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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

22nd meeting of the Working Group
Strasbourg, 25-27 September 2019

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 representatives of Belgium, Cyprus, Poland, the Netherlands and the Russian Federation, as well as of EuroPris, CEP, ECtHR and the scientific experts;
- Took note of the opening words by Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate, Council of Europe who informed of the latest developments, namely: the cease of the contingency plan due to the payment by the Russian Federation of their due membership contributions to the budget of the Organisation; the election of Ms Marija Pejčinović Burić as Secretary General of the Council of Europe who stepped in office on 18 September 2019 and the replacement of Mr Ivan Koedjikov by Mr Gianluca Esposito as Head of the Information Society Department. Mr Kleijssen expressed the gratitude to the Cypriot delegate for the excellent organisation of the 24th CDPPS in May 2019 and 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 at 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 Gianluca Esposito's welcoming words who informed that the Guidelines for the recruitment, selection, education, training and professional development of prison and probation staff as well as the PC-CP terms of reference for 2020-2021 will be on the Committee of Ministers agenda before the end of the current year. Mr Esposito also informed of the Council of Europe priorities for the next two-year period;
- Considered the issue of artificial intelligence in the prison and probation work and decided that there is a need to have a more detailed discussion at their next PC-CP WG meeting in 2020;
- Took note of the information provided by the Secretariat that a new EC/CoE Joint Project related to SPACE and the National Preventive Mechanisms (NPM) will start in October 2019 for a 18-months period;
- Took note of the presentation made by Mr Clive Meux, scientific expert on mental health and decided to continue the discussion at their next WG meeting;
- Considered and further revised the draft Recommendation regarding the assessment, management and integration back into the community of individuals accused or convicted of sexual offences and its draft explanatory report;
- Considered the proposals made by the Irish Probation Service regarding the title and topics of the 25th CDPPS (Dublin, 9-10 June 2020) and agreed on the title of the Conference and the workshops;
- Elected for one-year period (renewable once) Ms Annie Devos as their Chair and Ms Nadya Radkovska as their Vice-Chair, starting from January 2020;
- Approved the agenda of their plenary meeting and considered the tasks planned for the next two years in conformity with their draft terms of reference;
- Agreed on the dates of their next PC-CP WG meeting (21-23 January 2020).

1. The Council for Penological Co-operation WG held its 22nd meeting in Strasbourg on 25-27 September 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 (2019) 4) was approved.
3. The participants took note of the opening words by Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate, Council of Europe who informed of the latest developments, namely: the cease of the contingency plan due to the payment by the Russian Federation of their due membership contributions to the budget of the Organisation; the election of Ms Marija Pejčinović Burić as Secretary General of the Council of Europe who stepped in office on 18 September 2019 and the replacement of Mr Ivan Koedjikov by Mr Gianluca Esposito as Head of the Information Society Department. Mr Esposito also continues to be Executive Secretary to GRECO. Mr Kleijssen praised the excellent organisation of the High-Level Conference “Responses to Prison Overcrowding” (24-25 April 2019) and informed of the possibility to hold a Conference of the Ministers of Justice on the same subject in the coming years jointly with the European Union. He further expressed the gratitude to the Cypriot delegate for the excellent organisation of the 24th CDPPS in May 2019 and underlined the importance of considering the impact of artificial intelligence on prison and probation work and on the treatment of offenders. He informed of the creation of a new intergovernmental committee (CAHAI), which will set the general frame of the standards related to AI while the sectorial committees like the PC-CP should examine the concrete issues raised by the use of AI in their field of competence. He ended by drawing the attention of the participants of the vacancies at 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.
4. The participants also took note of Gianluca Esposito’s welcoming words and of the fact that he has been working for many years in the Department before undertaking other tasks and functions and is familiar with the work in the criminal justice field and in particular with the CDPC work. He also informed that the Guidelines for the recruitment, selection, education, training and professional development of prison and probation staff as well as the PC-CP terms of reference for 2020-2021 will be on the Committee of Ministers agenda before the end of the current year. Mr Esposito also informed of the Council of Europe priorities for the next two-year period, namely artificial intelligence; smuggling of migrants; protection of the environment; penitentiary issues; improving the co-operation in the criminal law field, in particular the mutual legal assistance; and the fight against terrorism.
- II. **Assessment, management and integration back into the community of individuals accused or convicted of sexual offences**
5. The participants thanked the Chair, the scientific experts and the Secretariat for producing a first draft of a Committee of Ministers Recommendation and explanatory report, considered the texts and made a number of proposals for amendments and additions which the scientific experts will take into account when producing a revised draft for the PC-CP plenary meeting (deadline: 14 October 2019). As the scientific experts will not be available to attend the said meeting, the Secretariat will note all comments and suggestions for amendments and additions made at it by the participants and will send these to them in due course in order to allow them to produce a revised draft for the next PC-CP WG meeting in January 2020.
6. It was also agreed that, like with the revision of the European Prison Rules, the input from the Court Registry and the CPT will be sought in order to reflect in the explanatory report the relevant case-law of the Court and the CPT standards.
- III. **Follow-up to the 24th CDPPS “Offender Management: Tradition and Technology” (Cyprus, 21-22 May 2019)**
7. The participants thanked Ms Athena Demetriou from the Cypriot Prison Administration for the excellent organisation of the 24th CDPPS and considered the issue of artificial intelligence in the prison and probation work. They discussed the suggestions made by Mr Kleijssen regarding AI, the proposals to include a reference to this in the commentary to the revised EPR and agreed that AI is more and more used for ensuring safety and security in prisons, to replace staff, to do risk assessment, in the reintegration of prisoners and offenders in general and that this use raises issues related to data protection, information sharing, protection of private life, human contact. Therefore they decided that there is a need to have a more detailed discussion of this topic and the way forward at their next PC-CP WG meeting in 2020.

IV. 25th CDPPS, Dublin, 9-10 June 2020

8. The participants considered the proposals made by the Irish Probation Service regarding the title and topics of the 25th CDPPS (Dublin, 9-10 June 2020) and agreed on the title of the Conference and the workshops. The suggested title will be "Prison and Probation Work: Rights, Accountability and Challenges". It is suggested to have two keynote speeches at the opening plenary session, one regarding the revised EPR, which are expected to be adopted by the Committee of Ministers by then and one on the Council of Europe Probation Rules, which will celebrate their tenth anniversary next year.
9. It is suggested to have six workshops: on sex offenders to discuss the draft recommendation with the Directors and get a feedback before it is finalised; one on mental health to get a feedback on the problems encountered by the prison and probation services; one on solitary confinement, separation, isolation to discuss the EPR rules and the CPT standards; one on restorative justice and victims' rights; one on the PRILA project again with a CPT contribution and one on prison design and its impact on the wellbeing of prisoners and staff.
10. The Secretariat will approach possible speakers for the Conference and will visit the accommodation places and conference venue in due course in order to finalise the outstanding practical issues with the Irish Prison and Probation Services.

V. Dealing with offenders with mental health disabilities and disorders in prisons and under probation

11. The participants took note of the extensive presentation made by Mr Clive Meux, scientific expert on mental health issues which he encountered during his practice as forensic psychiatrist, as well as of the information that in many countries there is no specific training provided for psychiatric nurses. In countries where such training exists and such nurses work also in prisons, they are doing very good job. He also discussed the difference between mental illness (a term used by the EPR), mental disorder and mental disability and the existing overlap between sex offenders and mental health issues and was in agreement with the decision taken by the PC-CP to separate the consideration of these two problems faced by prison and probation services.
12. The participants decided to continue the discussion of this topic at their next WG meeting with a view to entrusting an external consultant with producing a paper which should take stock of the existing legal instruments and other standards in the area, the possible lacunae and would suggest standards to fill in the gap.

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

13. The PC-CP WG considered their tasks planned for the next two years in conformity with their draft terms of reference and agreed on the general time-line.

VII. Elections

14. The PC-CP WG took note of the fact that the mandate of six of their elected members will expire at the end of the current year and that there is a need to ensure continuity in the expertise and work carried out by it. The members decided to elect for one-year period (renewable once) Ms Annie Devos as their Chair and Ms Nadya Radkovska as their Vice-Chair, starting in January 2020. Consequently, four new members of the PC-CP WG need to be elected at the CDPC plenary meeting in December 2019.
15. The representatives of the prison and probation services of the member States attending the meeting were invited to consider sending possible suitable candidates for election.

VIII. Draft agenda of the PC-CP plenary meeting (5-7 November 2019)

16. The PC-CP WG agreed on the main items to be included in the draft agenda of the next PC-CP plenary meeting, namely: the revision of the EPR; the draft recommendation on sex offenders; presentation by EuroPris regarding two of their projects which contribute to the implementation of Council of Europe standards by the national prison services; a presentation on desistance and pervasive punishment and a round-table discussion regarding the need to update the Handbook for prison and probation services regarding radicalisation and violent extremism.

IX. Gender mainstreaming

17. In the meeting took part 13 women and 14 men of whom the PC-CP WG members were 5 women and 4 men. The Secretary to the committee and one of the scientific experts are women.
18. In the course of the discussions issues related to gender mainstreaming and non-discriminatory treatment were discussed under the following points: (a) mental health and (b) the management of sex offenders.

X. Any other business

19. The participants took note of the information provided by the Secretariat that a new EC/CoE Joint Project will start for a 18-months period (October 2019 - April 2021) in the framework of which are planned to be held two criminological conferences (a practice abandoned in 2003 due to the lack of funding), discussed possible topics and speakers and decided to continue the discussions at their next WG meeting.
20. The participants informed of a number of other meetings in which they had taken part between April and September 2019 or which are planned to be held in the near future and at which the PC-CP work and the Council of Europe standards were/will be promoted or which could be of interest for its future work.

XI. Dates of the next meetings

21. The dates of the next PC-CP WG meeting were agreed to be 21-23 January 2020.

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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(2019)4	Summary Meeting Report of the 21st PC-CP Working Group meeting, 1-3 April 2019
PC-CP Terms of Reference 2018-2019 Draft PC-CP Terms of Reference 2020-2021 CPT comments on the Revised European Rules	4. Information provided by the Secretariat
PC-CP(2019)3rev3	5. Assessment, management and integration back into the community of individuals accused or convicted of sexual offences
Conference website	6. Follow-up to the 24th CDPPS “Offender Management: Tradition and Technology” (Cyprus, 21-22 May 2019)
	7. 25th CDPPS, Dublin, June 2020
Presentation by Dr Clive Meux	8. Dealing with offenders with mental health disabilities and disorders in prisons and under probation
	9. Feedback from participation in other meetings
PC-CP(2019)9	10. Elections
	11. Gender mainstreaming
	12. Any other business
	13. Dates of the next meetings

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