EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

Council for Penological Co-operation (PC-CP)

2nd Meeting of the PC-CP Working Group
Paris, 15-17 October 2012

SUMMARY MEETING REPORT

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

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BRIEF FOREWORD

The PC-CP Working Group:

- Considered the decisions taken at the last CDPC Bureau meeting related to its work;
- Took note of the Resolution adopted at the 31st Conference of the Ministers of Justice (19-21 September 2012, Vienna);
- Took note that the Committee of Ministers had adopted recommendation CM/Rec (2012)12 concerning foreign prisoners and considered the agenda, contents and state of preparation of the 17th CDAP “Foreign Prisoners” (Rome, 22-24 November 2012) and of the meeting with judges and prosecutors which will follow it;
- Revised and further developed doc. PC-CP (2012) 7 rev “Scope and definitions of electronic monitoring”;
- Considered the issue of violence in juvenile detention institutions and decided to invite an external consultant to its plenary meeting in 2013;
- Considered the issue of compulsory treatment and decided to postpone its discussion until the CDPC takes a decision on the follow-up to be given to it;
- Took note of the proposal made by the Secretariat of EPAS regarding sport in prisons and agreed to hold in the margins of its next plenary meeting in March 2013 a meeting with EPAS representatives;
- Took note of the information provided by the Czech member of the working group related to SPACE.
1. The Council for Penological Co-operation (PC-CP) Working Group held its 2nd meeting in Paris on 15-17 October 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 1st PC-CP Working Group meeting [Doc. PC-CP (2012) 9]

3. The PC-CP Working Group considered the summary report of its last meeting and had no comments to make.

III. Items for information

4. The Secretariat informed the Group of the decisions taken at the last CDPC Bureau meeting (3-4 October 2012) related to the PC-CP work. The Bureau considered doc. PC-CP (2012) 7 “Scope and definitions of electronic monitoring” and was satisfied with the quality and contents of the document which follows the instructions given at the last CDPC plenary meeting. It agreed that this document should be presented at the next CDPC plenary meeting in December 2012. The Bureau did not give any further specific instructions regarding the document in question.

5. The Secretariat also informed that the Committee of Ministers adopted on 10 October 2012 Recommendation CM/Rec (2012)12 concerning foreign prisoners without further debate. This text will be at the centre of the discussions at the forthcoming CDAP.

6. The Bureau further discussed the issue of violence in juvenile detention institutions. It was of the opinion that this work is not directly related to the topic and the outcome of the 31st Council of Europe Conference of Ministers of Justice (19-21 September 2012, Vienna) but agreed that concerns related to violence in juvenile detention institutions are a valid argument for studying this question which needs to remain related only to situations where juvenile suspects or offenders are in detention and should not deal with other situations where violence may occur outside places of detention.

7. The Bureau also took note of the state of preparation for the 17th Conference of Directors of Prison Administration (Rome, 22-24 November 2012) and nominated its representatives who will take part in it.

8. Regarding the issue of compulsory treatment as alternative to detention the Bureau decided to include this item on the agenda of the next CDPC plenary for further discussion.

IV. Electronic monitoring (EM) [Doc. PC-CP (2012) 7 rev]

9. The PC-CP considered further doc. PC-CP (2012)12 7 rev “Electronic monitoring: scope and definitions” as well as the proposals for additions and amendments made by one of the scientific experts.

10. Regarding the scope it was agreed to add in a phrase to underline that EM can be a useful addition (not substitution) to the existing socially and psychologically positive ways of dealing with offenders. It was debated and agreed that to the list of possible ways of using EM needs to be added its use inside prisons as this type of use exists in some countries in Europe. Apart from listing this type of use the PC-CP will not deal with this issue as it was specifically requested by the CDPC not to do.

11. The term “offenders” was replaced by “suspects and offenders”. It was decided after discussion that it is better not to specify which agencies use EM as depending on the countries it may be the probation agencies, the police and other.

12. The participants were of the opinion that sufficient country information is lacking regarding whether EM is considered to be a modality of execution of a prison sentence or a community sanction or measure and suggested to send to all member states a short questionnaire in order to gather the missing information. The results of the questionnaire will then be discussed at the PC-CP plenary meeting in March 2013.
13. A new aspect for consideration was added to the existing ones, namely that care needs to be taken not to net-widen the use of EM at the pre-trial phase as an alternative to custody beyond the necessary extent provided for by law. “Home” was replaced by “place of residence” as some offenders may live elsewhere during the period under EM than their usual home. Another aspect was added to the list, underlying that in order to obtain better social reintegration EM needs to be combined with other professional interventions.

14. The need for vigilance of the public authorities regarding all aspects of the involvement of private companies (costs, profits, quality of work, etc.) was also underlined as they remain the ultimate responsible authority for the proper execution of EM.

15. In the appendix to the document was added a paragraph explaining in greater details in which ways private sector companies can be involved in the delivery and execution of EM.

V. 17th Conference of Directors of Prison Administration with the participation of Directors of Probation Services (22-24 November 2012)

16. The PC-CP Working Group took note of the information provided by the Italian delegation and by the Secretariat regarding the state of preparation of the Conference. It then turned its attention to two draft questionnaires prepared by the Secretariat to be distributed at the Conference itself and related to the two topics which will be discussed, namely foreign prisoners and overcrowding. After debating the question it was decided not to prepare and distribute questionnaires at the Conference.

17. The PC-CP Working Group then considered and revised elements for draft conclusions of the Conference itself and of the meeting with judges and prosecutors. The issue whether or not to prepare elements before the Conference has taken place was debated and it was explained and agreed that in view of the short time during the Conference itself it would be preferable to have a draft text which can then be more readily amended by the participants on the second day of the Conference and then at the meeting with judges and prosecutors, which will last only half a day.

18. The PC-CP Working Group considered and agreed the distribution of tasks and work of its members during the Conference.

VI. EPAS meeting on sports in prison

19. The representative of EPAS explained that there is an initiative to hold during the Andorran chairmanship a meeting dedicated to sports in prison. It is proposed to hold it in the margins of the next PC-CP plenary meeting in March 21013 so that the members of the PC-CP Working Group could participate in it and contribute to the discussions. The main aim of this meeting to which will be invited representatives of the sports associations and movements as well as of the ministries of sport, is to launch the drafting of a document (recommendation, report or handbook on good practice) on the subject.

20. The participants agreed that sport is an important element of prison regime and that it not only allows to keep prisoners in good physical shape but to better socialise them, help them improve their sense of discipline and work in team and decrease their aggression and other negative psychological conditions. It may also initiate a career in sports after release and help find employment. It is also a way of opening prisons to the outside world by establishing contacts with sports clubs and associations and recruiting outside trainers. The idea to hold such a meeting was welcomed and it was agreed that the meeting could be organised on 5 March 2013.

VII. Violence in juvenile detention institutions

21. The PC-CP considered the instructions given at the last CDPC Bureau meeting as well as the issue of violence in juvenile detention institutions. The Secretariat reminded that at the 16\textsuperscript{th} CDAP this problem was indicated as a serious issue by a number of the participants in their replies to the questionnaire distributed at it. It was agreed that the issue is a complex one and the dividing line between what is allowed and not as a punishment for juveniles inside the institution is rather slim. Several basic issues were identified: violence can be both physical as well as psychological; violence by staff can be deriving from taking legally allowed actions or can be illegal; violence among the juveniles themselves is also problematic as is the infliction of self-harm and there is a need to seek its roots and causes and propose solutions.
22. The participants decided to invite an external consultant to their plenary meeting in March 2013 in order to be informed of the current situation in Europe and to consider which steps need to be taken.

VIII. **Compulsory medical treatment as alternative to detention**

23. The participants took note of docs. CDPC (2012) 2 and PC-CP (2012) 10 as well as of the information provided by the Secretariat that this issue is still being considered at the CDPC level and decided to postpone its own discussions until the CDPC takes a decision on the follow-up to be given to this issue.

IX. **Other business**

24. Mr Pavel Stern informed the participants of the recently held in Prague Regional meeting on development of SPACE I statistics. Several issues were raised at this meeting regarding terminology in the national languages, methodology of collection of data, continuity of work and of its quality in case of change of the national correspondents, the fact that data are published rather late so that they become quickly outdated for prison practitioners and are more useful for researchers and policy makers.

25. At the meeting were made specific proposals like drafting of set of guidelines for filling in the questionnaire, having regular meetings of the national correspondents, publishing some of the major data of interest to prison practitioners as soon as they arrive and before the finalising of SPACE for the year in question.

26. These issues and the steps to be taken proposed by the SPACE team will be discussed at the next PC-CP plenary meeting in March 2013.

X. **Dates of the next meetings**

27. The next meetings of the PC-CP were scheduled as follows: PC-CP plenary meeting on 6-8 March 2013; PC-CP Working Group meetings during the week of 17-22 June and 23-27 September 2013.

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APPENDIX I

AGENDA / ORDRE DU JOUR

1) Adoption of the agenda / Adoption de l'ordre du jour

2) Information / Informations

3) Summary report of the last meeting / Rapport sommaire de la dernière réunion

4) Electronic monitoring / Surveillance électronique


6) Sport in prisons – possible cooperation with EPAS

7) 31st Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012) / 31e Conférence du Conseil de l’Europe des Ministres de la Justice (Vienne, 19-21 septembre 2012)

8) Compulsory treatment as an alternative measure to imprisonment / Soins obligatoires en tant que mesure alternative à l'emprisonnement

9) Violence in juvenile detention institutions / Violence dans les centres de détention pour mineurs

10) Any other business / Questions diverses

11) 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 COOPÉRATION PENOLOGIQUE
(PC-CP)

Alina BARBU
Chief of service, Public law division, Directorate of Drafting legislation, Ministry of Justice, Str. Apolodor, Nr.17, sector 5, Bucharest, Romania
Tel. +40 372 041 999/ext. 1201, +40 372 041 202, Fax: +40 372 041 195, E-mail: alina_dorobant_99@yahoo.com; abarbu@just.ro; alina.barbu@coe.int

Harald FØSKER
Director of International Cooperation, Correctional Services Department, Ministry of Justice, Postboks 8005 Dep, NO-0030 Oslo, Norway
Tel. +47 22 24 55 63, E-mail: harald.fosker@jd.dep.no; harald.fosker@coe.int

Antanas JATKEVIČIUS
Research Fellow, Institute of Law, Gedimino Av. 39 / Ankstoji St. 1, LT-01109, Vilnius
Tel. +370 5 239 6843, Fax: +370 5 239 6319, E-mail: anjatk@lrs.lt

Joerg JESSE
Director General, Prison and Probation Administration, Acts of Clemency, Ministry of Justice, Mecklenburg - Western Pomerania, Puschkinstr. 19/21, D-19055 Schwerin, Germany
Tel. +49 385 385 588 3020, Fax: +49 385 385 3452, E-mail: joerg.jesse@jm.mv-regierung.de; joerg.jesse@coe.int

Irene KOECK
Director/Senior Public Prosecutor, Federal Ministry of Justice, Neustiftgasse 2, A-1070 Vienna, Austria
Tel. +43-1-521 52 22 15, Fax: +43-1-521 52 28 22, E-mail: irene.koeck@bmj.gv.at

Peter LINDSTRÖM
Associate Professor, Polismyndigheten i Stockholms Län, Stockholm, Sweden
Tel./Fax: +46-70-247 31 81, E-mail: peter-m.lindstrom@polisen.se

Mauro PALMA (VICE-CHAIR OF THE PC-CP / VICE-PRÉSIDENT DU PC-CP)
Director, Instituto della Enciclopedia Italiana - Professor, Instituto Superiore Studi Penitentiari (ISSP) / Superior Institute for Penitentiary Studies, Piazza dei Carracci 1, 00196 Roma, Italy
Tel. +39 066 898 5618, E-mail: m.palma@iol.it; mauro.palma@coe.int

Pavel STERN
Director, Czech Probation and Mediation Service, Ministry of Justice, Headquarters of Probation and Mediation Service (Probacni a mediacni sluzba), Hybernská 18, CZ-110 00 Prague 1, Czech Republic
Tel. +420-224-424 415, Fax: +420-224-424 492, E-mail: pstern@pms.justice.cz

André VALLOTTON (CHAIR OF THE PC-CP / PRÉSIDENT DU PC-CP)
Ancien Délégué du Conseil d'Etat aux Affaires pénitentiaires, Département de la Securité 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, rue du 11 Décembre 1960, El Biar, Alger
Tel./Fax: +213 21 929 614, E-mail: av49consult@gmail.com; andre.vallotton@coe.int

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Dominik LEHNER (Dr.)
Head of Penal Services (Chef d'office d'execution des peines), Justice and Security Departement Basel-City, Spiegelgasse 12, Postfach 4001 Basel, Switzerland
Tel. +41 61 267 81 02, Fax: +41 61 267 40 19, E-mail: dominik.lehner@jsd.bs.ch

Robert Michael NELLIS
Emeritus Professor of Criminal and Community Justice, University of Strathclyde, School of Law, Graham Hills Building Level 7, 50 George Street, Glasgow G1 1QE, United Kingdom
Belgium / Belgique

Alexis DOUFFET
Attaché-Directeur, Service public fédéral Justice, Prison de Forest - Gevangenis te Vorst, Avenue de la Jonction 52, Verbindingslaan, 1190 Vorst - Forest
Tel. +32 2 349 74 98, Fax: +32 2 349 75 60, E-mail: Alexis.Douffet@just.fgov.be

Pedro FERREIRA MARUM
Conseiller-Directeur, Federale Overheidsdienst Justitie, Service public fédéral Justice, Directoraat-generaal Justitiehuizen, Direction générale Maisons de Justice, Nationaal Centrum voor Electronisch Toezicht, Centre National de la Surveillance Electronique, Waterlooalaan 115, boulevard de Waterloo, 1000 Brussel - Bruxelles
Tel. +32 2 557 50 74, Fax: +32 2 557 50 79, E-mail: Pedro.Ferreira.Marum@just.fgov.be

France

Martine BIRLING
Directrice pénitentiaire d'insertion et de probation, Responsable du pôle des relations internationales, Direction de l'administration pénitentiaire - DAP/SCERI, Ministère de la Justice et des Libertés, 13, place Vendôme, F-75042 Paris cedex 01
Tel. +33 (0)1 49 96 26 35, E-mail: Martine.Birling@justice.gouv.fr

Georgia / Géorgie

Giorgi KHOJEVANISHVILI
Head of division of relation with international organisations, Ministry correction and legal assistance of Georgia
Tel. +995 577 222 628, E-mail: gkhojevanishvili@mcla.gov.ge

Italy / Italie

Francesco OTTAVIANO
Magistrate, Director of the Office for Studies Research Legislation and International Relations, Department of Penitentiary Administration, Ministry of Justice, Largo Luigi Daga, 2, I-00164 Rome
E-mail: francesco.ottaviano@giustizia.it

Alessandra BERNARDON
Officer responsible for International Relations Unit (Office for Studies Research Legislation and International Relations), Department of Penitentiary Administration, Ministry of Justice, Largo Luigi Daga, 2, I-00164 Rome
Tel. +39 06 66591934, Fax: +39 06 66161656, E-mail: alessandra.bernardon@giustizia.it

Norway / Norvège

Jan-Erik SANDLIE
Deputy Director General, Ministry of Justice and Public Security, Norway
Tel. +47 22245524, Fax: +47 22245590, E-mail: jan-erik.sandlie@jd.dep.no

Russian Federation / Fédération de Russie

Mr. Yury Timofeev, Head of Legal Department of the Russia Federal Service of Execution of Punishments, Ministry of Justice, 14 Zhitnaya Ulitsa, Moscow 119991
Tel. +7 499 799-30-49, Fax: +7 499 799-32-40

Alexandra KOMOVA
Inspector of the International Office, Federal Service of Execution of Punishments, Russian Federation
Tel. +7 499 799-30-49, Fax: +7 499 799-32-40, E-mail: alexkomova@gmail.com
TURKEY / TURQUIE

Ismail ZARARSIZ
Head of Division, Directorate General for Prison and Detention, Houses, Ministry of Justice of the Republic of Turkey, Adalet Bakanlığı, HSYK Binası Konya Yolu No: 70 Kat: 12
Beşevler/ANKARA
Tel: +90 312 204 1353; Mobile: +90 505 372 8088, E-mail: ismail.zararsiz@adalet.gov.tr

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, Galerie Kons - 24-26 Place de la Gare, Luxembourg, L-1616
Tel. +352 (475) 821 648, Fax: +352 (691) 697 494, E-mail: daniel.biancalana@justice.etat.lu

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

PENAL REFORM INTERNATIONAL (PRI)

Rob ALLEN
Associate Penal Reform International, First Floor 60-62 Commercial Street, London E1 6LT UK
Tel. +44 (0) 207 247 6515, Fax: +44 (0) 2073778711, E-mail: robroballen@hotmail.com

EUROPEAN UNION / UNION EUROPÉENNE

Jesca BENEDER
Legal Officer, Directorate-General Justice, Unit B1 - Procedural criminal law, European Union, 59 rue Montoyer, 1049 Brussels, Belgium
Tel. +32 229-67530, Fax: +32 229-67634, E-mail: jesca.beneder@ec.europa.eu

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

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

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

DIRECTORATE OF HUMAN RIGHTS AND ANTIDISCRIMINATION

Sonia PARAYRE
Deputy Executive Secretary / Secrétaire exécutive adjointe
Enlarged Partial Agreement on Sport (EPAS) / Accord Partiel Elargi sur le Sport (EPAS)

INTERPRETERS / INTERPRÈTES
Shan BENSON
Robert WOLFENSTEIN