



Recommendation 1257 (1995)¹

Conditions of detention in Council of Europe member states

Parliamentary Assembly

1. There has been a sharp rise in the prison population in recent years in Europe and in North America. This rise can be explained by sociological, economic, legal and other reasons but it is significant and a matter of great concern.
2. It is not only increased criminality - especially the increase in violence and in drug-related crimes - resulting in an increase in the number of convictions, but also the augmentation of penalty scales and longer prison sentences imposed by the courts which have led to this sharp rise in the prison population.
3. As a result, numerous prisons in Europe nowadays are very overcrowded. There are appalling situations in some of the post-communist countries but there is also cause to be concerned about the deterioration of the situation in most west European prisons.
4. Overcrowding may be listed as one of the major reasons for the present deterioration of prison conditions.
5. As a result of overcrowding it becomes much more difficult, if not impossible, to pay special attention and give special treatment to specific and vulnerable categories of prisoners, such as young offenders, mentally disturbed prisoners and foreigners. Overcrowding also means that less attention can be given to individual prisoners and, as a consequence, they may more easily fall back into recidivism.
6. There are cogent reasons for reducing reliance on the use of imprisonment, for instance by consciously applying a policy of extending alternative punishments and reducing sentences.
7. Both the Committee of Ministers in its Recommendation No. R (80) 11 and the Assembly in its recent [Recommendation 1245 \(1994\)](#) dealt with custody or detention pending trial, but both recommendations deal with the question of whether and when custody pending trial is to be applied rather than with the question of how it is to be served.
8. The Assembly considers that the European Prison Rules of the Council of Europe should fully apply to those detained pending trial.
9. The Assembly pays tribute to the highly valuable work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and to this committee's very valuable experience of conditions of detention.
10. The adequate implementation of the European Prison Rules should be a matter of continuous concern to the Assembly. The Council of Europe should step up its assistance to applicant countries and to new member states in the field of prison reform, as well as stimulate and co-ordinate the work its member states are already doing in this field.

1. Assembly debate on 1 February 1995 (5th Sitting) (see [Doc. 7215](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Franck; and [Doc. 7216](#), opinion of the Social, Health and Family Affairs Committee, rapporteur: the Earl of Dundee). Text adopted by the Assembly on 1 February 1995 (5th Sitting).



11. Therefore the Assembly recommends that the Committee of Ministers:
 - 11.1. instruct the European Committee on Crime Problems (CDPC):
 - a. to review the penal value attached to various offences (with a view to increasing the use of alternative sanctions and reducing the length of imprisonment as much as possible);
 - b. to make renewed studies of what kind of offences might best be replaced by administrative and economic sanctions and measures;
 - c. to make further studies of alternatives to imprisonment, including, for instance, electronic control and intensive supervision;
 - d. to make a detailed study of the conditions obtaining during remand in custody;
 - e. to complete the European Prison Rules with a catalogue of the rights of the prisoner;
 - f. to make further studies of the effects on families and children when a person is sent to prison;
 - 11.2. invite the authorities of member states:
 - a. to implement the Committee of Ministers' Recommendations No. R (92) 17 on consistency in sentencing and No. R (92) 16 on the European rules on community sanctions and measures;
 - b. to comply with the guidelines on police custody as laid down in the second general report of the European Community for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (paragraphs 36 to 43);
 - 11.3. invite those member states which have not yet done so to ratify the European Convention on the Transfer of Proceedings in Criminal Matters and the Convention on the Transfer of Sentenced Persons;
 - 11.4. speed up and conclude as soon as possible the work at present being undertaken on a draft protocol to the European Convention on Human Rights concerning the rights of prisoners;
 - 11.5. invite the Assembly to give its opinion on this draft protocol, once concluded;
 - 11.6. reinforce the structures and increase the resources of the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.