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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
<b>Rec (82) 16 on prison leave</b>	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)14; 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
<b>Rec (82) 17 on the custody and treatment of dangerous prisoners</b>	very old and brief text	Rec( 2014) 3 concerning dangerous offenders	Implementation has never been evaluated	Needs to be abrogated as its principles are covered in more details by Rec( 2014) 3 concerning dangerous offenders
<b>Rec (89) 12 on education in prison</b>	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	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. <a href="http://en.wikipedia.org/wiki/European_Prison_Education_Association">http://en.wikipedia.org/wiki/European_Prison_Education_Association</a>  <a href="http://www.prisonerseducation.org.uk/">http://www.prisonerseducation.org.uk/</a>	To consider inclusion of the principles contained in Rules 9,12 and 17 in a newer text To consider this topic at one of the next Conferences of Directors of Prison and Probation Services

	<p>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.</p> <p><b><u>Rules 9, 12, 17 are not covered anywhere else</u></b></p>			
<p><b>Rec (92) 16 on the European rules on community sanctions and measures</b></p>	<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><b>Rec (93) 6 on transmissible diseases</b></p>	<p>The text is still valid and deals with HIV and TB positive prisoners. The rules are conform with 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 the Pompidou Group We do not know the real numbers of HIV positive prisoners; do we need to collect data on that?</p>

<p><b>Rec (97) 12 on staff concerned with the implementation of sanctions and measures</b></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 may invite to one of our next meetings someone from the EPTA to see how to better implement this text and to discuss in general recruitment, selection and training of staff</p>
<p><b>Rec (98) 7 concerning the ethical and organisational aspects of health care in prisons</b></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>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>			
<b>Rec (99) 19 on mediation in penal matters</b>	<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  <a href="http://www.coe.int/t/dghl/cooperation/cepej/series/Etudes5Ameliorer_en.pdf">http://www.coe.int/t/dghl/cooperation/cepej/series/Etudes5Ameliorer_en.pdf</a>  <a href="http://www.mediationworld.net/council-of-europe/publications/full/91.html">http://www.mediationworld.net/council-of-europe/publications/full/91.html</a>  <a href="http://www.gemme.eu/en/article/guidelines-for-a-better-implementation-of-the-existing?codeglueV2=orap8qmc6sigm4pg4384hdcp0">http://www.gemme.eu/en/article/guidelines-for-a-better-implementation-of-the-existing?codeglueV2=orap8qmc6sigm4pg4384hdcp0</a>  EU document – Code of conduct  <a href="http://ec.europa.eu/civiljustice/adr/adr_ec_code_conduct_en.pdf">http://ec.europa.eu/civiljustice/adr/adr_ec_code_conduct_en.pdf</a></p>	<p>To invite to one of the next PCCP meetings CEPEJ representative and representative of the European Network of Mediators to discuss the issue  <a href="http://www.europemediation.eu/en/European-Mediation-Network-Initiative/">http://www.europemediation.eu/en/European-Mediation-Network-Initiative/</a></p>
<b>Rec (99) 22 concerning prison overcrowding and prison inflation</b>	<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 18<sup>th</sup> 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><b>Rec (2000) 22 on improving the implementation of the European rules on community sanctions and measures</b></p>	<p>It amends Rule 5 of Rec (92)16 and adds a list of community sanctions and measures. Therefore it cannot be used independently.</p>	<p>Rec (92)16 on the European rules on community sanctions and measures</p>	<p>It aims at interpreting and at improving the implementation of Rec (92)16 and should be assessed together with it.</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><b>Rec (2003) 22 on conditionnal release</b></p>	<p>The text is not covered by a more recent text. The text is still valid.</p>	<p>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)</p>	<p>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)</p>	<p>Text to be preserved as it stands – valid and very useful</p>
<p><b>Rec (2006) 2 on the European Prison Rules</b></p>	<p>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</p>	<p>Reference to it is made in all subsequent recommendations in this field</p>	<p>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 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</p>	<p>Not to review the text but to update the commentary and to include the recent case-law of the European Court of Human Rights and the relevant CPT standards.</p> <p>To evaluate its implementation on a regular basis.</p>

			<p>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>	
<p><b>Rec (2008) 11 on the European Rules for juvenile offenders subject to sanctions and measures</b></p>	<p>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.</p>	<p>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.</p>	<p>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)</p>	<p>No need to revise this text as it is a very valid and important set of standards which need to be implemented.</p> <p>To evaluate its implementation on a regular basis.</p>
<p><b>CM/Rec (2010) 1 on the Council of Europe Probation Rules</b></p>	<p>This is a new and valid text and regulates for the first time the structure, functioning and tasks of probation services in Europe.</p>	<p>Re (92)16 and '(2000)22 deal with legal, structural and ethical aspects of the execution of community sanctions and measures and not with the structure, functioning and tasks of the probation services. Therefore the three recommendations should be read together.</p>	<p>The Confederation of European (CEP) promotes this text at their forums and was involved in its drafting. 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)</p>	<p>No need to revise this text as it is a very valid and important set of standards which need to be implemented.</p> <p>To evaluate its implementation on a regular basis.</p>

<p><b>Rec (2012) 5 of the Committee of Ministers to member States on the European Code of Ethics for Prison Staff</b></p>	<p>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)8 covers all staff involved in the execution of sanctions and measures</p>	<p>The ideas are covered in more details in Rec (97)8</p>	<p>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)8</p>	<p>See above under Rec(97)8</p>
<p><b>Rec (2012) 12 of the Committee of Ministers to member States concerning foreign prisoners</b></p>	<p>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.</p>	<p>CoE Convention on the transfer of prisoners European Prison Rules</p>	<p>To evaluate its implementation and assist the member states in this respect</p> <p>To follow closely the work done at the level of EU in this field – the implementation of the FD <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008F0909:20090328:en:PDF2008/909/JHA">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008F0909:20090328:en:PDF2008/909/JHA</a></p> <p><a href="http://ec.europa.eu/justice/criminal/recognition-decision/prisoners/index_en.htm">http://ec.europa.eu/justice/criminal/recognition-decision/prisoners/index_en.htm</a></p> <p>Interesting documents can be found at (<a href="http://ec.europa.eu/education/library/study/2013/prison_en.pdf">http://ec.europa.eu/education/library/study/2013/prison_en.pdf</a>) UNODC: <a href="http://www.unodc.org/documents/justice-and-prison-reform/11-88322_ebook.pdf">http://www.unodc.org/documents/justice-and-prison-reform/11-88322_ebook.pdf</a></p>	<p>No need for revision</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 (<a href="http://www.euopris.org/resources_package/report-cep-special-interest-group-on-foreign-national-prisoners-euopris-meeting/">http://www.euopris.org/resources_package/report-cep-special-interest-group-on-foreign-national-prisoners-euopris-meeting/</a>)</p>	
<b>Rec (2014) 3 concerning dangerous offenders</b>	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
<b>Rec (2014) 14 on electronic monitoring</b>	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