



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 1 July 2013  
pc-cp/docs 2013/pc-cp(2013)10E

PC-CP (2013) 10

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

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

**3<sup>rd</sup> Working Group Meeting**

**Strasbourg, 19-21 June 2013**

**SUMMARY MEETING REPORT**

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

-----

### Executive summary

#### **The PC-CP Working Group:**

- took note of the decisions taken by the CDPC plenary at its last meeting in May 2013 and more specifically of those which concern the work of the PC-CP itself;
- took note in particular of its draft terms of reference for 2014-2014 as approved by the CDPC plenary and of the contained in it list of expected results of its work for the said period;
- revised the draft Recommendation on electronic monitoring and its commentary in the light of the specific comments made by the delegations at the last CDPC plenary;
- took note of the presentation made by the representative of the CPT Secretariat on violence in detention institutions for juveniles;
- took note of the draft outline structure of the study on violence in detention institutions for juveniles as presented by Professor Ton Liefwaard, held a discussion on the issue and took decisions regarding the suggested workplan;
- took note of the presentation made by the representative of the Registry of the European Court of Human Rights on the latest case-law of the Court related to imprisonment;
- took note of the feedback provided by its Chair regarding the work of the PC-GR-DD on a draft Recommendation concerning dangerous offenders, made a number of observations and decided to send to the said committee joint specific comments on the draft text;
- held a discussion and took decisions regarding the contents and overall organisation of the 18 CDAP (27-29 November 2013, Brussels);
- considered and revised a draft questionnaire prepared by the EPAS Secretariat with view to preparing a 2014 Conference on Sport in Prisons;
- took note of the presentation made by the Pompidou Group Secretariat on alternative measures for drug addicted offenders and of the fact that in some countries this has contributed to reducing prison population;
- considered the new task with which it was entrusted by the CDPC plenary, namely quasi-compulsory measures as alternatives to imprisonment and held a discussion on the working methods and work plan in relation to this;
- took note of the information provided by its Vice Chair regarding a seminar held by the Czech Prison Service and related among others to prison statistics;
- took part in the opening session of the ERA seminar on pre-trial detention;
- took note of the information on the current cooperation activities and projects in the prison and probation field.

1. The Council for Penological Co-operation (PC-CP) Working Group held its 3<sup>rd</sup> meeting in Strasbourg on 19-21 June 2013 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 last plenary meeting of the PC-CP [Doc. PC-CP (2013) 4]**

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

**III. Items for information**

4. Mr Carlo Chiaromonte, Head of the Criminal Law Division and Secretary to the European Committee on informed of the latest activities and decisions of the CDPC plenary and more specifically of those related to the PC-CP field of competence. He underlined that the PCCP work is very much appreciated by the CDPC and that new tasks have been assigned to it for the next two years. Overcrowding should remain high on the agenda and the PCCP should either maintain the dialogue during the Conferences of Directors of Prison Administration or should seek also other possibilities to cooperate with the judiciary in seeking solutions to this problem.
5. Mr Chiaromonte further informed that following the request of the SPACE team hold a meeting of all national correspondents (such a meeting has never been held during the 30 years of collection of SPACE) the CDPC agreed to seek possibilities. Mr Chiaromonte has succeeded in finding funding for such a meeting which will be held in the autumn of 2013. It was decided that Mr Mauro Palma, PC-CP Vice Chair will attend the said meeting on behalf of the PC-CP and will report back at the next meeting of its outcome.
6. Turning his attention to the draft terms of reference of the PC-CP Mr Chiaromonte informed that the CDPC was not satisfied with the fact that only roughly half of the national delegations attended the three plenary meetings held so far. After some debate it was decided to specify in the terms of reference that up to two plenary meetings will be held in 2014-2015. The proposal should come from the PC-CP and the CDPC should give its agreement, especially in case important legal texts are being considered.
7. The PC-CP members confirmed that it is important to hold plenary meetings once a year as they represent a valuable opportunity to exchange information, to work together among all member states and to debate texts before they reach the CDPC. It was underlined at the same time that some national delegations have problems to send experts who are fluent in English and French; some experts who attend are not lawyers and find the drafting process rather monotonous; depending on the legal texts sometimes prison experts, other times probation, electronic monitoring or juvenile delinquency experts are needed so the composition of the committee is not a fixed one.
8. It was suggested that a plenary meetings are convened in the middle of the work on an important text so that the final technical drafting process is left with the PC-CP Working Group but before that all member states have expressed their standpoints on the draft text. It was decided that at its next meeting in September 2013 the PC-CP WG will debate whether a plenary meeting is to be held in 2014 so that the CDPC plenary in December 2013 can take a decision on that matter.
9. Mr Chiaromonte informed next of the advancement of the drafting process in the PC-GR-DD Committee of a recommendation on dangerous offenders. Some PC-CP members inquired why the work on such a sensitive issue needed to be finalised within one year others stated that they had comments on certain rules of the draft recommendation. It was decided that in view of the advanced state of the work the PC-CP Chair will prepare a joint opinion of all PC-CP members to be discussed at the working meeting in July in preparation of the last PC-GR-DD meeting.

**IV. EPAS questionnaire**

10. The participants considered and revised a draft questionnaire prepared by the EPAS Secretariat in preparation for the 2014 Conference on Sport in Prisons. It was decided that the finalised questionnaire will be sent to all members of the PC-CP Working Group who will forward it at their

national level and will test the quality of the replies. Only afterwards will the questionnaire be sent out to all Council of Europe member states.

**V. Electronic monitoring**

11. The PC-CP considered the comments made at the last CDPC plenary meeting in May 2013 and revised certain rules of the draft recommendation and its draft commentary in order to clarify better the notions and principles contained in them. It was also decided that the analysis of the replies to the questionnaire prepared by the CEP on the situation with electronic monitoring in the EU member states, which was re-sent to all 47 Council of Europe member states will be discussed and finalised at the next meeting in September 2013 with a view to appending it to the draft recommendation and draft commentary in good time before the CDPC plenary session in December, which will approve these texts.

**VI. Violence in juvenile institutions**

12. Prof Liefwaard presented a preliminary structure of the study and a possible workplan. They were considered and approved by the PC-CP members. He also suggested sending out a questionnaire in order to have a better understanding of the problem as it occurs in the different countries and also to seek best practices how to deal with it. The NGOs will also be invited to answer the questionnaire which will be finalised at the next meeting of the PC-CP Working Group in September.
13. Regarding the definition of “detention institutions for juveniles” it was decided to leave it as general as possible despite the fact that the primary concern would be penitentiary institutions for juveniles. This is due to the fact that depending on the legal systems juvenile offenders may be placed in different types of closed institutions which may be under the responsibility of different ministries. Therefore the majority of the findings and recommendations should be applicable to these institutions. It was also decided to include in the survey the moment of transfer of juveniles who turn 18 to adult institutions as this may also lead to increased risk of violence. It was also decided that a second expert needs to be found in order to help analyse the situation in the 47 member states. It was decided that depending on the advancement of the work by September it might be a good idea to hold a PC-CP plenary in 2014 dedicated to violence in detention institutions for juveniles.
14. Mr Fabrice Kellens, Deputy Executive Secretary of the CPT presented the findings of independent experts as well as of the Committee regarding violence in detention institutions for juveniles: types of violence; types of situations conducive to violence; how to detect, prevent and sanction such acts.

**VII. Quasi-compulsory measures as alternatives to custody**

15. Mr Robert Teltzrow, Pompidou Group presented the findings regarding treatment of drug-addicted offenders. He argued that roughly 18% of prisoners are detained for drug-related offences and that more than half of the prisoners in many prisons are substance-addicted. It is possible to effectively treat drug-addicted offenders outside prisons which on the one hand would reduce recidivism and on the other would contribute to combatting prison overcrowding.
16. The PC-CP considered all relevant documents and came to the conclusion that three main groups of offenders may be subject to such measures: drug (substance) addicted; violent (domestic violence) offenders and sex offenders. The issue is that in case of execution of such measures often a tripartite relation is established between the offender; the therapist and the authorities which needs to be examined. Such measures may be started while in prison, instead, before or after a term spent in prison. Some participants were of the opinion that QCM in prison should not be covered, but those in residential settings should. It was also considered important to agree on the definitions and professional and ethical limitations of QCM before embarking on this task.
17. It was decided, based on the report drafted by the Secretariat to prepare for the next meeting a structure and possible general contents of the study and wait for comments and further instructions from the CDPC.

**VIII. 18<sup>th</sup> Conference of Directors of Prison Administration (27-29 November 2013, Brussels)**

18. The PC-CP discussed the possible title and parallel sessions of the Conference taking duly into account the need to maintain the dialogue with the judges and prosecutors established at the previous Conference in order to seek for valid long-term solutions to prison overcrowding.

19. The Title of the Conference was agreed to be “The Paradigm of Execution of Penal Sanctions”. Three parallel sessions were agreed, namely Overcrowding; Short Term Sentences and Sentence Planning. It was decided that the proposal made by the Belgian organisers to visit one of their new prisons could be supported in case the visit is organised on 26 November before the real start of the Conference as otherwise this would shorted the time for discussions and the real work of the Conference.
20. It was decided to finalise the list of possible speakers as well as to agree who of the PC-CP members would moderate or speak at the Conference by mail. The Secretariat informed that at the beginning of July a preparatory meeting will be held in Brussels with the Federal Service for Justice in order to discuss the overall organisation.

#### **IX. Implementation of Committee of Ministers recommendations in the penitentiary field**

21. The PC-CP listened with interest to the presentation made by Mr Toomas Sillaste from the Registry of the European Court of Human Rights concerning the recent case law of the Court related to prisons. There was a general agreement expressed that there is a sufficient set of standard-setting texts and that for the time-being there is no need to update or amend these texts. On the other hand in areas where rules are missing or insufficient, like is the case with electronic monitoring there is a need to draft these at the Council of Europe level.
22. It was also agreed that this dialogue with the ECtHR and with the CPT should continue on a regular basis as it is very useful to be informed of the latest case-law of the Court and of the implementation of the pilot judgements, as well as of the standards developed by the CPT in different areas.

#### **X. Dangerous offenders**

23. The PC-CP Working Group held a debate on the draft text. Some members were of the opinion, especially following the presentation of the recent case-law of the Court that it is important to carefully draft rules in the penitentiary field where due to lack of binding instruments the Court refers more and more often to the Committee of Ministers recommendations and thus upholds their importance. Therefore they were questioning the very short period of time over which this draft text was prepared and underlined some issues which still need to be better drafted. It was recalled that in 2006 the draft recommendation on remand in custody was sent for finalising by the PC-CP before it was approved by the CDPC in order to ensure its compliance with the European Prison Rules.
24. It was decided that the members who wish to comment on the draft recommendation should send their comments to the PC-CP Chair not later than 30 June. He in turn will put them together and will send them to the PC-GR-DD Secretariat by mid-July. (See also p. III.9. above).

#### **XI. Cooperation in the prison and probation field**

25. Ms Tanja Rakusic informed the participants of the technical assistance and cooperation projects funded by different sources, namely with Armenia, Bosnia and Herzegovina, Georgia, “The former Yugoslav Republic of Macedonia” and Ukraine, as well as of the Norway grants within the framework of which prison and probation projects are implemented with the Council of Europe participation in Bulgaria, the Czech Republic, Latvia and Romania. She also informed of the state of implementation of the HELP Programme.
26. The PC-CP members were of the opinion that the projects are in line with the Council of Europe priorities and are pragmatic, targeted and realistic. Observations were made as to the fact that despite these assistance projects in some countries things have not changed in the course of the years and that the political will of the national authorities is a very important element of the success of such programmes.

#### **XIII. Other business**

27. The PC-CP Working Group examined Parliamentary Assembly Recommendation 2018 (2013) “Promoting alternatives to imprisonment” and prepared a draft opinion for consideration and approval at the next CDPC plenary meeting in December 2013.
28. Mr Mauro Palma, Vice Chair of the PC-CP informed of his recent participation in a seminar organised by the Institute of Prison Staff Education of the Czech Prison Administration where presented the

Council of Europe activities in the penitentiary field, the implementation of Recommendations and the collection of reliable data.

29. Recalling the need to reflect issues related to gender equality in its work, the PC-CP Working Group included this aspect in its work on violence in detention institution for juveniles as well as in the draft EPAS questionnaire on sport in prisons. It also was of the opinion that this aspect needs to be reflected in the draft Recommendation concerning dangerous offenders.
30. There have been 21 men and 4 women at the PC-CP Working Group meeting.

**XIV. Date of the next meeting**

31. The next meeting of the PC-CP working group is scheduled for 25-27 September 2013.

OoO

APPENDIX I

AGENDA / ORDRE DU JOUR

<b>1) Adoption of the agenda / Adoption de l'ordre du jour</b>	<b>PC-CP (2013) OJ 1</b> <i>Bilingual / Bilingue</i>
<b>2) Information / Informations</b>	
<b>3) Follow-up to the decisions of the last CDPC Plenary / Suites à donner aux décisions prises à la dernière réunion plénière du CDPC</b>	<b>CDPC (2013) 10</b> <i>English / Français</i> <b>PC-CP ToR / Mandat</b> <b>***As adopted by the CDPC /</b> <b>Tel qu'adopté par le CDPC ***</b> <i>English / Français</i>
<b>4) Summary report of the last meeting / Rapport sommaire de la dernière réunion</b>	<b>PC-CP (2013) 4</b> <i>English / Français</i>
<b>5) Dangerous offenders / Délinquants dangereux</b>	<b>Item 5 on the CDPC Agenda</b> <i>Point 5 sur l'ordre du jour du CDPC</i>
<b>6) Electronic monitoring / Surveillance électronique</b>	<b>PC-CP (2013) 1 Rev 2</b> <i>English / Français</i> <b>PC-CP (2013) 2 Rev</b> <i>English / Français</i>
<b>7) 18<sup>th</sup> Conference of Directors of Prison Administration (2013) / 18<sup>e</sup> Conférence des directeurs d'administration pénitentiaire (2013)</b>	
<b>8) Violence in juvenile detention institutions / Violence dans les institutions de détention pour mineurs</b>	<b>PC-CP (2013) 8</b> <i>English only</i> <b>Presentation</b> <b>Mr Ton Liefwaard (Leiden University)</b>
<b>9) Alternative measures to imprisonment / Mesures alternatives à l'emprisonnement</b>	<b>CDPC (2012) 2</b> <i>English / French</i> <b>CDPC (2012) 13 rev</b> <i>English / French</i> <b>Presentation</b> <b>Mr Robert Teltzrow (Pompidou Group)</b>  <b>Guidelines</b> <i>English only</i>

**UNODC Handbook**  
*English only*

**EMCDDA Publication**  
*English only*

**Questionnaire**  
*English only*

**Presentation**  
**Mr Tomas Sillaste (ECHR)**

**Rec. 2018 (2013)**  
*English / Français*

**10) Sport in prisons / Sport dans les prisons**

**11) Implementation of the CM Recommendations – Round table discussion /  
Mise en œuvre des Recommandations du CM – Tour de table**

**12) Co-operation activities in the penitentiary field / Activités de coopération  
dans le domaine pénitentiaire**

**13) Any other business / Questions diverses**

**14) Dates of the next meetings / Dates des prochaines réunions**



**APPENDIX II**

**LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS**

**MEMBER STATES / ETATS MEMBRES**

**BELGIUM / BELGIQUE**

Dirk JANSSENS  
Regional director of the Dutch-speaking prisons in Belgium, Brussels

**REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA**

Mr Iurii VACARI  
Head of Legal Division, Department of Penitentiary Institutions, Ministry of Justice

**WORKING GROUP OF THE COUNCIL FOR PENOLOGICAL CO-OPERATION / 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, Norwegian Correctional Services, Oslo, Norway

Antanas JATKEVIČIUS  
Head of Criminal and Administrative Law Unit, Legal Department, Office of the Parliament, Vilnius, Lithuania  
Research fellow, Lithuanian 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  
**\*\*\*Apologised/Excusé\*\*\***  
Director/Senior Public Prosecutor, Federal Ministry of Justice, Vienna, Austria

Peter LINDSTRÖM  
Associate Professor, Stockholm County Police, Stockholm, Sweden

Mauro PALMA  
**VICE-CHAIR OF THE PC-CP / VICE-PRÉSIDENT DU PC-CP**  
Director, Istituto della Enciclopedia Italiana - Professor, Istituto Superiore Studi Penitenziari (ISSP) / Superior  
Institute for Penitentiary Studies, Roma, Italy

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

André VALLOTTON  
**CHAIR OF THE PC-CP / PRÉSIDENT DU PC-CP**  
Consultant, Cheseaux-sur-Lausanne, Suisse

**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

Ton LIEFAARD

Prof. Dr. T. (Ton) Liefwaard, Professor of Children's Rights (UNICEF Chair), Leiden University, Law School, Leiden, The Netherlands

Robert Michael NELLIS

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

\* \* \* \* \*

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

**MEXICO / MEXIQUE**

Alejandro MARTINEZ PERALTA

Chargé d'affaires a. i., Mission Permanente du Mexique auprès du Conseil de l'Europe, Strasbourg, France

Carmen OLAZABAL CARDONA

Attachée, Mission Permanente du Mexique auprès du Conseil de l'Europe, Strasbourg, France

Enrique Javier VAZQUEZ ACEVEDO

Coordinateur du Cabinet d'Assesseurs du Commissionnaire National de la Sécurité Publique du Mexique, México

**INTERNATIONAL GOVERNMENTAL ORGANISATIONS / ORGANISATIONS INTERNATIONALES GOUVERNEMENTALES**

**UNITED NATIONS OFFICE ON DRUGS AND CRIME / OFFICE DES NATIONS UNIES CONTRE LA DROGUE ET LE CRIME (UNODC)**

\*\*\*Apologised/Excusé\*\*\*

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

\*\*\*Apologised/Excusé\*\*\*

**INTERNATIONAL CENTRE FOR PRISON STUDIES**

\*\*\*Apologised/Excusé\*\*\*

**EUROPEAN UNION / UNION EUROPÉENNE**

\*\*\*Apologised/Excusé\*\*\*

**OTHER PARTICIPANTS/ AUTRES PARTICIPANTS**

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

Willem VAN DER BRUGGE

Secretary General CEP, the European Organisation for Probation, Utrecht, Netherlands

**PENAL REFORM INTERNATIONAL (PRI)**

\*\*\*Apologised/Excusé\*\*\*

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

**POMPIDOU GROUP / GROUPE POMPIDOU**

Robert TELTZROW

Project Manager, Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs

**ENLARGED PARTIAL AGREEMENT ON SPORT (EPAS) / ACCORD PARTIEL ÉLARGI SUR LE SPORT (APES)**

Michael TRINKER  
Deputy Executive Secretary, EPAS

**EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) / COMITÉ EUROPÉEN POUR LA PRÉVENTION DE LA TORTURE ET DES PEINES OU TRAITEMENTS INHUMAINS OU DÉGRADANTS (CPT)**

Fabrice KELLENS  
Secrétaire Exécutif adjoint - Deputy Executive Secretary, (CPT)

**EUROPEAN COURT OF HUMAN RIGHTS (ECHR) / COUR EUROPEENNE DES DROITS DE L'HOMME (CEDH)**

Toomas SILLASTE  
Lawyer, Research and Library Division, Registry of the European Court of Human Rights

**PARLIAMENTARY ASSEMBLY**

\*\*\*Apologised/Excusé\*\*\*

**DIRECTORATE GENERAL I / DIRECTION GÉNÉRALE I**

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

**DROITS DE L'HOMME ET ETAT DE DROIT / DIRECTION DE LA SOCIÉTÉ DE L'INFORMATION ET DE  
LA LUTTE CONTRE LA CRIMINALITÉ**

**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 auprès du PC-CP**

Tanja RAKUZIC  
**Head of the Criminal Law Co-operation Unit / Chef de l'Unité de Coopération Droit Pénal**

Christine COLEUR-MOREL  
**Assistant / Assistante**

**INTERPRETERS / INTERPRÈTES**

Christopher TYCZKA  
Bettina LUDEWIG  
Christine TRAPP