

**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**Council for Penological Co-operation**  
**(PC-CP)**

**2<sup>nd</sup> Meeting of the PC-CP Working Group**  
**Paris, 15-17 October 2012**

**SUMMARY MEETING REPORT**

**Document prepared by the Directorate General**  
**Human Rights and Rule of Law**

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**BRIEF FOREWORD**

**The PC-CP Working Group:**

- Considered the decisions taken at the last CDPC Bureau meeting related to its work;
- Took note of the Resolution adopted at the 31<sup>st</sup> Conference of the Ministers of Justice (19-21 September 2012, Vienna);
- Took note that the Committee of Ministers had adopted recommendation CM/Rec (2012)12 concerning foreign prisoners and considered the agenda, contents and state of preparation of the 17<sup>th</sup> CDAP “Foreign Prisoners” (Rome, 22-24 November 2012) and of the meeting with judges and prosecutors which will follow it;
- Revised and further developed doc. PC-CP (2012) 7 rev “Scope and definitions of electronic monitoring”;
- Considered the issue of violence in juvenile detention institutions and decided to invite an external consultant to its plenary meeting in 2013;
- Considered the issue of compulsory treatment and decided to postpone its discussion until the CDPC takes a decision on the follow-up to be given to it;
- Took note of the proposal made by the Secretariat of EPAS regarding sport in prisons and agreed to hold in the margins of its next plenary meeting in March 2013 a meeting with EPAS representatives;
- Took note of the information provided by the Czech member of the working group related to SPACE.

1. The Council for Penological Co-operation (PC-CP) Working Group held its 2<sup>nd</sup> meeting in Paris on 15-17 October 2012 with Mr André Vallotton 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 1<sup>st</sup> PC-CP Working Group meeting [Doc. PC-CP (2012) 9]**

3. The PC-CP Working Group considered the summary report of its last meeting and had no comments to make.

**III. Items for information**

4. The Secretariat informed the Group of the decisions taken at the last CDPC Bureau meeting (3-4 October 2012) related to the PC-CP work. The Bureau considered doc. PC-CP (2012) 7 "Scope and definitions of electronic monitoring" and was satisfied with the quality and contents of the document which follows the instructions given at the last CDPC plenary meeting. It agreed that this document should be presented at the next CDPC plenary meeting in December 2012. The Bureau did not give any further specific instructions regarding the document in question.
5. The Secretariat also informed that the Committee of Ministers adopted on 10 October 2012 Recommendation CM/Rec (2012)12 concerning foreign prisoners without further debate. This text will be at the centre of the discussions at the forthcoming CDAP.
6. The Bureau further discussed the issue of violence in juvenile detention institutions. It was of the opinion that this work is not directly related to the topic and the outcome of the 31<sup>st</sup> Council of Europe Conference of Ministers of Justice (19-21 September 2012, Vienna) but agreed that concerns related to violence in juvenile detention institutions are a valid argument for studying this question which needs to remain related only to situations where juvenile suspects or offenders are in detention and should not deal with other situations where violence may occur outside places of detention.
7. The Bureau also took note of the state of preparation for the 17<sup>th</sup> Conference of Directors of Prison Administration (Rome, 22-24 November 2012) and nominated its representatives who will take part in it.
8. Regarding the issue of compulsory treatment as alternative to detention the Bureau decided to include this item on the agenda of the next CDPC plenary for further discussion.

**IV. Electronic monitoring (EM) [Doc. PC-CP (2012) 7 rev]**

9. The PC-CP considered further doc. PC-CP (2012)12 7 rev "Electronic monitoring: scope and definitions" as well as the proposals for additions and amendments made by one of the scientific experts.
10. Regarding the scope it was agreed to add in a phrase to underline that EM can be a useful addition (not substitution) to the existing socially and psychologically positive ways of dealing with offenders. It was debated and agreed that to the list of possible ways of using EM needs to be added its use inside prisons as this type of use exists in some countries in Europe. Apart from listing this type of use the PC-CP will not deal with this issue as it was specifically requested by the CDPC not to do.
11. The term "offenders" was replaced by "suspects and offenders". It was decided after discussion that it is better not to specify which agencies use EM as depending on the countries it may be the probation agencies, the police and other.
12. The participants were of the opinion that sufficient country information is lacking regarding whether EM is considered to be a modality of execution of a prison sentence or a community sanction or measure and suggested to send to all member states a short questionnaire in order to gather the missing information. The results of the questionnaire will then be discussed at the PC-CP plenary meeting in March 2013.

13. A new aspect for consideration was added to the existing ones, namely that care needs to be taken not to net-widen the use of EM at the pre-trial phase as an alternative to custody beyond the necessary extent provided for by law. "Home" was replaced by "place of residence" as some offenders may live elsewhere during the period under EM than their usual home. Another aspect was added to the list, underlying that in order to obtain better social reintegration EM needs to be combined with other professional interventions.
14. The need for vigilance of the public authorities regarding all aspects of the involvement of private companies (costs, profits, quality of work, etc.) was also underlined as they remain the ultimate responsible authority for the proper execution of EM.
15. In the appendix to the document was added a paragraph explaining in greater details in which ways private sector companies can be involved in the delivery and execution of EM.

**V. 17<sup>th</sup> Conference of Directors of Prison Administration with the participation of Directors of Probation Services (22-24 November 2012)**

16. The PC-CP Working Group took note of the information provided by the Italian delegation and by the Secretariat regarding the state of preparation of the Conference. It then turned its attention to two draft questionnaires prepared by the Secretariat to be distributed at the Conference itself and related to the two topics which will be discussed, namely foreign prisoners and overcrowding. After debating the question it was decided not to prepare and distribute questionnaires at the Conference.
17. The PC-CP Working Group then considered and revised elements for draft conclusions of the Conference itself and of the meeting with judges and prosecutors. The issue whether or not to prepare elements before the Conference has taken place was debated and it was explained and agreed that in view of the short time during the Conference itself it would be preferable to have a draft text which can then be more readily amended by the participants on the second day of the Conference and then at the meeting with judges and prosecutors, which will last only half a day.
18. The PC-CP Working Group considered and agreed the distribution of tasks and work of its members during the Conference.

**VI. EPAS meeting on sports in prison**

19. The representative of EPAS explained that there is an initiative to hold during the Andorran chairmanship a meeting dedicated to sports in prison. It is proposed to hold it in the margins of the next PC-CP plenary meeting in March 21013 so that the members of the PC-CP Working Group could participate in it and contribute to the discussions. The main aim of this meeting to which will be invited representatives of the sports associations and movements as well as of the ministries of sport, is to launch the drafting of a document (recommendation, report or handbook on good practice) on the subject.
20. The participants agreed that sport is an important element of prison regime and that it not only allows to keep prisoners in good physical shape but to better socialise them, help them improve their sense of discipline and wok in team and decrease their aggression and other negative psychological conditions. It may also initiate a career in sports after release and help find employment. It is also a way of opening prisons to the outside world by establishing contacts with sports clubs and associations and recruiting outside trainers. The idea to hold such a meeting was welcomed and it was agreed that the meeting could be organised on 5 March 2013.

**VII. Violence in juvenile detention institutions**

21. The PC-CP considered the instructions given at the last CDPC Bureau meeting as well as the issue of violence in juvenile detention institutions. The Secretariat reminded that at the 16<sup>th</sup> CDAP this problem was indicated as a serious issue by a number of the participants in their replies to the questionnaire distributed at it. It was agreed that the issue is a complex one and the dividing line between what is allowed and not as a punishment for juveniles inside the institution is rather slim. Several basic issues were identified: violence can be both physical as well as psychological; violence by staff can be deriving from taking legally allowed actions or can be illegal; violence among the juveniles themselves is also problematic as is the infliction of self-harm and there is a need to seek its roots and causes and propose solutions.

22. The participants decided to invite an external consultant to their plenary meeting in March 2013 in order to be informed of the current situation in Europe and to consider which steps need to be taken.

**VIII. Compulsory medical treatment as alternative to detention**

23. The participants took note of docs. CDPC (2012) 2 and PC-CP (2012) 10 as well as of the information provided by the Secretariat that this issue is still being considered at the CDPC level and decided to postpone its own discussions until the CDPC takes a decision on the follow-up to be given to this issue.

**IX. Other business**

24. Mr Pavel Stern informed the participants of the recently held in Prague Regional meeting on development of SPACE I statistics. Several issues were raised at this meeting regarding terminology in the national languages, methodology of collection of data, continuity of work and of its quality in case of change of the national correspondents, the fact that data are published rather late so that they become quickly outdated for prison practitioners and are more useful for researchers and policy makers.
25. At the meeting were made specific proposals like drafting of set of guidelines for filling in the questionnaire, having regular meetings of the national correspondents, publishing some of the major data of interest to prison practitioners as soon as they arrive and before the finalising of SPACE for the year in question.
26. These issues and the steps to be taken proposed by the SPACE team will be discussed at the next PC-CP plenary meeting in March 2013

**X. Dates of the next meetings**

27. The next meetings of the PC-CP were scheduled as follows: PC-CP plenary meeting on 6-8 March 2013; PC-CP Working Group meetings during the week of 17-22 June and 23-27 September 2013.

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**APPENDIX I**

**AGENDA / ORDRE DU JOUR**

<b>1) Adoption of the agenda / Adoption de l'ordre du jour</b>	<b>PC-CP (2012) OJ 3</b> <i>Bilingual / Bilingue</i>
<b>2) Information / Informations</b>	
<b>3) Summary report of the last meeting / Rapport sommaire de la dernière réunion</b>	<b>PC-CP (2012) 9</b> <i>English / Français</i>
<b>4) Electronic monitoring / Surveillance électronique</b>	<b>PC-CP (2012) 7 rev</b> <i>English / Français</i>
<b>5) 17<sup>th</sup> Conference of Directors of Prison Administration (2012) / 17<sup>e</sup> Conférence des directeurs d'administration pénitentiaire (2012)</b>	<b>Programme</b> <i>English only</i> <b>PC-CP (2012) 3</b> <i>English / Français</i>
<b>6) Sport in prisons – possible cooperation with EPAS</b>	
<b>7) 31<sup>st</sup> Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012) / 31<sup>e</sup> Conférence du Conseil de l'Europe des Ministres de la Justice (Vienne, 19-21 septembre 2012)</b>	<b>MJU-31 (2012) RESOL</b> <i>English / Français</i>
<b>8) Compulsory treatment as an alternative measure to imprisonment / Soins obligatoires en tant que mesure alternative à l'emprisonnement</b>	<b>CDPC (2012) 2</b> <i>English / Français</i> <b>PC-CP (2012) 10</b> <i>English / Français</i>
<b>9) Violence in juvenile detention institutions / Violence dans les centres de détention pour mineurs</b>	<b>UN document A/HRC/21/25</b> <i>English only</i>
<b>10) Any other business / Questions diverses</b>	
<b>11) Dates of the next meetings / Dates des prochaines réunions</b>	

**APPENDIX II**

**LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS**

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