

Strasbourg, 4 June 2024

PC-CP (2024) 3

COUNCIL FOR PENOLOGICAL CO-OPERATION

(PC-CP)

**35th Working Group Meeting
Strasbourg, 28-30 May 2024**

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 delegates from Belgium, France, The Netherlands and Poland, as well as the representatives of the CEP, the Registry of the ECtHR and the CPT Secretariat and the scientific experts;
- Took note of the presentation made by Ms Eva Pastrana, Head of the Criminal Law Division and Secretary to the CDPC regarding the last CDPC Bureau meeting and the latest Council of Europe work priorities and events planned, namely:
 - ✓ the official opening on 2 April 2024 of the Register of Damage for Ukraine for the claims submission process for compensation of damage, loss or injury caused by the Russian aggression and that it had so far received over 2500 compensation claims;
 - ✓ the adoption on 7 May 2024 of the CM Recommendation (2024)4 on combating hate crime;
 - ✓ the adoption by the CM on 17 May of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law;
 - ✓ the advancement of the work on the Council of Europe on a draft Convention on the Protection of the Environment through Criminal Law and in particular on a possible monitoring mechanism;
 - ✓ the work of the PC-OC on a third additional Protocol on Mutual Legal Assistance;
 - ✓ the work on the smuggling of migrants and on asset recovery;
 - ✓ the expected forthcoming adoption by the CM of the CM Recommendation on the use of AI by the prison and probation services;
 - ✓ the forthcoming work in the field of restorative justice following the Venice Declaration of the Council of Europe Ministers of Justice;
- Adopted their Agenda and their Order of Business;
- Approved the meeting report of their last meeting: document PC-CP (2024) 2 without any amendments;
- Took note of the information provided by Mr Petr Hnátik from the CPT Secretariat regarding the CPT Annual General Report and more specifically regarding informal prison hierarchies and the treatment of transgender persons in prisons and decided to include the latter topic on the Agenda of their Plenary meeting in November 2024;
- Mr Kresimir Kamber from the Registry of the ECtHR informed about the latest caselaw of the Court related to the penitentiary area, including the informal prisoners' hierarchies. Regarding the latter, he stated that only in the last years such cases were considered by the Court and that last year two cases were judged, and several are still pending.
- The participants had an exchange of views on this matter and there was a general agreement that this is an important issue of prison management and of crime control and needs attention and action;
- The PC-CP WG thanked the scientific experts, Mr Dirk Van Zyl Smit and Mr Ronald Gramigna for having revised the draft Recommendation on mental health after the last PC-CP WG meeting. The participants considered the revised draft and had additional comments and suggestions to make, which were duly noted by the experts. It was agreed that they will further revise the text in the coming days in view of its translation into French for consideration at the CDPC plenary meeting in June;
- The PC-CP WG thanked the scientific experts working on the revision of CM Recommendation (89)12 on education in prison for their work, considered the draft text and made a number of further comments and suggestions for amendments. They took note that the scientific experts and the secretariat will meet online to consider the proposals for amendments and additions and prepare a revised draft for the PC-CP WG meeting in September;

- In relation to this work, it was considered that there is a need to add more rules on digital learning, on foreign prisoners, mental health and neurodiversity and also it was agreed that the issue of whether to use “shall” or “should” in the text will be put for discussion at the PC-CP plenary meeting in November;
- The PC-CP WG considered their terms of reference for the coming years and their related workplan and agreed that work on the revision and updating of Recommendation CM/Rec(2012)12 on foreign prisoners and its Commentary will start at the beginning of 2025 and of the Council of Europe Probation Rules at the beginning of 2026;
- It was agreed that in relation to this a short questionnaire will be sent to all probation services to ask for their opinion on the planned revision of the Probation Rules;
- The participants took note of information provided by Ms Nadya Radkovska (Bulgaria) regarding the state of preparation of the 29th CDPPS (Sofia, 24-25 June 2024) as well as of the information provided by the moderators of the different workshops and discussed the overall organisation and expected outcomes;
- Ms Jana Špero, Secretary General of CEP informed of the recent and future meetings organised by the CEP, she also confirmed that the CEP members were requested to comment the draft Recommendation on mental health and their comments will be ready for the PC-CP WG meeting in September 2024;
- Ms Paulina Tallroth (PC-CP WG member from Finland) and Ms Iliana Taneva, Secretary to the PC-CP informed about the past meeting of the UNODC Open-ended expert group on reducing reoffending held in Vienna, Austria at the end of March 2024;
- The PC-CP WG agreed on the Agenda of their next meeting in September as well as on the Agenda of the PC-CP Plenary meeting in November 2024;
- Took note of the information provided by their gender rapporteur that altogether there were 23 participants according to the list of participants. Out of these 13 were women. It should also be noted that 6 out of the 9 elected members of the PC-CP WG are women, 3 out of the 5 members of the Secretariat are women and 2 of the 5 scientific experts are also women;
- During the meeting as well as in the current PC-CP WG work, the gender aspect is included in the following items:
 - ✓ The Draft Recommendation on the management of mental disorders and the promotion of mental health by the prison and probation services;
 - ✓ The updating of Recommendation (89)12 on education in prison;
 - ✓ The contents of the forthcoming 29th CDPPS in Sofia (24-25 June 2024);
 - ✓ The topic on the treatment of transgender prisoners to be discussed at the PC-CP plenary meeting in November 2024.
- The dates of the next meetings are: 36th PC-CP WG meeting (17-19 September 2024) and 14th PC-CP Plenary meeting (5-7 November 2024).

AGENDA

	1. Opening of the meeting
	2. Adoption of the Agenda and the order of business
PC-CP(2024)2	3. Summary meeting report of the last PC-CP Working Group meeting
CDPC(2024)01 CDPC-BU(2024)03 PC-CP ToR (2024-2027)	4. Information provided by the Secretariat
PC-CP(2023)8Rev4	5. Draft CM Recommendation on the management of mental disorders and the promotion of mental health by the prison and probation services
PC-CP(2024)1Rev EuroPris Prison Education Table of Recommendations and Practices	6. Updating Recommendation (89)12 on education in prison (including also offenders under probation)
Draft Programme Practical Information	7. Round table discussion regarding the 29th CDPPS (24-25 June 2024, Sofia, Bulgaria)
	8. Reviewing and updating the Recommendation and the Commentary to Recommendation CM/Rec(2012)12 on foreign prisoners
	9. Revision of the Council of Europe Probation Rules
	10. Update on relevant recent work of the ECtHR and the CPT
	11. Gender mainstreaming
	12. Feedback from participation in other meetings
	13. Any other business
	14. Dates and Agendas of the next PC-CP meetings (WG: 17-19 September; Plenary: 5-7 November 2024)

LIST OF PARTICIPANTS

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FRANCE

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POLAND / POLOGNE

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OTHER PARTICIPANTS / AUTRES PARTICIPANTS

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