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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

LIST OF DECISIONS OF THE 60TH PLENARY SESSION
(35th meeting as a Steering Committee)
(Strasbourg, 14-17 June 2011)

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The following abbreviations are used in the document:

CDPC	EUROPEAN COMMITTEE ON CRIME PROBLEMS
PC-CP	COUNCIL FOR PENOLOGICAL CO-OPERATION
PC-OC	COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS IN THE PENAL FIELD
T-CY	CYBERCRIME CONVENTION COMMITTEE
CDAP	CONFERENCE OF DIRECTORS OF PRISON ADMINISTRATION

The European Committee on Crime Problems (CDPC) met in Strasbourg from 14-17 June 2011. The list of participants and the agenda appear in Appendices I and II respectively.

ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR DECISION

1. The CDPC invited the Committee of Ministers:
 - a. to examine and adopt the draft Fourth Additional Protocol to the European Convention on Extradition and take note of its draft explanatory report (see Appendices III and IV).

ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR INFORMATION

2. The CDPC invited the Committee of Ministers to note that:
 - a. the CDPC took note of the information provided by Mr Jan Kleijssen, Director of Standard-Setting, on the on-going reform process of the Council of Europe and in particular the recent decisions regarding the restructuring of intergovernmental committees (see item 1 of the Agenda);
 - b. the CDPC examined the report on the "Sentencing, management and treatment of "dangerous" offenders" which was finalised by the PC-CP at its 66th meeting (December 2010). Concerning the follow-up to be given to the report, the CDPC instructed its Bureau to clarify the scope for possible future standard-setting activities and to present a possible "Roadmap" in this regard to be discussed at its next plenary meeting in December (see item 3a of the Agenda and Appendix V to this report);
 - c. the CDPC examined the draft recommendation concerning foreign prisoners and its draft commentary. The CDPC instructed the PC-CP to take into account the general comments made by the CDPC during the plenary.

The CDPC also instructed the Secretariat to refer to these general observations to CDPC delegations when asking them for their additional comments by written procedure by 30 September 2011 and to prepare a compendium of the received individual comments which should be considered by the PC-CP when finalising the draft recommendation at its next plenary meeting in November. The CDPC instructed the PC-CP to transmit the amended and final version of the draft recommendation as well as its commentary to the CDPC which will examine and approve both texts at its next plenary meeting in December in view of their adoption by the Committee of Ministers next year (see item 3b of the Agenda and Appendices VI and VII to this report);

- d. the CDPC examined the draft European Code on Prison Staff Ethics and instructed the PC-CP to continue the examination of this text at its next plenary meeting in November taking into account the comments made at the plenary of the CDPC. The CDPC instructed the PC-CP to transmit the revised text to the CDPC which will examine and approve it at its next plenary meeting in December in view of its adoption by the Committee of Ministers next year (see item 3c of the Agenda and Appendix VIII to this report);

- e. the CDPC considered the discussion paper prepared by the Secretariat containing specific proposals concerning working methods and the adequate time frame for the follow-up to Resolution No 2 adopted at the 30th Council of Europe Conference of Ministers of Justice, "Modernising Justice and the Third Millennium: transparent and efficient justice; prisons in today's Europe" (Istanbul, Turkey, 24 – 26 November 2010), approved it with amendments and instructed the Secretariat to initiate the necessary measures to implement the follow-up to Resolution N° 2 as foreseen in the document approved by the CDPC (see item 3d of the Agenda and Appendix IX to this report);
- f. the CDPC had an exchange of view with the Chair of the PC-OC, Mr Per Hedvall, concerning the ongoing and future activities of the PC-OC. The CDPC welcomed the important work accomplished in modernising the Convention on extradition and the ongoing efforts to increase the Committee's visibility and interaction with practitioners. The PC-OC was instructed to pay particular attention in its future work to the practical operation of the relevant Conventions and to look at possible measures to ensure the authentication of communications forwarded by electronic means as referred to in Article 6 of the Draft Fourth Additional Protocol to the Convention on Extradition (see item 4 of the Agenda);
- g. the CDPC took note of the information provided by the Secretariat of the Council of Europe, and notably of the Enlarged Partial Agreement on Sport (EPAS) and by the Chair of the GRECO, concerning the current and future work related to the issue of match-fixing, particularly on the related draft recommendation on the Promotion of the Integrity of Sport against the Manipulation of Results. The CDPC was also informed by the EPAS Secretariat of the foreseen schedule leading to the possible adoption of the recommendation by the Committee of Ministers on 28 September 2011. Subsequently, the CDPC provided initial comments on the part of the "Guidelines" concerning criminal law aspects (Chapter C and Chapter D), appended to the Draft Recommendation, and decided to ask the Secretariat of EPAS to transmit to the CDPC a revised version of the text by 21 June. For this purpose, the CDPC requested that its comments made during its plenary were duly taken into account, concerning the structure and content of criminal law provisions. As for the follow-up procedure, the CDPC decided that its position would depend on the quality of revised text and its compatibility with existing relevant criminal law provisions of other Council of Europe instruments (see item 6 of the Agenda);
- h. the CDPC took note of the information provided by the Secretariat on the reform process in the Council of Europe and decided to instruct the Secretariat to revise its proposed draft terms of reference for 2012-2013 as well as those for its subordinate structures (PC-OC and PC-CP). The CDPC asked to see the proposed terms of reference before they would be sent to the Committee of Ministers (see item 7c of the Agenda);
- i. in the context of the general discussions related to the "Future activities and priorities of the CDPC", the CDPC examined the discussion paper prepared by the Secretariat upon instruction by the Bureau containing proposals on future priorities and main activities of the CDPC. The CDPC supported the proposal of addressing organised crime with a global and multi-disciplinary approach. The CDPC stressed the importance of providing added value in this respect and considered therefore that it should stay realistic taking account of its own capacities as well as of existing activities on this issue by other international organisations to avoid duplications. It instructed the Bureau to address further the possibility of establishing a new sub-committee to work on this issue by identifying clearly its composition and functions possibly aiming notably at preparing an international event (see item 7a of the Agenda);

- j. the CDPC examined the replies by the CDPC delegations to the questionnaire sent by the Secretariat on 13 May on “Reinforcing the effectiveness of Council of Europe treaty law” and considered that the large majority of CDPC delegations agree with the proposed classification of Conventions and draws the attention of the Secretary General of the readiness of the CDPC to provide its advice/contribution when the update of relevant criminal law conventions is envisaged. Concerning criminal law conventions classified as “inactive”/“obsolete”, the CDPC considers that the legal validity of Council of Europe criminal law conventions which have entered into force should be respected. Furthermore, the CDPC considers that the existence of international legal instruments of other international organisations, in particular the European Union, should not be a ground for considering Council of Europe criminal law conventions as being invalid. The CDPC instructed the Secretariat to send to CDPC delegations an updated compendium containing additional replies as well as a document summarising them (see item 10 of the Agenda and Appendix X to this report);
 - k. the CDPC examined the preliminary draft opinion on criteria and procedure for the accession of non-member states and instructed the Secretariat to amend it in accordance with the comments made during the plenary and to transmit the revised version to CDPC delegations by written procedure for their comments. The CDPC instructed its Bureau to examine and approve the new version of the opinion taking account of the received written comments in view of its adoption by the Committee of Ministers (see item 9 of the Agenda and Appendix XI to this report);
 - l. the CDPC further took note of the preliminary draft opinion of the T-CY on criteria and procedure for the accession of non-member states to the Budapest Convention and instructed the Secretariat to provide the T-CY with the comments and suggestions of the Committee (see item 8 of the Agenda and Appendix XII to this report).
3. The CDPC took note of:
- a. the information provided by the Secretariat concerning 16th Council of Europe Conference of Directors of Prison Administration (CDAP) (13 – 14 October 2011, Strasbourg) (see item 3e of the Agenda);
 - b. the presentation by Professor Marcelo Aebi, scientific expert, of the 2009 Council of Europe Annual Penal Statistics SPACE I and SPACE II and the additional information provided by the Secretariat in this regard. The CDPC delegations underlined once again that SPACE statistics are a very useful tool for the national authorities in their work in the field of prisons and community sanctions and measures. The CDPC encouraged all delegations to send in time the replies to the questionnaires and to involve, in the preparation of the answers, competent professionals in order to improve the quality of such data and their comparability (see item 3f of the Agenda);
 - c. the presentation by Professor Nicola Padfield on her report on the “Sentencing, management and treatment of “dangerous” offenders” which was finalised by the PC-CP at its 66th meeting (December 2010) (see item 3a of the Agenda);
 - d. the information provided by the Secretariat concerning a possible new binding criminal law instrument on trafficking in human organs, tissues and cells to be elaborated under the auspices of the CDPC and the possible work schedule involved (see item 5 of the Agenda);
 - e. the information provided by the Secretariat on the current and future work of the T-CY, notably with regard to possible new standard-setting work on jurisdiction and related issues in relation to cross-border investigative measures on the Internet (see item 8 of the Agenda);
 - f. the information provided by the Secretariat with regard to the preparation of a report by the Secretary General to the Committee of Ministers on how to reinforce the effectiveness of Council of Europe treaty law (see item 10 of the Agenda);

- g. the information provided by the Secretariat with regard to the new Convention of the Council of Europe on preventing and combating violence against women and domestic violence (see item 11a of the Agenda);
 - h. the information provided by the Secretariat concerning the opening of signature of the new Council of Europe Convention on counterfeiting of medical products and similar crimes involving threats to public health (Medicrime Convention) which is expected to take place on 28 October in Moscow (see item 11b of the Agenda);
 - i. the information provided by the Secretariat on the follow-up to the ratification process of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Convention), and in particular the setting up of the Committee of the Parties and its first meeting on 20-21 September 2011 (see item 11c of the Agenda).
- 4. The CDPC decided to hold its next meeting during the week of 5 December 2011.
 - 5. The CDPC invited the Committee of Ministers to take note of this report as a whole.