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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

NON-PAPER
POSSIBLE MAIN ELEMENTS OF FUTURE TERMS OF REFERENCE FOR
THE COUNCIL FOR PENOLOGICAL COOPERATION (PC-CP)

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Non-paper

Possible main elements of future terms of reference for the Council for Penological Cooperation (PC-CP)

Introduction:

In view of the reform of the committee structure in the Council of Europe, the Secretariat has identified a number of possible main elements of future terms of reference for the PC-CP.

The elements set out below are of a purely provisional nature and subject to approval by the Secretary General and the Committee of Ministers.

Possible main tasks:

Under the authority of the European Committee on Crime Problems (CDPC) and in relation with the implementation of the Programme of Activities concerning prisons and probation for 2012-2013, the PC-CP is instructed to:

- i. follow the development of European prison systems and of the services concerned with the implementation of community sanctions and measures;
- ii. 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 makes 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;
- iii. prepare new draft legal instruments and reports on penological matters on the basis of ad hoc terms of reference adopted by the Committee of Ministers following proposals made by the CDPC;
- iv. formulate opinions on penological matters at the request of the CDPC, of member states or on its own initiative;
- v. while taking account of the progress of its ongoing work, prepare, under its responsibility and within its field of competence, proposals to the CDPC for the Programme of Activities for the coming years;
- 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.

¹ CM Recommendation Rec(2006)2 ;

² CM Recommendation n° R (92)16 ;

³ CM Recommendation Rec(2008)11 ;

⁴ CM Recommendation Rec(2010)1

Possible activities to be supervised:

- Preparation of the 17th and the 18th CDAP;
- Provision of the guidance and assistance necessary for the annual collection and publication of SPACE I and SPACE II;
- Ensuring follow-up to Resolution n° 2 on prison policy in today's Europe, adopted at the 30th Council of Europe Conference of Ministers of Justice "Modernising justice in the Third Millennium"(November 2010, Istanbul);
- Promoting the implementation of the CM recommendation concerning foreign prisoners, expected to be adopted by the Committee of Ministers early 2012;
- Promoting the implementation of the CM recommendation containing an European Code of Ethics for Prison Staff, expected to be adopted by the Committee of Ministers early 2012;
- Involvement in the work related to the elaboration of a legal instrument concerning management and treatment of dangerous offenders;
- Promoting the better implementation of Recommendation n° R(99)22 concerning prison overcrowding and prison population inflation and suggesting possible penal policies and best practices aiming at reducing the use of imprisonment;
- Under the authority of the CDPC, involvement in the preparation of an International Conference with the participation of the Ministries of Justice, judges, prosecutors, representatives of prison and probation services, possibly representatives of the national preventive mechanisms
- Based on the outcome of the 17th and 18th CDAP carrying out of a feasibility study regarding the necessity and suitability of reinforcing the existing legal framework in the prison field with the development of a legally binding instrument.

Possible expected results:

- Assistance provided to the national authorities for improving the conditions of detention in the European prisons, including by decreasing the number of overcrowded prisons;
- Assistance provided to the national authorities for more efficient use of probation sanctions and measures to enable treatment of offenders in the community;
- Assistance provided to the national authorities for facilitation of the transfer of prisoners between states based on common minimum standards of treatment;
- Improving practitioners' knowledge of the situation in penitentiary and probation systems.
- Enhancing exchanges of best practices and expertise between the prison administrations of the member states in order to assist them in improving prison conditions and in fighting the overuse of imprisonment;
- Assisting prison services in establishing and maintaining dialogue and cooperation with the judiciary and the legislative authorities in their respective countries;
- Depending on the outcome of the follow-up given to resolution n° 2 of the 30th CoE Conference of Ministers of Justice (2009) work may start to update the existing standards/ to draft a binding legal instrument on prisons.