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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

19th meeting of the Working Group
Strasbourg, 17-19 September 2018

SUMMARY MEETING REPORT

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

EXECUTIVE SUMMARY

The PC-CP Working Group (WG):

- Took note of the opening address made by Mr Carlo Chiaromonte, Head of Division and Secretary to the European Committee on Crime Problems (CDPC) and of the information provided regarding the latest decisions taken at the CDPC plenary in June 2018;
- Thanked the scientific experts, Professor Dirk van Zyl Smit and Mr Harvey Slade for their proposed amendments and additions to certain Rules of the European Prison Rules and their respective commentary, examined their proposals and made some additional drafting suggestions;
- Thanked the scientific experts, Mr Torben Adams and Dr Nicola Carr for their work on a first draft of Guidelines regarding recruitment, selection, training and professional development of prison and probation staff and made some suggestions regarding the structure and contents of the document;
- Considered the information provided by Mr Jan Kleijssen, Director of Information Society and Action against Crime Directorate regarding artificial intelligence and its possible impact on our societies, as well as regarding the work carried out by the different Council of Europe bodies in this field and took note of the new web site dedicated to this area;
- Considered the outline of the draft programme of the 24th Council of Europe Conference of Directors of Prison and Probation Services (21-22 May 2019, Cyprus) and agreed on its title, general aim and contents;
- Considered the proposal made informally during the last CDPPS in Estonia (June 2018) to co-organise the future Conferences with EuroPris and the CEP and was of the opinion that it would allow to make these Conferences a good combination of promotion of the Council of Europe latest standards in the area and practical workshops dedicated to priority questions of interest to prison and probation Directors and decided to continue the discussions at one of its forthcoming meetings;
- Took note of the information provided by the Secretariat and by EuroPris regarding SPACE;
- Took note of the information provided by the participants regarding their participation in meetings related to prison and probation questions and organised by other organisations or member States, as well as of the manner in which the PC-CP work was promoted at such events;
- Noted that gender mainstreaming issues were discussed at the meeting when dealing with the revision of the European Prison Rules and with the Guidelines regarding recruitment, selection, training and development of prison and probation staff;
- Agreed on the dates of the next meetings as follows: the dates of 8th PC-CP plenary meeting: 6-8 November 2018; PC-CP WG meetings in 2019: 4-6 February; 1-3 April and 25-27 September 2019 and the date of the 9th PC-CP plenary meeting 5-7 November 2019.

1. The Council for Penological Co-operation WG held its 19th meeting in Strasbourg on 17-19 September 2018 with Mr Dominik Lehner in the Chair and Mr Attila Juhász as Vice-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. Summary report of the last meeting. Information provided by the Secretariat

2. The agenda (see Appendix I) and the order of business were adopted. The meeting report of the 18th PC-CP WG meeting (document PC-CP (2018) 8) was approved without further observations.
3. The participants took note of the opening address made by Mr Carlo Chiaromonte, Head of Division and Secretary to the European Committee on Crime Problems (CDPC) who greeted the PC-CP WG members and scientific experts and welcomed the presence of a number of national delegations from the Council of Europe member and Observer States, as well as of EuroPris, CEP, the ECtHR and CPT. They took note also of the information regarding the last CDPC plenary meeting and regarding its planned priority activities for 2019. Of these the work in the field of the links between terrorism and organised crime (to be carried out according to the CoE Counter-Terrorism Strategy for 2018-2022 in a coordinated manner by the CDPC and the CDCT) would be of importance for the PC-CP's own work in case there is a need to revise and update the Handbook for prison and probation services regarding radicalisation and violent extremism.
4. Mr Chiaromonte informed the participants that, in view of the busy agenda of the next CDPC plenary meeting and due to the short time between the PC-CP plenary and the CDPC plenary (two weeks), the final approval of the amendments suggested to the European Prison Rules should be done by the CDPC in 2019.

II. Revision of certain rules of the European Prison Rules (EPR)

5. At the last CDPC plenary meeting in June this year the revised and updated commentary to the European Prison Rules was approved and sent to the Committee of Ministers to be taken note of. At the same time the CDPC accepted the arguments in favour of revising certain rules of the EPR and has given the PC-CP the mandate to do so. In accordance with the said decision the following Rules could be amended, by order of priority: Solitary confinement (Nos 3, 24, 53 and 60.5), Women (No 34), Complaints (No 70), Inspections and monitoring (Nos 92 and 93), Foreign nationals (No 37), Adequate staffing level (Nos 71 to 91), Use of restraints (No 68), Records and file management (No 15.1) as well as some technical changes in the Preamble in order to align them to the most recent judgments of the ECtHR and the CPT standards as well as to the UN Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules).
6. The participants considered document PC-CP (2018) 15, prepared by the two scientific experts, Professor Dirk van Zyl Smit and Mr Harvey Slade, which contains proposals for amending some of the existing Rules or for broadening their scope in line with the developments of the case law of the Court and the CPT standards. In the document were also reflected ensuing changes of the commentary to these rules.
7. The participants took into consideration that Penal Reform International (PRI), which has an observer status with the PC-CP and the Association for the Prevention of Torture (APT) have produced and sent to the experts and to the Secretariat written proposals, which were posted on the agenda, were examined by the experts before the start of the meeting and some of these were reflected in the document. The European Prison Litigation Network (EPLN) sent very late comments, relating to Rule 70, which were examined during the meeting itself.
8. The participants thanked the ECtHR and CPT representatives for their contributions to the revision process (both written and oral).
9. The participants started with the rules related to solitary confinement where the definition of its different forms was taken from the CPT findings and reports and not from the Mandela Rules which only deal with regulating the use of solitary confinement as a disciplinary punishment but not with the other forms it might take in practice. The four suggested forms are as follows: solitary confinement as a result of court decision in relation to pre-trial detainees; for administrative purposes in relation to good order, for protective purposes and as a disciplinary punishment. Some additional drafting suggestions were made by the participants and as a result some additional changes to Rules 53 A to 53 D and their commentary were introduced.
10. The participants then considered the new Rule 34 related to women and made further drafting proposals, which were reflected in the Rules itself as well as in the commentary to it. They relate to the child caretaking responsibilities and to the special needs of women prisoners.

11. Rule 37, related to foreign prisoners, contains now a new paragraph 37.1.A on facilitating and maintaining the family relations of foreign prisoners and a new 37.7 paragraph relating to the eligibility of foreign prisoners for early release as well as an addition clarifying that the information they receive from the prison authorities should be in a language they understand.
12. Rule 60 related to types of disciplinary punishments was complemented by a new paragraph that instruments of restraint should never be used as a punishment. Three new paragraphs (60.5.a, 60.5.b and 60.5.c) deal with solitary confinement used as a disciplinary measure.
13. Rules 68 and 70 and their respective commentary (relating respectively to instruments of restraint and to requests and complaints) were significantly revised.
14. Rule 83.a. related to prison management was revised to reflect the need for ensuring minimum service in case of staff shortages due to different reasons.
15. The commentary to Rule 92, Governmental inspection was revised (the Rule itself had only minor editing changes) and Rule 93 and its commentary (Independent monitoring) were revised and expanded.
16. To Rule 15.1 were added two new paragraphs specifying what additional information on a prisoner is to be collected at entry and regularly updated thereafter. A new Rule 16.A was added relating to the confidentiality and data protection in information collection. (This part was sent for an opinion from the Bureau of the Committee on Data Protection).

III. Guidelines regarding recruitment, selection, training and professional development of prison and probation staff

17. The participants thanked the two scientific experts, Mr Torben Adams (expert on prison staff training, Germany) and Dr Nicola Carr (expert on probation staff training, Ireland) and the Secretariat for producing (at the end of the summer holidays) the first draft of the Guidelines which was considered to be a very good basis for further work. Everybody agreed that the division of the needs and requirements between prison and probation staff in some parts of the text reflects correctly the reality in the member States. It was also considered important to indicate that not only prison staff needs their training facilities but it would be also advisable to open training facilities or special courses for probation staff who usually have university degree at entry but who have in addition to be trained to work with offenders.
18. The discussions regarding the entry educational level of basic grades prison staff revealed that there are huge differences in the length of training offered and that often, due to the lack of sufficiently numerous and qualified candidates, countries allow candidates with lower educational level to postulate. They should be warned that in this case the length and costs of initial training should be increased and this should be budgeted in order to prepare and train well staff for their future tasks and duties. E-learning was considered a good option in many cases. Some countries shared their recent experiences in staff recruitment and training: due to the lack of staff, the initial training was reduced from 8 to 6 months (the practical training, which is very important, was abandoned and the rest of the training material was condensed) in order to fill in the vacancies quicker. All these are signs that the prison administrations in many countries cannot cope with the rising number of tasks and responsibilities put on staff, have difficulties in offering sufficient training and career prospects, status and salary.
19. The participants agreed that the quality of staff depends on the time spent for their training and the money invested in that. In relation to the use of new technologies and artificial intelligence, it was underlined that the importance of training staff in inter-personal and intercultural skills, professional ethics and dynamic security becomes more and more evident. The importance of good quality teachers and teaching tools was also mentioned. Teaching prison and probation staff demands specific qualities and knowledge and the joint training with other agencies is very important to ensure multi-agency and multi-disciplinary co-operation. International exchanges were considered very positive in this respect.
20. The scientific experts took note of all comments and suggestions and agreed to send a revised version of the draft Guidelines on 2 October 2018 in good time for the PC-CP plenary meeting.

IV. 23rd Council of Europe Conference of Directors of Prison and Probation Services (19-20 June 2018, Estonia)

21. The participants discussed the organisation and the outcome of the Conference. Apart from the long distances to be travelled during it, it was a very well organised event, very well focused with a number of very good quality and useful presentations and discussions during the workshops and at the plenary sessions. It allowed to get a picture of the different management systems and practices in the Member States, to make comparisons and to take back good ideas.

- V. 24th Council of Europe Conference of Directors of Prison and Probation Services (21-22 May 2019, Cyprus)**
22. Mr Jan Kleijssen, Director of Information Society and Action against Crime Directorate, discussed the work carried out by a number of Council of Europe bodies and related to artificial intelligence (AI). He underlined that this is a grey area which needs regulations and which can have both very positive but as well as very negative effects on our societies, many of which are still unknown. AI also enters the prison and probation world with the use of computer algorithms to predict offender's behaviour, which will have an impact on prison releases, sentencing practices and so on.
23. The participants agreed that a number of data protection, human rights and ethical issues are related to the use of AI and that modern prisons are already equipped with latest technologies and a lot of functions related to security are computerised and allow for data collection and analysis. They also noted that the need for special services and care to be provided to elderly and disabled prisoners can be met by robots as is already the case in care houses for elderly or disabled persons in some countries.
24. The participants considered the outline of the draft programme of the 2019 CDPS and agreed to the following title: "Prison and Probation Services towards Digital Transformation: Quality, Effectiveness, Ethical standards". Regarding the titles of the workshops and possible speakers, it was decided to continue the discussions by e-mail at this stage and come back with more specific proposals in good time for the PC-CP plenary meeting in November 2018.
25. The participants considered the proposal made informally during the last CDPPS in Estonia (June 2018) to co-organise the future Council of Europe Conferences with EuroPris and the CEP and was of the opinion that this will allow to shorten the overall length of the events to two and a half days (currently three and a half working days). As the Directors General usually need to return to their posts quicker, some of them do not attend the EuroPris event and some the second day of the CDPPS. The Probation Directors attend only the CDPPS. Apart from shortening the overall length, this proposal can make these Conferences a good combination of promotion of the Council of Europe latest standards in the area and of practical workshops dedicated to priority questions of interest to prison and probation Directors, where the input from EuroPris and the CEP will be very valuable.
- VI. Gender mainstreaming**
26. In the meeting took part 17 women and 22 men of whom the PC-CP WG members were 5 women and 4 men. The Secretary to the committee as well as one of the scientific experts were women.
27. In the course of the discussions issues related to gender mainstreaming and non-discriminatory treatment were discussed under the following points: (a) the EPR and their commentary (more detailed rules related to women in prison were added in) and (b) the Guidelines regarding recruitment, selection, training and development of staff.
- VII. The SPACE EU/CoE funded Project**
28. The Secretariat informed of the latest developments regarding the project. The two longitudinal studies which resulted from the first Project (which ended on 31 March 2018) are already finalised by the team of experts led by Professor Marcelo Aebi (University of Lausanne, Switzerland). The second Project started on 1 April 2018 and will last 18 months. Its outcome is expected to be in the form of two researches: (a) a report on differences in the legal definitions of offences across Europe, which will allow a comparison of the prison population by offence observed on the continent; (b) a report on trends in conviction statistics since 2005 by type of offence, which will allow a comparison of the trends observed in the composition of the prison population.
29. Mr Hans Meurisse, EuroPris reported on the recent agreement concluded with the University of Lausanne with the aim of collecting and posting several indicators related to prison numbers on the EPIS part of the EuroPris web site.
- VIII. Any other business**
30. The participants took note of the information provided by Ms Annie Devos, Ms Nadya Radkovska and Mr Attila Juhász regarding their participation in meetings held by other organisations at which they promoted the PC-CP activities in the prison and probation fields.
31. They also took note of the information provided by EuroPris and by CEP regarding meetings and events organised by them in the course of this and next years.

IX. Dates of the next meetings

32. The dates of the next plenary meetings are: 6-8 November 8th PC-CP plenary meeting; 5-7 November 2019 9th PC-CP plenary meeting. The dates of the next PC-CP WG meetings are: 4-6 February; 1-3 April and 25-27 September 2019.

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AGENDA

	1. Opening of the meeting
	2. Adoption of the agenda and the order of business
	3. Summary report of the last meeting
PC-CP(2018)8	Summary Meeting Report of the 18th Working Group Meeting
CDPC(2018)11 CDPC(2018)7	4. Information provided by the Secretariat
PC-CP(2018)15	5. Revision of the European Prison Rules <ul style="list-style-type: none"> • Submission by Penal Reform International and the Association for the Prevention of Torture on the European Prison Rules revision
PC-CP(2018)4rev	Updating the European Prison Rules: Analytical Report
	6. Follow-up to the 23rd Council of Europe Conference of Directors of Prison and Probation Services (19-20 June 2018, Estonia) <ul style="list-style-type: none"> • Conference website
	7. Draft Guidelines regarding recruitment, selection, training and development of prison and probation staff
PC-CP(2018)14	Draft Guidelines <ul style="list-style-type: none"> • Information about the training of the Prison and Probation Staff in some Council of Europe Member States provided by the National Prison and Probation Services • Powerpoint Presentation Mr Torben Adams
	8. EU/Council of Europe funded project SPACE statistics and the work with the national correspondents <ul style="list-style-type: none"> • Link to the latest publications
	9. Topics and scenario for the holding of the 24th CDPPS (Cyprus, May 2019) <ul style="list-style-type: none"> • Draft Outline of the Programme
	10. Feedback from participation in other meetings
	11. Gender mainstreaming
	12. Any other business
	13. Dates of the next meetings

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