



EUROPEAN PRISONERS' RIGHTS DAYS

STRENGTHENING THE POSITION OF LAWYERS IN PRISONS

2–4 OCTOBER 2025
BRUSSELS, BELGIUM



Over the last twenty years, litigation before domestic courts and the European Court of Human Rights has gradually established itself as the preferred method of dealing with prison issues. The introduction of legal remedies for prisoners, at the instigation of the Strasbourg Court, has thus marked an essential step in the emergence of a subjective right to protection behind bars. Moreover, judicial proceedings are increasingly seen as an essential tool for compelling public decision-makers to eliminate 'structural or systemic' failures in prisons.

However, this development has taken a paradoxical turn: while the legal potential of these proceedings has increased and the issue of prison litigation has gained considerable visibility, the attention paid to the involvement of lawyers – an essential condition for the effective exercise of these rights – has remained surprisingly limited. The model promoted by Council of Europe bodies is that of a judicial system that is both simplified, being designed to adapt to the socio-economic profile of its users so they can act without external support, and proactive, with judges expected to swiftly establish alleged violations through the use of presumptions and order the necessary corrective measures. This favoured approach pays little heed to the complexity of procedures which involve overlapping national and European regulations, the intensity of the confrontation resulting from any complaint filed in detention, or the complex interactions between prison and judicial authorities.

Admittedly, various international instruments address this issue. This is particularly true of UN guidelines, which consider it from the perspective of defendants,¹ and more recently, the EU Recommendation,² which emphasises the right of detainees to have access to a lawyer and to lodge complaints about their treatment. However, the wide margin of discretion left to States leads to disparate and highly unequal protection regimes. Actions in favour of prisoners' rights are all the more exposed to the austerity policies at work in many European judicial systems.

Yet the current political instrumentalisation of prison issues, which have become markers of a security-driven approach that openly defies human rights,³ is disrupting the conditions for lawyers' intervention in detention, while exacerbating the issues at stake. Europe has indeed entered a "new phase" in criminal justice⁴ fueled by "populist and authoritarian attitudes [which have] major implications for the criminal justice system",⁵ including from the point of view of prison officials themselves, with the result being an increase in incarceration rates and the multiplication of security regimes.⁶

In this context, prison cases require a redoubled commitment on the part of lawyers: the justice system is under pressure from a growing number of interventions denouncing prisoners' rights as intolerable privileges and sentence adjustments as unacceptable offences against the community and victims.

The role of lawyers is therefore increasingly required to take on a political dimension: together with NGOs, members of the profession are at the forefront of public debate, working to counter challenges to the cardinal principles of criminal law.

How, then, can the position of lawyers in prisons be strengthened? What dynamics can be created between bar associations, organisations and practitioners to raise the profile of this issue and ensure that it is addressed by the law? What scope for action can be opened up at European and international level to affirm this role as an essential component of the rule of law?

These questions will be addressed during the European Prisoners' Rights Days, which will bring together former prisoners, practitioners, academics, association leaders and representatives of international organisations to collectively reflect on the role of lawyers in safeguarding the right of access to justice in detention.

This event inaugurates a new phase of civil society mobilisation aimed at strengthening prisoners' access to justice, with particular emphasis on the right to legal assistance. It builds on an earlier campaign that united national bar associations and civil society organisations for initiatives in the European Parliament and on European Lawyers' Day in 2019. Given the current challenging context, it is imperative to revitalise this effort.

¹ UNODC, [United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems](#), approved by General Assembly Resolution 67/187, 20 December 2012.

² European Commission, [Recommendation \(EU\) 2023/681 on procedural rights of suspects and accused persons in pre-trial detention and on material conditions of detention](#), 8 December 2022.

³ See, for example, the [joint letter supported by nine member states of the Council of Europe](#) criticising the protection granted by the ECtHR to foreign nationals convicted of "serious crimes".

⁴ M. F. Aebi & E. Cocco, [Prisons and Prisoners in Europe 2024: Key Findings of the SPACE I survey](#), 16 July 2025, p. 27.

⁵ Nadya Radkovska, [Conclusions from the 28th Council of Europe Conference of Directors of Prison and Probation Services](#), 13 June 2023.

⁶ See the case of France, OIP, [Quartiers de lutte contre la criminalité organisée : quand la paranoïa sécuritaire justifie la négation des droits](#), 18 August 2025.

PROGRAMME

FRIDAY 3 OCTOBER

from 9.00 to 18.00

Public event

Venue : Saint Louis University, Room P02, Rue du Marais 119, 1000 Brussels, Belgium

In English and French with simultaneous interpretation

Online participation possible upon registration >> [HERE](#) >>

9.00 Registration & Coffee

9:30 OPENING

To open the thematic workshops of the day, the organisers will present the **findings of studies** by CSOs, practitioners and academics on **prisoners' access to legal aid**, as well as **lessons learnt from joint litigation and advocacy initiatives** of CSOs and bar associations.

With:

- Hugues de Suremain, Legal Director of the European Prison Litigation Network
- Agathe De Brouwer, Lawyer and Legal Assistant in Criminal Law and Criminal Procedure at the Saint Louis University (GREPEC)
- Delphine Paci, Lawyer, Avocats.be – French- and German-speaking Bar Association of Belgium

10:15 WORKSHOP 1: CURRENT CHALLENGES IN LEGAL ASSISTANCE IN DETENTION

Panellists from France, Italy, Spain, and Ukraine will discuss the **challenges prisoners face in exercising their right to access a lawyer** across different prison settings. Special attention will be given to **obstacles in high-security regimes and during the post-sentence phase**. They will also explore how access to a lawyer is essential to **preventing torture and ill-treatment in prisons**.

With:

- Delphine Boesel, Lawyer, Paris Bar Association
- Antonella Mascia, Lawyer, Verona Bar Association

- Carlos García-Castaño, Lawyer, General Council of Spanish Lawyers, Rebeca Santamalia Penitentiary Law Association
- Oleh Tsvilyi, Former prisoner, Director of the NGO Protection for Prisoners of Ukraine

12.30 Break

14.00 WORKSHOP 2: THE CHALLENGES OF LAWYERS' INTERVENTION IN PRISONS IN TERMS OF SAFEGUARDING THE RULE OF LAW

The panellists will address the risks posed to the rule of law by the **erosion of procedural rights in prisons**, in a context of increasing political and public demand for harsher criminal policies, inflating prison incarceration rates and the multiplication of high security prison regimes. They will also discuss **the role of the legal profession**, particularly lawyers and judges, **in defending the cardinal principles of criminal law in the public debate**.

With:

- Matylda Pogorzelska, Project officer at the Justice, Digital and Migration Unit, EU Fundamental Rights Agency
- Zsófia Moldova, Director of the Justice Programme, Hungarian Helsinki Committee
- Fabio Gianfilippi, Spoleto Sentence Supervision Judge
- Christine Graebisch, Lawyer, Professor at the Dortmund University of Applied Sciences and Arts, Board member of the NGO Strafvollzugsarchiv (Prisons' Archive), Member of the Lawyers' Association for Democracy and Human Rights

15.30 Break

16.00 WORKSHOP 3: LAWYERS' MOBILISATION IN FAVOUR OF THE RIGHT TO LEGAL AID

Practising lawyers and representatives of lawyers' associations will share their experiences and discuss the lessons learnt from initiatives to mobilise the legal profession in support of the right to legal aid in prisons.

- Marcin Wolny, Lawyer, Helsinki Foundation for Human Rights & Warsaw Bar Association
- Delphine Paci, Lawyer, Avocats.be – the French- and German-speaking Bar Association of Belgium
- A representative of the Delegation of French Bars in Brussels
- Nicola Canestrini, Lawyer, Italian Bar Association and national expert in the CCBE Criminal Law committee
- João Matos Viana, Lawyer, Vice-President of Forum Penal – Criminal Lawyers Association

17.30 CLOSURE

In this final round of discussion, the participants will **draw conclusions from the workshops** of the day with a view to **shaping the outlines of new European civil society campaign** in favour of the right to legal aid and access to a lawyer in detention.

18.00 End

SATURDAY 4 OCTOBER

from 10.00 to 16.30

Closed event for EPLN members & partners only

Venue : Saint Louis University, Room P02, Rue du Marais 119, 1000 Brussels, Belgium

10:00 EPLN ORDINARY GENERAL ASSEMBLY

13.00 Break

14:00 ORIENTATION DEBATE OF THE GENERAL ASSEMBLY

Prisoners' rights NGOs confronting legal, political and financial threats: what collective responses?

16.30 Closure



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