EURO PRIS

FROM CHALLENGES TO SOLUTIONS:
MAPPING EUROPEAN STRATEGIES ON PRISON OVERCROWDING

ABOUT EUROPRIS

The European Organisation of Prison and Correctional Services (EuroPris) is a membership association founded in 2011. The initiative to establish EuroPris was taken during the Swedish EU Presidency in 2009 and was brought forward by the European countries of the International Roundtable for Correctional Excellence.

Membership is open to those European national Prison and Correctional Administrations who are able and willing to support the agreed aims and objectives of EuroPris. Public institutions or organisations in the Council of Europe region, which provide prison or correctional services on a legal or statutory basis can become members of EuroPris.

EuroPris brings together practitioners in the prisons' arena with the specific intention of promoting ethical and rights-based imprisonment, exchanging information and providing expert assistance to support this agenda. The organisation exists to improve cooperation among European Prison and Correctional Services, to improve the lives of prisoners and their families, enhancing public safety and security; reducing re-offending; and advancing professionalism in the prisons' field.

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DISCLAIMER

This report presents a mapping of strategies employed by prison administrations across Europe to address prison overcrowding. The findings are based primarily on self-reported data from 33 national and regional prison administrations, collected through structured surveys and supplemented by interviews with correctional officials. All information reflects the perspectives of these administrations, situated within their respective legal, institutional, and political frameworks.

This document does not prescribe specific solutions. Rather, it offers an overview of practices and considerations that may inform reflection, dialogue, and policy development. Examples should be interpreted within their national context, as measures effective in one jurisdiction may not be directly transferable to another.

ACKNOWLEDGEMENTS

Participating Prison Administrations
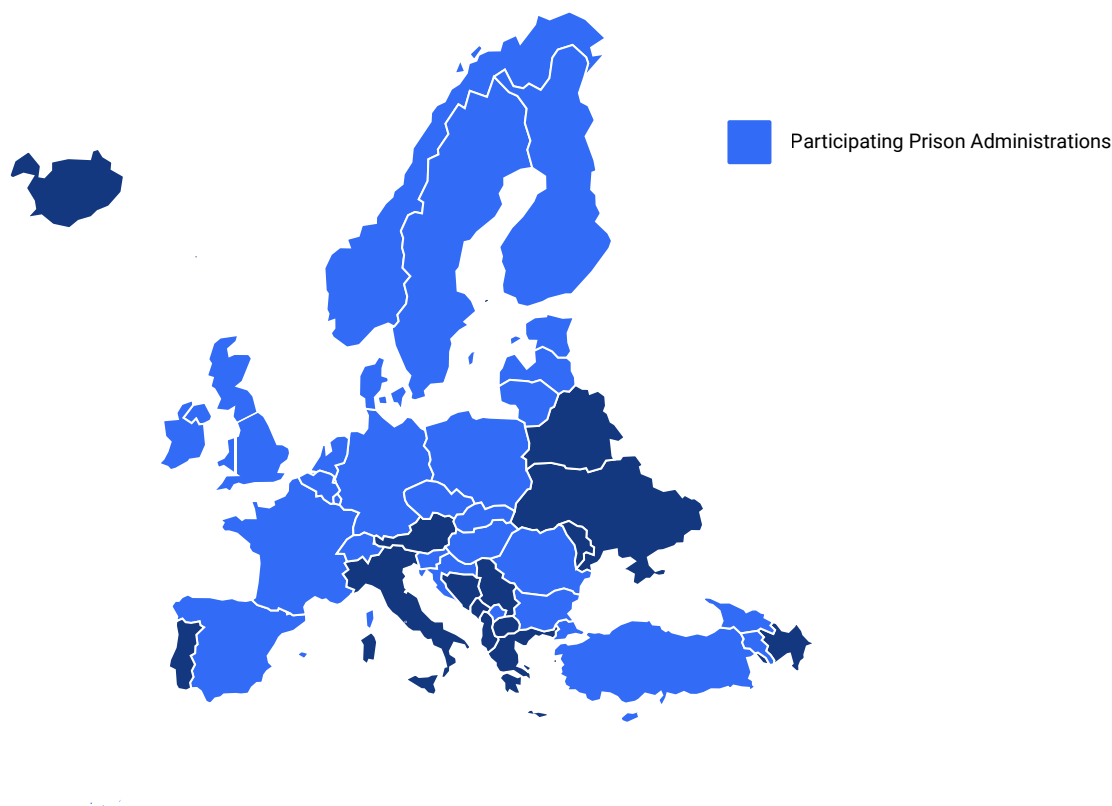
- Armenia: Penitentiary Service
- Belgium: Belgian Prison Service
- Bulgaria: Bulgarian Prison Service
- Croatia: Ministry of Justice and Digital Affairs: Directorate of the Prison System and Probation
- Cyprus: Ministry of Justice and Public Order: Department of Prisons
- Czechia: Prison Service of the Czech Republic
- Denmark: Danish Prison Service, Ministry of Justice of the Kingdom of Denmark
- England and Wales (UK): His Majesty's Prison and Probation Service
- Estonia: Ministry of Justice: Department of Prisons
- Finland: Prison and Probation Service of Finland
- France: Ministry of Justice: Directorate of Prison Administration
- Georgia: Special Penitentiary Service of the Ministry of Justice
- Germany: Federal Ministry of Justice
- Hungary: Hungarian Prison Service
- Ireland: Irish Prison Service
- Kosovo: Kosovo Correctional Services
- Latvia: Latvian Prison Administration
- Lithuania: Lithuanian Prison Service
- Luxembourg: Ministry of Justice: Department of Prisons
- Netherlands: Dutch Custodial Institutions
- Northern Ireland (UK): Northern Ireland Prison Service
- Norway: Directorate of Norwegian Correctional Service
- Poland: Central Board of Prison Service, Ministry of Justice of the Republic of Poland
- Romania: National Administration of Penitentiaries
- Scotland (UK): Scottish Prison Service
- Slovakia: General Directorate of the Corps of Prison and Court Guard
- Slovenia: Prison Administration of Republic of Slovenia
- Spain (State level): General Directorate of Prison Administration
- Spain (Basque Country): Basque Prison Service
- Spain (Catalonia): Catalan Prison Service
- Sweden: Swedish Prison and Probation Service
- Switzerland: Swiss Center of Expertise in Prison and Probation SCEPP
- Türkiye: General Directorate of Prisons and Detention Houses

FOREWORD

Across Europe, prison administrations are facing one of the most consequential challenges of our time: **overcrowding**. Too often, this issue is reduced to counting beds and building more cells. But overcrowding is not simply a question of space. It is a symptom of deeper structural choices—about sentencing, pre-trial detention, the role of imprisonment in society, and how justice systems respond to social problems. When prisons are treated as places to absorb these pressures, they risk becoming little more than storage facilities for human beings.

This report takes a different starting point. It recognises prison administrations not as passive recipients at the end of the justice chain, but as knowledgeable institutions with a voice, expertise and responsibility. Through this mapping exercise, 33 national and regional prison services have shared—not only data and practices—but candid reflections on what they can and cannot influence. Their contributions show a simple truth: while prison administrations cannot solve overcrowding alone, sustainable solutions are impossible without them.

The value of this work lies in its honesty and its collaborative spirit. It does not prescribe or judge. It makes visible the tools currently in use—from emergency responses inside facilities to long-term forecasting, reintegration strategies and contributions to policy debate. It also highlights the limits of acting in isolation. Overcrowding is not solved inside prison walls. It requires courts that understand the realities of detention, politicians who look beyond short-term crisis management, and public conversations that move past punishment alone.

EuroPris exists to support precisely this kind of shared understanding. By creating a platform where administrations can learn from one another—successes, mistakes and doubts included—we strengthen the collective voice of those who work every day inside our prisons. This report is an invitation: to think systemically, to act with foresight rather than emergency measures, and to recognise the dignity and safety of both prisoners and staff as non-negotiable foundations of justice.

I thank all participating administrations for their openness and commitment. Their contributions remind us that overcrowding is not inevitable. With shared knowledge, humility and courage to speak up, prison services can help shape fairer, safer and more humane penal systems in Europe.

Gustav Tallving
Executive Director
EuroPris - European Organisation of Prison and Correctional Services

EXECUTIVE SUMMARY

Ongoing prison overcrowding constitutes a significant and systemic challenge across Europe, with serious implications for safety, dignity, and compliance with international standards during custodial sentences. Definitions vary across jurisdictions, and the report shows that overcrowding cannot be understood solely through occupancy rates—it also reflects qualitative pressures on services, staff, and conditions. Conducted between April and September 2025 under the coordination of the European Organisation of Prison and Correctional Services (EuroPris), this mapping exercise draws on structured survey responses from 33 national and regional prison administrations—representing around 80% of EuroPris members—supplemented by expert interviews and institutional insights. Findings reflect prison administrations' perspectives within national legal and political contexts.

Scale and Trends
Between 2020 and 2025, 24 of 33 administrations reported rising prison populations, five reported stability, and only four reported decreases. Increases were particularly sharp in **France** (from 70,651 in 2020 to 81,559 in 2025), **Sweden** (+55% over five years, affecting both remand and sentenced populations), **Ireland** (+27%), **Northern Ireland** (+42.7%, largely due to remand), and **Croatia** (+31% between 2020 and 2024, with occupancy reaching 190% in some facilities). Conversely, sustained reductions were reported by **Estonia, Georgia, Lithuania, and Slovakia,** linked to long-term reforms and expanded alternatives to custody.

Qualitative Pressures
Overcrowding is not only numerical: several administrations reported strain below 100% official capacity due to limited access to healthcare, education, and mental health support, as well as staff fatigue and safety concerns. Women's prisons and pre-trial detention facilities were identified as pressure points.

Operational and Strategic Levers
Rather than prescribing solutions, the report documents practical measures taken by prison administrations within their mandates, organised into three levels: **immediate and operational measures** inside establishments (such as shared cells, emergency transfers, and temporary capacity increases); **medium-term and systemic** levers across the estate (including allocation, progressive execution, non-custodial sanctions, and structured temporary or early release); and **long-term and strategic actions** (such as forecasting, infrastructure planning, collaborative governance, and contributions to policy debate).

Key Insights
No single solution exists; progress depends on combinations of measures applied in parallel. Infrastructure expansion alone is insufficient without proportional investment in staffing, activity spaces, and reintegration programmes. Several administrations are adopting 10-year capacity and staffing forecasts to support anticipatory governance, while cultural and political factors—including public confidence in alternatives—remain critical to sustainable reform.

The report aims to promote dialogue among policymakers, prison administrations, and partners on sustainable capacity management. Strategies vary in maturity and resources, and mandates to influence broader penal policy differ widely. This mapping should therefore be read as an overview of current practice within existing remits, not a normative assessment. Shared learning, anticipatory planning, and coordinated action across the justice chain are essential to move from crisis response toward balanced, humane, and resilient prison systems.

1. INTRODUCTION

Prison overcrowding remains a persistent and systemic challenge across Europe. In several jurisdictions, prison populations have exceeded official capacity for years, in some cases reaching occupancy rates above 120 per cent. Although the phenomenon has been widely studied, its underlying structural causes—and their consequences—continue to shape present realities.

Overcrowding is not only a numerical imbalance between places available and the number of prisoners. It reflects pressures across the criminal justice chain and can be understood as a multidimensional challenge, shaped by:

- sentencing frameworks that rely heavily on custodial penalties;
- limited investment in non-custodial sanctions and measures and community-based support;
- ageing or inadequate infrastructure;
- fragmented governance; and
- broader social and political dynamics that favour punitive responses over preventive or rehabilitative approaches.

Beyond these dimensions, overcrowding directly affects safety and humane conditions for both staff and prisoners. It heightens tension and violence, increases risks to physical and mental health, and places pressure on compliance with international standards, including the Nelson Mandela Rules, the Bangkok Rules, and the European Prison Rules.

While these pressures are widely recognised, responses differ considerably across jurisdictions. Some administrations have strengthened non-custodial sanctions and measures.

Others have primarily focused on solutions within the prison system itself, shaped by legislative mandates, political context, or public opinion.

Importantly, this report does not view prison overcrowding in isolation. It is approached as the outcome of broader policy decisions—such as policing practices, prosecution strategies, case processing times, conditional release, and early-release mechanisms. Prisons operate at the receiving end of these dynamics, often with limited authority to address root causes.

Nonetheless, within their mandates, prison administrations possess a range of levers that can be mobilised to relieve pressure, manage population flows, and contribute to more sustainable approaches.

It is within this context that the present mapping project was launched. Rather than restating the causes of overcrowding, it examines what prison administrations themselves are doing—within their operational remit—to manage and mitigate its impacts.

The findings presented here are based on self-reported information and institutional reflections from national and regional prison administrations. Data were gathered through a structured survey and complemented by expert interviews and comparative insights.

Responses reflect the institutional perspectives of each administration, shaped by their legal, political and organisational contexts.

An Influence Model: How Prison Administrations Operate Across Levels

To conceptualise the environment in which prison administrations act, this report introduces an "influence model" developed for the study. It distinguishes four interrelated spheres:

- **Political and ministerial level** – legislation, policy agendas, sentencing frameworks, and budgetary decisions;
- **Central administration level** – strategic planning, infrastructure, staffing, data, and resource allocation;
- **Institutional level** – daily management, internal allocation, transfers, and regime delivery within establishments;
- **External environment** – judicial decisions, prosecution practices, probation systems, policing, and societal expectations.

This model illustrates the arenas in which prison administrations both influence and are influenced by wider systems. Its early presentation supports a clearer understanding of where administrations hold discretion—and where mandates are externally determined.

1.1 STRUCTURE OF THE REPORT

This report is organised into five main chapters. **1. Introduction** sets the context and explains the purpose of the work. **2. Framing the Challenge: Definitions, Thresholds, and the Limits of Comparison** establishes a shared understanding by clarifying key concepts and outlining the parameters for comparison. **3. Areas of Intervention – from Operational to Strategic** identifies measures across short-, medium-, and long-term horizons. **4. Analysis** synthesises patterns, institutional experiences and enabling conditions observed across jurisdictions, showing how prison administrations experience, manage and influence overcrowding within their mandates. **5. Considerations** looks towards anticipatory, coordinated and humane capacity management, offering non-prescriptive insights to support dialogue and strengthen the collective voice of prison administrations within wider criminal justice systems.

To aid navigation, colour-coded boxes are used throughout:

- Green: Practices implemented by prison administrations.

- Blue: Concepts / Summaries.

- Red: Identified challenges or constraints.

1.2 SCOPE AND OBJECTIVES

The scope of this report is limited to the actions and strategies available to prison administrations. It does not prescribe interventions or propose legislative reform. Instead, it documents practices currently in use or under development to inform reflection and dialogue on sustainable, humane and coordinated capacity management.

Prison administrations vary significantly in their legal mandates—ranging from strictly operational responsibilities to participation in policy discussions. This report reflects that diversity. It also challenges the view of prison administrations as passive end-point actors. By documenting their operational, strategic, and policy-influencing roles, it highlights their expertise and pivotal role in managing population pressure, shaping institutional responses, and contributing to broader justice policy debates. Recognising and integrating this expertise more systematically into reform processes may strengthen coherence across the criminal justice system.

1.3 METHODOLOGY

The report draws on a structured data collection process conducted between April and September 2025. **33 national and regional prison administrations** participated in a detailed survey on practices, challenges and planned initiatives related to capacity management.

To enrich these findings, **15 semi-structured interviews** were conducted with prison officials, policymakers, and representatives of international organisations. These provided comparative perspectives and contextual interpretation of survey responses.

Respondents occupy senior positions within ministries of justice or prison administrations. Their portfolios include strategic planning, international cooperation, operational oversight, legal affairs, and data analysis. Their views reflect institutional positions within national legal and political frameworks.

Terminology was harmonised according to definitions used by the **United Nations Office on Drugs and Crime (UNODC)** [1], ensuring clarity and comparability while recognising that legal definitions may vary between jurisdictions.

2. FRAMING THE CHALLENGE: DEFINITIONS, THRESHOLDS, AND THE LIMITS OF COMPARISON

In this report, overcrowding is used as an umbrella concept to describe situations in which the number of prisoners exceeds the effective custodial capacity available.

It denotes the point at which this pressure materially compromises humane conditions of detention—affecting living space and privacy, access to services, staffing ratios, separation requirements, and opportunities for daily activity, rehabilitation, and reintegration.

Capacity may be understood in design, official, or operational terms. **Design capacity** refers to the number of places a facility was originally built to accommodate; **official capacity** corresponds to the number formally authorised by national authorities; and **operational capacity** reflects the number that can be safely and humanely managed given staffing, infrastructure, separation needs, and programme delivery.

These precise terms are not used uniformly across Europe; rather, they reflect common approaches to capacity management that may be described differently in different jurisdictions. In practice, many prison administrations routinely authorise facilities to operate above their original design capacity, which further complicates comparisons based solely on formal definitions.

Some administrations report under-crowding or occupancy close to their official capacity. However, perceptions of overcrowding may nonetheless arise where operational pressure is evident even below 100 per cent occupancy. This underscores that overcrowding is not only a matter of numbers but also a qualitative experience, shaped by conditions that affect safety, dignity, and access to meaningful activity.

2.1 THRESHOLDS AND DEFINITIONS

There is no single European standard that defines overcrowding. Administrations apply different combinations of occupancy rates, minimum space-per-person rules, and qualitative indicators.

International reference standards emphasise that accommodation must respect human dignity:

- **The Nelson Mandela Rules** (Rule 12) require that accommodation meet requirements of health, with due regard to floor space, air, lighting, heating and ventilation.[2]
- **The Bangkok Rules** underline that the dignity and needs of female prisoners must be protected at all times.[3]
- **The European Committee for the Prevention of Torture (CPT)** recommends at least **6 m²** of living space in single-occupancy cells and **4 m²** per person in shared accommodation.[4]

Across jurisdictions, definitions combine legal thresholds and practical considerations.

These national approaches reflect different types of constraints: some define thresholds of space per person, others establish authorised occupancy levels, and others stem from practical operational limitations—for example, the availability of suitable prisoners for specific regimes, staffing levels that affect usable capacity, or the fact that not all spaces can be filled immediately when they become vacant.

This diversity underscores that definitions are shaped not only by legal rules but also by day-to-day operational realities.

Examples of National Approaches:

Estonia defines overcrowding as occupancy below 3 m² per person.
Romania sets its threshold at 4 m².
Slovakia applies different standards by regime classification.
Sweden defines overcrowding by actual occupancy vs permanent places and uses long-term planning objectives of 95% (remand) and 98% (sentenced).
England and Wales distinguish Certified Normal Accommodation (CNA)—the number of prisoners a prison can accommodate—from Operational Capacity, the maximum number who can be held safely.
Scotland uses an internal process of Assessed Capacity Tolerance (ACT) to monitor and report weekly on the impact of occupancy levels and capacity usage across the estate.

1 United Nations Office on Drugs and Crime (UNODC). Handbook on Strategies to Reduce Overcrowding in Prisons. New York: United Nations, 2013.
2 United Nations General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175 (17 December 2015), Rule 12.
3 United Nations General Assembly, United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), A/RES/65/229 (21 December 2010), Rule 5.
4 Council of Europe, Living Space per Prisoner in Prison Establishments: CPT Standards, CPT/Inf(2015)44.

> **Basque Country (Spain)** applies a three-tier approach: optimal capacity, operational capacity, and overcrowding.
> **Türkiye** distinguishes design capacity from increased operational capacity.
> **Finland** considers "serious overcrowding" when occupancy exceeds 110 per cent.
> **Denmark** sets a working threshold at 95.5 per cent.
> **Rhineland-Palatinate (Germany)** applies a 90 per cent capacity buffer to maintain separation and treatment space.

Measurement Approach	Indicator Type	Typical Threshold Example
Cell area per person	Physical space	4-6 m2 per prisoner (CPT standard)
Occupancy rate	Capacity ratio	90-110% of operational capacity
Design vs. Operational Capacity	Legal/administrative	Based on design capacity or operational adjustments
Functional Thresholds	Quality-based	Linked to staff-prisoner ratios or access to activities
Policy Threshold	Normative or internal	"Overcrowded" when services (eg. Healthcare, Education) are stretched

Figure 1. Comparative thresholds and the definitions

Some administrations adopt a **"Bed+" approach**", defining capacity not only by beds, but also by proportional access to healthcare, hygiene, education, work, outdoor time and rehabilitation services.[5]

2.2 EUROPEAN TRENDS AND SYSTEMIC PRESSURES

Among the 33 participating administrations, **24 reported rising prison populations** in the past five years, **five reported stability**, and **four reported decreases**.
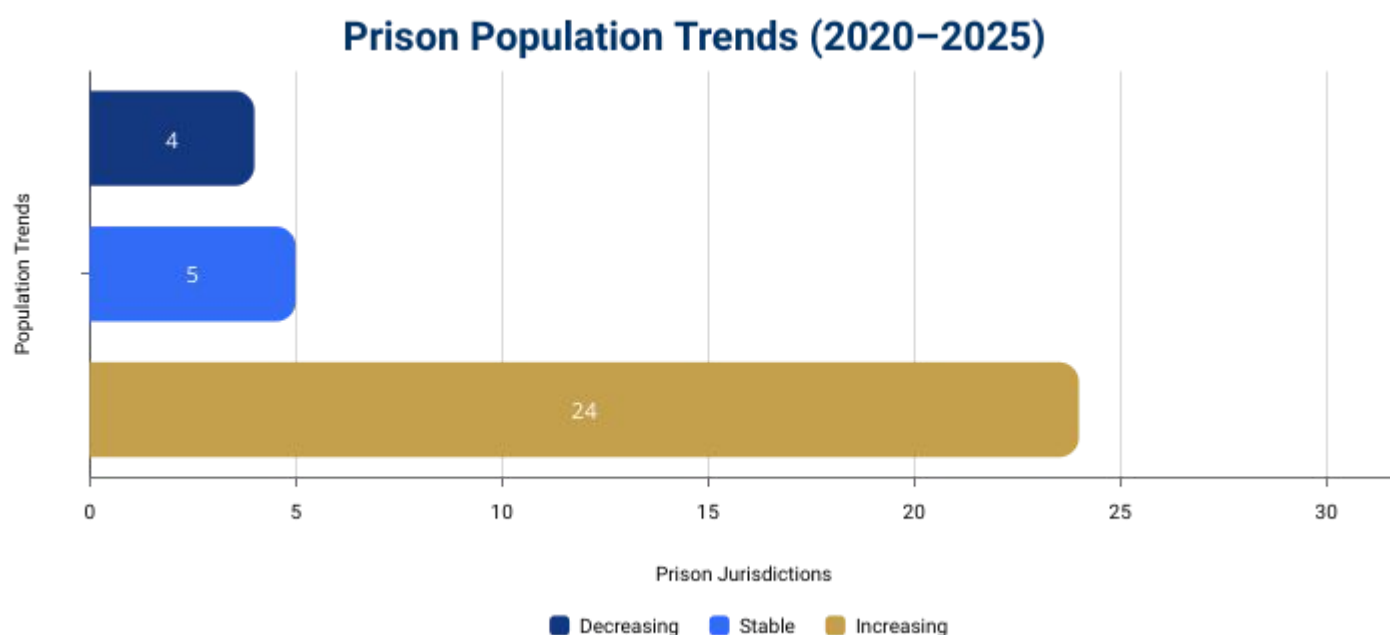

Figure 2. Prison population trends of reporting on the status of rising populations (2020–2025)

Sharp increases were noted in:

France – from 70,651 (2020) to 81,559 persons (2025)
Sweden – increase of 55% in the past five years, affecting both remand and sentenced populations
Ireland – 27% increase; **Northern Ireland** – 42.7%, largely due to remand, both in the past 5 years
Armenia and Latvia – also marked growth in occupancy in the past five years
Croatia – 31% increase in the prison population between 2020 and 2024, while capacity grew only 3.2%; several facilities operate far above capacity, with occupancy reaching up to 190%.
Slovenia - 20% increase in the prison population between 2023 and 2024, and 40% over the past five years.
Türkiye – 51.9% increase between 2015 and 2025.

Sustained reductions were reported by:

Slovakia – 10 495 (2020) to 8 141 (2024); occupancy from 90% to 70%
Estonia – two decades of decarceration through reforms, diversion and community sanctions
Georgia – government-led decarceration, amnesties, pardons and smaller modern facilities
Lithuania – from nearly 10,000 (2012) to approx. 4,500 (2024), due to successive Criminal Code reforms and expanded alternatives

2.3 PERCEIVED OVERCROWDING: BEYOND NUMBERS

When prison administrations were asked whether they currently experience overcrowding according to their own definitions, **19 of 33 administrations** responded yes. Importantly, some operating below **100% official capacity** still perceived overcrowding.

This illustrates that overcrowding includes:

• **Quantitative pressures** – occupancy rates, available beds
• **Qualitative strain** – reduced access to activities, healthcare, education and mental health support
• **Staff fatigue**, safety concerns, and limitations on cell separation
• **Legal obligations**, including CPT minimum space requirements and European Prison Rules

In **Sweden**, where occupancy exceeds 130 per cent in some facilities, a shift from single to double occupancy has become the new normal despite a longstanding policy preference for individual cells. **Luxembourg** and **Northern Ireland** likewise reported that operational pressure begins well before official thresholds are exceeded.
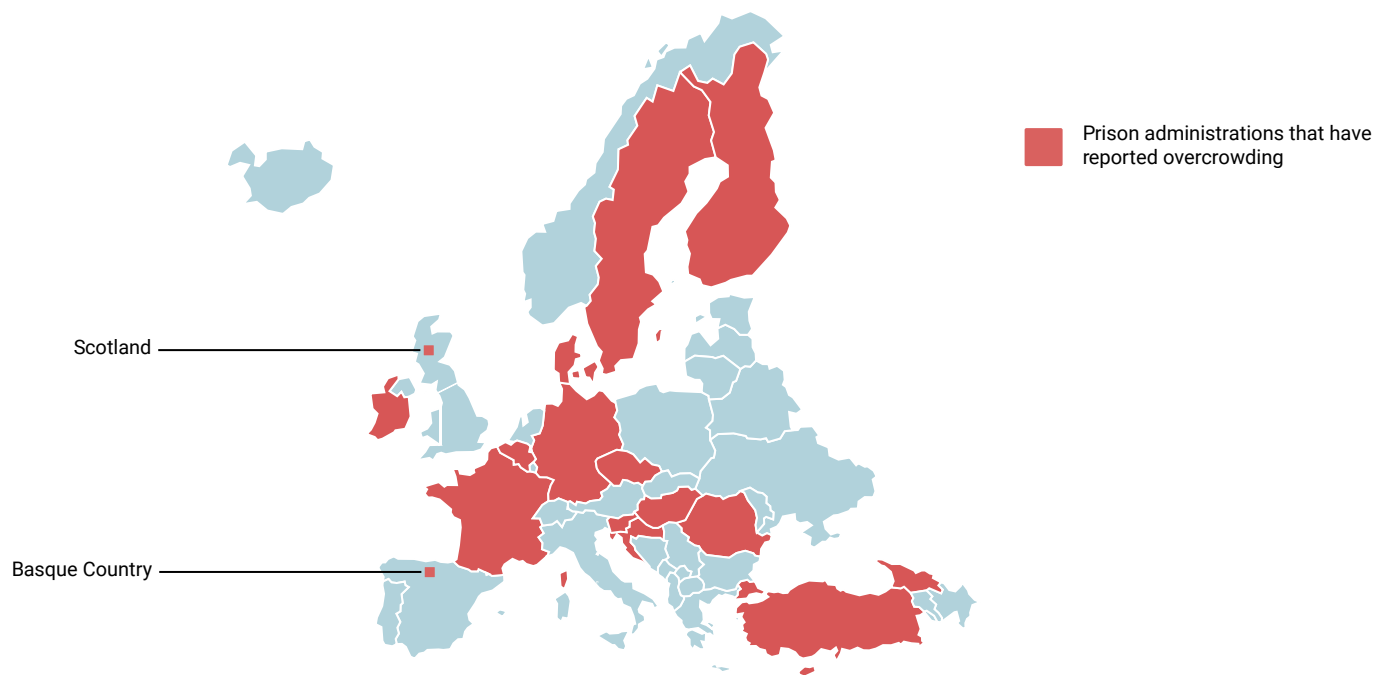
Figure 3. Reported overcrowding in prisons by prison administrations

2.4 AREAS OF PRESSURE

Overcrowding is rarely uniform across the system. Pressures concentrate in:

- Pre-trial detention facilities – mentioned by 16 prison jurisdictions
- Women's prisons – reported by six prison jurisdictions
- High-security units, where transfer options are limited
- Mental-health facilities – where lack of specialist staff and increasing psychiatric needs create bottlenecks

Women represent roughly 4% of prison populations, yet most prisons are designed for male-majority needs.[6] Overcrowding exacerbates gaps in healthcare, trauma-informed care, hygiene, and access to activities that allow reintegration into society. As mentioned in an expert interview, "Overcrowding is per se a violation of personal integrity… especially for people with specific needs who must be approached differently, including in overcrowded contexts." [7]

2.5 AUTHORITY AND ABILITY TO INTERVENE

Prison administrations reported varying degrees of discretion in managing placements, transfers, temporary release and refusal of new admissions.

- **Most** have limited or advisory roles in decisions about release or enforcement.
- **Some** hold partial or formal authority to initiate temporary or early-release mechanisms.
- Around **half** reported sufficient powers to manage sudden overcrowding (transfers, reallocation, short-term measures).
- Others cited reliance on **ministerial or judicial approval**, strict sentencing laws, or lack of procedural flexibility.

6 *EuroPris Mapping Project on Prison Overcrowding (2025), semi-structured interview with Annie Devos, Confederation of European Probation (CEP), July 2025.*
7 *EuroPris Mapping Project on Prison Overcrowding (2025), semi-structured interview with Veronica Fillippeschi, Association for the Prevention of Torture (APT).*
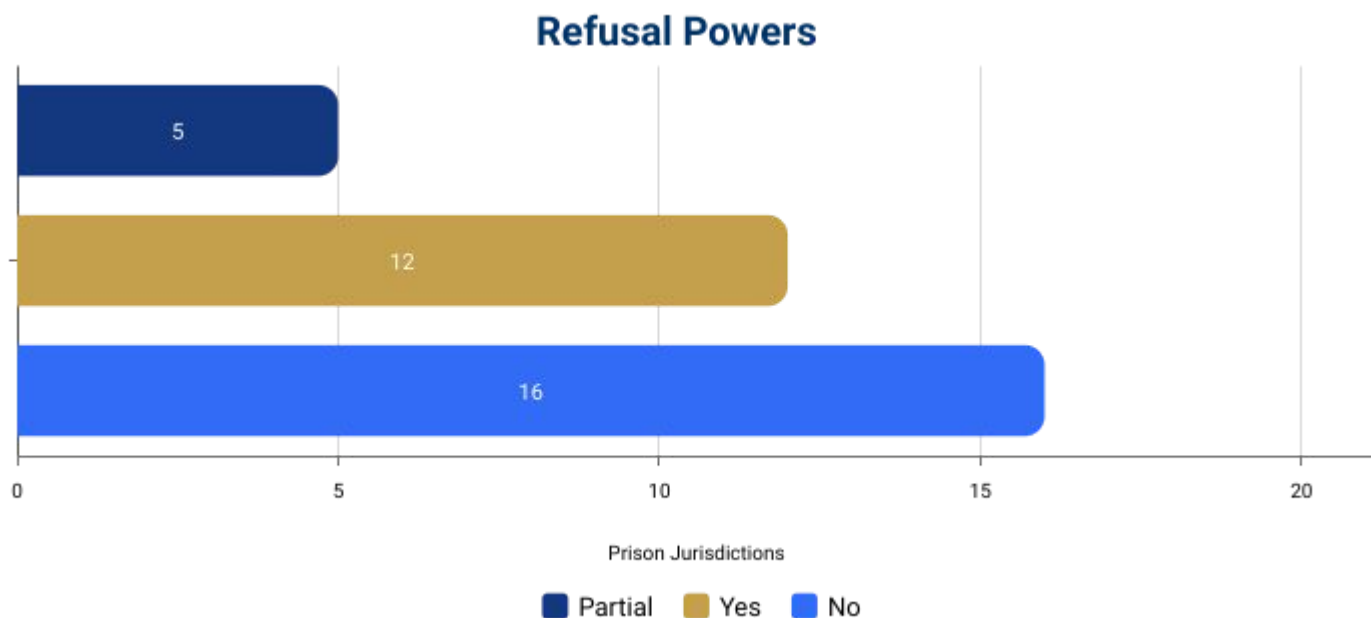
Refusal Powers

Figure 4. Indicated refusal powers of prison administrations when capacity limits are reached

Case Study: The Netherlands

The Netherlands applies a deferred-entry system developed in the early 2000s. When capacity is reached, new admissions are temporarily postponed. Sentenced persons receive formal notice and enter custody only when space becomes available.

This mechanism—supported by clear communication between courts, prosecution, and the prison administration—preserves stability and ensures that minimum standards of detention are not compromised.

In several systems, formal capacity limits are gradually exceeded during crises and never fully restored — a phenomenon known as **threshold drift**. It occurs when emergency exceptions become normal practice.

Nominal Design Limits	Limited Resources	Incremental Overload	Threshold Drift	Normalised Overcrowding
Facilities designed with a set number of beds, staff ratios, and safety margins.	Budget cuts, staff shortages, and other limited resources make inconsistencies.	Small, temporary over-capacity becomes tolerated and normalised.	Expectations shift upward - the "acceptable" limit increases.	Overcrowding becomes the "new normal", system accepts to the dysfunction.

Figure 5. Threshold drift and the normalisation of overcrowding

Numerus Clausus as a Structural Mechanism

An underexplored approach in Europe is the formal adoption of a numerus clausus—a legally enforced cap on the number of persons deprived of liberty.[8] While occasionally applied in parts of Southern Europe, its broader use could establish clearer accountability and prevent systemic saturation. Such mechanisms shift responsibility upstream, promoting shared accountability across the justice chain.

2.6 CULTURAL AND POLITICAL DIMENSIONS

Definitions and perceptions of overcrowding are shaped not only by numerical capacity thresholds but also by broader cultural, political, and judicial contexts. dministrations highlighted three main influencing factors:
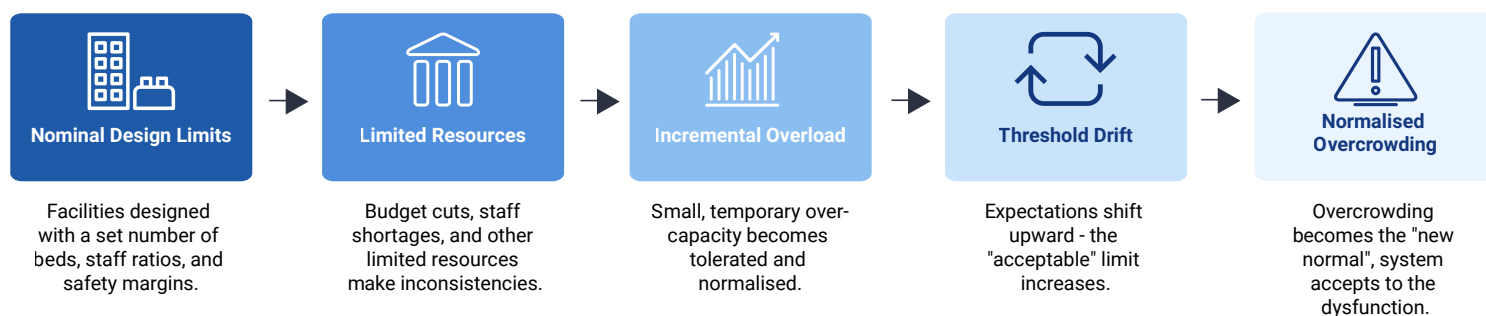
- **Cultural expectations** regarding acceptable living space, privacy, and dignity.
- **Political climate and media narratives**, especially those centred on public safety and punitive sentencing.
- **Judicial culture**, including confidence in non-custodial sanctions and measures.

Across jurisdictions, several trends were noted:

- Increased use of **short custodial sentences**, even where alternatives exist.
- **Public opinion and media pressure** influencing judicial decisions and legislative agendas.
- Growing recognition that **public confidence is essential** to expand the use of non-custodial measures.

Experiences from **England and Wales** illustrate the importance of public legitimacy. When punitive sentiment is left unaddressed, it can undermine reforms and fuel legislative expansion of custodial penalties [9].

Transparent communication, public awareness campaigns, and the use of data to demonstrate outcomes were identified as key to building trust in alternatives to imprisonment. This mapping exercise confirms that even well-designed reforms risk limited implementation without broad political and societal support.

In **Belgium**, the prison administration has actively engaged with judges and parliamentarians to raise awareness about the impact of sentencing on prison capacity and to propose legal and administrative emergency measures.

In Scotland, officials noted that the pressure created by overcrowding is restricting regimes locally and limiting the amount of relational work staff are able to do with those in our care, thus limiting the rehabilitative role of prisons [10]. Reframing prison as a space for restoring citizenship and reintegration has supported the expansion of early conditional release and non-custodial measures.

2.7 BARRIERS TO EFFECTIVELY MANAGE OVERCROWDING

Despite a wide range of available tools and legal frameworks, many administrations reported a persistent gap between policy and implementation. These challenges reflect structural, political, financial, and cultural constraints that reduce the sustained use of alternatives to custody.

8 EuroPris Mapping Project on Prison Overcrowding (2025), interview with Rafael Barreto Souza, Crime Prevention and Criminal Justice Officer (Prison Reform), United Nations Office on Drugs and Crime (UNODC), June 2025
9 UK Ministry of Justice, Independent Sentencing Review: Final Report (London: HM Government, 22 May 2025).
10 EuroPris Mapping Project on Prison Overcrowding (2025), interview with officials of the Scottish Prison Service, video conference, 3 July 2025.

Several examples demonstrate this gap:

Latvia – Alternatives to custody feature in national strategies, but their operational application remains limited.
The Netherlands – More than forty proposals to expand non-custodial sanctions and introduce limits on pre-trial detention were discussed but not adopted due to insufficient political support.

A number of recurring barriers were identified:

1. Public perception and legitimacy
Concerns about proportionality, effectiveness or credibility of non-custodial sanctions influence judicial decisions and limit political will. Media narratives can reinforce punitive expectations, making reforms politically sensitive.

2. Judicial and political conservatism
While most jurisdictions provide legal bases for alternatives, they are not consistently prioritised in judicial practice. In some systems, decision-making authority remains concentrated among judges or prosecutors who may lack confidence in, or awareness of, alternative measures.

3. Financial and administrative priorities

In **England and Wales**, funding for alternatives remains limited compared with investment in prison construction.
In **Sweden**, new or expanded facilities were not matched by corresponding investment in staffing, activity spaces, or rehabilitation programmes—resulting in renewed pressure despite increased capacity.
In **Slovenia**, staffing shortages have been a persistent challenge. Legislative amendments adopted in 2024 allow former correctional officers, certain administrative employees previously trained as officers, and retirees to temporarily perform correctional duties.

These examples reflect a broader **imbalance between infrastructure investment and resources for programmes, staff, and reintegration support.**

Taken together, these observations underscore that managing overcrowding is not only a question of having tools or legislation in place. Success depends on the environment in which these tools are implemented—namely:

Institutional capacity and coordination	Political commitment and legislative support	Judicial culture and use of discretion	Adequate funding for staffing, programmes, and infrastructure	Public perception and media discourse

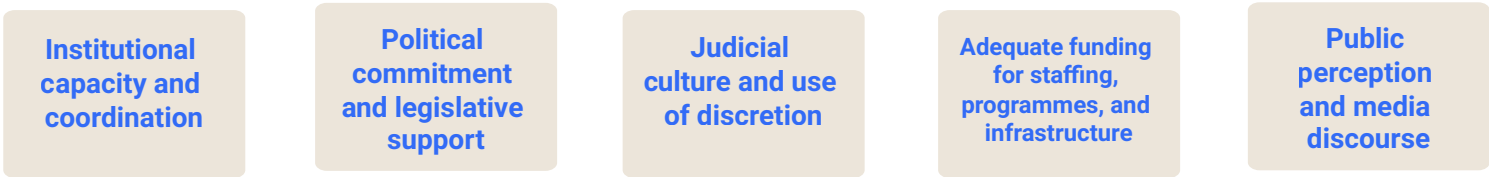Figure 6. The Five Enabling Conditions for effective overcrowding management

These five elements form a set of enabling conditions — a conceptual framework — that underpins the effectiveness of measures to address overcrowding. Sustainable impact is only achievable when these conditions align. Only when these conditions align can legal reforms and operational measures translate into sustainable reductions in overcrowding.

3. AREAS OF INTERVENTION - FROM OPERATIONAL TO STRATEGIC

Prison administrations across Europe engage with overcrowding within the limits of their operational mandates. While many of the underlying drivers lie beyond their direct authority, administrations still exercise a range of operational, systemic, and strategic levers to manage population pressures.

These interventions can be grouped along three complementary levels:

- **Immediate and operational** – measures applied inside establishments to respond to short-term pressure.
- **Medium-term and systemic** – estate-wide mechanisms affecting inflow, duration, and outflow.
- **Long-term and strategic** – contributions to planning, policy design, and institutional foresight.

This framework does not imply a hierarchy of importance. Instead, it reflects the different arenas in which prison administrations act, and the ways in which experience at the operational level can inform system-wide decisions.

3.1 IMMEDIATE AND OPERATIONAL MEASURES

When custodial populations rise rapidly, administrations rely on emergency operational tools. These interventions are intended to safeguard order and safety without requiring legislative change; however, they are often temporary by design and reactive in nature. Administrations also noted that these measures often entail a deterioration in operational conditions and can undermine safety, rehabilitation, decency and order, particularly when they persist beyond the period for which they were intended.

Common Emergency Practices
The following were most frequently reported across jurisdictions: shared cells, intra-system transfers, temporary increases in operational capacity, emergency release, repurposing of communal areas (e.g. classrooms, gyms), postponement of maintenance works to retain usable space, and—less frequently—cross-border transfers.
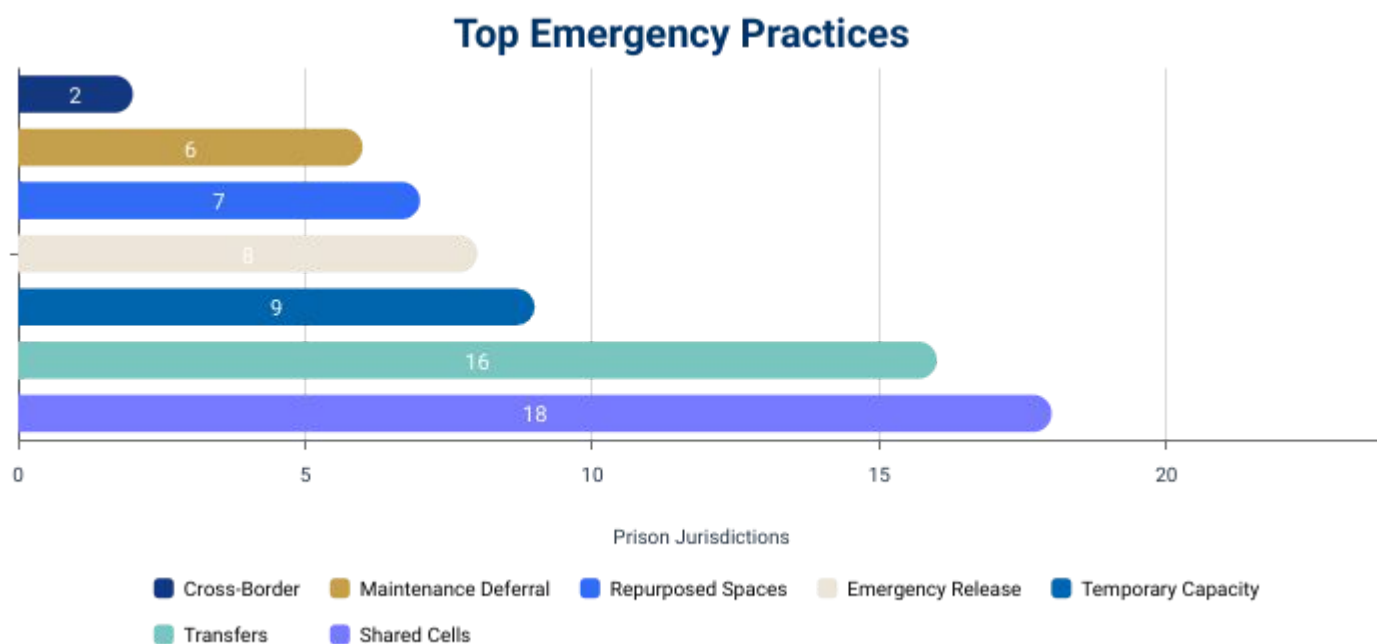

Figure 7. Prison administration's top-reported emergency practices in response to overcrowding

These practices reflect what is possible in operational terms, rather than an endorsement of their effectiveness. Shared-cell accommodation, used by more than half of administrations, is typically considered a measure of last resort, yet administrations note that such arrangements can persist well beyond their initial intent.

Examples of Practice

Denmark – Reported converting gyms and classrooms into temporary accommodation during acute capacity strain.
Switzerland – One canton temporarily housed fine-defaulters in modular container units.
Czech Republic – Once the standard 4 m² per person is exceeded, prisons may legally operate down to a minimum threshold of 3 m², combined with use of non-residential areas and postponed maintenance.

When Temporary Becomes Normal

Repeated reliance on emergency measures risks their gradual normalisation. Several administrations noted that persistent overcrowding erodes staff wellbeing, restricts activity programmes, and shifts perceptions of what is considered "acceptable" capacity. These findings underscore that immediate operational measures are transitional by nature. Their effectiveness depends on being connected to broader forecasting, allocation, and planning mechanisms—topics further developed in sections 4.2 and 4.3.

3.2 MEDIUM-TERM AND SYSTEMIC MEASURES

Medium-term measures aim to stabilise the system beyond immediate crisis responses. They focus on managing inflow and outflow through non-custodial sanctions and measures, progressive sentence execution, temporary and early release schemes, and targeted population management across the prison estate. These mechanisms typically require coordination with courts, prosecution services, probation, and ministries of justice.

Managing Inflow and Outflow

- **Manage inflow** – Expand non-custodial sanctions and diversion to reduce entry into custody.
- **Manage time in custody** – Apply progressive execution and structured temporary or early release to shorten time spent in detention where appropriate.
- **Manage outflow** – Develop open regimes, halfway houses, and community-based placements.

Non-Custodial Sanctions and Measures
Alternatives to custody exist in most jurisdictions, although uptake varies depending on eligibility, resources, and judicial culture.

Examples of Practice

Belgium – Electronic monitoring (EM) is widely used for sentences up to three years, with both standardised and individualised regimes.
Germany (Rhineland-Palatinate) – The "Sweating Instead of Sitting" programme enables individuals with unpaid fines to perform community service instead of short custodial sentences.
Poland – Over 6,000 custodial sentences were served under EM as of March 2025, applicable to sentences up to 18 months.

Scotland – A statutory presumption against short custodial sentences is supported by EM and diversion.
Cyprus – Young pre-trial detainees may be diverted to community or mental-health services as alternatives to detention.
Sweden – Uses EM for both entry and exit from custody, covering sentences up to six months or the final four months of longer custodial terms. [11]

Progressive and Open Regimes

These systems allow individuals to transition from closed to open settings, based on risk assessment and reintegration planning.

Examples of Practice

Estonia – Expanded the use of non-custodial measures and integrated EM into parole; open prisons are used wherever possible.
Switzerland – Progressive execution begins in closed prisons and transitions to open facilities and external work.
Catalonia and Basque Country (Spain) – Use probation and partial liberty regimes extensively for low-risk individuals.
Catalonia (Spain) – Reports around 25% of the prison population in open-regime facilities supported by NGOs.
Finland – Places low-risk detainees in open prisons or community-based care settings, particularly for short-term sentences.

Temporary and Early Release

Conditional release and temporary leave mechanisms reduce pressure while maintaining supervision and reintegration.

Examples of Practice

Ireland – Approximately 600 prisoners annually receive structured early release in partnership with the Probation Service.
Switzerland – Cantons can authorise temporary release of up to 96 hours for individuals nearing release.
Scotland – Home Detention Curfew (HDC) and revised legislation enable earlier conditional release for low-risk individuals.
Denmark – In 2024, around 1,700 people were released before sentence completion (on parole), 300 under EM and 3,600 via community service.
Finland – Supervised probationary freedom allows the final part of a sentence to be served under EM in the community.

Renting Space Abroad

Some jurisdictions report using or considering temporary detention in other countries to manage pressure.

Examples of Practice

Norway and Belgium – Previously rented prison capacity in the Netherlands.
Sweden – Agreement with Estonia to rent up to 600 places from 2026.
Denmark–Kosovo – Agreement allowing 300 Danish prisoners to serve sentences abroad from 2027, including facility upgrades and staff training.

These measures are considered temporary and not structural solutions.

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11 An amended legislative framework is planned to enter into force in January 2026. The reform will expand the eligibility of Electronic Monitoring (EM) from six to eighteen-month sentences and introduce a new option to serve EM from "Controlled Accommodation" rather than from home. Both measures aim to support improved outflow management across the custodial system.

3.3 LONG-TERM MEASURES AND POLICY INFLUENCE

Long-term measures reflect the areas where prison administrations engage in system design, planning, and policy development beyond immediate or medium-term management.

Infrastructure and Capacity Planning
Building or refurbishing prison infrastructure remains one of the most visible and politically supported responses to overcrowding. Long-term sustainability, however, requires balancing new construction with staffing, activities, and reintegration services.

Examples of Practice

Hungary – Constructing the Csenger National Prison (1,500 places), the largest recent investment by the prison administration.
France – Implemented a plan to create approximately 15,000 new places by 2027.
Luxembourg – Opened a new 400-place facility for pre-trial detainees to redistribute pressure.
Denmark – Adopted a long-term strategy combining national construction and renting spaces abroad, adding 1,300+ places by 2030.
Poland – Building new infrastructure model combining housing, employment, and rehabilitation within the same site.
Slovenia - Recent investments include the completion of the new 388-place Ljubljana Prison in 2025. Renovation and upgrading works continue across other establishments to improve living conditions
Croatia - Several modular annexes are planned to be built alongside proposals for three new 400-place facilities. These initiatives aim to add approximately 750 modular places and 1,200 new places.

Cautionary lesson from Sweden:

The biggest cautionary lesson is that increasing bed numbers without expanding access to activities creates serious risks... Sweden advises other jurisdictions not to repeat this error—capacity growth must be balanced with access to activities that allow reintegration into society.[12]

Forecasting and Long-Term Planning
Several administrations are developing tools to predict future capacity needs and support strategic planning.

Examples of Practice

Ireland, Estonia, Slovakia, Sweden, England and Wales – Use 10-year frameworks for capacity, staffing, and budgets.
England and Wales – Prison occupancy data and future forecasts are routinely shared with ministers and published, to inform sentencing policy and budgetary decisions.
Slovakia – Mandates annual assessment of accommodation, reconstruction needs, and contributions to criminal policy.
Czech Republic – Preparing a Concept for the Development of the Prison Service to 2036, including infrastructure conversion.
Switzerland – Developing a national forecasting model covering construction to 2035 / 2050 as a basis for a common strategy (action plan).
Lithuania – Uses prison data to inform amendments to sentencing enforcement law.
Norway – Uses long-term capacity and staffing forecasts; operational guidelines ensure limits are not exceeded, even during temporary closures.

Collaborative Governance

In many jurisdictions—particularly those with decentralised systems—effective capacity management depends on mechanisms of coordination between regional, national, and inter-institutional actors.

Examples of Practices

Basque Country (Spain) – Established transfer protocols between regional and national systems to balance capacity.

Switzerland – Although cantonal systems operate autonomously, coordination occurs through the Conference of Cantonal Heads of Correctional Services (CCHCS), which meets bi-annually to address pressures and ensure consistent responses. "It's a clear example of collaborative governance: while each canton operates autonomously, the Conference ensures that population pressures and other systemic concerns are addressed with consistency and foresight." [13]

The Use of Digital Innovation

Digital tools are increasingly used to mitigate the consequences of overcrowding, especially where staffing or activity space is limited.

Examples of Practices

Finland – Smart Prison model using secure laptops for education, healthcare, sentence planning, and communication; piloting AI-based planning tools with human oversight.

The Netherlands – Introduced tablets in five prisons to support education, communication, and digital inclusion.

These initiatives do not reduce overcrowding directly but help mitigate its effects and support reintegration.

The following chapter builds on these findings by drawing together cross-cutting reflections from the mapping exercise and presenting considerations to support strategic, coordinated, and humane approaches to prison capacity management.

4. ANALYSIS

This chapter brings together the key reflections emerging from the mapping. It synthesises common patterns, institutional experiences and enabling conditions observed across jurisdictions.

These reflections clarify what this report has sought to demonstrate: how prison administrations experience, manage and influence overcrowding within their mandates, and where approaches converge or diverge. They also serve as a bridge to the forward-looking considerations that follow.

⊞ OVERCROWDING AS A STRUCTURAL AND SHARED CHALLENGE

Prison overcrowding is neither temporary nor isolated. It is a structural issue that recurs across time, jurisdictions and policy cycles. While immediate actions inside prisons are often the first response, sustainable solutions extend beyond the authority of prison administrations alone. They depend on decisions taken across the criminal justice chain — sentencing policies, the balance between custodial and non-custodial measures, prosecution practices, release frameworks — as well as wider political and social dynamics.

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13 *EuroPris Mapping Project on Prison Overcrowding (2025), interview with a senior official from the Swiss Center of Expertise in Prison and Probation, July 2025.*

NO SINGLE SOLUTION - PROGRESS REQUIRES COMBINATIONS

Across Europe, administrations consistently report that there is no single solution to overcrowding. Where progress has been achieved, it results from combinations of measures applied in parallel: operational adjustments, inflow and outflow management, progressive execution of sentences, investment in reintegration, and long-term tools such as forecasting, infrastructure strategies and policy engagement. Capacity expansion alone — when undertaken without proportional investment in staffing, activity spaces and reintegration pathways — has often proven insufficient.

VALUE OF LEARNING TOGETHER — AND THE NEED FOR COMMON LANGUAGE

A clear added value of this mapping lies in shared learning. Administrations face similar pressures, and peer exchange can help identify practical approaches, avoid repeating mistakes and adapt initiatives to national contexts.

At the same time, terminology and legal definitions differ across systems. Transferring practice, therefore, requires caution and, where possible, a common vocabulary on capacity, thresholds and "acceptable occupancy" to support comparability and policy dialogue.

SYSTEMIC LOOPS AND IMPLEMENTATION GAPS

A recurring pattern is a self-reinforcing loop: limited use of non-custodial sanctions and measures, or of temporary and early conditional release, contributes to higher occupancy; rising pressure then makes these measures harder to apply.

Several services described gaps between legal frameworks and practical uptake due to eligibility rules, resourcing or risk perceptions. This can produce a "warehousing effect" — resources diverted to basic containment at the expense of education, rehabilitation and reintegration. - *The more overcrowding we have, the less we can do about it.* [14]

PRISON ADMINISTRATIONS AS ACTORS OF INFLUENCE - BUT NOT IN ISOLATION

Prison administrations do not control the upstream drivers of population growth. Yet they contribute essential evidence, operational insight and foresight to policymaking.

Through data, forecasting, strategic planning and structured dialogue with ministries, courts, prosecution and probation services, they can help shape more coherent responses. Their influence is strongest when embedded in whole-of-system cooperation and supported by political and legislative commitment.

DIVERGING DEFINITIONS AND MEASUREMENT GAPS

Definitions of overcrowding differ across Europe, as does the level at which pressure is felt. Overcrowding is not only a matter of numbers; it has qualitative dimensions: space per person, separation needs, access to activity and services, staff ratios, safety, and impact on daily operations. A purely statistical lens can miss these lived realities. Recognition of perceived overcrowding underscores the value of combining quantitative indicators (e.g., occupancy rates) with qualitative markers of institutional health and human dignity. These differences also shape administrations' ability to contain, mitigate, or prevent systemic entrenchment.

CULTURAL AND POLITICAL DIMENSIONS

Punitive narratives, public opinion and media discourse shape penal choices and influence confidence in non-custodial measures. Several administrations reported a growing reliance on custodial sentences — particularly short-term imprisonment — despite evidence showing that community-based and early-release measures reduce reoffending and support reintegration. Experiences in Belgium and Scotland highlight counter-strategies: reframing prison as a place for restoring citizenship; engaging judges and parliamentarians on capacity consequences of sentencing; and investing in transparent communication to build trust in non-custodial measures.

🏢 INFRASTRUCTURE EXPANSION - NECESSARY AT TIMES, INSUFFICIENT ON ITS OWN

Across Europe, infrastructure expansion is underway. New construction can relieve pressure, but without proportional investment in staffing, activity space, programmes and reintegration support, pressure may persist or worsen. International standards emphasise that any capacity increase should be matched by access to services and safeguards for dignity [15]. While a rising prison population does not necessarily lead to overcrowding when accompanied by commensurate capacity expansion, the mapping exercise indicates that in many jurisdictions population growth has outpaced the creation of new places, and where construction has occurred it has often not been matched by the staffing and facilities required for safe and humane operation.

> *The biggest cautionary lesson is that increasing bed numbers without expanding access to activities creates serious risks... capacity growth must be balanced with programming and reintegration into society.* [16]

📈 THE VALUE OF STRATEGIC PLANNING AND FORECASTING

Several administrations report shifts toward ten-year strategies, risk dashboards and population projections that link operational evidence to ministerial decisions. Where embedded, these tools support anticipatory governance, inform the timing of infrastructure and staffing, strengthen financial planning and signal risks upstream.

👪 ADAPTING TO SPECIFIC POPULATIONS

Overcrowding does not affect all groups equally. Targeted, trauma-informed and regime-differentiated approaches for women, LGBTIQ+ persons and people with mental-health needs are especially important in overcrowded contexts. A sustainable approach avoids one-size-fits-all responses and recognises differentiated impacts.

4.1 SYNTHESIS

Overcrowding appears structural rather than episodic — the cumulative result of decisions taken across the justice chain. Effective responses are layered and coordinated: short-term operational measures within establishments; medium-term inflow/outflow management through progressive execution and community-based options; and long-term forecasting, infrastructure governance and upstream engagement. Prison administrations cannot address population growth alone; yet their operational expertise, data and foresight capacities are essential to credible strategies. Sustainable progress requires alignment between justice policies and operational realities, prevention of the dynamics that lead to warehousing, and conditions that foster rehabilitation, reintegration and safety—for those who live and those who work behind the prison walls.

5. CONSIDERATIONS

Towards anticipatory, coordinated, and humane capacity management.

The following considerations, derived from the mapping exercise, are non-prescriptive and intended to support ongoing dialogue between prison services. They aim to strengthen the collective voice of prison administrations within wider criminal justice systems and to help translate shared reflections into forward-looking perspectives. These considerations build on peer learning and acknowledge the value of joint tools, common language, and—where appropriate—transnational cooperation. Several of the considerations outlined below extend beyond the remit of prison administrations alone and depend on broader policy decisions and coordinated action across the criminal justice chain.

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14 *EuroPris Mapping Project on Prison Overcrowding (2025), interview with officials of the Scottish Prison Service, 3 July 2025.*
15 *United Nations General Assembly, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), A/RES/70/175 (17 December 2015), Rule 12.*
16 *EuroPris Mapping Project on Prison Overcrowding (2025), interview with a senior official, Swedish Prison and Probation Service (Kriminalvården), 14 August 2025*

5.1 BROAD SCOPE

Reframing the Challenge — Structural and complex, not merely situational

Overcrowding reflects cumulative decisions across the criminal justice chain — sentencing policies, pre-trial detention, caseflow management and release pathways — not only shortages of accommodation. Some Member States may wish to explore the use of "perceived overcrowding" (e.g. staff fatigue, pressure on services) as an early indicator of institutional strain.

Strategic Planning and Budget Allocations — Plan, forecast and budget together

Consider linking capacity forecasts, risk dashboards and budget planning across national justice cycles. Medium- to long-term planning horizons (e.g. 10 years) can help connect capacity, workforce and rehabilitation resources, especially across political transitions. Cost–benefit reflections on prison construction may take into account investment in non-custodial sanctions and measures.

Data, Digitalisation and Evidence Across the Justice Chain — Evidence to manage inflow, outflow and capacity

Timely data exchange between courts, prosecution, probation, and prisons can support coordinated decision-making. Pilot use of digital tools — including AI-supported models — can assist planning, provided that human-rights safeguards and oversight mechanisms are in place. Beyond here-and-now indicators, several administrations noted that sustainable, forward-looking prognoses are increasingly needed to support policy planning and anticipatory decision-making across the justice chain.

5. 2 STRUCTURAL MEASURES

Infrastructure — Building functional capacity, not only places.

Options may include modular or multi-purpose facilities adapted to different population needs. Where appropriate, smaller or specialised units can support rehabilitation and reintegration more effectively than very large establishments. Planning construction in parallel with staffing, training and programme delivery can help avoid "empty beds without services". New facilities may reflect international standards, including the Nelson Mandela Rules, energy efficiency and digital or green innovations.

Reducing Inflow and Supporting Outflow

Broader use of non-custodial sanctions and measures (community service, electronic monitoring, probation) may help manage inflow, where legally and proportionately applied. At the pre-trial stage, options such as bail or judicial supervision can reduce remand detention where risk allows. Some jurisdictions use deferred entry or admission caps to maintain humane operating capacity. Reintegration can be supported through progression regimes, open prisons, halfway houses, and transitional accommodation. Cross-sector cooperation may help address mental health or social needs that delay release or supervision.

Inclusive Responses - Equity within capacity management

Some prison administrations are developing gender-responsive, trauma-informed and health-focused approaches. Coordination between justice and health services can help address pre-trial delays and unmet treatment needs. Ensuring equal access to rehabilitation, early release mechanisms and services supports fairness and reduces systemic exclusion.

5.3 GOVERNANCE AND PRECONDITIONS

Coordinated Governance — Whole-system management of capacity
Some jurisdictions recognise overcrowding as a national strategic risk, discussed at inter-ministerial level. Shared situational awareness between courts, prosecution, probation and prisons can support more consistent capacity management. Prison administrations may contribute operational evidence to legislative and sentencing consultations, helping develop a more common language on capacity and thresholds.

Public Confidence and Cultural Change — Shaping perceptions for sustainable reform
Evidence-based communication on the outcomes and safety of alternatives to detention can help build public and political trust. Restorative and victim-inclusive approaches may reinforce the legitimacy of non-custodial sanctions. Collaboration with media, academia and civil society can contribute to more informed public debate.

5.4 AMBITIONS

European and International Cooperation — Learning, benchmarking and shared accountability
Peer learning remains a key added value: exchange of tools, metrics and evaluation results helps avoid duplication and strengthens collective foresight. Shared discussion on capacity forecasting, refusal thresholds or common terminology may support comparability. Where bilateral detention agreements or external prison placements exist, transparency, reintegration safeguards and time limitations are critical. Independent inspection, evaluation and cross-border research can build a cumulative evidence base.

Towards Sustainable Prison Systems and Justice Chain — From crisis response to long-term coherence
Moving from reactive to anticipatory management may involve early-warning indicators, scenario planning and long-term investment strategies. Linking sentencing policy, prison capacity and community-based responses helps ensure coherence across the criminal justice chain. Prison administrations can be recognised as strategic policy actors, whose operational insight contributes to sustainable justice reform. Sustainable responses to overcrowding require not only infrastructure but also foresight, coordination and trust. By integrating operational insight into upstream decisions and aligning resources with long-term reintegration goals, Member States may move from crisis management toward balanced, humane and resilient penal systems.

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TERMINOLOGY

Based on the definitions and terminology used by the United Nations Office on Drugs and Crime (UNODC)

Accused: A person who has been charged or who is alleged to have committed an offence.

Acquittal: Discharge of defendant following a verdict of not guilty.

Adjudication: The legal process of resolving a dispute. The formal giving or pronouncing of a judgment or decree in a court proceeding; also the judgment or decision given.

Arrest: A seizure or forcible restraint; an exercise of the power to deprive a person of his or her liberty; the taking or keeping of a person in custody by legal authority, especially, in response to a criminal charge.

Bail: A legal mechanism used so that a person accused of a crime can be released from detention prior to the conclusion of their case if certain conditions are met. These conditions are designed to ensure that the accused returns to court for trial. They usually involve placing an amount of money as security with the court, which can be forfeited to the state should the accused fail to return to court at the appointed time and place.

Charge: A formal accusation against a person.

Conviction: The outcome of a criminal prosecution which concludes in a judgment that the defendant is guilty of the crime charged.

Crime prevention: A range of approaches which prevent (or reduce) crime. They may include social development, community integration, urban renewal and working with specific people who are identified as vulnerable to crime, or likely to commit offences, including offenders and former offenders.

Criminal justice system: The practices and institutions of governments directed at upholding public safety, enforcing laws and administering justice.

Decriminalization: The removal of a conduct or activity from the sphere of criminal law; Decriminalization may include either the imposition of sanctions of a different kind (administrative) or the abolition of all sanctions. Other (non-criminal) laws may then regulate the conduct or activity that has been decriminalized.

Defendant: Person standing trial or appearing for sentence.

Depenalization: A relaxation of the penal sanction exacted by law for a specific offence or offences.

Judicial authority: A court, a judge or a public prosecutor.

Imprisonment: In this Handbook the term "imprisonment" has been used to refer to deprivation of liberty in all places of detention, including in pre-trial detention facilities and prisons. Often the term is used to refer to deprivation of liberty following a sentence has been past, in prison.

Imprisonment rate: The number of prisoners per 100,000 of the general population.

Mitigation: To make less rigorous or penal.

Life sentence:

The following are the three main types of life sentences:

• 'Life' or long-term sentence for a determinate number of years, after which the prisoner is released with no further restriction.

• 'Life' sentence for a minimum number of years, after which, at a certain defined point, the prisoner may be considered for release.

• Imprisonment until (natural) death, with no possibility of release (LWOP), and/or with a possibility (theoretical or realizable) of a pardon.

Long-term sentence: While there is no international definition of a long-term sentence, according to the Council of Europe the threshold of a long-term sentence is five years or more.

Mandatory minimum sentence: Mandatory minimum sentence refers to the fixed sentence that a judge is obliged to deliver to an individual convicted of a crime, notwithstanding the culpability and other mitigating factors involved in the crime.

Occupancy rate (also known as population density): Determined by calculating the ratio of the number of prisoners present on a given day to the number of places specified by the official capacity.

Offender: Someone who has been convicted of an offence.

Official capacity or design capacity of a prison: The total number of prisoners a prison can accommodate while respecting minimum requirements, specified beforehand, in terms of floor space per prisoner or group of prisoners including the accommodation space. The official capacity is generally determined at the time the prison is constructed.

Operational capacity: The total number of persons who can be safely and humanely accommodated in a prison at any time. This figure may alter over time as changes are made to the prison and as resources fluctuate.

Paralegal: A person who provides legal aid to people ranging from providing information about the law and court procedures to providing advice and assistance with legal problems. Paralegals will have received some training on law but not to the level of a qualified lawyer.

Pre-trial detainee or detainee: An accused person, deprived of his or her liberty, who has not yet received a final judgment (a conviction or an acquittal) by a court, with regard to the alleged offence committed.

Pre-trial detention: In this Handbook the term is used to refer to the period during which a person is deprived of liberty prior to adjudication, including detention by the police, through to the conclusion of the criminal trial, including appeal. Often the term is used to refer to the period after the order of detention by a judicial authority, excluding the initial period of custody by the police or other law enforcement institutions.

Prison: The term "prison" has been used to refer to all authorized places of detention within a criminal justice system, holding all prisoners, including those who are held during the investigation of a crime, while awaiting trial, after conviction and before and after sentencing. The term does not cover detention centres holding people detained due to their irregular immigration status.

Prison density: See Occupancy rate.

Prisoner: The term "prisoner" has been used to describe all those who are held in places of detention, including adults and juveniles, during the investigation of a crime, while awaiting trial, after conviction and before and after sentencing.

Prosecution: The institution or conduct of criminal proceedings against a person.

Rehabilitation: A broad concept whereby the underlying factors that lead to criminal behaviour in the first place are addressed and the likelihood of reoffending reduced; often used interchangeably with reintegration or treatment.

Re-entry: Process by which a prisoner is prepared to reintegrate into society when he or she has served a prison sentence.

Reoffend: When an offender commits a new crime after being convicted of a previous offence.

Revocation: An action taken by a competent body such as the court, public prosecutor, prison authority or parole agency in response to a violation or violations of the conditions attached to a non-custodial measure. This may involve a new offence or a violation of other technical conditions.

Sanction: Punishment for a criminal offence.

Social reintegration: The social reintegration of prisoners and former prisoners refers to the process by which they rebuild their lives in a positive manner following release and the support given to them during this process, thereby reducing the likelihood that they will reoffend.

Status penalties: deny the offender specified rights in the community. Such a penalty might, for example, prevent someone convicted of fraud from holding a position of trust as a lawyer or director of a company. It might prevent a doctor convicted of medical malpractice from continuing to practice medicine.

Non-custodial measures: Requirements imposed on a defendant in order to avoid pre-trial detention. They may include: undertakings to appear before the court as and when required; not to interfere with witnesses; periodic reporting to police or other authorities; submitting to electronic monitoring and/or curfews or surrender of passports.

Non-custodial sanctions: Sentences of the court which deal with the offender in the community rather than in prison. These involve some restriction of liberty through the imposition of conditions and obligations such as attendance at counselling programmes or drug treatment and testing.

Parole or early conditional release: means the early conditional release of sentenced prisoners under individualized post-release conditions. It can be mandatory when it takes place automatically after a minimum period or a fixed proportion of the sentence has been served, or it can be discretionary when a decision has to be made whether to release a prisoner conditionally after a certain period of the sentence has been served. Conditional release or parole is always accompanied by a general condition that the prisoner should refrain from engaging in criminal activities. However, this is not always the only condition imposed. Other conditions may be imposed on the prisoner, to the extent that these are appropriate for his/her successful social reintegration.

Remission: Remission of sentence is a form of unconditional release. Remission is usually awarded automatically after a fixed proportion of a sentence has been served, but it may also be a fixed period that is deducted from a sentence. Sometimes remission is made dependant on good behaviour in prison and can be limited or withdrawn if the prisoner does not behave appropriately or commits a disciplinary offence.

Restorative justice: Processes that give victims the chance to tell offenders the impact of their crime, to get answers to their questions and to receive an apology, and give offenders the opportunity to understand the impact of their actions and to do something to repair the harm. Restorative justice may take place as an alternative to prosecution for less serious crimes, when an offender has pleaded guilty in court but before sentence, after sentence, in prison or in the community.

Suspended sentence: Where a sentence of imprisonment is pronounced but its implementation is suspended for a period on a condition or conditions set by the court. There are two types of suspended sentences. A judge may unconditionally discharge the defendant of all obligations and restraints. An unconditionally suspended sentence ends the court system's involvement in the matter and the defendant has no penalty to pay. However, the defendant's criminal conviction will remain part of the public record. A judge may also issue a conditionally suspended sentence. This type of sentence withholds execution of the penalty as long as the defendant exhibits good behaviour. For example, if a person was convicted of shoplifting for the first time, the judge could impose thirty days of imprisonment as a penalty and then suspend the imprisonment on the condition that the defendant not commit any offences during the next year. Once the year passes without incident, the penalty is discharged. If, however, the defendant does commit another crime, the judge is entitled to revoke the suspension and have the defendant serve the thirty days in jail.

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