



Recommendation 1747 (2006)¹

European prisons charter

Parliamentary Assembly

1. On 27 April 2004, the Parliamentary Assembly adopted [Recommendation 1656 \(2004\)](#) on the situation of European prisons and pre-trial detention centres, in which it recommended that the Committee of Ministers draw up a European prisons charter in conjunction with the European Union.
2. The Assembly regrets that its proposal for a European prisons charter met with a somewhat guarded response from the Committee of Ministers. It takes note of the reply to Recommendation 1656 (2004), adopted by the Committee of Ministers in June 2004, in which it indicated its wish to stand by the existing instruments and to continue updating the European Prison Rules.
3. The Assembly welcomes the decision taken by the Committee of Ministers to update Recommendation No. R (87) 3 of the Committee of Ministers on the European Prison Rules and welcomes the outstanding work done under the aegis of the European Committee on Crime Problems (CDPC) to update the prison rules.
4. It is crucial for the Assembly actively to follow up the proposals it made in [Recommendation 1656 \(2004\)](#). The situation in the prisons of a number of European countries is worrying, not to say critical. Overcrowding, illness, malnutrition and deplorable sanitary conditions are the fate shared by hundreds of thousands of prisoners. In the Assembly's opinion, inadequate prison facilities and the lack of any real penal policy in some member states and of any proper co-ordination between states on penal and prisons policies mean that Europe must adopt a robust, efficient and ambitious instrument to promote a genuine European prisons policy, establishing fully binding standards and common criteria for the member states and allowing the harmonisation of sentences and conditions of detention and the monitoring of their enforcement.
5. The European prisons charter aims to ensure that the rights and dignity of persons deprived of their liberty are respected. Its purpose is to lay down detailed and binding rules applying to everyone involved in the prison system concerning respect for the human rights of all persons deprived of their liberty, from the moment of arrest, throughout police custody, pre-trial detention and subsequent imprisonment and beyond, while also dealing with the social rehabilitation of prisoners.
6. The European prisons charter will be a robust instrument when the application of the principles and rules it sets out is thoroughly monitored. If we are to establish a fully binding legal framework for the states parties and guarantee that its provisions are implemented effectively, the charter will have to have its own appropriate and efficient supervisory mechanism.
7. The European prisons charter will be an ambitious instrument when it is aimed not only at the 46 member states of the Council of Europe but also at non-member states and other organisations such as the European Union.
8. Lastly, the Assembly regrets the fact that no non-member states have yet acceded to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), pursuant to Protocol No. 1 (ETS No. 151).

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 29 May 2006 (see [Doc. 10922](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Michel Hunault; and [Doc. 10936](#), opinion of the Social, Health and Family Affairs Committee; rapporteur: Mr Ali Rıza Gülçiçek).



9. With a view to promoting the effective implementation of Recommendation Rec(2006)2 on the European Prison Rules in the member states, the Assembly therefore recommends that the Committee of Ministers:

9.1. draw up without delay a new convention setting out detailed and binding rules for the states parties on the treatment of prisoners, on the basis of the European prisons charter appended to the report which led to the present recommendation (Document 10922);

9.2. involve the European Union in drawing up the draft convention at intergovernmental level through the European Parliament and the European Commission;

9.3. strengthen the role of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in particular by giving it a general mandate to oversee the situation of prisons and detention centres and the respect of the rights of detained persons;

9.4. consider its proposal to set up, in conjunction with the European Union, a European prisons observatory tasked with monitoring the situation in Europe's prisons and detention centres, which would build on the existing Council of Europe structure – the CPT – reinforcing the latter's missions.

10. In addition, the Assembly urges the Committee of Ministers actively to promote the ratification of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment by non-member states.

11. Furthermore, the Assembly calls on Council of Europe member states:

11.1. to actively implement Committee of Ministers Recommendation Rec(2006)2 on the European Prison Rules without delay;

11.2. to adopt and implement as soon as possible national schemes to improve penitentiary conditions, based on the principles mentioned in the European Prison Rules;

11.3. to strengthen, at national level, the crucial role played by ombudsmen as well as the missions carried out by parliamentarians for the inspection of prisons and detention centres with a view to ensuring the effective application of the European Prison Rules and of the future prisons charter.