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PC-CP (2022) 7

COUNCIL FOR PENOLOGICAL CO-OPERATION

(PC-CP)

**12th Plenary Meeting
Strasbourg, 25-27 October 2022**

SUMMARY MEETING REPORT

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

The documents of the meeting are available on the website:

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EXECUTIVE SUMMARY AND DECISIONS TAKEN:

The PC-CP plenary meeting:

- Welcomed the national delegates, the PC-CP WG members, the scientific experts and the representatives observers of the CEP, EuroPris, EMCDDA and COPE (see the list of participants in Appendix II);
- Welcomed also Carlo Chiaromonte, Head of Criminal Law and Counter-Terrorism, and took note of the latest information regarding the political and budgetary situation at the Council of Europe and regarding the CDPC work and in particular regarding the forthcoming CDPC plenary meeting (28-30 November 2022, Strasbourg);
- Took note that since 16 September 2022 the Russian Federation is no longer a High Contracting Party to the European Convention on Human Rights and that the current political situation in Europe has led to the decision to hold a Fourth Summit of the Heads of State and Government of the Council of Europe member States which will be held next year during the Icelandic Presidency of the Committee of Ministers;
- Adopted its agenda (see Appendix I) and its order of business and took note of the summary meeting reports of the PC-CP WG meetings in 2022;
- Took note of the information provided by its Secretary regarding the latest developments related to restorative justice, namely the adoption in December 2021 by the European Ministers of Justice the Venice Declaration on Restorative Justice which promotes the CM Recommendation (2018) on the same subject and requests the member States of Council of Europe and the CDPC to take concrete actions to implement the Recommendation;
- Agreed that follow-up to the Venice Declaration needs to be ensured but noted at the same time that the limited budgetary and staff resources will be an obstacle in this respect and took note of the Secretariat appeal to look for possible external funding in this important area;
- Considered and finalised the draft White Paper on the management of offenders with mental health disorders by the prison and probation services and thanked the scientific experts and the PC-CP WG members for their excellent work. Endorsed the proposal made by the PC-CP WG, in view of the importance of the subject matter and of the work done so far, to recommend to the CDPC as a next step to draft a CM recommendation on the subject;
- Agreed in this respect that the Ministries of Health and Social Affairs need also to be associated with the work on a draft Recommendation as they also have a role to play not only in the case of prisoners but also probationers and that special attention should be paid to the forensic institutions and how they manage the persons in their custody;
- Fernando Miro, scientific expert on AI presented the structure and main contents of the draft CM Recommendation on the ethical and organisational aspects of the use of AI by the prison and probation services. The participants thanked him for the clear and concise manner of presenting this complex subject;
- Considered and revised the draft CM Recommendation and thanked the three scientific experts for their excellent work. The participants also thanked the German delegate for presenting written comments and suggestions for amendments to the text. Noted that the draft Recommendation is expected to be finalised at the end of 2023 and that its revision, in the light of all comments made at the meeting and subsequently at the CDPC plenary meeting will be considered at the PC-CP WG meetings in February and in April 2023;
- Took note of the information provided by the Co-Secretary to CAI regarding the advancement of the work on the future general legal instrument (transversal and global) on AI (two meetings held so far) and that the real drafting and negotiation process will start in January 2023. Noted that there is yet no agreement on the definition of AI. Decided that in case the general legal instrument will not be ready by September 2023 the draft Recommendation might need to be finalised as planned and it will explicitly state that the definitions used in it apply only for the needs of the Recommendation;
- Approved the suggestions made at the last PC-CP WG meeting regarding the 27th CDPPS (21-22 June 2022, Sevilla, Spain) namely, to continue including some important topics like staff training and development and prison design on the PC-CP agenda and that gender mainstreaming should be part of the discussions in all workshops and not a separate topic;

- Took note of the information provided by the delegate from Germany regarding the hosting, organisation and venue of the 28th CDPPS (6-7 June 2023, Berlin) and more specifically regarding the opening session where a general presentation of the German prison and probation system in the different landers will be presented and regarding the planned visit to a prison after the end of the Conference;
- Made suggestions regarding the possible workshops, namely prison design, drugs in prison, staff training, remote medical treatment family-oriented approach in prison, the use of new media in the cells, new approach of staff dealing with offenders, motherhood in prison, violent extremists, restorative justice, preventive detention, gender-based violence;
- Took note of the presentations made by the representatives of COPE and EuroPris regarding the work carried out and related to children with imprisoned parents and thanked both organisations for their active role in ensuring the implementation of the Council of Europe standards by the prison services in Europe;
- Took note of the information provided by the representative of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) about the work carried out related to prisons and also took note of the recently published report on drugs in prison;
- Took note of the information provided by the representative of the Registry of the European Court of Human Rights (ECtHR) regarding the most recent case-law (October 2021-October 2022) related to prisons and also of the recently open to the public New Knowledge Sharing Platform of the ECtHR;
- Took note of the information provided by the representative of the Co-operation in Police and Deprivation of Liberty Unit on the activities carried out in 2022 and on planned new projects;
- Took note of the information provided by some participants regarding participation in other meetings, namely organised by the CEP, EuroPris, RAN, ICPA and others;
- Took note of the information provided by the gender mainstreaming rapporteur that altogether there were 48 participants according to the final list of participants. Out of these 23 were women. The Chair, Vice-Chair, the Secretariat as well as 5 out of the 9 elected members of the PC-CP are women.
- Took also note of the training organised for all gender mainstreaming rapporteurs of the different Council of Europe committees at the end of November 2022 and that the gender mainstreaming rapporteur will not be able to attend but she will contract the organizers in order to get the information from the training that may be useful for the PC-PC.
- Agreed that the gender perspective was considered when discussing the next CDPPS (June 2023, Berlin). It was decided that the gender approach will be included in all workshops as it affects all conference topics in a transversal way. For example, the current draft of the Recommendation on AI, in its article 3 states the danger of creating or intensifying the existing bias, for instance related to the gender. Also, one of the potential topics to be included in the conference is connected to dealing with offenders sentenced for gender-based violence;
- Noted that the gender perspective was also taken into account when working on the draft White Paper on the management of persons with mental health disorders. In this regard, some recommendations contained in it stress the need to assess and address the specific needs that women with mental health disorders in prison and/or on probation may have.
- Noted that the next PC-CP WG meetings will be held on 7-9 February 2023 and on 3-5 April 2023 in Strasbourg.

AGENDA

	1. Opening of the meeting
	2. Adoption of the agenda and the order of business
PC-CP(2022)1 PC-CP(2022)3 PC-CP(2022)6	3. Summary reports of the PC-CP WG meetings in 2022
CDPC(2022)6 CDPC-BU(2022)2 CDPC-BU(2022)4	4. Information provided by the Secretariat
Conference website	5. Outcomes and follow-up to the 27th CDPPS (20-21 June 2022, Spain)
PC-CP (2021)17Rev6 Draft CM Recommendation CAI website	6. Artificial Intelligence and its use by the prison and probation services
PC-CP(2021)8 Rev9 White Paper	7. Dealing with offenders with mental health disabilities and disorders in prisons and under probation
	8. 28th CDPPS (6-7 June 2023, Berlin, Germany)
Venice Declaration	9. The Venice Declaration on Restorative Justice and the possible follow-up to be given to it
Presentation	10. Drugs in prison
	11. COPE presentation
Presentation	12. EuroPris presentation
	13. Information provided by the Registry of the ECtHR
Presentation	14. Co-operation activities
	15. Feedback from participation in other meetings
	16. Gender mainstreaming
	17. Any other business
	18. Dates of the next meetings

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