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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

9th Meeting of the Working Group

Strasbourg, 22-24 April 2015

SUMMARY MEETING REPORT

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

EXECUTIVE SUMMARY

The PC-CP Working Group:

- Approved its agenda, its order of business and the summary meeting report of its 8th meeting;
- Took into account the information provided by Ivan Koedjikov, Head of the Action against Crime Department, DG Human Rights and Rule of Law regarding the recent past and future activities of the Council of Europe in the criminal justice field;
- Welcomed the national delegations of Denmark, Italy, the Russian Federation and the USA, the representatives of the European Union, CPT, CEP and EuroPris, as well as the scientific experts;
- Took note of the information provided by Niccolo Beduschi, EU Delegation to the Council of Europe regarding the forthcoming events organised by the EU in relation to combating terrorism.
- Took into account the information provided by Ms Ilina Taneva, Secretary to the PC-CP and Secretary to the 20th Council of Europe Conference of Directors of Prison and Probation Services (9-10 June 2015, Bucharest, Romania) regarding the state of its preparation and the fact that this year it will be open also to the South Mediterranean countries covered by the EU/CoE joint programme South Programme II (2015-2017);
- Considered the preliminary draft Guidelines on the role prison and probation services can play in dealing with radicalisation and violent extremism and made a number of comments and proposals for amendment. It was agreed in this respect that the Guidelines should contain the general principles to be respected and any practical measures regarding identification, prevention, dealing with radicalisation and violent extremism should be included in a separate document, based on the existing tools and manuals developed nationally and internationally and evaluated in the light of the Council of Europe standards in the area. Confidentiality issues might arise in this respect and need to be taken into account;
- Requested Francesco Ragazzi and Steve Gorman, scientific experts and the Secretariat to redraft the text in good time for the Conference and to translate it also in French and Russian in order to facilitate its consideration by its participants;
- Decided that the revised draft should be sent out by the end of May to all registered participants in preparation for the Conference;
- Further took decisions regarding the organisation of the work in groups on the draft text during the Conference as well as during its panels and the preparation of the summing up and conclusions of the PC-CP Chair for the closing plenary session;
- Decided to request information after the Conference from its participants on actions taken to prevent and deal with radicalisation in order to reflect this in the explanatory memorandum to the Guidelines;
- In continuation of the approval by the CDPC plenary of its plan for revision of the Committee of Ministers Recommendations in the penal law field (doc. PC-CP (2014)16 Rev) considered the draft text of a Recommendation replacing Recommendation Rec(2000)22 and Recommendation (92)16 on the European Rules on community sanctions and measures. The members made a number of proposals and instructed Rob Canton, scientific expert to continue the revision and fusion of the two recommendations and of their explanatory memorandums;
- Took note of the information provided by Ms Kirsten Hawlitschek, Executive Director of EuroPris regarding the Conference on radicalisation which will be held on 8 June 2015 and of the questionnaire sent to the participants in relation to this;
- Took account of the request put forward by Rob Canton in relation a survey on the implementation of EU FD 909 related to the transfer of sentenced persons.

The Working Group of the Council for Penological Co-operation (PC-CP) held its 9th meeting in Strasbourg on 22-24 April 2015 with Mr Mauro Palma in the 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

1. The agenda was adopted (see Appendix I).
2. Mr Ivan Koedjikov, Head of the Action against Crime Department, DG Human Rights and Rule of Law, welcomed the participants and provided information regarding the recent past and future activities of the Council of Europe in the criminal justice field. More specifically he discussed the state of the play with the draft Protocol to the Convention for the prevention of terrorism dealing with foreign terrorist fighters and underlined the importance of the current work the PC-CP is carrying on the drafting of Guidelines on radicalisation and the role of prison and probation services in dealing with it.

II. Summary report of the last meeting of the PC-CP Working Group [Document PC-CP (2015) 1]

3. The PC-CP Working Group considered the summary meeting report of its last meeting and had no comments to make.

III. Items for information

4. Took note of the information provided by Ms Kirsten Hawlitschek, Executive Director of EuroPris regarding the Conference on radicalisation which will be held in the margins of the CDPPS in Bucharest on 8 June 2015 and of the questionnaire sent to the participants in relation to this. Ms Hawlitschek was requested to share the outcome of this survey which would be an interesting source of information when drafting the explanatory memorandum to the Guidelines.
5. Mr Niccolo Beduschi, EU Delegation to the Council of Europe informed of the forthcoming events organised by the EU in relation to combating terrorism, namely a High-Level Conference in October 2015 with the participation of Commissioner Jourova, which will focus on the most effective interventions and management and sentencing practices used for radicalised offenders in the Member States, including in prisons. The outcome may be the adoption of written recommendations or a roadmap which could feed into the December Council. In relation to this DG Justice, in co-operation with the International Centre for Counter-Terrorism (ICCT) may be held a first round of exchanges in May 2015 to identify relevant issues with a few Member States as a run-up to the High-Level Conference.
6. He further informed that in 2015 the fight against terrorism and radicalisation will be a priority of the financial Justice programme. DG Justice will develop with the European Judicial Training Network (EJTN) a dedicated training programme to address radicalisation as one of the root causes of terrorism and will start in the second half of 2015 first training sessions for judges, probation officers and prison directors, followed by a conference in early 2016 bringing together representatives from all sectors in view to a comprehensive report on the EU's role in the fight against terrorism.
7. Mr Rob Canton, scientific expert, requested input from the participants in finalising a EU run survey regarding the implementation of the Council Framework Decision 2008/909/JHA related to the transfer of sentenced persons among EU member states. Apart from agreeing to receive his request by mail in order to re-direct it to the right contact person nationally he was also invited to consult the country information and contact details to be found on the PC-OC web site.

IV. Organisation of the 20th Council of Europe Conference of Directors of Prison and Probation Services (9-10 June 2015, Bucharest, Romania)

8. Ms Taneva informed of the progress with the practical organisation of the Conference in Bucharest. The PC-CP members considered once again the overall organisation of the plenary sessions and of the panels. It was agreed that the participants should be split into small groups in order be able to give their feedback on the draft Guidelines and that the members of the PC-CP Working Group should note down the observations and help the Chair prepare the summary of the discussions and the conclusions. The text of the draft Guidelines should be translated into French and Russian and sent with the English version to the registered participants before the Conference.

V. Guidelines on the role of prison and probation services in dealing with radicalisation and violent extremism

9. The PC-CP Working Group members thanked Mr Francesco Ragazzi, scientific expert for drafting the preliminary version of the document and welcomed Mr Steve Gorman who joined the team of scientific experts as of this meeting.
10. The participants then considered the draft text. The list of suggested definitions was significantly shortened as most of them were already to be found in previous Committee of Ministers recommendations from which they were taken and it was considered that there was no need to repeat them in the current draft. The definitions of “dynamic security”, “radicalisation” and “violent extremism” were retained. It was considered necessary to draft commentary to the text of the Guidelines in order to explain some notions and terms which should remain general in the text of the Guidelines themselves in order to reflect correctly the different legal systems in Europe.
11. There was a debate regarding whether or not to repeat some of the principles and standards contained in the relevant Council of Europe texts. Some participants were of the opinion that there is no need to repeat these while others considered that some very important principles should be repeated in order remind of the need to respect these and in order to avoid references to other texts which would complicate the reading of the Guidelines.
12. There was also discussion of the issue whether or not the role of probation services should be included in the text as was decided at the previous meeting. The issue was raised by Mr Palma as the Committee of Ministers had instructed the CDPC to work on prevention of radicalisation in prisons only (point 5, doc. DD(2015)95). It was again agreed that prison and probation services should work together and that despite the fact that currently there is not much information regarding the probation aspect of the de-radicalisation as the experiences are still scarce there is a need to recommend some guiding principles in this respect and some member states are currently working in this direction.
13. Another issue was also raised in relation to the Committee of Ministers decision, namely that while it uses only the term “radicalisation” the current title of the draft Guidelines evokes also violent extremism. Regarding the term “violent extremism” it was agreed that radicalisation as such is a very general term and may mean any radical view or ideology which does not necessarily lead to violent acts and to terrorism and as such is not punishable. Therefore the Guidelines should specifically address only radicalisation leading to violent extremism.
14. It was also agreed that the Guidelines will address any type of radicalisation leading to violent extremism, be itself, left, right or religiously motivated as the situations are different in the different countries and guidelines at European level need to be of use for the majority of the member states.
15. Some members of the Working Group expressed concern regarding the value of the topic in the present general prison context internationally as according to them radicalisation is not seen as a significant problem by some practitioners, particularly those in jurisdictions where radicalisation to violent extremism has not yet impacted directly. They were of the opinion that only very few persons are being radicalised in prisons and therefore prisons should not be put in the centre of public attention as being one of the sources of radicalisation.
16. On the basis of this aspect of the discussion, Mr Mauro Palma, as Chair of the meeting, asked for a confirmation about the intention of the participants to continue drafting the Guidelines and to discuss these at the forthcoming Conference. The participants confirmed that there was a need to consult the Directors of prison and probation services and the Conference was a good opportunity to do this. It was stressed again in this respect that the Guidelines should contain the general principles to be respected. It was further proposed that any practical measures regarding identification, prevention, dealing with radicalisation and violent extremism could be included in a separate document, based on the existing tools and manuals developed nationally and internationally and evaluated in the light of the Council of Europe standards in the area. Confidentiality issues might arise in this respect and need to be taken into account. Therefore the opinion of the Directors needs to be sought at the Conference regarding such possible drafting exercise, its implications, its rate of confidentiality and its utility.
17. It was decided that the Secretariat and the two scientific experts will be working in the coming weeks to produce a revised version of the draft text of the Guidelines which should be ready by 25 May and should be sent in English and later in French and Russian to all registered participants before the start of the Conference. A commentary to the draft Guidelines will be edited after the Conference as it is expected that amendments to the Guidelines will be introduced after consulting the Directors.

VI. Fusion of Recommendations n° R (92) 16 and Rec(200)22, revision of their glossary and updating of their explanatory memoranda

18. The CDPC plenary in December 2014 approved the PC-CP proposals regarding the revision of the Committee of Ministers Recommendations in the penal law field (doc. PC-CP (2014)16 Rev). As a follow-up to this Mr Rob Canton, scientific expert presented a document (PC-CP (2015) 3 in which are put together the texts of Rec(2000)22 and Recommendation (92)16 on the European Rules on community sanctions and measures.
19. The members made a number of proposals and instructed Mr Canton to continue the revision and fusion of the two recommendations and the fusion and updating of their explanatory memorandums and to present a revised text at the next meeting of the Working Group in September 2015. It was further suggested to finalise and approve the new recommendation and its commentary at the PC-CP plenary meeting in November 2015. After some discussion it was considered better to postpone this for 2016 as the approval of the draft Guidelines on radicalisation and their commentary at the same meeting will demand full attention by the national delegations and could take the majority of the meeting time.

VII. Dates of the next meetings

20. The next meeting of the PC-CP Working Group is scheduled to be held on 14-16 September 2015. The next PC-CP plenary meeting is scheduled to be held on 17-19 November 2015.

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APPENDIX I

AGENDA / ORDRE DU JOUR

1. Opening of the meeting / Ouverture de la réunion

**2. Adoption of the agenda and the order of business /
Adoption de l'ordre du jour et de l'ordre des travaux**

**3. Adoption of the summary report of the last meeting /
Adoption du rapport sommaire de la dernière réunion**

***PC-CP (2015) 1
English / Français***

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

5. Radicalisation in prisons / Radicalisation dans les prisons

***PC-CP (2015) 2
English / Français***

***Guidelines of the Committee of
Ministers
of the Council of Europe
on human rights and
the fight against terrorism***

*Lignes directrices du Comité des Ministres
du Conseil de l'Europe
sur les droits de l'homme
et la lutte contre le terrorisme*

**6. Review of the Recommendations and Resolutions in
prison and probation fields / Examen des Recommandations
et des Résolutions dans les domaines des prisons et de la
probation**

***PC-CP (2015) 3
English / Français***

***PC-CP (2014) 16 rev 2
English / Français***

**7. Organisation of the 20th Council of Europe Conference of
Directors of Prison and Probation Services / Organisation de
la 20^e Conférence du Conseil de l'Europe des Directeurs des
services pénitentiaires et de probation**

www.coe.int/cdpps2015

8. Any other business / Questions diverses

APPENDIX II

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBER STATES / ETATS MEMBRES

DENMARK / DANEMARK

Ina ELIASSEN

Director of Copenhagen Region, Kriminalforsorgen, Områdekantor København og Nordsjælland, Sankt Kjelds

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RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Leonid KLIMAKOV

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**WORKING GROUP OF THE COUNCIL FOR PENOLOGICAL CO-OPERATION / GROUPE DE TRAVAIL DU
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UNITED NATIONS CHILDREN'S FUND (UNICEF)
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Apologised/Excusé

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