



Strasbourg, 23 April 2018
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PC-CP (2018) 8

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

18th meeting of the Working Group
Strasbourg, 11-13 April 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 Jan Kleijssen, Director, Information Society and Action against Crime Directorate, DG I who welcomed the new Chair and Vice-Chair as well as the participating member States (attending at their own expenses), the observers and the scientific experts. Mr Kleijssen thanked the Group for their standard-setting work in the field of protection of children with imprisoned parents and informed that the Recommendation (2018) 5 was adopted by the Committee of Ministers on 4 April 2018 and already met with media attention. He also praised the collection of prison and probation statistics SPACE I and II, the latest edition of which was published on 20 March 2018 and met with considerable media coverage. He underlined in this respect that the development of standards by the Council of Europe is very important but what is very important for their implementation is their translation into the national languages of the member States and their promotion at national level. He invited the PC-CP WG members to help disseminate these standards and make them better known by the national stakeholders;
- Further took note of the decisions taken at the CDPC Bureau meeting in March 2018 related to the PC-CP work and current tasks and, in particular, regarding the finalisation of the draft recommendation on restorative justice in criminal matters and its commentary and the revision of the commentary to the European Prison Rules as well as regarding the intended holding of a Conference in 2019 on prison overcrowding;
- Agreed to the proposals made by Professor Dirk van Zyl Smit and Mr Harvey Slade, scientific experts, related to the revision of certain rules of the European Prison Rules (their arguments will be put for debate at the next CDPC plenary meeting in June 2018) and further revised the draft commentary to the EPR;
- Finalised the draft recommendation on restorative justice and its commentary in light of the written comments sent by several CDPC delegations after the CDPC plenary meeting in November 2017 and thanked Mr Ian Marder for his work. It decided to forward these texts to the CDPC for approval at their plenary session in June 2018;
- Considered the work to be done, in accordance with its mandate for 2018-2019, related to the treatment of sex offenders and decided to come back to this topic at its next meeting in September 2018;
- Took note of the information provided by the Secretariat regarding the SPACE project which ended on 31 March 2018 and regarding the new project which started on 1 April 2018;
- 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 presentations made by Ms Annette Warman (Sweden) and Ms Maartje Nelissen (The Netherlands) regarding the recruitment and training of probation staff and considered document PC-CP (2018) 5 (scoping document related to the drafting of a manual for prison and probation staff recruitment and training);
- Took note of the information provided by Ms Annie Devos, Mr Robert Friškovec and Ms Nadya Radkowska, PC-CP WG members (document PC-CP (2018) 6), regarding their participation in meetings held by other organisations and regarding the promotion of the PC-CP activities during these. Further took note of the information provided by Ms Alessandra Viviano (Italy) regarding projects in which Italy is involved and which relate to combatting radicalisation and violent extremism (document PC-CP (2018) 7);
- Thanked the representatives of the participating member and observer States and took note with satisfaction of the statement made by the Mexican participant who praised the substantive and very useful discussions held during the PC-CP meetings which were considered to be of great interest to their authorities;
- The dates of the next meetings are: 17-19 September 2018, 19th meeting of the PC-CP WG and 6-8 November 8th PC-CP plenary meeting.

1. The Council for Penological Co-operation WG held its 18th meeting in Strasbourg on 11-13 April 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 17th PC-CP WG meeting (document PC-CP (2018) 2) was approved without further observations.
3. The participants welcomed Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate, DG I and took note of the opening address made by him. As he could not attend the previous meeting in January, he availed himself of the present opportunity to welcome the new Chair and Vice-Chair. He also welcomed the national delegations of several members and observer States (Armenia, Italy, Poland, The Netherlands, Russian Federation, Turkey, Japan and Mexico), EuroPris and CEP, the representatives of the European Court's Registry and of the European Committee for the Prevention of Torture (CPT) and the scientific experts. Mr Kleijssen thanked the Group for their standard-setting work in the field of protection of children with imprisoned parents, informed that the ensuing text, namely Recommendation (2018) 5 was adopted by the Committee of Ministers on 4 April 2018 and already met with media attention. He underlined in this respect that the development of standards by the Council of Europe is very important but what is very important as well for their implementation is their translation into the national languages of the member States and their promotion and dissemination at national level. He invited the PC-CP WG members to help disseminate these standards and make them better known by the national stakeholders. He also praised the collection of prison and probation statistics SPACE I and II, the latest edition of which was published on 20 March 2018 and met with considerable media coverage.
4. Ms Iliana Taneva informed of the decisions taken at the CDPC Bureau meeting in March 2018 which relate to the PC-CP work and current tasks and, in particular, regarding the finalisation of the draft recommendation on restorative justice in criminal matters and its commentary and the revision of the commentary to the European Prison Rules as well as regarding the intended holding of a Conference in 2019 on prison overcrowding. Regarding the proposal made by the scientific experts to revise certain rules of the EPR, the Bureau decided that these proposals and the arguments behind should first be put for discussion before the PC-CP itself and if the latter is in agreement with these, the same will be put for discussion before the CDPC plenary meeting in June this year. No specific drafting suggestions should be prepared at this point. In case the CDPC plenary agrees to the revision of the EPR, then the drafting proposals will be presented at the CDPC plenary session in December 2018. In case there is no agreement, the revised and updated commentary to the EPR will be put for approval by the CDPC in June 2018. In case the EPR are to be revised, the two texts (EPR and commentary) will be discussed at the CDPC plenary in December 2018.

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

5. The participants considered document PC-CP (2018) 4 (Analytical report), which contain the proposals made by the scientific experts, Professor Dirk van Zyl Smit and Mr Harvey Slade regarding the necessity to revise certain rules of the EPR and not only the commentary to the latter. The representatives of the Court's Registry and of the CPT shared this opinion as well. The PC-CP WG agreed to these proposals and the arguments behind and also agreed to the need to include a rule providing the obligation to ensure minimum services in case of strikes or other exceptional circumstances in order to ensure good order, safety and security and proper treatment of prisoners.
6. The participants considered and further revised and updated the commentary to the EPR (document PC-CP (2018) 1 rev). It was agreed that the PC-CP Chair and Professor Dirk van Zyl will attend the CDPC plenary session on 5-6 June 2018 to present the text and the arguments in favour of the revision of the EPR (revising only few rules without opening the whole text for revision).

III. Restorative justice

7. The PC-CP WG members considered the written comments made by several national delegations to the CDPC as well as the revised draft recommendation and its commentary, in which Mr Ian Marder, scientific expert had reflected the comments and proposals made. They further revised and finalised the two texts and decided to forward these to the CDPC for approval at their plenary meeting in June 2018. Many rules were softened to clearly indicate that the principles and suggestions contained in the draft recommendation are there to assist countries which wish to develop RJ services and not to impose any rigid norms or conditions as systems differ quite a lot in this field in Europe but good practices related to the use of RJ proliferate on the ground and may be of use. The word "systematic" which posed problems to some countries was replaced by "regular" or deleted, depending on the contents. The suggestion to delete "Part VII. Continuing development of restorative justice"

was not accepted as such practices exist and it was felt important to promote their use to countries which consider introducing or broadening the use of RJ.

8. The PC-CP WG thanked Mr Ian Marder for the very good quality of the text and for his work, during the process of which he consulted a number of other experts, including the European Forum for RJ.

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

9. The participants took note of the information provided by the Secretariat regarding the latest developments related to the Conference and considered and further revised and completed the draft programme.

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

10. The participants took note of the presentations made by Ms Annette Warman (Sweden) and Ms Maartje Nelissen (The Netherlands) regarding the recruitment and training of probation staff. They then considered document PC-CP (2018) 5 (possible structure and contents of a manual for prison and probation staff recruitment and training). They were of the opinion that the document should be called a Handbook or a Guide and not a Manual as it should set the main principles and general rules only, due to the fact that the national systems and structures differ a lot.
11. The participants revised some parts of the document and discussed possible scientific experts to be contacted in view of embarking on this task, the expectations being to have a more developed draft text for the PC-CP WG meeting in September 2018.

VI. Gender mainstreaming

12. 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. 18 of the participants in the 18th meeting of the PC-CP WG were men and 16 women, of whom 2 scientific experts and the Secretary to the PC-CP.
13. In the course of the discussions issues related to gender mainstreaming were debated under the following points: (a) the EPR and their commentary (including the proposal to include more detailed rules related to women in prison); (b) the draft programme of the 23rd CDPPS; (c) the manual/guide for recruitment and training of staff.

VII. Any other business

14. The participants took note of the information provided by Ms Annie Devos, Mr Robert Friškovec and Ms Nadya Radkowska, PC-CP WG members (document PC-CP (2018) 6), regarding their participation in meetings held by other organisations (EU, EuroPris, RAN, CEP) and regarding the promotion of the PC-CP activities during these events. They also took note of the information provided by Ms Alessandra Viviano (Italy) regarding projects in which Italy is involved and which relate to combatting radicalisation and violent extremism (document PC-CP (2018) 7).
15. The PC-CP Chair thanked the representatives of the participating member and observer States and took note with satisfaction of the statement made by the Mexican participant who praised the substantive and very useful discussions held during the PC-CP meetings which were considered to be of great interest to their authorities.

VIII. Dates of the next meetings

16. The dates of the next meetings are: 17-19 September 2018, 19th meeting of the PC-CP WG and 6-8 November 8th PC-CP plenary meeting.

AGENDA

Agora Building - Room G04, Strasbourg

11-13 April 2018 (9:30 am)

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| | 1. Opening of the meeting |
| | 2. Adoption of the agenda and the order of business |
| PC-CP (2018) 2 | 3. Summary report of the last meeting |
| | 4. Information provided by the Secretariat |
| PC-CP (2018) 1 rev | 5. Revision of the Commentary to the European Prison Rules |
| PC-CP (2018) 4 | Analytical report |
| Draft Programme | 6. 23rd Council of Europe Conference of Directors of Prison and Probation Services (19-20 June 2018, Estonia) |
| Presentations from the Netherlands and Sweden regarding probation staff | 7. Manual/Handbook regarding recruitment and training of prison and probation staff |
| PC-CP (2018) 5 | |
| SPACE I 2016 survey | 8. SPACE statistics and the work with the national correspondents |
| SPACE II 2016 survey | |
| Executive summary | |
| PC-CP (2017) 6 rev 7 | 9. Restorative Justice: Draft Recommendation concerning restorative justice in criminal matters (with comments made by states) |
| PC-CP (2017) 12 rev 4 | Commentary to Recommendation concerning restorative justice in criminal matters (with comments made by states) |
| CDPC (2018) 2 | Compilation of comments on the draft Recommendation on Restorative Justice |
| PC-CP (2018) 6 | 10. Feedback from participation in other meetings |
| PC-CP (2018) 7 | 11. Any other business |
| | 12. Dates and agenda of the next meeting |

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