

Opening of the High-Level Conference "Responses to Prison Overcrowding"

Remarks by the Deputy Secretary General, Council of Europe

Ladies and gentlemen,

It is a pleasure to open this Conference as we seek solutions to a problem vexing national authorities and the international justice system alike.

But before we discuss how to address prison overcrowding, let us first be clear on the nature and scale of the problem we face in Europe today.

Over occupancy in our prisons takes place largely out of public sight – but its impact is very real.

Inmates have less space, reduced privacy, and declining standards of hygiene.

There are more problems with safety, security and order, and a spike in suicides, self-harm and violence between prisoners too.

The increased demands on staff are not only detrimental to them, but result in prisoners spending less time with the educators, psychologists and other professionals whose job it is to rehabilitate offenders and prepare them for their release back into the outside world.

Dostoyevsky told us that “the degree of civilisation in a society can be judged by entering its prisons”.

Well, ladies and gentlemen, his words should worry us – because the situation is getting worse.

Currently, the prison system is overcrowded in at least one third of the Council of Europe member States.

Meanwhile, there are around 9000 cases relating to inhuman treatment and bad prison conditions pending before the European Court of Human Rights.

In most of these, overcrowding features.

Acknowledging the extent of this problem is one thing but, as many of you will know, tackling it is quite another.

Measures to improve the conditions for criminals – sometimes dangerous criminals – can provoke a hostile reaction from the media, politicians and the general public, not least in times of economic hardship.

But, ultimately, this is wrong.

After all, it is in all our interests to have penitentiary systems that reform criminals and lay the groundwork for their successful reintegration on release.

We should also be confident enough to say that this is a matter of protecting the human rights and the dignity of individual offenders.

A prisoner is more than a number: they should be recognised as a whole person, with the same basic needs, and basic rights as each and every one of us.

Because of this, the Council of Europe has always promoted reintegration as a primary goal from the first day of any individual's detention - and we have been clear on the need for decent prison conditions in order to get there.

So your job, at this Conference, is to share your experience and ideas on the best means to reduce and prevent overcrowding.

Because it is by working together, and learning from one another's best practice, that effective long-term strategies can be devised and put in place at the national level.

Certainly, we are fortunate to have here such a wide range of expert and first-hand experience – and we are grateful to the Finnish Presidency of the Committee of Ministers for their initiative to hold this event and for the organisation of the exhibition on Finland's Open Prisons, which will open at 1 o'clock this afternoon.

From the Council of Europe perspective, the case law of the Strasbourg Court, the lessons of its implementation, and our own initiatives are there to help.

In recent years, the Court has started to deliver pilot judgments in this area.

These not only identify violations of the European Convention on Human Rights, but also highlight systemic problems and give the national authorities in question a clear indication of the type of remedial measures required.

The most well-known is the Torreggiani judgment, urging the Italian authorities to find solutions to serious prison overcrowding, which it found to be in violation of Article 3 of the Convention, prohibiting inhuman or degrading treatment or punishment.

These solutions involved legislation to reduce prison entry flows, including through alternative sentences;

The refurbishment of existing prisons and the increased use of open prison regimes;

And a new perspective on alternative remedies, reduced sentences and early prisoner release.

Rightly, the Italian authorities also placed a greater emphasis on opportunities for work outside prison and the need for social reintegration.

Within a year, Italy had fulfilled the requirements of the Court judgment and put in place a computerised system to monitor the space and conditions of detention for every prisoner.

This rapid reaction showed the way in which human rights standards can guide national authorities in improving their justice systems to the benefit of prisoners and society as a whole.

But individual countries need not of course wait for Court judgments: they can make progress now.

Our 2016 White Paper on Prison Overcrowding suggests various ways to reconcile the protection of public safety on one hand, and the scope for non-custodial sentences on the other;

Our Guidelines for Prison and Probation Services Regarding Radicalisation and Violent Extremism point to the role that overcrowding can play in these problems, and ways to address them;

And the publication of our Annual Penal Statistics provides a long-term study of European incarceration rates, with the reliable research and statistics that can inform national policy-making.

Ladies and gentlemen, there is no one-size-fits-all solution to overcrowding in Europe's prisons.

The reasons for this phenomenon are many and varied.

Sometimes it is because of systemic policy choices; sometimes it is due to sudden events or trends in crime that provoke a severe criminal law response – terrorism, for example.

But there are overlaps in experience and the opportunity to learn from one another.

The Council of Europe is keen to learn too.

Are we doing enough to help national authorities?

Is the basis of our guidance sound?

What are the foreseeable challenges and what role should we play?

A dialogue is needed within nation states, between nation states and with our Organisation in order to make progress.

The need is pressing and, together, our response will be strong.

I wish you all a very successful Conference.