

Strasbourg, 9 April 2014

CDPC-BU (2014) 2

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

Paris, 7-8 April 2014

CoE Paris Office

List of Decisions

The Bureau, meeting in Paris on 7 and 8 April 2014, under the Chairmanship of Mr Jesper Hjortenbergh (Denmark), decided:

- to express its gratitude to Mme Fabienne Schaller (France) for organising a visit to the Palais de Justice in Paris in the margins of the meeting;

3. Future activities and priorities of the CDPC and preparation of the next CDPC plenary

- to take note of the information provided by the Secretary to the CDPC, Mr Carlo Chiaromonte, on the most recent developments in the CoE and in particular the situation in Ukraine. During the same week as the Bureau meeting was held, the Parliamentary Assembly of the CoE will debate a request to reconsider the already ratified credentials of the delegation of the Russian Federation on substantive grounds. The election of the new Secretary General of the CoE by the Parliamentary Assembly (September/October 2014) was also mentioned;
- to hold a preliminary discussion on how to organise the CDPC work over the next two years in order to deal with the new tasks included in the CDPC terms of reference for 2014-2015;

a. Review of Council of Europe legal instruments in criminal matters

- to invite the Chairs of the PC-OC and TC-Y at the next CDPC plenary meeting (10-13 June 2014) with a view to providing a feedback to the CDPC on the implementation/assessment of the conventions for which they are responsible, in accordance with the decision n° 9 made by the Committee of Ministers on 10 April 2013 ("Review of Council of Europe conventions – Report by the Secretary General");

- to examine, within the same exercise, all together the remaining conventions within the CDPC direct responsibility;
- in this regard, to instruct the Secretariat to prepare a document containing all relevant information on these conventions (i. e. number of ratifications and signatures, States parties of these conventions, whether or not the subject matter of the convention has recently been dealt by other international instruments, its entry into force);
- to discuss the examination of these conventions at the next Bureau meeting in autumn;
- to present a document on the implementation/assessment of these conventions to the CDPC at its plenary meeting in December 2014;

b. Drafting a document/report with a view to identifying new forms of behavior that have emerged in the recent past in connection with the use of modern technologies and that have brought to light possible lacunae in the existing criminal offences/law

- to invite the President of the TC-Y at the next CDPC plenary in June for a discussion on possible future joint action on this topic, and in particular the setting up of a joint reflection group (CDPC and TC-Y) aimed at drafting a report on the topic of new technologies and criminal justice;

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”

- to take note of the information provided by the Secretariat on the follow-up to the last Conference of Ministers of Justice and in particular on the international conference that will take place in Lisbon (23-24 October 2014) on the subject of “Urban violence”;
- in relation with the concept paper on this conference, to discuss it and fine-tune the topics to be debated in Lisbon;
- with regard to the document “Preliminary report on responses of justice to urban violence involving juveniles” and the questionnaire, prepared by Ms Josiane Bigot, to thank her for the work accomplished, to examine both documents and to make some comments;
- to instruct the Secretariat to ask the consultant to modify the preliminary report accordingly and to suggest in particular the consultant to establish a closer link between the report and the issue of urban violence and to reviewing the questionnaire focusing more on the subjects contained in point n° 20 of the Resolution adopted by the Ministers of Justice at their 31st CoE Conference in Vienna;
- to examine the replies by member States the this questionnaire at its next meeting with a view to presenting a consolidated version to the plenary meeting in December;
- to invite Mme Bigot to the CDPC plenary meeting in June 2014 with a view to presenting her work;

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

- to congratulate Mr Mauro Palma (Italy), the new chair of the PC-CP;
- to take note of the draft annotated agenda of the plenary meeting of the PC-CP (5-7 November 2014) and make some comments;
- to submit the draft annotated agenda to the CDPC for its endorsement;

a. Preparation of the 19th Council of Europe Conference of Directors of Prison Administration (CDAP)

- to examine the information paper and the preliminary draft agenda of the next CDAP to be held on 17-18 June 2014 in Helsinki (Finland);
- to take note that Mr Jesper Hjortenborg and Mr Sławomir Buczman (Poland) expressed their readiness to attend the CDAP on behalf of the CDPC;

b. Violence in juvenile detention centres

- to take note of the Research memo on Violence in Institutions for juvenile offenders;

6. Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing

a. Draft Council of Europe Convention against Manipulation of Sports Competitions

- to take note of the information provided by Jesper Hjortenbergh and by the Secretariat on the recent developments related to the negotiation process of the Draft Convention on the Manipulation of Sports Competitions, information that are also contained in the letter that the Chair sent to all CDPC delegations on 7 March 2014;
- to examine the comments sent by five delegations in reply to the Chair's letter and note that only one of them had formally opposed the written procedure and three others, while not opposing the written procedure, made few proposals for amendments to the criminal law provisions under the CDPC's competence, and that a fourth delegation seemed to reserve its position in general;
- to prepare an opinion concerning the text of the criminal law provisions (Articles 15, 17 to 19, 21 to 23, 25, 26) of the EPAS Draft Convention on the Manipulation of Sports Competitions;
- to consider that the opinion is intended to be the final opinion of the CDPC on the matter;
- to instruct the Secretariat to send the opinion to all CDPC members and to the EPAS, after having asked for remarks to the final opinion from all CDPC delegations;

b. Feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173)

- to take note once again of the decision taken by the GRECO (June 2013) concerning the issue of the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173) to wait until the outcome of the negotiations on the EPAS Convention against Manipulation of Sports Competitions before deciding on this issue;

7. Document/guidelines containing "Model provisions" defining a certain number of rules to be duly considered by the expert committees in their drafting work as the base to be followed during future negotiations of any possible convention in a criminal law matter

- to take note of the presentation by Hans-Holger Herrnfeld (Germany) on the preliminary work that he has carried out so far and in particular examine the document he has prepared ("Model provisions project – Draft outline project") aimed at developing standard model provisions for future criminal law conventions;
- to ask Mr Herrnfeld to prepare and present an "information document" on this project at the CDPC plenary meeting in June;
- to examine a draft document on the model provisions at its next meeting in autumn whose final draft version will be presented in view of its approval at the CDPC plenary meeting in December 2014;
- to propose the setting up of a small group of experts (such as a member from PC-OC, chairs of former groups of experts responsible for the drafting of conventions and CoE Secretariat) who could assist Mr Herrnfeld in finalising the work on the model provisions;

8. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)

- to congratulate Ms Joana Gomes Ferreira (Portugal), the new Chair of the PC-OC;
- to take note of the list of decisions of the 17th meeting of the PC-OC Mod (18-20 March 2014) and of the draft agenda of the next plenary meeting of the PC-OC (19-21 May 2014), including the special session devoted to the operation of the Convention on Extradition and its Protocols;
- to welcome the current work carried out by the PC-OC;

- to take note of the PC-OC co-operation with the HELP Programme, with a view to developing a curriculum and training materials on international co-operation in criminal matters for legal professionals;

9. Activities related to transnational organised crime

- to take note of the information provided by the Secretariat on the outcome of the 2nd and last meeting of the ad hoc drafting Group on Transnational Organised Crime (PC-GR-COT) that took place on 12-13 December 2013 (after the last CDPC plenary meeting) and on the progress made in the drafting process of the draft White Paper;
- to welcome the draft White Paper and congratulate the experts for the impressive work accomplished and the good quality of the report;
- to agree that the comments received by the different CoE conventional/monitoring bodies involved in the exercise should be included in the draft White Paper;
- to instruct the Secretariat to finalise the draft White paper in view of its presentation, discussion and approval at the next CDPC plenary meeting in June;
- to invite Ms Lorena Bachmaier Winter (Spain), Chair of the former ad-hoc drafting Group on Transnational Organised Crime, at the next CDPC plenary meeting for the presentation of the draft White Paper;
- to propose to the CDPC that an accurate "Action Plan" should be created after the plenary meeting of June establishing what action is to be taken in the future. The Action Plan is to be examined by the CDPC at its plenary meeting in December;

10. Request for observer status by the Conference of Ministers of Justice of the Iberoamerican countries (COMJIB) to the CDPC

- to welcome the request of the Conference of Ministers of Justice of the Iberoamerican countries to become observer at the CDPC and to propose that this request is submitted to the CDPC at its next plenary meeting in June;

11. Information provided by the Secretariat

- to take note of the information provided by the Secretariat on sub-items a. to e. below:

a. Medicrime

- in relation with the status of signatures and ratifications, to acknowledge that Hungary is the third country which has ratified the MEDICRIME Convention;
- in relation with the promotion of the MEDICRIME Convention, to take note of the future raising-awareness activities to be implemented by the Secretariat with the aim to assist countries in their process of signing/ratifying the MEDICRIME, in particular:
 - two regional conferences: one in Skopje on 19-20 June 2014 with the participation of countries from the Balkan region; one to be organised in the autumn in Cyprus;
 - the development of a curriculum and training materials on MEDICRIME for legal professionals (judges, prosecutors and lawyers), in co-operation with the CoE HELP Programme, with a view to implementing trainings in a near future;
 - the organisation of a side-event (round table) in the framework of the forthcoming meeting of the UN Commission on Crime Prevention and Criminal Justice (CCPCJ) to be held on 15 May 2014 in co-operation with the European Directorate of the Quality of Medicines (EDQM);
 - the participation in the development of model legislative provisions to combat trafficking in fraudulent medicine in line with the UN Convention against Transnational Organised Crime (UNTOC);

b. Trafficking in organs

- to take note of the information provided by the Secretariat on the progress of the discussions by the Committee of Ministers on the draft Council of Europe Convention against Trafficking in Human Organs;

c. Terrorism

- to take note of the information provided by the Secretariat in relation with a conference on Terrorism and Organised Crime to be held in Málaga (Spain) on 25-26 September 2014 and of the preliminary topics to be dealt with during the Conference;
- to appoint Mr Jesper Hjortenbergs and Ms Helena Lisuchova (Czech Republic) to represent the Bureau at this conference and call for any other CDPC member interested in participating in the conference;
- in relation with the forthcoming plenary meeting of the CODEXTER (6-7 May 2014), to take note of both the draft agenda and the discussion paper of the Sub-group on Special Investigation Techniques;
- to invite Mr Nicola Piacente (Italy), Chair of the CODEXTER, to the forthcoming CDPC plenary meeting to discuss issues of common interest;

d. Cybercrime

to invite the Chair of the TC-Y at the next CDPC plenary meeting in June to discuss issues of common interest;

e. Dangerous offenders

- to welcome the adoption of the Recommendation CM/Rec(2014)3 of the Committee of Ministers to member States concerning dangerous offenders and recall the importance of promoting it among member States with the organization of specific activities;
- in relation with the promotional activities of the Recommendation CM/Rec(2014)3 concerning dangerous offenders, to take note of the information provided by the Secretariat, in particular:
 - the presentation of the above-mentioned recommendation in a multilateral meeting entitled "The management by prison administrations of life-sentenced and another long-term prisoners", to be held in Strasbourg on 10-11 April 2014;
 - the organisation of a workshop devoted to dangerous offenders to be held at the University of the Basque country in Bilbao (Spain) on 16 September 2014;

12. Any other business

- to instruct the Secretariat to contact the Gender equality rapporteur within the CDPC with a view to finding out her availability to continue her mandate;

13. Dates of the next CDPC Plenary meeting and of the next meeting of the Bureau

- to start the next CDPC Plenary meeting at 2 p.m. on Tuesday 10 June with the opening of the meeting, the adoption of the agenda and points of information. The meeting will end at around noon on Friday 13 June;
- to hold the next Bureau meeting in Strasbourg on 9-10 October 2014.