

## Council for Penological Co-operation (PC-CP)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

**Type of committee:** Subordinate body

Terms of reference valid from: **1 January 2018 until 31 December 2019**

<b>Pillar/Sector/Programme</b>
<b>Pillar :</b> Rule of law
<b>Sector :</b> Ensuring Justice
<b>Programme :</b> Prisons and Police
<b>Main tasks</b>
Under the authority of the Committee of Ministers and under the supervision of the European Committee on Crime Problems (CDPC), the PC-CP is instructed to:
(i) follow the developments related to the national policies and practices in the field of execution of penal sanctions and measures in the Council of Europe member States;
(ii) follow the development of European prison systems and of the services entrusted with the implementation of alternatives to pre-trial detention and with the implementation of community sanctions and measures with special attention being paid to avoiding situations leading to prison overcrowding;
(iii) assess the functioning and implementation of the European Prison Rules, the European Rules on community sanctions and measures, the European Rules for juvenile offenders subject to sanctions or measures, the Council of Europe Probation Rules as well as of other relevant Committee of Ministers' recommendations, and make proposals for improving their practical application and, if necessary, for their updating with a view to achieving coherence and comprehensiveness of the standards in the area;
(iv) prepare binding and non-binding instruments, studies and reports on penological matters;
(iv) formulate opinions on penological matters at the request of the CDPC, member States or on its own initiative;
(v) prepare the Council of Europe Conferences of Directors of Prison and Probation Services and ensure their follow-up as instructed by the Committee of Ministers, and following proposals made by the CDPC;
(vi) provide guidance and assistance with regard to the collection and publication of the Annual Penal Statistics of the Council of Europe SPACE I and SPACE II.
<b>Specific tasks</b>
(i) Revise and update the commentary to the European Prison Rules (Recommendation Rec(2006)2).
(ii) Organise in 2018 and in 2019 the Council of Europe Conference of Directors of Prison and Probation Services.
(iii) Ensure the collection and publication of SPACE I and SPACE II statistics in due time in 2018 and in 2019.
(iv) Ensure the successful carrying out of the SPACE project co-funded by the European Commission and the Council of Europe.
(v) In the framework of the Council of Europe Action Plan on the fight against violent extremism and radicalisation leading to terrorism, assist the national authorities in implementing the Guidelines and the Handbook for prison and probation services regarding radicalisation and violent extremism.
(vi) Finalise its work on a draft CM Recommendation on the use of restorative justice in penal matters.

- (vii) In order to promote the White paper on prison overcrowding, organise a conference on prison overcrowding involving the ministries of justice, the judiciary and prison and probation services.
- (viii) Promote among the national authorities of the member States the new European Rules on community sanctions and measures CM/Rec(2017)3.
- (ix) After finalising its work on a draft Recommendation on children of imprisoned parents, promote among the national authorities of the member States the measures to be taken in order to address their needs.
- (x) Consider future areas of interest, including sex offenders and mental health issues.

## Composition

### **Members:**

The PC-CP shall be composed of one representative per member State, designated by the Government of that State from among officials of the highest possible rank in the relevant field.

The PC-CP Working Group shall be composed of 9 members, elected in their personal capacity for a period of two years (renewable), with the following desirable qualifications: high-level representatives of prison administrations, of probation services and of juvenile justice agencies, researchers or other experts having a thorough knowledge of penological questions. The PC-CP Working Group shall elect its Chair and its Vice-Chair by majority ballot among its members for a period of one year (renewable once).

The members of the PC-CP Working Group shall be elected by the CDPC at its plenary sessions from a list of candidates drawn up in accordance with paragraph 2 above. When electing these members, the CDPC shall take into account their qualifications and the desirability of giving preference to candidates whose professional obligations and linguistic abilities permit them to take a full and active part in the work of the Penological Council. The CDPC shall also take into account the gender balance and the equal geographical distribution of elected members. No two members may be nationals of the same State. A newly elected member shall not be of the same nationality as one of the outgoing members.

The Council of Europe will bear the travel and subsistence expenses of one representative per Council of Europe member State at the plenary meeting of the PC-CP as well as the travel and subsistence expenses of the nine members of the PC-CP Working Group members.

Member States may also send representatives to the meetings of the PC-CP Working Group without the right to vote or defrayal of expenses.

Each member of the PC-CP shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

### **Participants:**

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- European Committee on Crime Problems (CDPC);
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
- Consultative Council of European Prosecutors (CCPE);
- Consultative Council of European Judges (CCJE);
- other Council of Europe intergovernmental committees and bodies as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- United Nations Subcommittee on Prevention of Torture (SPT);
- United Nations Office on Drugs and Crime (UNODC);
- United Nations Children's Fund (UNICEF).

**Observers:**

The following may send representatives, without the right to vote and without defrayal of expenses:

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- Confederation of European Probation (CEP);
- International Centre for Prison Studies;
- Penal Reform International (PRI);
- International Association of Juvenile and Family Court Magistrates (IAJFCM);
- EuroPris.

**External consultants:**

In its work, the PC-CP shall be assisted, within the limits of its budgetary appropriations, by four scientific experts, two of whom collect SPACE statistics, with specific knowledge of relevant legislation and legal practice, of international standards and conventions relating to penitentiary issues and community sanctions and measures, as well as of the European Convention on Human Rights and the ensuing case-law and of recent developments in research and practice in the different European member States.

The Council of Europe budget will bear their travel and subsistence expenses.

**Working methods**

**Working Group meetings:**

9 members and 4 consultants, 3 meetings in 2018, 3 days

9 members and 4 consultants, 3 meetings in 2019, 3 days

**Plenary meetings:**

48 national representatives, 9 members of the PC-CP Working Group, 4 consultants, 1 meeting in 2018, 3 days

48 national representatives, 9 members of the PC-CP Working Group, 4 consultants, 1 meeting in 2019, 3 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.