

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

68th meeting

Strasbourg, 16-18 May 2011

SUMMARY MEETING REPORT

prepared by the Directorate General of Human Rights and Legal Affairs

BRIEF FOREWORD

The PC-CP:

- Considered the revised draft recommendation containing European Code of Ethics for Prison Staff and made specific proposals in this respect;
- Considered the revised draft recommendation on foreign prisoners and its draft commentary and made specific proposals in this respect;
- Considered the reform process related to the intergovernmental structures and took note of the fact that the CDPC will hold two plenary sessions annually;
- Approved its draft terms of reference and forwarded these to the CDPC;
- Considered the follow-up to be given to Resolution n° 2 adopted at the 30th Council of Europe Conference of Ministers of Justice (24-26 November 2010, Istanbul) and finalised a questionnaire to be sent to the national authorities in relation to this;
- Took decisions regarding the contents and organisation of the 16th CDAP (Strasbourg, 13-14 October 2011) and agreed on its expected outcome;
- Decided to postpone for a later time the discussion of possible candidates for PC-CP members in view to the forthcoming elections in December 2011.

1. The Council for Penological Co-operation (PC-CP) held its 68th meeting in Strasbourg on 16-18 May 2011 with Ms Sonja Snacken in the Chair. The list of participants is appended to this report (Appendix II).

I. Opening of the meeting and adoption of the agenda

2. The agenda was adopted (see Appendix I).

II. Summary report of the 67th meeting [Doc. PC-CP (2011) 2]

3. The PC-CP considered the summary meeting report of its 67th meeting and had no comments to make.

III. Items for information

4. The Secretariat updated the PC-CP on the reform of the intergovernmental committees and on the support in this respect given by the member states to the work carried out by the CDPC and the PC-CP and PC-OC. It was stressed that the idea behind the reform process is to make the work of the standard-setting bodies more target oriented with clear two-year aims and with tangible results. The PC-CP was also informed that the CDPC will hold as of the current year two plenary sessions per year.
5. The question regarding upholding better the principle of gender mainstreaming in the work of the intergovernmental committees was also raised and it was noted that the PC-CP had reflected successfully this principle so far in its standard-setting work as well as in the composition of its members.
6. The Secretariat further drew the PC-CP attention to the decisions taken at the last CDPC meeting regarding the draft European Code of Ethics for Prison Staff and the draft recommendation on Foreign Prisoners. Information was also provided concerning the current and forthcoming priorities on the CDPC agenda.
7. The PC-CP was also informed of the recent meeting with representatives of EUROPRIS at which the importance of maintaining the Council of Europe standards in the penitentiary field and the possible ways of cooperation with this newly established organisation were discussed.

IV. Draft European Code of Prison Staff Ethics [Docs. PC-CP (2011) 1 and PC-CP (2011) 7]

8. The PC-CP considered the above documents and took note in this respect that Mr Andrew Coyle, had revised the draft Code to adapt it better to the recommendations made by the members of the CDPC Bureau at their last meeting in April 2011. The PC-CP considered this new shortened version of the draft Code and revised it further in order to align it to the European Prison Rules and also to clarify some notions and principles.
9. The PC-CP noted that the draft text will be brought to the attention of the CDPC plenary in June only for information as it will be finalised at the PC-CP plenary meeting in November 2011 and then forwarded to the CDPC plenary in December 2011 for approval.

V. Draft recommendation concerning foreign prisoners and its commentary [Docs. PC-CP (2011) 5 rev, PC-CP (2011) 6 rev and PC-CP (2011) 8]

10. The PC-CP thanked the scientific experts for finalising the draft recommendation and for producing a draft commentary to it at their working group meeting in March 2011. The committee also noted with satisfaction the very useful contributions made by the CPT Secretariat and also by the Secretariat of the European Court of Human Rights to the commentary.
11. The PC-CP considered thoroughly the two draft texts in order to incorporate as far as possible the proposals and comments made by the CDPC Bureau in April 2011. Some rules related to provision of information in different languages and staff training were amended, as were also some of the rules related to family contacts and consular tasks. A number of additions and amendments were introduced in the draft commentary.

12. The PC-CP noted that the draft recommendation and its commentary will be brought to the attention of the CDPC plenary in June only for information as they will be finalised at the PC-CP plenary meeting in November 2011 and then forwarded to the CDPC plenary in December 2011 for approval.

VI. Follow-up to be given to the 30th Council of Europe Conference of Ministers of Justice

13. The PC-CP continued discussing the follow-up to be given to Resolution n° 2 adopted by the Ministers of Justice in Istanbul and more particularly para. 17 thereof. They finalised in relation to this a questionnaire to be sent out to all CDPC delegations and prison and probation services in order to collect up-to-date information concerning the implementation of the most recent CoE recommendations.
14. Mr Kleijssen suggested that the next CDAP could be a suitable forum for discussing the outcome of the survey regarding the implementation of the most recent Council of Europe standards in the penitentiary field and of the general problems faced by the prison administrations currently. It would also allow discussing future possible standard-setting needs (including the feasibility of a binding legal instrument) and practical measures to be taken to improve prison conditions and the treatment of prisoners.
15. The conclusions and recommendations which might ensue from the 16th CDAP could then be brought to the attention of a multidisciplinary Conference of judges, prosecutors, representatives of the ministries of justice, as well as of prison and probation services which will be held in 2012 and will aim at agreeing on national penal policies and strategies in order to ensure consistency in sentencing and to reduce penal inflation. The outcome of the two conferences will be reported back to the CDPC and the Committee of Ministers and specific proposals as to their follow-up and to that of Resolution n° 2 will be made.

VII. 16th Conference of Directors of Prison Administration

16. The dates of the next CDAP to be held in Strasbourg were fixed for 13-14 October 2011. It was decided that the theme would be "Working together to promote the social reintegration of prisoners", a topic which would allow the prison and probation directors to discuss ways of enhancing their cooperation in order to combat better crime and help offenders to lead law-abiding lives thus making less use of imprisonment and reducing overcrowding.
17. The idea to hold the debates in three workshops (in French, English and Russian) in order to have a discussion in which participate as many participants as possible was maintained. Several suggestions were made as to the organisation and contents of the debates.

VII. Draft terms of reference of the PC-CP [Doc. PC-CP (2011) 9]

18. The PC-CP considered its draft terms of reference, made several amendments to these and forwarded them to the CDPC plenary for approval. In relation to this the PC-CP considered possible areas which would need to be considered with a view of elaborating norms at European level. The issue of electronic monitoring and its use was raised, as well as the treatment of elderly and disabled prisoners and their specific healthcare needs. It was decided to come back to these ideas at the next PC-CP meeting.

VIII. Other business

19. The PC-CP discussed once again the expiry of the terms of office of some of its members in 2011 and the need to propose candidates for election and took a decision to agree on possible candidates at a later stage by way of e-mails in good time before the CDPC plenary in December 2011.

IX. Dates of the next meetings

20. The next meeting was scheduled as follows: 9-11 November 2011 (the plenary meeting with the national delegations).

APPENDIX I

AGENDA / ORDRE DU JOUR

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|--|--|
| 1) Adoption of the agenda / Adoption de l'ordre du jour | PC-CP (2011) OJ 2
<i>Bilingue</i> |
| 2) Summary report of the last meeting / Rapport sommaire de la dernière réunion | PC-CP (2011) 2
<i>English / Français</i> |
| 4) Foreign nationals in prison / Détenus étrangers | PC-CP (2011) 5 rev
<i>English / Français</i> |
| | PC-CP (2011) 6 rev
<i>English / Français</i> |
| | PC-CP (2011) 8
<i>English only</i> |
| 5) Draft European Code for Prison Staff / Projet de Code d'éthique européen pour le personnel pénitentiaire | PC-CP (2011) 1 rev
<i>English / Français</i> |
| | PC-CP (2011) 7
<i>English only</i> |
| 6) 16th Conference of Directors of Prison Administration with the participation of Directors of Probation Services (October 2011) / 16^e Conférence des directeurs d'administration pénitentiaire avec la participation des directeurs de services de probation (octobre 2011) | |
| 7) Reform of the intergovernmental committees / Réforme de comités intergouvernementaux | CM(2011)48 rev
"Priorities for 2012-2013 and their budgetary implications"
(Secretary General proposals) |
| | SG/Inf(2011)9 Final
"Proposal by the Secretary General – Reform proposed new set-up for intergovernmental structures" |
| | "New intergovernmental design" |
| 8) Draft terms of reference of the PC-CP/ Projet de mandat du PC-CP | PC-CP (2011) 9
<i>English only</i> |
| 9) Follow-up to be given to resolution n° 2 adopted at the 30th CoE Conference of Ministers of Justice/ Suiote à donner à la 30^e Conférence du CdE des Ministres de la justice | CDPC (2011) 6
<i>English only</i> |
| 10) Any other business / Questions diverses | |
| 11) Dates of the next meetings / Dates des prochaines réunions | |

APPENDIX II

List of Participants / Liste des Participants

MEMBERS / MEMBRES

Ms Marta FERRER PUIG

Head, Department of Social and Criminological Research and Training, Centre for Legal Studies and Specialized Training (CEJFE), Barcelona (**Spanish / Espagnol**)

Mr Antanas JATKEVICIUS

Head, Criminal and Administrative Law Division, Legal Department, Office of the Parliament, Vilnius (**Lithuanian / Lituanien**)

Ms Natalya KHUTORSKAYA

Penal Reform International (PRI) Moscow Office Expert, Moscow (**Russian / Russe**)

Ms Irene KOECK

Director/Senior Public Prosecutor, Federal Ministry of Justice, Vienna (**Austrian / Autrichienne**)

Mr Roger McGARVA

Former Head of Regions and Performance, National Probation Directorate, Honorary Senior Research Fellow at the University of De Montfort, Nottingham, Nottinghamshire (**British / Britannique**)

Ms Sonja SNACKEN

Chair of the PC-CP / Présidente du PC-CP

Research fellow, Straus Institute for the Advanced Study of Law & Justice, NYU Institutes on the Park, NYU School of Law, New York, United States of America (**Belgian / Belge**)

Mr Pavel STERN

Director, Czech Probation and Mediation Service, Ministry of Justice, Headquarters of Probation and Mediation Service (Probacni a mediacni sluzba), Prague (**Czech / Tchèque**)

Mr Peter LINDSTRÖM

Polismyndigheten i Stockholms Län, Stockholm (**Swede / Suédois**)

Mr André VALLOTTON

Ancien Délégué du Conseil d'Etat aux Affaires pénitentiaires, Département de la Sécurité et de l'Environnement, Chef de projet, Unité d'appui au Programme d'appui de la réforme du Système pénitentiaire, Ministère de la Justice c/o DGAPR, El Biar, Alger (**Swiss / Suisse**)

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SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Ms Martine HERZOG-EVANS

PhD, Law faculty, Reims, France

Ms Róisín Mary MULGREW

School of Law, University Park, University of Nottingham, United Kingdom

Mr Dirk van Zyl SMIT

Professor of Comparative and International Penal Law, School of Law, University Park, University of Nottingham, United Kingdom

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PARLIAMENTARY ASSEMBLY

Apologised/Excusé

**INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS /
ORGANISATIONS INTERNATIONALES NON-GOUVERNEMENTALES**

**EUROPEAN ORGANISATION FOR PROBATION / ORGANISATION EUROPÉENNE DE LA PROBATION
(CEP)**

Mr Daniel BIANCALANA

Service Central d'Assistance Sociale (SCAS)/ Parquet Général – Service de Probation, Luxembourg

UNITED NATIONS CHILDREN'S FUND (UNICEF)

Apologised/Excusé

INTERNATIONAL CENTRE FOR PRISON STUDIES

Apologised/Excusé

OTHER PARTICIPANTS/ AUTRES PARTICIPANTS

PENAL REFORM INTERNATIONAL (PRI)

Apologised/Excusé

EUROPEAN UNION / UNION EUROPÉENNE

Apologised/Excusé

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SECRETARIAT/SECRETARIAT

**Directorate General of Human Rights and Legal Affairs /
Direction Générale des droits de l'Homme et des affaires juridiques (DG-HL)**

Mr Jan KLEIJSEN

Director of Standard-Setting / Directeur des Activités Normatives

Law Reform Department / Service des réformes législatives

Criminal Law Division / Division du droit pénal

Mr Carlo CHIAROMONTE

Head of the Criminal Law Division / Chef de la Division du droit pénal
Secretary to the CDPC / Secrétaire du CDPC

Ms Iliana TANEVA

Secretary to the PC-CP / Secrétaire auprès du PC-CP

Ms Christine MOREL

Assistant / Assistante