

Strasbourg, 27 September 2023

PC-CP (2023) 11

COUNCIL FOR PENOLOGICAL CO-OPERATION

(PC-CP)

**33rd Working Group Meeting
Strasbourg, 19-21 September 2023**

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 the national delegations and the Representatives of the observers as well as the scientific experts (see List of Participants at Appendix II).
- Adopted their Agenda (Appendix I) and Order of Business and had no comments to make to the Summary meeting report of the 32nd PC-CP WG meeting [Document PC-CP(2023)7].
- Took note of the information provided by their Secretary regarding the last CDPC plenary meeting (13-15 June 2023) and of the decisions taken regarding the PC-CP activities [Document CDPC (2023)2]. Took also note of the forthcoming CDPC Bureau meeting (5-6 October 2023) and of the CDPC plenary meeting (20-22 November 2023).
- Considered the written comments sent by the German and UK CDPC delegates on the draft Recommendation on AI (received a couple of weeks before the current meeting) as well as the comments sent by Finland before the CDPC plenary meeting in June and took note of the fact that the scientific experts and the Secretariat had two online meetings at the beginning of September to consider these comments and incorporate them as necessary.
- Thanked the scientific experts for their excellent work, considered the revised draft CM Recommendation on the Ethical and Organisational Aspects of the Use of AI by the Prison and Probation services [Document PC-CP(2021)17rev10] and made some additional comments and amendments.
- Thanked Kresimir Kamber from the European Human Rights Court's Registry for providing additional reflexions and information related to the ECtHR case-law and agreed to include these in the commentary to some of the rules.
- Due to the CAI very busy schedule, no CAI representative of the Secretariat could take part in the meeting, but the PC-CP Secretary informed of the state of work on the draft Framework Convention on AI and of the dates of the next CAI plenary meeting (24-26 October 2023). The meeting will be in a hybrid format and some PC-CP delegates and scientific experts expressed a wish to join the meeting online. There will be three more plenary meetings before the finalisation of the Convention, planned for mid-March 2024 with a view to its adoption by the Committee of Ministers by the end of April 2024.
- Held a discussion regarding whether there is a need of postponing the finalisation of the recommendation waiting for the adoption of the Framework Convention and agreed that in view of the advanced stage of finalisation of the Recommendation and the specific area it is dealing with, it would be preferable to finalise it as planned and leave the decision whether to postpone its approval by the CDPC to be taken at the CDPC plenary meeting in November 2023.
- Further agreed that the two definitions "AI" and "related digital technologies" should remain in the text despite the risk of the CAI not agreeing on a definition in the text of the Convention and that the statement in the Recommendation that these definitions are used only for the purposes of the Recommendation suffices in this case as it is important to clarify the scope of the Recommendation to the authorities which will make use of it.
- Thanked the scientific experts for providing the first draft of the Recommendation on the management of persons with mental disorders and the promotion of positive mental health by the prison and probation services [Document (PC-CP(2023)8] and made comments and suggestions for amendments and additions.

- Took note of the information provided by Hans Meurisse, Vice-president of ICPA regarding the forthcoming activities of the Association which are of great interest and use for the PC-CP work and also welcomed the fact that at the forthcoming ICPA Annual General Conference (22-27 October, Antwerp, Belgium) Kresimir Kamber and Ilina Taneva will present the Council of Europe work and achievements in the penitentiary field, covering the monitoring (ECtHR and CPT) and the standard-setting activities (PC-CP).
- Considered the outcomes of the 28th CDPPS (Berlin, 6-7 June 2023) and reiterated their high appreciation of the excellent organisation and the contents of the Conference, of the quality of the speakers and of the detailed information presented regarding the German prison and probation practices in the different landers.
- Took note of the information regarding the state of preparation of the 29th CDPPS (25-26 June 2024, Sofia) and discussed its possible title, contents and workshops.
- Considered their current and future terms of reference, the fact that these overlap for the period of 2024-2025, as after the Fourth Summit of Heads of State and Government of the Council of Europe (Harpa, Reykjavik, Iceland - 16-17 May 2023) amendments to the current ToR of all governmental committees needed to be updated, so that the new ToR cover the period 2024-2027 with an update at the end of 2025 by the Committee of Ministers.
- Discussed their workplan which these amendments will entail and agreed that the current ToR are being implemented as planned and that the next ToR will start being implemented as of 2024 also as planned.
- Considered the forthcoming elections of four new PC-CP WG members and welcomed the information that the French authorities have already presented their candidate, namely Frédéric Hankus, Deputy Head of the Department for insertion, probation and prevention of recidivism policies (DPIPPR), Interregional Directorate of penitentiary services.
- Took also note that two more possible candidates will be presented for elections at the forthcoming CDPC plenary meeting and welcomed this fact.
- Took note of the information provided by one of their members, Vivian Geiran who reported on a recent online meeting of the International Penal and Penitentiary Foundation (IPPF), which he attended as their member. At the meeting, IPPF Secretary General, Dr. Mary Rogan and IPPF Council members presented the new IPPF Strategic Plan, setting out ambitious plans for the further development of IPPF structures and activities, including increased opportunities for international cooperation and collaboration in penological matters (the (interim) new IPPF website is available at: <https://www.ippf-fipp.org>). He invited the PC-CP to collaborate with IPPF in their future work.
- Took note of the information provided by their gender rapporteur that altogether there are 23 participants according to the list of participants. Out of these 8 are women. The Chair, Vice-Chair, the Secretariat as well as 5 out of the 9 elected members of the PC-CP are women. Considering scientific experts, one is a woman and 4 are men.
- Agreed that in the current PC-CP WG work, the gender aspect is included in the following items:
 - ✓ The Draft Recommendation on the management of persons with mental disorders and the promotion of positive mental health by the prison and probation services.
 - ✓ The Draft Recommendation on ethical and organisational aspects of the use of artificial intelligence and related digital technologies by prison and probation services, under its principle of equality and non-discrimination, alerts about the potential gender bias algorithms is formulated so that measures are taken to deal away with this type of biases.

✓ The contents of the 29th CDPPS will include a gender perspective.

- Reminded that the dates of the PC-CP plenary meeting will be 10-12 October 2023 (in Paris).
- All participants thanked Frederic Hankus, for organising on 21 September a visit to the Strasbourg Pre-trial Detention Centre. The visit was very well prepared and very informative and provided a detailed oversight of the French prison and probation system.

AGENDA

	1. Opening of the meeting
	2. Adoption of the agenda and the order of business
PC-CP(2023)7	3. Summary meeting report of the 32nd PC-CP WG meeting (3-5 April 2023)
CDPC(2023)07	4. Information provided by the Secretariat
PC-CP(2021)17rev10 Draft CM Recommendation	5. Draft CM Recommendation on the ethical and organisational aspects of the use of AI by the prison and probation services and its commentary
CAI website Recommendation CM/Rec(2020)1 Recommendation CM/Rec(2021)8	6. Exchange of views with the CAI Secretariat
PC-CP(2023)8	7. Draft CM Recommendation on the management of mental disorders and the promotion of positive mental health by the prison and probation services
www.coe.int/cdpps2023	8. Follow-up to 28th CDPPS (Berlin, 6-7 June 2023) and round table discussion regarding the 29th CDPPS (26-27 June 2024, Sofia, Bulgaria)
	9. Round table discussion on updating of CM Recommendations
	10. Gender mainstreaming
	11. Feedback on the latest ICPA activities
	12. Feedback from participation in other meetings
	13. Any other business
Agenda Order of business	14. Agenda and order of business of the PC-CP plenary meeting (10-12 October 2023, Paris)

LIST OF PARTICIPANTS

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BELGIUM / BELGIQUE

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FRANCE

Frédéric HANKUS

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