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**The following recommendations and resolutions were not included because fully covered by more recent recommendations**

**Recommendation No. R (87) 3** on the European prison rules

*Formally replaced by Recommendation Rec(2006)2 on the European Prison Rules.*

**Recommendation No. R (80) 11** concerning custody pending trial

*Formally replaced by Recommendation Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse.*

**Resolution (76) 2** on the treatment of long-term prisoners

*Covered by Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners.*

**Resolution (73) 5** on the standard minimum rules for the treatment of prisoners

*Implicitly replaced by Recommendation No. R (87) 3 on the European Prison Rules which claim to have “reformulated” them.*

**Resolution (65) 11** on remand in custody

*Formally replaced by Recommendation Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse.*

**The following recommendations and resolutions were not included because they are outdated and/or largely covered by other recommendations**

**Resolution (76) 10** on certain alternative penal measures to imprisonment

*Largely covered by Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation.*

**Resolution (75) 25** on prison labour

*Very brief resolution which does not add much to Recommendation Rec(2006)2 on the European Prison Rules which deal relatively fully with prison labour.*

**Resolution (73) 24** on group and community work with offenders

*This is a very brief resolution. Modern programmes of restorative justice (see EPR 103.7) cover part of this area and should probably be developed instead.*

**Resolution (73) 17** on short-term treatment of adult offenders

*Most of it is covered by Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation. The penal policy emphasis has also changed.*

**Resolution (68) 24** on the status, selection and training of governing grades of staff of penal establishments

*Governing grades are not covered directly by Recommendation Rec(2006)2 on the European Prison Rules but management concerns are addressed broadly in its Rule 72. In addition it is largely covered by Recommendation No. R (97) 12 on staff concerned with the implementation of sanctions and measures which refers to updating this Resolution.*

**Resolution (66) 26** on the status, recruitment and training of prison staff  
*Most of these recommendations are covered by Recommendation Rec(2006)2 on the European Prison Rules. The distinction between basic grade custodial staff and “directing staff” in respect of selection and training was deliberately not used in Recommendation Rec(2006)2. There are also some other inconsistencies. For example, the notion that full-time medical officers should be civil servants stands in contradiction to the integration of prison medical services in national health systems. In addition it is largely covered by Recommendation No. R (97) 12 on staff concerned with the implementation of sanctions and measures which refers to updating this Resolution.*

**Resolution (66) 25** on the short-term treatment of young offenders of less than 21 years

*New European rules for juvenile offenders subject to community sanctions or measures or deprived of their liberty are under preparation and are expected to be adopted by the Committee of Ministers.*

**Resolution (65) 1** on suspended sentence, probation and other alternatives to imprisonment

*Very largely covered by Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation.*

“The mood and temper of the public with regard to the treatment of crime and criminals is one of the unfailing tests of the civilisation of a country.”

*Winston Churchill*



## Foreword

*Philippe Boillat, Director General of Human Rights and Legal Affairs*

European society has developed at a great pace in the course of the last decades and this has led to positive developments regarding human rights protection and the legal systems of the Council of Europe member states.

Efficiency of justice paves the way for efficiency of the execution of sanctions while totally respecting fundamental rights. Finding the right balance between sanction, treatment, reintegration, protection of victims and society is a task constantly confronted by our countries' authorities.

Over the years the Council of Europe has developed specific standards in the penitentiary field, which appear in binding texts like conventions and protocols, but also in the case law of the European Court of Human Rights related to cases concerning detention and imprisonment.

In addition very detailed standards are established in the so-called “non binding” texts like Committee of Ministers' recommendations<sup>1</sup> and the annual general reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

The standards adopted in the Committee of Ministers' recommendations reflect the political consensus of our member states regarding the general principles concerning the treatment of detainees, management of penitentiary institutions, staff and execution of sanctions and measures which do not involve deprivation of liberty. These standards are addressed to the national authorities and in the first place to prison staff who are in everyday contact with the detainees. In this respect the importance of the European Prison Rules, from a standard-setting but also from a practical point of view, is recognised by all European prison administrations. To this key text should be added also all other pertinent recommendations which deal with specific issues such as health care, remand in custody or prison education.

The synergy between, on the one hand, the binding standards derived from Council of Europe conventions and protocols as well as from the case law of the Court, and on the other, the standards adopted by the Committee of Ministers and those developed by the CPT, is a vital element in guaranteeing the human rights protection of detainees, but also of the staff entrusted with their treatment.

The present compendium of standard-setting texts of the Committee of Ministers relating to penitentiary issues is intended for the use of courts,

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1. Until 1979 the Committee of Ministers adopted such norms in the form of resolutions.

parliaments and national authorities including the prison administration, and also prison staff, detainees, non-governmental organisations and practitioners working in the field.



## Introduction

For more than forty years, the Council of Europe has been developing standards concerning prison matters. This has led to a long list of recommendations (formerly called resolutions), concerning many different aspects of prison life, prison regimes, management and staff issues. Although these recommendations are not legally binding, they have unanimously been approved by the Committee of Ministers of the Council of Europe, and therefore represent a consensus amongst the member states.

Over the last years, penitentiary questions have increasingly also been dealt with through other instruments of the Council of Europe, most notably conventions, the case law of the European Court of Human Rights and the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). These different instruments interact and influence each other. This is well illustrated by Recommendation (2006)2 on the European Prison Rules, which built extensively on the recent case law of the Court and the standards of the CPT on prison matters. This can also be seen through the interaction between these latter two bodies, or the increasing references to recommendations before and by the Court.

These interactions indicate the emergence of a common and coherent set of standards within the Council of Europe. This led to a proposal by the Parliamentary Assembly in September 2006 to translate these standards into a European prison charter. With the new European Prison Rules of 2006 only just coming into effect, the Committee of Ministers requested instead that a compendium should be compiled consolidating all Council of Europe recommendations relating to penitentiary questions, together with an indication as to which recommendations should be revised. This task was entrusted to the Council for Penological Cooperation, which, with the assistance of Professor Dirk Van Zyl Smit, scientific expert, reviewed all the relevant recommendations and conventions. It appeared from this review that some earlier recommendations had been, implicitly or explicitly, partially or totally replaced by more recent recommendations. Older recommendations dating forty years back were sometimes found to be still highly relevant, while others could be considered outdated in the view of current European standards and penological knowledge.

This compendium is the result of this exercise. It offers a coherent overview of relevant standards on prison matters as developed by the Council of Europe through its Recommendations. It includes also some conventions and recommendations which are not directly dealing with penitentiary questions, but whose topic is of importance to persons detained and staff dealing with them,

such as the transfer of sentenced prisoners, conditional release or other community sanctions or measures, as well as mediation. It does not include the CPT standards on prison matters, as these are published separately (see [www.cpt.coe.int](http://www.cpt.coe.int)) and are regularly updated.

We hope that this compendium will be useful to all persons involved or interested in penitentiary questions.

September 2007

Sonja Snacken

President of the Council for Penological Cooperation