

Terms of Reference of the Council for Penological Co-operation (PC-CP)¹

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, on the suggestion of the European Committee on Crime Problems (CDPC)
4. **Terms of reference:**

Having regard to:

- Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;
- 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 in particular chapters I.2 and 1.4;
- the Council of Europe conventions and their protocols as well as to the recommendations of the Committee of Ministers in the penal field;²
- the relevant case law of the European Court of Human Rights;
- the standards developed by the Committee for the Prevention of Torture or Inhuman and Degrading Treatment or Punishment (CPT);
- the work of the Commissioner for Human Rights; and
- the relevant recommendations of the Parliamentary Assembly.³

Under the authority of the European Committee for Crime Problems (CDPC) and in relation with the implementation of programmes Development of Common Standards and Policies (*Rule of Law/ Strengthening the Rule of Law and Developing Common Standards*) and Prisons and Police (*Rule of Law/ Ensuring Justice*) of the Council of Europe Programme and Budget 2011,

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. examine the functioning and implementation of the European Prison Rules, the European Rules on community sanctions and measures, the European Rules for juvenile offenders subject to sanctions or measures, the Council of Europe Probation Rules as well as of other relevant Committee of

¹ Adopted: see CM/Del/Concl(87)410/35(10) and CM(87)167, Addendum V.
Revised: see CM(91)118, item I.B.9 and CM/Del/Concl(91)461/20a(9);
see CM/Del/Dec(94)516/10.4 and CM(94)112, item 3;
see CM/Del/Dec(94)523, item 11.3;
see CM/Del/Dec(95)551, item 11.2 (first part) concl10;
see also CM/Del/Dec(96)572, item 10.1 and CM(96)99, Appendix VII;
see CM/Del/Dec(97)600, item 10.2a and Appendix 18 (Appendix 19 for the revised rules of procedure);
see CM/Del/Dec(2006)967, item 10.3.

² European Treaty Series of the relevant conventions: 24, 30, 51, 82, 86, 98, 99, 112, 126, 167 and 182. Reference number of the relevant recommendations: R (82) 16; R (82) 17; R (84) 11; R (84) 12; R (88) 13; R (89) 12; R (92) 16; R (93) 6; R (97) 12; R (98) 7; R (99) 19; R (99) 22; Rec(2000)22; Rec(2003)22; Rec(2003)23; Rec(2006)2 and Rec(2006)13.

³ *Inter alia* Rec 1257 (1995); Rec 1469 (2000); Rec 1656 (2004) and Rec 1747 (2006).

Ministers recommendations, and make proposals for improving their practical application and, if necessary, for their updating;

- iii. make proposals to the CDPC for revision of existing legal instruments and other legal acts in the penal field, with a view to achieving coherence and comprehensiveness of the standards in the area;
- iv. prepare new draft legal instruments and reports on penological matters on the basis of ad hoc terms of reference;
- v. formulate opinions on penological matters at the request of the CDPC and of member states;
- vi. 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;
- vii. prepare the Conferences of Directors of Prison Administration (CDAP) and choose rapporteurs;
- viii. provide guidance with regard to the collection and publication of the annual penal statistics of the Council of Europe SPACE I and SPACE II.

5. Composition of the Committee:

5.A. Members

The PC-CP shall be composed of 9 members, elected by the CDPC, with the following desirable qualifications: high-level representatives of prison administrations and/or of services entrusted with the implementation of community sanctions and measures; researchers or other experts having a thorough knowledge of penological questions.

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

5.B. Member states

- i. The member states of the Council of Europe may send their representatives to an enlarged annual meeting of the Group.

The Council of Europe budget will bear the travel and subsistence expenses of one representative per member state of the Council of Europe participating in the enlarged annual meeting of the Group.

The member states of the Council of Europe may send (a) representative(s) to other meetings of the Group, without the right to vote or defrayal of expenses.

5.C. Participants

- i. The following bodies may each send a representative to meetings of the Group, without the right to vote and at the charge of the corresponding Council of Europe budget sub-heads:

- European Committee on Crime Problems (CDPC);
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

- ii. The Parliamentary Assembly may send (a) representative(s) to meetings of the Group, without the right to vote and at the charge of its administrative budget.

- iii. The Council of Europe Commissioner for Human Rights may send (a) representative(s) to meetings of the Group, without the right to vote and at the charge of its administrative budget.

5.D. Other participants

- i. The European Union may send representatives to meetings of the Group, without the right to vote or defrayal of expenses.
- ii. The following intergovernmental organisations may send representatives to meetings of the Group, without the right to vote or defrayal of expenses:
 - United Nations Subcommittee on Prevention of Torture (SPT);
 - United Nations Children's Fund (UNICEF).

5.E. Observers

The following non-governmental organisations may send a representative to meetings of the Group, without the right to vote or defrayal of expenses:

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

6. Working methods and structures

In its work, the PC-CP shall be assisted, within the limits of budgetary appropriations, by four scientific experts with specific knowledge of relevant legislation and legal practice, of international norms 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.

7. Duration

These terms of reference will expire on 31 December 2011.