

Towards a Council of Europe Recommendation on EM ?

Soraya Beumer

Towards a CoE Recommendation on EM ?

- Why this initiative?
- What happened so far?
- What is the content of the working document?
- What do we ask from you?
- What are the next steps?
- What can a Recommendation contribute to the development of EM?

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Why this initiative?

Developments:

- Growth in the use of EM in Europe/worldwide
- Technology keeps evolving
- Legal, ethical, practical questions

⇒ Can regulation contribute to defining & achieving a professional framework and practice for EM?



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What happened so far?

Fall 2011:

European Committee on Crime Problems (CDCP)
(part of Council of Europe)

= > Task delegated to Council for Penological
Co Operation (PC-CP)

Expert advisors: Dominic Lehner and Mike Nellis

Spring and fall 2012:

Meetings of the PC-CP

Result: working document "Scope and definitions
EM"

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What is content of working document?

- Not too “restrictive” for individual countries
- Limited to use of EM in community (so excluding use in prisons)

Scope:

- Set of professional and ethical rules and standards enabling just, proportional and effective use of EM by national authorities
- Technology cannot completely substitute professional relationships with suspects/offenders by staff
- Not specifically designed for juveniles
- Consent to EM of suspects/offenders presupposed

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What is the content of the working document?

Some examples:

- Types, duration, modalities of use specified in law
- Decisions to impose/revoke use taken by the judiciary or allow for a judicial review
- Durations and intrusiveness of EM proportionate to the alleged or committed offence
- Interest of third parties taken into account
- Handling & sharing of data regulated by law

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What do we ask from you?

- No formal role, but
- Our comment will be received by PC-CP

Questions for discussion:

1. What is most useful?
2. What, if anything, is controversial?
3. What, if anything, is missing?
4. Would you welcome a Recommendation?

=> Summary of 1500 words

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What are the next steps?

- Input of conference available for PC-CP
- Winter 2012: meeting PC-CP
- March 2013: Report of PC-CP to Eur. Committee on Crime Problems
- Spring 2013: decision about development working document into Recommendation

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What contribution to development of EM?

- Core business of Council of Europe: developing co-operation on legal standards
- Status Recommendation: “soft law”
- Successful example: European Prison Rules
- Large audience: 47 nations, 800 million people
- Political commitment to best practice
- Source of information and guidance for:
 - Court of Human Rights
 - National Authorities
- No guarantees of influence but opportunities!



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Group	Room	Chairperson
1	Tryffel	Mike Nellis
2	Pralin	Yvette Ball
3	Choklad	Soraya Beumer
4	Kakao	Mimmi Agnevald Haugen
5	Kanel	Susana Pinto
6	Event court	Myriam Chapeaux
7	Russin	Jan Bungerefeldt