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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

Venice, 22 – 23 April 2015

Council of Europe Programme Office
San Marco 180C

List of Decisions

The Bureau, meeting in Venice, Italy, on 22 and 23 April 2015, under the Chairmanship of Mr Jesper Hjortenberga (Denmark), decided:

1. Opening of the meeting

- to take note of the information provided by Mr Carlo Chiaromonte, Secretary to the CDPC, on the most recent developments in the Council of Europe's (CoE) activities related to the CDPC's work and in particular to the CoE Action Plan to combat extremism and radicalisation leading to terrorism (2015-2017) under consideration by the Committee of Ministers of the CoE (CM);

2. Adoption of the agenda

- to adopt the agenda without any amendments;

3. Future activities and priorities of the CDPC for 2016-2017

- to instruct the Secretariat to prepare a preliminary draft Terms of Reference of the CDPC for the years 2016-2017 on the basis of the discussions on this issue held during the last CDPC plenary and Bureau meetings, to be submitted at the next CDPC plenary meeting in June for examination;

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

a. Review of the Council of Europe Conventions within the direct responsibility of the CDPC

- to examine the document ("Review of the Council of Europe Conventions within the direct responsibility of the CDPC") revised by the Secretariat (document CDPC (2014) 14rev) following

the last CDPC plenary meeting, to make some amendments and to instruct the Secretariat to finalise it for submission and adoption at the next CDPC plenary meeting;

- to examine the document “Memorandum on the revision of the 1985 European Convention on Offences Relating to Cultural Property”, prepared by the consultants following the relevant decision of the CDPC plenary meeting in December 2014 (decision 4.a.3), to express its opinion that this document contains some valuable considerations, to add some short questions to the document and to instruct the Secretariat to send it to all CDPC delegations for answers before the next CDPC plenary meeting in June;

b. Review of the CoE Conventions by other CoE bodies

- to take note of the information provided by the Secretariat on the implementation/assessment of the conventions for which other CoE committees/bodies are responsible (Group of Parties Lanzarote, PC-OC, T-CY, GRECO, Conference of the Parties CETS No. 198);

5. Drafting a document/report with a view to identifying new forms of behaviour 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 thank Mr Yves Charpenel for his report “on the impact of the new technologies on behaviour and legislation in the criminal law field”;
- to instruct the Secretariat to request that the relevant CoE bodies (notably the TC-Y and the PC-OC) give their opinions on possible transversal actions that could be developed under this item and in particular on the possibility of setting up a multi-disciplinary Working Group with a view to identifying possible actions to be undertaken in the criminal law field in relation to the impact of the new technologies;

6. Follow-up to the 31st Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012): “Responses of Justice to urban violence”

a. International Conference on urban violence (Lisbon, 23-24 October 2014)

- as a follow-up to the relevant decision taken by the CDPC at its last plenary meeting on this issue, to instruct the Secretariat to convene a meeting of a small Working Group – set up under the auspices of the CDPC – to continue working on some of most important issues related to the general question of urban violence, as highlighted in the Conclusions of the International Conference that took place in Lisbon;
- that the findings of this Working Group should be presented at one of the next CDPC plenary meetings for examination;

b. Responses of justice to urban violence involving juveniles

- to examine the replies received to the questionnaire on urban violence and juvenile involvement (documents CDPC (2014) 23 and CDPC (2015) 7);
- to instruct the Secretariat:
 - a) to send a reminder to the CDPC members encouraging those delegations that have not already replied to the questionnaire, to do so;
 - b) to prepare a summary of the replies to the questionnaire for the next CDPC plenary meeting in June;

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

- to take note of the reports of the last PC-CP working group meeting (document PC-CP(2015)1), the agenda of the next PC-CP working group meeting (document PC-CP(2015)OJ 2 BIL) and of the main objectives of the PC-CP work, in particular:
 - a) the current work on draft Guidelines on the role that prison and probation services can play in dealing with radicalisation and violent extremism in prisons;
 - b) the forthcoming 20th CoE Conference of Directors General of Prison and Probation Services which will be held on 9-10 June 2015 in Bucharest, Romania;
 - c) the work started in relation to the review of the recommendations and resolutions in the prison and probation field, namely the drafting of a CM Recommendation on the European Rules on sanctions and measures enforced in the community;

a. Radicalisation in Prison

- to note that the issue of radicalisation in prison has been included in “*The CoE Action Plan to combat extremism and radicalisation leading to terrorism (2015-2017)*” and that the drafting of Guidelines to member States on how to prevent radicalisation in prison has been included in this Action Plan;
- to take of the information provided by the Secretariat on a very first preliminary draft of the “*Guidelines on the role prison and probation services can play in dealing with violent extremism and radicalisation which may lead to terrorism*” that was being considered during the PC-CP Working Group meeting (22-24 April) at the same time as the CDPC Bureau;
- to take note that this text will be examined further during a) the 20th Conference of Directors of Prison and Probation Services, 9-10 June 2015, b) the PC-CP Working Group (14-16 September 2015) and c) the PC-CP plenary meeting (17-19 November 2015);
- to make some general remarks on this very preliminary work, notably in relation to:
 - the question of the addressees (national institutions) of this text/guidelines who need to be clearly identified;
 - the scope of and the measures contained in the text (to be focused on the core of the matter, i.e. radicalisation in prison);
 - the question of considering the judicial dimension in the enforcement measures;
- that the CODEXTER should be involved in this topic and requested to give an opinion on the draft Guidelines at a later stage;
- to consider the possibility for the CDPC plenary meeting in June to examine a draft text of the Guidelines with a view to making comments that could usefully be taken into account by the PC-CP in its future work;
- to request the Secretariat to provide the CDPC delegations with the draft text on radicalisation in prison as soon as possible, and at the latest 10 days before the next CDPC plenary meeting;
- to examine the final draft Guidelines at the CDPC plenary meeting in December 2015 for possible approval;

b. 20th Council of Europe Conference of Directors of Prison and Probation Services, 9-10 June 2015, Bucharest

- to take note of the draft agenda of the 20th Conference of Directors of Prison and Probation Services entitled “*Strategic Challenges in Prisons and Probation*” to be held on 9-10 June 2015 in Bucharest (Romania);

8. Prison overcrowding

- to take note of the information provided by the Chair of the CDPC, Mr Hjortenbergh, on the work of the drafting working Committee on prison overcrowding, of the summary report of the first meeting of the Committee and of the fact that the second meeting on prison overcrowding will be held on 20-21 May 2015 in Strasbourg;

9. Document/guidelines containing “Model provisions” defining a certain number of rules to be duly considered by expert committees in their drafting work as a basis to be followed during future negotiations of any possible convention on a criminal law matter

- to take note of the information provided by Mr Hans-Holger Herrnfeld (Germany) on the work carried out so far on the drafting of the documents concerning the “Model provisions project”;
- to examine the “Model provisions project” documents (CDPC (2014) 17rev4 and CDPC (2014) 24 rev2) and make some amendments taking into account the comments received from some CDPC delegations ;
- to instruct the Secretariat to send the final draft documents to all CDPC delegations in pdf versions, including the amendments approved by the Bureau in track changes, with a view to examining and possibly approving the texts at the next CDPC plenary meeting;
- to recommend that once the CDPC plenary has adopted these documents (“Model provisions”), the Committee should submit it to the CM to be adopted in the form of a recommendation to be used as guidelines by future expert groups that may be mandated by the CM to negotiate the criminal law conventions of the CoE;

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

- to take note of the list of decisions of the 19th meeting of the PC-OC Mod held on 17-19 February 2015 and of the draft agenda of the next PC-OC plenary meeting to be held on 27-29 May 2015;
- in relation to the draft Protocol to amend the Additional Protocol to the Convention on the Transfer of Sentenced Persons (CETS No. 167), to expect that the final draft Protocol will be provided as soon as possible for examination;
- in relation to the PC-OC questionnaire to assess the use made of CoE instruments and obstacles encountered in international co-operation as regards seizure and confiscation of proceeds of crime, management of confiscated goods and asset sharing, to take note that the EU is preparing a similar request and therefore an effort should be made in order to avoid that countries double their work;

11. Activities related to transnational organised crime: “White Paper”

- to take note of the information provided by the Chair of the CDPC and by the Secretariat on the recent developments with relation to the preparation of a draft Action Plan as follow-up to the “White Paper”, in particular that a Working Group meeting was held on 17 April in Paris, gathering together representatives of the different monitoring bodies and other committees involved in Transnational Organised Crime (TOC) and aimed at identifying possible actions to be included in the future Action Plan;
- to take note of the document prepared by the Secretariat containing the comments provided by some CDPC delegations on the reflection document for an Action Plan on TOC (CDPC (2014) 19);
- to request that the Secretariat organise a second Working Group meeting gathering together the monitoring bodies and main CoE actors involved in TOC and aimed at discussing the feasibility of activities to be included in the Action Plan, fine-tuning the preliminary version of the draft Action Plan and discussing how this activity should be continued and implemented in the future;
- to invite Ms Lorena Bachmaier Winter (Spain), Chairperson of the former ad-hoc drafting Group on TOC, to participate in the plenary meeting in June;
- to instruct the Secretariat to present a draft version of the Action Plan for discussion at the next plenary meeting in December;

12. Terrorism

- to take note of the information provided by the Secretariat on the ongoing work by the CODEXTER, on its activities on counter-terrorism matters and in particular on the draft

Additional Protocol to the Convention on the prevention of terrorism;

13. Information provided by the Secretariat

The CDPC Bureau is invited to take note of the information provided on sub-items a. to d. below:

a. MEDICRIME

- by the co-Secretary of the CDPC, Mr Oscar Alarcón, on the activities to be implemented during 2015 by the Criminal Law Division with a view to promoting the MEDICRIME Convention, *inter alia*:
 - the 4th Regional conference on MEDICRIME to be held in Cyprus on 12-13 November 2015;
 - an international conference on MEDICRIME, jointly organised by the Parliamentary Assembly of the Council of Europe (PACE), the Directorate General of Human Rights and the Rule of Law (DGI) and the and the European Directorate of the Quality of Medicines (EDQM), addressed to parliamentarians to be held in Paris, on 24 November 2015;
 - the participation in a UNODC drafting Working Group on Guidelines to promote the MEDICRIME Convention;
 - the drafting of a Curriculum for judges and prosecutors on MEDICRIME;
 - the drafting of some articles to be published in legal reviews aimed at raising awareness of the MEDICRIME Convention;
- to instruct the Secretariat to remind delegations that they should provide the Secretariat with:
 - a) the contact details of the Focal Point at national level (and the Ministry involved) responsible for the MEDICRIME Convention;
 - b) the translation, where it exists, of the MEDICRIME Convention into their official language;

b. Trafficking in human organs

- to take note of the information provided by Mr Lorenzo Salazar (Italy) on the international high-level Conference on the fight against Trafficking in Human Organs held on 25-26 March 2015 in Santiago de Compostela, Spain, and the opening ceremony for signature;
- to welcome the fact that 14 countries signed the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216);
- to take note of the conclusions and the high number of participants who attended this conference;

c. Dangerous Offenders

- to consider the possibility of organising an activity in the near future with a view to promoting the Recommendation CM/Rec(2014)3 of the Committee of Ministers to member States concerning dangerous offenders;

d. Cybercrime

- to take note of the replies received to the inquiry conducted by the PC-OC (Doc PC-OC Mod (2015)02 rev) to answer the request by the CDPC Bureau “that the PC-OC consider, in its forthcoming work and meetings, the question of compatibility between the Convention on Mutual Assistance in Criminal Matters and the Cybercrime Convention with regard to the exchange of requests for international co-operation in matters related to electronic evidence” as well as the opinion proposed by the PC-OC Mod, which “concluded that there was clearly no incompatibility between the Convention on Mutual Assistance in Criminal Matters (ETS No. 30) and the Cybercrime Convention (ETS No. 185)” and that the PC-OC Mod decided to inform the PC-OC plenary of this conclusion;

14. Any other business

- in relation to the Draft recommendation entitled “CM/Rec (2015) .. of the Committee of Ministers to member States on Internet freedom”:
 - to take note of the significance of this draft text as some provisions may refer to criminal liability;
 - to request that the Committee of experts on cross-border flow of Internet traffic and Internet freedom (MSI-INT) keep the CDPC informed of the evolution of this issue and that it officially requests an opinion from the CDPC so that the CDPC delegations can send written comments;

15. Dates of the next meetings

- to take note of:
 - the dates of the next CDPC plenary meeting (2-5 June 2015) to be held in Strasbourg, France;
 - the dates of the next CDPC bureau meeting (1-2 October 2015) to be held in Prague, Czech Republic.