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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COUNCIL FOR PENOLOGICAL CO-OPERATION
PC-CP

PROVISIONAL DRAFT TERMS OF REFERENCE
1 January 2012 - 31 December 2013

PROVISIONAL DRAFT TERMS OF REFERENCE

Committee

Name of Committee: **Council for Penological Cooperation**

Terms of Reference valid from 1 January 2012 until 31 December 2013

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.

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

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

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.

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.

Composition

Members:

The PC-CP shall be composed of 9 members, elected by the CDPC in their personal capacity for a period of two years (renewable), with the following desirable qualifications: high-level representatives of prison administrations, of probation services and of juvenile justice agencies, researchers or other experts having a thorough knowledge of penological questions.

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

Participants:

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).

The Parliamentary Assembly may send a representative/representatives to meetings of the Group, without the right to vote and at the charge of its administrative budget.

The Council of Europe Commissioner for Human Rights may send a representative/representatives to meetings of the Group, without the right to vote and at the charge of its administrative budget.

Other participants:

The European Union may send representatives to meetings of the Group, without the right to vote or defrayal of expenses.

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).

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).

External consultants:

In its work, the PC-CP shall be assisted, within the limits of its 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.

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

Working methods

The PC-CP will hold in 2012 and in 2013 three ordinary meetings and one plenary meeting open to all Council of Europe member and observer states, each meeting lasting three days. The PC-CP may, within the limits of its budgetary appropriations, hold up to two restricted working group meetings aimed at preparing or finalising the drafting of legal texts or reports to be discussed at its ordinary or plenary meetings.

The PC-CP members and external consultants are expected to dedicate sufficient time between the meetings, if necessary, for providing or finalising, by electronic means of communication, opinions, reports, legal instruments and other texts which are drafted under its responsibility or on which the PC-CP opinion or expertise is being sought by the Committee of Ministers, by the CDPC or by other Council of Europe bodies.

Subordinate structure(s) needed to support Steering Committee's work

None