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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

6th Working Group Meeting

Strasbourg, 31 March - 2 April 2014

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 Mr Carlo Chiaromonte regarding the forthcoming meetings and activities of the CDPC;

Approved the summary meeting report of its last meeting;

Took decisions regarding the draft programme of the 19th Council of Europe Conference of Directors of Prison and Probation Services (Helsinki, 17-18 June 2014) and decided to contact during it the six countries which have not replied to the latest SPACE survey in order to enhance future replies. Furthermore it decided to contact CCJE and CCPE Presidents regarding their participation in the Conference;

Evaluated positively the quality of SPACE I and II surveys for 2012 and expressed concern regarding the delay in publication of the data on web site. It decided that in order to obtain more up-to-date data new deadline for collection of the 2013 SPACE statistics will be set (30 June 2014) in order to prepare the provisional survey for the PC-CP plenary in November 2014. It also considered that there is a need to have some basic data updated on a more regular basis;

Considered that there is a need for regular training of the national SPACE correspondents in order to agree on common understanding of the definitions and methodology use and requested the Council of Europe organise such sessions if possible annually;

Requested the SPACE team to ask for re-confirmation from some countries of the official number of square meters per cell per prisoner;

Finalised the country factsheets and decided that the first country factsheets will be presented during the CDAP in Helsinki;

As regards the issue of violence in detention institutions for juvenile offenders, took note of the presentation made by Professor Neubacher and his team and of the fact that Professor Liefwaard had incorporated these findings into the draft report on violence. It furthermore took note of the latter draft report and decided to finalise it at its meeting in September in order to present it to the PC-CP plenary in November 2014;

Considered the list of Committee of Ministers recommendations and resolutions in the penitentiary field and decided to proceed with their revision with a view to proposing to the PC-CP plenary their possible updating;

Held a meeting with representatives of the International Prison Chaplains Association;

Took note of the feedback provided by Mr Antanas Jatkevicius regarding the Conference "Growing with Children's Rights" held in Dubrovnik on 27 and 28 March 2014;

Took note of the presentation made by Mr Jeremy Ghez on radicalisation in prison and decided that it will report to the PC-CP plenary that this topic will remain on its agenda in 2015;

Agreed on the draft annotated agenda of the PC-CP plenary meeting in November 2014.

The Council for Penological Co-operation (PC-CP) Working Group held its 6th meeting in Strasbourg on 31 March - 2 April 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 III).

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

1. The agenda and the order of business were adopted (see Appendices I and II).

II. Summary report of the last meeting of the PC-CP Working Group [Doc. PC-CP (2014) 3]

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 Carlo Chiaromonte, Head of the Criminal Law and of Terrorism Divisions and Secretary to the European Committee on Crime Problems (CDPC), informed the PC-CP Working Group members of the forthcoming meetings of the CDPC Bureau and the CDPC plenary. At the next CDPC Bureau meeting will be discussed the 19th Conference of the Directors of Prison and Probation Services and will be decided who will represent the CDPC at it. The draft agenda of the next PC-CP plenary meeting will also be considered and approved. He also informed that the next CDPC plenary will consider a report on the involvement of juveniles in urban violence.
4. Mr Carlo Chiaromonte further informed of the forthcoming Conference on organised crime and terrorism, which will be held in Malaga on 25-26 September 2014, and of the fact that radicalisation of vulnerable persons will be among the topics to be discussed. It would be useful to have a PC-CP representative attending the Conference as prisoners are also considered to be vulnerable in this respect and the PC-CP will discuss the issue of radicalisation of prisoners.
5. The Secretariat informed that a PC-CP collaborative workspace has been created for the members which should be used between the meetings to finalise working documents and to place documents not yet ready for publication on the website.

IV. Review of the recommendations and resolutions in prison and probation fields

6. The participants considered the list of recommendations and resolutions contained in the Compendium. All relevant Committee of Ministers recommendations and resolutions in the penitentiary field were reviewed in 2006 and a number of them were considered either too outdated or covered by more recent texts and were therefore taken out of the publication. The same exercise needs to be done on a regular basis as since then 8 new recommendations were adopted. The members decided how to split the work to be done and agreed that the different groups will prepare a list of texts which need updating or need no longer be referred to as being outdated or covered by more recent texts. The same will be discussed when the members meet on the occasion of the Conference in Helsinki.

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

7. The PC-CP Working Group members considered the draft programme of the Conference and also the information provided by the Secretariat and by Mr Esa Vesterbacka, Director of the Finnish Prison and Probation Service (Criminal Sanctions Agency) hosting the event. They thanked Mr Vesterbacka for the kind invitation and took additional decisions regarding possible speakers and moderators. It was also decided that during the Conference the six countries which have not replied to the latest SPACE survey will be contacted in order to enhance future replies. Furthermore it was decided to contact CCJE and CCPE Presidents regarding their participation in the Conference.

VI. Violence in juvenile detention institutions

8. The participants considered the presentation made by Professor Neubacher and his team regarding the outcome of a study on violence carried out in four German prisons for juveniles and young adults in which were involved about 900 detainees over a period of 13 months with a control group for verification of the results. One of the important conclusions of the study was that new technologies should not replace the human factor in working with juveniles in prison as the latter is very important in

helping them desist from crime and reduce violence. In a reply to a question it was also mentioned that the issue of violence among staff and detainees was not part of the study and that there are virtually no studies carried out in Germany on this subject. Professor Neubacher also underlined that it might be necessary to carry out a study on the effect of newly constructed prisons on violence as the modern prisons under construction are often big, with sophisticated technical equipment and high security which increases the tension and aggression among inmates and may have particularly negative effect on juveniles.

9. The participants thanked Professor Neubacher and expressed their willingness to be kept informed of the work of his team in that area (the next research will involve violence among juvenile and young female prisoners).
10. Professor Liefwaard discussed the outcome of the analysis of the replies to the questionnaire on violence in detention institutions for juvenile offenders. 58 replies were received from 39 member states which is impressive and shows that the problem exists and there are concerns about it. On the other hand for most of the countries the problem of violence between staff and juveniles is of insignificant importance while as violence among juveniles in detention is reported to be the biggest problem, of which verbal violence, bullying and mental health problems have the highest prevalence. Professor Liefwaard had referred in his report also to the study carried out by Professor Neubacher and to other similar studies on the issue of violence. He also discussed the difficulties in defining the thin dividing line between admissible and inadmissible use of force by staff, a grey area which has not been sufficiently studied. Professor Liefwaard discussed also some of the major sources of the problem with violence and listed a few good practices which need to be further examined. It was decided that a more advanced report will be presented at the meeting in September with a view of finalising the report for the PC-CP plenary meeting in November 2014.

VII. SPACE surveys for 2012

11. The participants evaluated positively the quality of SPACE I and II surveys for 2012. Nevertheless the Chair expressed concern regarding the delay in publication of the data on the website (the data for the calendar year 2012 are published at the end of April 2014). He suggested that in order to obtain more up-to-date data new deadline for collection of the 2013 SPACE statistics will be set (30 June 2014) in order to prepare the provisional survey for the PC-CP plenary in November 2014. The SPACE team of experts expressed their concern that this would lead to not obtaining data from sufficient number of countries, which will undermine the continuity and the comparability of the data, but agreed to abide by the new deadline.
12. It also considered that there is a need to have some basic data updated on a more regular basis. The SPACE team of experts pointed out that this is already the case and that these data are published on the SPACE website country by country.
13. The question of the definitions used was also raised and it was explained that these have been agreed in the standard-setting Council of Europe texts adopted by the Committee of Ministers and the training session of the national SPACE correspondents organised for the first time in 2013 was very useful in this respect. It allowed conforming to the common use of the agreed terminology and methodology.
14. The Chair and the PC-CP Working Group members urged the Council of Europe to organise such sessions if possible annually.

VIII. Development of a tool for exchange of information and data related to prisons in the Council of Europe member states

15. The PC-CP members took note of the information provided by the Secretary to the PC-OC who informed that the latter would welcome the development of such a tool which could also be of help while taking decisions regarding transfers and extraditions. It then considered document PC-CP (2014) 7 and took note of the opinion of the SPACE team of experts regarding avoidance of overlapping of the exercise with the collection of SPACE data. In this respect it was mentioned that the ICPS is also collecting and regularly updating some basic raw data regarding prisons in the countries worldwide which, if needed, can be used, as they are accessible to all seeking such data.
16. The participants decided that the country factsheets should be used as a general source of basic information related to the penitentiary system of each Council of Europe member states, to the

relevant case-law of the European Court of Human Rights, to the CPT reports and reports and to information coming from other Council of Europe bodies and external sources. In the light of this, the participants revised the country factsheets accordingly and decided that the first country factsheets will be presented during the 19th Conference of Directors of Prison and Probation Services in Helsinki.

IX. Annotated agenda of the PC-CP Plenary meeting in November 2014

17. The participants considered and approved the annotated agenda of their plenary meeting in November 2014 and sent it to the CDPC Bureau for approval (Appendix IV).

X. Radicalisation in prison

18. The participants took note of the presentation made by Mr Jeremy Ghez, external consultant, and debated the issue of radicalisation and de-radicalisation in prison. Mr Ghez underlined that there is lack of data regarding how many persons are concerned with this phenomenon, there is lack of perspective and it is very difficult to find a success formula as human beings are radicalised for a variety of different reasons. It is better to talk about disengagement and not de-radicalisation as disengagement is not so ambitious and aims to make a person stop using radical methods of his ideology without resigning from it (to break the link between beliefs and actions). The ideology is not identically perceived by all persons some of whom may act for financial reasons, others because of beliefs, etc. Radicals may disagree on many points; it is good to know this in order to break the dynamics. It was also stated that nationalist groups do not wish to recruit supporters inside prisons, while religiously radicalised and organised crime groups tend to do this.
19. The participants decided to keep this issue on their agenda for 2015 and meanwhile to consider the opinion of other external consultants. It was decided that from the PC-CP perspective it is important to deal with radicalisation in general and not only with terrorism and to deal with it from the perspective of security and interventions inside prison. It was decided that the issue should be labelled "Can the prison be a place for disengagement from extremist ideologies".

XI. Any other business

20. Mr Antanas Jatkevičius provided feedback regarding his participation in the Conference "Growing with Children's Rights" held in Dubrovnik on 27 and 28 March 2014 where he represented the PC-CP and promoted its work in his presentation. Professor Ton Liefgaard had also been invited to this Conference and this contributed again to the transversality of the activities carried out by the different Council of Europe services.
21. The gender aspects were taken into consideration while discussing the different points on the agenda. There are a number of women speakers at the Conference in Helsinki, women are involved in the work related to the collection of SPACE and data related to women is specifically collected in SPACE; the revision of the recommendations and resolutions will also address the gender aspects. The current meeting was attended by six women.

XII. Dates of the next meetings

22. The dates scheduled for the next meetings are as follows: meeting of the PC-CP Working Group on 1-3 September 2014 (Mecklenburg, Germany); plenary meeting of the PC-CP: 5-7 November 2014 (Strasbourg).
23. The agenda of the next PC-CP Working Group meeting will include: outcome and follow-up to be given to 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; restorative justice in prisons and alternative measures to imprisonment.

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APPENDIX I

AGENDA / ORDRE DU JOUR

1) Adoption of the agenda / Adoption de l'ordre du jour	Order of business
2) Information / Informations	
3) Summary report of the last meeting / Rapport sommaire de la dernière réunion	PC-CP (2014) 3 <i>English / Français</i>
4) Review of the recommendations and resolutions in prison and probation fields / Révision des recommandations et résolutions dans le domaine des prisons et de la probation	Compendium <i>English / Français</i> Summary replies Questionnaire Implementation <i>Bilingual</i>
5) Preparation of the 19th Conference of Directors of Prison and Probation Services (Helsinki, 17-18 June 2014) / Préparation de la 19^e Conférence des Directeurs de services pénitentiaires et de probation (Helsinki, 17-18 juin 2014)	Draft Programme
6) Violence in juvenile detention institutions / Violence dans les institutions pour délinquants mineurs	PC-CP (2014) 4 List of replies
7) SPACE survey 2012 / Enquête SPACE 2012	SPACE I PC-CP (2014) 5 SPACE II PC-CP (2014) 6 Executive Summary
8) Development of a tool for exchange of information and data related to prisons in the Council of Europe member states / Développement d'un outil d'échange d'informations et de données sur les prisons dans le Etats membres du Conseil de l'Europe	PC-CP (2014) 7 List of decisions PC-OC <i>English only</i>
9) Annotated agenda of the PC-CP Plenary meeting in November 2014 / Ordre du jour annoté de la réunion plénière du PC-CP de novembre 2014	PC-CP (2014) OJ 4 ANN

10) Radicalisation in prison / Radicalisation en prison

**Radicalization or
Rehabilitation - Understanding
the challenge of extremist and
radicalized prisoners**

11) Any other business / Questions diverses

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

APPENDIX II

ORDER OF BUSINESS / ORDRE DES TRAVAUX

31 March / mars

1. Opening of the meeting / *Ouverture de la réunion*
2. Adoption of the agenda / *Adoption de l'ordre du jour*
3. Adoption of the summary report of the last meeting / *Adoption du rapport sommaire de la dernière réunion*
4. Information provided by the Secretariat (collaborative space) / *Informations fournies par le Secrétariat (espace collaboratif)*
5. SPACE I and SPACE II/ *SPACE I et SPACE II*
6. Development of a tool for exchange of information and data related to prisons / *Développement d'outils pour l'échange d'informations et des données relatives aux prisons*

1 April / avril

1. Preparation of the 19th Council of Europe Conference of Directors of Prison and Probation Services (Helsinki, 17-18 June 2014) / *Préparation de la 19e Conférence du Conseil de l'Europe des directeurs des services pénitentiaires et de probation (Helsinki, 17-18 juin 2014)*
2. Meeting with representatives of the International Prison Chaplains Association/ *Réunion avec des représentants de l'Association internationale des aumôniers pénitentiaires*
3. Violence in juvenile detention institutions / *Violence dans les institutions pour délinquants mineurs*
4. Review of the recommendations and resolutions in the prison and probation fields / *Révision des recommandations et résolutions dans le domaine des prisons et de la probation*

2 April / avril

1. Radicalisation in prison/ *Radicalisation en prison*
2. Organisation of the 2014 PC-CP plenary meeting / *Organisation de la réunion plénière du PC-CP en 2014*
3. Any other business / *Questions diverses*

APPENDIX III

MEMBER STATES / ETATS MEMBRES

FINLAND / FINLANDE

Esa VESTERBACKA
Director General, Finnish Criminal Sanctions Agency, Helsinki

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Vera MIHAILOV
Spécialiste principale de la Direction des relations publiques, médias et secrétariat du Département des Institutions pénitentiaires, Ministère de la Justice, Chisinau

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
DU CONSEIL DE COOPERATION PENOLOGIQUE
(PC-CP)**

Alina BARBU
Vice-Chair of the PC-CP
Legal expert, Directorate of Drafting legislation Department, Ministry of Justice, Bucharest, Romania

Harald FØSKER
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Vivian GEIRAN
Director, Probation Service HQ, Ireland

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 (***APOLOGISED / EXCUSE***)
Director General, Prison and Probation Administration, Acts of Clemency, Ministry of Justice,
Mecklenburg - Western Pomerania, Schwerin, Germany

Attila JUHÁSZ
Prison Governor, Senior member, Heves County Remand Prison, Eger, Hungary

Dominik LEHNER (Dr.)
Head of Penal Services (Chef d'office d'exécution des peines), Justice and Security Department Basel-City,
Switzerland

Peter LINDSTRÖM
Associate Professor, Stockholm County Police, Sweden

Mauro PALMA
Chair of the PC-CP
Adviser to the Minister of Justice, Roma, Italy

SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES

Natalia DELGRANDE

Criminologue, Responsable de recherche, chargée de cours, Institut de Criminologie et de Droit Pénal, Ecole des Sciences Criminelles, Université de Lausanne, Suisse

Ton LIEFAARD

Professor of Children's Rights (UNICEF Chair), Leiden University, Law School, Leiden, The Netherlands

Yann MARGUET

Criminologue, Assistant diplômé à l'Ecole des Sciences Criminelles de l'Université de Lausanne, Institut de criminologie et de droit pénal, Batochime, Dorigny, Suisse

Dr iur Frank NEUBACHER

Köln Universität, Kriminologische Forschungsstelle, Köln, Germany

Jeremy GHEZ

Expert on Radicalisation, Paris, France

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

MEXICO / MEXIQUE

Apologised/Excusé

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

CONFEDERATION OF EUROPEAN PROBATION / CONFEDERATION DE LA PROBATION EUROPÉENNE (CEP)

Willem VAN DER BRUGGE

Secretary General CEP, Confederation of European Probation, Utrecht, Netherlands

PENAL REFORM INTERNATIONAL (PRI)

Apologised/Excusé

EUROPEAN ORGANISATION OF PRISON AND CORRECTIONALSERVICES (EuroPris)

Esa VESTERBACKA

Director General, Finnish Criminal Sanctions Agency, Helsinki

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)

Apologised/Excusé

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**

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

Irina TANEVA

Secretary to the PC-CP / Secrétaire du PC-CP

Anita VAN DE KAR-BACHELET

Secretary to the PC-OC / Secrétaire du PC-OC

Christine COLEUR

Assistant / Assistante

APPENDIX IV

DRAFT ANNOTATED AGENDA / PROJET D'ORDRE DU JOUR ANNOTE

**Plenary Meeting of the Council for Penological Co-operation (PC-CP)
5-7 November 2014 (9h30)
Strasbourg
AGORA Building, Room G04**

1. Opening of the meeting

2. Adoption of the agenda and the order of business

The PC-CP is invited to adopt the agenda of the meeting and its order of business.

3. Adoption of the summary report of the last meeting

The PC-CP is invited to consider the meeting report, make any comments it might find fit and approve it.

4. Information provided by the Secretariat

The PC-CP is invited to take note of the information provided by the Secretariat.

5. Report of the PC-CP Chair

The PC-CP is invited to take note of the report of the Chair regarding the work carried out by its Working Group since the last plenary meeting.

6. Latest case-law of the European Court of Human Rights related to imprisonment

The PC-CP is invited to take note of the report.

7. Restorative justice and victim offender mediation: the role of prison and probation services

The PC-CP is invited to consider the report on the role of prison and probation services in the field of restorative justice and victim offender mediation and to take any decisions it might find fit regarding possible future work of the PC-CP in this field.

8. Violence in detention institutions for juvenile offenders

The PC-CP is invited to consider the report on violence in detention institutions for juvenile offenders based on the survey of the replies to the questionnaire, the examples of good practices, the recommendations and conclusions contained in it and to make proposals to the CDPC for possible next steps to be taken in this respect.

9. Treatment measures alternative to imprisonment

The PC-CP is invited to consider the survey of the replies to the questionnaire and the report on treatment measures alternative to imprisonment and the recommendations and conclusions contained in it and to take any decisions it might find fit in this respect.

10. Review of the recommendations and resolutions in prison and probation fields

The PC-CP is invited to consider the relevant recommendations and resolutions as contained in the Compendium, as well as the opinion of the PC-CP Working Group regarding their possible updating or regarding other measures to improve their implementation and to take decisions in this respect.

11. Measures to be taken for better visibility and implementation of Recommendation (2014) 3 concerning dangerous offenders and Recommendation (2014) 4 on electronic monitoring

The PC-CP is invited to debate on possible measures to be taken to ensure more visibility and better implementation by the national authorities of the latest Committee of Ministers recommendations in the prison and probation field.

12. Follow-up to be given to the 19th Council of Europe Conference of Directors of Prison and Probation Services (Helsinki, 17-18 June 2014)

The PC-CP is invited to consider the report of the PC-CP Chair and his conclusions presented at the Conference and to take any decisions it might find fit regarding possible follow-up to it.

13. Organisation of the 20th Council of Europe Conference of Directors of Prison and Probation Services

The PC-CP is invited to consider possible topics and overall organisation of the next Conference.

14. SPACE I and SPACE II surveys for 2013.

The PC-CP is invited to examine the SPACE surveys and approve them for publication.

15. Country factsheets for exchange of information related to prisons in the Council of Europe member states

The PC-CP is invited to take note of the country factsheets for exchange of information related to prisons in the Council of Europe member states and if needed to make proposals regarding their contents, layout and regular updating.

16. Co-operation activities in the penitentiary field

The PC-CP is invited to consider the information provided by the Secretariat and to make any comments and proposals it might find fit.

17. Any other business

18. Dates of the next plenary meeting