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PC-CP (2022) 1

COUNCIL FOR PENOLOGICAL CO-OPERATION

(PC-CP)

**28th (hybrid) Working Group Meeting
Strasbourg, 23-25 February 2022**

SUMMARY MEETING REPORT

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

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EXECUTIVE SUMMARY AND DECISIONS TAKEN

The PC-CP WG:

- Welcomed their three newly elected members: Dominik LEHNER (Switzerland); Jorge MONTEIRO (Portugal) and Paulina TALLROTH (Finland) as well as the participating online national delegations (see the list of participants at Appendix II);
- Welcomed their new Chair, Nadya RADKOVSKA and wished her success in her new function;
- Adopted its agenda (see Appendix I) and its order of business and took note of the summary meeting report of their plenary meeting, document PC-CP(2021)15;
- Took note of the information provided by its Secretary, Iлина TANEVA, regarding the decisions taken at the last CDPC plenary meeting in December 2021 and in particular those related to the work of the PC-CP;
- Took also note that the CDPC list of decisions will be considered by the Committee of Ministers (CM) during the second half of March 2022 and that the CM might make comments and proposals regarding the follow-up to be given to the 26th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS), held in September 2021;
- Noted that the experts drafting the White Paper on the management of offenders with mental health disorders (document PC-CP(2021)8rev4) did not have so far the chance to work face-to-face together which does not facilitate the drafting process and expressed hope that the occasions to work in a face-to-face manner will increase in the future;
- Considered the draft White Paper on the management of offenders with mental health disorders and instructed the scientific expert, Charlie Brooker as well as their new member Jorge Monteiro (who as scientific expert drafted the part related to prisons) to revise the structure of the document in accordance with the newly proposed structure and also to revise and complete the list of principles and recommendations;
- Agreed that the revised draft text will be considered at their next meeting in June 2022 with a view to finalising it for approval by the PC-CP Plenary meeting in October 2022 and for adoption by the CDPC Plenary meeting in December 2022 and that in view of the importance of the subject matter and of the work done so far, the PC-CP will recommend as a next step to draft a CM recommendation on the subject;
- Took note with interest of the information provided by Louise RIONDEL, Co-secretary of the Committee on Artificial Intelligence (CAI) regarding the Feasibility Study prepared by the previous Committee CAHAI, which will be adopted by the CM in the coming days. She also informed that the newly established Committee CAI will hold their first meeting in April this year and will, in accordance with their mandate, start drafting a legal instrument setting the legal framework of the designing, developing and application of AI which will be transversal in nature and will be accompanied by other specific instruments (binding and non-binding) in this area, including the CM recommendation the PC-CP is currently drafting. It was noted that the deadline for drafting of this text will be 15 November 2023 which coincides with the deadline of the Recommendation in question;
- The participants agreed that the work should be coordinated regularly with CAI and that both committees will be kept informed of the advancement of their respective work and of the agreed by CAI definitions to be used in the CM recommendation;
- Welcomed Fernando MIRO, a new scientific expert on artificial intelligence as well as the other two experts Pia PUOLAKKA and Håkan KLARIN and thanked them for the first draft version of the CM Recommendation on Ethical and Organisational Aspects of the Use of Artificial Intelligence and related Digital Technologies by Prison and Probation Services (document PC-CP(2021)17Rev);
- Noted that the experts were obliged to draft this text online and have had until the present meeting no occasion to work face-to-face but that despite this fact this preliminary draft is of a very good quality;

- Considered the draft Recommendation and made proposals for amendments and additions. It was agreed that the definitions used for the purpose of the recommendation are working definitions only and will be revised once the text has advanced and once CAI has reached an agreement on the definitions to be used. The participants also welcomed the fact that the three experts will have a separate face-to-face meeting on 24 February to redraft the text following the comments and proposals made at the PC-CP meeting;
- Agreed that the revised draft will be sent to the Secretariat by mid-April with a view to its translation into French in good time for the next PC-CP WG meeting in June 2022;
- Took note of the information provided by the Secretariat regarding the state of preparation of the 27th CDPPS (21-22 June 2022, Sevilla, Spain), considered the proposals made by the Spanish hosts and by the PC-CP Chair regarding possible topics to be discussed and made concrete proposals for the title and contents of the Conference, Decided that in a week's time the PC-CP WG will finalise (by e-mail) the title, workshops contents and possible speakers;
- Took note with great interest of the information provided by Kresimir KAMBER, Lawyer at the Registry of the European Court of Human Rights regarding the latest caselaw of the Court regarding prisons and prisoners;
- Took note of the information provided by its Secretary, Iliana TANEVA regarding SPACE statistics and the SPACE/NPM EU/CoE Joint Project;
- Took note of the information provided by Gustav TALLVING, Executive Director of EuroPris regarding a planned webinar on children with imprisoned parents where the data collected by EuroPris on such children will be shared. Took note of the proposal to hold this webinar as a joint event with the Council of Europe in order to share the achievements and discuss the challenges. It was agreed that EuroPris will be informed in the coming weeks who will participate in this seminar from the PC-CP side;
- Appointed one of its members, Laura NEGREDO to be the gender mainstreaming rapporteur;
- The Gender Mainstreaming Rapporteur noted that altogether there were 71 participants according to the final list of participants. Out of these 33 were women and 38 were men. The Chair, Vice-Chair as well as 5 out of the 9 elected members of the PC-CP are women, as well as one of the 3 scientific experts was a woman. The gender perspective was also considered when working on the draft White Paper on the management of offenders with mental health disorders. In this regard, some recommendations were included to assess and address the specific needs that women with mental health disorders in prison and/or on probation. Finally, regarding the preparation of the 27th CDPPS, it was discussed to include the specific challenges that women face in prison and/or on probation as a topic for one of the workshops.
- Decided that the next PC-CP WG meetings will be on 19-20 June 2022 (in Sevilla) and on 20-22 September 2022 in Strasbourg;
- Decided that their next plenary meeting will be on 25-27 October 2022 in Strasbourg.

AGENDA

	1. Opening of the meeting
	2. Adoption of the agenda and the order of business
PC-CP(2021)15	3. Summary report of the PC-CP Plenary meeting (November 2021)
CDPC(2021)14 CDPC(2021)12 CDPC Terms of reference 2022-2025 PC-CP Terms of reference 2022-2025	4. Information provided by the Secretariat
Conference Website PC-CP(2021)14	5. Outcomes and follow-up to the 26th CDPPS (20-21 September 2021, Portugal)
	6. 27th CDPPS (Sevilla, Spain, 21-22 June 2022)
CM Declaration on AI Article by Pia Puolakka and Steven Van De Steene PC-CP(2021)9Rev PC-CP(2021)17Rev2 Preliminary draft Recommendation on AI (<i>sent by e-mail</i>) Council of Europe standards related to AI PC-CP(2021)16 Replies to the Questionnaire and Survey	7. Artificial Intelligence and its use by the prison and probation services

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<p>PC-CP(2021)4 Replies to the questionnaire prisons</p> <p>PC-CP(2021)Misc2 Original replies in French to the questionnaire prisons</p> <p>PC-CP(2021)Misc3 Reply from Germany (original language German) to the questionnaire prisons</p> <p>PC-CP(2021)5 Replies to the questionnaire probation</p> <p>PC-CP(2021)Misc1 Original replies in French to the questionnaire probation</p> <p>PC-CP(2021)8Rev4 White Paper</p> <p>Mental Health Joint Thematic Report</p> <p>MHC Report - Access to Mental Health Services for People in the Criminal Justice System</p> <p>Effective practice guide Mental health Key take-aways: mental health</p>	<p>8. Dealing with offenders with mental health disabilities and disorders in prisons and under probation</p>
	<p>9. Latest development in the prison and probation area: feedback from the ECtHR and the CPT</p>
<p>SPACE Website</p> <p>Project Website</p>	<p>10. SPACE Statistics and SPACE /NPM EU/CoE Joint Project activities</p>
	<p>11. EuroPris on suggested activities to implement CM Recommendation (2018)5 concerning children with imprisoned parents, in particular during the COVID-19 sanitary restrictions</p>
	<p>12. Feedback from participation in other meetings</p>
	<p>13. Gender mainstreaming</p>
	<p>14. Any other business</p>
	<p>15. Dates of the next meetings</p>

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