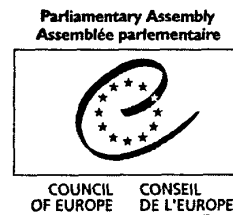


## Parliamentary Assembly Assemblée parlementaire



For debate in the Standing Committee — see Rule 15 of the Rules of Procedure

Doc. 10922  
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## European prisons charter

Report  
Committee on Legal Affairs and Human Rights  
Rapporteur: Mr Michel Hunault, France, European Democratic Group

### *Summary*

The Committee on Legal Affairs and Human Rights considers that it is crucial for the Parliamentary Assembly actively to follow up the proposals it made in Recommendation 1656 (2004) on the situation of European prisons and pre-trial detention centres in which it recommended that the Committee of Ministers should draw up a European prisons charter.

The situation in the prisons of a number of European countries is worrying, not to say critical. 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. This policy would establish fully binding standards and common criteria for the member states, and allow the harmonisation of detention conditions and the monitoring of standards' enforcement, ensuring therefore that the rights and dignity of persons deprived of their liberty are respected.

**A. Draft recommendation**

1. On 27 April 2004, the Parliamentary Assembly adopted Recommendation 1656 on the situation of European prisons and pre-trial detention centres in which it recommended that the Committee of Ministers should draw up a European prisons charter in conjunction with the European Union.

2. The Assembly regrets the fact that its proposal of 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 also 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 Parliamentary 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 detention conditions 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 provided that 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 contracting 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, 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 (CETS 126), pursuant to Protocol No 1.

9. With a view to promoting the effective implementation of Recommendation Rec(2006)2 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 contracting parties on the treatment of prisoners, on the basis of the European prisons charter appended to the report which led to the present recommendation (Doc. 10922);

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

9.3. strengthen the role of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 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 the Assembly's proposal to set up, in conjunction with the European Union, a European prisons observatory tasked with monitoring the situation in Europe's prisons, which would build on the existing Council of Europe structure, the CPT, reinforcing the latter's missions.

10. It urges the Committee of Ministers actively to promote the ratification of the Convention for the Prevention of Torture by non-member states.

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

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

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

11.3. strengthen the crucial role played at national level by ombudsmen and parliamentarians in 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.

**B. Explanatory memorandum**  
by Mr Hunault, Rapporteur

**I. Introduction**

1. On 27 April 2004, the Assembly, acting on the initiative of its Committee on Legal Affairs and Human Rights, adopted Recommendation 1656 on the situation of European prisons and pre-trial detention centres. One of the document's main recommendations was that the Committee of Ministers should draw up a European prisons charter in conjunction with the European Union.

2. On 9 June 2004, the Committee of Ministers adopted a reply to Recommendation 1656. Although it fully shared the Parliamentary Assembly's concern about the need to protect efficiently the rights and dignity of persons deprived of their liberty, the Committee of Ministers indicated its wish to rely on the existing instruments, namely the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and Recommendation No. R (87) 3 of the Committee of Ministers on the European Prison Rules, and to continue updating the European Prison Rules to "*avoid duplication, double standards and waste of scarce resources*". The Committee took note of this reply at its meeting on 16 September 2004.

3. In October 2004, together with a number of my colleagues, I tabled a motion for a recommendation<sup>1</sup>, which was referred to the Committee on Legal Affairs and Human Rights for a report. On 16 December 2004, the committee appointed me rapporteur on this subject.

4. In view of the Committee of Ministers' reply, priority should be given to ensuring that the extensive work done by the committee in preparing its report on the *situation of European prisons and pre-trial detention centres* does not come to nothing and to giving resolute support to the prisons charter project, ie a convention establishing fully binding standards and common criteria for the member states and allowing the harmonisation of sentences and detention conditions and the monitoring of their enforcement.

**II. Follow-up given to the Assembly's proposals**

5. Recommendation 1656 (2004) has already had some effect, since the Committee of Ministers has at least decided to accelerate revision of the European Prison Rules. In June 2004 the Committee of Ministers decided to refer Assembly Recommendation 1656 (2004) to the European Committee on Crime Problems (CDPC) and the Council for Penological Co-operation (PC-CP) to enable them to consider the Assembly's proposals, particularly its proposal to draw up a European prisons charter, when carrying out their allotted task of updating the European Prison Rules.

6. At its October 2004 and January 2005 meetings, the PC-CP examined the Assembly Recommendation 1656 and discussed the idea of a European prisons charter. It concluded that such an instrument could never be as detailed or complete as the revised European Prison Rules.

7. The CDPC, too, discussed the feasibility of a European prisons Charter. Two options were tabled for discussion: a binding European Prisons Charter or a non-binding European Prisons Charter, containing the new European Prison Rules, as well as all Recommendations in the penitentiary field. Such a Charter would also provide for a mechanism for regular revision of the European Prison Rules and the relevant Recommendations, as well as for adoption of new Recommendations on specific issues, if need be, with a view to achieving consistency in the standards developed. After some discussion the CDPC considered that until the new European Prison Rules are adopted it would be premature to take a stand on the legal status of a European Prisons Charter or on the proposed mechanism to achieve consistency in penitentiary standards.

8. On 7 and 8 April 2005, the Council of Europe held the 26<sup>th</sup> Conference of European Ministers of Justice in Helsinki. The European prisons charter was on the agenda. The Assembly, which was represented by the Chair of the Committee on Legal Affairs and Human Rights, put forward its point of view and took the opportunity to promote its proposal for an ambitious and binding European Charter. The CDPC presented the Conference with a progress report on its work on updating the European Prison Rules on one hand, and conclusions regarding the proposal for a European Prisons Charter, on the other.

9. Participants to the Conference, recapitulating the CDPC's conclusions, adopted a Resolution on *Updating the European Prison Rules and on the possibility of a European Prisons Charter*, in which they

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<sup>1</sup> Doc. 10332.

support the CDPC in its drafting of the updated European Prison Rules which should be completed "*as soon as possible*". They also invited the CDPC to then continue "*its examination of the feasibility and of the possible added value of a European Prisons Charter*", as well as "*its examination of the feasibility and of the possible added value of a mechanism, which could be incorporated either into the updated European Prison Rules, or into a possible European Prisons Charter, providing for a means to achieve consistency in penitentiary standards and to ensure the regular updating of the relevant texts*".

10. Lastly, the Justice Ministers invited the Committee of Ministers "*to adopt the updated European Prison Rules without delay once they have been approved by the CDPC, and to examine, based on the feasibility study, the appropriateness of elaborating a European Prisons Charter*".

11. This decision testifies to the interest for the proposal developed by the Assembly and its Committee on Legal Affairs and Human Rights. It can be seen as encouragement to carry on in this direction.

12. On 11 January 2006, the Committee of Ministers adopted Recommendation Rec(2006)2 on the European Prison Rules. The outstanding work done by the CDPC and the PC-CP within such a short timeframe deserves praise. However, the body of rules set out in the recommendation now needs to be implemented in full by all member states.

### III. Supporting the Assembly's proposal to draw up a European prisons charter

13. 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. The lack of any real penal policy in some member states and of any proper co-ordination between states on penal and prisons policies means that it is entirely justified for the Council of Europe to draw up an ambitious overall framework establishing fully binding standards and common criteria for the member states which would bring about the necessary harmonisation.

14. The question is whether the existing Council of Europe instruments – mainly the European Convention on Human Rights, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and Recommendation Rec (2006) 2 of the Committee of Ministers on the European Prison Rules – provide satisfactory solutions. I am convinced that this is not entirely the case, and I feel it is essential to take things further.

15. Added to these instruments is a very comprehensive set of recommendations on prison issues adopted by the Committee of Ministers over the last thirty years<sup>2</sup>. This is to be welcomed, although it may also be regretted that these recommendations have no binding effect on the member states.

16. What do the European Prison Rules contained in Recommendation Rec (2006) 2 actually consist of? They are a set of minimum rules and common standards that the member states are asked to apply in their penal and prisons policies. They cover prison conditions in the broadest possible meaning of the term including the reception and registration of prisoners, their allocation and classification, the accommodation provided, the hygiene of prison premises and prisoners, clothing and bedding, nutrition, medical care and treatment, prisoner conduct, discipline, information and the right of prisoners to complain, contact with the outside world, prison work, training, education and, lastly, preparation for release and the return to life in society. They also contain special provisions for untried prisoners and rules concerning prison staff (recruitment, training, conduct) and the prison authorities (organisation, functioning, management, responsibility).

<sup>2</sup> Resolution (70) 1 on the practical organisation of measures for the supervision and after-care of conditionally sentenced or conditionally released offenders; Resolution (76) 2 on the treatment of long-term prisoners; Resolution (76) 10 on certain alternative penal measures to imprisonment; Recommendation n° R (82) 16 on prison leave; Recommendation n° R (82) 17 concerning custody and treatment of dangerous prisoners; Recommendation n° R (84) 12 concerning foreign prisoners; Recommendation n° R (89) 12 on education in prison; Recommendation n° R (92) 16 on the European rules on community sanctions and measures; Recommendation n° R (93) 6 concerning prison and criminological aspects of the control of transmissible diseases including aids and related health problems in prison; Recommendation n° R (92) 17 concerning consistency in sentencing; Recommendation n° R (97) 12 on staff concerned with the implementation of sanctions and measures; Recommendation n° R (98) 7 concerning the ethical and organisational aspects of health care in prison; Recommendation n° R (99) 22 concerning prison overcrowding and prison population inflation; Recommendation Rec(2000)22 on improving the implementation of the European Rules on community sanctions and measures; Recommendation Rec(2003)22 on conditional release; Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners.

17. As I already said, the idea of a European prisons charter met with a somewhat guarded response from the Committee of Ministers, mainly because it felt that the European Prison Rules were sufficient. I, for my part, did not believe that to be the case. Admittedly, these rules, which were initially set out in Recommendation (87) 3 and which were outdated, have now been updated. However, Recommendation Rec (2006) 2 is not in any sense a binding instrument. The situation in the prisons of many European countries clearly shows that the member states have failed to apply the standards and principles set forth therein. Since the recommendation is inadequate, there is a need to draw up a fully-fledged European prisons charter.

18. Nonetheless, it is crucial for the Assembly actively to follow up the proposals it made in Recommendation 1656 (2004) and to fine-tune them in this report, setting out more details about the type of legal framework that would be desirable.

19. By way of a reminder, the main proposals were:

- **to draw up a European prisons charter**, ie an ambitious, comprehensive and binding instrument intended to secure respect for the rights and dignity of persons deprived of their liberty, taking the form of a **convention**;

The purpose of the Charter<sup>3</sup> is to establish comprehensive, detailed and binding rules applying to all those involved in the criminal justice system concerning respect for the human rights of all persons deprived of their liberty, from the moment of their arrest onwards, throughout police custody, pre-trial detention and subsequent imprisonment and beyond, while also dealing with the social rehabilitation of prisoners. It must draw on existing Council of Europe instruments and include all of the principles and standards contained in the various recommendations of the Committee of Ministers, as well as the principles deriving from the case-law of the European Court of Human Rights.

An effort of legal harmonisation is still required between our member states and it is therefore entirely appropriate to extract from these various instruments a common corpus of principles serving as a practical guide for national prisons policies.

The prevention of terrorism, the various measures and instruments put in place and the treatment of prisoners all presuppose that human dignity be upheld in all circumstances.

- **to open the convention for signature by non-member states and other European institutions**;

A new convention in this field would be especially ambitious in that it would be aimed not just at the 46 member states of the Council of Europe but also at all non-member states and the European Union.

- **and, to strengthen the monitoring of the situation in Europe's prisons.**

If we want to establish a fully binding legal framework for the contracting parties and guarantee that its provisions are implemented effectively, the Charter will have not only to take the form of a convention but also to have its own appropriate and efficient supervisory mechanism. It is important that the application of the principles and rules it contains should be closely monitored. This monitoring would amount to full-blown, general external inspection of European prisons. The supervisory mechanism's task would therefore not be confined to updating the rules and principles set out in the convention, contrary to the current expectations of certain Council of Europe working committees.

20. This inspection of Europe's prisons and detention centres is currently carried out by the CPT, the "Anti-Torture" Committee established by the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1987. The CPT was devised as a preventive non-judicial mechanism working in parallel with the ex-post judicial control mechanism of the European Court of Human Rights. Nobody today would question the thoroughness, quality and efficiency of the CPT's work. When preparing the draft prisons charter, it will moreover be very useful to be able to refer to the standards established by the CPT in the course of its work<sup>4</sup>.

<sup>3</sup> See the proposal for a European prisons charter in the addendum to the draft recommendation.

<sup>4</sup> See document CPT/Inf/E (2002) 1 - Rev. 2004 – these CPT standards cover police custody, imprisonment, training of law enforcement personnel, health care services in prisons, foreign nationals detained under aliens legislation, involuntary placement in psychiatric establishments and juveniles and women deprived of their liberty. <http://www.cpt.coe.int/en/docsstandards.htm>

21. However, the Convention for the Prevention of Torture has never been extended to non-member states: Protocol No. 1, which came into force in 2002 and allows the Committee of Ministers to invite any non-member state to join, has had no effect in this respect because no non-member states have acceded to the Anti-Torture Convention to date.

22. As to the CPT's operating methods, the Assembly had occasion, in 2001, to express certain criticisms to the Committee of Ministers on this subject<sup>5</sup>. The existing mechanism could be strengthened. Europe must equip itself with a robust, efficient and ambitious instrument to promote a genuine European prisons policy.

23. Accordingly, the Assembly could promote the idea of setting up a European prisons observatory, which would provide a unique means of monitoring the situation in Europe's prisons. The observatory could build on the existing structure - the CPT -, and be based on the strengthening of the CPT's mission.

#### IV. Conclusion

24. The recommendations in the draft charter cover all stages in the process: from arrest through police custody to pre-trial detention and subsequent imprisonment conditions. The aim is to establish a legal framework as a benchmark for all Council of Europe member states.

25. The assertion of these principles is intended to satisfy the need to protect society from criminal acts and offences and to ensure the requisite firmness vis-à-vis offenders, while serving as a reminder of the meaning of the sentences imposed, which must not be accompanied by degrading treatment infringing the dignity of the person imprisoned.

26. The adoption of these principles in the framework of a new Council of Europe convention – the European prisons Charter - must be accompanied by and result in increased budgetary resources for the modernisation of prisons and for moving them towards the rehabilitation of prisoners.

27. The abolition of the death penalty and imposition of longer sentences throw up specific problems; the remoteness and isolation of prisoners serving long sentences must not be used as a pretext for moving backwards in terms of respect for the most basic human rights and dignity.

28. The way to ensure the application in practice of this convention seems to be to monitor prisoners properly, to increase openness and to allow better access to places of detention for non-governmental organisations.

29. In a democracy, and in a difficult budgetary and economic situation, it is not easy to raise the authorities' awareness of the prisons situation against the background of public demand for harsh penalties.

30. Nevertheless, respect for human dignity must not stop at the prison gates. The aim of this convention is to establish a framework which will be binding on all Council of Europe member states and will be ratified by their national parliaments.

31. Major progress would be made towards acceptance of the Assembly's proposals if the revised European Prison Rules were regarded as a first step towards a European prisons charter. However, the Committee of Ministers' thinking is far from having reached this stage. It seems to me that the Assembly should continue its work in this direction and send the following clear message to the Ministers of Justice as soon as possible:

- the Assembly wants work to begin without delay, at intergovernmental level and in liaison with the European Union, on drawing up a European prisons charter in the form of a draft binding convention;

32. - the Assembly plans to promote the establishment of an ambitious and effective mechanism for monitoring the situation of prisons and detention centres in Europe in co-operation with the European Union, namely a European prisons observatory, which would build on the existing structure, the CPT, and be based on the strengthening of the CPT's mission.

<sup>5</sup> See Recommendation 1517 (2002) on the *European Committee for the Prevention of Torture (CPT): working methods*.

## **APPENDIX**

### **Draft European Prisons Charter**

#### **"Fundamental general principles"**

The European Prisons Charter plays a key role in the treatment of prisoners and in improving detention conditions in prison services, as well as prison management.

All detention must be managed in such a way as to facilitate the reintegration into society of persons deprived of their liberty.

All prisons must be regularly inspected and come under the supervision of an independent authority.

The European Prisons Charter shall apply to persons detained on remand or sentenced to imprisonment.

Minors shall not be held in adult prisons but in specially designed facilities.

Persons with mental illnesses and whose state of mental health is incompatible with imprisonment should be held in specially designed facilities.

This Charter shall be applied impartially, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinions, national or social origin, membership of a national minority, property, birth or other status.

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#### ***Alternative measures***

In order to enable the problem of prison overcrowding to be solved, priority should be given to the development of other solutions and measures as alternatives to imprisonment.

Detention on remand should be kept to a minimum and should be an exceptional measure, and account should be taken of the seriousness of the alleged offences: crimes and more serious offences.

Alternatives to imprisonment should be preferred, in particular in the case of short sentences, with the following being applied wherever possible:

- conditional release accompanied by judicial supervision,
- suspended sentences with probation,
- community service orders,
- partial release (in special partial-release centres or special sections of detention centres),
- electronic tagging.

#### ***Treatment of persons deprived of their liberty***

As all persons deprived of their liberty are particularly vulnerable, it is worthwhile pointing out that all such persons must be treated with respect and dignity.

#### ***Torture and ill-treatment***

Reference shall be made to Article 3 of the European Convention on Human Rights, which contains a general prohibition of torture and of inhuman or degrading treatment or punishment.

#### ***The provision of information to prisoners and their families***

Persons deprived of their liberty must be advised of their rights at the time of arrest, and at the beginning of detention and imprisonment, in a language which they understand, and told how to assert these. This right extends to families, in respect of visits, correspondence, telephone contact and the sending of packages.

Access to a lawyer and to the prisoner's family is essential.



***Solitary confinement/solitary confinement for disciplinary reasons***

Solitary confinement may constitute inhuman or degrading treatment. The use of such confinement must be subject to strictly defined rules. It entails a greater suicide risk for the person in confinement. Solitary confinement cells must be so designed as to prevent any risk of suicide.

***Inspectorate***

Inspections are often a means of preventing inhuman or degrading treatment. Regular inspections of premises where people are deprived of their liberty should be carried out by qualified experts not appointed by the prison authorities. Every detainee must have the right to communicate freely and confidentially, if necessary, with these experts.

***National machinery for visits***

It seems vital to allow access to, and permanent monitoring of, all premises where people are deprived of their liberty: places used for police custody, prisons, centres where long-term sentences are served...

In addition to the Council of Europe's Committee for the Prevention of Torture (CPT), the role of ombudsmen and parliamentarians is crucial.

***Disciplinary procedures***

Behaviour likely to give rise to disciplinary sanctions must be specified by the law or in administrative regulations. Every detainee must have the right to assert his or her opinion before such measures are taken against him or her in respect of offences that he or she may have committed. An appeal procedure must be provided for.

Solitary confinement for disciplinary or security reasons must be strictly in accordance with prison rules.

There must be no hindrance to use of a lawyer or to access to close relatives. Any prisoner subjected to disciplinary measures within the prison should be able to obtain assistance for his or her hearing by the prison authorities.

***Detention registers***

The official registration of persons deprived of their liberty provides important information in the context of the lawfulness of their detention. Detention registers must contain accurate personal details, the reasons for the person's arrest, the precise date and time of arrest, the precise date and time of admission and departure, the grounds for detention, the identity of the persons who made the arrest, the name of the authority which decided on detention, the date and time when the detainee first saw a lawyer, the exact date and time when the person first saw a doctor, and accurate information about the place to which the person may have been transferred.

As well as detention registers, monitoring registers should also be kept, where information about the condition of the detainee is recorded.

***Separation of detainees according to category***

In their place of detention, prisoners must be separated on the basis of their judicial or legal situation (accused or convicted, convicted for the first time or repeat offender, sentenced to a short or to a long term), while account must be taken of the particular circumstances of their treatment, of their sex and age, and of their physical and psychological state.

Care should be taken to separate minors from other detainees.

***Relations between fellow prisoners***

Article 3 of the ECHR places states under a positive obligation to take the necessary preventive measures to protect prisoners' physical integrity and health. This provision also applies to relations between individuals in detention.

### ***Application and complaint procedures***

All detained persons must be clearly informed of the prison rules and must have the benefit of a procedure enabling them officially to challenge aspects of their life in detention, particularly the right to submit applications or complaints about the way in which they are treated, whether internally by officials of the place of detention, or externally. Confidentiality must be ensured vis-à-vis the higher authorities of the prison administration and the supervisory or appeal bodies.

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### ***Police or gendarmerie custody***

Such custody must be of short duration.

It is one essential stage of the procedure.

The European Code of Police Ethics adopted by the Committee of Ministers on 19 September 2001 [Recommendation Rec(2001)10] shall apply to police forces and services and other bodies in charge of maintaining law and order in civil society.

It is vital for access to a lawyer to be guaranteed.

Prisoners must be allowed access to a doctor from the very start of their detention. Their right to contact a close relative or a third party must be guaranteed as soon as their detention begins.

Police stations or gendarmerie bases shall have separate premises available for detainees to meet their lawyers or to be examined by a doctor. It would be preferable for the premises where people are held in custody to be monitored and filmed.

It must be possible to contact interpreters during custody and when the relevant statements are being taken.

### ***Prisons as a public service***

Prisons shall be managed on the basis of ethical principles which recognise the obligation to treat all prisoners with humanity and with respect for the inherent dignity of human beings.

### ***Prison staff***

All prison modernisation measures and programmes, while tending to improve prisoners' situation, also make the tasks of prison staff easier.

Awareness must be raised among prison staff about the need to respect human dignity, however serious the accusations against detainees.

Prison staff and management shall show humanity and respect towards prisoners; their conduct plays a vital role in easing the tensions which exist in overcrowded and often dilapidated places of detention.

Prison staff shall promote the opening up of prisons towards the outside world.

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### ***Prison conditions:***

#### ***Admission***

No person shall be admitted to or held in a prison as a prisoner without a valid commitment order, in accordance with national law.

Upon admission, the following details shall be recorded immediately concerning each prisoner:

- information concerning the identity of the prisoner;

- the reasons for commitment and the authority for it;
- the day and hour of admission;
- an inventory of the personal property of the prisoner that is to be held in safekeeping;
- any visible injuries and complaints about prior ill-treatment; and
- subject to the requirements of medical confidentiality, any information about the prisoner's health that is relevant to the physical and mental well-being of the prisoner or others.

As soon as possible after admission:

- information about the health of the prisoner on admission shall be supplemented by a medical examination;
- the appropriate level of security for the prisoner as well as the threat to safety that the prisoner poses shall be determined;
- any available information about the social situation of the prisoner shall be evaluated in order to deal with the immediate personal and welfare needs of the prisoner; and
- in the case of sentenced prisoners, the necessary steps shall be taken to implement programmes of objectives for the prisoners.

Upon admission, and as often as necessary afterwards, all prisoners shall be notified in writing and orally in a language they understand of the regulations governing prison discipline and of their rights and duties in prison.

Prisoners shall be informed about any legal proceedings in which they are involved and, if they are sentenced, the time to be served and the possibilities of early release.

#### ***Allocation and accommodation***

Prisoners shall be allocated, as far as possible, to prisons close to their homes or places of social rehabilitation.

Allocation shall also take into account the requirements of continuing criminal investigations, safety and security and the need to provide appropriate regimes for all prisoners so that they are not cut off from their families and close relatives.

The accommodation provided for prisoners, and in particular all sleeping accommodation, shall respect human dignity and, as far as possible, privacy, and meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially to floor space, cubic content of air, lighting, heating and ventilation.

In all buildings where prisoners are required to live, work or congregate the windows shall be large enough to enable the prisoners to read or work by natural light in normal conditions and shall allow the entrance of fresh air except where there is an adequate air conditioning system.

#### ***Food***

Humane and decent conditions are essential to the preservation of human dignity in places where people are deprived of liberty.

Food must be supplied in sufficient quantity and quality to meet a person's physical needs.

Prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work.

Food shall be prepared and served hygienically.

Clean drinking water shall be available to prisoners at all times.

The medical practitioner or a qualified nurse shall order a change in diet for a particular prisoner when it is needed on medical grounds.

**Lighting and ventilation**

Cells must be adequately lit and ventilated. Persons deprived of their liberty must have access to natural light and fresh air.

It is very important for detainees themselves to be able to switch on and off the electric light in their cells. Electric lighting, apart from the emergency lighting needed for video surveillance in high-security areas, must be switched off at night. Permanent lighting of cells, preventing detainees from sleeping, would be tantamount to an act of torture.

**Lavatory facilities**

There must be lavatory facilities enabling detainees to relieve themselves cleanly and decently at any time in conditions which respect privacy.

Lavatories must be separated from the rest of the cell.

**Personal and general hygiene**

When prisoners are admitted to prison the cells or other accommodation to which they are allocated shall be clean.

Prisoners shall have ready access to sanitary facilities that are hygienic and respect privacy.

Running water must be available in cells.

There must be sufficient showers and baths to enable every prisoner to use them, at an appropriate temperature and as frequently as possible, but at least three times a week. Prisoners must have sufficient quantities of water and toilet items, and women must also have sufficient personal hygiene items.

Prisoners shall keep their persons, clothing and sleeping accommodation clean and tidy.

The prison authorities shall provide them with the means for doing so, including toiletries and general cleaning implements and materials.

Special provision shall be made for the sanitary needs of women.

Good conditions of hygiene must be maintained on the premises.

**Clothing, linen and bedding**

Every prisoner deprived of personal effects must be given clothing which must be regarded as for personal use. This has to be appropriate to the climatic conditions and be sufficient to maintain the detainee in good health.

Such clothing shall not be degrading or humiliating.

The clothing and linen must be washed weekly, kept in a good condition and replaced if necessary.

No garment may be reused without having been washed, cleaned and disinfected. It should be possible for prisoners to do their own washing.

Prisoners who obtain permission to go outside prison shall not be required to wear clothing that identifies them as prisoners.

Every prisoner must have a bed of his or her own. Every prisoner shall be provided with a separate bed and separate and appropriate bedding, which shall be kept in good order and changed often enough to ensure its cleanliness.

### ***Transfer of prisoners***

While prisoners are being moved to or from a prison, or to other places such as court or hospital, they shall be exposed to public view as little as possible and proper safeguards shall be adopted to ensure their anonymity.

The transport of prisoners in conveyances with inadequate ventilation or light, or which would subject them in any way to unnecessary physical hardship or indignity, shall be prohibited.

### ***Overcrowding and accommodation conditions***

Prison overcrowding is a recurrent problem.

States must plan new investment programmes or carry forward existing programmes to upgrade rundown premises, build new prisons or modernise old premises. If sufficient public funding is not available, public-private partnerships may be encouraged, subject to very strict conditions.

### ***Legal assistance***

All prisoners are entitled to legal advice, and the prison authorities shall provide them with reasonable facilities for gaining access to such advice.

Lawyers must be present from the time of police custody. Failing that, the relevant premises should be filmed.

Legal assistance agreements with bar associations or similar bodies should be encouraged.

Prison authorities should encourage a system of free legal aid for the benefit of detained persons.

Consultations and other communications including correspondence about legal matters between prisoners and their legal advisers shall be confidential.

Prisoners shall have access to, or be allowed to keep in their possession, documents relating to their legal proceedings.

### ***Contact with the outside world***

Prisoners may not be denied communication with the outside world for a long period.

Prisoners are entitled to visits and shall be allowed to correspond freely, by letter, with their families, other persons and representatives of outside organisations.

Procedures for controlling professional visitors such as legal representatives, social workers and medical practitioners, etc, shall be the subject of consultation with their professional bodies so as to ensure a balance between security and safety and the right of confidential professional access by such visitors to their clients or patients.

Family visiting facilities must be provided.

Special visiting facilities and suitable premises must be provided to allow contact with families, especially children, under humane conditions compatible with the demands of security.

Foreign nationals, especially those who are not residents of the country where they are being held, deserve special attention because of the situation of particular distress they may be experiencing. They must be allowed to have visits from their country's consular staff or, failing that, from groups of inspectors from their own country, or from trusted persons who live in the country and, where applicable, are able to communicate in their language.

Visits are not restricted to family members and close relatives, but may also be made by friends and trusted persons. Extended visits must be allowed by families which live a long way away.

It is recommended that detainees be kept in prisons close to their homes, so as to facilitate contact with their counsel and their close relatives. This is essential when prisoners are serving long sentences.

Prison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so.

Any information received of the death or serious illness of any near relative shall be promptly communicated to the prisoner.

Whenever circumstances allow, the prisoner should be authorised to leave prison either under escort or alone in order to visit a sick relative, attend a funeral or for other humanitarian reasons.

Prisoners shall be allowed to inform their families immediately of their imprisonment or transfer to another institution and of any serious illness or injury they may suffer.

Upon the admission of a prisoner to prison, the death or serious illness of, or serious injury to a prisoner, or the transfer of a prisoner to a hospital, the authorities shall, unless the prisoner has requested them not to do so, immediately inform the spouse or partner of the prisoner, or, if the prisoner is single, the nearest relative and any other person previously designated by the prisoner.

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### ***Prison regime***

This regime shall allow all prisoners to spend as many hours a day outside their cells as are necessary for an adequate level of human and social interaction.

Particular attention shall be paid to the needs of prisoners who have experienced physical, mental or sexual abuse.

The presence of psychologists and access to care are essential.

### ***Work***

Prison work shall be approached as a positive element of the prison regime and shall never be used as a punishment.

Prison authorities shall strive to provide work of a useful nature.

Preference shall be given to work that involves vocational training. Work done for the state or private firms shall be properly managed and shall comply with the most basic rules on security of pay.

### ***Exercise and recreation***

Properly organised activities to promote physical fitness and provide for adequate exercise and recreational opportunities shall form an integral part of prison regimes.

### ***Education***

With the aid of technological resources and distance learning, every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations.

Priority shall be given to prisoners with literacy and numeracy needs and those who lack basic or vocational education.

### ***Social rehabilitation***

Not only should imprisonment and deprivation of liberty be free from degrading treatment infringing human dignity and take place in decent living conditions, it should also as far as possible involve efforts to socially rehabilitate prisoners who, in theory, are destined for release one day.

This is why it is recommended that access to prisons should be facilitated for associations and organisations – those for which access is authorised following strict checks by the prison authorities – which are able to perform an educational role for prisoners and provide them with occupational training.

If the prison authorities do not have the means for this, consideration might be given to concluding agreements on, and making arrangements for, prisoner training.

Prisoners should not be given any activities or work of a harsh or humiliating nature, and they must be paid.

### ***Freedom of thought, conscience and religion***

Prisoners' freedom of thought, conscience and religion shall be respected.

Qualified representatives of all the religions to which prisoners belong must have access to premises where people are deprived of their liberty. Every prisoner, regardless of the regime applicable to him or her, must be free to practise his or her religion by taking part in religious services and talking confidentially to religious representatives. The authorised representatives must have free access to all sections and all cells.

The right to practise one's religion may be exercised both individually and collectively.

### **Health:**

Prison authorities shall safeguard the health of all prisoners in their care.

### ***Organisation of prison health care***

Medical services in prison shall be organised in close relation with the general health administration of the community or the state.

Health policy in prisons shall be integrated into, and compatible with, national health policy.

Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

All necessary medical, surgical and psychiatric services, including those available in the community, shall be provided to prisoners for that purpose. It would be wise to copy certain practices providing for the application of agreements between prison authorities and medical bodies on access to care and reimbursement of expenses by the relevant welfare bodies.

### ***Medical services and medical staff***

Prison authorities must facilitate access to medical care for those who are deprived of their liberty. It also has to be reiterated that prisoners may not be subjected to medical experiments affecting their physical or psychological integrity.

Every prison shall have the services of at least one qualified general medical practitioner, a dentist and, in the case of women's prisons, a gynaecologist.

The prison doctor must examine each detainee on admission to a place of detention or imprisonment, detect any diseases suffered, impose separation where necessary from other prisoners, ascertain any deficiencies which might cause reintegration problems and evaluate prisoners' physical capacity for work.

It is important not only for a general practitioner to be available, but also for a dentist, an ophthalmologist and a psychologist or psychiatrist to have access to the relevant prison.

Medical and nursing staff must be given the maximum guarantees of independence by the prison authorities so that they can do their work in accordance with their professional ethics.

Prisoners should be affiliated to the existing social security scheme throughout their period of detention.

Contraceptives and lubricants shall be distributed. The Joint United Nations Programme on HIV/AIDS (UNAIDS) has recommended that condoms be easy to obtain and that consensual sexual activity between prisoners be removed from the list of disciplinary offences.

### ***Health care provision***

Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals, when such treatment is not available in prison.

Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide the prisoners referred to them with appropriate care and treatment.

It should be possible for prisoners with serious illnesses who are in a weak state of health to be transferred to medical facilities or allowed home on an exceptional basis provided that the necessary security requirements are met.

Alternatives to imprisonment such as hospitalisation should be offered to very old prisoners nearing the end of their lives.

### ***Mental health***

Specialised prisons or sections under medical control shall be available for the observation and treatment of prisoners suffering from mental disorder or abnormality.

The prison medical service shall provide for the psychiatric treatment of all prisoners who are in need of such treatment and pay special attention to suicide prevention.

### ***Specific care for prisoners with psychiatric illnesses***

Prisoners with psychiatric illnesses shall receive specific care during imprisonment.

It is recommended that care and assistance agreements be drawn up with specialists able to detect, prevent and treat behaviour to which imprisonment alone cannot provide a solution.

It is recommended that prison administration budgets make provision for access to psychological and psychiatric care and follow-up, with a view to combating the danger posed by certain prisoners and to preventing repeat offending, especially by sex offenders.

### ***Suicide prevention***

Suicide prevention must focus on the causes affecting prisoners: isolation (some receive no visits at all) and placement in disciplinary cells are factors which have to be taken into account.

Everything must be done to ensure that psychiatric and psychological care, which all too often is broken off on imprisonment, continues.

The maintenance of family links is vital.

This monitoring and care are possible only if prisons are not overcrowded, for overcrowding makes any preventive action illusory.

### ***Specific care for women and mothers in prison***

Medical and nursing staff must give particular attention to women's conditions.

A doctor and a nurse with gynaecological knowledge must be present in female sections and women's prisons.

Convicted prisoners who are pregnant or have very young children may keep their children in prison up to the age of three.



Steps must be taken to facilitate the care and placement of these children for such time as execution of the sentence continues, without cutting their links with their mothers.

Particular care must be taken to make sure that the emotional bonds between children who spent their early years in prison and their mothers who are serving the remainder of their sentences are maintained through ongoing contacts.

Special premises must be provided and regular visits must be organised to maintain the bonds between children and their mothers.

### **Women**

The authorities shall pay particular attention to the requirements of women such as their physical, vocational, social and psychological needs when making decisions that affect any aspect of their detention.

Particular efforts shall be made to give access to special services for women prisoners.

Prisoners shall be allowed to give birth outside prison, but where a child is born in prison the authorities shall provide all necessary support and facilities to protect the bonds between mother and child.

### **Facilities for families**

Family meeting places shall be set up within prisons for use by parents with very young children, making possible more intimate contacts, and making visits to imprisoned parents less traumatic for young children.

### **Children**

Mothers must be able to receive regular visits from their children. Such visits should take place in prison annexes under conditions which meet the requirements for respect and humanity.

Where children are detained in a prison, they shall be kept in a part of the prison that is separate from that used by adults.

### **Infants**

Infants may stay in prison with a parent only when it is in the best interest of the infants concerned.

Where such infants are allowed to stay in prison with a parent, special provision shall be made for a nursery, staffed by qualified persons, where the infants shall be placed when the parent is involved in activities where the infant cannot be present.

Special accommodation shall be set aside to protect the welfare of such infants.

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### **Foreign nationals**

Prisoners who are foreign nationals shall be informed, without delay, of their right to request contact and be allowed reasonable facilities to communicate with the diplomatic or consular representative of their state.

Prisoners who are nationals of states without diplomatic or consular representation in the country, and refugees or stateless persons, shall be allowed similar facilities to communicate with the diplomatic representative of the state which takes charge of their interests or the national or international authority whose task it is to serve the interests of such persons.

In the interests of foreign nationals in prison who may have special needs, prison authorities shall co-operate fully with diplomatic or consular officials representing prisoners.

Specific information about legal assistance shall be provided to prisoners who are foreign nationals.

Prisoners who are foreign nationals shall be informed of the possibility of requesting that the execution of their sentence be transferred to another country.

Linguistic needs shall be met by using competent interpreters and by providing written material in the range of languages used in a particular prison.

Each prison must have access to a list of approved interpreters in a particular court district.

### ***Relations with the outside world***

In addition to their families, close relatives and legal counsels, access to prisoners shall be extended under certain conditions to non-governmental organisations and associations specially accredited by the prison administration (students, humanitarian associations...).

### ***Criminal acts***

Any alleged criminal act committed in a prison shall be investigated in the same way as it would be outside prison and shall be dealt with in accordance with national law.

### ***Discipline and punishment***

Disciplinary procedures shall be mechanisms of last resort.

Whenever possible, prison authorities shall use mechanisms of restoration and mediation to resolve disputes with and among prisoners.

Only conduct likely to constitute a threat to good order, safety or security may be defined as a disciplinary offence.

National law shall determine:

- the acts or omissions by prisoners that constitute disciplinary offences;
- the procedures to be followed at disciplinary hearings;
- the types and duration of punishment that may be imposed;
- the authority competent to impose such punishment; and
- access to and the authority of the appellate process.

Any allegation of infringement of the disciplinary rules by a prisoner shall be reported promptly to the competent authority, which shall investigate it without undue delay.

Prisoners charged with disciplinary offences shall:

- be informed promptly, in a language which they understand and in detail, of the nature of the accusations against them;
- have adequate time and facilities for the preparation of their defence;
- be allowed to defend themselves in person or through legal assistance when the interests of justice so require;
- have the free assistance of an interpreter if they cannot understand or speak the language used at the hearing.

Any punishment imposed after conviction of a disciplinary offence shall be in accordance with national law.

The severity of any punishment shall be proportionate to the offence.

Collective punishments and corporal punishment, punishment by placing in a dark cell, and all other forms of inhuman or degrading punishment shall be prohibited.

Punishment shall not include a total prohibition on family contact.

Solitary confinement shall be imposed as a punishment only in exceptional cases and for a specified period of time, which shall be as short as possible.

Instruments of restraint shall never be applied as a punishment.

A prisoner who is found guilty of a disciplinary offence shall be able to appeal to a competent and independent higher authority.

### ***Requests and complaints***

Prisoners, individually or as a group, shall have ample opportunity to make requests or complaints to the governor of the prison or to any other competent authority, in particular an ombudsman.

If mediation seems appropriate this should be tried first.

If a request is denied or a complaint is rejected, reasons shall be provided to the prisoner and the prisoner shall have the right to appeal to an independent authority.

Prisoners shall not be punished because of having made a request or lodged a complaint.

The competent authority shall take into account any written complaints from relatives of a prisoner when they have reason to believe that a prisoner's rights have been violated.

### ***Implementation of the regime for sentenced prisoners***

Sentenced prisoners shall be encouraged to participate in drawing up their individual sentence plans.

Social work, medical and psychological care may also be included in the regimes for sentenced prisoners.

Prisoners who consent to do so may be involved in a programme of restorative justice and in making reparation for their offences.

Particular attention shall be paid to providing appropriate sentence plans and regimes for life sentenced and other long-term prisoners.

### ***Organisational aspects of imprisoning sentenced prisoners***

As far as possible, separate prisons or separate sections of a prison shall be used to facilitate the management of different regimes for specific categories of prisoners.

There shall be procedures for establishing and regularly reviewing individual sentence plans for prisoners after the consideration of appropriate reports, full consultations among the relevant staff and with the prisoners concerned who shall be involved as far as is practicable.

Such reports shall always include reports by the staff in direct charge of the prisoner concerned.

### ***Release of sentenced prisoners***

All prisoners shall have the benefit of arrangements designed to assist them in returning to life in society upon their release.

Upon the release of a prisoner, all items and money belonging to him/her that were held in safekeeping shall be returned to him/her, except for any sums he/she has withdrawn on a regular basis, any items he/she has been authorised to send out of the prison or any such property which it has been deemed necessary to destroy on grounds of hygiene.

Steps must be taken to ensure that, upon release, prisoners are provided with the necessary documents and identity papers and are assisted in finding suitable accommodation and work.

Released prisoners shall also be provided with immediate means of subsistence, be suitably and adequately clothed for the relevant climate and season and have sufficient resources to reach their destination, which may come from their earnings from prison work.

Part of the pay for prison work shall be set aside for use upon release.

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### ***Prison management***

Personnel shall be selected and appointed on an equal basis, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinions, national or social origin, membership of a national minority, property, birth or other status.

The prison authorities shall introduce systems of organisation and management that:

- ensure that prisons are managed to consistently high standards that are in line with international and regional human rights instruments; and
- facilitate good communication between prisons and between the different categories of staff in individual prisons and proper co-ordination of all the departments, both inside and outside the prison, that provide services for prisoners, in particular with respect to the care and reintegration of prisoners.

Arrangements shall be in place to encourage the best possible communication among management, other staff, outside agencies and prisoners.

### ***Selection and training of prison staff***

The duties of staff go beyond those required of mere guards and shall take account of the need to facilitate the reintegration of prisoners into society after their sentence has been completed through a programme of positive care and assistance.

Salaries shall be adequate to attract and retain suitable staff.

Benefits and conditions of employment shall reflect the exacting nature of the work as part of a law enforcement agency.

The training of all staff shall include instruction in the international and regional human rights instruments and standards, especially the European Convention on Human Rights and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, as well as in the application of the European Prison Rules.

### ***Specialist staff***

Wherever possible, suitable part-time and voluntary workers shall be encouraged to contribute to activities with prisoners.

### ***Special courts***

In theory, special courts must be restricted to exceptionally serious circumstances and acts, involving threats to state security or terrorism.

They provide no justification for violations of the basic principles that detention conditions should be compatible with respect for human rights and human dignity: access to a lawyer, access to the outside world and entitlement to a fair trial.

### ***Holding centres for foreign nationals***

Foreign nationals held at such centres pending expulsion are not prisoners, but, according to the case-law of the European Court of Human Rights, they are deprived of their liberty during the time they spend on such premises, which does not usually exceed 20 days.

In this day and age, the existence of such holding centres is offensive. They should be on their way out, and during the transitional period until their disappearance, the recommendations relating to detention on remand should be applied, including those relating to length of stay.

***Inspection and monitoring***

Prisons shall be inspected regularly by an independent agency in order to assess whether they are administered in accordance with the requirements of national and international law, and the provisions of the Charter.

The conditions of detention and the treatment of prisoners shall be monitored by an independent body or bodies whose findings shall be made public.

Such independent monitoring body or bodies shall be encouraged to co-operate with those international agencies that are legally entitled to visit prisons.

***Overall monitoring of prisons***

The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) performs essential monitoring work. Its role, remit and the publication of its reports should be expanded.

Ombudsmen play a crucial role at national level. Their powers should be extended to include dealing with prisoners' complaints. It must be possible for all prisoners to lodge complaints with ombudsmen.

Access by parliamentarians to prisons and other detention centres is also very important.

*Reporting committee:* Committee on Legal Affairs and Human Rights

*Reference to committee:* Doc 10332, Reference 3020 of 23 November 2004

*Draft recommendation* unanimously adopted by the Committee on 13 April 2006

*Members of the Committee:* Mr Dick **Marty** (Chairperson), Mr Erik Jurgens, Mr Eduard **Lintner**, Mr Adrien **Severin** (Vice-Chairpersons), Mrs Birgitta **Ahlqvist**, Mr Athanassios **Aletras**, Mr Rafis Aliti, Mr Alexander **Arabadjiev**, Mr Miguel Arias, Mr Birgir Ármannsson, Mr José Luis **Arnaut**, Mr Abdülkadir Ateş, Mr Jaime Bartumeu Cassany (alternate: Mr Vincenç **Alay Ferrer**), Mrs Meritxell Batet, Mrs Soledad Becerril, Mrs Marie-Louise Bemelmans-Videc, Mr Giorgi Bokeria, Mrs Olena Bondarenko, Mr Erol Aslan **Cebeci**, Mrs Pia **Christmas-Møller**, Mr Boriss Cilevičs, Mr Domenico Contestabile, Mr András Csáky, Mrs Herta Däubler-Gmelin, Mr Marcello Dell'Utri, Mrs Lydie Err, Mr Jan **Ertsborn**, Mr Václav **Exner**, Mr Valeriy **Fedorov**, Mr György Frunda, Mr Jean-Charles **Gardetto**, Mr József Gedei, Mr Stef Goris, Mr Valery Grebennikov, Mrs Gultakin **Hajiyeva**, Mrs Karin Hakl, Mr Nick Harvey, Mr Michel **Hunault**, Mr Rafael **Huseynov**, Mrs Fatme Ilyaz, Mr Kastriot Islami, Mr Sergei Ivanov, Mr Tomáš Jirsa, Mr Antti Kaikkonen, Mr Uyriy Karmazin, Mr Karol **Karski**, Mr Hans Kaufmann, Mr Nikolay Kovalev, Mr Jean-Pierre Kucheida, Mrs Darja **Lavtižar-Bebler**, Mr Andrzej Lepper (alternate: Mrs Ewa **Tomaszewska**), Mrs Sabine Leutheusser-Schnarrenberger, Mr Tony Lloyd, Mr Humfrey Malins, Mr Andrea Manzella, Mr Alberto Martins, Mr Tito Masi, Mr Andrew McIntosh, Mr Murat **Mercan**, Mr Philippe Monfils, Mr Philippe Nachbar, Mr Tomislav Nikolić (alternate: Mr Ljubiša **Jovašević**), Ms Ann Ormonde, Mr Rino Piscitello, Mrs Maria Postoico, Mr Christos Pourgourides, Mr Jeffrey Pullicino Orlando, Mr Martin Raguž, Mr François Rochebloine, Mr Armen **Rustamyan**, Mr Michael Spindelegger, Mrs Rodica Mihaela **Stănoiu**, Mr Christoph **Strasser**, Mr Petro Symonenko, Mr Vojtech **Tkáč**, Mr Øyvind Vaksdal, Mr Egidijus Vareikis, Mr Miltiadis Varvitsiotis (alternate: Mrs Elsa **Papadimitriou**), Mrs Renate **Wohlwend**, Mr Krzysztof Zaremba, Mr Vladimir Zhirinovskiy, Mr Zoran **Žižić**, Mr Miomir Žužul

N.B.: The names of the members who took part in the meeting are printed in **bold**

*Secretariat of the Committee:* Mr Drzemczewski, Mr Schirmer, Mrs Clamer, Ms Heurtin