



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

63rd Plenary Session

Strasbourg, 4–7 December 2012
Agora Building
Room G02

List of Decisions

The European Committee on Crime Problems (CDPC), meeting in Strasbourg under the Chairmanship of Mr Lorenzo Salazar, decided to:

1. Opening of the meeting

- take note of the opening address of Mr Jan Kleijssen, Director of Information Society and Action against Crime, Directorate General of the Human Rights and Rule of Law, on the most recent developments in the Council of Europe, in particular the priorities of the current and former Andorran and Albanian Chairmanships, relevant for the work of the CDPC.

2. Adoption of the draft agenda

- adopt the agenda without amendments.

3. Trafficking in organs

- take note of the information provided by the Chair of the PC-TO Mr Hans-Holger Herrfeld on the work carried out by the Committee of Experts on Trafficking in Human Organs, Tissues and Cells (PC-TO) with regard to the elaboration of the preliminary draft Convention against Trafficking in Human Organs and of its preliminary draft Explanatory Report;
- examine article by article the preliminary draft Council of Europe Convention against Trafficking in Human Organs;
- after three readings of the preliminary draft Council of Europe Convention against Trafficking in Human Organs, approve it;
- not examine the preliminary draft Explanatory Report of the above-mentioned Convention because it was felt necessary to first approve a final text of the draft Convention and then to adapt the text of the preliminary draft Explanatory Report accordingly;

Mailbox : dgi.cdpc@coe.int
Website : www.coe.int/cdpc

- instruct the Secretariat to revise and adapt the preliminary draft Explanatory Report on the basis of the discussions held during the meeting;
- send the revised draft Explanatory Report to delegations for possible comments by a written procedure;
- instruct its Bureau to examine the consolidated version of the draft Explanatory Report at its forthcoming meeting (April 2013) with a view to resending the final version of this text to delegations for final approval by a written procedure;
- transmit the draft Council of Europe Convention against Trafficking in Human Organs to the Committee of Ministers for adoption together with the draft Explanatory Report for information once the latter is finally approved.

4. Follow-up to the 31st Council of Europe Conference of Ministers of Justice (Vienna, 19–21 September 2012): “Responses of Justice to Urban Violence”

- take note of the information provided by Mr Lorenzo Salazar on the Conference of the Ministers of Justice, in which he participated in his capacity as Chair of the CDPC, the Council of Europe Committee that is responsible, along with the CDCJ and the CDDH, for its preparation;
- examine the resolution as adopted by the Ministers of Justice in Vienna on 21 September and the decision adopted by the Committee of Ministers on 28 November containing specific instructions to the CDPC for future action;
- instruct the Secretariat to make a compilation of the existing Council of Europe recommendations on juvenile offenders as well as other legal instruments on this matter produced by other international organisations (e.g. UN guidelines) and to look into the recent work/activities in this field carried out by the European Union (Stockholm Programme);
- on the basis of these findings, assess how these existing instruments/rules are effectively implemented and whether or not there is a need for the CDPC to develop new standards;
- take note of the information provided by the Secretariat concerning the issue of co-operation between law enforcement authorities, telecommunication providers and Internet service providers, and in particular the possibility of organising, in this regard, with the participation of all relevant stakeholders, a conference in 2013 with the Norway grants. The expected result of this would be to outline avenues for further work to promote the prevention of urban violence by gathering evidence and ensuring accountability of instigators of violence while guaranteeing the respect for Human Rights’ standards. The importance of involving Interpol in this activity was also underlined;
- instruct its Bureau to discuss in more detail how the CDPC can best ensure a proper follow-up to the Vienna Conference and to the relevant decision of the Committee of Ministers and report back to the next CDPC Plenary meeting in 2013.

5. Dangerous offenders

- take note of the fact that on the 21 November 2012, the Committee of Ministers decided on the setting-up of a restricted group of experts within the remit of the CDPC: the ad hoc drafting group on Dangerous Offenders (PC-GR-DD);
- take note that, in accordance with the terms of reference adopted by the Committee of Ministers, the PC-GR DD will hold three meetings (1 in 2012 and 2 in 2013) and that the first meeting will take place on 17-19 December 2012.

6. Council for Penological Co-operation (PC-CP)

- take note of the information provided by Mr André Vallotton, Chair of the PC-CP, on the current and future activities of the Council and to approve the PC-CP’s work and suggest future priorities.

a. The 17th Council of Europe Conference of Directors of Prison Administration (CDAP) – Rome (22-24 November 2012)

- take note of the information provided by the Chairs of the CDPC and the PC-CP on the 17th Council of Europe Conference of Directors of Prison Administration (CDAP) on the subject of foreign prisoners, which took place in Rome on 22 and 23 November 2012 as well as of the special meeting, which took place the following day, with representatives of European judges and prosecutors together with the directors of prison and probation services dedicated to ways of combating prison overcrowding;
- take note of the information provided by the Italian delegation regarding the measures taken to combat prison overcrowding, namely the Bill of Prisoners' Rights which was adopted at the beginning of December 2012 (to be translated in a number of foreign languages and provided to all prisoners) as well as of the new Law on Home Detention (to replace short-term prison sentences) and the efforts for optimisation of all available space in prisons;
- examine the conclusions of the CDAP and of the special meeting;
- instruct its Bureau to consider the best possible ways of ensuring a suitable follow-up to the outcome/conclusions of the Conference and of the special meeting and report back to the next CDPC Plenary meeting in 2013.

b. Electronic monitoring

- take note of the information provided by the Chair of the PC-CP on the work on electronic monitoring and in particular of the document on the scope and definitions related to electronic monitoring as prepared by the PC-CP;
- instruct the PC-CP, in view of the need to have agreed guidelines for making the most efficient and proportionate use of this rapidly developing sector at a European level, to start work on a draft recommendation;
- instruct the PC-CP to hold an exchange of views with the PC-OC regarding cases of use of GPS tracking by the police when a suspect or an offender under electronic monitoring crosses a border. The exchange of views should cover in particular the possible continuation of the tracking, storage and the use of data.

7. Promotion of the Integrity of Sport against the Manipulation of Results, notably Match-fixing

- take note of the decision of the Committee of Ministers of 13 June 2012 on match-fixing issues and in particular that the Committee of Ministers “invited the EPAS Governing Board, where appropriate, in co-operation with the Group of States against Corruption (GRECO), the European Committee on Crime Problems (CDPC), MONEYVAL and other relevant bodies, and in co-ordination with the European Union, to launch the negotiation of a possible Council of Europe Convention against Manipulation of Sports Results and notably Match-fixing.”;
- take note of the information provided by Ms Helena Lisuchova, member of the CDPC Bureau, in her quality of representative of the CDPC in the drafting group set up by the EPAS (European Partial Agreement on Sport), on the current and foreseen activities concerning the possible Council of Europe Convention against Manipulation of Sports Results and notably Match-fixing;
- take note that the CDPC Bureau, at its last meeting in October 2012, was informed that the EPAS has prepared a “preliminary draft convention against manipulation of sports results” and that it noticed that three chapters of this preliminary draft convention (III: “Criminalisation and law enforcement”; IV: “Sanctions” and V: “International co-operation”) out of seven contain provisions of both substantial and procedural criminal law. The Bureau entrusted the Chair of the CDPC with sending a letter to the Chair of the EPAS Governing Board in order to clarify that the CDPC wishes to play an active role in the drafting process and in particular to discuss the relevant provisions of the draft convention related to criminal law at a plenary session and inform him that, in view of its heavy agenda in December 2012, the CDPC plenary would not be in a position to examine in depth the draft convention before its meeting of May/June 2013, and also to recall that in the past the CDPC delegations have already voiced their doubts as to the need for a new

criminal law convention on match-fixing. Mr Salazar sent a letter to the Chair of the Governing Board of the EPAS on the 9 October. The Chair of the Governing Board of the EPAS replied by a letter dated 9 November;

- take note of the information provided by Mr Stanislas Frossard, Executive Secretary of EPAS, on the latest developments and future activities related to the drafting of the “preliminary draft convention against manipulation of sports results” and notably that the meeting of the drafting group on law enforcement on judicial co-operation will take place on 15-17 January 2013, the Plenary meeting of the drafting group on 20-22 March 2013 and Governing Board in June 2013;
- express its concerns about the procedural aspects of the planned agenda for the negotiation of the above-mentioned preliminary draft convention and, in particular, concerning the limited time foreseen by EPAS for the entire drafting exercise;
- first discuss the relevant provisions of the above-mentioned preliminary draft convention related to criminal law matters at its Bureau meeting scheduled for April 2013 (after the EPAS drafting group in March 2013) and then at the CDPC Plenary Session of May 2013;
- invite a maximum of 3 interested CDPC members to contact the secretariat with regard to their participation in meetings of the EPAS drafting group in January 2013 with their expenses covered by the Council of Europe;
- submit the results of the examination by the CDPC to the EPAS with a view to these being duly taken into account in the drafting process;
- also take note of the decision of the Committee of Ministers of 13 June 2012 inviting “the European Committee on Crime Problems (CDPC), in co-operation with the Group of States against Corruption (GRECO) and EPAS (European Partial Agreement on Sport) to consider the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173), which could expand the scope of application of its provisions to the private non-profit sector, notably sport”;
- take note that the Bureaux of both the CDPC and the GRECO agreed on a short questionnaire on this issue, which was then sent to all delegates of the CDPC and the GRECO inviting them to reply directly to the CDPC Secretariat only. This procedure should allow the CDPC and the GRECO to form a co-ordinated view in this regard;
- take note of the replies to the questionnaire and take note that some delegations need some additional time to respond because of internal co-ordination between relevant agencies is necessary;
- instruct its Bureau to examine the replies received from both CDPC and GRECO delegates and, on that basis, prepare a document providing substantial elements for discussion and a possible decision at the next CDPC plenary concerning the feasibility “of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173), which could expand the scope of application of its provisions to the private non-profit sector, notably sport”.

8. Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)

- take note of the information provided by Mr Per Hedvall, Chair of the PC-OC, concerning the ongoing and future activities of the PC-OC;
- welcome the “Guidelines on practical measures to improve co-operation in respect of transfer of proceedings, including a model request form” as developed by the PC-OC and approve their publication on the website as a practical tool for practitioners;
- encourage the PC-OC to continue its efforts to increase the relevance of its work for national practitioners and welcome in this context the publication and dissemination of information leaflets addressed to them as well as the development of the PC-OC website with an index of case law of the European Court of Human Rights of particular relevance to the application of Council of Europe Conventions on international co-operation in criminal matters;
- note, in particular, that a special session on mutual assistance in criminal matters will be organised during the 64th plenary meeting of the PC-OC (28-30 May 2013) and a special session on the transfer of sentenced persons during the 65th plenary meeting (26-28 November 2013), to which all States Parties to the conventions concerned will be invited;
- note that the legal questions raised on the application of the Convention on the Transfer of Sentenced Persons will be further discussed by the PC-OC in preparation of the special session

- planned during the 65th plenary meeting of the PC-OC;
- congratulate Mr Hedvall, as the outgoing Chair of the PC-OC, for the excellent work accomplished over the last two years.

9. Activities related to transnational organised crime

- take note of the fact that on the 21 November 2012, the Committee of Ministers decided on the setting-up of a restricted group of experts within the remit of the CDPC: the ad hoc drafting group on transnational organised crime (PC-GR-COT);
- take note that, in accordance with the terms of reference adopted by the Committee of Ministers, the PC-GR COT will hold 2 meetings 2013;
- take note of the information provided by the Secretariat with regard to decision by the Committee of Ministers concerning the organisation of a conference on organised crime and terrorism.

10. Activities related to piracy

- take note that, at its last meeting, its Bureau instructed the Secretariat to send a questionnaire prepared by the Russian Federation on this issue to all CDPC delegations;
- take note that the Secretariat has prepared a compilation of the replies received;
- take note that the Russian Federation thanked the CDPC for the replies provided on a voluntary basis;
- invite those delegations that have not yet sent in their replies to submit them to the Secretariat;
- take note of the information provided by Mr Ilya Rogachev (Russian Federation) on developments in this field;
- re-examine this point at its next plenary meeting.

11. Alternative measures to imprisonment

- take note of the document CDPC (2012) 13rev on “quasi-compulsory measures” as prepared by the Secretariat on the basis of a paper submitted by the Belgian delegation to the CDPC and as amended following the Bureau meeting;
- instruct the Secretariat to re-examine, in close collaboration with the Belgium delegation, the issue of the necessity of a new instrument in this field for its next Plenary meeting.

12. Information provided by the Secretariat

- take note of the information provided by the Secretariat on Medicrime and other Council of Europe activities.

13. Any other business

a. Information provided by the Gender Equality Rapporteur

- take note of the fact that Ms Antonella Sampo-Couma, the CDPC Gender Equality Rapporteur, took part in the meeting on 16 November 2012 between all Gender Equality Rapporteurs of the CoE bodies and that she will inform the CDPC regularly on her activities as Gender Equality Rapporteur.

b. Terms of office of the Chair and of the Vice-Chair of the CDPC

- renew the terms of office of the Chair and vice-Chair of the CDPC for one year.

14. Date of the next CDPC Bureau and Plenary meetings

- take note of the information provided by the Chair and the Secretariat on the dates of the next CDPC Bureau and the two Plenary meetings, which will take place on 11-12 April, 28-31 May and 3–6 December 2013 respectively.