



Strasbourg, 25 September 2017
PC-CP/docs 2017/PC-CP(2017)15_E

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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

16th meeting of the Working Group
Strasbourg, 20-22 September 2017

SUMMARY MEETING REPORT

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

EXECUTIVE SUMMARY

The PC-CP Working Group (WG):

- Welcomed the representatives of the Russian Federation and Japan, as well as of the European Forum for Restorative Justice (EFRJ); Penal Reform International (PRI); the Confederation of European Probation (CEP), as well as the CPT, the ECtHR and the CAHENF;
- Took note of the opening address made by Mr Ivan Koedjikov, Head of the Action against Crime Department, DG Human Rights and Rule of Law, and in particular the information regarding the forthcoming adoption of the PC-CP terms of reference for 2018-2019, as well as the fact that some activities in the criminal law field were postponed due to non-payment of part of the membership contribution to the Organisation by one of the member states. This does not concern the current PC-CP work. Therefore the latter is expected to accomplish its tasks as planned and to ensure the usual quality of the texts drafted;
- Took note of the information provided by the Secretariat regarding the drafting meeting in July 2017 for revising the draft recommendation concerning children with parents in prison and welcomed the additional consultant Aisling Parkes, provided by the Division for the Rights of the Child. It further thanked the three scientific experts Kate Philbrick, Aisling Parkes and Maria Wolleswinkel for their work. It then considered the revised draft recommendation and its draft explanatory report, took note of the fact that the CDPC Bureau comments and suggestions were taken into consideration and that the structure and contents were thoroughly revised during the summer. It then made supplementary comments and proposals for amendments and additions. The finalised draft texts should be sent to the Secretariat not later than 26 September in view of the forthcoming CDPC Bureau meeting;
- Took note with satisfaction of the fact that after the hearing of the PC-CP Chair, Mr Vivian Geiran and its Secretary, Ms Iliana Taneva in February 2017 by the LIBE Committee of the EP, in their report on prison systems and conditions and in the draft EP resolution (document A8-0251/2017) were reflected the most recent standards drafted by the PC-CP, approved by the CDPC and adopted by the Committee of Ministers, as well as the White paper on prison overcrowding and the issue of children with imprisoned parents. Noted also that the forthcoming 11th Forum on the Rights of the Child “Children deprived of their liberty and alternatives to detention” (Brussels, 7-8 November 2017) will hold a special session on children of imprisoned parents and that the CM recommendation currently drafted by the PC-CP itself is attuned to the international attention attached to this issue;
- Took note of the information provided by the scientific expert, Ian Marder, regarding the consultations over the summer with the EFRJ on the text of the draft recommendation on restorative justice; regarding the definitions used in the text and the slight re-structuring of the recommendation after the discussions held during the PC-CP WG meeting in April 2017. It further considered the revised draft recommendation on restorative justice in criminal matters and its draft explanatory report and made some additional proposals for amendments and additions. It thanked the scientific expert for the quality of his work. It was decided that the text of the draft recommendation and the explanatory report will be combined in one document to facilitate the reading by the participants in the PC-CP plenary meeting. The finalised draft texts should be sent to the Secretariat not later than 26 September in view of the forthcoming CDPC Bureau meeting;
- Considered the draft updated commentary to the European Prison Rules and the additional proposals made by the scientific expert, Professor Dirk van Zyl Smit as contained in the document as well as in the letter addressed to them. It discussed in details the text, considered the contributions made by the different representatives, including by the representative of PRI and decided that, before further working on the commentary, additional guidance is needed from the CDPC regarding the proposals made by the scientific expert. The revision of the commentary has proven to require careful examination of the existing case-law, the CPT standards as well as other international instruments and in the first place the Nelson Mandela Rules (2015). The revision may also necessitate amending certain rules. Certain participants were of the opinion that, apart from the rules suggested for amendment by the scientific expert, the rules related to staff should also be amended or a separate set of standards should be developed as the current rules related to staff were considered too general and insufficient. The participants agreed finally that the revision requires additional input from the CPT (which is currently revising some of their standards) and the ECtHR. Therefore it approved the proposal made to include the draft text among the working documents but not to examine it in details during the forthcoming PC-CP plenary meeting. The agenda of this meeting will be anyway rather busy because at it will be discussed and finalised two draft recommendations and their explanatory reports. It further agreed that

the text of the updated and revised commentary should be finalised in 2018 in the light of the comments and proposals made at the CDPC and the PC-CP plenaries;

- Took note of the information provided by the PC-CP Chair, one of its members and the Secretariat regarding the past meeting of the CDPC sub-group on prison overcrowding (June 2017) and the proposal made to hold a high level Conference on this issue in 2018 or 2019;
- Considered the conclusions adopted at the 22nd Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) and agreed that staff recruitment and development are very important for good prison and probation management and that at the PC-CP plenary meeting the participants should be invited to actively promote nationally the conclusions of the Conference and the need to improve staff training. It further agreed to propose the holding of a Conference to which will be invited the prison staff training schools in order to discuss and agree on the quality standards related to the duration and contents of staff training, certification and development. It also discussed the need to elaborate, as a follow-up to this Conference, Council of Europe guidelines/standards on this subject;
- Considered the proposals made by the Estonian prison administration regarding the topic of the 23rd CDPPS (19-20 June 2018, Jõhvi, Estonia) and decided that the suggested title of the Conference should be as follows: "Working together effectively: Management and co-operation models between prison and probation services". It took note of the interest of the American Association of State Correctional Administrators (ASCA) in taking part in the CDPPS and agreed that an invitation to that effect will be sent to them in due course;
- Took note of the presentation made by Ms Naomi Trewinnard, DG II, regarding the forthcoming publication of the Guide for parliamentarians for monitoring places of deprivation of liberty of children as a result of immigration procedures and decided to promote this document on the PC-CP web site once adopted;
- In view of the forthcoming expiration of the terms of office of four of its elected members, including its current Chair and Vice-Chair, decided to elect Mr Dominik Lehner (Switzerland) as their next Chair and Mr Attila Juhász (Hungary) as their next Vice-Chair for the period January-December 2018. Noted therefore that two new members of the PC-CP WG should be elected at the next CDPC plenary session in November 2017 and that the attention of the participants at the next PC-CP plenary meeting in November 2017 should be drawn to these vacancies;
- Decided that the dates of the PC-CP meetings in 2018 will be as follows: meetings of the PC-CP WG: on 22-24 January 2018; on 11-13 April 2018 and on 17-19 September 2018. The PC-CP plenary meeting will be held on 5-7 November 2018.

AGENDA

Agora Building - Room G04, Strasbourg

20-22 September 2017 (9:30 am)

	1. Opening of the meeting
	2. Adoption of the agenda and the order of business
PC-CP (2017) 9	3. Summary report of the last meeting
	4. Information provided by the Secretariat
PC-CP (2017) 3 rev PC-CP (2017) 14	5. Revision of the commentary to the European Prison Rules
PC-CP (2017) 6 rev 3 PC-CP (2017) 12	6. Restorative justice in prison and probation fields <ul style="list-style-type: none"> • EU Directive on crime victims • CEPEJ Guidelines • EFRJ Comments
PC-CP (2017) 7 rev 3 PC-CP (2017) 13 rev 2 CDPC (2017) 11	7. Children of imprisoned parents <ul style="list-style-type: none"> • Principles of Action for Children with a parent in prison: Explanatory document • Principles of Action for Children with a parent in prison
Conclusions	8. Follow-up to the 22nd Council of Europe Conference of Directors of Prison and Probation Services (20-21 June 2017, Norway)
	9. 23rd Council of Europe Conference of Directors of Prison and Probation Services (June 2018, Estonia)
CDPC (2017) 9 CDPC (2017) 10	10. Prison Overcrowding
	11. Guide for parliamentarians for monitoring places of deprivation of liberty of children as a result of immigration procedures
Draft TOR 2018-2019	12. Terms of reference and elections
European Parliament Report A8-2017-0251 Amendment 1 Draft Agenda 7th Plenary Meeting	13. Any other business
	14. Dates of the next meetings

LIST OF PARTICIPANTS

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