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The impact of the Covid-19 pandemic on prison population in Europe

Reply to Recommendation¹: Recommendation 2242 (2022)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2242 \(2022\)](#) “The impact of the Covid-19 pandemic on prison population in Europe” and forwarded it to the Committee for the Prevention of Torture (CPT) and the European Committee on Crime Problems (CDPC) for information and possible comments.
2. The Committee of Ministers appreciates the attention given by the Assembly to the need for human rights-compliant and effective practices to enable places of detention to respond effectively to disease outbreaks, building on experiences and practices during the Covid-19 pandemic, and to promoting alternatives to detention as a useful tool to combat prison overcrowding.
3. The Committee is aware that significant consideration has been given to both issues set out in the Assembly’s recommendation (paragraphs 1.1 and 1.2). The CPT’s “Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (Covid-19) pandemic” of 20 March 2020 sets out ten principles which should be applied by all relevant authorities responsible for persons deprived of their liberty. In a follow-up statement of 9 July 2020, the CPT welcomed measures taken by member States to protect persons deprived of their liberty from infection, including the use of alternatives to detention. Similarly, the CDPC’s Council for Penological Co-operation (PC-CP) adopted two statements on [17 April 2020](#) and on [14 October 2020](#) containing recommendations and suggested practical measures to be used by the prison and probation services, based on collected good practices in Europe. The CDPC also dedicated the 25th and 26th annual Conference of Directors of Prison and Probation Services to the topics “Covid-19: Challenges, Lessons and Strategies for the Future” (2020) and “Gaining an Edge over the Pandemic” (2021) respectively.
4. Regarding prison overcrowding, the Committee of Ministers recalls that the CPT, in its 31st general report published in April 2022, stressed that the pandemic had exposed and accelerated the detrimental effects of prison overcrowding in a number of Council of Europe member States, and recalled that overcrowding increases the risk of transmission of airborne infections, such as tuberculosis and other respiratory diseases. The Committee notes that the data from the Annual Council of Europe Penal Statistics (SPACE I – prisons and SPACE II – community sanctions and measures) has shown that the Covid-19 pandemic contributed to reducing the prison population in Europe between January 2020 and January 2021. With this in mind, the Committee considers that opportunities created by the pandemic should be seized to promote the wider use of alternatives to deprivation of liberty and to make them sustainable, not only during the pandemic but also after it.
5. The Committee of Ministers therefore agrees with the Assembly that it could be beneficial to consolidate the results of the various actions mentioned above and the specific findings and lessons learned, as well as the related advice and expertise of the World Health Organization as appropriate, and incorporate

1. Adopted at the 1477th meeting of the Ministers’ Deputies (4 October 2023).



them into new guidelines for member States, notably promoting the better use of alternatives to detention as a useful tool to combat prison overcrowding. It invites the CPT and the CDPC to bear this in mind in their future activities.

6. Finally, and on a more general note, the Committee of Ministers would wish to inform about the work of the Steering Committee for Human Rights (CDDH) related to the topic of human rights in situations of crises based on lessons learnt from the Covid-19 pandemic. In the context of this work, a Toolkit for Human Rights Impact Assessment of the Measures taken by the State in situations of crisis is being finalised, the aim of which is to offer guidance and tools for member States to assist them in striking the difficult balance between competing interests and applying a human rights-based approach in the process of adopting and implementing measures in situations of crisis.