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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

**Evaluation of the Committee of Ministers
recommendations in the field of execution of penal
sanctions and measures**

Nr. crit.	Text	Other texts on the same topic	Aspects of implementation	Proposals, Commentary
Rec (82) 16 on prison leave	The text is not covered by more recent texts. In the more recent texts prison leave is recommended but no details are given as to how and in what cases it should be used. The text although old is valid but needs to be updated with latest developments in risk assessment Its ideas need to be taken up as it provides detailed standards regarding the use of prison leave	Very briefly the following texts refer to prison leave: Rec (2014)4; Rec (2012)12 concerning foreign prisoners; EPR; EPJO; Rec (2003)23 on management of lifers and long-term prisoners; Rec(2003)22 concerning conditional release; Rec (99)22 concerning prison overcrowding	There has not been a recent study of the situation in the member states and it is worth carrying out such a study to examine the different systems and criteria	Need to update the text but before that need to examine the situation. Need to uphold the principles of social reintegration contained in it and add in the aspect of risk assessment when updating the commentary to the EPR
Rec (89) 12 on education in prison	Text covered by newer recommendations: Education, leisure and sport activities, vocational training, access to a well-stocked library, literacy, numeracy skills and language learning are covered by the European Prison Rules (Rec (2006) 2), by the Rules for Juvenile Offenders (Rec (2008)11)and by the Recommendation on foreign prisoners (Rec (2012)12) The text uses the expression “social education”. The contemporary expression is social skills (this is covered by Rec(2008)11 and by Rec (98)7 on healthcare as well as by the Probation Rules (Rec (2010) 1). Education to have equal status with work and to be integrated into the general education system is covered by the EPR and by the ERJO. The latter covers the issue of giving access to schools outside prisons, if possible. Rules 9, 12, 17 are not covered	EPR ERJO Rec.(2012)12 on foreign prisoners Rec(98)7 on healthcare	No recent study of the issue of education in prisons carried has been carried out by the Council of Europe. There are activities carried out by NGOs in Europe which are quite interesting. http://en.wikipedia.org/wiki/European_Prison_Education_Association http://www.prisonerseducation.org.uk/	To consider inclusion of the principles contained in Rules 9,12 and 17 in a newer text, probably when updating the EPR commentary To consider this topic at one of the next Conferences of Directors of Prison and Probation Services EuroPris will start an expert group on prison education next year and EPTA will be part of it; focus on policy development with regard to prison education (EPTA has mainly front line staff; the expert group will focus on head office policy making) At the next EPTA conference November 2016 EuroPris and EPTA to sign cooperation agreement;

	<u>anywhere else</u>			
Rec (92) 16 on the European rules on community sanctions and measures	<p>The Recommendation is valid and contains important aspects which are not reflected in the following two recommendations on a similar topic, namely Recommendation (2000)22 and Recommendation (2010)1. Reference to it is made in a number of more recent recommendations and the more recent texts are meant to be read and implement together with it.</p> <p>Rec(92)16 is addressed any authority and service which is responsible for the execution of community sanctions and measures (probation services, social services, etc. depending on the legal order and existing structures in the member states.</p>	<p>Rec (2000)22 on improving the implementation of the European rules on community sanctions and measures CM/Rec(2010)1 on the Council of Europe Probation Rules CM/Rec (2014)3 concerning dangerous offenders</p>	<p>Upholding and better promotion of the rules and principles contained in it is deemed to be necessary: not only among the services dealing with execution of community sanctions and measures but also among the legislators and the judiciary.</p> <p>Evaluation of the impact and implementation of all three recommendations together.</p>	<p>To put together Rec (2000)22 with Rec R(92)16 as the former one is aimed at complementing the latter.</p> <p>To review and if needed make uniform and update the terminology and the glossary used in Rec (92)16; (2000)22 and (2010)1</p> <p>To revise and update the commentary to Rec (92)16 and to Rec (2000)22</p> <p><u>Work in Progress – deadline end 2016</u></p>
Rec (93) 6 on transmissible diseases	<p>The text is still valid and deals with HIV and TB positive prisoners. The rules are conforming to the current state of affairs.</p>	<p>Partially some general ideas are taken up by Rec (98)7 and by the EPR</p>	<p>No study has been carried out under the responsibility of the CDPC and the PC-CP</p>	<p>We could discuss the issue with other CoE bodies like the CPT, the Pompidou Group and also with the WHO</p>

<p>Rec (97) 12 on staff concerned with the implementation of sanctions and measures</p>	<p>In very broad terms the general ideas and principles contained in this recommendation are covered by other more recent recommendations is though not so detailed and precise as this one. The Code of ethics (2012)5 is shorter and easier to read and understand by prison staff itself. The current text is much more detailed and useful for prison and probation management</p> <p>Rule 10 might need re-drafting</p>	<p>Recommendation CMRec(2012)5 EPR; Council of Europe Probation Rules ERJO</p>	<p>The network of prison staff training academies (EPTA) had a meeting in Spain in June 2014. It would be useful to make use of their work</p>	<p>The recommendation needs to be kept for policy makers and managers the more that it relates on the same footing to both prison and probation staff which is very valid today We will invite to the 22nd CDPPS (Norway, June 2017) someone from the EPTA to see how to better implement this text and to discuss in general recruitment, selection and training of staff. EuroPris and CEP will have a meeting with EPTA on 15-17.11.2016</p>
<p>Rec (98) 7 concerning the ethical and organisational aspects of health care in prisons</p>	<p>The ideas in general are largely covered by other more recent recommendations: EPR, ERJO, Rec (2012)12 on foreign prisoners.</p> <p>It is important to note that the text speaks about “doctor and a fully qualified nurse” while as EPR speak about medical practitioner (a step backwards in the EPR as no consensus was reached on the terminology initially suggested during the negotiation process). Much emphasis is put on psychiatric care which is not to be found in more recent texts, it is important to keep it Dental services to every prisoner are also something not specifically mentioned in more recent texts – valuable to remain. Equivalence of care is much better defined in p. B than in EPR The rules on medical</p>	<p>Most general ideas and trends are taken up by EPR, ERJO and Probation Rules but rather schematically without the important details.</p>	<p>There has been in May 2014 a meeting organised by the Pompidou Group of the respective healthcare organisations which came up with a joint statement regarding transfer of healthcare to the general healthcare system. The PC-CP should probably have a debate and issue its own opinion on this matter.</p> <p>Multilateral meetings were held with some Central and Eastern European countries among others on healthcare issues (it remains to be evaluated to what extent these meetings had an impact on the healthcare reform in the respective countries)</p>	<p>To consider at one of the next plenary PC-CP meetings the issue of quality of healthcare and of possible transfer of healthcare systems to the general healthcare and its pros and cons.</p> <p>In 2018</p>

	<p>confidentiality are also very well drafted and should be preserved.</p> <p>There are detailed provisions on HIV, TB and on hunger strikes which are very valid and important.</p>			
Rec (99) 19 on mediation in penal matters	<p>The text is not covered by a more recent recommendation. The text is still valid.</p>	<p>Very briefly mentioned as a good method in EPR, EPJO; CoE Probation Rules ; Rec (2006)8 on assistance to crime victims; Rec (2000)22; Rec (99)22</p>	<p>CEPEJ carried out a study on the issue of mediation and the implementation of the CM Recommendations http://www.coe.int/t/dghl/cooperation/cepej/series/Etudes5Ameliorer_en.pdf http://www.mediationworld.net/council-of-europe/publications/full/91.html http://www.gemme.eu/en/article/guidelines-for-a-better-implementation-of-the-existing?codeglueV2=orap8qmc6sigm4pg4384hdocp0 EU document – Code of conduct http://ec.europa.eu/civiljustice/adr/adr_ec_code_conduct_en.pdf</p>	<p>To invite to one of the next PCCP meetings CEPEJ representative and representative of the European Network of Mediators and of the European Forum of Restorative Justice to discuss the issue of alternatives to imprisonment including mediation http://www.europemediation.eu/en/European-Mediation-Network-Initiative/ in 2017</p>
Rec (99) 22 concerning prison overcrowding and prison inflation	<p>This text, although adopted in 1999 is very useful as it gives guidance not only to prison and probation services, but also to legislators, the judiciary and policy makers how to reduce the use of imprisonment and deal with overcrowding</p>	<p>Rec (92)17 on consistency in sentencing</p>	<p>This recommendation served as a basis for the discussions and conclusions adopted at the special meeting held during the 18th CDAP in Rome (2012). The meeting was attended by judges, prosecutors, prison and probation directors and representatives of the ministries of justice and dealt with prison overcrowding.</p>	<p>Need to promote this text and to ensure better implementation of its principles.</p> <p>White Paper on prison overcrowding was drafted at the end of 2015 and a CDPC sub-group will be created to enhance its implementation. The PC-CP will be represented on this group.</p>

				The national administrations are invited to put a link to this text on their web site to enhance promotion
Rec (2000) 22 on improving the implementation of the European rules on community sanctions and measures	It amends Rule 5 of Rec (92)16 and adds a list of community sanctions and measures. Therefore it cannot be used independently.	Rec (92)16 on the European rules on community sanctions and measures	It aims at interpreting and at improving the implementation of Rec (92)16 and should be assessed together with it.	To put together Rec (2000)22 with Rec R(92)16 as the former one is aimed at complementing the latter. Work in progress – deadline end 2016
Rec (2003) 22 on conditional release	The text is not covered by a more recent text. The text is still valid.	Very briefly mentioned in: Rec(2014)14; EPR; CoE Probation Rules ; ERJO; Rec (2000)23; Rec (99)22 Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ETS N° 51)	PC-OC is collecting information regarding the different systems for granting conditional release and this information is contained and updated in the country factsheets in relation to the implementation of the Convention on the transfer of sentenced persons (CETS No.: 112)	Text to be preserved as it stands – valid and very useful
Rec (2003)23 on the management of life-sentence and other long-term prisoners	The text is still valid and very detailed in proposing treatment measures and regime activities	The EPR covers all types of prisoners including lifers and long-term prisoners but does not deal in details with these two categories like this recommendation	This issue could be discussed at one of the next CDPPS	Text to be preserved as it stands – valid and very useful
Rec (2006) 2 on the European Prison Rules	This Recommendation is considered to be the main text in this field and all other recommendations drafted after its adoption by the Committee of Ministers are aligned to it regarding their terminology and basic principles and standards	Reference to it is made in all subsequent recommendations in this field	The ECtHR is making constant references to this text in its relevant judgements; so does the CPT. In many countries legislation was amended to be in line with it and training curricula include this recommendation. Aspects of the issues regulated by this text are discussed at all relevant CoE for a like the annual Conferences of directors	Review the text and update the commentary and to include the recent case-law of the European Court of Human Rights and the relevant CPT standards. In 2016

			<p>of prison and probation services; the meetings of the PC-CP as well as other conferences and seminars.</p> <p>The UN is currently revising their Standard Minimum Rules for the treatment of prisoners and extensive reference was made during the preparation of this process to the European Prison Rules.</p> <p>The promotion this text should be further enhanced and its better implementation should be evaluated on a regular basis. (it was done for the last time in 2011).</p>	To evaluate its implementation on a regular basis and to control if it is translated in all CoE languages.
Rec (2008) 11 on the European Rules for juvenile offenders subject to sanctions and measures	This is a new and valid text. The aim of this recommendation is to underline the need to treat juvenile offenders in adapted to their age and mental development manner. It also aims at stressing that juveniles need to be treated separately and differently from adults and that deprivation of liberty should be an exception and should be done in separate institutions adapted to that purpose.	Recommendation Rec (2003)20 on new ways of dealing with juvenile delinquency and the role of juvenile justice – does not cover in details this topic but introduces some principles and ideas upheld in the present recommendation.	There is a need to look into its implementation by the member states. The difficulty in evaluating comes from the fact that in many countries several ministries and agencies are responsible for juveniles in conflict with the law and often replies need to be collected from many sources which sometimes leads to divergence of the information provided. The promotion of this text should be further enhanced and its better implementation should be evaluated on a regular basis. (it was done for the last time in 2011)	No need to revise this text as it is a very valid and important set of standards which need to be implemented. To evaluate its implementation on a regular basis and to control if it is translated in all CoE languages.
CM/Rec (2010) 1 on the Council of Europe Probation Rules	This is a new and valid text and regulates for the first time the structure, functioning and tasks	Re (92)16 and '(2000)22 deal with legal, structural and ethical aspects of the execution of community sanctions and	The Confederation of European (CEP) promotes this text at their forums and was involved in its drafting. The promotion of this	No need to revise this text as it is a very valid and important set of standards which need to be

	of probation services in Europe.	measures and not with the structure, functioning and tasks of the probation services. Therefore the three recommendations should be read together.	text should be further enhanced and its better implementation should be evaluated on a regular basis. (it was done for the last time in 2011)	implemented. To evaluate its implementation on a regular basis and to control if it is translated in all CoE languages.
Rec (2012) 5 of the Committee of Ministers to member States on the European Code of Ethics for Prison Staff	A recent recommendation which is stepping on Rec (97)12 and attempts to take up its basic ideas and to transfer their message to staff of all grades. It is designed to be used as a model Code of ethics for the national ethical rules of work of prison staff. The drawback is that it covers only prison staff while as Rec(97)12 covers all staff involved in the execution of sanctions and measures	The ideas are covered in more details in Rec (97)12	We could ask countries to send us their national codes of ethics – this has been done in the past during the drafting of this recommendation, it might be worth to repeat the exercise and see whether there are developments and also promote by doing this the two recommendations Rec(20012)5 and Rec(97)1212We could also add links to the national codes of ethics on the country factsheets	See above the comments and proposals related to Rec(97)12
Rec (2012) 12 of the Committee of Ministers to member States concerning foreign prisoners	This is a new and valid text and regulates for the first time in more details the treatment of foreign prisoners. It complements the European Prison Rules and should be read together with it.	CoE Convention on the transfer of prisoners European Prison Rules	To evaluate its implementation and assist the member states in this respect To follow closely the work done at the level of EU in this field – the implementation of the FD http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008F0909:20090328:en:PDF2008/909/JHA http://ec.europa.eu/justice/criminal/recognition-decision/prisoners/index_en.htm	No need for revision We should control if it is translated in all CoE languages EuroPris/CEP have an expert group on Foreign National Prisoners that meets once per year http://www.europris.org/expert-groups/foreign-nationals-in-prison/ and organized twice per year a workshop on that subject. The next one will be 24 -25 November 2016. http://www.europris.org/workshop-on-fnp/ As member of the expert group Roisin Mulgrew and scientific

			<p>Interesting documents can be found at (http://ec.europa.eu/education/library/study/2013/prison_en.pdf) UNODC: http://www.unodc.org/document/s/justice-and-prison-reform/11-88322_ebook.pdf</p> <p>A constant interest is also expressed at the level of the CEP – EUROPRIS – see the Special Interested Group on Foreign Prisoners – to further observe their work (http://www.europris.org/resources_package/report-cep-special-interest-group-on-foreign-national-prisoners-europris-meeting/)</p>	<p>expert drafting for the PC-CP of the Rec (2012)12 did a research on its implementation and knowledge of it only in prisons in Norway and the Netherlands. http://www.europris.org/wp-content/uploads/EP_Newsletter_FeaturedArticle_March16.pdf?utm_source=Newsletter+March+2016&utm_campaign=March+16+Newsletter&utm_medium=email</p> <p>The expert group started the collection of a best practice manual in line with the chapters of the CoE Recommendation. Due to be published on the website in early 2017.</p> <p>EuroPris organizes with Nottingham university (Roisin Mulgrew) and Belgian Prison Service on 23 November a Training workshop on the Council of Europe Recommendation on Foreign Prisoners for representatives of 20 member states (one prison governor, one staff trainer) http://www.europris.org/training-on-foreign-national-prisoners/</p> <p>Roisin Mulgrew also published an analysis of the CoE Recommendation and its implications for international penal policy.</p> <p>http://www.europris.org/wp-content/uploads/Newsletter0916_FeaturedArticle.pdf?utm_sourc</p>
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Rec (2014) 3 concerning dangerous offenders	A new recommendation which covers in greater details the ideas contained in Rec (82)17	Rec (82) 17	Too early to evaluate implementation. Promotion of this text is considered and carried out	Results and best practices should be collected from member states
Rec (2014) 4 on electronic monitoring	The text is recent and is not covered by more recent text Valid	Very briefly mentioned in Rec(2014)13 on dangerous offenders: CoE Probation Rules, Rec(2006) 13 on remand in custody; Rec (2000)22	Too early to evaluate implementation. Promotion of this text is considered and carried out Implementation needs to be evaluated based on questionnaire addressed to the relevant national authorities	The PC-CP to draft a questionnaire, to involve CEP and to evaluate the situation with implementation CEP addresses the implementation and the use of Electronic Monitoring in Criminal Justice Practices on their biannual conferences on the use of “Electronic Monitoring as an alternative to detention in Europe” and via articles on its website http://cep-probation.org/ and CEP newsletter: http://cep-probation.org/news/39-2/ Prior to the EM conferences CEP sends out a questionnaire to its members on the implementation and use of EM in their jurisdiction. Specific questions on the Rec (20014)14 on EM have been added to the latest version of Questionnaire. The results are available to the PC-CP http://cep-probation.org/knowledgebase/electronic-monitoring/