



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Strasbourg, 21 June 2012
pc-cp\docs 2012\pc-cp(2012)9e

PC-CP (2012) 9

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

1st Meeting of the Working Group / 1^{ère} Réunion du Groupe de Travail

11-13 June 2012 / 11-13 juin 2012

SUMMARY MEETING REPORT

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

BRIEF FOREWORD

The PC-CP Working Group:

- elected Mr André Vallotton as its Chair and Mr Mauro Palma as its Vice Chair for a period of one year;
- considered the decisions adopted at the last CDPC plenary meeting (29 May-1 June 2012) related to its activities;
- considered and revised a draft paper on the scope, definitions and basic aspects of electronic monitoring and forwarded it to the CDPC for further consideration;
- held a discussion regarding the organisation and contents of the 17th CDAP (22-24 November 2012, Rome) and made specific proposals in this respect;
- took note of the state of preparation of the 31st Council of Europe Conference of Ministers of Justice (19-21 September 2012, Vienna) and considered the elements for a draft resolution on juveniles as perpetrators and victims of urban violence as revised by the CDPC at its last plenary meeting;
- considered a paper, presented by the Belgian delegate to the CDPC on alternative measures to imprisonment and decided to invite the delegate for further consultation on this matter at its next meeting;
- decided to consider at its next meeting the issue of violence in juvenile detention institutions: reasons and ways of reducing it and agreed to invite an outside consultant to present a report on this question;
- took note and held a discussion on the technical assistance activities carried out in the prison and police field;
- requested the Secretariat to inquire on the possibilities to create a dedicated restricted access web site of the PC-CP.

1. The Council for Penological Co-operation (PC-CP) Working Group held its first meeting in Strasbourg on 11-13 June 2012 with Mr André Vallotton 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 2nd plenary meeting [Doc. PC-CP (2012) 4]**
3. The PC-CP Working Group considered the summary meeting report of the 2nd plenary meeting and had no comments to make.
- III. **Election of the Chair and Vice Chair**
4. The PC-CP Working Group elected with acclamation Mr André Vallotton as its Chair and Mr Mauro Palma as its Vice Chair for a period of one year.
- IV. **Decisions taken at the last CDPC plenary meeting [Doc. CDPC (2012) 8]**
5. The PC-CP considered the decisions taken at the last CDPC plenary meeting held on 29 May-1 June 2012. It decided to come back to these under the specific points on its agenda. It took note of the draft terms of reference of the Committee of Experts on Dangerous Offenders (PC-DOF) as submitted by the Secretariat to the Committee of Ministers for adoption and decided to appoint Ms Irene Koeck as the PC-CP representative at this Committee.
- V. **17th Conference of Directors of Prison Administration with the participation of Directors of Probation Services (22-24 November 2012, Rome, Italy) [Doc. PC-CP (2012) 8]**
6. The PC-CP took note of the above document prepared by the Secretariat and made specific proposals regarding possible speakers and chairs of the different sessions. It approved the topics of the two workshops as proposed, which would allow discussing treatment of foreign prisoners at entry and before release from prison and the role prison and probation services should play in this respect.
- VI. **31st Council of Europe Conference of Ministers of Justice (19-21 September 2012, Vienna, Austria) [Docs. CDPC (2012) 6 and CM/Inf (2012) 12]**
7. Mr Ivan Koedjikov, Head of the Action against Crime Department informed the participants of the state of preparation for the 31st Council of Europe Conference of Ministers of Justice. The PC-CP Working Group considered the elements for a draft resolution on juveniles as perpetrators and victims of urban violence as revised by the CDPC at its last plenary meeting and the possible implications of its adoption on its future work. It also drew attention to the proposal made at the CDPC plenary meeting in June 2012 to present at the Conference of Ministers of Justice certain SPACE data which give quite a valuable and explicit information on prison population fluctuations, length of imprisonment and turnover of prisoners and to possibly combine such a presentation of the SPACE statistics with the presentation of the CEPEJ statistics.
- VII. **Electronic monitoring [Doc. PC-CP (2012) 7]**
8. The PC-CP considered the decision taken at the last CDPC plenary meeting to: “entrust the PC-CP, as a first step and for the purpose of further discussion of the subject, with the task to draft a paper clarifying the possible scope of the term “electronic monitoring”, which should relate to the use of such technology outside prisons, as well as identifying the aspects regarding its use that should be addressed in order to develop standards against disproportionate use. The PC-CP should take into account that some member states have already developed standards and rules on electronic monitoring. The PC-CP should not deal with questions related to if, and at what stages of the criminal process, electronic monitoring could be used as this is a matter reserved for national law”.
9. In the light of this decision it also considered and revised Doc. PC-CP (2012) 7: “Scope and Definitions of Electronic Monitoring”, prepared by the Secretariat. Issues related to whether electronic monitoring is a sanction or a measure were raised; whether the question of consent should be considered; what is its exact meaning; effects of electronic monitoring on third persons; extent of intrusion of different types of electronic monitoring, etc.

10. The participants agreed that the question of defining the use of electronic monitoring is closely related to the different stages of the criminal process and as such the latter should be considered from this point of view; they also agreed that the rate of sanctioning and intrusion into one's private life by way of electronic monitoring varies depending on its overall length as well as on its type, length and space of specific proscription it monitors per day.
11. It was also stated that by the use of satellite and biometric tracking the areas prohibited to offenders have expanded far beyond their own homes which influences also third parties' lives, be it victims, family, friends or others.
12. The issue of consent raised a debate. On the one hand it was argued that consent/cooperation of the offender is needed for each sanction or measure to be effective. On the other hand in some jurisdictions consent is not necessary for the deciding authorities to put someone under electronic monitoring while as in others it is necessary to have the initial consent of the person concerned. This issue becomes more complex from an ethical point of view with the introduction of new electronic monitoring technologies which are more intrusive for the offender's and third parties' lives.
13. The PC-CP Working Group agreed on the scope, definitions and some basic aspects of electronic monitoring to be considered. It finalised also an appendix to the document where the different types of electronic monitoring are considered in greater details and forwarded these documents to the CDPC for further comments and instructions.

VIII. Technical assistance and cooperation activities in the prison and probation field

14. Ms Tanja Rakusic, Ms Luljeta Kasa and Ms Willemien Los, from the Prisons and Police Unit, informed the PC-CP Working Group of the technical assistance and cooperation activities carried out in some newer Council of Europe member states as well as in Turkey. The participants expressed their interest and more particularly regarding the recent meeting on healthcare issues. The ensuing discussions included recommendations regarding better coordination of these activities with other international governmental and non-governmental organisations in order to bring in the desired reforms in line with the Council of Europe standards. It was agreed that the PC-CP will be regularly updated on these activities.

IX. Future activities

15. The PC-CP Working Group considered possible topics for its next meeting's agenda. It was decided after some discussion that in view of the outcome of the next Council of Europe Conference of Ministers of Justice, the survey carried out at the 16th CDAP as well as of the priorities defined under the Project "Building Europe for and with Children" it would be useful to examine the issue of violence in juvenile detention institutions, its reasons and ways of reducing it. It further agreed to invite an outside consultant to present a report on this.

X. Other business

16. The PC-CP considered a paper, presented by the Belgian delegate to the CDPC on alternative measures to imprisonment [Doc. CDPC (2012) 2] and decided to invite the delegate for further consultation on this matter at its next meeting.
17. Ms Alina Barbu, the PC-CP gender equality rapporteur, noted that the PC-CP Working Group in its present format has 7 male members and 2 female members. She also noted that the participants had taken into account the equality between women and men while discussing each topic on the agenda. Women participants in the Working Group, both experts and members of the Secretariat were actively involved into all the discussions held, taking the floor constantly. One woman expert was appointed as the PC-CP representative to the PC-DOF.
18. The issue of women and their particular needs was also extensively discussed under the topic on electronic monitoring. For example the PC-CP Working Group discussed the implications of the use of electronic monitoring on the wives, victims and female members of the family of the offender.

XI. Dates of the next meetings

19. The next meeting of the PC-CP working group was scheduled as follows: 15-17 October 2012. The next PC-CP plenary meeting was scheduled for 6-8 March 2013.

APPENDIX I

AGENDA / ORDRE DU JOUR

1) Adoption of the agenda / Adoption de l'ordre du jour	PC-CP (2012) OJ 2 <i>Bilingual / Bilingue</i>
2) Election of the Chair and Vice-Chair of the PC-CP / Election du Président et du Vice-Président du PC-CP	
3) Summary report of the last meeting / Rapport sommaire de la dernière réunion	PC-CP (2012) 4 <i>English / Français</i>
4) Information / Informations	CDPC (2012) 8 <i>English / Français</i>
5) Electronic monitoring / Surveillance électronique	PC-CP (2012) 7 <i>English / Français</i>
6) 17th Conference of Directors of Prison Administration (2012) / 17^e Conférence des directeurs d'administration pénitentiaire (2012)	PC-CP (2012) 8 <i>English / Français</i>
7) 31st Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012) / 31^e Conférence du Conseil de l'Europe des Ministres de la Justice (Vienne, 19-21 septembre 2012)	CM/Inf(2012)12 <i>English / Français</i> CDPC (2012) 6 <i>English / Français</i>
8) Any other business / Questions diverses	
9) Dates of the next meetings / Dates des prochaines réunions	

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

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

Alina BARBU

Chief of service, Public law division, Directorate of Drafting legislation, Ministry of Justice, Bucharest, Romania

Harald FØSKER

Director of International Cooperation, Correctional Services Department, Ministry of Justice, Oslo, Norway

Antanas JATKEVICIUS *APOLOGISED / EXCUSE *****

Research Fellow, Institute of Law, Vilnius, Lithuania

Joerg JESSE

Director General, Prison and Probation Administration, Acts of Clemency, Ministry of Justice, Mecklenburg - Western Pomerania, Schwerin, Germany

Irene KOECK

Director/Senior Public Prosecutor, Federal Ministry of Justice, Vienna, Austria

Peter LINDSTRÖM

Associate Professor, Polismyndigheten i Stockholms Län, Stockholm, Sweden

Mauro PALMA

Director, Istituto della Enciclopedia Italiana - Professor, Istituto Superiore Studi Penitentiari (ISSP) / Superior Institute for Penitentiary Studies, Roma, Italy

Pavel STERN *APOLOGISED / EXCUSE *****

Director, Czech Probation and Mediation Service, Ministry of Justice, Headquarters of Probation and Mediation Service (Probacni a mediacni sluzba), Prague, Czech Republic

André VALLOTTON

Ancien Délégué du Conseil d'Etat aux Affaires pénitentiaires, Département de la Sécurité et de l'Environnement, Chef de projet, Unité d'appui au Programme d'appui de la réforme du Système pénitentiaire, Ministère de la Justice c/o DGAPR, El Biar, Alger

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Dominik LEHNER (Dr.)

Head of Penal Services (Chef d'office d'exécution des peines), Justice and Security Department Basel-City, Basel, Switzerland

Robert Michael NELLIS

Emeritus Professor of Criminal and Community Justice, University of Strathclyde, School of Law, Glasgow, United Kingdom

MEMBER STATES / ETATS MEMBRES

POLAND / POLOGNE

Dariusz LUBOWSKI

Judge of the Circuit Court Warsaw, Senior expert, Ministry of Justice, Warszawa

Mirosław PRZYBYLSKI

Director of the Department of Enforcement of Judicial Decisions and Probation, Ministry of Justice, Warszawa

* * * * *

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

INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS / ORGANISATIONS INTERNATIONALES NON-GOUVERNEMENTALES

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

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

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

**DIRECTORATE GENERAL I - HUMAN RIGHTS AND RULE OF LAW
INFORMATION SOCIETY AND ACTION AGAINST CRIME DIRECTORATE**

**DIRECTION GÉNÉRALE I - 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

Action against Crime Department / Service de la Lutte contre la Criminalité

Ivan KOEDJIKOV
Head of Department / Chef de Service

Criminal Law Division / Division du droit pénal

Carlo CHIAROMONTE
Head of Division / Chef de Division
Secretary to the CDPC / Secrétaire du CDPC

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

Tanja RAKUSIC-HADZIC
Head, Prisons and Police Reform Unit / Chef, Unité de Réforme des Prisons et de la Police

Luljeta KASA
Programme Adviser, Prisons and Police Reform Unit / Conseillère de Programme, Unité de Réforme des Prisons et de la Police

Willemien LOS
Programme Adviser, Prisons and Police Reform Unit / Conseillère de Programme, Unité de Réforme des Prisons et de la Police

Christine MOREL
Assistant / Assistante

INTERPRETERS / INTERPRÈTES

Christopher TYCZKA
Bettina LUDEWIG
Christine TRAPP