



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 23 April 2010
pc-cp/docs 20010/pc-cp (2010) 01rev2 - e

PC-CP (2010) 01rev 2

**AD HOC TERMS OF REFERENCE
OF THE COUNCIL FOR PENOLOGICAL CO-OPERATION (PC-CP)
RELATING TO DETAINED FOREIGN NATIONALS**

Item 10.5

**European Committee on Crime Problems (CDPC) –
Ad hoc terms of reference for the Council of Penological Co-operation (PC-CP) relating
to detained foreign nationals**

Appendix 13

(Item 10.5)

**Terms of reference for the Council of Penological Co-operation (PC-CP) relating to
detained foreign nationals**

Fact sheet

Name of Committee:	Council for Penological Co-operation (PC-CP)
Compliance with Resolution Res(2005)47:	YES
Programme of Activities: project(s)	Project 2008/DG-HL/1430 “Criminal law and penal sanctions – prison systems and alternatives to imprisonment”
Project relevance:	<p>The Declaration and Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in particular concerning the issues related to the promotion of common fundamental values: human rights, rule of law and democracy, as well as the security of citizens;</p> <p>The Road Map for the implementation of the Action Plan, adopted by the Committee of Ministers and revised as at 28 September 2005 (document CM(2005)145 rev);</p> <p>The conclusions of the 14th and 15th Conferences of Directors of Prison Administration (Vienna, 19-21 November 2007 and Edinburgh, 9-11 September 2009);</p> <p>The decisions taken at the CDPC plenary meeting (Strasbourg, 12-16 October 2009).</p> <p>A number of Council of Europe member states witness an ever growing number of foreign nationals in detention. There is a need to examine the situation of foreign nationals in detention in the Council of Europe member states and the existing policies at national level aimed at facilitating their social reintegration. Humane and tangible long-term solutions based on European best practices need to be found</p>

	and recommended.
Project added value:	<p>The Council of Europe is the leading European organisation in the field of penitentiary questions. The new European Prison Rules adopted by the Committee of Ministers in 2006 (Recommendation Rec(2006)6) contain the most important standards related to the treatment of detainees and to prison management. They do not deal in detail though with the specific situation of foreign nationals in prison and with their distinct needs regarding their family and social contacts and their return to free society.</p> <p>The outcome of the PC-CP's work will be to elaborate a draft recommendation which will update or replace Recommendation No. R (84) 12 concerning foreign prisoners.</p>

Financial information:	<p>4 meetings, 14 participants. The terms of reference will be carried out under the existing budget for the PC-CP, which has an annual meeting budget of €50 000 of which:</p> <ul style="list-style-type: none">- €10 000 per meeting for the reimbursement of the travel and per diem costs of 14 participants. <p>A separate budget is provided for:</p> <ul style="list-style-type: none">- €28 600 for interpretation;- €10 000 for translation;- €7 000 for document production (including SPACE I and SPACE II).
-------------------------------	--

Terms of reference for the Council for Penological Co-operation (PC-CP) relating to detained foreign nationals

1. **Name of Committee:** Council for Penological Co-operation (PC-CP)
2. **Type of Committee:** Ad hoc Advisory Group
3. **Source of terms of reference:** Committee of Ministers
4. **Terms of reference:**

Having regard to:

- the Declaration and Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in particular concerning the issue related to the security of citizens;

- Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;

and based on the Council of Europe's and other international standards and having regard to the latest developments in the penitentiary field of in Europe.

Under the authority of the European Committee on Crime Problems (CDPC), and in relation with the implementation of Project 2008/DG-HL/1430 "Criminal law and penal sanctions – prison systems and alternatives to imprisonment" of the Programme of Activities, the PC-CP is entrusted, in conformity with paragraph v. of its terms of reference:

- i. to address the issue of the growing number of detained foreign nationals in Europe. It should consider more specifically the following aspects:
 - legal systems and management policies regarding detained foreign nationals in the Council of Europe member states, including questions related to their preparation for release depending on their possible transfer to their country of origin during detention

or after their release;

- treatment of foreign nationals in detention, including of persons with particular needs (women, children, elderly, etc.);

- training of staff dealing with detained foreign nationals;

- contacts of detained foreign nationals with their family, their lawyers and other persons/agencies;

- preparation of detained foreign nationals for release and social reintegration;

- relations with the judiciary, social services, police, local communities and other agencies regarding treatment of foreign nationals and their preparation for release;

- relations with the national authorities (including embassies and consulate services) of the country of origin of detained foreign nationals;

- work with victims, notably as regards means to address practical difficulties with regard to translation services and communications, in particular if the victim is another foreign national;

- work with the families of detained foreign nationals.

- ii. to update Recommendation No. R (84)12 concerning foreign prisoners or replace it by a recommendation on detained foreign nationals and a commentary to it.

5. Composition of the Committee:

The terms of reference will be implemented by the PC-CP.

6. Working methods and structures:

In its work, the PC-CP will need the assistance of two scientific experts with specific knowledge of relevant legislation and legal practice, including international standards relating to the treatment of foreign nationals in prison, as well as of recent developments in research and practice in this area.

The PC-CP will work in close consultation with the CDPC and its Bureau and will report to the CDPC at its plenary sessions on the state of its work so that full account is taken of possible views expressed by the CDPC delegations on the texts drafted before their approval by the CDPC.

7. Duration:

These terms of reference will expire on 31 December 2012.