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PC-CP (2020) 1

WORKING GROUP OF THE COUNCIL FOR PENOLOGICAL CO-OPERATION

(PC-CP)

**23rd Meeting of the Working Group
Strasbourg, 21-23 January 2020**

SUMMARY MEETING REPORT

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

EXECUTIVE SUMMARY

The PC-CP Working Group (WG):

- Welcomed its newly elected members, namely Mr Vivian Geiran (Ireland); Mr Manfred Kost (Germany); Ms Maria Lindström (Sweden) and Ms Laura Negredo Lopez (Spain) as well as the representatives of Azerbaijan, Belgium, Mexico, Poland 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 - Action against Crime Directorate, Council of Europe who informed that among the priorities of the Georgian Presidency of the Committee of Ministers (November 2019 - May 2020) is the holding of a Conference on the use of restorative justice in the framework of child-friendly justice (23 March 2020) which will provide an occasion to promote CM/Rec (2018)8 on restorative justice in criminal matters, drafted by the PC-CP. He also informed of the priorities of the Council of Europe for 2020-2021, namely AI, protecting the environment through criminal law, countering terrorism, and combating migrants' smuggling. Mr Kleijssen informed of the setting up of a new *ad hoc* Committee on AI which held its first meeting in November 2019 and started drafting the general legal framework of the use of AI in line with Council of Europe standards, leaving to the thematic committees to consider the implications of this use in their areas of competence;

- Mr Kleijssen thanked the PC-CP for the revision and updating of the European Prison Rules and informed that the text will be on the Committee of Ministers agenda on 27 March 2020. He also highly praised the SPACE collection of data which attract each year a lot of media attention and are well known and used worldwide;
- Took note of the information provided by Mr Carlo Chiaromonte, Counter-Terrorism Coordinator of the Council of Europe, Head of the Criminal Law and Counter-Terrorism Divisions, Secretary to the European Committee on Crime Problems (CDPC) regarding the CDPC priorities for 2020-2021 and in particular regarding the planned holding of a Ministers of Justice Conference to further deal with prison overcrowding and the ensuring task before the PC-CP and its Secretary to draft a concept paper in relation to this;
- Welcomed Mr Harvey Slade (United Kingdom) who joined the team of scientific experts and continued with the revision of the draft Recommendation regarding the assessment, management and reintegration of persons accused or convicted of sexual offences and its draft explanatory report in the light of the comments made at the last PC-CP and CDPC plenary meetings (end of 2019) as well as in the light of the comments and suggestions sent to the experts by medical associations working with sex offenders;
- Considered the issue of AI in the prison and probation work as entrusted to the PC-CP with their mandate for 2020-2021 and decided to invite an external consultant to make a presentation at the PC-CP plenary meeting (13-15 October 2020) with a view to possible drafting in 2021 of a set of ethical standards related to the use of AI by the prison and probation services;
- Took note of the information provided by the Secretariat regarding the planned holding of two Conferences in the framework of a new EC/CoE Joint Project related to SPACE (on new types of crime including cybercrime and on correlations between crime rates, conviction rates and imprisonment rates), agreed that the subject of the first conference (to be held in April or May 2020) is not directly related to prison and probation issues and agreed that Ms Annie Devos, PC-CP Chair will sit on the scientific committee, which will prepare the second Conference (to be held during the week of 16-20 November 2020);
- Took note of the presentation on mental health in probation sent by Professor Charlie Brooker (United Kingdom), scientific expert, who was unable to attend the meeting and decided to invite to the September meeting of the WG a forensic psychiatrist working with offenders both in prisons and under probation and continue examining this issue before deciding whether CM Recommendation n° (98)7 should be updated and complemented or a new recommendation needs to be drafted covering both prison and probation aspects of mental health;
- Discussed whether there is a need to update and complement the Handbook regarding radicalisation and violent extremism and was of the unanimous opinion that it is premature at this stage to do so;
- Considered the PC-CP terms of reference for 2020-2021 and agreed on its related work priorities and workplan for the two years in question;
- Agreed on the list of speakers, moderators and overall contents and scenario of the 25th CDPPS (Dublin, 9-10 June 2020) and drafted its preliminary programme;
- Agreed on the dates of their next PC-CP WG meetings (1-3 April and 7-9 September 2020).

1. The Council for Penological Co-operation WG held its 23rd meeting in Strasbourg on 21-23 January 2020 with Ms Annie Devos in the Chair and Ms Nadya Radkovska as Vice-Chair. The list of participants is appended to this report (Appendix II).

I. Opening of the meeting, 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 [Doc. PC-CP (2019) 10] was approved.
3. The participants took note of the opening words by Mr Jan Kleijssen, Director, Information Society - Action against Crime Directorate, Council of Europe who informed that among the priorities of the Georgian Presidency of the Committee of Ministers (November 2019 - May 2020) is the holding of a Conference on the use of restorative justice in the framework of child-friendly justice (23 March 2020) which will provide an occasion to promote CM/Rec (2018)8 on restorative justice in criminal matters, drafted by the PC-CP. He also informed of the priorities of the Council of Europe for 2020-2021, namely AI, protecting the environment through criminal law, countering terrorism, and combating smuggling of migrants. Mr Kleijssen informed of the setting up of a new *ad hoc* Committee on AI (CAHAI) which held its first meeting in November 2019 and started drafting the general legal framework of the use of AI in line with CoE standards, leaving to the thematic committees to consider the implications of this use in their areas of competence. He therefore invited the PC-CP WG to start considering the impact of the use of AI in prisons and by the probation services (as a follow-up to the discussions held during the 24th CDPPS in Cyprus in 2019). Although AI is not yet used by the services in some countries, it is already in use elsewhere in the world and also in some European countries and staff needs to be prepared for the challenges this may pose and be proactive in this respect to avoid any negative implications AI may have.
4. Mr Kleijssen also thanked the PC-CP for the revision and updating of the European Prison Rules and informed that the text will be on the Committee of Ministers agenda on 27 March 2020. He also highly praised the SPACE collection of data which attracts each year a lot of media attention and is well known and used worldwide.
5. The PC-CP WG took note of the information provided by Mr Carlo Chiaromonte, Counter-Terrorism Coordinator of the Council of Europe, Head of the Criminal Law and Counter-Terrorism Divisions, Secretary to the European Committee on Crime Problems (CDPC) regarding the CDPC priorities for 2020-2021 and in particular regarding the planned holding of a Ministers of Justice Conference to further deal with prison overcrowding. He underlined that in relation to the holding of this Conference (the exact dates in 2021 and place are still to be decided) the PC-CP and its Secretary are requested to draft a concept paper suggesting specific agenda and speakers.

II. Assessment, management and reintegration of persons accused or convicted of sexual offences

6. The participants welcomed Mr Harvey Slade (United Kingdom) who joined the other scientific experts Ms Marianne Fuglestved (Denmark) and Mr Kieran McCartan (United Kingdom) and considered the revised draft Recommendation regarding the assessment, management and reintegration of persons accused or convicted of sexual offences and its draft explanatory report. The amendments introduced since their meeting in September 2019 by the experts reflected the comments and suggestions made at the last PC-CP and CDPC plenary meetings in 2019 as well as the comments and suggestions sent to the experts by medical associations working with sex offenders.
7. The parts of the text related to definitions, scope, basic principles, risk assessment, management, interventions and treatment in prisons and by the probation services were revised further and the remaining part was not considered due to the lack of time. The experts were requested to send the revised version to the Secretariat not later than 1 March 2020.

III. Follow-up to the 24th CDPPS “Offender Management: Tradition and Technology” (Cyprus, 21-22 May 2019)

8. The PC-CP WG considered the issue of AI in the prison and probation work as entrusted to the PC-CP in accordance with their mandate for 2020-2021 and decided to invite an external consultant to make a presentation at the PC-CP plenary meeting (13-15 October 2020) as well as a representative of the newly set up *ad hoc* Committee on AI (CAHAI) and discuss the latest developments, the drafting work done so far by CAHAI and to start drafting in 2021 of a set of ethical standards related to the use of AI by the prison and probation services.

IV. 25th CDPPS “Prison and Probation Work: Rights, Accountability and Challenges” (Dublin, 9-10 June 2020)

9. The participants agreed on the list of speakers and moderators of the different workshops as well as on the overall contents and scenario of the 25th CDPPS (Dublin, 9-10 June 2020) and drafted its preliminary programme. It was agreed that in order to allow the participants to attend as many workshops held in parallel as possible, all workshops will be repeated twice, and the repeated workshops will rotate in the meeting room with interpretation booths to benefit from English/French interpretation.

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

10. The Secretariat rolled on the screen the presentation sent by Professor Charlie Brooker (United Kingdom), scientific expert, who was unable to attend the meeting. The presentation shed some light on issues related to mental health of offenders under probation but the participants agreed that there is a need to invite to the September meeting of the WG a forensic psychiatrist working with offenders both in prisons and under probation and to continue examining this issue and the existing standards before deciding whether CM Recommendation n°(98)7 should be updated and complemented or a new recommendation needs to be drafted covering both prison and probation aspects of mental health of offenders. There was a certain inclination to drafting a new Recommendation as the existing one deals only with prisons and deals with general healthcare issues and not only with mental health. For the meeting of the WG in April will be invited experts on mental health who have carried out a stocktaking study on the existing standards in this area.

VI. Round table discussion regarding the Handbook for prison and probation services regarding radicalisation and violent extremism

11. The participants discussed whether there is a need to update and complement the Guidelines and the Handbook regarding radicalisation and violent extremism. There was a general agreement that it is too early to do so as the prison and probation services are starting only now to get acquainted the standards developed internationally (which proliferate not only worldwide but also in Europe) and use these in their work. An opinion was also expressed that currently right-wing extremism starts causing also a lot of problems to the authorities and represents not a lesser threat to societies than religious extremism.

VII. SPACE/NPM EU/CoE Joint Project activities

12. The participants took note of the information provided by the Secretariat regarding the planned holding of two Conferences in the framework of a new EC/CoE Joint Project related to SPACE (on new types of crime including cybercrime and on correlations between crime rates, conviction rates and imprisonment rates).
13. The members agreed that the subject of the first conference on cybercrime (to be held in April or May 2020) is not directly related to prison and probation issues and that therefore the PC-CP WG will not be involved in its preparation and holding.
14. Regarding the second Conference, it was agreed that Ms Annie Devos, PC-CP Chair, will sit on the scientific committee which will prepare it (it was suggested to be held during the week of 16-20 November 2020, depending on the availability of the SPACE team of experts or early 2021 as the JP ends on 31 March 2021).

VIII. Gender mainstreaming

15. It was noted that 10 women and 14 men took part in the meeting of whom 5 women and 3 men are members of the PC-CP WG. The Secretary to the committee and one of the scientific experts are also women.
16. During the discussions under the different points on the agenda, the participants were fully aware of the need to consider the needs and interests of the different genders and to take into consideration the need for respect of the basic principle of non-discriminatory treatment. More specifically these issues were discussed in relation to the work on the draft Recommendation regarding the assessment, management and reintegration in the community of persons accused or convicted of sexual offences and the work on mental health.

IX. Any other business

17. The PC-CP WG considered the PC-CP terms of reference for 2020-2021 and agreed on the timeline related to its work priorities and on some further details related to the workplan for the two years in question.

X. Dates of the next meetings

18. The dates of the next PC-CP WG meetings will be 1-3 April and 7-9 September 2020. The plenary meeting will be held on 13-15 October 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)10	Summary Meeting Report of the 9th PC-CP plenary meeting, 5-7 November 2019
CDPC(2019)23 PC-CP Terms of Reference 2020-2021	4. Information provided by the Secretariat
PC-CP(2019)3rev5	5. Assessment, management and reintegration of persons 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, 9-10 June 2020
Presentation by Prof Charlie Brooker	8. Dealing with offenders with mental health disabilities and disorders in prisons and under probation
Council of Europe Handbook for Prison and Probation Services regarding Radicalisation and Violent Extremism 8395/2/19 REV 2	9. Round table discussion regarding the Handbook for prison and probation services regarding radicalisation and violent extremism
	10. SPACE/NPM EU/CoE Joint Project activities
	11. Feedback from participation in other meetings
	12. Gender mainstreaming
	13. Any other business
	14. Dates of the next meetings

LIST OF PARTICIPANTS

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