



Strasbourg, 23 April 2018
PC-CP\docs 2018\PC-CP(2018)8_E

PC-CP (2018) 8

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

18th meeting of the Working Group
Strasbourg, 11-13 April 2018

SUMMARY MEETING REPORT

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

EXECUTIVE SUMMARY

The PC-CP Working Group (WG):

- Took note of the opening address made by Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate, DG I who welcomed the new Chair and Vice-Chair as well as the participating member States (attending at their own expenses), the observers and the scientific experts. Mr Kleijssen thanked the Group for their standard-setting work in the field of protection of children with imprisoned parents and informed that the Recommendation (2018) 5 was adopted by the Committee of Ministers on 4 April 2018 and already met with media attention. He also praised the collection of prison and probation statistics SPACE I and II, the latest edition of which was published on 20 March 2018 and met with considerable media coverage. He underlined in this respect that the development of standards by the Council of Europe is very important but what is very important for their implementation is their translation into the national languages of the member States and their promotion at national level. He invited the PC-CP WG members to help disseminate these standards and make them better known by the national stakeholders;
- Further took note of the decisions taken at the CDPC Bureau meeting in March 2018 related to the PC-CP work and current tasks and, in particular, regarding the finalisation of the draft recommendation on restorative justice in criminal matters and its commentary and the revision of the commentary to the European Prison Rules as well as regarding the intended holding of a Conference in 2019 on prison overcrowding;
- Agreed to the proposals made by Professor Dirk van Zyl Smit and Mr Harvey Slade, scientific experts, related to the revision of certain rules of the European Prison Rules (their arguments will be put for debate at the next CDPC plenary meeting in June 2018) and further revised the draft commentary to the EPR;
- Finalised the draft recommendation on restorative justice and its commentary in light of the written comments sent by several CDPC delegations after the CDPC plenary meeting in November 2017 and thanked Mr Ian Marder for his work. It decided to forward these texts to the CDPC for approval at their plenary session in June 2018;
- Considered the work to be done, in accordance with its mandate for 2018-2019, related to the treatment of sex offenders and decided to come back to this topic at its next meeting in September 2018;
- Took note of the information provided by the Secretariat regarding the SPACE project which ended on 31 March 2018 and regarding the new project which started on 1 April 2018;
- Considered the draft programme of the 23rd Council of Europe Conference of Directors of Prison and Probation Services (19-20 June 2018, Estonia) and made some further proposals regarding titles and contents of the workshops, speakers and moderators;
- Took note of the presentations made by Ms Annette Warman (Sweden) and Ms Maartje Nelissen (The Netherlands) regarding the recruitment and training of probation staff and considered document PC-CP (2018) 5 (scoping document related to the drafting of a manual for prison and probation staff recruitment and training);
- Took note of the information provided by Ms Annie Devos, Mr Robert Friškovec and Ms Nadya Radkovska, PC-CP WG members (document PC-CP (2018) 6), regarding their participation in meetings held by other organisations and regarding the promotion of the PC-CP activities during these. Further took note of the information provided by Ms Alessandra Viviano (Italy) regarding projects in which Italy is involved and which relate to combatting radicalisation and violent extremism (document PC-CP (2018) 7);
- Thanked the representatives of the participating member and observer States and took note with satisfaction of the statement made by the Mexican participant who praised the substantive and very useful discussions held during the PC-CP meetings which were considered to be of great interest to their authorities;
- The dates of the next meetings are: 17-19 September 2018, 19th meeting of the PC-CP WG and 6-8 November 8th PC-CP plenary meeting.

1. The Council for Penological Co-operation WG held its 18th meeting in Strasbourg on 11-13 April 2018 with Mr Dominik Lehner in the Chair and Mr Attila Juhász as Vice-Chair. The list of participants is appended to this report (Appendix II).
- I. Opening of the meeting and adoption of the Agenda and the Order of business. Summary report of the last meeting. Information provided by the Secretariat**
2. The Agenda (see Appendix I) and the Order of business were adopted. The meeting report of the 17th PC-CP WG meeting (document PC-CP (2018) 2) was approved without further observations.
 3. The participants welcomed Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate, DG I and took note of the opening address made by him. As he could not attend the previous meeting in January, he availed himself of the present opportunity to welcome the new Chair and Vice-Chair. He also welcomed the national delegations of several members and observer States (Armenia, Italy, Poland, The Netherlands, Russian Federation, Turkey, Japan and Mexico), EuroPris and CEP, the representatives of the European Court's Registry and of the European Committee for the Prevention of Torture (CPT) and the scientific experts. Mr Kleijssen thanked the Group for their standard-setting work in the field of protection of children with imprisoned parents, informed that the ensuing text, namely Recommendation (2018) 5 was adopted by the Committee of Ministers on 4 April 2018 and already met with media attention. He underlined in this respect that the development of standards by the Council of Europe is very important but what is very important as well for their implementation is their translation into the national languages of the member States and their promotion and dissemination at national level. He invited the PC-CP WG members to help disseminate these standards and make them better known by the national stakeholders. He also praised the collection of prison and probation statistics SPACE I and II, the latest edition of which was published on 20 March 2018 and met with considerable media coverage.
 4. Ms Iliana Taneva informed of the decisions taken at the CDPC Bureau meeting in March 2018 which relate to the PC-CP work and current tasks and, in particular, regarding the finalisation of the draft recommendation on restorative justice in criminal matters and its commentary and the revision of the commentary to the European Prison Rules as well as regarding the intended holding of a Conference in 2019 on prison overcrowding. Regarding the proposal made by the scientific experts to revise certain rules of the EPR, the Bureau decided that these proposals and the arguments behind should first be put for discussion before the PC-CP itself and if the latter is in agreement with these, the same will be put for discussion before the CDPC plenary meeting in June this year. No specific drafting suggestions should be prepared at this point. In case the CDPC plenary agrees to the revision of the EPR, then the drafting proposals will be presented at the CDPC plenary session in December 2018. In case there is no agreement, the revised and updated commentary to the EPR will be put for approval by the CDPC in June 2018. In case the EPR are to be revised, the two texts (EPR and commentary) will be discussed at the CDPC plenary in December 2018.
- II. Revision of the commentary to the European Prison Rules (EPR)**
5. The participants considered document PC-CP (2018) 4 (Analytical report), which contain the proposals made by the scientific experts, Professor Dirk van Zyl Smit and Mr Harvey Slade regarding the necessity to revise certain rules of the EPR and not only the commentary to the latter. The representatives of the Court's Registry and of the CPT shared this opinion as well. The PC-CP WG agreed to these proposals and the arguments behind and also agreed to the need to include a rule providing the obligation to ensure minimum services in case of strikes or other exceptional circumstances in order to ensure good order, safety and security and proper treatment of prisoners.
 6. The participants considered and further revised and updated the commentary to the EPR (document PC-CP (2018) 1 rev). It was agreed that the PC-CP Chair and Professor Dirk van Zyl will attend the CDPC plenary session on 5-6 June 2018 to present the text and the arguments in favour of the revision of the EPR (revising only few rules without opening the whole text for revision).
- III. Restorative justice**
7. The PC-CP WG members considered the written comments made by several national delegations to the CDPC as well as the revised draft recommendation and its commentary, in which Mr Ian Marder, scientific expert had reflected the comments and proposals made. They further revised and finalised the two texts and decided to forward these to the CDPC for approval at their plenary meeting in June 2018. Many rules were softened to clearly indicate that the principles and suggestions contained in the draft recommendation are there to assist countries which wish to develop RJ services and not to impose any rigid norms or conditions as systems differ quite a lot in this field in Europe but good practices related to the use of RJ proliferate on the ground and may be of use. The word "systematic" which posed problems to some countries was replaced by "regular" or deleted, depending on the contents. The suggestion to delete "Part VII. Continuing development of restorative justice"

was not accepted as such practices exist and it was felt important to promote their use to countries which consider introducing or broadening the use of RJ.

8. The PC-CP WG thanked Mr Ian Marder for the very good quality of the text and for his work, during the process of which he consulted a number of other experts, including the European Forum for RJ.

IV. 23rd Council of Europe Conference of Directors of Prison and Probation Services (19-20 June 2018, Estonia)

9. The participants took note of the information provided by the Secretariat regarding the latest developments related to the Conference and considered and further revised and completed the draft programme.

V. Manual/Handbook regarding recruitment and training of prison and probation staff

10. The participants took note of the presentations made by Ms Annette Warman (Sweden) and Ms Maartje Nelissen (The Netherlands) regarding the recruitment and training of probation staff. They then considered document PC-CP (2018) 5 (possible structure and contents of a manual for prison and probation staff recruitment and training). They were of the opinion that the document should be called a Handbook or a Guide and not a Manual as it should set the main principles and general rules only, due to the fact that the national systems and structures differ a lot.
11. The participants revised some parts of the document and discussed possible scientific experts to be contacted in view of embarking on this task, the expectations being to have a more developed draft text for the PC-CP WG meeting in September 2018.

VI. Gender mainstreaming

12. The composition of the PC-CP WG has evolved since the last elections in December 2017 and the group is now composed of 5 women and 4 men. 18 of the participants in the 18th meeting of the PC-CP WG were men and 16 women, of whom 2 scientific experts and the Secretary to the PC-CP.
13. In the course of the discussions issues related to gender mainstreaming were debated under the following points: (a) the EPR and their commentary (including the proposal to include more detailed rules related to women in prison); (b) the draft programme of the 23rd CDPPS; (c) the manual/guide for recruitment and training of staff.

VII. Any other business

14. The participants took note of the information provided by Ms Annie Devos, Mr Robert Friškovec and Ms Nadya Radkowska, PC-CP WG members (document PC-CP (2018) 6), regarding their participation in meetings held by other organisations (EU, EuroPris, RAN, CEP) and regarding the promotion of the PC-CP activities during these events. They also took note of the information provided by Ms Alessandra Viviano (Italy) regarding projects in which Italy is involved and which relate to combatting radicalisation and violent extremism (document PC-CP (2018) 7).
15. The PC-CP Chair thanked the representatives of the participating member and observer States and took note with satisfaction of the statement made by the Mexican participant who praised the substantive and very useful discussions held during the PC-CP meetings which were considered to be of great interest to their authorities.

VIII. Dates of the next meetings

16. The dates of the next meetings are: 17-19 September 2018, 19th meeting of the PC-CP WG and 6-8 November 8th PC-CP plenary meeting.

AGENDA**Agora Building - Room G04, Strasbourg****11-13 April 2018 (9:30 am)**

	1. Opening of the meeting
	2. Adoption of the agenda and the order of business
PC-CP (2018) 2	3. Summary report of the last meeting
	4. Information provided by the Secretariat
PC-CP (2018) 1 rev	5. Revision of the Commentary to the European Prison Rules
PC-CP (2018) 4	Analytical report
Draft Programme	6. 23rd Council of Europe Conference of Directors of Prison and Probation Services (19-20 June 2018, Estonia)
Presentations from the Netherlands and Sweden regarding probation staff	7. Manual/Handbook regarding recruitment and training of prison and probation staff
PC-CP (2018) 5	
SPACE I 2016 survey	8. SPACE statistics and the work with the national correspondents
SPACE II 2016 survey	
Executive summary	
PC-CP (2017) 6 rev 7	9. Restorative Justice: Draft Recommendation concerning restorative justice in criminal matters (with comments made by states)
PC-CP (2017) 12 rev 4	Commentary to Recommendation concerning restorative justice in criminal matters (with comments made by states)
CDPC (2018) 2	Compilation of comments on the draft Recommendation on Restorative Justice
PC-CP (2018) 6	10. Feedback from participation in other meetings
PC-CP (2018) 7	11. Any other business
	12. Dates and agenda of the next meeting

LIST OF PARTICIPANTS
MEMBER STATES / ETATS MEMBRES

ARMENIA / ARMENIE

Ms Astghik BALDRYAN
Deputy to the Permanent Representative of Armenia to the Council of Europe, Strasbourg, France

ITALY / ITALIE

Alessandra VIVIANO
Responsible, International Relations Unit, Department of Juvenile and Community Justice, Roma

NETHERLANDS / PAYS-BAS

R.W.M. van der ZON
Head of Legal Affairs/Deputy director Policy & Governance support, National Agency of Correctional Institutions of the Ministry of Justice and Security, Den Haag

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Viorel MORARI (**Apologised/Excusé**)
Prosecutor, Head of Anticorruption Prosecutor's Office, Chisinau

POLAND / POLOGNE

Mirosław PRZYBYLSKI
Judge, Director of Department of the Enforcement of Judgements and Probation in Ministry of Justice, Warsaw

Robert TYPA
Counsellor to the Secretary of State at Ministry of Justice in Department of the Enforcement of Judgements and Probation, Warsaw

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Artem KULINTSOV
International Department, Federal Penal Service, Ministry of Justice, Moscow

Aleksandra SAMARINA
Deputy Director, Information Center, FSIN Russia, Federal Penal Service, Ministry of Justice, Moscow

Mikhail ZAYTSEV
Chief of Department of observance of human rights

TURKEY/ TURQUIE

Mustafa Tayip ÇİÇEK
Counsellor (Rapporteur Judge)

Günseli GÜVEN
Conseillère juridique, Représentation Permanente de la Turquie auprès du Conseil de l'Europe, Strasbourg, France

WORKING GROUP OF THE COUNCIL FOR PENOLOGICAL CO-OPERATION / GROUPE DE TRAVAIL DU
CONSEIL DE COOPERATION PENOLOGIQUE
(PC-CP)

Martina BARIĆ
Social pedagogue, Head of Service of special programs, analysis, evaluation and prisoners' and juveniles' records, Ministry of Justice, Prison System Directorate, Head Office, Zagreb, Republic of Croatia

Nathalie BOISSOU (**Apologised/Excusée**)

Directrice des services pénitentiaires (administration pénitentiaire française) - Coordinatrice thématique adjointe au sein du programme EI PACCTO (Programme européen de Lutte contre la criminalité organisée transnationale), Madrid, Espagne

Annie DEVOS

Administratrice générale des Maisons de Justice, Fédération Wallonie-Bruxelles, Bruxelles, Belgique

Anna FERRARI

Magistrat, Ministère de la Justice, Département pour la Justice des Enfants, et les Mesures appliquées dans la Communauté, Direction Générale de l'exécution pénale de la Probation, Rome, Italie

Robert FRIŠKOVEC

Head Office, International Co-operation, Prison Administration, Ministry of Justice, Ljubljana, Slovenia

Attila JUHÁSZ

Vice-Chair of the PC-CP

Senior Advisor, Hungarian Prison Service, Eger, Hungary

Nikolaos KOULOURIS

Assistant Professor in Social Policy and Offenders' Custodial and Non-Custodial Treatment, Department of Social Administration and Political Science, Democritus University of Thrace, Komotini, Greece

Dominik LEHNER (Dr.)

Chair of the PC-CP

President, Expert Committee on Offender Risk Assessment Northwest & Central Switzerland, Basel, Switzerland

Nadya RADKOVSKA

Head, Department for International Relations and Training of Staff, General Directorate Execution of Sentences, Ministry of Justice, Sofia, Bulgaria

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Ian D. MARDER

Ph.D. student and Graduate Teaching Assistant, Centre for Criminal Justice Studies, Centre for Law and Social Justice, School of Law, University of Leeds, United Kingdom

Maartje NELISSEN

Education & training expert, Opleidingshuis Reclassering, Onderwijskundige, Utrecht, The Netherlands

Harvey SLADE

Research Assistant, United Kingdom

Dirk VAN ZYL SMIT

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

Annette WARMAN

Head of section, Training Academy, Kriminalvården, Kompetenscenter Stockholm, Sweden

* * * * *

OBSERVERS WITH THE COUNCIL OF EUROPE / OBSERVATEURS AUPRES DU CONSEIL DE L'EUROPE

JAPAN / JAPON

Kumiko NIITSU

Chargée de Mission, Consulat Général du Japon, Strasbourg, France

Kosuke YUKI

Consul, Consulat Général du Japon, Strasbourg, France

MEXICO / MEXIQUE

María Noemí HERNÁNDEZ TÉLLEZ

Observateur Permanent Adjoint, Mission Permanente du Mexique auprès du Conseil de l'Europe, Strasbourg, France

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

CONFEDERATION OF EUROPEAN PROBATION / CONFEDERATION DE LA PROBATION EUROPÉENNE (CEP)

Willem VAN DER BRUGGE

Secretary General CEP, Confederation of European Probation, Utrecht, The Netherlands

EUROPEAN ORGANISATION OF PRISON AND CORRECTIONAL SERVICES (EuroPris)

Hans MEURISSE

Senior Advisor / International Expert, The Hague, The Netherlands

OTHER COUNCIL OF EUROPE BODIES / AUTRES ORGANES DU CONSEIL DE L'EUROPE

EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) / COMITÉ EUROPÉEN POUR LA PRÉVENTION DE LA TORTURE ET DES PEINES OU TRAITEMENTS INHUMAINS OU DÉGRADANTS (CPT)

Hugh CHETWYND

Head of Division, Secretariat of the European Committee for the Prevention of Torture (CPT)

EUROPEAN COURT OF HUMAN RIGHTS (ECHR) / COUR EUROPEENNE DES DROITS DE L'HOMME (CEDH)

Kresimir KAMBER

Lawyer / Juriste, Registry of the European Court of Human Rights / Greffe de la Cour européenne des droits de l'homme

SECRETARIAT OF THE COUNCIL OF EUROPE / SECRETARIAT DU CONSEIL DE L'EUROPE

DIRECTORATE GENERAL I / DIRECTION GÉNÉRALE I

HUMAN RIGHTS AND RULE OF LAW / INFORMATION SOCIETY AND ACTION AGAINST CRIME DIRECTORATE

DROITS DE L'HOMME ET ETAT DE DROIT / DIRECTION DE LA SOCIÉTÉ DE L'INFORMATION ET DE LA LUTTE CONTRE LA CRIMINALITÉ

Jan KLEIJSEN

Director / Directeur

Criminal Law Division / Division du droit pénal

Iliana TANEVA

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

Christine COLEUR

Assistant / Assistante

Sylvie ELTER

Assistant / Assistante

INTERPRETERS / INTERPRÈTES

Cynera JAFFREY

Luke TILDEN

Christopher TYCZKA

Martine CARALY

Grégoire DEVICTOR