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The European Prison Litigation Network (EPLN) was constituted in 2013 by law practitioners, researchers and civil society activists specialised in prison issues with the main aim to enhance the judicial protection of continental European detainees' fundamental rights.

Following a study carried out on behalf of the Council of Europe, the Network founders brought evidence of a significant disparity in the judicial or quasi-judicial mechanisms protecting detainees' rights in different countries, despite the positive effects arising from the case law of the European Court of Human Rights recognising the material rights of detainees.

They argue that through better coordination and stronger involvement of European civil society actors in fora where prison and penal policies are elaborated, the Network can

play a crucial role at the European and domestic level in promoting the most protective models to guarantee fundamental rights in detention and address structural problems in European prison systems.

To pursue its mission, EPLN aims to:

1 increase the cooperation and raise capacities of law practitioners and civil society actors engaged in the protection of prisoners' rights across Europe. Increased cooperation strengthens the position of civil society actors at the national and European level and promotes the circulation of the most protective normative models for prisoners among the prison law practitioners' community.

2 develop analytical and comparative research on prison issues to improve knowledge of national law, understand the implementation of law in prisons, and identify the determinants and obstacles to the use of legal resources in detention. This approach is essential for identifying systemic or structural problems and promoting solutions for successful reforms and the protection of fundamental rights.

3 develop litigation and advocacy to inform and influence the course of European normative developments of prison issues identified by research as priority areas as regards the protection of fundamental rights of detainees.

As of September 2022, EPLN federates 28 national NGOs and bar associations from 19 European states (14 EU countries, four from the Eastern and South-Eastern European Partnership and the UK) which are among the most recognised by civil society, public authorities and European bodies in the defence of detainees' fundamental rights in their countries.

Standards on procedural rights of detainees in European Union law

In the continuity of two previous research projects coordinated by the EPLN in 2013 on remedies mechanisms available to detainees in the EU, and in 2017 on access to legal aid for detainees in the EU, the EPLN is developing advocacy campaigns to promote the adoption of EU instruments on detention.

In 2021, EPLN led a campaign on detainees' procedural rights in the European Union for the development of specific EU legislation – mainly on the issue of **free legal aid**.

This action in cooperation with the Spanish, French, Belgian and Luxembourg Bars focused in 2021 on EPLN's participation in a working group of MEPs of the groups of the Greens and the European United Left at the EU Parliament in Brussels.

Support of domestic NGOs for the provision of legal assistance to prisoners

Since 2019, EPLN has been developing action of legal support to its members and partners for their work providing legal assistance to prisoners.

In 2021, EPLN supported a six national NGOs in Eastern European Partnership countries. This support ranges from the methodological documentation of cases and collection of evidence necessary for legal proceedings, to drafting legal arguments for appeals to court and joint submissions to the European Court of Human Rights.

In 2021, 277 prisoners were provided with legal assistance on issues relating to:

- Obstruction of access to lawyers and judges;
- Violation of the confidentiality of correspondence;
- Torture and lack of effective investigation;
- The regime of life sentences and absence of a release mechanism;
- Obstruction of access to civil health services;
- Pressures, threats, and reprisals by the prison administration on victims of ill-treatment and torture who complained in court;
- Administrative and/or unlawful obstacles for detainees to meet with their lawyers or relatives;

Barriers to access to legal assistance from an NGO

Over the past few years, EPLN has developed a specific litigation strategy regarding the issue of access to legal representation and assistance from NGOs.

CASE OF FEMALE DETAINEES IN CORRECTIONAL COLONY 16 IN SVERDLOVSK OBLAST, RUSSIA – LACK OF ACCESS TO LEGAL ASSISTANCE AND VIOLATION OF CONFIDENTIALITY

In 2019, human rights activists from the Sverdlovsk region in Russia discovered that female detainees of Correctional Colony 16 were systematically denied access to medical care by the prison administration which has led to the death of thirteen women since 2018. Several women agreed to file complaints with the support of a local NGO. Following the launch of this legal campaign, the prison

administration began creating artificial barriers to the women accessing legal assistance from the NGO. For example, during the meeting between the NGO and one of the prisoners, three employees of the colony attended and video-recorded the meeting. These actions were challenged by the applicants before domestic courts, but the courts did not establish that there had been a violation of the confidentiality of the meetings during the provision of legal aid. EPLN supported the NGO in preparing a complaint to the ECtHR for violation of Art. 8 of the Convention due to the violation of confidentiality of the meeting with the legal aid.

In 2021, EPLN launched a specific work avenue to promote enhanced dialogue of CSOs and law practitioners with European bodies working on prison issues and underlining the crucial role of civil society in the resolution of structural problems in European prison systems and the elaboration of penal and prison policies.

Development of a four year strategy for the resolution of structural problems in prison systems in the European Union

In 2021, EPLN developed a new four year strategy with civil society organisations and bar associations from 14 member states of the European Union aiming to strengthen the position of civil society in the elaboration of EU detention standards. This strategy includes a 2022 study on the impact of European bodies' intervention on structural problems in prisons in nine EU countries. This strategy was supported by the European Union DG Justice who granted EPLN support until 2025. The cornerstone of this strategy is to promote EU standards on access to legal aid and representation for prisoners in Europe.

Prison reform in Ukraine until 2026

At the request of the EU Delegation in Kyiv, EPLN has been actively involved since November 2021 in the working group of Ukraine's international partners (European Union, Council of Europe, EPLN and, on the probation part, the Government of Norway). This working group was called to evaluate the "Strategy of penitentiary reform until 2026" of the Ukrainian government and to provide recommendations before its adoption in 2022 by the Ukrainian

government. The strategy consists of a plan for major reforms of the prison system over the next four years, such as the improvement of prison conditions, health, rehabilitation, etc. The working group aims to ensure the coherence of the intervention by international actors concerned with the reform, and to determine future financial support.

EPLN's goal was to refocus reform on the recurrent problems of torture in prisons, detention regimes, life sentences, and prison medicine, initially largely ignored in favour of material conditions of detention and alternatives to imprisonment.

In 2018, EPLN initiated the Prison Health & Rights Consortium (PHRC) bringing together communities of (former) prisoners, people who use drugs (PUD), and people living with HIV (PLHIV) with experience of incarceration and human rights defenders from Ukraine, Moldova, Russia, Georgia, Bulgaria, Kosovo.

Through enhanced cooperation, monitoring of health rights violations, joint research, advocacy and litigation, members of the Consortium work to foster the alignment of access to health in prison with those available in the community and advocates for the independence of prison medicine.

The first three-year cycle of this action came to an end in 2021. Members of the Consortium have monitored and collected information on violations of the prisoners' health rights and documented 87 cases in 2021, and 124 cases over the three-year period (79 in Russia, 39 in Ukraine, 10 in Moldova, 4 in Bulgaria and 1 in Kosovo).

Most cases (95) concerned non-provision of adequate medical care and impediment of access to civil medicine whereas 39 cases concerned the issue of access to release on medical grounds and 61 cases concerned people who live with HIV. Consortium members have provided protection to 92 persons, 52 cases were brought to national courts, and 6 cases were brought to the European Court of Human Rights.

Systemic failures of prison health systems and independence of prison doctors

In 2021, EPLN pursued a campaign addressing systemic failures of prison health systems and the issue of the independence of prison medicine.

EPLN and its Ukrainian partner Kharkiv Human Rights Protection Group submitted in 2021 a communication¹ in the Logvinenko v. Ukraine case group addressing the systemic failure of prison medicine. In addition to the fact that, according to the CPT, the state of prison medicine "poses a considerable threat not only to the health but also to the lives of prisoners", the lack of independence of doctors from the prison services is a major

obstacle in the fight against torture and impunity. This led to a firm decision by the Committee of Ministers in June 2021

In order to sharpen its advocacy strategy on the issue, EPLN forged a new partnership in 2021 with the European Federation of Prison Health – Health without Barriers, a militant association of medical doctors practicing in prison. Through this alliance, EPLN intends to bring in more expertise to address the structural problem of the dependence of doctors on the prison administration and the resulting damage to the therapeutic relationship with the patient and quality of care.

1 [https://hudoc.exec.coe.int/eng?i=DH-DD\(2021\)514E](https://hudoc.exec.coe.int/eng?i=DH-DD(2021)514E)

Access to care and treatment of incarcerated drug users

In 2021, EPLN developed partnerships with networks of drug users in Europe to advance its litigation and advocacy strategy regarding access to care and treatment for people who use drugs.

EPLN focuses on the issue of denial or inadequate care for drug users with withdrawal syndromes in detention and its qualification as ill-treatment, as well as on the issue of access to harm reduction services, in particular opioid substitution therapy.

CASE OF INTERRUPTION OF SUBSTITUTION TREATMENT AFTER INCARCERATION – ODESA, UKRAINE

Members of the Eurasian Network of People who Use Drugs collected evidence in 2021 of the inadequate medical care provided to a prisoner in the region of Odesa, Ukraine. The convict, who is living with HIV in Stage 4 and is infected with Hepatitis C and tuberculosis, is undergoing ARV treatment and was receiving opioid substitution therapy before

he was arrested. On February 18, 2021, the applicant was sentenced to three years and three months in prison and received his OST treatment for the last time on March 7, 2021, and he has since been experiencing severe withdrawal symptoms. On November 1, 2022, an application was lodged to the European Court of Human Rights under Article 3 due to the lack of adequate medical care—specifically the interruption of substitution treatment without any therapeutic justification.

Access to release on medical grounds

In 2021, EPLN and its partners documented 39 cases of prisoners with a health status not compatible with detention, mainly due to severe chronic or infectious diseases, with some in the final stage.

In these cases, EPLN has supported human rights defenders and law practitioners from the countries in collecting evidence, specifically copies of medical records and additional independent medical examinations necessary for launching legal proceedings and developing legal arguments for the domestic court and ECtHR.

**CASE ON ACCESS TO MEDICAL
RELEASE IN RUSSIA
FOR A PRISONER WITH
SERIOUS CHRONIC DISEASES**

The case concerns a female detainee who filed a petition to the court for release on medical grounds. In May 2020, the court ordered a medical examination of the convict, but no medical examination was organized by the prison administration. With the support of a local NGO, numerous complaints were filed in defense of the convict, and in March 2021 a medical examination was finally carried out. The med-

ical commission found no serious illness in the convict, which led the court, on this basis, to refuse to grant release. The detainee and her defenders filed an appeal and challenged the medical conclusion in court, arguing the improper composition of the medical commission. The court however refused to consider the statement of claim. EPLN pursues its legal support of the defenders in this case.

**CASE ON ACCESS TO MEDICAL
RELEASE FOR
A PRISONER SERVING A LIFE
SENTENCE IN UKRAINE**

The case concerns the release of convict Logvinenko for health reasons. Logvinenko, sentenced to life imprisonment, has two decisions of the ECtHR against Ukraine, in which conclusions were drawn about his improper medical treatment. In 2021, he applied to the national court for an exemption from further serving his sentence for health reasons. On June 14, 2021, the court of first

instance dismissed the applicant's petition without considering all of the applicant's arguments. EPLN supported him in the preparation of a legal position considering the practice of the ECtHR in appealing such decisions. On August 4, 2021, the court of appeals overturned the decisions of the court of first instance and sent the case back for a retrial. The case is still pending.

Advocacy campaign for the review of supervision methods by the Committee of Ministers on prison health system issues

The Committee of Ministers of the Council of Europe is responsible for monitoring the proper execution by states of the European Court of Human Rights Judgments against them. This mechanism is decisive to eliminate underlying causes of violations found by the Court, beyond the situation of the applicant. If this mechanism is deficient, ECtHR judgments may accumulate on a given issue, without changing the law and practice of the state concerned. The prison sector is the area in which so-called repetitive cases occur.

On October 27, 2020, the European Prison Litigation Network and its Ukrainian partner the Kharkiv Human Rights Protection Group submitted a lengthy and detailed [joint Rule 9 communication](#) in the so-called Nevmerzhitsky case group. The main aim of the communication was to separate the examination of cases concerning the lack of access to health care in prisons from those concerning the conditions of detention in Ukraine. [In its decision on December 3, 2020](#), the Committee of Ministers approved this position.

EPLN and KHPG successfully argued that looking at prison issues as a whole was irrelevant. Prison care reform is about different actors, responses and timeframes. They also demonstrated that the Committee of Ministers should review the level of priority given to health matters, as the state of prison health was described by the Council of Europe's Committee for the Prevention of Torture as life-threatening.

The case was added again to the agenda of the Committee of Ministers in June 2021. EPLN and KHPG submitted new observations on this occasion.

In 2021, EPLN and its Moldovan partner Promo-LEX decided to undertake the same approach to the supervision of cases against Moldova by the Committee of Ministers of the CoE.

Monitoring of ill-treatment and torture in Russian and Ukrainian prisons and the legal protection of victims

In 2021, EPLN worked to support prisoners' rights defenders in Russia and Ukraine who are monitoring ill-treatment and torture in places of detention and providing legal protection to victims.

Overall in 2021, 190 legal face-to-face or teleconsultations were provided to detainees or relatives of detainees based on received alerts to violations of their fundamental rights; 63 monitoring visits of prisons, penitentiary colonies, and pre-trial detention centres were carried out by lawyers, jurists, or accredited prison monitors, and

200 extrajudicial and judicial actions were undertaken by local defenders to address the reported and observed violations.

Complaints were addressed mostly to regional control organs and required investigation and protection measures for the victims. In fewer cases and depending on the readiness of victims to take action in court, complaints were addressed to local courts.

Additionally, EPLN partners have conducted 26 strategic litigation cases, nine of which are before the ECtHR. These disputes concern cases that provoke significant normative evolutions regarding structural problems.

Reprisal against prisoners who complain or protest against torture

In 2021, EPLN and its partners worked on several cases of reprisals against detainees who had complained or protested against torture practices and ill-treatment.

In the group of cases **Karabet group v. Ukraine, EPLN and its partner the Kharkiv Human Rights Protection Group have associated in a communication submitted to the Committee of Ministers.**

These cases concern principally large-scale violence perpetrated by special prison forces, an endemic problem in Ukraine despite repeated interventions by the Euro-

pean Court and the UN and Council of Europe committees against torture over the past 20 years.

Additionally, EPLN and the Kharkiv Human Rights Protection Group continue to defend the **20 victims of ill-treatment in Kharkiv Correctional Colony No. 25** that occurred at the end of 2020 and continued in early 2021. KHPG reiterated requests for proper investigation by the State Bureau of Investigation to no avail as the SBI closed the investigation. The battle was pursued in court.

Further, EPLN Ukrainian partners documented and, on May 6, 2021, forwarded to the CPT **26 cases of torture and other ill-treatment of detainees in retaliation for statements they had made to the European Committee during its visit in 2020**. They also appealed the Secretary General

of the Council of Europe, the UN High Commissioner for Human Rights, and invited the CPT to adopt a public statement on the issue.

Following our appeal, the mission of the UN High Commissioner for Human Rights visited Colony No. 25 on May

17, 2021 and reported reprisals against complainants and pressure on lawyers. While it did not make a public statement, the CPT has scheduled a visit to Ukraine in 2022, an unusually short time frame.

CASE OF CONVICT T. VICTIM OF REPRISAL AFTER HE REPORTED TO CPT

Convict T, detained in colony No. 100, Kharkiv region, was repeatedly tortured, which he reported to the CPT during their visit in 2020. After the publication of the CPT report, the applicant was persecuted by the prison staff by means of violence and repeated disciplinary sanctions. He was then transferred to Colony No. 77 and then to colony No. 25, the two other colonies

targeted by the CPT report. He was released in the summer of 2021. Together with the human rights NGO SICH, EPLN is defending the prisoner. In 2021 new elements were sent to the State Bureau of Investigation, in vain. Private medical expertise has been sought out, which will allow us to address a well-founded request to the European Court of Human Rights.

In Russia, EPLN continues to support its partners in filing of complaints to the ECtHR for the legal protection of victims of **violent repression in Colony IK-15 of Angarsk in Irkutsk region**. Since the repression, EPLN Partner has organised the provision of **legal assistance to 65 convicts** in exhausting national remedies to appeal against the use of force. One prisoner applied to the court in 2020 due to bodily harm inflicted during the repression and a lack

of proper medical care. In October 2021, a lawsuit was filed with the court seeking compensation for damage due to mental and physical suffering. This legal process is accompanied by active media reporting on the situation. In particular, the TV channel France 24 has devoted several reports to this subject.

Call for action by international organizations on the problem of torture in Russian prisons

The partners, and more broadly the Russian NGOs most authoritative on prison issues, [published on December 7, 2021 an article in the French newspaper Le Monde](#) calling on international governmental organisations and the Council of Europe to take the measure of the systemic nature of torture in Russian prisons.

EPLN has started preparing communications on the matter to be submitted to the Council of Europe and UN bodies in 2022.

Prisoners sentenced to life in Ukraine

On December 10, 2020, the European Court ruled on the application prepared by EPLN in the case **Panasenko vs. Ukraine**, finding that Ukraine is in violation of the prohibition of inhuman and degrading treatment due to the lack of a release mechanism for life-sentenced prisoners².

This judgment follows a quasi-pilot judgment in *Petukhov v. Ukraine* (no. 2). In this case EPLN and its partner Kharkiv Human Rights Protection Group submitted a Communication to the Committee of Ministers of the Council of Europe underlining the lack of possibility of conditional release of life in Ukraine and the detention regime applicable to them.

The case **Ivan Karpenko v. Ukraine** addresses the general prohibition on talking to fellow inmates imposed on life-sentenced prisoners in Ukraine. The ECtHR found that the prohibition of any life-sentenced prisoner from communicating with his fellow prisoners (apart from the one with whom he shares his cell) constituted inhumane treatment and found violations of Articles 3 and 13 of the Convention. EPLN argued the material aspect, and its Ukrainian partner, Ukrainian Helsinki Human Rights Union, argued the procedural aspect.

Strategic legal protection campaign to protect the prisoners' rights in the uncontrolled areas of eastern Ukraine

In 2021, EPLN worked on a strategic case concerning a civilian prisoner serving a life sentence in a colony under control of pro-Russian forces in the Luhansk region. The case *Skomorokhov v. Russia and Ukraine* relates to detention without any form of control, systematic violence, and a complete lack of medical care. Routine beatings by special forces, suffering due to the absence of contact with the outside world, and the lack of medical care led to the death of the person serving a life sentence.

Universal Periodic Review in Moldova

In Moldova, EPLN contributed to [the 2021 submission to](#) the Universal Periodic Review by its Moldovan partner PromoLEX on torture and ill-treatment in the frame of the human rights situation in Moldova.

² <http://hudoc.echr.coe.int/eng?i=001-206525>

EPLN developed a new advocacy strategy in 2021 aimed at strengthening the position of civil society organisations defending prisoners' rights in both the European Union and Council of Europe institutions. This strategy was launched in 2021 by a proactive geographical extension of the EPLN to five new EU countries and the inclusion in the network of nine new legal entities as members and associate partners of the network. All of these entities are national non-governmental organisations defending the fundamental rights of prisoners in their respective countries.

Dissemination of legal resources to prison law practitioners

To support its members and enhance the exchange and coordination of national civil society actors in their litigation and advocacy actions, EPLN has developed new legal resources for prison law practitioners.

EPLN published its round-up of the ECtHR case law on prison issues. [Five issues](#) were published in English in 2021.

EPLN has also launched a pilot issue of a new quarterly publication on the domestic legal developments in European prisons. The pilot issue covers from September to December 2021 and reports on the latest legal developments in prison law, such as domestic case law, legislation, and measures adopted by executive branches at the national level in France, Germany, Poland, Russia and Ukraine. [This publication](#) was disseminated in early 2022 in English as well as in the five national languages.

Both publications target law practitioners and CSO prisoners' rights defenders across Europe with the aim to:

- Inform CSOs and law practitioners in a timely and proactive manner of the most recent developments in prison law at the CoE level
- On a national level, enable CSOs and legal practitioners to duplicate litigation initiatives and to use foreign examples
- On the European level, enable CSOs and legal practitioners to better identify European trends to facilitate developments in European case law or alert European bodies

Coordinated campaign on 20 years of European Prison Law

On October 26, 2020, EPLN launched the advocacy campaign “20 years of European Prison Law”, with a broad coalition of former prisoners, human rights defenders, and academics. This campaign aims to jointly report on achievements of the case law and its effects by giving the floor to actors of the prison world across Europe: people in prison, activists, lawyers, prison staff, judges, and researchers who will analyse

the stakes of the recognition of prisoners’ rights, its results, its limits and future perspectives. The campaign also involves contributions from members of the European Court and relevant bodies of the Council of Europe, in particular the CPT.

The first chapter of the campaign “Kudla v. Poland, a step towards a common European law on detention” was released in early 2021.

Consultation of prisoners’ rights organisations around Europe

In 2021, EPLN consulted European CSOs working on prisons for the development of new research and advocacy avenues for the network for the next four years.

From May to September 2021, civil society organisations and law practitioners from 14 European Union countries were consulted on defining a strategy for three main avenues of advocacy action by the network, namely the

impact of European intervention on structural problems in prison, mechanisms of sentence adjustments, and the impact of deradicalisation programmes on the prison population’s fundamental rights.

In addition, an in-person seminar gathering 23 CSO representatives of the network was organized in Chisinau, Moldova in November 2021 to collectively assess the types of legal resources national law practitioners lack to strengthen their legal actions in priority areas for the protection of prisoners’ fundamental rights.

Seminar on prison health and ill-treatment in Chisinau, Moldova

In November 2021, EPLN gathered its partners and members from the **Prison Health and Rights Consortium** for a two day seminar to reflect on the **state of affairs and shortcomings of national law** in the target countries of the Consortium (Ukraine, Moldova, Georgia and Russia) on the basis of practice of community lawyers. Consortium members were invited to analyse care pathways of prisons, including legal and administrative hindrances and leverage in three typical situations for prisoners with health needs: **access of prisoners to specialised care in civilian hospitals, access to care and treatment for prisoners who use drugs, and access to medical release.**

During the workshop, EPLN and its partners also reflected on their **methodology and practices of evidence collection for litigation on prison health issues** and on the cooperation between community activists and professional lawyers in this matter.

A **public panel discussion on harm reduction in prison** was organised in a hybrid format in Moldova with the participation of a member of the Moldovan Council for the Prevention of Torture, a researcher from Yale University, an analyst from the NGO Harm Reduction International, and the head of the medical department of the Moldovan penitentiary system. The seminar aimed at learning lessons from the Moldovan experience of provision of harm reduction services in prison.

Finally, EPLN and its partners discussed **collective actions to keep the issue of prevention of ill-treatment and torture in prison on the agenda of European institutions.** Key actors in the field of litigation in Ukraine, France, Germany, Russia, Moldova, Georgia, Bulgaria, Poland, the United Kingdom and Italy and two social scientists from EHESS - Paris Nanterre University and Yale University participated in the debate.

2021 Revenue

Earmarked grants and donations	302,810
Other revenue	0
Financial income	0
TOTAL	€ 302,810

2021 Expenses per type of costs

Consultants	148,230	49 %
Financial aid to partners	105,028	34 %
Travel costs and meetings	17,275	6 %
Other purchase and expenses	33,358	11 %
Personal costs	259	
Depreciations and provisions	613	
Other expenses	392	
TOTAL	€ 305,155	100 %

2021 Expenses per thematic priority

Access to health care	196,882	65 %
Prison violence	97,629	32 %
Access to justice	7,284	2 %
Running costs	3,360	1 %
TOTAL	€ 305,155	100 %

L'Altro Diritto

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Prisoner's Advice Service

Promo LEX

Kosova Rehabilitation Centre for Torture Victims

Kharkiv Human Rights Protection Group

Ukraine without Torture

HIV AIDS Legal Network

Alliance for Ukrainian Unity

Bulgarian Association of Prisoners.

To our project partners:

the Eurasian Network of People who Use Drugs

UnMode – Community Movement for Access to Justice

European Federation for Prison Health – Health without Barriers

Harm Reduction International

Human Rights Center SICH

Ukrainian Helsinki Human Rights Union.

To our donors and supporters:

French Ministry of Foreign Affairs

Robert Carr Fund

German Federal Foreign Office

the Swiss representation of the Council of Europe

the General Council of Spanish Bars.

**Réseau Européen de Recherche et d'Action
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