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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

LIST OF DECISIONS OF THE 61st PLENARY SESSION
(36th meeting as a Steering Committee)
(Strasbourg, 6 – 9 December 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
CEP	EUROPEAN ORGANISATION ON PROBATION

The European Committee on Crime Problems (CDPC) met in Strasbourg from 6 – 9 December 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 Recommendation of the Committee of Ministers to member states on the European Code of Ethics for Prison Staff (see Appendix III).

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 Jan KLEIJSEN, Director of the Information Society and Action Against Crime Directorate, on the on-going reform process of the Council of Europe and in particular the new rules concerning working methods of intergovernmental committees and the recent restructuring of the Secretariat (see item 1 of the Agenda);
 - b. the CDPC took note of the summary meeting report of the first plenary PC-CP meeting (8-10 November 2011) and of the oral information provided by its Chair regarding the work of this committee. The CDPC examined and finalized the draft European Code of Ethics for Prison Staff (c.f. item 1.a above) and noted that this instrument, which has been prepared by the PC-CP, is a very valuable model to serve member States in drafting their own codes on prison staff ethics. The CDPC furthermore examined the draft recommendation concerning foreign prisoners as approved by the plenary meeting of the PC-CP in November. The CDPC came to the conclusion that, despite the substantive work realised so far by the PC-CP and the attempts made to involve the member States in a written consultation as well as the said plenary meeting in November, more needs to be done in order to finalise the draft and to duly take into account of the additional comments made by the CDPC delegations at the present meeting. In particular, the CDPC agreed on a revised working version of the scope and definitions of the draft recommendation and gave additional instructions to the PC-CP to amend the text (see item 3a of the Agenda);
 - c. the CDPC took note of the follow-up given to Resolution n°2 “Prison Policy in Today’s Europe” adopted by the 30th Council of Europe Conference of Ministers of Justice and more specifically of the fact that five out of the seven follow-up activities approved by it have been successfully carried out. It then discussed possible next steps, including a possible future conference involving ministries of justice, judges, prosecutors, representatives of prison and probation services in order to discuss ways of combating prison overcrowding and of improving social reintegration of prisoners. It decided that in view of the budgetary restrictions and current economic crisis in Europe it would seem more appropriate for the year 2012 to hold a small-scale meeting of the Chairs and further representatives of the Council of Europe bodies CDPC, CEPEJ, CCJE, CCPE, PC-CP and the NGO European Organisation on Probation (CEP) with the participation of renown scientific experts working in the field in order to have a discussion of the measures which might be taken in this respect, including, as it may appear to be appropriate in the future, of holding a high-level European conference on the subject matter (see item 3c of the Agenda);

- d. the CDPC took note of the conclusions adopted at the 16th Conference of Directors of Prison Administration (CDAP) with the participation of Directors of Probation Services (Strasbourg, 13-14 October 2011) and of the specific proposals made by the Conference, namely to draft an ethical framework on the use of electronic monitoring, to create an electronic platform for exchange of best practices in respect of prison and probation services and to draft European Code of Ethics for Probation Staff. It further took note of the general consensus expressed by the participants to the CDAP regarding the leading role of the Council of Europe in the prison field and of the need to improve the implementation of its standards by the national authorities by exchanging good practices and by creating appropriate networks. It also took note that there was no consensus among participants regarding the feasibility and need for a binding legal instrument on prisons (see item 3d of the Agenda and Appendix IV);
- e. in the light of the 16th CDAP conclusions, the CDPC decided that the work on electronic monitoring should be given priority and that in order to set the scope of this work it instructed the Secretariat to invite an expert in the field to present a report on this subject at its next plenary meeting with a view on developing a specific proposal to the Committee of Ministers on the follow-up to be given to the CDAP conclusions. Regarding the setting up of an electronic platform for exchange of best practices, the CDPC supported the idea and asked the secretariat to consider possibilities of implementation. Regarding the drafting of Code of Ethics for Probation Staff, it was decided to postpone this work for a later time (see item 3d of the Agenda);
- f. the CDPC elected Ms Alina BARBU (Romania), Mr Harald FØSKER (Norway), Mr Jörg JESSE (Germany) and Mr Mauro PALMA (Italy) as members of the PC-CP to replace the four outgoing members of the PC-CP (see item 3e of the Agenda);
- g. the CDPC took note of the report by Mr Per HEDVALL, Chair of the PC-OC, concerning the ongoing and future activities of PC-OC and held an exchange of views thereon (see item 4 of the Agenda);
- h. the CDPC examined a document on the proposed scope of work on dangerous offenders. It decided to instruct the Secretariat, taking into account the outcome of discussions in the Committee on the scope of the instrument, to prepare draft terms of reference for a restricted drafting group of experts to be circulated to and agreed by the CDPC delegations in written procedure and subsequently submitted to the Committee of Ministers for adoption (see item 5 of the Agenda and Appendix V);
- i. the CDPC examined its new terms of reference for the period 2012 -2013 as adopted by the Committee of Ministers. It took note of the information provided by the Secretariat with regard to the reform process in the Council of Europe and its possible impact on the future activities and working methods of the Committee. With regard to the representation of the CDPC in meetings of other Committees, the CDPC instructed the Secretariat to inform the Chair and the Bureau about the agendas for meetings of other Committees, where it could be relevant for the CDPC to be represented. It instructed the Bureau to decide on a case-by-case basis, if and how representation in such meetings could be assured.
- j. as regards possible future activities, the CDPC held an exchange of views and decided to instruct the Secretariat to contact delegations, which had expressed an interest in working on the topic of **“criminal prosecution of suspected pirates”** (proposed by the Russian Federation) with a view to determining a possible format for such work. The CDPC, in accordance with the position taken by the Committee of Ministers on the involvement of the Council of Europe in activities related to sea piracy, at the same time decided not to engage in any major activities in this respect and limit, for the time being, its possible work to the exchange of best practices. The Committee instructed the Secretariat to report back to the CDPC for further discussions at its next Plenary. Likewise, the CDPC decided to instruct the Bureau to make a proposal for work on the topic of **“alternative measures to imprisonment”** (e.g. therapeutic measures) (proposed by Belgium) and present it to the CDPC Plenary at its next meeting.

- k. the CDPC elected Mr Lorenzo SALAZAR (Italy) as Chair, Mr Jesper HJORTENBERG (Denmark) as Vice-Chair. It also elected Mr Slawomir BUCZMA (Poland), Mr Ebrima CHONGAN (United Kingdom), Mr Hans-Holger HERRNFELD (Germany) and Ms Fabienne SCHALLER (France) as members of the Bureau (see item 6 of the Agenda);
 - l. the CDPC took note of the information provided by the Austrian delegation concerning the 31st Council of Europe Conference of Ministers of Justice (Vienna, September 2012) and endorsed the proposed theme of the Conference: "Responses of Justice to urban violence" (see item 7 of the Agenda);
 - m. the CDPC examined a document on possible activities to be undertaken under the aegis of the CDPC in respect of transnational and organised crime and expressed its strong support for the Council of Europe taking up this task. It decided to instruct the Secretariat to prepare draft terms of reference of a restricted group of experts for approval by it and subsequently to be submitted to the Committee of Ministers (see item 8 of the Agenda and Appendix VI);
 - n. the CDPC decided to examine the draft opinions prepared by the Secretariat following instructions/indications provided by the Bureau at its last meeting in October 2011 on three Parliamentary Assembly recommendations, to approve them with amendments and to instruct the Secretariat to transmit them to the Committee of Ministers. The recommendations in question are on: 1) combating "child abuse images" through committed, transversal and internationally co-ordinated action; 2) violent and extreme pornography and 3) abuse of state secrecy and national security as obstacles to parliamentary and judicial scrutiny of human rights violations (see item 9 of the Agenda and Appendices VII, VIII and IX);
 - o. the CDPC took note of the information provided by the Secretary to the T-CY as regards the discussions of the T-CY on that Committee's opinion on accession by non member states to the Budapest Convention and, in particular, the concerns raised by the T-CY regarding the compatibility of the procedures for providing advice to the Committee of Ministers concerning requests for accession by non-member states proposed by the two Committees. However, the CDPC considered that, due to its particular position as steering body in the criminal law field, notably its role to consider the situation concerning the participation of non-member States also in other criminal law conventions which may have relevance for the effective implementation of the Budapest Convention, the Committee of Ministers should always be provided with the opinion of the CDPC on the request for accession by a non-member state to any criminal law convention in addition to the possible opinion provided by relevant committees of the Parties. Consequently, the CDPC decided to submit its own opinion without further amendments to the Committee of Ministers (see item 10 of the Agenda).
3. The CDPC took note of:
- the fact that this was the last meeting in which Mr Roland MIKLAU (Austria) participated as a member of its Bureau and expressed its gratitude to him for his many important contributions to the work of the CDPC over a period of four decades.
4. The CDPC decided to hold its next meeting from 29 May to 1 June 2012.
5. The CDPC invited the Committee of Ministers to take note of this report as a whole.