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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

17th meeting of the Working Group
Strasbourg, 22-24 January 2018

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 two newly elected members of the Working Group, Ms Anna Ferrari (Italy) and Mr Robert Friškovec (Slovenia), as well as the representatives of Moldova, the Russian Federation, Spain and Japan, of the Confederation of European Probation (CEP), of EuroPris and CPT;
- Took note of the information provided by Mr Carlo Chiaromonte, Head of Division and Secretary to the CDPC regarding the past CDPC plenary meeting in December 2017 and in particular the approval of the draft recommendation on children of imprisoned parents (expected to be adopted by the Committee of Ministers by the end of March 2018). Regarding the draft recommendation on restorative justice the CDPC decided to request written comments, if any, to be sent by the end of February 2018 (due to the need to leave more time to the national delegations to consider the draft text in greater details). In the light of these the CDPC Bureau will decide how to proceed with the finalisation of the text;
- Further took information of the current budgetary situation due to the non-payment of part of the membership contribution for 2017 to the Organisation by one of its Member states and to the unexpected reduction of the membership contribution of another Member state and of the ensuing possible reduction or postponement of some activities in the criminal law field;
- Regarding the revision and the updating of the commentary to the European Prison Rules (EPR) and the PC-CP opinion that it might be necessary also to revise the EPR themselves, took note of the decision of the last CDPC plenary to instruct the PC-CP to produce two separate documents: a revised and updated commentary to the EPR and a document containing specific proposals for revision of certain rules of the EPR as well as the reasons for this;
- Considered the draft revised commentary to the EPR and gave further instructions to the scientific experts (Professor Dirk van Zyl Smit and Harvey Slade) regarding its form and contents as well as regarding the separate document to be presented at the next CDPC containing proposals for revision of some specific rules of the EPR;
- Considered its mandate for 2018-2019 and the work to be carried out, as well as of the decision taken at the last CDPC plenary meeting to entrust the PC-CP (as a follow-up to the conclusions of the 22nd Conference of Directors of Prison and Probation Services in June 2017) to draft a manual regarding the criteria for staff selection, training and development. In relation to the latter task took note of the four presentations made by representatives of the penitentiary services of France (Ms Nathalie Boissou), Germany (Mr Joachim Oberfell-Fuchs), Norway (Mr Christian Øvergaard) and the Netherlands (Mr Robert Josten) regarding their national systems, procedures and criteria in this area;
- Took note of the information provided by the Secretariat regarding the SPACE project and the co-funding provided by the European Commission for the period (2018-2019) and regarding the expected publication of SPACE I and SPACE II data for 2016 and took note of the request to send all observations and comments on the draft publications to Professor Aebi in due course;
- Considered the draft programme of the 23rd Council of Europe Conference of Directors of Prison and Probation Services (19-20 June 2018, Estonia) and made some further proposals regarding titles and contents of the workshops, speakers and moderators;
- Took note of the presentation made by Ms Carlien Scheele, Senior Gender Equality Adviser, DG II and held a discussion regarding the impact of this issue on the outcome of its own work, agreeing that the gender aspect is very pertinent in the area of execution of penal sanctions and measures and that gender impact evaluation needs to be carried out when drafting standard-setting texts in this field.

1. The Council for Penological Co-operation WG held its 17th meeting in Strasbourg on 22-24 January 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 PC-CP plenary meeting [PC-CP (2017) 18] was approved without further observations.
3. Mr Carlo Chiaromonte, Head of the Criminal Law and of the Counter Terrorism Divisions and Secretary to the European Committee on Crime Problems (CDPC) informed the participants of the discussions and decisions taken at the past CDPC plenary meeting in December 2017, namely the approval of the draft recommendation on children of imprisoned parents (expected to be adopted by the Committee of Ministers by the end of March 2018). Due to the need for additional time for consultations at national level, it was decided, regarding the draft recommendation on restorative justice, to invite the national delegations to provide written comments to the text (to be sent to the Secretariat by 16 February 2018). In the light of these the CDPC Bureau will decide in March 2018 how to proceed with the finalisation of the text.
4. Mr Chiaromonte also informed of the current budgetary situation due to the non-payment of part of the membership contribution for 2017 to the Organisation by one of its Member states and to the unexpected reduction of the membership contribution of another Member state. This situation may lead to the reduction or postponement of some activities in the criminal law field planned to be carried out in 2018.

II. Revision of the commentary to the European Prison Rules (EPR)

5. At its previous meeting in September 2017 the PC-CP Working Group discussed the draft revised commentary to the EPR and in addition considered the arguments for revision of certain rules of the EPR themselves in the light of the standards in the area developed by the European Court of Human Rights in its relevant case law and by the CPT in the course of the last decade, as well as in the light of the new UN Standards Minimum Rules for the Treatment of Prisoners (2015). The CDPC plenary in December 2017 decided in relation to this to instruct the PC-CP to produce two separate documents: a revised and updated commentary to the EPR and a document containing specific proposals for revision of certain rules of the EPR as well as well-developed reasons for this.
6. The participants considered the draft revised commentary to the EPR and gave further instructions to the scientific experts (Professor Dirk van Zyl Smit and Harvey Slade) regarding its form and contents as well as regarding the separate document to be presented at the next CDPC plenary meeting containing proposals for revision of some specific rules of the EPR.

III. PC-CP terms of reference for 2018-2019, tasks and working methods

7. The PC-CP WG members considered its mandate for 2018-2019 and the work to be carried out, as well as of the decision taken at the last CDPC plenary meeting. In relation to the high level Conference on prison overcrowding they noted that the same was planned to be organised in 2019 and that the PC-CP WG will be invited to contribute by making suggestions regarding speakers and contents.
8. The participants were also informed of a new project funded by the EU and run in the framework of the second phase of "HELP in the 28" project, which will deal with training of magistrates and of prison and probation staff on dealing with radicalisation and violent extremism. Some of the PC-CP WG members and of the experts involved in the drafting of the Handbook will take part in the launching seminar planned for 15 March 2018. This will allow to ensure continuity of the work done so far and will promote the better implementation of the Guidelines and the Handbook.
9. They also noted that the work on a manual (see Chapter V) does not appear in the list of PC-CP tasks for 2018/2019. The Secretariat informed the WG members that the draft mandate was sent to the Committee of Ministers before the conclusions of the 22nd CDPPS and also before the CDPC plenary decided at the end of 2017 to entrust the PC-CP with this task.
10. Regarding the tasks related to sex offenders and to mental healthcare, it was noted that these issues have been in the centre of attention of the PC-CP since several years already and that work needs to start in this area in the near future.

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

11. The participants took note of the information provided by the Secretariat regarding the Conference venue and the logistical part of its organisation. They also considered the draft programme and made some further proposals regarding titles and contents of the workshops, speakers and moderators.
12. Regarding the issue of combatting corruption among staff members, it was decided to have a joint presentation from GRECO and the CPT of the findings and recommendations regarding this negative phenomenon at the CDPPS in 2019.

V. Manual/Handbook regarding recruitment and training of prison and probation staff

13. The participants took note of the decision taken at the last CDPC plenary meeting to entrust the PC-CP (as a follow-up to the conclusions of the 22nd Conference of Directors of Prison and Probation Services in June 2017 in Norway) to draft a manual/a handbook regarding the criteria for staff selection, recruitment, training and development. In relation to the latter task they took note of the four very interesting and informative presentations made by the representatives of the penitentiary services of France (Ms Nathalie Boissou), Germany (M. Joachim Oberfell-Fuchs), Norway (M. Christian Øvergaard) and the Netherlands (M. Robert Josten) regarding their national systems, procedures and criteria in this area.
14. The discussions which followed showed that there are similarities as well as differences among the systems presented and that the stress in all presentations was put on prison staff, shredding much less light on the selection, recruitment, training and development of probation staff. It was therefore decided to invite at the meeting in April 2018 experts who can present this part of the topic and to then decide how to structure the work as the topic is vast and choices need to be made regarding its priority areas of interest.

VI. Gender mainstreaming

15. The composition of the PC-CP WG has evolved since the last elections in December 2017 and the group is now composed of 5 women and 4 men. 16 of the participants were men and 13 women.
16. In the course of her intervention on gender mainstreaming, Ms Carlien Scheele underlined that in accordance with the international agreements no social, cultural or religious reasons can allow, justify or tolerate violence against and discrimination of women and they should not lead either to gender inequality. She also stressed that gender mainstreaming is one of the five objectives of the Council of Europe strategy for 2018-2023 (note: Strategy to be adopted early 2018) and that gender should be mainstreamed in all the portfolios of the Organisation. This is easily said, but also is not always easy to deal with it correctly. It should be understood that the specific situations of women and men/boys and girls need to be dealt with when designing policies, legislation or projects. Gender dimension is different from the general principle of non-discrimination. Gender inequality is often unintended and therefore invisible.
17. The PC-CP agreed that when drafting standards, reports or looking into implementation of the existing standards there is a need to be attentive to the gender aspects and a need to evaluate the gender impact by asking the following question: is the gender aspect important? To find this out, one can do a Gender Impact Assessment that contains the following questions: what is the aim of the project/task; will its implementation lead to inequalities between women and men/boys and girls; and if so: what needs to be done to tackle this.
18. In the case of detention the external factors influencing the gender aspects need also to be taken into consideration. When dealing with women there is a need to pay attention not only to women detainees and offenders but also to women who are staff members. These issues need to be considered in the current work of revision of the commentary to the EPR and the possible revision/extension of the existing rules on women. It should be born in mind that: women are wrongly referred to as being a “vulnerable group” because not all women are vulnerable. But within vulnerable groups the majority are often women and girls. Each case needs to be taken into its context and therefore a gender analysis as a baseline is important; using a gender neutral manner of defining standards is wrongly considered to be the best way of dealing in a just and equal way with the gender aspects.

VII. Any other business

19. The participants informed of past and future meetings and activities in which they have taken part or intend to take part and which are of interest to the PC-CP area of competence and work or at which the work of the PC-CP has been promoted. These were, to mention but a few: (a) an expert meeting “Monitoring of Detention Conditions and Treatment of Detainees in the Context of Countering Violent Extremism and Radicalisation that Lead to Terrorism (VERLT) in Prisons”, organised by ODIHR in partnership with Penal Reform International

(PRI) in the context of the Human Rights and Anti-Terrorism Programme of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) (Warsaw, Poland, on 4-5 December 2017); (b) a Conference “Pretrial detention and its alternatives” in Vienna 8-9 November 2017; (c) a CEP-EuroPris workshop on “Mental health in prison and probation” (Dublin, Ireland, 6-7 December 2017; (d) a seminar organised in the framework of the RASMORAD project (Sofia, Bulgaria, 17-19 January 2018); (e) a EC Conference on Radicalisation in prisons, (Brussels, 27 February 2018).

20. The participants were once again reminded of the request to send any translations of the Council of Europe standard setting texts in their national languages, related to the prison and probation field, to the Secretariat in order to put them on the PC-CP web site and ensure their better promotion.

AGENDA

Agora Building - Room G02, Strasbourg

22-24 January 2018 (9:30 am)

	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
PC-CP (2017) 18	3. Summary report of the last meeting / Rapport sommaire de la dernière réunion
	4. Information provided by the Secretariat / Informations fournies par le Secrétariat
PC-CP (2017) 3 rev PC-CP (2017) 14	5. Revision of the commentary to the European Prison Rules / Révision du Commentaire aux Règles pénitentiaires européennes
ToR 2018/2019	6. PC-CP terms of reference for 2018-2019, tasks and working methods / Mandat du PC-CP pour 2018-2019, tâches et méthodes de travail
Draft programme Practical information	7. 23rd Council of Europe Conference of Directors of Prison and Probation Services (19-20 June 2018, Estonia) / 23e Conférence du Conseil de l'Europe des Directeurs des services pénitentiaires et de probation (19-20 juin 2018, Estonie)
4 Presentations	8. Manual/Handbook regarding recruitment and training of prison and probation staff / Manuel concernant le recrutement et la formation du personnel pénitentiaire et de probation
Information from the Secretariat	9. SPACE statistics and the work with the national correspondents / Statistiques SPACE et le travail avec les correspondants nationaux
Presentation	10. Gender mainstreaming / L'intégration du genre
	11. Any other business / Questions diverses
	12. Dates and agenda of the next meeting / Dates et ordre du jour de la prochaine réunion

LIST OF PARTICIPANTS

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