

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 26 October 2016
PC-CP/docs 2016/PC-CP(2016)11_E

PC-CP (2016) 11

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

6th Plenary meeting

Strasbourg, 19-21 October 2016

SUMMARY MEETING REPORT

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

EXECUTIVE SUMMARY

The PC-CP:

- Took note of the opening address made by Mr Carlo Chiaromonte, Head of the Criminal Law division, Information Society and Action against Crime Directorate, DG Human Rights and Rule of Law and more specifically of the decisions taken at the last plenary meeting of the CDPC in June 2016;
- Took note of the report of Mr Vivian Geiran Chair of the PC-CP regarding the work carried out by its Working Group since the last PC-CP plenary meeting in November 2015, namely the work on a draft Handbook for prison and probation services regarding radicalisation and violent extremism; on a draft Committee of Ministers Recommendation on the European Rules (ER) on community sanctions and measures; the involvement in the work on the White Paper on prison overcrowding and the holding of the 21st Conference of Directors of Prison and Probation Services (June 2016, Zaandam, The Netherlands);
- Took note of the request to contact their national delegations to the CDPC in order to inform them of the outcome of the discussions and decisions taken at the present meeting in relation to finalising the draft Handbook and the draft Recommendation. It further took note that the CDPC plenary in December 2016 will approve these texts which will then be sent to the Committee of Ministers;
- Approved its agenda, its order of business and the meeting reports of the PC-CP Working Group of its meetings held in 2016;
- Considered and revised the draft Handbook and expressed satisfaction with the quality of the work of the three scientific experts;
- Took note of the information regarding the forthcoming holding of an expert meeting of prison and probation services regarding radicalisation to violent extremism and of the expected outcome, namely collection of good practices to be published together with the Guidelines and the Handbook on radicalisation and violent extremism;
- Considered the draft Recommendation on the ER on community sanctions and measures and its commentary and made further amendments to these texts. In relation to this several delegations were of the opinion that the generic term used “offender” (covering persons alleged to have committed or having committed an offence) should be replaced by “suspect and offender”;
- Considered and approved document PC-CP (2014) 16 rev 3 containing a list of the Council of Europe Recommendations in the penitentiary field and the actions to be taken by the PC-CP to either cease their use (as too out-dated and/or incorporated in more recent texts), or to promote, update or examine their implementation by the national authorities;
- Approved its work plan for 2017, namely to revise the commentary to the European Prison Rules, to draft a Recommendation containing guidelines to the prison services in relation to children of imprisoned parents (a follow-up to the 21st CDPPS) and to start examining the issue of restorative justice, of mental health and of sex offenders;
- Took note of the information provided by Mr Harald Føsker from the Norwegian Correctional Service regarding the hosting of the 22nd CDPPS (20-21 June 2017, Norway) and of the title of the Conference “Staff recruitment, training and development”;
- Took note of the presentation made by Professor Marcelo Aebi regarding SPACE, regarding the analysis made of the data, which led to concluding that there is a danger of net-widening of the criminal justice system in some countries. Agreed that in order to ensure more publicity of this important work, the dates of the annual press conferences related to SPACE should be communicated in advance to the national prison and probation services. Following the Italian written comments sent, it was agreed that in future SPACE publications it will be indicated under the table related to prison capacity that the national criteria for calculation differ and it is not possible to have a uniform picture of the situation with prison overcrowding;
- It further took note of the activities planned to be carried out in the framework of a EU 18 months financial contribution to the Council of Europe Annual Penal Statistics (SPACE) (October 2016 - March 2018);

- Took note of the report made by Ms Tanja Rakusic-Hadzic of the activities carried out by the Criminal Law Co-operation Unit in 2016 or planned to be carried out in 2017 in countries like Armenia, Georgia, Moldova, Ukraine, Turkey and the Western Balkans. It took note that in 2016 issues related to mental healthcare, the use of community sanctions and measures and police and fighting discrimination were on the agenda;
- Took note of the presentation made by Mr Mikaël Poutiers regarding the European Day against sexual exploitation and sexual abuse of children and of the request made to promote this day among the prison and probation staff and services and to take action nationally to highlight and help combat this phenomenon;
- Regarding the proposal contained in the Italian written comments to the agenda to deal with prison overcrowding as a follow-up to the 21st CDPPS it was of the opinion that the recently adopted White Paper on prison overcrowding and the forthcoming work of a sub-group of the CDPC will generate practical steps for its implementation and meets sufficiently this proposal;
- Took note that the terms of office of one of the elected members of the PC-CP Working Group will expire at the end of this year and that in case some countries are interested in putting forward their candidates, they should contact their national delegations to the CDPC which will hold the elections at its plenary meeting in December 2016;
- Urged its members to promote more visibly the PC-CP work and its outcomes on the websites of their respective national agencies and among the relevant national authorities;
- Decided to hold its next year's plenary meeting on 6-8 November 2017.

1. The Council for Penological Co-operation (PC-CP) held its 6th Plenary meeting in Strasbourg on 19-21 October 2016 with Mr Vivian Geiran in the Chair and Mr Jörg Jesse as Vice-Chair. The list of participants is appended to this report (Appendix II).

I. Opening of the meeting and adoption of the agenda and the order of business

2. The agenda was adopted (see Appendix I). The order of business and the meeting reports of the last three PC-CP Working Group meetings were also approved.
3. Mr Carlo Chiaromonte, Head of the Criminal Law division, Information Society and Action against Crime Directorate, DG Human Rights and Rule of Law informed the participants of the latest and the forthcoming activities carried out by the European Committee on Crime Problems (CDPC) and in particular the decisions taken at its last plenary meeting in June 2016 which related to the work of the PC-CP. These include the decision to speed up the adoption of the draft Handbook for prison and probation services regarding radicalisation and violent extremism, the decision to set up a temporary sub-group to the CDPC in order to propose practical steps for implementing the recommendations contained in the White Paper on prison overcrowding, the decision to draft a recommendation related to children of imprisoned parents and the decision to start work on restorative justice in the penal field.
4. The participants also took note of the information regarding the forthcoming holding of an expert meeting of prison and probation services regarding radicalisation to violent extremism and of the expected outcome, namely collection of good practices to be published together with the Guidelines and the Handbook on radicalisation and violent extremism
5. Mr Vivian Geiran, Chair of the PC-CP informed the participants of the work carried out by the PC-CP Working Group since the last PC-CP plenary meeting in November 2015, namely the drafting of a Handbook for prison and probation services regarding radicalisation and violent extremism; the drafting of a new Committee of Ministers Recommendation on the European Rules (ER) on community sanctions and measures; the finalisation of the White Paper on prison overcrowding and the holding of the 21st Conference of Directors of Prison and Probation Services (June 2016, Zaandam, The Netherlands). He also welcomed the regular and active participation of EuroPris and CEP in the PC-CP activities which allows maintaining contacts and exchanging information with the European prison and probation services.
6. Mr Geiran requested specifically the participants to contact their national delegations to the CDPC in order to inform them of the outcome of the discussions and decisions taken at the present meeting in relation to finalising the draft Handbook and the draft Recommendation in order to coordinate the position of their authorities regarding these texts which will be approved at the CDPC plenary in December 2016 before being sent to the Committee of Ministers.
7. Mr Geiran further requested the participants to promote more prominently nationally the PC-CP work and the Council of Europe standards in the area by providing links on their agencies' websites to the PC-CP website (www.coe.int/prison) and also by translating into their national languages and disseminating the standard setting texts and other important documents like the White Paper on prison overcrowding. The participants were requested to send any such translations to the Secretariat, so that they can be posted on the PC-CP web site as well, like is currently the case with a number of recommendations and other reports.

II. Draft Handbook for the prison and probation services regarding radicalisation and violent extremism

8. The participants expressed satisfaction with the quality of the work done by the three scientific experts in such a short time. They considered and revised the draft Handbook and made some further changes in order to reinforce the need to respect human rights and the rule of law and to promote better the rights and interests of the child.
9. In the part dealing with separation of violent extremist offenders in specific prisons or wings it was explicitly stated that segregation/separation should not involve solitary confinement as the latter has very negative effects on prisoners.
10. Regarding the paragraphs dealing with religious representatives some delegations expressed dissatisfaction with the explicit mention of imams and Muslims and the paragraphs were re-drafted in a more neutral manner.

III. Draft Recommendation on the European Rules on community sanctions and measures

11. The PC-CP thanked Rob Canton, scientific expert, for his excellent re-drafting and updating of the European Rules on community sanctions and measures (ER on CSM). They then considered the draft Recommendation and its commentary and made further amendments to these. More specifically the proposals for amendments put forward by the CDPC Chair were considered, as well as those made by Ms Nathalie Boissou (in relation mainly to the French version of the text).
12. Several delegations were of the opinion that the use of the generic term “offender” (covering persons alleged to have committed or having committed an offence) should be replaced by “suspect and offender” and the definition of the generic term “offender” should be replaced by an explanation of the term “suspect”. Some delegations argued that, in accordance with their legal system, several terms are used depending on the stages of the criminal proceedings. It was decided that it is legally unacceptable to call a person who is not yet sentenced, and whose guilt is not yet determined, an offender. The term “offender” should be reserved for those whose guilt has been proven or who have been convicted.
13. The participants reinforced the message that the use of CSM should not contribute to widening the net of the criminal justice system, i.e. they should be used not with the primary aim of replacing prison but in their own right, if appropriate. This would allow having lesser conditional releases from prison (instead of early releases without conditions) and avoiding situations in which a person is sanctioned with a CSM instead of choosing lesser sanctions like a fine or a warning.
14. The rights and interests of victims were mentioned in several more places in the text and it was recommended to take into consideration (in calculating the remainder of any prison term to be served) the part of a CSM which was respected by the offender in a satisfactory manner in case of recall to prison for a breach of the conditions and obligations.
15. It was decided to use everywhere in the text the term “community service” for any unpaid work carried out for the benefit of the community.

IV. Follow-up to the 21st Council of Europe Conference of Directors of Prison and Probation Services (2016, the Netherlands)

16. The PC-CP Chair provided an overview of the organisation and the outcome of the Conference. The participants agreed that as a follow-up to the 21st CDPPS and also following the decisions taken at the last CDPC plenary meeting in June 2016, in 2017 work will start on a draft Committee of Ministers recommendation related to children of imprisoned parents and to it will be associated the NGO “Children of Prisoners Europe (COPE)” as well as the ad hoc Committee for the Rights of the Child (CAHENF).
17. The participants took note of the presentation made by Mr Mikaël Poutiers regarding the European Day against sexual exploitation and sexual abuse of children and of the request made to promote this day among the prison and probation staff and services and to take action nationally to highlight and help combat this phenomenon.
18. Regarding the proposal contained in the Italian written comments to the agenda, namely to deal with prison overcrowding as a follow-up to the 21st CDPPS, the PC-CP was of the opinion that the recently adopted White Paper on prison overcrowding and the forthcoming work of a sub-group of the CDPC will generate practical steps for its implementation and meets sufficiently this proposal.

V. 22nd Council of Europe Conference of Directors of Prison and Probation Services (20-21 June 2017, Norway)

19. The participants took note of the information provided by Mr Harald Føsker from the Norwegian Correctional Service regarding the hosting of the 22nd CDPPS (20-21 June 2017, Lillestrøm, Norway) at the Training Academy of their Correctional Service and approved the title of the Conference, namely: “Staff recruitment, training and development”.

VI. Review of the Recommendations and Resolutions in prison and probation fields and approval of the 2017 work plan

20. The PC-CP considered and approved document PC-CP (2014) 16 rev 3 containing a list of the Council of Europe Recommendations and Resolutions in the prison and probation fields and the actions to be taken by the PC-CP to either cease their use (as too out-dated and/or incorporated in more recent texts), or to promote, update or examine their implementation by the national authorities.

21. They approved the PC-CP work plan for 2017, namely to revise the commentary to the European Prison Rules, to draft a Recommendation containing guidelines to the prison services in relation to children of imprisoned parents and to start examining the issues of restorative justice, of mental health and of sex offenders.

VII. SPACE statistics and the work with the national correspondents

22. The PC-CP took note of the presentation made by Professor Marcelo Aebi regarding SPACE, regarding the analysis made of the data, which led to concluding that there is a danger of net-widening of the criminal justice system in some countries. The participants agreed with the proposal made by Professor Aebi that in order to ensure more publicity and media coverage of this important work, the dates of the annual press conferences related to SPACE should be communicated in advance to the national prison and probation services.
23. The representatives of the few countries which had not yet sent their filled in data to the SPACE team were requested to speed up this process.
24. Following the Italian written comments sent, it was agreed that in future SPACE publications, under the table related to prison capacity will be indicated that the national criteria for calculation of the capacity of their prison cells differ and it is not possible to have a uniform picture of the situation with prison overcrowding. It was nevertheless considered very important to have even an approximate picture of the situation in the European countries.
25. The PC-CP further took note of the activities planned to be carried out in the framework of a EU 18 months financial contribution to the Council of Europe Annual Penal Statistics (SPACE) (October 2016 - March 2018), namely two meetings of the SPACE national correspondents (covered by the EU funding and by the Council of Europe ordinary budget) and two research papers related to pre-trial detention and to foreigner in the European prison and probation systems.

VIII. Co-operation activities in the prison and probation field

26. The participants took note of the report made by Ms Tanja Rakusic-Hadzic regarding the activities carried out by the Criminal Law Co-operation Unit in 2016 or planned to be carried out in 2017 in countries like Armenia, Georgia, Moldova, Turkey, Ukraine and the Western Balkans. It took note that in 2016 the priority areas of interest related to mental healthcare, the use of community sanctions and measures and police and fighting discrimination.

IX. Elections

27. The participants were informed that the terms of office of one of the elected members of the PC-CP Working Group, Mr Antanas Jatkevičius (Lithuania) will expire at the end of this year and were invited, in case some of their good experts from the prison or probation services are interested, to put forward candidates and to contact their national delegations to the CDPC which will hold the elections at its plenary meeting in December 2016.
28. The PC-CP Chair thanked Mr Jatkevičius for his active participation in and contribution to the work of the PC-CP and wished him every success in his new job at the National Court Administration.

X. Gender mainstreaming

29. The number total of participants was 60 out of whom there were 23 women and there was a balanced participation in the work of women and men both as speakers and as interveners under the different points on the agenda. Issues related to women and gender were discussed under points II, III, IV, VII, VIII and IX.

XI. Dates of the next plenary meeting

30. The PC-CP decided to hold its next year's plenary meeting on 6-8 November 2017.

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AGENDA / ORDRE DU JOUR

1. Opening of the meeting / Ouverture de la réunion

2. Adoption of the draft agenda and the draft order of business / Adoption du projet d'ordre du jour et du projet d'ordre des travaux

3. Report of the PC-CP Chair / Rapport du Président du PC-CP

PC-CP ToR 2016-2017
[English](#) / [Français](#)

4. Approval of the summary meeting reports of the PC-CP Working Group / Approbation des rapports sommaires des réunions du Groupe de travail du PC-CP

PC-CP (2016) 1
[English](#) / [Français](#)

PC-CP (2016) 5
[English](#) / [Français](#)

PC-CP (2016) 10
[English](#) / [Français](#)

5. Information provided by the Secretariat / Informations fournies par le Secrétariat

CDPC (2016) 8
[English](#) / [Français](#)

CM(2016)121-add3
[English](#) / [Français](#)

6. Draft Handbook for the prison and probation services regarding radicalisation and violent extremism / Projet de Guide pour les services pénitentiaires et de probation concernant la radicalisation et l'extrémisme violent

PC-CP (2016) 2 rev 3
[English](#) / [Français](#)

7. Draft Recommendation on the European Rules on community sanctions and measures / Projet de Recommandation sur les Règles européennes concernant les sanctions et mesures appliquées dans la communauté

PC-CP (2016) 4 rev 4
[English](#) / [Français](#)

PC-CP (2016) 8 rev
[English](#) / [Français](#)

PC-CP (2016) misc 2 rev
[English](#) / [Français](#)

8. Follow-up to the 21st Council of Europe Conference of Directors of Prison and Probation Services (2016, the Netherlands) / Suites à donner à la 21e Conférence du Conseil de l'Europe des Directeurs des services pénitentiaires et de probation (2016, Pays-Bas)

[Link to the closing comments Vivian Geiran](#)

[Link to the programme](#)

9. 22nd Council of Europe Conference of Directors of Prison and Probation Services (20-21 June 2017, Norway) / 22^e Conférence du Conseil de l'Europe des Directeurs des services pénitentiaires et de probation (13-14 juin 2017, Norvège)

10. Review of the Recommendations and Resolutions in prison and probation fields / Examen des Recommandations et des Résolutions dans les domaines pénitentiaires et de probation

PC-CP (2014) 16 rev 3
[English](#) / [Français](#)

11. SPACE statistics and the work with the national correspondents / Les statistiques SPACE et le travail avec les correspondants nationaux

12. Co-operation activities in the prison and probation field / Activités de coopération dans le domaine pénitentiaire et de probation

13. Elections / Elections

PC-CP (2016) 9
[English](#) / [Français](#)

14. Any other business / Questions diverses

15. Dates of the next plenary meeting / Dates de la prochaine réunion plénière

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

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NEIGHBOURHOOD PARTNERSHIP WITH THE COUNCIL OF EUROPE WITHIN THE FRAMEWORK OF THE SOUTH PROGRAMME II / PARTENARIAT DE VOISINAGE AVEC LE CONSEIL DE L'EUROPÉ ET DANS LE CADRE DU PROGRAMME SUD II

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Kirsten HAWLITSCHKEK
Executive Director

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COUNCIL OF EUROPE / CONSEIL DE L'EUROPE

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