and guidance given by relevant Council of Europe bodies regarding places of deprivation of liberty outside the police and prison field (for example: CDCJ on administrative detention of migrants; CDDH on the legal and practical aspects of effective alternatives to detention in the context of migration; DH-BIO on a draft additional Protocol on the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment; CPT on all persons deprived of their liberty, including not only prisons and police stations, but also for example holding centres for immigration detainees, psychiatric hospitals, social care homes, etc.; SRSR on Migrations and Refugees work notably on alternatives to, or conditions of immigration detention, etc.). Standard-setting (and where appropriate monitoring and advisory) activities will continue to address possible needs for further standards regarding places of deprivation of liberty outside the police and prison field.	31/12/2022	Director General of DGI
Recommendation 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)				
<input checked="" type="checkbox"/> Accepted <input type="checkbox"/> Rejected <input type="checkbox"/> Under consideration	PO	DGI will consider, in consultation with ODGP, how to provide technical assistance to address gaps in places of deprivation of liberty other than those operated by prisons and police in the context of the preparation of new projects.	31/12/2022	Director General of DGI

Abbreviation	
AACD	Action against Crime Department
CDCJ	European Committee on Legal Co-operation
CDDH	Steering Committee for Human Rights
CDPC	European Committee on Crime Problems
CEB	Council of Europe Development Bank
CLCU	Criminal Law Co-operation Unit
CM	Committee of Ministers
CPT	Committee for the Prevention of Torture and Inhuman or Degrating Treatment or Punishment
CSO	Civil society organisations
DGI	Directorate General for Human Rights and Rule of Law
DGII	Directorate General for Democracy
DH-BIO	Committee on Bioethics
DPB	Directorate of Programme and Budget
ECHR	European Convention of Human Rights
ODGP	Office of the Directorate General of Programmes
PO	Private Office
PC-CP	Council for Penological Co-operation
PC-OC	Council of Europe Committee on the Operation of the European Conventions on Co-Operation in Criminal Matter
SEE	South east Europe
SRSB	Special Representative of the Secretary General