

Council for Penological Co-operation (PC-CP)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods

Draft Terms of Reference valid from: **1 January 2014 until 31 December 2015**

Main tasks

Under the supervision of the European Committee on Crime Problems (CDPC), the PC-CP is instructed to:

- (i) follow the developments related to the national policies and practices in the field of execution of penal sanctions and measures in the Council of Europe member states;
- (ii) follow the development of European prison systems and of the services entrusted with the implementation of alternatives to pre-trial detention and with the implementation of community sanctions and measures;
- (iii) assess the functioning and implementation of the European Prison Rules¹, the European Rules on community sanctions and measures², the European Rules for juvenile offenders subject to sanctions or measures³, the Council of Europe Probation Rules⁴ as well as of other relevant Committee of Ministers recommendations, and make proposals for improving their practical application and, if necessary, for their updating with a view to achieving coherence and comprehensiveness of the standards in the area;
- (iv) prepare binding and non-binding instruments, studies and reports on penological matters;
- (v) formulate opinions on penological matters at the request of the CDPC, of member states or on its own initiative;
- (vi) prepare the Conferences of Directors of Prison Administration (CDAP) and Conferences of Directors of Probation Services and ensures their follow-up as instructed by the Committee of Ministers, and following proposals made by the CDPC;
- (vii) provide guidance and assistance with regard to the collection and publication of the Annual Penal Statistics of the Council of Europe SPACE I and SPACE II.

Pillar / Sector / Programme

Pillar: Rule of Law
Sector: Justice
Programme: Prisons and Police

Expected results

- (i) guidance and assistance is provided to the national authorities to improve the conditions of detention and to more efficiently use probation sanctions and measures by following up on the implementation of the Council of Europe standards (notably the European Prison Rules and the Council of Europe Probation Rules) and by creating a platform for exchange of good practices;
- (ii) guidance and assistance is provided to the national authorities in the field of electronic monitoring as a tool for reducing the overuse of imprisonment and for more efficient supervision and treatment of offenders in the community (adoption by the CM of the Recommendation on electronic monitoring and ensuring follow-up to its implementation);
- (iii) organising the 2014 and 2015 Conferences of Directors of Prison Administration (CDAP) and of Directors of Probation Services in order to improve the knowledge of the latest Council of Europe standards;
- (iv) assisting prison and probation services in establishing and maintaining dialogue and co-operation with the judiciary and the legislative authorities in their respective countries on issues relating to the execution of sanctions and measures in order to reduce prison overcrowding and make more efficient use of community sanctions and measures (holding in 2015 of a follow-up Conference of Directors of

¹ CM Recommendation Rec(2006)2.

² CM Recommendation No. R (92)16.

³ CM Recommendation Rec(2008)11.

⁴ CM Recommendation Rec(2010)1.

- (v) prison and probation services with European judges and prosecutors);
evaluation of the pertinence of the relevant Council of Europe standards and their updating as necessary (revision of the contents of the Compendium of conventions, recommendations and resolutions relating to penitentiary questions).

Composition

Members:

The PC-CP shall be composed of one representative per member state, designated by the Government of that state from among officials of the highest possible rank in the relevant field.

The PC-CP Working Group shall be composed of 9 members, elected by the CDPC in their personal capacity for a period of two years (renewable), with the following desirable qualifications: high-level representatives of prison administrations, of probation services and of juvenile justice agencies, researchers or other experts having a thorough knowledge of penological questions.

The Council of Europe will bear the travel and subsistence expenses of one representative per Council of Europe member state at the plenary meeting of the PC-CP as well as the travel and subsistence expenses of the 9 members of the PC-CP Working Group members.

Member states may also send representatives to the meetings of the PC-CP Working Group without the right to vote or defrayal of expenses.

Each member of the PC-CP shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

Participants:

The following may send representatives without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- European Committee on Crime Problems (CDPC);
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
- Consultative Council of European Prosecutors (CCPE);
- other Council of Europe intergovernmental committees as appropriate.

The following may send representatives without the right to vote and without defrayal of expenses:

- European Union;
- United Nations Subcommittee on Prevention of Torture (SPT);
- United Nations Office on Drugs and Crime (UNODC);
- United Nations Children's Fund (UNICEF).

Observers:

The following may send representatives without the right to vote and without defrayal of expenses:

- European Organisation for Probation (CEP);
- International Centre for Prison Studies ;
- Penal Reform International (PRI);
- International Association of Juvenile and Family Court Magistrates (IAJFCM);
- EuroPris.

External consultants:

In its work, the PC-CP shall be assisted, within the limits of its budgetary appropriations, by four scientific experts, two of whom collect SPACE statistics, with specific knowledge of relevant legislation and legal practice, of international standards and conventions relating to penitentiary issues and community sanctions

and measures, as well as of the European Convention on Human Rights and the ensuing case law and of recent developments in research and practice in the different European member states.

The Council of Europe budget will bear their travel and subsistence expenses.

Working methods

Working Group meetings:

9 members and 2 consultants, 3 meetings in 2014, 3 days

9 members and 2 consultants, 3 meetings in 2015, 3 days

Plenary meeting:

47 representatives of the national authorities of the Council of Europe member states, 9 members of the PC-CP Working Group, 2 consultants, 1 meeting in 2014, 3 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.