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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

5th Working Group Meeting

Strasbourg, 19-21 February 2014

SUMMARY MEETING REPORT

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

EXECUTIVE SUMMARY

The PC-CP Working Group:

- Welcomed its three newly-elected members and appointed its Chair (Mr Mauro Palma) and its vice-Chair (Ms Alina Barbu);
- took note of the decisions of the last CDPC plenary meeting (December 2013) and more specifically of those relating to its activities;
- took note of the adoption by the Committee of Ministers of Recommendation CM/Rec (2014) 4 on electronic monitoring and CM/Rec (2014) 3 concerning dangerous offenders;
- took note of the presentation of the project "Giving Up Crime", debated its usefulness and effectiveness and made certain proposals to the speakers regarding possible future presentations and the continuous evaluation of the project;
- discussed the follow-up to be given to the 18th Conference of Directors of Prison and Probation Services (CDAP) and took decisions regarding the title, contents, sub-topics and overall organisation of the 19th Conference;
- took note of the two presentations on restorative justice in prisons, debated the issue, decided that there is a need to prepare a comparative study on current restorative practices used in prisons in Europe which should highlight the possible limitations and safeguards related to their use and decided to come back to this issue at its meeting in September 2014;
- decided to consider all relevant Council of Europe recommendations in the penitentiary field as contained in its Compendium and, if necessary, to update them and to take action for their better implementation;
- considered the issue of the creation of a tool for the exchange of information and data related to prisons in member states and decided to come back to this issue at its meeting in April 2014;
- considered the issue of radicalisation in prisons and decided to invite an external consultant to its meeting in April 2014 for a more in-depth discussion on the subject;
- considered the issue of providing opinions on draft texts following recent requests from national agencies, considered a draft law for the prevention of recidivism currently under consideration before the French National Assembly and took decisions in this respect;
- confirmed the dates of its next meetings: 31 March - 2 April 2014 (Strasbourg); 1-3 September 2014 (Mecklenburg, Germany); plenary meeting of the PC-CP on 5-7 November 2014 (Strasbourg);
- agreed on the draft agenda for its forthcoming meeting in April 2014;
- took decisions as to the participation of PC-CP WG members in events organised by other bodies in 2014.

The Council for Penological Co-operation (PC-CP) Working Group held its 5th meeting in Strasbourg on 19-21 February 2014 with Mr Mauro Palma (Italy) in the Chair and Ms Alina Barbu (Romania) as Vice-Chair. The list of participants is appended to this report (Appendix II).

I. Opening of the meeting and adoption of the agenda

1. The agenda was adopted (see Appendix I).

II. Summary report of the last meeting of the PC-CP Working Group [Doc. PC-CP (2013) 15]

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

III. Items for information

3. Mr Jan Kleijssen, Director of the Information Society and Action against Crime Directorate welcomed the three new members and all the rest of the participants and thanked the PC-CP for its excellent recent work, namely the Recommendation CM/Rec (2014) 4 on electronic monitoring, adopted on the same day by the Committee of Ministers, and the organisation of the 18th Conference of Directors of Prison Administration (CDAP) (Brussels, 27-29 November 2013), as well as the first expert meeting of the SPACE national correspondents (4-5 November 2013).
4. Mr Kleijssen stressed that radicalisation in prisons is a very important topic and should be considered by the PC-CP, which should involve CODEXTER in this work, as the latter is currently dealing with radicalisation in general.
5. Mr Carlo Chiaromonte, Head of the Criminal Law Division and Secretary to the European Committee on Crime Problems (CDPC) informed the PC-CP of the decisions and outcome of the last CDPC plenary meeting (December 2013) and underlined the need to enhance the activities related to the promotion and implementation of the current Council of Europe standards in the penitentiary and probation fields. He suggested that the PC-CP Working Group should consider, at one of its next meetings, the existing standard-setting texts and decide whether there is a need to update these texts or take action to improve their implementation.

IV. Alternative measures to imprisonment

6. Professor Anthony Beech, scientific expert, presented the draft preliminary structure of the report on alternative treatment measures. This includes a definition, the types of offenders for whom such measures may be used and an overall assessment of these. He underlined that so far the issue has not been dealt with at Council of Europe level and that it would be useful to consider the impact of these measures on the working relations of probation staff with offenders and with the specialised professional staff responsible for the execution of such treatment measures.
7. In order to collect as much information as possible for a report covering the situation in Europe the PC-CP WG drafted a questionnaire to be sent out to the national authorities. Professor Beech will analyse the replies and present a more developed draft of the report at the PC-CP Working Group meeting in September 2014 with a view to debating and finalising the report at the PC-CP plenary meeting in November 2014.

V. Restorative justice in prison

8. The PC-CP WG members heard presentations by Mr John Gerry Johnstone, Professor of Law, Law School, University of Hull, United Kingdom and by Ms Virna Van Der Elst, Prison Governor, Beveren, Belgium.
9. Professor Johnstone gave a thorough overview of the contemporary trends in the theory and practice of restorative justice in prisons and Ms Van Der Elst presented a project run in some Belgian prisons. Both of them insisted on the fact that restorative justice lets the harm committed and not the offender to be the centre of attention (unlike in formal criminal proceedings) which allows the offender to take part on an equal footing with others in seeking solutions on how to repair the consequences of his/her acts. The place of the victim and the attitude and understanding by the offender of the harm done to the victim play an important role in the process.

10. The discussions and questions which followed showed on the one hand the interest regarding this topic and on the other the necessity to examine in greater detail the methods, types and effectiveness of restorative justice in a prison setting. It was decided that Professor Johnstone will draft and present a comparative analysis of the use of restorative justice methods in prisons in Europe for the meeting of the Working Group in September 2014 with a view to presenting a final draft for debate at the PC-CP plenary meeting in November 2014.

VI. “Giving Up Crime” Project

11. Professor Peter Nelissen and Ms Marie Louise Schreurs, Maastricht University, The Netherlands, presented a project which is part of the Prison Modernisation Programme launched by the Dutch Custodial Agency. The project aims at raising awareness among offenders of the reasons behind their offending behaviour and of the steps they can undertake themselves to change their crime pattern and lead a crime-free life. The manual developed in the framework of this project was also presented and it was considered that this presentation could be of interest to other prison administrations in Europe. The PC-CP Working Group members put questions to the two speakers, made some proposals regarding the manner of presenting the project and its outcome and decided to keep it in mind in the context of the preparation of the forthcoming Conference in Helsinki.

VII. 18th Conference of Directors of Prison Administration (27-29 November 2013, Brussels, Belgium)

12. The PC-CP members discussed the overall organisation of the 18th CDAP and were satisfied with the unanimous approval of the idea to rename future conferences as Conference of Directors of Prison and Probation Services as an acknowledgment of their common aims and ethical standpoints in dealing with offenders. The importance of holding these annual conferences was also underlined as they represent a valuable forum for promoting the latest Council of Europe standards in this area, for exchanging information and for networking at the highest level and at the same time the outcomes and conclusions guide the PC-CP itself in setting the priorities for its future activities.

VIII. 19th Conference of Directors of Prison and Probation Services (17-18 June 2014, Helsinki)

13. The PC-CP members agreed on the topic of the next Conference, namely “Shared goals, shared values in prison and probation” with several sub-topics: desistance from crime and reducing recidivism; need for quality evaluation in prison and probation; management of prison and probation services; striking the right balance between control and care.
14. Some names of possible speakers were also suggested and it was decided to keep the same format for the Conference, namely one plenary opening and one plenary closing session and three workshops split by language and not by topic.

IX. Development of a tool for exchange of information and data on prisons

15. The participants considered doc. PC-CP (2014) 1 and also the information provided orally by Ms Anita Van der Kar, Secretary to the Committee of Experts on the Operation of European Conventions in the Penal Field (PC-OC) regarding the development of country factsheets. It was agreed that it would be useful, on the basis of SPACE, to develop country factsheets in the prison field and to update these annually at the PC-CP plenary meetings, as necessary. They would contain information regarding the number of prisoners (sub-divided into pre-trial, sentenced, women, juveniles and foreigners), the number of prison places and the average length of prison sentences. It was also agreed that the PC-OC would be consulted as to what items could be included in the country fact sheets which would be of interest for the national agencies involved in the execution of transfer and extradition decisions.
16. It was decided to entrust the SPACE team of experts with the drafting of a template which would be discussed at the next PC-CP Working Group meeting in April 2014.

X. Requests for PC-CP opinion on draft texts related to execution of penal sanctions

17. The PC-CP has already been requested on several occasions to provide expert opinions on draft legal texts and it has provided opinions on two occasions. It was therefore considered necessary to include this task in the terms of reference of the committee.

18. Furthermore the request for an opinion on the French draft law on prevention of recidivism was considered and the Secretariat was entrusted with the task of preparing a written reply based on the discussions which would be signed by the Chair of the PC-CP.

XI. Any other business

19. The Secretariat informed that a collaborative web space will be created for the PC-CP Working Group members in order to facilitate communication and the drafting of texts between the meetings. Each member will have a Council of Europe e-mail address if needed, and a password and will have the possibility to work on documents directly on the web space in question and not by emails.
20. As a result of the latest elections of three new members of the PC-CP Working Group, it will have only one female member for the next two years, Ms Alina Barbu (Romania), who continues to be the gender rapporteur of the group. In view of her professional expertise Ms Barbu was also elected vice-Chair of the PC-CP Working Group which helped counter the imbalance created after the elections. The new composition of the committee did not impede the consideration of gender aspects. In fact, particular focus was put on including the gender issue under the topic related to tools for gathering information and data in relation to the transfer of prisoners and under the topic related to the 19th Conference of Directors of Prison and Probation Services and more specifically the recruitment of staff.

XII. Dates of the next meetings

21. The dates scheduled for the next meetings are as follows: meetings of the PC-CP Working Group on 31 March - 2 April 2014 (Strasbourg) and on 1-3 September 2014 (Mecklenburg, Germany); plenary meeting of the PC-CP: 5-7 November 2014 (Strasbourg).
22. The agenda of the next PC-CP Working Group meeting will include: preparation for the 19th Council of Europe Conference of Directors of Prison and Probation Services; a review of the recommendations and resolutions in the penitentiary field; violence in juvenile detention institutions; SPACE surveys for 2012; radicalisation in prisons; development of a tool for exchange of information and data on prisons.

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APPENDIX I

AGENDA

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

2) Election of Chair and Vice-Chair of the PC-CP / Election du Président et Vice-président du PC-CP

3) Information / Informations

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

PC-CP (2013) 15
English / Français

4) Follow-up to the 18th CDAP / Suites à donner a la 18^e CDAP

CDAP Website
Site web de la CDAP

5) Preparation of the 19th CDAP (1st CDPPS) (Helsinki, 17-18 June 2014) / Préparation de la 19^e CDAP (1^{ère} CDPPS) (Helsinki, 17-18 juin 2014)

6) Restorative justice and victim offender mediation: the role of prison and probation services / Justice réparatrice et médiation entre la victime et l'auteur d'infraction : le rôle des services pénitentiaires et de probation

Presentation by Ms Severine Delcomminette and Ms Virna Van Der Elst

Alternative Project Information

UN Handbook on Restorative Justice Programmes

Parole Board of Canada 2011-2012 Report on Plans and Priorities

Restorative justice by Gerry Johnstone

Restorative justice in prisons (PC-CP)

Restorative justice in prisons

7) **“Giving up Crime” Project** / Projet « Renoncer au crime »

Presentation by Dr Peter Nelissen

**Presentation
Ms Marie-Louise Scheurs
and Dr Peter Nelissen**

8) **Treatment measures alternative to imprisonment** / Mesures de soins alternatives à l'emprisonnement

PC-CP (2014) 2
English only

9) **Development of tools for exchange of information and data related to prisons** / Développement d'outils pour l'échange d'informations et de données relatives aux prisons

PC-CP (2014) 1
English only

10) **Requests for PC-CP opinion on draft texts related to execution of penal sanctions** / Demandes d'avis du PC-CP sur des projets de texte liés à l'exécution des sanctions pénales

EC Press Release
English only

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

**Report from the
Commission**
English only

**Report from the
Commission 2**
English only

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

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBER STATES / ETATS MEMBRES

GERMANY / ALLEMAGNE

Almuth HAENSCH

Staatsanwältin, Desk Officer, Division for Criminology, Crime prevention, Law governing the Prison Service, Bundesministerium der Justiz und für Verbraucherschutz, (Federal Ministry of Justice and Consumer Protection), Berlin

ITALY / ITALIE

Roberta PALMISANO - **Apologised/Excusée**

Magistrate, Office of the Head of the Italian Department of Penitentiary Administration (DAP), Rome

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Leonid KLIMAKOV

Head of the Legal Department of the Federal Penal Service, Ministry of Justice, Moscow

Ivan TARANENKO

Officer of the International Department of the Federal Penal Service, Ministry of Justice, Moscow

**WORKING GROUP OF THE COUNCIL FOR PENOLOGICAL CO-OPERATION / GROUPE DE TRAVAIL
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Associate Professor, Stockholm County Police, Stockholm, Sweden

Mauro PALMA

Chair of the PC-CP, Adviser to the Minister of Justice, Rome, Italy

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Anthony BEECH

Professor in criminological psychology, University of Birmingham, United Kingdom

John Gerry JOHNSTONE

Professor of Law, Law School, University of Hull, United Kingdom

Peter NELISSEN PhD

Director and Researcher, Nelissen Research, Maastricht, The Netherlands

Marie-Louise SCHREURS

Educational psychologist, Assistant professor, Maastricht University, The Netherlands

Virna VAN DER ELST

Prison Governor, FOD Justitie, Directoraat-generaal EPI, PI Beveren, Belgium

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Apologised/Excusé

UNITED NATIONS CHILDREN'S FUND (UNICEF)

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Apologised/Excusé

EUROPEAN UNION / UNION EUROPÉENNE

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OTHER PARTICIPANTS/ AUTRES PARTICIPANTS

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

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PENAL REFORM INTERNATIONAL (PRI)

Apologised/Excusé

EUROPEAN ORGANISATION OF PRISON AND CORRECTIONAL SERVICES (EuroPris)

Apologised/Excusé

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

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Apologised/Excusé

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

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PARLIAMENTARY ASSEMBLY

Apologised/Excusé

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