




Prison structural problems and rule of law backsliding

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The impact of the rule of law crisis on the penitentiary system

- Weakening of the independence of the courts
 - More difficult to protect fundamental rights
- Destruction of the Constitutional Tribunal
 - Lack of a real procedure for constitutional review of the law
- Subordination of the prosecution to the executive power
 - Manual control of prosecutors' decisions
- Attack on independent institutions
 - Reduction of funding for the Ombudsperson and the National Preventive Mechanism (NPM)
 - Personal attacks on the Ombudsperson and the NPM
- Shrinking space for civil society
- Lack of dialogue and opportunities for cooperation

PENAL POPULISM

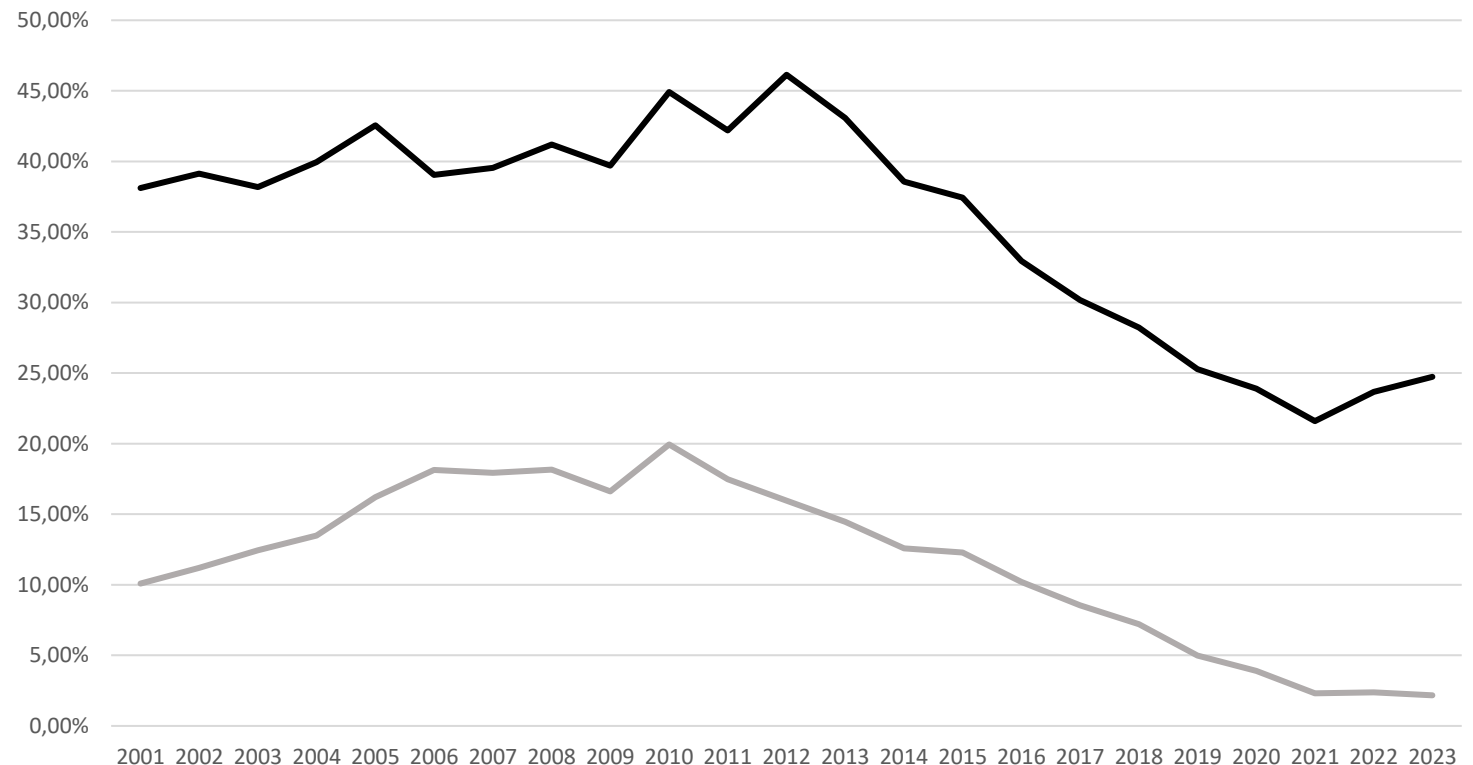


- Shaping criminal policy primarily for political benefits of decision-makers
- Departure from evidence-based policy
- Lack of social dialogue
- Attacks on critics of changes
- Lack of willingness to implement international standards
- Introduction of solutions:
 - violating human rights standards
 - draconian penalties,
 - prohibition of conditional release for life-sentenced inmates,
 - restrictions on contact with family
- Stigmatizing policies - "prison is not a hotel" approach
- Influence on justice system stakeholders: courts and prosecution

Rule of law backsliding and conditional early release

- Decline in the willingness of prison directors to apply for conditional early release
- Fewer applications from directors were being considered positively by penitentiary courts
- Longer detention of inmates than is actually necessary

Motions for conditional early release: successful motions in relation to the overall number of motions for CER (black) and the total number of motions of prison directors for CER in relation to the average number of inmates (grey)





Overcrowding

- An issue in many European countries
- Problem of low space standards per inmate
- Despite recommendations from CPT, SPT, CAT
- Impact of overcrowding on the execution of sentences:
- More frequent transfers to other penitentiary units
- Inability to serve a sentence near the place of residence
- Access to cultural and educational activities, hygiene products
- Limited access to psychological care, assistance from educators, etc.

Inmates with special needs

- Elderly individuals
- Foreign nationals
- Persons with disabilities
- Inmates belonging to the LGBT+ community
- Long-term inmates
- Inmates classified as dangerous



Inappropriate access to healthcare

- Numerous violations of Article 3 of the Convention
- Independence and impartiality of the Prison Health Services
 - Lack of trust in the doctor–patient relationship
- The scope of guaranteed healthcare services for inmates
- Lack of proper cooperation and information exchange between penitentiary courts, penitentiary authorities, and Prison Health Service Entities





Post-penal detention

- Increasing use of post-penal detention
- Inadequate living conditions, including overcrowding
- Limited regulation regarding the conditions of such detention
- Lack of a real possibility for the release of such detainees



Thank you for you attention!

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