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cdpc plenary/docs 2010/cdpc (2010) 12 - e

CDPC (2010) 12

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

LIST OF DECISIONS OF THE 59TH PLENARY SESSION

(34th meeting as a Steering Committee)

(Strasbourg, 7-10 June 2010)

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T A B L E O F C O N T E N T S

ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR DECISION..... 4
ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR INFORMATION 4

The following abbreviations are used in referring to Committees

CAHVIO	AD HOC COMMITTEE ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE
CCJE	CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
CCPE	CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS
CDAP	CONFERENCE OF DIRECTORS OF PRISON ADMINISTRATION
CDPC	EUROPEAN COMMITTEE ON CRIME PROBLEMS
CJ-S-CH	GROUP OF SPECIALISTS ON CHILD-FRIENDLY JUSTICE
PC-CP	COUNCIL FOR PENOLOGICAL CO-OPERATION
PC-OC	COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS IN THE PENAL FIELD
PC-PM	COUNCIL FOR POLICE MATTERS
T-CY	CYBERCRIME CONVENTION COMMITTEE

The European Committee on Crime Problems (CDPC) met in Strasbourg from 7-10 June 2010. 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 revised terms of reference of the CDPC (see Addendum I);
 - b. to mandate the CDPC to provide advice to the Committee of Ministers on the criteria and procedure to be followed as regards the accession of non-members to the Council of Europe Conventions in the criminal law field in order to contribute to the extension of these Conventions beyond Europe;
 - c. to examine and adopt the revised terms of reference of the PC-CP (see Addendum II);
 - d. to examine and adopt the revised terms of reference of the PC-OC (see Addendum III);
 - e. to consider the opinion of the CDPC on “the recommendations made in the Council of Europe – United Nations study on trafficking in organs, tissues and cells (OTC) and trafficking in human beings for the purpose of removal of organs” (see Addendum IV);
 - f. to consider the opinion of the CDPC on PACE Recommendation 1905 (2010) on “children who witness domestic violence” (see Addendum V).

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 recent developments in the Council of Europe policies and activities relevant to the CDPC field of competence. The Committee reiterated the importance of its steering functions as the coordinating body in the field of criminal law and policy (see item 1 of the Agenda);
 - b. the CDPC examined the scoping paper “The sentencing, management and treatment of ‘dangerous’ offenders” and took note that a draft report will be sent at the beginning of October to all CDPC delegations for possible comments so that the final report on dangerous offenders and preventive detention will be ready by the end of 2010. The Committee decided to instruct its Bureau to prepare a decision containing recommendations on the follow-up to be given to the report and in particular regarding the possibility of setting up in 2011 an ad hoc committee of experts, subordinate to the CDPC (see item 3b of the Agenda and Appendix III to this report);
 - c. the CDPC instructed the PC-CP, notably in view of the agenda of the forthcoming 30th Council of Europe Conference of the Ministers of Justice, not to embark for the time-being on reviewing CM Recommendation (2006)2 on the European Prison Rules as provided for by its Rule 108 (see item 3a of the Agenda);
 - d. considering the rising importance of issues related to prisons, the CDPC decided to include in the revised terms of reference of the PC-CP that one enlarged meeting of the PC-CP should be held once a year (see item 3 of the Agenda and Appendix IV to this report);
 - e. the CDPC instructed the PC-OC to further reflect on possible means to allow practitioners of member States, who are not members of the PC-OC, to submit practical difficulties and

questions about the implementation of the relevant conventions through appropriate channels and to receive feedback from the PC-OC (see item 4 of the Agenda);

- f. taking into account the comments made by delegations during its plenary, the CDPC instructed its Bureau to examine draft texts prepared by the PC-OC amending the European Convention on Extradition and to provide, where appropriate, feedback or instructions for the next plenary meeting of the PC-OC in November 2010 (see item 4a of the Agenda);
 - g. regarding the discussions held within the PC-OC on the different options for consolidating the European Convention on Extradition and its Protocols, the CDPC instructed the PC-OC to continue its deliberations on this issue, including by assessing the intentions of member states regarding the ratification of existing Protocols and of a future instrument amending the Convention, and to report back to the CDPC Bureau at a later stage (see item 4b of the Agenda);
 - h. the CDPC examined the document on standard model provisions, instructed the Secretariat to amend it on the basis of its deliberations and to submit the revised version to the Bureau with a view to the eventual endorsement by the Committee in written procedure (see item 6 of the Agenda and Appendix V to this report);
 - i. regarding the follow-up to be given to the subject of scientific proof in criminal matters, the CDPC instructed its Bureau to prepare draft terms of reference for an *ad hoc* committee of experts with the task of examining issues of common concern and the possible follow-up to be given in this regard (see item 7 of the Agenda and Appendix VI to this report);
 - j. the CDPC examined the report on the standing and rights of victims and in the light of its discussions, asked Mr Brano Bohacik to amend it. In addition, it instructed the Secretariat to prepare a compilation of model provisions on the rights of victims of existing Council of Europe instruments. It further instructed the Secretariat to transmit the amended report to the PC-OC to discuss the issue on the rights of victims in international cooperation (see item 8 of the Agenda and Appendix VII to this report);
 - k. the CDPC held a discussion on possible future activities to be started in the field of police matters and instructed the Secretariat to prepare draft terms of reference for a possible *ad hoc* group of police experts to examine relevant issues regarding the European Code of Police Ethics and the detention of persons in police custody and submit it to the Bureau of the CDPC (see item 9 of the Agenda);
 - l. the CDPC examined, revised and endorsed elements for a draft resolution on prisons in today's Europe to be adopted at the 30th Council of Europe Conference of Ministers of Justice (Istanbul, November 2010) (see item 10 of the Agenda and Appendix VIII to this report);
 - m. the delegations of CDPC presented orally – during a “tour de table” - the state of play related to the internal procedure in view of the ratification of the Council of Europe Convention on the protection of children against sexual abuse and sexual exploitation (CETS. 201). The majority of them explained that the internal procedures are under way (see item 11 of the Agenda);
 - n. the CDPC took note of the proposal of MONEYVAL to become an independent monitoring mechanism reporting directly to the Committee of Ministers and expressed its consent (see item 13 of the Agenda);
 - o. the CDPC had an exchange of views with the Chair of the CCJE, Mr Orlando Alfonso, and with the Chair of the CCPE, Mr Olivier de Baynast, on future possible ways of strengthening co-operation between CDPC and the two consultative councils (see item 15 of the Agenda).
3. The CDPC took note of:

- a. the information provided by the Chair of the PC-CP regarding its current and future activities and priorities, and in particular the work initiated on a draft recommendation on foreign nationals in prison in accordance with its ad hoc terms of reference as adopted by the Ministers' Deputies on 21 April 2010 and on a draft European Code of Prison Staff Ethics (see item 3 and 3a of the Agenda);
 - b. the presentation of the SPACE I and SPACE II surveys by Prof. Marcello Aebi and the information that the use of SPACE in penological research and penal policy in Europe could be improved in the future in case sufficient funding is raised, notably through the development of a web platform to ensure, in particular the promotion, dissemination and thematic analysis of such data (see item 3c of the Agenda);
 - c. the information provided by the Chair of the PC-OC, Mr Erik Verbert, notably on current activities carried out by PC-OC and on future possible priorities for this committee (see item 4 of the Agenda);
 - d. the presentation made by the Director of Legal Affairs at Interpol, Mr Joël Sollier. The CDPC had an exchange of views with Mr Sollier on subjects of common interest (see item 4 of the Agenda);
 - e. the Report on the implementation of the first phase of the project on "Effective Practical tools to facilitate judicial co-operation in criminal matters" which is entirely financed by voluntary contributions and the need to report back to their capitals that the implementation of the next phases of the project depends on new voluntary contributions (see item 4d of the Agenda and Appendix IX to this report);
 - f. the presentation by Prof. Christophe Champod and Ms Joëlle Vuille (School of criminal sciences, Faculty of law and criminal sciences, University of Lausanne) of the report entitled "Scientific evidence in Europe" (see item 7 of the Agenda);
 - g. the information provided by the Secretariat on the progress made by the CAHVIO on the preparation of a future Council of Europe convention on the preventing and combating violence against women and domestic violence (see item 12 of the Agenda);
 - h. the draft Council of Europe guidelines on child-friendly justice which was drafted at the last meeting of the CJ-S-CH on 25-28 May 2010 (see item 14 of the Agenda);
 - i. the information provided by the Secretariat on issues related to the Council of Europe Convention on cybercrime and draft Convention on medicrime (see item 17 of the Agenda).
4. The CDPC elected Mr Jesper Hjortenbergt (Denmark) as member of the Bureau of the CDPC.
 5. The CDPC elected Peter Lindström (Sweden) as member of the PC-CP.
 6. The CDPC decided to hold its next meeting in June 2011.
 7. The CDPC invited the Committee of Ministers to take note of this report as a whole.