



Strasbourg, 11 February 2019  
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**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**Council for Penological Co-operation**  
**(PC-CP)**

**20th meeting of the Working Group**  
**Strasbourg, 4-6 February 2019**

**SUMMARY MEETING REPORT**

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

### **The PC-CP Working Group (WG):**

- Welcomed the representatives of Belgium, France, Poland, the Netherlands, the Russian Federation and Mexico, as well as of EuroPris, CEP, CPT, ECtHR, GREVIO and the scientific experts;
- Took note of the opening words of their President, Mr Dominik Lehner and of Mr Carlo Chiaromonte, Head of the Criminal Law and of the Counter-Terrorism Divisions. Took in particular note of the financial situation of the Organisation and its impact on future activities in the criminal law field as well as of the forthcoming elections of the new Secretary General of the Organisation;
- Took further note of the information regarding the past CDPC plenary meeting (November 2018) and of the two forthcoming CDPC plenary meetings in April and in December 2019. At the meeting on 25-26 April are expected to be adopted the Guidelines on the recruitment, selection, training and professional development of prison and probation staff and at the meeting in December 2019 are expected to be approved the revised and updated European Prison Rules;
- Took also note of the state of preparation of the High-Level Conference “Responses to Prison Overcrowding” (24-25 April 2019, Strasbourg). Some of the PC-CP WG members indicated their interest in taking part in the event, which is co-funded by the European Commission and by the Council of Europe. EuroPris and CEP representatives will also take part in the Conference;
- Considered the draft programme of the 24th Council of Europe Conference of Directors of Prison and Probation Services (“Offender Management: Tradition and Technology”, 21-22 May 2019, Ayia Napa, Cyprus) and made some additional proposals regarding speakers and contents;
- Noted that the scientific experts Professor Dirk van Zyl Smit and Mr Harvey Slade had considered all written comments sent to the Secretariat by some of the CDPC delegations (Belgium, Finland, France, Germany, Poland and The Netherlands) and considered the draft text and further revised some of the Rules contained in the European Prison Rules and the corresponding commentary to them. Decided that the revised draft resulting from this meeting will be put on the agenda of the next PC-CP plenary (5-7 November 2019);
- Took note of the presentation made by Dr Nicola Carr, scientific expert of the matrix regarding the training curricula for probation staff, developed after the CDPC plenary meeting and took note of the information that due to some health issues the drafting of a similar matrix to be developed by the other scientific expert, Mr Torben Adams has been delayed. Agreed that the revised and finalised draft Guidelines containing the two matrices, should be sent to the Secretariat not later than 15 March 2019;
- Took note of the presentation made by Professor Kieran McCartan, scientific expert regarding the management of sex offenders in prisons and in the community, held a discussion how to proceed with this issue, which is among its tasks for 2019-2020 and decided that offenders with mental health disabilities or disorders and sex offending should be dealt with separately despite some common areas which exist between these two groups of offenders. Discussed the question whether a recommendation or practical guidelines would be the best suited text and agreed that a Committee of Ministers recommendation should be drafted. Agreed to exclude juveniles from the scope of the recommendation as they need special handling different from adults;
- Took note of the presentation made by EuroPris regarding their recent work on education in prison and welcomed their initiative to carry out surveys among their members regarding the implementation of the Council of Europe standards in the penitentiary area. This work is a precious source of information regarding the impact of these texts at national level and helps to further promote them and it also brings to the attention of the Council of Europe any problems with implementation or any need to update or replace these standards. Took a decision to bring the outcome of this work to the attention of the CDPC;
- Decided to invite an external consultant to its September meeting to discuss the management of offenders with mental health disabilities and disorders;
- Discussed the issue of radicalisation and violent extremism, the need to deal with the management of returning foreign terrorist fighters and with right-wing extremists; the relation between risk assessment and risk management and how to best manage the period right after a prisoner is released into the community;
- Recalled that the dates of the next PC-CP meetings in 2019 are as follows: meetings of the PC-CP WG: on 1-3 April and on 25-27 September. The PC-CP plenary meeting will be held on 5-7 November.

1. The Council for Penological Co-operation Working Group (WG) held its 20th meeting in Strasbourg on 4-6 February 2019 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 (document PC-CP (2018) 18) was approved.
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) and to the Committee on Counter-Terrorism (CDCT) who informed of the current financial situation of the Organisation and its impact on future activities in the criminal law field; of the situation with the voting rights of the Russian parliamentary delegation to the Parliamentary Assembly of the Council of Europe; and of the forthcoming elections of the new Secretary General of the Organisation;
4. Mr Chiaromonte also recalled the Council of Europe Counter-Terrorism Strategy for 2018-2022 and the activities planned, including issues related to returning foreign terrorist fighters, which might also necessitate the updating of the Handbook for Prison and Probation Services. He also informed of the past CDPC plenary meeting (November 2018) and of the two forthcoming CDPC plenary meetings in April and in December 2019. At the meeting on 25-26 April are expected to be adopted the Guidelines on the recruitment, selection, training and professional development of prison and probation staff and at the meeting in December 2019 are expected to be approved the revised and updated European Prison Rules;
5. Mr Chiaromonte further provided details regarding the state of preparation of the High-Level Conference "Responses to Prison Overcrowding" (24-25 April 2019, Strasbourg). Several PC-CP WG members indicated their interest in taking part in the event, which is co-funded by the European Commission and by the Council of Europe. EuroPris and CEP representatives will also take part in the Conference. The participants coming from some countries, which have not yet confirmed their participation, were requested to help in identifying criminal law judges and prosecutors to be invited to the Conference.
- II. **Revision of certain rules of the European Prison Rules (EPR)**
6. At the last CDPC plenary meeting in November 2018 several delegations made comments and drafting suggestions and it was decided that in addition written comments may be sent to the Secretariat not later than 20 January 2019. Written comments were received from the following delegations: Belgium, Finland, France, Germany, Poland and The Netherlands. The same were considered by the scientific experts and further amendments to the draft text were introduced.
7. Regarding Rule 15: in 15.1 the reference to "self-perceived gender" was deleted. Regarding the wording in 15.1.h, it was agreed that this wording mirrors the one used in CM/Rec (2018)5 and therefore it should not be amended. To the commentary to Rule 16A was added a sentence as requested. In Rule 34.4 the word "always" was added in as requested. The drafting suggestion regarding Rule 37.3 was not taken up as the wording follows the one contained in CM/Rec (2012) 12.
8. Most of the comments relate to the rules on solitary confinement and their commentary. These rules were revised thoroughly (Rules 53, 53A to 53 D and Rule 60.6). The proposal to define the different types of solitary confinement was considered complicated from the point of view of reaching an agreement on the definition and also from the point of view of bearing the risk of creating more problems instead of resolving them. Therefore it was preferred to simplify and shorten the rules related to this topic. Rules 53A to 53 D were combined in one single Rule where solitary confinement is distinguished from other forms of separation. The definition contained in the Nelson Mandela Rules was taken up ("confinement of a prisoner for 22 hours a day or more without meaningful human contact"). The notion of "meaningful human contact" was further explained in the commentary. While the Nelson Mandela Rules prohibit solitary confinement of more than 15 days, the CPT has set the limit at 14 days. It was therefore decided to follow the CPT standards regarding this. It was also agreed that a new period of solitary confinement should not be enforced before a prisoner has had the possibility to recover from the previous such period. Measures to mitigate longer periods should be put in place. In case the prisoner has more than 2 hours a day of meaningful human contact, this will no longer amount to a solitary confinement but to a milder form of separation.
9. Rule 68.1 was slightly re-drafted following a request from one delegation. In Rules 70.5 and 70.6 the wording "immediately" and "promptly" were replaced with "without delay" and "as soon as possible", in 70.9 were deleted the words "risk of financial or legal" and the commentary to it was revised in order to reflect

comments from one delegation. The commentary to Rule 93.4 was also revised to reflect comments from one delegation.

10. It was agreed that the revised drafts were ready for consideration at the PC-CP plenary in November 2019 and that therefore there was no need for further drafting at the next two PC-CP Working Group meetings (in April and in September 2019).

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

11. The participants took note of the presentation made by Dr Nicola Carr, scientific expert of the matrix regarding the training curricula for probation staff, developed after the CDPC plenary meeting and took note of the information that due to some health issues the drafting of a similar matrix to be developed by the other scientific expert, Mr Torben Adams has been delayed. They agreed that the revised and finalised draft Guidelines containing the two matrices should be sent to the Secretariat not later than 15 March 2019.
12. The participants further revised the draft text and took also into consideration the written comments sent by Finland. They also considered and revised the matrix related to probation staff.

### **IV. 24th Council of Europe Conference of Directors of Prison and Probation Services (21-22 May 2019, Cyprus)**

13. The participants considered the draft programme of the 24th Council of Europe Conference of Directors of Prison and Probation Services ("Offender Management: Tradition and Technology", 21-22 May 2019, Ayia Napa, Cyprus) and made some additional proposals regarding speakers, titles of the workshops, moderators, overall contents and expected outcomes of the Conference.

### **V. Sex offenders**

14. The participants took note of the presentation made by Professor Kieran McCartan, scientific expert regarding the management of sex offenders in prisons and in the community. Professor McCartan underlined that, judging from the scoping document dating from this period (which was sent to him by the Secretariat prior to the meeting), not many new developments regarding this issue have taken place since 2004 when an attempt to draft a Committee of Ministers recommendation was made. He also insisted that what is important for the prison and probation services is the management of sex offenders and not their medical treatment and this should be in the centre of any future work.
15. The participants held a discussion how to proceed with this issue, which is among the PC-CP tasks for 2019-2020 and decided that offenders with mental health disabilities or disorders and sex offending should be dealt with separately despite some common areas which exist between these two groups of offenders. They also discussed the question whether a Committee of Ministers recommendation or practical guidelines would be the best suited text to be drafted and agreed that a Committee of Ministers recommendation should be drafted as the question is important and the numbers of sex offenders in prisons or under probation is constantly rising in Europe and the national authorities need to take measures and also to invest in international co-operation in this area.
16. The participants agreed that Recommendation (2014) 3 on dangerous offenders is not a text which suits the purpose as on the one hand it is too broad and covers also other types of offenders who need special regime and treatment and on the other hand too narrow because it does not cover sex offenders who are not considered to be dangerous but who nevertheless need to be managed and treated. It was further agreed to exclude juveniles from the scope of the recommendation as they need special handling different from adults.
17. It was proposed to associate to this work also Ms Marianne Fuglestad, psychologist, working at the Danish Directorate of Prison and Probation Services in order to cover both prison and probation aspects of the work.
18. As long as the work related to sex offenders should be dissociated from the work in mental health, the participants decided to invite an external consultant to the September meeting in order to discuss the management of offenders with mental health disabilities and disorders and decide whether work needs to be done in the area.

### **VI. Education in prison**

19. The participants took note of the information provided by Ms Kirsten Hawlitschek, Executive Director of EuroPris regarding their recent work on education in prison and of the presentation made by Mr James King, Chair of the EuroPris expert group on Prisoner Education and Head of Learning & Skills & Purposeful Activity, Scottish Prison

Service. The expert group had studied Committee of Ministers Recommendation n° R (89)12 on education in prison and has analysed all recommendations contained in it and their implementation in the member States. The result was a list of recommendations which are still valid and some which might need updating. The overall conclusion of this work was that Recommendation (89)12 is still a valid standard-setting text despite the number of years which have passed with one major exception, the need to provide education in line with the new information technologies and to provide for educational purposes access of prisoners to such technologies.

20. The participants welcomed the initiative of EuroPris to carry out surveys among their members regarding the implementation of the Council of Europe standards in the penitentiary area (the previous one being related to CM Recommendation (2012)12 concerning foreign prisoners). Such a comparative exercise is a precious source of information regarding the impact of these texts at national level and also helps to further promote them among the prison and probation services, professionals and decision makers. It also brings to the attention of the Council of Europe any problems with implementation or any need to update or replace these standards.
21. The participants took a decision to bring the outcome of this work to the attention of the CDPC.

#### **VII. Radicalisation and violent extremism**

22. The participants discussed the issue of radicalisation and violent extremism and whether there is a need to revise and update the Handbook for prison and probation staff regarding radicalisation and violent extremism in order to include the management of returning foreign terrorist fighters and of right-wing extremists; to explain in greater details the relation between risk assessment and risk management and how to best manage the period right after a prisoner is released into the community. It was decided to keep this issue on the agenda for further consideration at one of the next meetings.

#### **VIII. Gender mainstreaming**

23. In the meeting took part 15 women and 16 men of whom the PC-CP WG members were 3 women and 4 men. The Secretary to the committee as well as one of the scientific experts were women.
24. 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; (b) the Guidelines regarding recruitment, selection, training and professional development of staff; (c) the 24th CDPPS in Cyprus and (d) the management of sex offenders.

#### **IX. Any other business**

25. The PC-CP WG members informed of a number of other meetings in which they had taken part between November 2018 and February 2019 and at which they had promoted the PC-CP work and the Council of Europe standards.

#### **X. Dates of the next meetings**

26. The dates of the next PC-CP meetings in 2019 are as follows: meetings of the PC-CP WG: on 1-3 April and on 25-27 September. The PC-CP plenary meeting will be held on 5-7 November.

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**Agenda**

**Agora Building - Room G04, Strasbourg**

	<b>1. Opening of the meeting</b>
	<b>2. Adoption of the agenda and the order of business</b>
	<b>3. Summary report of the last meeting</b>
PC-CP(2018)18	Summary Meeting Report 8th PC-CP Plenary meeting
	<b>4. Information provided by the Secretariat</b>
PC-CP(2018)15rev5	<b>5. Revision of the European Prison Rules</b>
PC-CP(2018)14rev3	<b>6. Draft Guidelines regarding recruitment, selection, training and development of prison and probation staff</b>
	<b>7. 24th CDPPS “Offender Management: Tradition and Technology” (Cyprus, 21-22 May 2019)</b>
	<ul style="list-style-type: none"> <li>• Draft Programme</li> </ul>
	<b>8. Presentation by EuroPris on prison education</b>
	<b>9. Sex offenders</b>
	<ul style="list-style-type: none"> <li>• Presentation by Professor Kieran McCartan</li> </ul>
	<b>10. Feedback from participation in other meetings</b>
	<b>11. Gender mainstreaming</b>
	<b>12. Any other business</b>
	<b>13. Dates of the next meetings</b>

**LIST OF PARTICIPANTS**

**MEMBER STATES / ÉTATS MEMBRES**

**BELGIUM / BELGIQUE**

Laurence NIBELLE  
Conseillère DGEPI, SPS Central

**FRANCE**

Audrey FARRUGIA  
Adjoint au sous-directeur des missions, Direction de l'administration pénitentiaire (DAP)

Hélène COLLET  
Magistrate, bureau Mi 4 (bureau de l'action juridique et du droit pénitentiaire), Direction de l'administration pénitentiaire (DAP)

**NETHERLANDS / PAYS-BAS**

R.W.M. van der ZON  
Head of Legal Affairs/Deputy director Policy & Governance support, National Agency of Correctional Institutions of the Ministry of Justice and Security

**POLAND / POLOGNE**

Mirosław PRZYBYLSKI  
Judge, Director of Department of the Enforcement of Judgements and Probation in Ministry of Justice

Robert TYPA  
Counsellor to the Secretary of State at Ministry of Justice in Department of the Enforcement of Judgements and Probation

**RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE**

Olesya BADZHAEVA  
Chief of the Department of Criminal Law, planning and internal investigations

Sergey ANISIMOV  
Officer, International Department of the Federal Penitentiary Service of the Russian Federation

**WORKING GROUP OF THE COUNCIL FOR PENOLOGICAL CO-OPERATION / GROUPE DE TRAVAIL DU  
CONSEIL DE COOPÉRATION PÉNOLOGIQUE  
(PC-CP)**

Martina BARIĆ  
Social pedagogue, Head of Service of special programs, analysis, evaluation and prisoners' and juveniles' records, Ministry of Justice, Prison System Directorate, Head Office, Republic of Croatia

Nathalie BOISSOU (*Apologised / Excusée*)  
Directrice des services pénitentiaires (administration pénitentiaire française) - Coordinatrice thématique adjointe au sein du programme EI PAcCTO (Programme européen de Lutte contre la criminalité organisée transnationale), Calle Almansa

Annie DEVOS  
Administratrice générale des Maisons de Justice, Fédération Wallonie-Bruxelles, Belgique

Anna FERRARI (*Apologised/Excusée*)

Magistrat, Ministère de la Justice, Département pour la Justice des Enfants, et les Mesures appliquées dans la Communauté, Direction Générale de l'exécution pénale de la Probation, Italie

Robert FRIŠKOVEC

Head Office, International Co-operation, Prison Administration, Ministry of Justice, Slovenia

Attila JUHÁSZ

**Vice-Chair of the PC-CP**

Senior Advisor, Hungarian Prison Service, Hungary

Nikolaos KOULOURIS

Assistant Professor in Social Policy and Offenders' Custodial and Non-Custodial Treatment, Department of Social Administration and Political Science, Greece

Dominik LEHNER (Dr.)

**Chair of the PC-CP**

President, Expert Committee on Offender Risk Assessment Northwest & Central Switzerland

Nadya RADKOVSKA

Head, Department for International Relations and Training of Staff, General Directorate Execution of Sentences, Ministry of Justice, Bulgaria

### **SCIENTIFIC EXPERTS / EXPERTS SCIENTIFIQUES**

Torben ADAMS (*Apologised / Excusé*)

Freie Hansestadt Bremen, Senator für Justiz und Verfassung, Head of Division 403

Nicola CARR

Professor, Associate Professor in Criminology, School of Sociology & Social Policy, University of Nottingham

Kieran McCARTAN

Professor, Department of Health and Applied Social Sciences, University of the West of England

Harvey SLADE

Research Assistant, School of Law, University of Nottingham

Dirk VAN ZYL SMIT

Professor of Comparative and International Penal Law, School of Law, University of Nottingham

### **OBSERVERS WITH THE COUNCIL OF EUROPE / OBSERVATEURS AUPRÈS DU CONSEIL DE L'EUROPE**

#### **JAPAN / JAPON**

Kumiko NIITSU (*Apologised / Excusée*)

Chargée de Mission, Consulat Général du Japon

#### **MEXICO / MEXIQUE**

María Noemí HERNÁNDEZ TÉLLEZ

Observateur Permanent Adjoint

### **OTHER PARTICIPANTS / AUTRES PARTICIPANTS**

#### **CONFEDERATION OF EUROPEAN PROBATION / CONFÉDÉRATION DE LA PROBATION EUROPÉENNE (CEP)**

Willem VAN DER BRUGGE

Secretary General CEP, Confederation of European Probation

#### **EUROPEAN ORGANISATION OF PRISON AND CORRECTIONAL SERVICES (EuroPris)**

Kirsten HAWLITSCHKEK

Executive Director



James KING  
Chair EuroPris, expert group on Prisoner Education/ Head of Learning & Skills & Purposeful Activity, Scottish Prison Service

**OTHER COUNCIL OF EUROPE BODIES / AUTRES ORGANES DU CONSEIL DE L'EUROPE**

**EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT) / COMITÉ EUROPÉEN POUR LA PRÉVENTION DE LA TORTURE ET DES PEINES OU TRAITEMENTS INHUMAINS OU DÉGRADANTS (CPT)**

Hugh CHETWYND  
Head of Division, Secretariat of the CPT / Chef de Division, Secrétariat du CPT

Michael NEURAUTER  
Head of Division I, Secretariat of the CPT / Chef de la Division I, Secrétariat du CPT

**EUROPEAN COURT OF HUMAN RIGHTS (ECHR) / COUR EUROPÉENNE DES DROITS DE L'HOMME (CEDH)**

Kresimir KAMBER  
Lawyer / Juriste, Registry of the European Court of Human Rights / Greffe de la Cour européenne des droits de l'homme

**GROUP OF EXPERTS ON ACTION AGAINST VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (GREVIO) / GROUPE D'EXPERTS SUR LA LUTTE CONTRE LA VIOLENCE À L'ÉGARD DES FEMMES ET LA VIOLENCE DOMESTIQUE (GREVIO)**

Biljana BRANKOVIĆ  
MA, M.Phil., Independent Researcher, Consultant, Member of GREVIO

**SECRETARIAT OF THE COUNCIL OF EUROPE / SECRÉTARIAT DU CONSEIL DE L'EUROPE**

**DIRECTORATE OF HUMAN DIGNITY, EQUALITY AND GOVERNANCE / DIRECTION DE LA DIGNITÉ HUMAINE, DE L'ÉGALITÉ ET DE LA GOUVERNANCE**

Christina OLSEN  
**Administrator** / Administratrice, **Violence against Women Division** / Division Violence à l'égard des femmes, **Secretariat of the Istanbul Convention monitoring mechanism** / Secrétariat du mécanisme de suivi de la Convention d'Istanbul

**DIRECTORATE GENERAL I / DIRECTION GÉNÉRALE I**

**HUMAN RIGHTS AND RULE OF LAW / INFORMATION SOCIETY AND ACTION AGAINST CRIME DIRECTORATE**

**DROITS DE L'HOMME ET ÉTAT DE DROIT / DIRECTION DE LA SOCIÉTÉ DE L'INFORMATION ET DE LA LUTTE CONTRE LA CRIMINALITÉ**

**Criminal Law Division / Division du droit pénal**

Carlo CHIAROMONTE  
**Head of Division** / Chef de Division  
**Secretary to the European Committee on Crime Problems (CDPC)** / Secrétaire du Comité Européen pour les Problèmes Criminels (CDPC)

Iliana TANEVA  
**Secretary to the PC-CP** / Secrétaire du PC-CP

Christine COLEUR  
**Assistant** / Assistante

**INTERPRETERS / INTERPRÈTES**

Corinne McGEORGE  
Sylvie BOUX  
Isabelle MARCHINI