

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

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

**67<sup>th</sup> meeting**

**Strasbourg, 21-23 March 2011**

**SUMMARY MEETING REPORT**

**prepared by the Directorate General of Human Rights and Legal Affairs**

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**BRIEF FOREWORD**

**The PC-CP:**

- Considered the text of a draft recommendation containing European Code on Prison Staff Ethics and made specific proposals in this respect;
- Welcomed the creation of a dedicated web site, developed by the University of Lausanne and containing all Council of Europe Annual Penal Statistics SPACE I and SPACE II;
- Considered SPACE I (2009) and SPACE II (2009), agreed on certain additional data collected and made specific proposals regarding SPACE II;
- Took note of the report on the sentencing, management and treatment of 'dangerous' offenders, which was finalised following the proposals made by the PC-CP at their last meeting in December 2010;
- Considered the steps to be taken to ensure follow-up to Resolution n° 2 adopted at the 30<sup>th</sup> Council of Europe Conference of Ministers of Justice (24-26 November 2010, Istanbul) and agreed on its working methods and work plan in this respect;
- Discussed the question related to the expiry of the terms of office of some of its members in June 2011 and decided to propose to the CDPC to prolong their terms of office exceptionally until the end of the current year awaiting for the outcome of the ongoing reform of all intergovernmental committees.

1. The Council for Penological Co-operation (PC-CP) held its 67<sup>th</sup> meeting in Strasbourg on 21-23 March 2011 with Ms Sonja Snacken 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 66<sup>th</sup> meeting [Doc. PC-CP (2010) 22]**

3. The PC-CP considered the summary meeting report of its 66<sup>th</sup> meeting and had no comments to make.

**III. Items for information**

4. The Secretariat informed the PC-CP that currently consultations are being held with the Council of Europe member states regarding the reform of the Council of Europe intergovernmental committees. These consultations follow the budgetary decisions taken by the Committee of Ministers earlier which led to voting the terms of reference of all standard-setting bodies only until the end of 2011.
5. The Secretariat further drew the PC-CP attention to doc. PC-CP(2010)10 rev 5, containing Ms Padfield's report on the sentencing, management and treatment of 'dangerous' offenders, finalised in the light of the proposals made by the PC-CP at their last meeting in December 2010. The members took note that the report will be examined by the CDPC Bureau at their meeting in April 2011 and then will be forwarded to the CDPC plenary which will take place in June 2011.
6. The PC-CP members also discussed the organisation and holding of the Seminar "Improving detention conditions through effective monitoring and standard-setting" (17-18 March 2011, Antalya), which was attended by several PC-CP members. In this connection the successful cooperation between the CPT and the PC-CP was specifically underlined as well as the interest and satisfaction expressed by the participants from a number of European prison administrations. The conclusions of the four workshops held were also considered and it was found that they contain some interesting ideas to be explored when discussing the follow-up to be given to the 30<sup>th</sup> Council of Europe Conference of Ministers of Justice and the possible standard-setting work which may ensue from it (see also p. VI below).
7. The Secretariat further informed of the recent creation (which was announced at a meeting on detention conditions held by the European Commission at the end of January 2011 in Brussels as well as during the seminar in Antalya) of EUROPRIS by representatives of eight prison administrations.

**IV. Draft European Code of Prison Staff Ethics [Docs. PC-CP (2011) 1]**

8. Mr Andrew Coyle, scientific expert presented the text of a draft Code of Prison Staff Ethics which was elaborated as a follow-up to the conclusions reached at the 15<sup>th</sup> CDAP (Edinburgh, 2009). The PC-CP examined the text and made specific proposals for its amendment. It was noted that the text is a synthesis of the relevant Council of Europe standards and was based in the first place on the European Prison Rules. Mr Coyle informed that the survey carried out by the Secretariat and by the ICPS, which involved collecting and examining the national codes/staff regulations of a number of European prison administrations, has shown that there was a great variety of rules. It is therefore important to recommend to the national authorities a set of ethical principles based on the Council of Europe standards which to guide staff at all levels in their everyday work.
9. The PC-CP examined the text and made specific suggestions for amendments. The question which form should take this Code was examined as well. It was agreed that it is important to adopt it in the form of a Committee of Ministers recommendation. It was further agreed that as long as the Code is a synthesis of the rules contained in previous Committee of Ministers recommendations, there is no need to draft an explanatory memorandum accompanying this text. Instead, as was the case with the European Prison Rules and the European Rules for juvenile offenders, a contextual report will be drafted under Mr Coyle's name, which will be published together with the Code, once adopted, in a separate Council of Europe edition addressed to the professionals and the general public. Mr Coyle agreed to draft such a report for the next PC-CP meeting in May 2011.

10. The PC-CP noted the good quality of the text drafted and thanked Mr Coyle for his work and commitment.

#### **V. Council of Europe Annual Penal Statistics for 2009 (SPACE I and SPACE II)**

11. Mr Marcelo Aebi and Ms Natalia Delgrande presented the 2009 Annual Penal Statistics. They informed the PC-CP of the new site developed by the University of Lausanne, hosting all SPACE statistics, as well as research based on these. The PC-CP expressed their gratitude for the work done. The Secretariat informed that the link to the web site is already on the Council of Europe website dedicated to standard setting in the penitentiary field ([www.coe.int/prison](http://www.coe.int/prison)) and the information was circulated to the national prison and probation services and to other outside agencies the Council of Europe is working with.
12. The PC-CP examined in greater details SPACE I and then SPACE II data for 2009. It was noted with regret that the Russian prison administration has not sent data for several consecutive years already, which poses a serious problem regarding the continuity of the survey and its possible use in penal policy decisions and comparisons across Europe.
13. Ms Delgrande underlined that one of the issues which came out from the last collection of data was the difference in the treatment of drug users in prison; hence the data are not readily comparable. The practices regarding addressing drug using (penalised or not and under what circumstances, whether drug users are held in prisons or elsewhere, whether they are obliged or not to undergo a treatment, etc.) differ from country to country and treatment programmes, provision of drug substitutes, needles, prevention, etc. differ as a result of this. Therefore there is a need for guidance in this respect from the Council of Europe. There should be, in her view, a clear definition of who is a drug user and whether there should be a difference in treatment in case of drug users who have declared using drugs and those who are not admitting to it.
14. There are also differences regarding the status of the medical services and medical staff in prisons, their tasks at different stages of the criminal process, their tasks when they work in hospitals and in prisons are not clearly defined and distinguished apart from what is recommended by the European Prison Rules and the other relevant Committee of Ministers recommendations. This is also an important subject which needs further examination.
15. In SPACE I new questions were added concerning the capacity of institutions for juveniles, for mentally ill and for foreigners detained for administrative reasons. There is also an additional data collected regarding the number of foreign prisoners who are EU nationals. There are new data concerning the conversion of fines into imprisonment and return to prison because of violating probation orders. The collection of the data in the course of the last years has shown that many national authorities have gradually modified their methods and criteria for data collection on prisons in order to align them to SPACE statistics methods. This is quite a positive development as it helps collect and analyse data across Europe and use it in policy decisions regarding the execution of sanctions and measures. It was also noted that not all countries are collecting data regarding the length of the sentences served. The PC-CP discussed whether or not reconviction data should also be collected and it was decided that this will not be done as it is a very complex issue and it would be difficult to collect comparable data.
16. Regarding SPACE II, it was noted with satisfaction that the number of countries which have replied has risen as compared to the previous year. There are still problems regarding the different practices which exist in the countries in the execution of community sanctions and measures and their definitions in the national legislations. In order to facilitate the collection of comparable data it was decided to attach to the next survey a copy of Recommendation Rec(2010)01 on the Council of Europe Probation Rules which contains a number of useful definitions accepted at European level. Another issue discussed was ways of improving contacts with the national correspondents. The CEP confirmed their readiness to assist with contacting the relevant persons, as has been the case so far. The CEP also informed of the next edition of the collection on Probation in Europe which will reflect the current situation as well as the Council of Europe most recent standards.

#### **VI. Follow-up to be given to the 30<sup>th</sup> Council of Europe Conference of Ministers of Justice**

17. The PC-CP discussed the follow-up to be given to Resolution n° 2 adopted by the Ministers of Justice in Istanbul and more particularly para. 17 thereof. The Secretariat informed that an inter-secretarial meeting will be held between the CDPC, the CDDH and the CPT in order to discuss this issue in greater details and eventually to distribute tasks and to set a time-schedule. The PC-CP will be

informed at their next meeting what will be their role in this process. The PC-CP discussed in this respect the agenda of its plenary meeting with all national delegations of the CoE member states (see also p. IX). It was decided that Resolution n° 2 will be put for a discussion, as well as Recommendation No. R(99)22 concerning prison overcrowding and prison population inflation and countries will be requested to report how they are implementing it. Countries should be asked to report on amount of the costs for keeping a prisoner in detention in order to discuss at a broader scale whether the political and legal legitimacy corresponds to the prison populations in Europe. The other items on the agenda of the plenary meeting will be the European Code of Prison Staff Ethics and the draft recommendation concerning foreign prisoners.

18. It was also felt necessary in more general terms to involve judges, prosecutors and probation services in a debate based on this Recommendation and it was recommended in this respect that means of achieving this should be explored together with the CDPC.

#### **VII. 16<sup>th</sup> Conference of Directors of Prison Administration**

19. The dates and the contents of the next CDAP were discussed. Two topics were considered as priority topics for discussion in view of the current situation in many European prisons as well as in view of the work carried out by the Council of Europe in this field, namely: Foreign Offenders; and The Role of Prison and Probation Services in Reducing Penal Inflation.
20. It was decided that both prison and probation directors from the CoE member states will be invited and that workshops in three languages (in English, French/English and Russian/English) will be held in parallel so that all participants could actively participate in the discussion of the two topics while keeping low the interpretation costs for the Conference. On the occasion of the CDAP will be presented the European Code of Prison Staff Ethics and the draft recommendation on foreign prisoners, as well as SPACE I and II (2009 surveys) The opinion of the Directors will also be sought regarding the follow-up to Resolution n°2 of the Council of Europe Conference of Ministers of Justice held in Istanbul in November 2010. The outcome of the Conference will then be reported to the plenary meeting in November 2011 (see also p. VI).
21. The dates of the Conference tentatively were set to be during the week of 10-14 October 2011.

#### **VIII. Other business**

22. The PC-CP discussed the question related to the expiry of the terms of office of some of its members in June 2011 as the terms of office of four of its members expires then. In view of their involvement in the drafting of two important standard-setting texts and the need to ensure continuity in this respect but also because of the still unclear outcome of the ongoing reform of all intergovernmental committees it was decided to propose to the CDPC to prolong their terms of office exceptionally until the end of the current year (i.e. to allow them to participate in the plenary PC-CP meeting in November).

#### **IX. Dates of the next meetings**

23. The next meetings were scheduled as follows: 16-18 May 2011 and 28-30 November 2011 (the plenary meeting with the national delegations).

**APPENDIX I**

**AGENDA / ORDRE DU JOUR**

- 1) **Adoption of the agenda / Adoption de l'ordre du jour** **PC-CP (2011) OJ 1**  
*Bilingue*
  
- 2) **Summary report of the last meeting / Rapport sommaire de la dernière réunion** **PC-CP (2010) 22**  
*English / Français*
  
- 3) **Information / Informations** **PC-CP (2010) 10 rev 5**  
*English / Français*
  
- 4) **Follow-up to be given to the 30<sup>th</sup> Council of Europe Conference of Ministers of Justice / Suites à donner à la 30<sup>e</sup> Conférence du Conseil de l'Europe des Ministres de la Justice** **Resolution N° 2**  
*English / Français*
  
- 5) **SPACE statistics / Statistiques SPACE**
  
- 6) **Draft European Code of Prison Staff Ethics / Projet de Code d'éthique européen à l'usage du personnel pénitentiaire** **PC-CP (2011) 1**  
*English only / uniquement en Anglais*
  
- 7) **Seminar on “Improving Detention Conditions through Effective Monitoring and Standard-Setting” (17-18 March 2011 / Antalya, Turkey) / Séminaire « Améliorer les conditions de détention par un monitoring et un travail normatif efficaces » (17-18 mars 2011 / Antalya, Turquie)**
  
- 8) **Any other business / Questions diverses**
  
- 9) **Dates of the next meetings / Dates des prochaines réunions**

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**APPENDIX II**

**List of Participants / Liste des Participants**

**MEMBERS / MEMBRES**

**Ms Marta FERRER PUIG**

Head of the Department of Social and Criminological Research and Training, Centre for Legal Studies and Specialized Training (CEJFE), BARCELONA (**Spanish / Espagnol**)

**Mr Antanas JATKEVICIUS**

Head of Penal and Administrative Law Unit, Legal Department, Office of the Parliament, VILNIUS (**Lithuanian / Lituanien**)

**Ms Natalya KHUTORSKAYA**

Researcher at the Laboratory, Research Institute, Federal Service of the Execution of Sentences, MOSCOW (**Russian / Russe**)

**Ms Irene KOECK**

Director in the Austrian Prison Administration, Federal Ministry of Justice, VIENNA (**Austrian / Autrichienne**)

**Mr Roger McGARVA**

Former Head of Regions and Performance, National Probation Directorate, Honorary Senior Research Fellow at the University of De Montfort, Leicester, Nottinghamshire (**British / Britannique**)

**Ms Sonja SNACKEN**

**Chair of the PC-CP / Présidente du PC-CP**

Research fellow, Straus Institute for the Advanced Study of Law & Justice, NYU Institutes on the Park, NYU School of Law, New York, United States of America (**Belgian / Belge**)

**Mr Pavel STERN**

Director of the Czech Probation and Mediation Service, Ministry of Justice, Headquarters of Probation and Mediation Service (Probacni a mediacni sluzba), PRAGUE (**Czech / tchèque**)

**Mr Peter LINDSTRÖM**

Polismyndigheten i Stockholms län, STOCKHOLM (**Swede / Suédois**)

**Mr André VALLOTTON**

Ancien Délégué du Conseil d'Etat aux Affaires pénitentiaires, Département de la Sécurité et de l'Environnement, Chef d'équipe, Unité d'appui au Programme d'appui de la réforme du Système pénitentiaire, Ministère de la Justice c/o DGAPR, Alger (**Swiss / Suisse**)

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**SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES**

**Mr Andrew COYLE**

Director, International Centre for Prison Studies, University of Essex, United Kingdom

**Mr Marcelo AEBI**

Professeur, Vice-directeur, Ecole des sciences criminelles, Université de Lausanne, Suisse

**Ms Natalia DELGRANDE**

Ecole des sciences criminelles, Université de Lausanne, Suisse

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**PARLIAMENTARY ASSEMBLY**

**Apologised/Excusé**

**INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS /  
ORGANISATIONS INTERNATIONALES NON-GOUVERNEMENTALES**

**EUROPEAN ORGANISATION FOR PROBATION / ORGANISATION EUROPÉENNE DE LA PROBATION  
(CEP)**

**Mr Leo TIGGES**

Secretary General, Utrecht, Netherlands

**M. Daniel BIANCALANA**

Service Central d'Assistance Sociale (SCAS)/ Parquet Général – Service de Probation, Luxembourg

**UNITED NATIONS CHILDREN'S FUND (UNICEF)**

**Apologised/Excusé**

**INTERNATIONAL CENTRE FOR PRISON STUDIES**

**Apologised/Excusé**

**OTHER PARTICIPANTS/ AUTRES PARTICIPANTS**

**PENAL REFORM INTERNATIONAL (PRI)**

**Apologised/Excusé**

**EUROPEAN UNION / UNION EUROPÉENNE**

**Apologised/Excusé**

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**SECRETARIAT/SECRETARIAT**

**Directorate General of Human Rights and Legal Affairs /  
Direction Générale des droits de l'Homme et des affaires juridiques (DG-HL)**

**Law Reform Department / Service des réformes législatives**

**Criminal Law Division / Division du droit pénal**

**Ms Iilina TANEVA**

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

**Ms Christine MOREL**

Assistant / Assistante