

**Speaking Notes of Alan Mitchell, President of the CPT at
the 27th Council of Europe Conference of Directors of
Prison and Probation Services, Seville 22nd June 2022**

Dear Colleagues,

At the outset please allow me to share with you how pleased that I am to be able to participate in these discussions at the 27th Council of Europe Conference of Directors of Prison and Probation Services. The CPT as a key partner of the prison services in member states, very much values the dialogue that participation in such a conference of the Council of Europe affords us in our work as we go forward.

In looking around the room today, I am very happy to see a number of colleagues with whom I have had discussions recently, be they in the context of periodic or ad hoc visits of the Committee or High Level Talks between the Committee and the governments of respective member states. Indeed in the course of the past few weeks I had the opportunity of participating in High Level Talks with the authorities of both North Macedonia and of Bulgaria in relation to prison reform in these countries and in the context of such, the CPT enjoyed being able to have very open and constructive exchanges with the authorities on both the current challenges but the need and opportunities for improvements in regard to full respect for the human rights and dignity of those incarcerated by the state. Such examples of cooperation between the CPT and member states, can only cause me to conclude that as the work of the CPT continues in now what is its thirty third year of visiting places of detention, the appetite for improved dialogue and cooperation remains ever healthier. The CPT remains keen to intensify its co-operation and dialogue with the national authorities in between visits.

I would like briefly to reflect on the **CPT's activities in 2021** which was yet another year that was severely impacted by the **ongoing Covid-19 pandemic**. Nevertheless, the CPT managed to accomplish a major part of its work programme by carrying out a **total of 15 visits, including nine periodic visits and six ad hoc visits**. As you know, subsequent to a visit to a member state, the CPT will adopt its report on the visit which is then transmitted to the national authorities with the authorities being required to provide a response to the issues highlighted and recommendations made.

Many of the visits carried out last year entailed major challenges both in terms of logistics and working within establishments by taking various measures to ensure fact-finding work which is safe for detained persons, staff and delegation members in terms of **Covid-19-related risks**. I would like to use this opportunity to thank you, our interlocutors and partners for having facilitated the CPT's work, in particular, of countries which were undergoing a general lock-down during the visit.

One of the topics of this year's conference – and very much key to reshaping and refocussing practice- has been staff recruitment and management while another was the discussions had on planning the future today : prison design and infrastructure. The conference also heard about the interpretation and use of the SPACE statistics. In drawing on these three topics, let me talk a little about the substantive section of the CPT's 31st General Report which we felt was appropriate to focus on most recently- a persistent sore in a number of Council of Europe member states- that of overcrowding in prisons.

Prisons that are overcrowded are prisons that increase the risk of violence between staff and prisoners and between prisoners themselves. I have said before and I make no apologies for doing so again- prisons that afford prisoners decent and safe living conditions, are the same prisons that afford prison staff decent and safe working conditions.

This issue continues to be raised by the CPT in many visit reports and it has also been addressed in some previous General Reports, as it may easily lead to inhuman and degrading detention conditions. Although some countries have achieved tangible progress in tackling prison overcrowding, this problem unfortunately persists in many prisons systems, especially in establishments accommodating remand prisoners. In addition, the ongoing Covid-19 pandemic has had major implications in this regard.

The CPT welcomed the steps taken in many member States to conditionally or temporarily release low-risk prisoners and reduce the use of pre-trial detention and stressed that – in the interests of preventing ill-treatment – the above-mentioned policies should be an integral part of a sound criminal justice system.

However, there are clear indications that the number of prisoners is increasing again in certain countries, which may result in a larger number of overcrowded prisons in the future.

In this substantive section, the CPT recalled its long-standing standards regarding the minimum living space in prisons, that is at least 4 m² per person in shared cells and 6m² in single cells (excluding the sanitary annexes). In addition, the Committee points out that, for every prison, there should be an absolute upper limit for the number of prisoners (“*numerus clausus*”) in order to guarantee the aforementioned minimum standard. Therefore, whenever a prison has reached that limit, appropriate steps must be taken by the relevant authorities to ensure that a person, who has been newly remanded in custody or sentenced to imprisonment, is offered appropriate conditions of detention (including in terms of living space).

The CPT emphasises that prison overcrowding is not just a problem for prison administrations nor can Governments tackle it alone. Thus, concerted action is required by all relevant stakeholders – including legislators, judges, prosecutors and prison and probation managers – to combat prison overcrowding by enhancing resort to non-custodial measures, in particular, at the pre-trial stage.

In this context, directors of prison and probation services nationally and directors of prison and probation locally, are also key voices in raising the dangers of overcrowding with the responsible authorities and seeking solutions both with respect to the safety and welfare of all in their charge- both prisoners and staff. Prison design and infrastructure together with staff recruitment and retention are key issues in working with people in custody to prepare them for life back as part of the wider community and overcrowded prisons in my view are simply but negative factors in each of these regards.

Ensuring equity and equality for women in access to prison and probation services has been another key topic over the past couple of days. Women of course comprise only a small percentage of those held in prison across the European region. There is a dilemma to be addressed here- is it best for women to be accommodated in smaller units nearer their homes and families albeit this will often be in a small separate wing of a much larger men's prison, or are their needs best met by being accommodated in larger 'women only' prisons where often there is much greater provision of activities and services to facilitate that woman's journey back into the wider community when no longer imprisoned? Should a dilemma really exist though? Can we not design services that provide for a woman having full access to a range of services to maximise the opportunities for reintegration locally not causing her to be held physically distant from families and friends?

Let us further exploit our thinking -and lessons learned during the pandemic on how we can do things differently- on how best we can ensure that women in prison are not disadvantaged because they are women in prison.

When I first started working in prisons in 1996 I was struck by the number of people whom I met who were struggling with mental health problems, a number of whom were clearly very psychiatrically unwell and who required to be cared for in an appropriate therapeutic environment such as a psychiatric hospital and whose needs in no way were being met within the prison and indeed for many their mental health was deteriorating further. In visiting prisons in 2022- over twenty five years later- the situation I often encounter remains unchanged. Prisons cannot simply be expected to succeed where support for persons with mental health problems in the community has failed. I trust that the conversations and exchanges over the past couple of days here in Seville cause us to think again how best we can avoid the necessity of having the same conversation again not in twenty five years time but perhaps in five years time.

Working better together for offender reintegration is a topic that should be so self-evident in each of our member states. If we truly see imprisonment as a measure of last resort, and desire for people when they leave prison to be accepted by society, we need recognise where we have not done as well as we ought, why we have haven't done so and how we are going to improve. While much is said of the important role that the voluntary sector and non-governmental organisations can have in working with people in prison to prepare for their release, the lead in my view has to be taken by the statutory agencies with responsibility for reintegration lying fairly and squarely on their shoulders, to be assisted by the efforts of non-statutory groups.

Ladies and gentlemen, dear colleagues, again let me say how grateful I am to have had the opportunity of speaking with you this afternoon. A conference such as this can only be a force for positive engagement and the sharing of both ideas and of course some frustrations between directors of prison and probation services across the member states of the Council of Europe, with a view to optimising how we best care for those who live and work in prison. The conference of course is not yet concluded and I very much look forward to us continuing our conversations over dinner this evening.