



Strasbourg, 15 October 2013
PC-CP/docs 2013/PC-CP(2013)15e

PC-CP (2013) 15

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

4th Working Group Meeting

Strasbourg, 25-27 September 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 information provided by the Secretariat and by its Chair regarding the progress of the work of the PC-GR-DD on a draft Recommendation concerning dangerous offenders and its draft explanatory report;
- took note of the comprehensive presentation made by Mr Vincent A. De Gaetano, Judge at the European Court of Human Rights on the case-law of the Court related to imprisonment, discussed in more details some of the issues raised and in view of the utility of such exchanges decided to hold them on a regular basis;
- considered the summary of the national replies to a questionnaire on electronic monitoring and decided to request several additional countries to send replies in order to forward a revised summary for consideration at the CDPC plenary meeting in December 2013;
- took note of the report presented by Ms Daniele Laborde, scientific expert on violence in juvenile detention institutions and considered and revised a draft questionnaire on the same subject. It decided after some discussion to send instead a short preliminary questionnaire to the national authorities and following the replies to select some of them for further work on the subject;
- took note of the presentation made by Prof. Anthony Beech on quasi-compulsory measures and decided that a report reflecting the current situation and recommending best practices can be drafted on the subject. Four categories of offenders could be covered by such a report, namely drug addicted offenders; sex offenders; offenders with mental health problems and domestic violence offenders;
- held a discussion and took further decisions regarding the contents and overall organisation of the 18th CDAP (27-29 November 2013, Brussels). It decided in this respect that at its next meeting will be evaluated the holding and outcome of the Conference in order to structure and organise well the 2014 CDAP, which should be held in September 2014;
- discussed the forthcoming meeting of the SPACE national correspondents and agreed on the attendance of Mr Mauro Palma, its Vice-Chair. It was underlined that regular opportunities for the national correspondents to meet should be created in order to ensure comparability of terminology, methodology and quality of collection of these important data;
- took note of the information provided by one of its members regarding a Conference on "Media and the Image of Women", organised for the gender equality rapporteurs of the Council of Europe intergovernmental committees in Amsterdam (4-5 July 2013);
- took note of the fact that its terms of reference for 2014-2015 have been adopted by the Committee of Ministers and took respective decisions regarding the forthcoming elections of its members. It noted that Ms Irene Koeck will not continue her work as PC-CP member and that all the other members would wish their candidacies to be put forward for re-election at the next CDPC plenary meeting;
- took note of the invitation to take part in a seminar organised by the Slovak Ministry of Justice in the framework of the Eastern Partnership Multilateral Project "Reform of the Prison System" and decided to be represented by one of its members Mr Pavel Stern at it;
- decided that it is useful to hold one annual plenary meeting in order to discuss important issues under consideration which are of common interest to all member states and that the next one should be held in the autumn of 2014;
- considered the issue of the use of restorative justice in prisons and entrusted some of its members to report back on this question at its next meeting;
- considered several requests for opinion sent by outside experts;
- took note of the fact that the terms of office of three of its members expires at the next CDPC plenary session in December 2013, that the terms of office of Mr Antanas Jatkevičius expire in 2014, these of Mr Peter Lindström in 2015 and that the remaining 4 members elected in 2011,

whose term of office may be renewed for two more years in accordance with the new procedure, have expressed their willingness to remain on the PC-CP;

- decided further, pending the outcome of the elections of new PC-CP members, to provisionally set the dates of their next PC-CP meeting to be during the week of 17-21 February 2014.

The Council for Penological Co-operation (PC-CP) Working Group held its 4th meeting in Strasbourg on 25-27 September 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

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) 10]

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, Information Society and Action against Crime Directorate welcomed the participants and focused on some important aspects of its work, namely the forthcoming 18th Conference of Directors of Prison Administration (Brussels, 27-29 November 2013) and the expert meeting of the SPACE national correspondents organised for the first time since its creation 30 years ago. He also welcomed the regular dialogue between the PC-CP and the European Court of Human Rights in order to be informed in greater details of the relevant case-law of the Court related to prisons and to execution of penal sanctions and measures.
4. Mr Carlo Chiaromonte, Head of the Criminal Law Division and Secretary to the European Committee on Crime Problems (CDPC) informed the PC-CP that its terms of reference for the period 2014-2015 have been approved by the Committee of Ministers Rapporteur Group on Legal Co-operation on 12 September 2013 and are expected to be adopted by the Committee of Ministers in October 2013. In relation to this he requested the PC-CP to consider whether a plenary meeting would be necessary to be held in 2014 and in order to discuss which issues.
5. Mr Chiaromonte further informed that the draft recommendation on dangerous offenders and its explanatory memorandum have been finalised by the expert group and will be sent for final written comments to all CDPC delegations before the plenary session in December. The same procedure will be applied for the draft recommendation on electronic monitoring and its draft commentary.

IV. Alternative measures to imprisonment

6. Prof. Anthony Beech, scientific expert made a presentation on alternative measures to imprisonment for treating certain types of offenders. He argued that there are roughly about 1% of psychopaths in the general population while as they represent about 20% among the prison population. He also argued that financial resources should be invested in treating high risk offenders and that methods involving chemical treatment combined with cognitive behavioural therapy (CBT) as well as the use of restorative justice inside prisons give positive effects and can change offending patterns and develop empathy and social skills in such offenders. He informed that 10% of the prison population in UK are there for sex offending and that in order to benefit from CBT they need to be at least from 3 to 8 months in prison. He then underlined that age is a big factor in re-offending.
7. Prof. Beech discussed also the different types of chemical castration used and underlined that in UK agreement is needed to start quasi-compulsory treatment in general as motivation to change is a very important factor.
8. The birth factors were also discussed - smoking and drinking addictions of pregnant women; traumas during childhood, etc. The function of different parts of the human brain was also presented as well as impact of problems with their development on offending behaviour. The therapy of the different parts of the brain can influence motivation/emotion; action selection/caution; perception/memory.

9. During the discussions which followed it was agreed that mentally ill persons who commit offences are to be considered differently from offenders with mental health problems. It was also underlined that the “what works” theory had made a big change in criminology by introducing risk factors and criminogenic needs.
10. It was decided that the study should focus on four main groups, namely drug addicted offenders; sex offenders; offenders with mental health problems and offenders involved in domestic violence. The PC-CP WG members would request indications from the CDPC whether it is necessary to deal with all these groups or only with the first two as groups for which the measures and treatment are more comparable in Europe and for which there is more information that may be gathered.

V. Electronic monitoring

11. The PC-CP considered the summary of the replies prepared by Mike Nellis, scientific expert to the questionnaire circulated to all CDPC delegations in continuation of the survey started by the European Organisation for Probation (CEP). It was decided that this work will be forwarded for information to the CDPC and will not be annexed to the draft recommendation on electronic monitoring. In order to get a fuller picture of the situation in Europe it was also decided to request replies from France, Poland, the Russian Federation and the United Kingdom, whose authorities have not replied so far to the questionnaire and where there is useful information to be gathered regarding latest developments.

VI. Violence in juvenile institutions

12. Prof. Liefwaard who could not attend the meeting and was therefore represented by one of his colleagues, Ms Joni Reef who presented for discussion and approval a draft questionnaire to be sent to the national authorities of the member states. It was considered that the questionnaire needs to be shortened and simplified and adapted better to the addressees. Therefore amendments to it were introduced and it was decided to associate a second expert to the study in order to broaden its comparative aspect. It was also decided that the questionnaire will be sent to the ministries of justice requesting them to send it also to other relevant agencies dealing with juveniles in conflict with the law.
13. Ms Danièle Laborde, scientific expert, presented a very informative report on violence in detention institutions for juveniles in France. According to her one of the main factors for problems with violence is the inadequate training of staff how to deal with such cases; other factors include accommodation; regime activities; architecture and design of the buildings; peer pressure and stress due to increased risk of lack of privacy, etc.

VII. Case law of the European Court of Human Rights related to the use of imprisonment and to prison conditions

14. Judge Vincent de Gaetano from the European Court of Human Rights gave a very useful and thorough overview of the case law of the Court related to prison conditions and imprisonment. He stressed that prisons and prisoners' rights have come gradually in the spotlight of the Court's attention and practice and this is related to the increased public interest and has enhanced after the setting up of the CPT in 1989. The Court uses the CPT reports as a secondary source of evidence in determining whether or not there has been a violation (usually of Art. 3).
15. The Court is attentive to the Committee of Ministers recommendations, firstly the European Standard Minimum Rules (1975) and, later, the revised European Prison (in 1983 and in 2006) which are a form of soft law taken regularly into account usually in combination with the generic umbrella of a “European consensus” in this area.
16. The discussions and questions which followed confirmed the need for such regular meetings with representatives of the Court which on the one hand give an oversight of the relevant case law but also help further develop the Council of Europe standards in the area.

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

17. The PC-CP welcomed the Belgian delegation and discussed further the organisation of the 18th Conference as well as the visit to the Beverens prison. The Secretariat informed of the advancement of the logistical organisation and the substantive work done so far by the Belgian organisers in this respect. It was decided that the PC-CP Working Group members who are not involved as moderators or speakers will help with taking notes and summing up of the discussions

during the panel sessions. It was also agreed that the presentations during the panel sessions will have to be not longer than 15 minutes to allow for discussion and that the programme will be amended in order to indicate in a clear manner the time schedule of all presentations in the panels.

IX. Elections

18. The PC-CP took note of the fact that the terms of office of three of its members expires at the next CDPC plenary session in December 2013, namely its Chair, Mr André Vallotton, Ms Irene Koeck and Mr Pavel Stern. It further took note of the fact that the terms of office of Mr Antanas Jatkevičius, elected in 2012 in accordance with the new procedure expire in 2014, these of Mr Peter Lindström, elected in accordance with the old procedure for a period of 5 years will expire in 2015 and that the remaining 4 members elected in 2011, whose term of office may be renewed for two more years in accordance with the new procedure, have expressed their willingness to remain on the PC-CP.
19. It decided therefore to propose to the CDPC to renew the terms of office of Ms Alina Barbu, Mr Harald Føsker, Mr Joerg Jesse and Mr Mauro Palma.

X. Other business

20. The organisation of the meeting of the SPACE correspondents was discussed (4-5 November 2013) and it was decided that Mr Mauro Palma, Vice-Chair will represent the PC-CP at it. It was also underlined that there is an evident need to agree on common terminology.
21. Ms Irene Koeck informed of her participation in a Conference in Amsterdam, organised by the Council of Europe on Media and the Image of Women.
22. The Secretariat informed the participants of communications coming from outside agencies and experts and addressed to the PC-CP on different issues related to its work. It was decided that such information, which sometimes requires replying to it and sometimes is only for information, will be in turn sent to all members by mail in order to spare time. In case further action is needed such decisions can be taken at the next PC-CP meetings.
23. There have been 14 men and 6 women at the PC-CP Working Group meeting.

XI. Date of the next meeting

24. Pending the forthcoming elections and the confirmation of the dates by the newly elected members the PC-CP Working Group scheduled its next meeting for 17-21 February 2014 and proposed to hold the next PC-CP plenary meeting in November 2014.
25. The agenda of the plenary meeting would include evaluation and follow-up to the 18th and 19th CDAP; finalising the report on violence in juvenile institutions based on the replies of the questionnaire; taking decisions on the issues to be considered by the PC-CP Working Group (like restorative justice and victim offender mediation) and reviewing the list of Committee of Ministers recommendation in order to decide whether there is a need to update some of them.

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APPENDIX I

AGENDA

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

PC-CP (2013) OJ 3
Bilingual / Bilingue

2) Information / Informations

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

PC-CP (2013) 10
English / Français

4) Electronic monitoring - replies to the questionnaire / Surveillance électronique - réponses au questionnaire

PC-CP (2013) 13
English only

5) 18th Conference of Directors of Prison Administration (2013) / 18^e Conférence des directeurs d'administration pénitentiaire (2013)

Draft programme/
Projet de programme

6) Violence in juvenile detention institutions / Violence dans les institutions de détention pour mineurs

PC-CP (2013) 7 rev
English / Français

PC-CP (2013) 8 rev
English only

Présentation Powerpoint
Mme Danièle Laborde

7) Case law of the European Court of Human Rights related to the use of imprisonment and to prison conditions / Jurisprudence de la Cour européenne des droits de l'Homme concernant l'emprisonnement et les conditions de détention

Powerpoint presentation
Judge De Gaetano (ECHR)

8) Measures alternative to imprisonment / Mesures alternatives à l'emprisonnement

CDPC (2012) 2
English / Français

CDPC (2012) 13 rev
English / Français

Powerpoint presentation
Pr Anthony Beech

Guidelines
English only

UNODC Handbook
English only

EMCDDA Publication
English only

9) Elections / Élections

Terms of reference/Mandat
English / Français

10) Any other business / Questions diverses

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

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBER STATES / ETATS MEMBRES

BELGIUM / BELGIQUE

Werner VANHOUT

Conseiller-général, Direction missions clés, Service expertise psychosociale, Service public fédéral Justice, Direction générale Etablissements pénitentiaires, Bruxelles

Laurent SEMPOT

Directeur de Communication, Service Communication, Service public fédéral Justice, Direction générale Etablissements pénitentiaires, Bruxelles

**WORKING GROUP OF THE COUNCIL FOR PENOLOGICAL CO-OPERATION / GROUPE DE TRAVAIL
DU CONSEIL DE COOPERATION PENOLOGIQUE
(PC-CP)**

Alina BARBU

*****APOLOGISED/EXCUSÉE*****

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, Germany

Irene KOECK

Director/Senior Public Prosecutor, Federal Ministry of Justice, Vienna, Austria

Peter LINDSTRÖM

*****APOLOGISED/EXCUSÉ*****

Associate Professor, Stockholm County Police, Stockholm, Sweden

Mauro PALMA

VICE-CHAIR OF THE PC-CP / VICE-PRÉSIDENT DU PC-CP

Advisor to the Minister of Justice on penitentiary issue, Roma, Italy

Pavel STERN

Director, Czech Probation and Mediation Service, Ministry of Justice, Prague, Czech Republic

André VALLOTTON

CHAIR OF THE PC-CP / PRÉSIDENT DU PC-CP

Consultant, Lausanne, Suisse

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Anthony BEECH

Professor in criminological psychology, University of Birmingham, United Kingdom

Danièle LABORDE

Déleguée des Droits de l'Enfant pour le Défenseur des Droits (ombudsman), France

Dominik LEHNER (Dr.)

Head of Penal Services (Chef d'office d'execution des peines), Justice and Security Departement Basel, Switzerland

Joni REEF

Dr., Assistant Professor - Research Fellow, Faculty of Law, Institute for Criminal Law and Criminology, Leiden, the Netherlands

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

MEXICO / MEXIQUE

Andrea BARBOSA

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

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

EUROPEAN ORGANISATION OF PRISON AND CORRECTIONALSERVICES (EuroPris)

Kirsten HAWLITSCHKE

Executive Director, The Hague, Netherlands

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

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)

Apologised/Excusé

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

Juge Vincent GAETANO, European Court of Human Rights, Strasbourg, France

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**

Jan KLEIJSEN
Director / Directeur

Action against Crime Department / Service 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

Iliana TANEVA
Secretary to the PC-CP / Secrétaire auprès du PC-CP

Christine COLEUR-MOREL
Assistant / Assistante

INTERPRETERS / INTERPRÈTES

Lucie DE BURLET
Pascale MICHEL
Christine TRAPP