

Brussels conference on the future of the ECHR: declaration of 44 NGOs active in the judicial defence of prisoners' rights

As a major event on the future of the mechanisms for the European Convention on Human Rights approaches, forty-four NGOs active in the judicial defence of prisoners' rights call on the Ministers of Foreign Affairs of Member States at the Council of Europe to rectify the structural problems that many prison systems are facing in Europe. This initiative, the first international mobilization in the field of judicial defence of prisoners' rights, has two objectives: to define at the Council of Europe level a global strategy to tackle the use of imprisonment, and to adopt measures aiming at strengthening monitoring mechanisms that ensure the execution and implementation of the Court's decisions against member States. Almost 1.74 million people are incarcerated in the Council of Europe.

Forty-four organisations active in the judicial defence of prisoners' rights – associations, unions and professional bodies – have sent today to the Ministers of Foreign Affairs of Member States at the Council of Europe a common declaration calling for a fundamental change as to the approach of endemic problems concerning European prisons. This call will be made at a stakeholders' conference organised by the Belgium Presidency of the Committee of Ministers on the 26 and 27 March in Brussels. It aims to speed up the reform process whose objective is to erase all structural forms of ECHR violations that are attributable to national prison systems.

The signatory organisations call on all States and bodies of the Council of Europe to adopt a global strategy to improve the processes concerning the execution of the Strasbourg Court's judgments, to rectify structural or systemic failings and to reduce the length of prison sentences. In this regard, the organizations are pleased to note the efforts made by coordinated policy among the Council of Europe's bodies to strengthen the possibilities for effective remedies for prisoners to tackle overcrowding issues. But they emphasize the need for a wider initiative on penal policies and practices to erase this structural problem.

As to the persistent issue of judgments that are not implemented against many States, the organizations insist on the fact that it should not be used as a reason to weaken the European Court or to limit the right of individual application – as certain actions seem to do within the actual reform process. In the light of the major role played by the Court's jurisprudence in relation to the protection of prisoners' rights, the authors of the common declaration argue that the role and the prerogative of the Court shall be preserved. Efforts must focus on a wholesale reform of the monitoring system of the execution of judgments, in order to prioritize the effective control of the corrective measures taken by States. In this regard, the monitoring procedure should be fully transparent and the Department for the execution of judgments should receive more facilities in order to proactively enforce and monitor the reforms implemented by States, rather than just relying upon information sent by States themselves or by NGOs.

The organisations urge for reform allowing for applications to be lodged on behalf of the collective interest, enabling organisations to bring before the Court disputes involving the social purpose for which they were established. This system would constitute an expedient way of handling contentious cases involving serious abuses allowing cases to be quickly brought before the Court, before they

have given rise to significant litigation. It will also enable more effective applications to be made, based upon grounds that will in general be more accurate than those put forward by individual applicants.

The stakeholders' conference in Brussels, to which the common declaration refers, represents an important step within the « Interlaken Process ». This process, initiated during the Ministers' conference in Interlaken in February 2010, aims to further involve States in the implementation of effective domestic mechanisms guaranteeing human rights', in order to relieve the Court from the massive flow of complaints. The context has changed, as the Court emerged from its previous state of congestion. The President of the Court, Dean Spielmann, was pleased at the formal opening of the Judicial Year January 29, 2015, with "a rather satisfactory statistical situation". The number of pending applications dropped to 69,900 at the end of the year 2014, marking a decrease of 30% in a year. According to the latest statistics published within the SPACE project (Council of Europe - University of Lausanne), 1,737,061 people were detained on 1 September 2012 in the states of the Council of Europe, and 21 of 47 prison systems were in situations of overcrowding on that date.

List of signatory organisations :

Academy of Human Rights (*Akademia po pravam sheloveka*, Russia)

Advice on Individual Rights in Europe (AIRE, United Kingdom)

L'Altro Diritto (*L'Altro Diritto, Centro di documentazione su carcere, devianza e marginalità*, Italy)

Antigone (Italy)

Association Against Exclusion and for Development (*Associação Contra a Exclusão Pelo Desenvolvimento – ACED*, Portugal)

Association of Mediation and Pacification (*Asociación de mediación y pacificación*, Spain)

Association for the Defence of Human Rights in Romania - Helsinki Committee (*APADOR-CH*, Romania)

Association for legal intervention (*Stowarzyszenie Interwencji Prawnej - SIP*, Poland)

Association of Prison Lawyers (UK)

Ban Public (France)

Basque Observatory of Human Rights (*Behatokia*, Spain)

Belgian League for Human Rights

Bulgarian Helsinki Committee

Citizen's Assistance (*Grazhdanskoe Sodeistvie*, Russia)

Committee for Civil Rights (Russia)

Czech Helsinki Committee (Czech Republic)

Department of Prison Pastoral, Spanish Episcopal Conference (Departamento de Pastoral Penitenciaria, Spain)

International Prison Watch (*Observatoire international des prisons – Section française – OIP-SF*, France)

International Prison Watch (*Observatoire international des prisons – Section belge – OIP-SB*, Belgium)

International Protection Center (*Tsentre sodeistvya mejdunarodnoy zachite*, Russia, France)

Irish Penal Reform Trust (Ireland)

Kharkiv Human Rights Protection Group (*Kharkivskoy Pravyosakhisnoï Grupi - KhPG*, Ukraine)

Legal Resources Centre (Moldova)

European Prison Observatory

European Association for the Defence of Human Rights (AEDH)

European Research Network on Prison Litigation (PLN)

Eurasian Women (Russia)

French National Council of Bars (France)

Georgian Young Lawyers' Association (GYLA, Georgia)

The Howard League for Penal Reform (UK)

Legal Basis (Russia)

Paris Bar (France)

Portuguese Association of Assistance to prisoners (*Associação Portuguesa de Apoio ao Recluso - APAR*, Portugal)

Prison Archive (Das Strafvollzugsarchiv, Germany)

Prisoners Advice Service (UK)

Prison Lawyers Network (France)

Romanian Group for Human Rights (*Grupul Roman pentru Apararea Drepturilor Omului – GRADO*, Romania)

Spain's General Bar Council, subcommittee of prison law (Subcomisión de Derecho Penitenciario del Consejo General de la Abogacía Española - CGAE, Spain)

Swiss League for Human Rights

Sutyajnik (Russia)

Ural Democratic fund (Russia)

Ural Human Rights Defenders (Russia)

Union of Lawyers of France (Syndicat des avocats de France - SAF, France)