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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

4th Plenary Meeting

Strasbourg, 5-7 November 2014

SUMMARY MEETING REPORT

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

EXECUTIVE SUMMARY**The PC-CP plenary:**

- Approved its agenda, its order of business and the summary meeting report of the last meeting of its Working Group;
- Took into account the information provided by Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate, DG Human Rights and Rule of Law and in particular the issue of radicalisation in prisons;
- Took further into account the information provided by Mr Carlo Chiaromonte, Secretary to the European Committee on Crime Problems (CDPC) regarding its decisions and activities and more specifically those related to the execution of penal sanctions and measures as well as of the fact that a Drafting Working Committee on prison overcrowding set by the CDPC will hold its first meeting on 8-9 December 2014;
- Took note of the feedback provided by Mr Mauro Palma, PC-CP Chair regarding the work carried out by the PC-CP Working Group between the two plenary sessions;
- Took note of the presentation made by Judge Pinto de Albuquerque, European Court of Human Rights on its case-law related to life imprisonment as well as of the presentation made by Ms Genevieve Mayer, Head of the Department for the Execution of Judgements of the European Court of Human Rights and discussed the major points raised by them and more specifically the complexity of comparing prison conditions and prison infrastructures between countries when evaluating possible situations leading to violations of Article 3, ECHR;
- Considered and approved the report on violence in institutions for juvenile offenders prepared by Professor Ton Liefwaard, scientific expert and welcomed its quality and usefulness. It decided to send the report to the CDPC for information and dissemination. It also decided to study in more details in the course of its future work the issue of violence involving detained girls;
- Took note of the presentation made by Ms Regina Jensdóttir, Children's Rights Coordinator, DG II of the activities carried out or planned to be carried out within the framework of the Children's Strategy and agreed that the conclusions and recommendations contained in the report on violence in institutions for juvenile offenders should be operationalized and disseminated to all relevant ministries and ombudspersons for children as well as shall be internally presented at the Inter-Secretarial Taskforce for Children. Ms Ilvija Pūce, member of CPT proposed to present the report also during one of the panel sessions which will be held during the Conference organised on the occasion of the 25th anniversary of the establishment of the CPT (2 March 2015);
- Considered, approved the draft report on restorative justice in prisons prepared by Professor Gerry Johnstone, scientific expert and decided to send it to the CDPC for information and dissemination. It was agreed that no standard-setting work is necessary at this point but that dissemination of good practices in this field is desirable. It was therefore decided to propose to the CDPC to keep this point on the PC-CP agenda and to broaden the scope of the study by including also the use of restorative justice in probation work;
- Discussed the follow-up to the 19th Conference of Directors of Prison and Probation Services (CDPPS) (Helsinki, June 2014), namely the creation of a Drafting Working Committee on prison overcrowding and requested to be given the opportunity to contribute to the process of consultation of the relevant national authorities on the White Paper on overcrowding;
- Considered possible title, topics, contents and format of the 20th CDPPS (June, 2015) and thanked the Romanian prison and probation administration for proposing to host the event;

- Considered, revised document PC-CP (2014) 16 Rev related to the review, promotion and implementation of the existing Committee of Ministers' Recommendations in the penitentiary field and decided to send it to the CDPC for approval;
- Considered, approved the report on quasi compulsory measures prepared by Professor Anthony Beech, scientific expert and decided to send it to the CDPC for information. It decided that there is no need for drafting a standard-setting text in this field in view of the complexity of the subject and the difficulty to define the exact limits of the study;
- Considered the draft SPACE I and SPACE II reports for 2013, made some comments and suggestions and approved these for publication and dissemination. It reiterated the request to the national authorities to send data on time and agreed that for the current edition the countries which have not replied should send data not later than 21 November 2014;
- Considered the issue of ensuring better visibility of the latest Committee of Ministers recommendations in the penitentiary field and took note of the activities carried out so far or planned in the near future in this respect by the Council of Europe;
- Took note of the technical cooperation activities in the penitentiary field carried out in 2014;
- Took note of the presentation made by Mr Ivica Šimac, Director General of the Croatian Prison Administration, EuroPris Board Member, regarding the EuroPris activities in 2014;
- Discussed the issue of radicalisation in prisons and probation and decided to include this point on the agenda of the next meeting of its Working Group and to invite external experts in order to discuss this issue in greater details especially regarding work carried out by other bodies in this field.

The Council for Penological Co-operation (PC-CP) held its 4th plenary meeting in Strasbourg on 5-7 November 2014 with Mr Mauro Palma in the Chair and Ms Alina Barbu as Vice-Chair. The list of participants is appended to this report (Appendix III).

I. Opening of the meeting and adoption of the agenda and the order of business

1. The agenda and the order of business were adopted (see Appendices I and II).
2. Mr Jan Kleijssen, Director of the Information Society and Action against Crime Directorate, DG Human Rights and Rule of Law welcomed the national delegations and the members of the PC-CP Working Group and congratulated them for the adoption of CM Recommendation (2014) 4 which starts to receive positive reactions from practitioners and the academic world for its quality and usefulness. He also praised highly the two past Conferences of Directors of Prison and Probation Services (2013, Brussels and 2014, Helsinki) and thanked the prison administrations and probation services of both countries for hosting these events. The first meeting of the SPACE national correspondents was also noted as a very useful event. Finally Mr Kleijssen stressed the importance of the issue of radicalisation in prisons and the need to examine it in greater details at the PC-CP level. Finally he informed of the Twitter and Facebook accounts of the Directorate created and invited the participants to consult these regularly for latest news.

II. Summary report of the last meeting of the PC-CP Working Group [Document PC-CP (2014) 18]

3. The PC-CP plenary considered the summary meeting report of the last meeting of its Working Group and had no comments to make.

III. Report by the PC-CP Chair and other items for information

4. Mr Mauro Palma, PC-CP Chair reported back to the plenary on the work carried out by the PC-CP Working Group since the last plenary meeting in March 2013.
5. Mr Carlo Chiaromonte, Head of the Criminal Law Division and Secretary to the European Committee on Crime Problems (CDPC) informed the PC-CP of the decisions and outcome of the last CDPC plenary meeting (June 2014) and more particularly of the follow-up given to the last Conferences of Directors of Prison and Probation Services, namely the setting up of a Drafting Working Committee on prison overcrowding. Its first meeting is scheduled for 8-9 December 2014 and its aim is to draft a White Paper reflecting the situation in Europe and providing guidelines to the national authorities for reduction of the prison density.

IV. Latest case law of the European Court of Human Rights related to imprisonment

6. Mr Paulo Sergio Pinto de Albuquerque, Judge at the European Court of Human Rights (ECtHR) stressed that among the priority issues of concern before the Court is the situation with lifers in prison and discussed in details the case-law related to this topic. He stressed that the Court's stance is clear recognition of the right of all prisoners to consideration for parole, the need to abolish life imprisonment which leads automatically to staying whole life in prison without the right to parole, the need to have judicial control of parole decisions and reconsideration of the penological needs of imprisonment.

V. Execution of latest judgements related to imprisonment, including pilot judgements of the European Court of Human Rights

7. Ms Geneviève Mayer, Head of the Department for the Execution of the Judgments of the ECtHR discussed the latest pilot judgements of the Court related to imprisonment. She stressed that 16% of the judgements whose execution is monitored by the Committee of Ministers following either the standard or the special procedure relate to violations of Article 3 of the Convention in detention facilities. The issue of transfer of prisoners or extradition procedures was discussed and the need for guarantees from the receiving authorities that this will not lead to violations of Article 3 was underlined.
8. Some participants expressed concern in this respect that it is difficult to compare conditions of detention in the different member states due to cultural specificities, complexity of prison infrastructure and different level of economic and social development of the countries. It was underlined that indicators should be agreed in order to facilitate taking of decisions related to transfer and extradition.

VI. Violence in detention institutions for juvenile offenders

9. Professor Ton Liefwaard, scientific expert presented the outcome of the study and the ensuing report. The PC-CP considered and approved the report and welcomed its quality and usefulness. It decided to send the report to the CDPC for information and dissemination. Different options for dissemination among the national authorities were discussed, among others to have a separate link to the report on the web site and to promote it at different forums. It also decided to study in more details in the course of its future work the issue of violence involving detained girls.

VII. Council of Europe Strategy for the Rights of the Child: update on progress

10. The PC-CP took note of the presentation made by Ms Regina Jensdóttir, Children's Rights Coordinator, DG II of the activities carried out or planned to be carried out within the framework of the Council of Europe Children's Strategy. It agreed with her proposal to operationalize and disseminate the conclusions and recommendations contained in the report on violence in institutions for juvenile offenders to all relevant ministries and ombudspersons for children as well as to internally present these at the Inter-Secretarial Taskforce for Children. Ms Ilvija Pūce, member of CPT proposed to present the report also during one of the panel sessions which will be held during the Conference organised on the occasion of the 25th anniversary of the establishment of the CPT (2 March 2015).

VIII. Restorative justice in prisons

11. The PC-CP considered and approved the draft report on restorative justice in prisons prepared by Professor Gerry Johnstone, scientific expert. It agreed to send it to the CDPC for information and dissemination. There was a general agreement that no standard-setting work is necessary at this point but rather that dissemination of good practices in this field would be of much use. It was therefore decided to propose to the CDPC to keep this point on the PC-CP agenda and to broaden the scope of the study by including also the use of restorative justice in probation work.

IX. Quasi compulsory measures alternative to imprisonment

12. The PC-CP considered and approved the report on quasi compulsory measures prepared by Professor Anthony Beech, scientific expert. It agreed to send it to the CDPC for information and decided that there is no need at this point for drafting a standard-setting text in this field. The task conferred to the PC-CP by the CDPC was not clearly identifying the group of offenders concerned and the exact meaning of the wording "quasi compulsory measures". Therefore in view of the complexity of the subject and the difficulty to define the exact limits of the study it is not possible at this point to identify common denominators in Europe and to elaborate European standards.

X. Measures to be taken for better visibility and implementation of Recommendation (2014) 3 concerning dangerous offenders and regarding Recommendation (2014) 4 on electronic monitoring

13. The PC-CP considered the issue of ensuring better visibility of the latest Committee of Ministers recommendations in the penitentiary field and took note of the information provided in this respect by Mr Carlo Chiaromonte, Head of the Criminal Law Division and Secretary to the European Committee on Crime Problems (CDPC) regarding the forthcoming Conference on electronic monitoring (November 2014, Strasbourg) and Mr Oscar Alarcon Jimenez, Co-Secretary of the CDPC regarding a workshop held in Bilbao, Spain in September 2014 on dangerous offenders.

14. The participants were requested to accelerate the translation of these two recommendations in their national languages and to send the texts to the Secretariat for publication on the PC-CP web site.

XI. Follow up to be given to the 19th Council of Europe Conference of Directors of Prison and Probation Services (Helsinki, 17-18 June 2014) and organisation of the 20th Council of Europe Conference of Directors of Prison and Probation Services

15. The PC-CP discussed the follow-up to the 19th Conference of Directors of Prison and Probation Services (CDPPS) (Helsinki, June 2014), namely the creation of a Drafting Working Committee on prison overcrowding. Some delegations requested to be given the opportunity to contribute to the process of consultation of the relevant national authorities on the White Paper on overcrowding.

16. The PC-CP considered possible title, topics, contents and format of the 20th CDPPS (June, 2015) and thanked the Romanian prison and probation administration for proposing to host the event. The participants approved the title of the Conference “Strategic Challenges in Prisons and Probation Services” and decided that the main contents of the Conference will relate to prison and probation staff recruitment, selection, basic skills, training curricula and management of critical situations. The format of the workshops and of the presentations was also discussed and the PC-CP Working Group was requested to finalise the draft programme and list of speakers in good time before the Conference.

XII. SPACE I and SPACE II surveys for 2013

17. The PC-CP considered the draft SPACE I and SPACE II reports for 2013, made some comments and suggestions and approved these for publication and dissemination. It reiterated the request to the national authorities to send data on time and agreed that for the current edition the countries which have not replied so far (six in total) should be given an additional time for sending these data not later than 21 November 2014. The publication and promotion of the results of the surveys is expected for the beginning of 2015.

XIII. Country factsheets for exchange of information related to prisons and probation services in the Council of Europe member states

18. The national delegations were requested to consider the country factsheets and to approach the Secretariat in case the data regarding their country needed updating.

XIV. Co-operation activities in the penitentiary field

19. Ms Ildiko Nemeth-Salacz, Programme Advisor, gave an overview of the co-operation activities carried out in the penitentiary and police field in the course of 2014 and mostly financed by external sources.

XV. Any other business

20. The PC-CP took note of the presentation made by Mr Ivica Šimac, Director General of the Croatian Prison Administration and EuroPris Board Member, regarding the EuroPris activities in 2014.
21. The participants discussed the issue of radicalisation in prisons and the role of prison and probation services in this respect and decided to include this point on the agenda of the next meeting of its Working Group. It was considered necessary to invite representatives of The Radicalisation Awareness Network (RAN) and other similar organisations active in this field in order to take stock of the work carried out so far elsewhere and to decide the best way in which the Council of Europe could contribute to this topic.
22. Ms Alina Barbu, PC-CP Chair and Gender Rapporteur reported that the plenary meeting was attended by 25 women out of a total of 63 participants.
23. During the discussions specific attention was given to the gender aspects related to the Report on violence in institutions for juvenile offenders and it was decided to examine in the coming years in greater details the issue of detained girls as a specifically vulnerable group of juveniles. They are usually not detained separately from adult women (as required) due to their small numbers. Some issues like intimate searches, especially of girls traumatised by previous sexual abuse were brought to the attention of the participants as needing further examination. This topic could be linked to the activities planned to be carried out in the coming years also within the Council of Europe Strategy for the Rights of the Child.
24. Moreover, the discussion of SPACE I and SPACE II data revealed that 10 % of offenders under probation are women compared to 5% women in the prison system. The explanation provided by the SPACE experts is that women commit less violent offences but also that courts more rarely opt for imprisoning women who often have minor children in their care.

XVI. Dates of the next meetings

25. The next two meetings of the PC-CP Working Group are scheduled to be held on 4-6 February 2015 and on 22-24 April 2015. The next PC-CP plenary meeting is scheduled to be held in November 2015.

APPENDIX I

AGENDA / ORDRE DU JOUR

1. Opening of the meeting / Ouverture de la réunion

2. Adoption of the agenda and the order of business / Adoption de l'ordre du jour et de l'ordre des travaux

3. Adoption of the summary report of the last meeting / Adoption du rapport sommaire de la dernière réunion

PC-CP (2014) 18
English / Français

4. Information provided by the Secretariat / Informations fournies par le Secrétariat

5. Report of the PC-CP Chair / Rapport du Président du PC-CP

6. Latest case-law of the European Court of Human Rights related to imprisonment / Jurisprudence récente de la Cour européenne des droits de l'Homme concernant l'emprisonnement

7. Execution of latest judgements related to imprisonment, including pilot judgements of the European Court of Human Rights / Exécution des derniers arrêts relatifs à l'emprisonnement, y compris les arrêts pilotes de la Cour européenne des droits de l'homme

8. Restorative justice in prisons / Justice réparatrice dans les prisons

PC-CP (2014) 17 rev
English / Français

9. Violence in detention institutions for juvenile offenders / Violence dans les établissements de détention pour délinquants mineurs

PC-CP (2014) 13 rev
English / Français

10. Council of Europe Strategy for the Rights of the Child: update on progress
Stratégie du Conseil de l'Europe pour les droits des enfants : information sur la mise en œuvre

PC-CP (2014) 14 rev
English / Français

11. Quasi-compulsory measures alternative to imprisonment / Mesures quasi-obligatoires alternatives à l'emprisonnement

CDPC (2012) 2
English / Français

CDPC (2012) 13 rev
English / Français

12. Review of the Recommendations and Resolutions in prison and probation fields / Examen des Recommandations et des Résolutions dans les domaines des prisons et de la probation

PC-CP (2014) 16 rev
English / Français

<p>13. Measures to be taken for better visibility and implementation of Recommendation (2014) 3 concerning dangerous offenders and regarding Recommendation (2014) 4 on electronic monitoring / Mesures à prendre pour une meilleure visibilité et la mise en œuvre de la Recommandation (2014) 3 relative aux délinquants dangereux et concernant la Recommandation (2014) 4 relative à la surveillance électronique</p>	<p>Rec (2014) 3 English / Français</p> <p>Rec (2014) 4 English / Français</p> <p>Dangerous Offenders Bilbao Programme / Délinquants dangereux Programme Bilbao</p> <p>Malaga Conference Programme / Programme Conférence Malaga</p>
<p>14. Follow-up to be given to the 19th Council of Europe Conference of Directors of Prison and Probation Services (Helsinki, 17-18 June 2014) / Suites à donner à la 19e Conférence du Conseil de l'Europe des Directeurs des services pénitentiaires et de probation (Helsinki, 17-18 juin 2014)</p>	<p>Speech Mr Palma English only</p> <p>Speech Mr Boillat Français uniquement</p>
<p>15. Organisation of the 20th Council of Europe Conference of Directors of Prison and Probation Services / Organisation de la 20e Conférence du Conseil de l'Europe des Directeurs des services pénitentiaires et de probation</p>	
<p>16. SPACE I and SPACE II surveys for 2013 / Enquêtes SPACE I et SPACE II pour 2013</p>	<p>PC-CP (2014) 11 SPACE I 2013 Report English only</p> <p>PC-CP (2014) 12 SPACE II 2013 Report English only</p>
<p>17. Country factsheets for exchange of information related to prisons and probation services in the Council of Europe member states / Fiches pays pour l'échange d'informations relatives aux services pénitentiaires et de probation dans les Etats membres du Conseil de l'Europe</p>	<p>Direct link to the factsheets</p> <p>Lien direct vers les fiches pays</p>
<p>18. Co-operation activities in the penitentiary field / Activités de coopération dans le domaine pénitentiaire</p>	
<p>19. Any other business / Questions diverses</p>	
<p>20. Dates of the next plenary meeting / Dates de la prochaine réunion plénière</p>	

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APPENDIX II**ORDER OF BUSINESS ORDRE DES TRAVAUX**

WEDNESDAY 5 NOVEMBER / MERCREDI 5 NOVEMBRE	
<i>Morning / Matin</i>	
9.00 - 10.30	<p>Opening, adoption of the order of business, the agenda and the last meeting report Ouverture, adoption de l'ordre des travaux, de l'ordre du jour et du rapport de la dernière réunion</p> <p>Information by the Secretariat Informations fournies par le Secrétariat</p> <p>Report of the Chair Rapport du Président</p>
10.30 - 10.50	<p>Coffee break Pause café</p>
10.50 - 13.00	<p>Case-law of the European Court of Human Rights (ECtHR) Jurisprudence de la Cour européenne des droits de l'homme (CEDH)</p> <p>Execution of ECtHR judgments related to prisons Exécution des arrêts de la CEDH relatifs à l'emprisonnement</p>
<i>Afternoon / Après-midi</i>	
14.30 - 16.00	<p>Violence in institutions for juvenile offenders Violence dans les établissements de détention pour délinquants mineurs</p> <p>Council of Europe Strategy for the Rights of the Child: update on progress Stratégie du Conseil de l'Europe pour les droits des enfants : information sur la mise en œuvre</p>
16.00 - 16.20	<p>Coffee break Pause café</p>
16.20 - 18.00	<p>Country factsheets Fiches pays</p> <p>Follow-up to the 19th Conference of Directors of Prison and Probation Services (June 2014, Helsinki) Suites à donner à la 19^e Conférence des Directeurs des services pénitentiaires et de probation (juin 2014, Helsinki)</p> <p>Organisation of the 20th Conference of Directors of Prison and Probation Services, 2015 Organisation de la 20^e Conférence des Directeurs des services pénitentiaires et de probation, 2015</p>

THURSDAY 6 NOVEMBER	
<i>Morning / Matin</i>	
9.30 - 11.00	Restorative justice in prisons La justice réparatrice dans les prisons
11.00 - 11.20	Coffee break Pause café
11.20 - 12.00	Continuation of the discussion on the topic related to restorative justice in prisons (if needed) Continuation de la discussion au sujet de la justice réparatrice dans les prisons (si nécessaire)
12.00 - 13.00	Review of the Committee of Ministers Recommendations in the penitentiary field Examen des Recommandations du Comité des Ministres dans le domaine pénitentiaire
<i>Afternoon / Après-midi</i>	
14.30 - 16.30	Measures to promote Recommendation (2014) 3 on dangerous offenders and Recommendation (2014) 4 concerning electronic monitoring Mesures afin de promouvoir la Recommandation (2014) 3 relative aux délinquants dangereux et la Recommandation (2014) 4 relative à la surveillance électronique Co-operation activities in the penitentiary field Activités de coopération dans le domaine pénitentiaire
FRIDAY 7 NOVEMBER / VENDREDI 7 NOVEMBRE	
<i>Morning / Matin</i>	
9.00 - 10.30	SPACE I & II
10.30 - 10.50	Coffee break Pause café
10.50 - 13.00	Report on the use of quasi-compulsory measures as alternatives to imprisonment Rapport sur l'utilisation des mesures quasi-obligatoires alternatives à l'emprisonnement Any other business Questions diverses

APPENDIX III

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

MEMBER STATES / ETATS MEMBRES

ALBANIA / ALBANIE

Apologised/Excusé

ANDORRA / ANDORRE

Apologised/Excusé

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Armenuhi HARUTYUNYAN

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Apologised/Excusé

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Senior Inspector, Operative-regime Department, Penitentiary Service, Ministry of Justice, Baku

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BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

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CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

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Apologised/Excusé

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Almuth HAENSCH

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GREECE / GRÈCE

Apologised/Excusé

HUNGARY / HONGRIE

László HUSZÁR

Head of Department of Strategy, Planning and Evaluation of HQ, Budapest

ICELAND / ISLANDE

Apologised/Excusé

IRELAND / IRLANDE

Gerard McDONAGH

Principal Officer, Prisons & Probation Policy Division, Department of Justice and Equality, Montague Court, Dublin

ITALY / ITALIE

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LATVIA / LETTONIE

Kristine KIPENA

Head of Punishment Execution Policy Unit, Ministry of Justice, Riga

LIECHTENSTEIN

Apologised/Excusé

LITHUANIA / LITUANIE

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Apologised/Excusé

MONACO

Apologised/Excusé

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Apologised/Excusé

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Tom Alexander ENGER

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POLAND / POLOGNE

Apologised/Excusé

PORTUGAL

Apologised/Excusé

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Deputy to the Permanent Representative of the Russian Federation at the Council of Europe

SAN MARINO / SAINT-MARIN

Apologised/Excusé

SERBIA / SERBIE

Apologised/Excusé

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Apologised/Excusé

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Apologised/Excusé

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Walter TROXLER

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"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE"

Jasmenka DONCHEVSKA

Head of Sector, Prison Administration

TURKEY / TURQUIE

Mahmut ATEŞ

Judge, Ministry of Justice, Beşevler/Ankara

UKRAINE

Apologised/Excusé

UNITED KINGDOM / ROYAUME-UNI

Gill ATTRILL

OBE C.Psychol, Head of Commissioning Strategies Group, Directorate of Commissioning and Commercial, National Offender management Service, Ministry of Justice, London

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