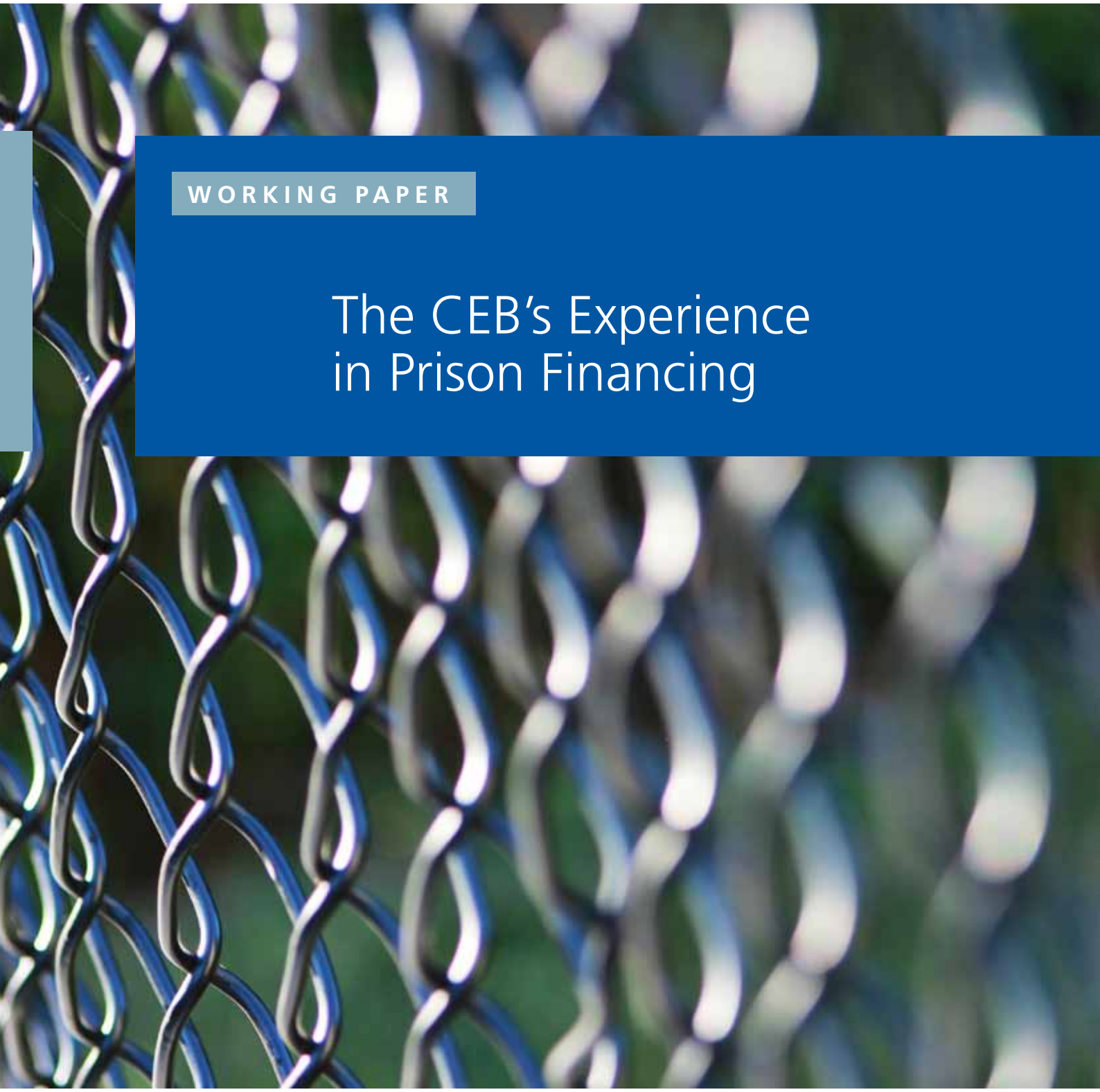
CEB
COUNCIL OF EUROPE DEVELOPMENT BANK
BANQUE DE DEVELOPPEMENT DU CONSEIL DE L'EUROPE



WORKING PAPER

The CEB's Experience in Prison Financing

SEPTEMBER 2014

DISCLAIMER

The findings, interpretations and conclusions expressed here are those of the authors and do not necessarily reflect those of the Organs of the Council of Europe Development Bank (CEB), who cannot guarantee the accuracy of the data included in the study.

The designations employed and the presentation of the material in this paper do not imply the expression of any opinion whatsoever on the part of the CEB concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

The working paper presents the CEB's activities in penitentiary infrastructure, i.e. prisons and other detention facilities, and excludes other types of infrastructure eligible for CEB financing under the sector of action "administrative and judicial public services" (e.g. fire/police stations, training centres and buildings connected to municipal/local/regional administrations).

ACKNOWLEDGEMENTS

The working paper was prepared by Lucia ATHENOSY (Senior Economist) and Viorica REVENCO (Economist), Corporate Responsibility & Studies Department, under the supervision of Jérôme HALB (Director of Corporate Responsibility & Studies Department, Deputy Director for European Cooperation & Strategy).

Contents

Introduction **3**

PART I: The CEB – Promoting the European Prison Rules **4**

1. The European Prison Rules – a CEB Investment Prerequisite 4
2. Poor Prison Conditions – a European Reality 6

PART II: The CEB in Prison Financing – A Unique and Diverse Approach **11**

1. Portfolio Profile 11
2. Diversity of Projects 15
3. Investment Features 17

Annex 1. The European Prison Rules - Background **26**

Abbreviations and acronyms

AC	Administrative Council
CEB	Council of Europe Development Bank
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
EPR	European Prison Rules
IPA	Instrument for Pre-Accession Assistance
IPF	Infrastructure Projects Facility
SCA	Spanish Social Cohesion Account
SDA	Social Dividend Account
SIDA	Swedish International Development Cooperation Agency
UN	United Nations
UNODC	The United Nations Office on Drugs and Crime
UNSMRs	The United Nations Standard Minimum Rules for the Treatment of Prisoners
WHO	World Health Organisation

Boxes

Box 1	CEB sectoral lines of action
Box 2	The state of prisons in CEB target countries in Central and Eastern Europe

Figures

FIGURE 1	Geographic distribution of active prison projects (2009 - mid-June 2014)
FIGURE 2	Diversity of active CEB prison projects, in € (2009 - mid-June 2014)

Tables

TABLE 1	Prison conditions in CEB member countries
TABLE 2	Active CEB-financed projects in penitentiary infrastructure (2009 - mid-June 2014)

Introduction

In CEB Member States, imprisonment is the most severe punishment available to any court, and prisons are accordingly an integral part of the criminal justice system. Prisons are also, from the very beginning of an offender's sentence, an essential tool for social reintegration. A number of key elements in prison life directly affect this reintegration process: the prison atmosphere and relationship between prisoners and staff; the openness of the prison to the outside world and its approach to security; healthcare and psychological support services; prisoners' access to education, vocational training and recreational and sports activities[1].

In reality, however, prison conditions and prisoners' well-being are seldom social and political priorities, despite the need for prisoners to be "treated with humanity and with respect for the inherent dignity" (the United Nations International Covenant on Civil and Political Rights, Article 10.1).

Across CEB member countries, many prisons were constructed in the nineteenth and twentieth centuries, when modern prison systems started to develop, and are now old and dilapidated. Prison population growth and overcrowding present additional major challenges for the justice systems and, in some cases, conditions verge on the inhuman or degrading. Moreover, public perceptions of what constitutes appropriate detention conditions and treatment of prisoners have evolved differently between Western and Eastern European countries.

The CEB, acting under the authority of the Council of Europe – a driving force for prison reform since the 1960s – has been active in modernising penitentiary infrastructure in its Member States since 2005, when the Council of Europe broadened the Bank's mandate to cover administrative and judicial public services.

What is specific to the CEB is that its financed projects must comply with the European Prison Rules adopted by the Council of Europe. These rules are recognised standards in the treatment of detainees and the management of detention facilities. The CEB is thus active in promoting a human rights approach to prison management, defending human dignity and opposing torture and inhuman or degrading treatment.

This working paper provides an overview of the CEB's role and added value in financing prison construction and rehabilitation, including technical assistance.

The paper comprises two main parts:

I. The CEB – Promoting the European Prison Rules

II. The CEB in Prison Financing – a Unique and Diverse Approach

Part I describes the evolution of the CEB's mandate in penitentiary infrastructure and gives the background to prison conditions throughout Europe.

Part II describes the CEB's experience in prison financing over the past decade. The project portfolio, illustrated by case studies, is analysed according to the types of penitentiary infrastructure financed, reflecting the diversity of the Bank's investments in this sector. The CEB's monitoring experience in such projects is also summarised with analysis of specific features of prison projects and the CEB's added value.

1 UNODC (2006), Custodial and non-custodial measures: social reintegration. Criminal justice assessment toolkit.

PART I

The CEB – Promoting the European Prison Rules

All CEB prison infrastructure projects must respect the principles of the Recommendations of the Committee of Ministers of the Council of Europe on the European Prison Rules[2], approved on 11 January 2006 at the 952nd Meeting of the Ministers' Deputies. These Rules establish minimum standards regarding prison staff, prisoners and pre-trial detainees.

1. The European Prison Rules – a CEB Investment Prerequisite

The CEB acts under the authority of the Council of Europe. A driving force for prison reform since the 1960s, the Council of Europe has unique experience in promoting more humane and socially effective prisons. In developing its role as a regional human rights body, the Council of Europe decided that the UN Standard Minimum Rules for the Treatment of Prisoners (UNSMRs)[3] should be reinforced at a regional level and given a European perspective. This led to the adoption of the European Standard Minimum Rules for the Treatment of Prisoners in 1973. These European Prison Rules were subsequently revised twice, in 1987 – R(87)3 – and in 2006 – Rec(2006)2 (Annex 1 presents background information on the European Prison Rules[4]).

The CEB requires that its financed projects in prison infrastructure respect the principles of the Recommendations of the European Prison Rules (EPR). The CEB thus promotes internationally accepted minimum standards for the treatment of untried and sentenced prisoners, defends human rights and human dignity and opposes torture and inhuman or degrading treatment. These Rules are to be applied impartially, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (EPR article 13).

By promoting the principles of the European Prison Rules, the CEB aims to prevent prison regimes and conditions from aggravating the suffering inherent in imprisonment (EPR 102.2). The prison sentence is in itself the sanction and constitutes a deprivation of the basic right to liberty. It does not entail the restriction of other human rights and fundamental freedoms, with the exception of those that are naturally restricted by the very fact of being in prison, such as freedom of movement.



2 Full text available at https://wcd.coe.int/ViewDoc.jsp?id=955747

3 The United Nations Standard Minimum Rules for the Treatment of Prisoners were adopted in 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. These standards, although not legally binding, are among the first instruments of this kind to be promulgated by the United Nations. Source: http://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoners.pdf

4 Hereinafter, when referring to the European Prison Rules, reference is made to Rec(2006)2.

Box 1. CEB Sectoral Lines of Action

Set up by the Committee of Ministers of the Council of Europe in 1956, the CEB is the oldest IFI and the sole development bank with an exclusive social vocation in Europe.

On 16 and 17 May 2005, the Warsaw Action Plan of the Third Summit of Heads of State and Government of the Council of Europe broadened the CEB's role "to also facilitate the implementation of policies which aim at the consolidation of democracy, the promotion of the rule of law and respect for human rights, notably in the field of training of magistrates, civil servants and other participants in public life, as well as in the organisation, operation and infrastructure of administrative and judicial public services" (Point 1.5).

Following the Administrative Council Resolution 1495 (2006), the sector of action "infrastructure of administrative and judicial public services" was included within the CEB's sectoral line of action "strengthening social integration". In 2009, Resolution 1522, which revised the CEB's sectoral lines of action, included "infrastructure of administrative and judicial public services" as part of the sectoral line of action "supporting public infrastructure with a social vocation", which also contains "health" and "education and vocational training".

Sectoral lines of action	Sectors of action
Strengthening social integration	• Aid to refugees, migrants and displaced persons • Housing for low-income persons • Improvement of living conditions in urban and rural areas
Managing the environment	• Natural or ecological disasters • Protection of the environment • Protection and rehabilitation of historic and cultural heritage
Supporting public infrastructure with a social vocation	• Health • Education and vocational training • **Infrastructure of administrative and judicial public services**
Supporting micro-, small and medium-sized enterprises (MSMEs)	• Creation and preservation of viable jobs

2. Poor Prison Conditions – a European Reality

The European Prison Rules state that the enforcement of custodial sentences and treatment of prisoners necessitate taking account of the requirements of safety, security and discipline while also ensuring prison conditions which do not infringe upon human dignity and which offer meaningful occupational activities and treatment programmes to inmates, thus preparing them for their reintegration into society (EPR introduction).

Nevertheless, poor prison conditions have been and remain a global and European reality. On the one hand, this is due to a significant number of old buildings used as prisons, generally constructed between the middle of the nineteenth and twentieth centuries, when modern prison systems started to develop. However, prisons do not exist in a vacuum[5]. They are part of the broader criminal justice system. Consequently, prison conditions also reflect the judiciary and prosecution services, political decisions on sentencing and prison alternatives, legislation affecting the management of prison systems, and general socio-economic developments in a country or region. In this sense, poor prison conditions, although a general problem, are observed at varying degrees across Europe, with prison systems in some countries and/or regions raising more concerns than others.

Prison overcrowding is a major issue in most CEB member countries and, according to the reports by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), even in those that claim to have sufficient capacity for their prison population. Overcrowding has severe implications not only for personal space, but also for cooking resources, water, sanitation, hygiene and habitat. It can also affect rehabilitation programmes such as work, education or space available for visits. Overcrowding thus exacerbates conditions not only for prisoners but also for prison staff. In Central and Eastern European countries, overcrowding, combined with old and dilapidated institutions, prevents many prison systems from meeting the European Prison Rules minimum standards (see Box 2). Indeed, in some of these countries, severe overcrowding and poor sanitation and hygiene are verging on inhuman and degrading treatment.

An ominous consequence of poor prison conditions is their impact on the health of prisoners and prison staff. On entry to prison, prisoners are likely to have existing health problems as they predominantly come from socio-economically deprived populations, with minimal access to adequate health services. In overcrowded prisons, where nutrition may be poor, sanitation inadequate and access to fresh air and exercise often unavailable, detainees' health tends to further deteriorate. The United Nations Office on Drugs and Crime (UNODC) lists psychiatric disorders, HIV infection, tuberculosis (TB), hepatitis B and C, sexually transmitted diseases, skin diseases, malaria, malnutrition, diarrhoea and injuries, including self-mutilation, as the main causes of morbidity and mortality in prison. Prison staff are also vulnerable to most of the diseases of which prisoners are at risk.[6]

5 Council of Europe (2006), European Prison Rules

6 UNODC (2014), Why promote prison reform? http://www.unodc.org/unodc/en/justice-and-prison-reform/prison-reform-and-alternatives-to-imprisonment.html, accessed on 15.04.2014

Non-compliance with minimum standards thus has serious implications for prisoners, their rehabilitation and, where pertinent, subsequent reintegration. This also affects prison staff and society as a whole[6]:

- Former prisoners, when released, often have no prospects for employment. Consequently, they are subject to socio-economic exclusion and to an endless cycle of poverty, marginalisation, criminality and imprisonment. In this sense, imprisonment contributes directly to the impoverishment of prisoners, of their families (with a significant cross-generational effect) and of society by creating future victims and reducing potential economic performance.
- Prison health is a matter of public health as the vast majority of people committed to prison eventually return to the wider society.
- Imprisonment can disrupt the family structure. In fact, mass imprisonment produces deep social transformations by reshaping families and communities across generations.

Given these social implications, the CEB has played an active role in prison financing and thus actively promoted the European Prison Rules, particularly in its target countries in Central and Eastern Europe.

TABLE 1. PRISON CONDITIONS IN CEB MEMBER COUNTRIES

	Prison population total (including pre-trial detainees / remand prisoners)	**Prison population rate** (per 100,000 of national population)	**Pre-trial detainees / remand prisoners** (% of prison population)	**Female prisoners** (% of prison population)	**Juveniles / minors / young prisoners incl. definition** (% of prison population)	**Foreign prisoners** (% of prison population)	**Number of establishments / institutions**	**Official capacity of prison system**	**Occupancy level (based on official capacity)**
Albania	4 505	158	39.4%	1.8%	2.1%	1.4%	21	4 537	99.3%
Belgium	12 126	108	31.8%	4.3%	0.7%	44.2%	33	9 351	124.4%
Bosnia and Herzegovina									
- Federation	1 883	80	15.9%	2.9%	0.5%	2.3%	8	1 844	102.1%
- Republika Srpska	1 003	72	9.6%	1.4%	1.2%	2.9%	6	1 386	72.4%
Bulgaria	10 996	151	21.1%	3.2%	0.9%	2.0%	55	10 636	103.4%
Croatia	4 741	108	17.3%	4.9%	1.1%	5.7%	23	3 771	125.7%
Cyprus	905	106	38.1%	7.6%	0.6%	53.8%	1	658	137.5%
Czech Republic	17 018	162	12.5%	5.9%	0.7%	9.1%	35	20 735	82.1%
Denmark	4 091	73	33.8%	4.6%	0.2%	26.8%	52	4 151	98.6%
Estonia	3 036	230	19.6%	4.8%	1.1%	39.9%	4	3 532	92.8%
Finland	3 134	58	19.3%	7.2%	0.2%	14.5%	30	3 089	96.9%
France	67 050	100	25.4%	3.3%	1.1%	17.5%	190	57 390	116.8%
Georgia	9 085	200	13.9%	3.3%	0.9%	1.9%	13	25 354	35.0%
Germany	63 317	77	16.7%	5.8%	3.0%	27.1%	186	76 843	82.4%
Greece	12 479	111	34.1%	4.5%	4.7%	63.2%	33	9 223	136.5%
Hungary	18 388	186	26.9%	7.6%	2.8%	3.5%	33	12 639	145.1%
Iceland	152	47	8.4%	3.2%	0.6%	15.8%	5	165	93.3%
Ireland	4 086	89	13.5%	4.0%	0.3%	14.3%	14	4 224	96.7%

Italy	60 828	101	36.6%	4.3%	0.7%	34.3%	222	47 857	127.1%
Kosovo	1 691	93	38.7%	2.8%	2.7%	n,a,	10	2 000	84.6%
Latvia	6 117	304	31.4%	6.8%	0.9%	1.3%	12	7 970	76.8%
Liechtenstein	9	24	38.5%	0.0%	0.0%	69.2%	1	20	45.0%
Lithuania	9 729	329	12.1%	4.5%	1.2%	1.2%	15	9 399	103.5%
Luxembourg	717	131	41.6%	4.6%	0.7%	72.2%	2	711	100.8%
Malta	610	145	30.4%	6.4%	0.7%	40.3%	1	444	133.6%
Montenegro	1 297	208	29.1%	2.1%	0.0%	11.4%	3	1 100	117.9%
Netherlands	13 749	82	40.9%	5.8%	1.7%	24.6%	85	16 484	83.4%
Norway	3 649	72	28.7%	5.1%	0.1%	34.0%	42	3 803	96.0%
Poland	80 129	208	8.4%	3.3%	0.7%	0.6%	215	87 058	91.9%
Portugal	14 392	138	17.5%	5.9%	0.4%	18.1%	49	12 167	117.0%
Republic of Moldova	6 666	187	18.9%	6.2%	0.1%	1.6%	17	7 844	85.0%
Romania	33 009	166	9.3%	4.7%	1.4%	0.6%	45	28 934	115.3%
San Marino	2	n.a.	0.0%	0.0%	0.0%	0.0%	1	12	16.7%
Serbia	10 226	142	24.8%	3.8%	0.7%	2.2%	28	7 000	158.5%
Slovak Republic	10 017	185	14.0%	6.3%	1.2%	2.0%	18	11 302	88.6%
Slovenia	1 357	66	16.1%	4.7%	0.7%	10.7%	7	1 293	104.9%
Spain	66 783	144	13.6%	7.6%	0.0%	31.4%	82	77 955	88.0%
Sweden	6 364	67	23.8%	5.8%	0.2%	30.5%	82	7 046	90.3%
Switzerland	7 072	87	40.6%	5.2%	0.4%	74.3%	110	7 048	100.3%
“the former Yugoslav Republic of Macedonia”	2 515	122	12.8%	2.6%	1.1%	6.0%	13	2 395	105.0%
Turkey	151 312	197	16.7%	3.6%	1.2%	1.8%	374	147 304	89.4%

Source: CEB table based on data collected from the World Prison Brief, Europe. The table contains latest available data, ranging from 2011 to 2014, as accessed on the website on 4 April 2014: http://www.prisonstudies.org/. According to the website, information is updated on a monthly basis.

Highlighted countries are the CEB’s target countries in Central, Eastern and South-Eastern Europe.

Box 2. The state of prisons in CEB target countries in Central and Eastern Europe

Rule 1 of the European Prison Rules states that "all persons deprived of their liberty shall be treated with respect for their human rights". However, in Central and Eastern Europe, in many cases this Basic Principle is not adhered to: accommodation is often old and dilapidated, hygiene and security are poor, and recreation, exercise and contact with the outside world are limited. In addition, the following issues are often observed in the prison systems across these countries:

Increasing size of prison populations. Prison populations have been rising over recent years in many countries. According to the World Prison Population List (2010)[7], while the median prison population rate for western European countries is 98 per 100,000 inhabitants, for CEB target countries this figure is 162. All target countries exceed the rest of Europe except for Slovenia (66), Bosnia and Herzegovina (72-80) and Kosovo (93). However, even in Slovenia and Bosnia and Herzegovina, overcrowding is an issue that has been observed.

Prison overcrowding (based on the official capacity of prison systems). The capacity of prison services has not, in general, kept pace with prison population inflation. In CEB target countries, the occupancy level ranges from 72% to 159%, with the single exception of Georgia (35%). For comparison, the median for CEB non-target countries is 96.7%. In 11 of the 22 target countries, prison population exceeds capacity, i.e. the occupancy level is above 100% (see Table 1). However, these statistics do not take into account that in some countries the space allowance is inferior to the CPT norm of least 4m^2 of living accommodation per prisoner. Even in Georgia, where the average occupancy level is relatively low[8], sanitary conditions and overcrowding in some penitentiaries were qualified as sufficiently poor to amount to inhuman and degrading treatment.[9]

Inadequate healthcare provision. Overcrowding and old buildings (e.g. poor heating, lighting and ventilation systems) constitute a threat to health and healthcare provision in prison systems. Overcrowding is an obvious cause of, or contributing factor to, many health problems, most notably communicable diseases (e.g. tuberculosis and HIV/AIDS) and mental health issues (e.g. personality disorders), including the use of psychoactive substances (e.g. drug dependency). Understaffing and limited resources are also major healthcare issues. For example, in Bulgaria, CPT deemed the provision of healthcare problematic due to an extreme shortage of staff and resources[10] (2013).

Since the early 1990s, TB outbreaks in prisons have been reported in many countries in Eastern Europe, and TB strains transmitted in prisons are more likely to be drug-resistant or associated with HIV co-infection. Severe cases may be found in Georgia and the Republic of Moldova, where tuberculosis is a major health issue in prisons[11].

While HIV/AIDS is a serious problem for prison populations throughout Europe, the situation is more acute in Central and Eastern Europe. According to the WHO, in most countries of the European Region, HIV infection rates are many times higher in prisoners than in the population at large, with high rates reported even in some Western European countries, such as Portugal (11% in 2000). Nevertheless, Western countries generally introduced successful prevention measures targeting injection drug users (IDUs) early in the epidemics, which have partly contributed to HIV prevalence rates among prisoners being typically less than 1%. However, in Central and Eastern Europe the situation is more precarious, with some countries reporting rates greater than 10%, such as Estonia (9% to 90% at the various prisons), Lithuania (Altyus Prison 15%), Romania (13% overall) and Slovak Republic (0% to 34%).[12]

7 The latest at the time of writing (published in 2013).

8 The low occupancy level in Georgia can be explained by a recent policy change that resulted in a decrease in the prison population from more than twenty thousand to below ten thousand.

9 US Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2012: Georgia. http://www.state.gov/j/drl/rls/hrrpt/2012humanrightsreport/index.htm?year=2012&dlid=204287#wrapper, accessed on 14.04.2014

10 CPT (2013), 23rd General Report of the CPT: 1 August 2012 – 31 July 2013

11 WHO (2014), Data and statistics, http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/data-and-statistics, accessed on 15.04.2014

12 WHO (2014), HIV in prisons, http://www.euro.who.int/en/health-topics/communicable-diseases/hivaids/policy/policy-guidance-for-key-populations-most-at-risk2/hiv-in-prisons, accessed on 15.04.2014.

PART II

The CEB in Prison Financing – A Unique and Diverse Approach

The CEB's experience in financing penitentiary infrastructure projects dates back to 2005, when the Bank's mandate was extended to include this sector. In this part of the paper, the CEB project portfolio is described, illustrated by examples and analysed according to the types of penitentiary infrastructure financed, highlighting not only the unique nature but also the diversity of the Bank's investments in this sector.

1. Portfolio Profile

Scope of action

Prison financing is part of the CEB's sector of action "infrastructure and judicial public services". Under this sector, the CEB finances projects for the construction or rehabilitation of infrastructure and for the conversion of buildings into premises intended for public service use.

Projects in this sector exclusively concern buildings intended for national, regional or local governments, or for technical agencies in which such bodies have a majority interest and related infrastructure. In addition to penitentiary infrastructure (the scope of this working paper), other projects in this sector of action may include fire/police stations, training centres or buildings connected to municipal/local/regional administrations. In addition, the CEB can provide technical assistance to the authorities in the preparation and implementation phases of construction and rehabilitation of prison facilities. Bank support may also cover training of specialised staff and work and education rehabilitation programmes. As described in Part I, CEB-financed projects in prison infrastructure must respect the principles of the Recommendations of the European Prison Rules.

Amounts approved

It was in 2009[13] that the CEB first started its investment in prison financing, with the high-security state prison in Bosnia and Herzegovina.

As at mid-June 2014, the CEB had approved eleven projects with a value of around € 462 million in loans to finance penitentiary infrastructure in its Member States[14].

Eight projects accounting for € 227 million are active to date[15] (see Table 2). These projects aim to benefit thirteen prisons (see Case Studies 1 to 4).

13 It was however in 2007 that the CEB first started its investment in the sector of action "infrastructure and judicial public services", within the multi-sector programmes in Poland and Slovenia. Source: CEB (2012), Financing Social Projects in CEB Target Countries: Achievements and Challenges.

14 **Albania, Bosnia and Herzegovina**, Belgium, **Bulgaria, Croatia, Cyprus, the Czech Republic**, Denmark, **Estonia**, Finland, France, **Georgia**, Germany, Greece, Holy See, **Hungary**, Iceland, Ireland, Italy, **Kosovo, Latvia, Lithuania**, Liechtenstein, Luxembourg, **Malta**, **Republic of Moldova, Montenegro,** Netherlands, Norway, **Poland**, Portugal, **Romania**, San Marino, **Serbia, Slovak Republic, Slovenia**, Spain, Sweden, Switzerland, "**the former Yugoslav Republic of Macedonia"** and **Turkey**. Countries in bold are the CEB's target countries in Central, Eastern and South-Eastern Europe.

15 Three projects in the amount of € 235 million in Ireland, Georgia and Croatia have been cancelled by the borrowers. The key reasons for cancellation were limited fiscal space and re-prioritisation. (1) Ireland – CEB loan of € 125 million for constructing Thornton Hall Prison cancelled by the Irish National Development Finance Agency in June 2012. (2) Georgia – CEB loan of € 60 million for constructing Laituri Prison cancelled by the Ministry of Finance in September 2012. (3) Croatia – CEB loan of € 50 million for constructing Sibenik Penitentiary Complex cancelled by the Ministry of Finance in April 2014.

TABLE 2: ACTIVE CEB-FINANCED PROJECTS IN PENITENTIARY INFRASTRUCTURE (2009 - MID-JUNE 2014)

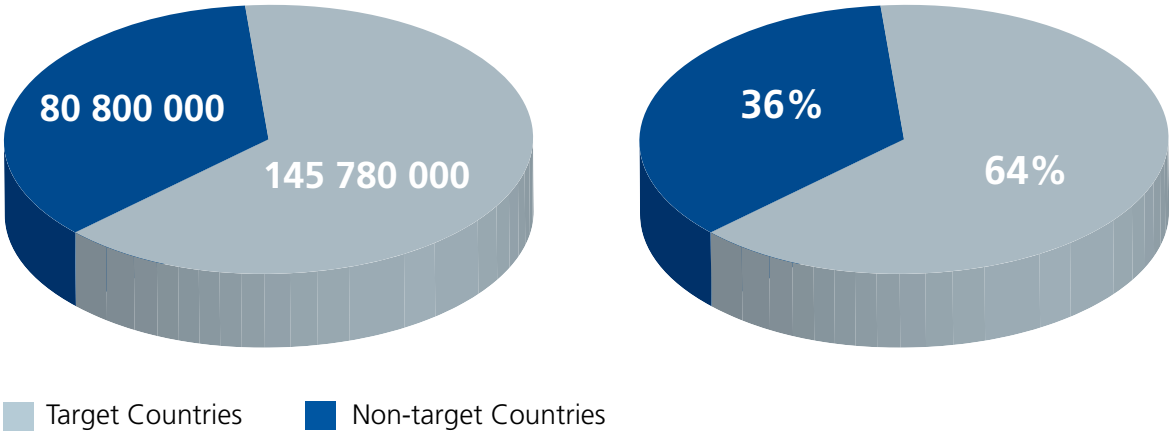
Country	Year of approval	Amount approved (in €)	Technical Assistance		Interest Rate	Investment Grants	Borrower	Project objectives
CEB TARGET COUNTRIES								
Bosnia and Herzegovina	2009	19 300 000	EU € 1.7M SDA € 180K US Grant € 0.8M ($ 1.1M) CEB Budget € 178K		SDA € 2M	EU € 10.9M SIDA € 2M (SEK 10M)	Ministry of Finance	Constructing the First High-Security State Prison
Croatia	2010	6 480 000	CEB Consultancy Budget € 34K				Ministry of Finance	Extending and Rehabilitating Zagreb Prison
Republic of Moldova	2013	39 000 000	SDA € 1M SCA € 125K				Ministry of Finance	Constructing Chisinau Pre-Trial Detention Centre
Serbia	2012	18 000 000	WBIF € 0.7M	WBIF € 110K			Ministry of Finance	Constructing and Equipping a New Prison Facility in Pancevo
	2012	17 000 000	WBIF € 0.7M				Ministry of Finance	Constructing and Equipping a New High-Security Prison Facility in Kragujevac
"the former Yugoslav Republic of Macedonia"	2010	46 000 000	WBIF € 3.4M				Ministry of Finance	Reconstructing Idrizovo and Skopje Prisons Constructing Kumanovo Prison and Tetovo Juvenile Correctional Facility
CEB NON-TARGET COUNTRIES								
France	2014	39 800 000					Société Générale	Constructing two prisons in Valence and Riom
Ireland	2013	41 000 000					National Treasury Management Agency	Constructing Cork Prison and the National Children's Detention Facility

Geographic distribution

CEB prison financing has been concentrated in the Bank's target countries with around € 146 million worth of active loans approved in Central and Eastern European countries, representing 64% of the total portfolio (see Figure 1). When cancelled projects are taken into consideration, the financing share remains in favour of target countries, although at a slightly lower ratio of 55%.

This geographic focus reflects the CEB's commitment to helping EU candidate countries progress towards meeting key accession criteria in terms of rule of law and human rights. Adoption and implementation of the EU acquis covering 35 different policy fields, including Chapter 23 on Judiciary and Fundamental Rights, are the basis for EU accession negotiations.

FIGURE 1: GEOGRAPHIC DISTRIBUTION OF ACTIVE CEB PRISON PROJECTS (2009 - MID-JUNE 2014) IN € (LEFT PANEL) AND IN % (RIGHT PANEL)



Distribution channels

In financing penitentiary infrastructure projects, the CEB has mainly operated with central governments, the Ministry of Finance acting as the borrower and the Ministry of Justice normally acting as the implementing agency.

- In target countries, all projects are contracted through the Ministries of Finance.
- In Ireland, the active project is co-financed with the National Treasury Management Agency, a state body which operates with a commercial remit to provide asset and liability management services to the Irish government. The cancelled project was contracted with the National Development Finance Agency, the statutory financial advisor to State authorities on public investment projects with a capital value over € 20 million.
- Only in France is CEB financing channelled through a private institution, Société Générale (SG). Nevertheless, even in this case, this project is part of a public programme, launched by the Ministry of Justice in 2011 and designed under a public-private partnership scheme.

Grant assistance

In target countries, all prison projects received additional support in the form of grants, mainly for technical assistance, amounting € 23.1 million as of mid-2014. Of this total, around € 3.7 million was channelled from the CEB, € 16.6 million from the EU IPA, including the Western Balkans Investment Framework (WBIF), and € 2.8 million from the Swedish International Development Cooperation Agency (SIDA) and the US (see also Table 2).

- A number of projects in CEB target countries received grants from the CEB's Social Dividend Account (SDA), the CEB's fiduciary account, such as the Spanish Social Cohesion Account (SCA) and the CEB's consultancy budget:
  - In Bosnia and Herzegovina, a total of € 2 million was allocated under SDA in the form of interest rate subsidies. An additional € 180,000 was provided for technical assistance. The CEB further paid or allocated € 178,000 for technical assistance from its own funds to assist the project implementation unit and outsource technical services.
  - In the Republic of Moldova, a total of € 1 million was allocated under SDA in the form of technical assistance. An additional € 125,000 was allocated under SCA.
  - € 160,000 was allocated under SCA in favour of the Laituri Prison in Georgia, one of the projects that was approved and later cancelled.
  - € 34,000 was sourced from the CEB's consultancy budget in favour of the Zagreb prison project in Croatia.
- Several projects, namely in "the former Yugoslav Republic of Macedonia" and Serbia, received technical assistance worth € 4.9 million under the WBIF. An additional € 0.8 million was approved under the WBIF for the cancelled Sibenik prison project in Croatia. Of this amount, € 120,000 was used and the remaining € 680,000 was cancelled due to the Government's decision in December 2012 to end technical assistance activities.
- In Bosnia and Herzegovina, the project received € 10.9 million from the EU under IPA, of which € 9.2 million in investment grants, € 2.0 million from the SIDA as an investment grant and € 0.8 million from the US as technical assistance.

The CEB also provides technical assistance for countries in setting up projects to be considered for approval. For example, the preparation stages of a prison construction in Montenegro are benefitting from a grant under SCA worth € 115,000.

2. Diversity of Projects

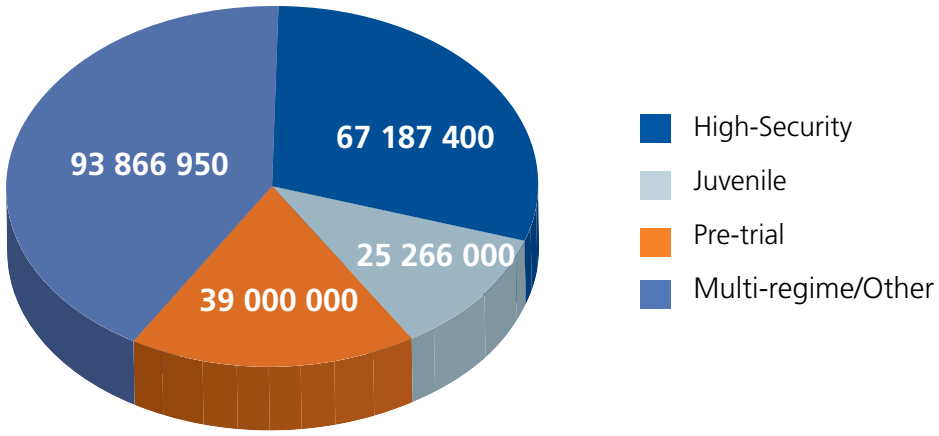
What is specific to CEB prison financing – in addition to this activity being part of its official mandate – is the wide spectrum of projects financed[16], covering various types of penitentiary institution such as high-security prisons, juvenile correction facilities, pre-trial detention centres and other types of regime.

In this sense, the CEB supports the efforts of its Member States to abide by the requirements of safety, security and appropriate regimes for all categories of prisoners according to which, to the extent possible, due account must be taken of the need:

- to separate untried prisoners from sentenced prisoners;
- to detain male prisoners separately from female prisoners;
- to keep young adult prisoners separate from older prisoners (EPR 18.8).

For example, the regime for untried prisoners may not be influenced by the possibility that they may be convicted of a criminal offence in the future (EPR 95.1). The regime for sentenced prisoners must be designed to enable them to lead a responsible and crime-free life (EPR 102.1).

FIGURE 2: DIVERSITY OF ACTIVE CEB PRISON PROJECTS, IN € (2009 - MID-JUNE 2014)



€	High-Security Case Study 1	Juvenile Case Study 2	Pre-trial Case Study 3	Multi-regime/Other Case Study 4
Bosnia and Herzegovina	19 300 000			
Croatia				6 480 000
France				39 800 000
Ireland		22 720 000		18 280 000
Republic of Moldova			39 000 000	
Serbia	17 000 000			18 000 000
"the former Yugoslav Republic of Macedonia"	30 887 400	2 546 000		11 306 950
TOTAL	67 187 400	25 266 000	39 000 000	93 866 950

Note: In the case of "the former Yugoslav Republic of Macedonia", the figures reflect the estimated costs per penitentiary as described in the feasibility report, covering work, services and supplies costs. Estimated costs are lower than the CEB's loan by € 1.3 million.

16 At the time of writing, the projects in "the former Yugoslav Republic of Macedonia" and Ireland had received a first tranche. In Croatia, Serbia and the Republic of Moldova, the projects were at an early design stage. In Bosnia and Herzegovina, the work contract was signed in June 2014 and the project is in the disbursement phase (grants and loan). The loan is expected to be fully disbursed in the following two years.

However, prison overcrowding, dilapidated buildings and inadequate living and sanitary conditions are key reasons for many countries not being able to meet these EPR requirements (see Box 2). This is sometimes the case in Western European countries, where the majority of prisons meet international standards. Constructing new buildings, and extending and modernising the existing ones – the major scope of CEB prison financing – enable these issues to be addressed and the prison systems in the Bank's member countries to be brought closer to the European Prison Rules.

3. Investment Features

The CEB has been closely involved in its prison investments throughout the entire project cycle. The particular focus on the project preparation phase is, however, a recent development, which has required significant involvement from the Bank's small number of banking and technical staff. This approach reflects the CEB's commitment to quality and social added value, and when it comes to prison investments, the Bank's responsibility as a segment leader and sole IFI financier to date in its countries of operations.

Prison project complexities

The CEB's experience has shown that prison projects have certain unique characteristics and complexities when compared with other social infrastructure projects:

- It is often the case that a country's initial assessment of needs is not sufficiently comprehensive. Available information may be limited to the number and type of inmates. Projections for short, medium or long-term requirements are not defined according to imprisonment trends or prison operational practices; they focus rather on the number of prisoners. This may result in a facility which does not meet the actual needs of a functioning judicial system.
- Their design and implementation require very specific technical expertise. This expertise is crucial when applying modern standards in the areas of security and prisoner welfare. In the CEB's target countries, such expertise may be very limited or largely unavailable in cases where no prisons have been recently constructed or where prisons have been designed following different standards.

The CEB's added value

The Bank's monitoring capacity and specialised know-how are essential to ensuring that the prison facilities which the CEB supports reflect best international practices and meet the requisite standards on prisoner welfare and human rights.

Given the complexities associated with prison infrastructure projects, the CEB's direct support and technical assistance brings particular added value in the following areas:

- Sourcing funding for technical assistance

  As the necessary expertise may well be lacking in smaller European countries, particularly in the CEB's target countries, technical assistance is needed at the design stage, for example, to conduct realistic cost assessments and develop operational plans.

- Monitoring project preparation

  The CEB monitors the project's overall coherence, including operational and maintenance plans, and ensures that designs include EPR recommendations. For example, the Bank verifies whether designs incorporate appropriate security standards (see below).

  In addition, the CEB monitors adherence to international best practices through procurement review and monitoring activities throughout the entire project cycle.

- **Encouraging rehabilitation programmes and staff training**

  Features such as education and training programmes for inmates are not normally included in the feasibility report or preliminary design produced by the country. It is thus necessary to encourage the authorities to include additional components in prison design aimed at facilitating prisoners' reintegration into society.

  Existing prison staff will usually have no prior experience with new approaches and systems and will require specialised training.

- **Promoting prisoner welfare standards**

  Socially, it is sometimes challenging, particularly in CEB target countries, to accept that minimum compliance with basic Western European prison standards or with the European Prison Rules, results in a facility providing a higher standard of accommodation than average local housing conditions. Against this backdrop, a major challenge is to advocate for construction/renovation of facilities that meet prisoners' broader accommodation and rehabilitation needs.

  The CEB also ensures that health-related needs are adequately addressed by reviewing suggested solutions and sourcing technical assistance to ensure that a health component is included.

- **Incorporating security standards**

  As security elements have a significant impact on prison design, early input from a security consultant is essential. Major design changes at an advanced stage entail substantial costs and delays.

  The implementation phase becomes all the more critical to ensure that the technical specifications have been adhered to. It is important, for example, to check that illicit storage places or self-harm devices, eliminated from the design, are not introduced at the construction stage.

CASE STUDY 1. HIGH-SECURITY PRISONS

THE FIRST HIGH-SECURITY STATE PRISON IN BOSNIA AND HERZEGOVINA (2009)

Objective: the construction and commissioning of the country's first high-security state prison. The prison is intended to serve the needs of the State Court of Bosnia and Herzegovina.

Beneficiaries: 350 pre-trial detainees and post-trial inmates: 298 convicts and 50 pre-trial detainees (male prisoners). A total of 298 cells are allotted for present and future convicts serving their sentences in Bosnia and Herzegovina Entity prisons and elsewhere in Europe, and 50 places are allotted for future detainees under trial.

CEB support:

- Loan of € 19.3 million, covering 49% of the total cost of € 39.6 million.
- Grants through the Social Dividend Account: (i) € 2 million in the form of interest rate subsidies and (ii) € 180,000 in the form of technical assistance.
- Additional € 178,000 for technical assistance from the CEB's own funds to assist the project implementation unit and outsource technical services.

The project received additional support in the form of (i) investment grants of € 11.2 million from the EU and the Swedish International Development Cooperation Agency (SIDA) and (ii) technical assistance grants of € 2.5 million from the EU and the US.

The validity of the CEB's loan, approved in 2009, was extended until 31 December 2016. Many factors, mostly of a political and structural nature at the country level, have had an effect on project development, such as delayed internal approval procedures. Lack of management continuity at the project implementation unit level caused additional delays.

The main works commenced in August 2014 and are to be completed by July 2016. The project's staffing and training segment will commence and move along with the construction phase. This segment is funded by a US grant and is being implemented by the Council of Europe. Under the best case scenario, the facility is expected to be fully operational by December 2016.

PENAL CORRECTIONAL FACILITY IN "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" (2010)

Objective: the reconstruction and refurbishment of the Idrizovo Penal Correctional Facility, a closed-type institution with high-level security. The institution is the only facility in "the former Yugoslav Republic of Macedonia" that accommodates prisoners serving a life sentence.

Beneficiaries: up to 1,510 inmates: (i) male inmates sentenced to more than three years and recidivists with prison sentences longer than six months and (ii) sentenced females and sentenced female juveniles, regardless of length of sentence. There is also an open and semi-open section.

CEB support:

The financing of this sub-project is part of a larger CEB project in "the former Yugoslav Republic of Macedonia" that has the objective of rehabilitating and (re)constructing four penitentiary institutions:

- Idrizovo
- Tetovo – see Case Study 2
- Kumanovo and Skopje – see Case Study 4

The total CEB loan is € 46 million, covering 88% of the total cost of € 52 million, as follows:

THE FINANCING PLAN, IN € MILLION:

CEB	**46.0**
Borrower Government	**2.5**
EU-IPA 2009	**1.1**
EU-IPA 2010	**1.5**
EU-IPF	**0.5**
Government of Norway	**0.4**
Total	**52.0**

This project will cover approximately 71% of the country's present total inmate population and will increase prison capacity by 28%.

The four sub-projects received grant support of € 3.4 million for technical assistance under the Western Balkans Investment Framework.

For the Idrizovo sub-project, designs are completed, civil works tenders launched and contracts awarded. The construction works started at the beginning of 2014.

HIGH-SECURITY PRISON IN SERBIA (2012)

Objective: the construction and equipment of a new high-security prison facility in Kragujevac with a capacity of 400 inmates who will be serving sentences of five years or more.

CEB loan: € 17 million, covering up to 59% of the total cost of € 29 million.

The project received grant support of € 0.7 million for technical assistance under the Western Balkans Investment Framework.

This project is part of a larger CEB-financed project that also includes the construction and equipment of a new prison facility in Pančevo (see Case Study 4). The two projects received additional grant support of € 110,000 for technical assistance under the Western Balkans Investment Framework.

The two projects are part of the "Modernisation of Prison Facilities" Programme designed to support the Serbian Ministry of Justice's Penal Reform Strategy (2006). The Programme involves a series of projects and policies aimed at alleviating prison overcrowding and improving the inmates' living, safety and hygiene conditions by carrying out renovations and building new facilities as well as improving security and safety systems.

CASE STUDY 2. JUVENILE CORRECTIONAL FACILITIES

JUVENILE EDUCATIONAL CORRECTIONAL FACILITY FOR MALE OFFENDERS IN "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" (2010)

Objective: the construction of a new Juvenile Educational Correctional Facility in the Municipality of Brvenica, 21 km from Tetovo and 65 km from Skopje. It will be the only educational correctional institution for male juvenile offenders.

Beneficiaries: between 90 and 100 juvenile inmates.

CEB support: the financing of this sub-project is part of a larger CEB project in "the former Yugoslav Republic of Macedonia" covering four penal and educational correctional facilities. The total CEB loan is € 46 million, covering 88% of the total cost of € 52 million (see Case Study 1).

The four sub-projects received grant support of € 3.4 million for technical assistance under the Western Balkans Investment Framework.

The premises will comprise three buildings. Two of the buildings will serve an open regime, while the third will serve a more restricted regime. There will be an administration unit, a visitors' unit, a central kitchen, a central dining room and a healthcare unit. Designs are completed, civil works tenders launched and contracts awarded. The construction works started at the end of 2013.

NATIONAL CHILDREN'S DETENTION FACILITY IN IRELAND (2013)

Objective: the construction of new juvenile detention facilities at Oberstown, which will replace some of the existing outdated facilities and provide additional places to extend the child care model of detention to 17-year-old boys ordered to be detained on criminal matters.

Beneficiaries: under 18-year-olds remanded or committed by the courts. The project is intended to increase the total capacity at the Oberstown site from 52 to 90 residential detention places. This comprises 30 existing places plus 60 newly constructed places, of which 22 will replace outdated, not-fit-for-purpose facilities to be demolished.

CEB loan: this sub-project is part of a larger project in Ireland also covering Cork Prison (see Case Study 4). The total CEB loan is € 41 million, covering 50% of the total cost of € 82.03 million.

Currently, Ireland has three detention schools, accommodating boys below the age of 17 years and girls below the age of 18 years detained by the Irish courts. All three schools are located at Oberstown, County Dublin, a 65-acre site in the ownership of the Irish State. Owing to the lack of sufficient and suitable children's detention facilities, males aged 17 detained by the courts are currently accommodated at St Patrick's Institution, which forms part of the Irish Prison Service (IPS) Mountjoy Prison complex in Dublin, where they are detained alongside adult prisoners. This practice has been deemed inappropriate for the rehabilitation of children and for addressing their needs. It has also been widely criticised for over 25 years by many national and international bodies.

CASE STUDY 3. PRE-TRIAL DETENTION CENTRE IN THE REPUBLIC OF MOLDOVA (2013)

Objective: the construction of a new penitentiary to replace the existing Chisinau Penitentiary 13 to accommodate the inmates from the existing facility and persons detained for more than 72 hours to be transferred from the jurisdiction of the Ministry of Internal Affairs to the Ministry of Justice.

Beneficiaries: up to 1,600 detainees (approximately 800 cells): 1,200 inmates from the current Chisinau Penitentiary 13 and 400 detainees from police stations.

CEB support:

- During project appraisal, technical assistance was provided to the Moldovan authorities via the CEB's fiduciary account, the Spanish Social Cohesion Account, in the amount of € 125,000. The technical assistance was used to prepare the feasibility report completed during 2013, which helped the Moldovan authorities better define the scope and costs of the project.
- The technical report provided the Moldovan authorities with a basis for a € 39 million CEB loan application, approved in June 2013.
- The CEB's loan of € 39 million will cover 88% of the total cost of € 44.5 million.
- The Moldovan authorities will further be supported with technical assistance during project implementation. The CEB will provide a total of € 1 million through its Social Dividend Account for implementation support and capacity building.

The existing Chisinau Penitentiary 13 – the main pre-trial facility in the country – is situated in the centre of the capital city, contiguous to a residential area. According to the Moldovan authorities, the current capacity is for 810 detainees; however, were EPR standards to be applied, the capacity would be lower.

This project aims to introduce major changes in pre-trial detention facilities, in compliance with EPR recommendations. The existing staff will be trained to run the infrastructure in accordance with the new approach.

The gross floor area will be c. 41,400 m². Accommodation will be mainly in double occupancy cells, structured in 12 residential units, with cells of sufficient size and conditions to meet EPR guidelines. The new penitentiary will include residential areas, education spaces, recreational facilities, visiting areas, a kitchen and a canteen, laundry and other administrative, security and maintenance services. The facility will also include a healthcare unit as a separate building. This building will comprise an administration unit, a pharmacy, labs, treatment and access control areas, a 64-bed unit for detainees with somatic diseases and a 64-bed unit for TB-infected detainees.

Approximately 75% of the country's pre-trial detainees will benefit directly from this facility, while the others will benefit indirectly as this pilot project will establish new standards in penitentiary construction and will introduce improvements to pre-trial detention.

CASE STUDY 4. OTHER PRISON CONSTRUCTION, EXTENSION AND REHABILITATION PROJECTS

PRISON CONSTRUCTION, EXTENSION AND REHABILITATION IN CROATIA (2010)

Objective: (i) the extension of the existing Zagreb prison (construction of a four-storey annex with a gross floor space of 9,459 m² and eight residential units with a total capacity of 338 inmates) and (ii) the rehabilitation of the existing Zagreb building complex, which has not had any major refurbishments since its initial construction in 1987.

Beneficiaries: (i) pre-trial detainees, (ii) prisoners serving short sentences (up to six months), (iii) prisoners undergoing psycho-sociological assessment, such as those serving sentences longer than six months, juveniles and prisoners for whom treatment has been recommended.

CEB support:

- Loan of € 6.48 million, covering 49.5% of the total cost of € 13.1 million.
- Grant of € 34,000 for technical assistance from the CEB's consultancy budget.

The Framework Loan Agreement was ratified by the Croatian Parliament and entered into force in December 2012. According to the CEB's technical report (January 2014), the project has been delayed by at least four years given the borrower's limited fiscal space.

PRISON (RE)CONSTRUCTION IN "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" (2010)

- **Kumanovo Prison** – mainly new construction and rehabilitation works in an existing building (a former school). This facility is intended to house pre-trial detainees (50) and sentenced prisoners (200) in a semi-open regime (sentences varying from three to five years). The project will also finance the construction of an access road.

  The construction was finalised in August 2013, and the prison became operational in September 2013.

- **Skopje Prison** (open and semi-open regimes) – a new construction to hold around 600 pre-trial detainees, in addition to the current population of 400 inmates.

  Beneficiaries: sentenced male offenders (first timers) with sentences of less than three years and male recidivists with sentences of less than six months.

  The detention section houses detainees from Skopje courts and male and female detainees from all over the country on trial for crimes where the charges can end in a possible prison sentence longer than ten years.

These two sub-projects are part of a larger CEB project in the country with the objective of rehabilitating and (re)constructing four penitentiary institutions, for Idrizovo – see Case Study 1 and for Tetovo – see Case Study 2. The total CEB loan is € 46 million, covering 88% of the total cost of € 52 million.

The four sub-projects received grant support of € 3.4 million for technical assistance under the Western Balkans Investment Framework.

PRISON MODERNISATION IN SERBIA (2012)

Objective: the construction and equipment of a new prison facility in Pančevo with a capacity of 500 inmates, of whom 200 will be remand/pre-trial detainees and 300 convicted prisoners.

CEB loan: € 18 million, covering up to 60% of the total cost of € 30.2 million.

The project received grant support of € 0.7 million for technical assistance under the Western Balkans Investment Framework.

This project is part of a larger CEB-financed project that also includes the construction and equipment of a new high-security prison facility in Kragujevac (see Case Study 1). The two projects received additional grant support of € 110,000 for technical assistance under the Western Balkans Investment Framework.

The Serbian penal system, which includes 29 prisons holding over 8,500 prisoners, faces many problems after years of lack of investment (poorly equipped, maintained and overcrowded facilities) and outdated legislation. The prisoner rate per population is high compared with other countries in the region, partly because there has been minimal use of non-custodial sentences. This has led to overcrowding and increased costs. Prisoners are not held in conditions that meet international and human rights standards because of poor infrastructure and facilities, limited opportunities for rehabilitation programmes and limited staff training.

In this context, the Serbian authorities requested support from the CEB for the partial financing of the construction and equipping of two new prison facilities with a total capacity of 900 inmates.

CORK PRISON CONSTRUCTION IN IRELAND (2013)

Objective: the construction of a new facility, two to three stories high, with 175 cells and an operational capacity for up to 310 prisoners. The gross floor area will be c. 16,000 m². Accommodation will be a combination of single and double occupancy cells across several wings, with cells of sufficient size to meet both IPS guidelines, based on international best practice, and the recommendations of the Irish Inspector of Prisons.

CEB loan: this sub-project is part of a larger project in Ireland also covering the National Children's Detention Facility (see Case Study 2). The total CEB loan is € 41 million, covering 50% of the total cost of € 82 million. A first disbursement took place in May 2014.

The existing Cork prison was originally built in the early nineteenth century as a military detention centre and, since 1972, has been used as a civilian prison. The IPS qualified Cork Prison as the most overcrowded prison within the Irish system, with an average daily number of prisoners in custody of 295 in 2011, almost double its formal design capacity of 150. There has also been a substantial increase in the number of committals to the prison, with 2,600 committals in 2011, a 74% increase from 1,492 in 2007.

All prisoners accommodated in the existing Cork prison facility will be relocated to the new prison, with the existing prison expected to be kept secure and maintained until a decision on its future is taken. It is expected that a significant portion of the existing facility will be demolished, as it is beyond economic repair.

The construction, which commenced on 20 January 2014, is expected to take approximately 18 months to complete, and the facility should be ready for occupancy by the end of 2015.

PRISON CONSTRUCTION IN FRANCE (2014)

In 2011, the French Ministry of Justice launched a programme to renovate prison facilities in France, with plans to build new prisons in order to replace run-down establishments earmarked for closure. Two packages comprising a total of three prisons – "Package A" covering Valence and Riom and "Package B" covering Beauvais – were signed under public-private partnerships.

Objective: part-financing of "Package A" through Société Générale, covering the financing, design, construction, upkeep and maintenance and management of service provision for the prison centres in Valence and Riom for an operational period of 25 years, from the delivery of the establishments. The new prison centres should provide a total of 1,010 places, namely 496 additional places.

CEB loan: € 39.8 million, covering 24% of the total cost of € 164 million.

The short-stay prisons in Valence and Riom were built in the 1860s. The architecture of the new establishments will give more space to community life, including workshops, vocational training rooms, general classrooms, libraries and sports facilities, to facilitate professional and social reintegration.

ANNEX 1
The European Prison Rules - Background

The European Prison Rules, although not legally binding for the Member States of the Council of Europe, provide recognised standards on good principles and practices in the treatment of detainees and the management of detention facilities.

The 108 Rules are built extensively on the case law of the European Court of Human Rights[17] and the standards on prison matters of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment[18] (CPT). They also refer to the relevant judgments of the European Convention on Human Rights[19], the Commissioner for Human Rights and the UNSMRs.

The Rules endorse the standards from the following recommendations of the Council of Europe:

R (89) 12	Education in prison
R (93) 6	Prison and criminological aspects of the control of transmissible diseases including AIDS and related health problems in prison
R (97) 12	Staff concerned with the implementation of sanctions and measures
R (98) 7	Ethical and organisational aspects of health care in prison
R (99) 2	Prison overcrowding and prison population inflation
Rec (2003) 22	Conditional release (parole)
Rec (2003) 23	Management by prison administrations of life sentence and other long-term prisoners

The Rules are structured in nine parts: Part I sets out basic principles and their scope and application. Part II covers conditions of imprisonment, such as hygiene, nutrition, access to legal advice, education, work, detained children, women, infants, contact with the outside world, and freedom of thought, conscience and religion. Part III deals with health and healthcare provision. Part IV deals with order and security. Part V covers management and staff, Part VI – inspection and monitoring, Part VII – untried prisoners, Part VIII – sentenced prisoners, and Part IX – requirements for updating the Rules.

Since the adoption of the (revised) European Prison Rules in 2006, the Committee of Ministers of the Council of Europe has adopted several other recommendations in the penitentiary field:

Rec (2006) 13	The use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse
Rec (2008) 11	European Rules for juvenile offenders subject to sanctions or measures. This recommendation adapts the European Prison Rules and the European Rules on community sanctions and measures to the needs of juveniles.
CM/Rec (2010) 1	Probation Rules, complementing Recommendation N° R (92) 16 on the European rules on community sanctions and measures
CM/Rec (2012) 12	Foreign prisoners
CM/Rec (2012) 5	European Code of Ethics for Prison Staff

17 The European Court of Human Rights is an international court set up in 1959. It rules on individual or State applications alleging violations of the civil and political rights set out in the European Convention on Human Rights. Since 1998, it has sat as a full-time court, to which individuals may apply directly. Source: http://www.echr.coe.int/Documents/Court_in_brief_ENG.pdf

18 **The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** (CPT) was set up in 1987 under the Council of Europe's convention bearing the same name and came into force in 1989. The CPT is not an investigative body, but provides a non-judicial preventive mechanism to protect persons deprived of their liberty against torture and other forms of ill-treatment. It thus complements the judicial work of the European Court of Human Rights. Source: http://www.cpt.coe.int/en/about.htm

19 **The European Convention on Human Rights** is the Council of Europe's first convention and the cornerstone of all its activities. It was adopted in 1950 and entered into force in 1953. Its ratification is a prerequisite for joining the Council of Europe. Source: http://human-rights-convention.org/

NOTES

NOTES



CEB
COUNCIL OF EUROPE DEVELOPMENT BANK
BANQUE DE DEVELOPPEMENT DU CONSEIL DE L'EUROPE