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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

9th Plenary meeting
Strasbourg, 5-7 November 2019

SUMMARY MEETING REPORT

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

EXECUTIVE SUMMARY

The PC-CP Plenary:

- Took note of the opening words by Mr Jan Kleijssen, Director, Information Society - Action against Crime, Council of Europe who informed of the latest developments regarding the Council of Europe, namely: the cease of the budgetary contingency plan and the restoring of the normal running of the planned activities of the Organisation; the election of Ms Marija Pejčinović Burić as Secretary General of the Council of Europe (in office since 18 September 2019) and the nomination of Mr Gianluca Esposito as Head of the Action Against Crime Department who continues to act also as Executive Secretary of GRECO. Mr Kleijssen underlined the importance of considering the impact of artificial intelligence on prison and probation work and on the treatment of offenders. He also drew the attention of the participants to the vacancies in the PC-CP WG which need to be filled with suitable new members (to be elected at the CDPC Plenary meeting in December 2019) and invited the attending national delegates to send potential candidates;
- Took note of Mr Gianluca Esposito's welcoming words who informed that prison issues remain one of the priorities of the Council of Europe for the coming years. He also informed that the Guidelines for the recruitment, selection, education, training and professional development of prison and probation staff were approved recently by the Committee of Ministers and that the latter will adopt the PC-CP terms of reference for 2020-2021 in a few days;
- Took note of the list of decisions of the CDPC Bureau held on 10-11 October 2019 in Lisbon (Portugal) and took account of the decisions related to its work;
- Considered and further revised the draft European Prison Rules (EPR) and their draft commentary. The delegations of Austria, Belgium, the Netherlands and France reserved the right to express the position of their authorities on Rules 53A and 60.6 and the commentary thereto after further consultations with their respective Ministries. The delegations also took note of the request to contact their respective delegates to the CDPC plenary meeting in order to coordinate their national positions on the revised EPR in good time before the CDPC plenary meeting. They noted that the CDPC will consider the draft text of the EPR on 3 December 2019;
- Took note of the presentations made by Ms Kirsten Hawlitschek, Mr Nick Hammond and Mr James King, EuroPris regarding the outcome of the work related to foreign prisoners and to education in prisons and based on two Committee of Ministers Recommendations (CM/Rec(2012)12 and CM/Rec(89)12) and of the electronic information system EPIS, where are used some SPACE data indicators and welcomed the input provided by EuroPris and the CEP for developing, promoting and implementing in practice the Council of Europe standards in the prison and probation areas;
- Took note that the Council of Europe was awarded on 30 October 2019 the 2019 International Corrections and Prisons Association (ICPA) President's Award as a recognition for the collection and collation of the Council of Europe Annual Penal Statistics (SPACE);
- Considered the possible follow-up to be given to the 24th Conference of Directors of Prison and Probation Services (CDPPS) (Cyprus, May 2019), namely regarding the use and impact of new technologies and AI in particular on the work of the prison and probation services and the treatment of offenders;
- Considered the suggested title of the 25th CDPPS "Prison and Probation Work: Rights, Accountability and Challenges" and the contents of proposed six workshops (Dublin, 9-10 June 2020);
- Took note of the information provided by the Secretariat regarding the intended possible outcome of the High-Level Conference "Responses to Prison Overcrowding" (24-25 April 2019, Strasbourg);
- Took note of the presentation made by Professor Fergus McNeill "Pervasive Punishment or Purposeful Probation" and discussed the need to enhance the dialogue at national level between renowned researchers, policy makers from the relevant ministries and the prison and probation services in order to agree on steps to be taken to reform their criminal and penal policies as necessary, based on scientific research and validated data. Noted with regret in this respect that the Criminological Scientific Conferences organised by the Council of Europe in the past provided such opportunities, but were no longer held since 2003 due to the lack of funding;

- Took note of the information provided by the Secretariat regarding the planned holding of two Conferences in the framework of the new EU/CoE Joint Project related to SPACE which started in October 2019. These conferences intend to discuss the new types of crime, including cybercrime and the impact of crime rates on penal sanctions and measures;
- Considered the draft Recommendation regarding the assessment, management and (re)integration into the community of individuals accused or convicted of sexual offences and its draft explanatory report and made some suggestions and comments to be taken into consideration by the scientific experts and the PC-CP WG in their further work on the text;
- Took note of other Council of Europe activities in the prison and probation fields in 2019, namely the HELP project on radicalisation and the activities carried out by the Criminal Law Co-operation Unit;
- Considered the terms of reference of the PC-CP for 2020-2021 and its related work for the next two years;
- Due to the lack of time postponed the discussion of the possible reviewing of the Handbook for prison and probation services regarding radicalisation and violent extremism and requested the PC-CP WG to consider this issue at one of their next meetings;
- Agreed on the dates of their next PC-CP Plenary meeting (13-15 October 2020).

1. The Council for Penological Co-operation held its 9th meeting in Strasbourg on 5-7 November 2019 with Mr Dominik Lehner in the 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.

3. The participants took note of the opening words by Mr Jan Kleijssen, Director, Information Society - Action against Crime, Council of Europe who informed of the latest developments regarding the Council of Europe, namely: the cease of the budgetary contingency plan, following the payment of the membership fees by the Russian Federation, which led to the Committee of Ministers to agree to the restoring of the normal running of the planned activities of the Organisation. He also informed of the election of Ms Marija Pejčinović Burić, former Deputy Prime Minister and Minister of Foreign Affairs of Croatia, as Secretary General of the Council of Europe (in office since 18 September 2019) and the nomination of Mr Gianluca Esposito as the new Head of the Action Against Crime Department who continues to act also as Executive Secretary of GRECO. Mr Kleijssen praised the excellent organisation of the 24th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) (Cyprus, May 2019) and underlined that its topic was a priority and that it is the important to consider the impact of artificial intelligence on prison and probation work and on the treatment of offenders. He informed in this respect that a new intergovernmental committee (Ad Hoc Committee on Artificial Intelligence - CAHAI) was established to provide the general legal framework of the Council of Europe standard-setting work in this area while as the other committees will examine the impact of AI in their own field of competence.

4. Mr Kleijssen also thanked the four outgoing PC-CP WG elected members: Ms Nathalie Boissou, Mr Attila Juhász, Mr Dominik Lehner and Mr Nikolaos Koulouris for their work and contribution to the success of the PC-CP activities, welcomed the election of Ms Annie Devos as the next PC-CP Chair and Ms Nadya Radkowska as the next PC-CP Vice-Chair and drew the attention of the participants to the vacancies in the PC-CP WG which need to be filled with suitable new members (to be elected at the CDPC Plenary meeting in December 2019) and invited the attending national delegates to send potential candidates.

5. The delegates took note of the information provided by the Secretariat regarding the intended possible outcome of the High Level Conference "Responses to Prison Overcrowding" (24-25 April 2019, Strasbourg), namely the holding of a Ministers of Justice Conference in the coming years on prison issues.

6. The delegates took note of Mr Gianluca Esposito's welcoming words who informed that prison issues remain one of the priorities of the Council of Europe for the coming years. He also informed that the Guidelines for the recruitment, selection, education, training and professional development of prison and probation staff were approved recently by the Committee of Ministers and that the latter will adopt the PC-CP terms of reference for 2020-2021 in a few days. He invited the participants to help translate and promote the practical use of the Guidelines.

7. The delegates further took note of the list of decisions of the CDPC Bureau held on 10-11 October 2019 in Lisbon (Portugal) and in particular took account of the decisions related to its work, namely regarding the finalisation of the revision of the European Prison Rules, the work related to sex offenders and to artificial intelligence.

II. Revision of the European Prison Rules

8. The delegates considered document PC-CP (2018) 15 Rev 6 containing the draft revised European Prison Rules (EPR) and their draft revised commentary, which were considered and approved by the PC-CP WG in April 2019 and further revised the draft EPR and their draft commentary. Rules 16A, 53, 53A, 68, 83 and 93 were amended. Rule 53B was deleted. Some additions and further clarifications were brought to the commentary and in accordance with the decisions taken at the last CDPC Bureau meeting, all modifications were marked in red to facilitate the work during the CDPC plenary in December 2019 where the final approval of the draft text is expected.

9. The delegates also took note of the written opinion of the CPT on the draft text as well as of the oral contributions made by the representative of the CPT Secretariat and of the Registry of the European Court of Human Rights. The Rules related to solitary confinement raised the longest debates and the delegations of Austria, Belgium, the Netherlands and France reserved the right to express the position of their authorities on Rules 53A and 60.6 and the commentary thereto after further consultations with their respective Ministries. The delegations also took note of the request to contact their respective delegates to the CDPC plenary meeting in order to coordinate their national positions on the revised EPR in good time before the CDPC plenary meeting. They noted that the CDPC will consider the draft text of the EPR on 3 December 2019.

- III. Assessment, management and (re)integration into the community of individuals accused or convicted of sexual offences**
10. The participants took note of the information provided by their Chair regarding the work carried out so far, the terminology and the definitions used, considered the draft Recommendation and its draft explanatory report and made some suggestions and comments to be taken into consideration by the scientific experts and the PC-CP WG in their further work on the text. Important issues regarding terminology and the use of definitions were brought to the attention of the PC-CP WG, as well regarding the basic principles and the scope of the draft Recommendation. They also took note that the Data Protection Service will be consulted regarding the text related to data protection issues, the Court Registry and the CPT Secretariat will also provide the relevant case law and standards to be included in the draft commentary.
- IV. Follow-up to the 24th CDPPS “Offender Management: Tradition and Technology” (Cyprus, 21-22 May 2019)**
11. The participants discussed the suggestions made by Mr Kleijssen regarding AI, took note that a reference to AI was added to the commentary to the revised EPR and agreed that, in accordance with their terms of reference for 2020-2021 the PC-CP WG should examine the implications of the use of AI for the work of prison and probation services and the treatment of offenders.
- V. 25th CDPPS, Dublin, 9-10 June 2020**
12. The participants considered and approved the proposed topic of the 25th CDPPS “Prison and Probation Work: Rights, Accountability and Challenges” (Dublin, 9-10 June 2020) and the contents of its six suggested workshops: (a) on sex offenders to discuss the draft recommendation with the Directors and get a feedback before it is finalised; (b) on mental health to get a feedback on the problems encountered by the prison and probation services; (c) on solitary confinement, separation, isolation to discuss the EPR rules and the CPT standards; (d) on restorative justice and victims’ rights; (e) on the PRILA project again with a CPT contribution; (f) on prison design and its impact on the wellbeing of prisoners and staff.
- VI. Dealing with offenders with mental health disabilities and disorders in prisons and under probation**
13. The participants considered and agreed with the proposal made by the PC-CP WG to task an external consultant to produce a stock-taking report on this issue, reflecting the existing international standards in this area and the possible lacunae and based on it to suggest which steps need to be taken, including whether a standard-setting text needs to be drafted.
- VII. Presentation on desistance and pervasive punishment and EU/CoE joint project related to SPACE**
14. The participants took note of the presentation made by Professor Fergus McNeill “Pervasive Punishment or Purposeful Probation” which raised very interesting discussions and information provided by several delegations regarding their current or planned reforms in this area.
15. It was agreed that there is a need to enhance the dialogue at national level between renowned researchers, policy makers from the relevant ministries and the prison and probation services in order to agree on steps to be taken to reform their criminal and penal policies as necessary, based on scientific research and validated data. It was noted with regret in this respect that the Criminological Scientific Conferences organised by the Council of Europe in the past provided such opportunities, but were no longer held since 2003 due to the lack of funding.
16. The Secretariat informed that a modest attempt to revive these Conferences is the planned holding of two Conferences in the framework of the new EU/CoE Joint Project related to SPACE which started in October 2019. These conferences intend to bring to the attention of the audience the latest research based on SPACE statistics and to discuss the new types of crimes, including cybercrime and the impact of crime rates on penal sanctions and measures. The Secretariat has tentatively approached several potential speakers and noted that there is a need to carefully identify the audience in order to enhance the dialogue between the different stakeholders.
- VIII. Presentation by EuroPris on projects promoting Council of Europe standards**
17. The representatives of EuroPris informed the participants of several projects which, based on Council of Europe standards in the prison area (CM/Rec(2012)12 and CM/Rec(89)12), aimed at helping the prison services to improve education of prisoners and the treatment of foreign prisoners. They also presented the new information system EPIS which contains mapping and additional information and data regarding the prison establishments in

the different European countries and can be of use not only to prison services, but also to the judiciary and the Ministries of justice. In EPIS are used several SPACE indicators and data.

18. The PC-CP Chair used the occasion to thank EuroPris and CEP for their active participation in the Committee's work and in promoting the implementation in practice of the relevant Council of Europe standards.

IX. Draft terms of reference for 2020-2021 and related specific tasks

19. The PC-CP considered their tasks planned for the next two years in conformity with their draft terms of reference and agreed on the general time-line.
20. Due to the lack of time it was decided to postpone the discussion of the possible reviewing of the Handbook for prison and probation services regarding radicalisation and violent extremism and the PC-CP WG was tasked with considering this issue at one of their next meetings.

X. Other activities in the prison and probation fields in 2019

21. The participants took note of the activities carried out in 2019 within the Criminal Law Co-operation Unit and within the HELP project, DG Human Rights and Rules of Law, Council of Europe. The participants were very much interested in following the e-learning courses proposed within the HELP project.

XI. Gender mainstreaming

22. The proposal to nominate Robert Friškovec as the next Gender Rapporteur after the end of the mandate of Ms Nathalie Boissou was approved.
23. In the course of the discussions issues related to gender mainstreaming and non-discriminatory treatment were discussed under the following points: (a) the revision of the EPR; (b) mental health; (c) the assessment, management and (re)integration into the community of individuals accused or convicted of sexual offences; (d) foreign prisoners and (e) the election of new PC-CP WG members.
24. In the meeting took part 38 men and 28 women.

XII. Dates of the next meetings

25. The dates of the next PC-CP plenary meeting will be 13-15 October 2020.

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	1. Opening of the meeting
	2. Adoption of the agenda and the order of business
	3. Summary reports of the last meetings of the PC-CP Working Group
PC-CP(2019)1 PC-CP(2019)4 PC-CP(2019)7	Summary Meeting Report of the 20th Working Group Meeting Summary Meeting Report of the 21st Working Group Meeting Summary Meeting Report of the 22nd Working Group Meeting
CDPC(2019)14 CDPC-BU(2019)2 CDPC-BU(2019)4	4. Information provided by the Secretariat
PC-CP(2018)15Rev6 PC-CP(2018)15Rev7 (with track changes) CPT comments on the Revised European Rules	5. Revision of the European Prison Rules
Conference website	6. High Level Conference “Responses to Prison Overcrowding” (24-25 April 2019)
Conference website	7. Follow up to the 24th CDPPS “Offender Management: Tradition and Technology” (Cyprus, 21-22 May 2019)
PC-CP(2019)3Rev4	8. Assessment, management and integration back into the community of individuals accused or convicted of sexual offences
Guidelines Handbook	9. Updating of the Handbook for prison and probation staff regarding radicalisation and violent extremism: roundtable discussion
	10. 25th CDPPS “Prison and Probation Work: Rights, Accountability and Challenges” (9-10 June 2020, Dublin, Ireland)
Presentation by Fergus McNeill	11. Presentation on desistance and pervasive punishment
Presentation by James King Presentation by Nick Hammond	12. Presentation by EuroPris on projects promoting Council of Europe standards
PC-CP(2019)9Rev PC-CP(2018)16BilRev	13. Elections

Draft PC-CP Terms of Reference 2020-2021	14. PC-CP Terms of Reference for 2020-2021 and consideration and planning of its future activities Round table discussion
Presentation by Eva Pastrana Presentation by Luljeta Kasa	15. Other activities in the prison and probation fields in 2019 <ul style="list-style-type: none"> • HELP Project on Radicalisation FACEBOOK: https://www.facebook.com/CoEHELP/posts/952182015141430?__tn__=C-R TWITTER: https://twitter.com/CoEHELP/status/1192379150650224641 <ul style="list-style-type: none"> • Presentation by the Criminal Law Co-operation Unit
	16. Gender mainstreaming
	17. Any other business
	18. Dates of the next meetings

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