



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMITTEE ON CRIME PROBLEMS **(CDPC)**

Bureau **(CDPC-BU)**

Strasbourg, 13-14 May 2008

List of decisions taken at the meeting of the CDPC Bureau

The Bureau of the CDPC decided to:

1. **Pharmaceutical crime: Committee PC-S-CP (Group of specialists on counterfeit pharmaceutical products)**
 - take note of the oral information provided by the Chair of the PC-S-CP, Mr Claude Debrulle, on the results of the three meetings of the Group, which took place between November 2007 and March 2008, and congratulate the Group on its work;
 - examine the draft final report prepared by the PC-S-CP, proposing major elements for inclusion in a future Council of Europe convention to combat the counterfeiting of medicinal products and medical devices and other related crimes that jeopardize public health, and submit it to the CDPC plenary for approval;
 - following a discussion on the future activities to be carried out in this field, examine a draft revised terms of reference of the PC-S-CP, notably entrusting this group with the preparation of a preliminary draft Convention against counterfeiting of medical products and related pharmaceutical crimes;
 - submit these revised terms of reference to the CDPC plenary for approval and transmission to the Committee of Ministers for adoption;
 - instruct the Secretariat to prepare also draft terms of reference for a Committee of experts with the full participation of all Council of Europe member States, which should be entrusted with the task of examining the draft Convention prepared by the PC-S-CP and then submitting it to the CDPC plenary in 2009 for approval and transmission to the Committee of Ministers for adoption;
 - submit these terms of reference to the CDPC plenary for approval and transmission to the Committee of Ministers for adoption;
 - take note of the fact that the post of Secretary to the PC-S-CP is currently vacant and express its hope that this vacancy will be filled as quickly as possible, considering that a delay in this respect could cause problems regarding the timeline envisaged for future work in this area;

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2. Conferences of the Council of Europe Ministers of Justice

a. Follow-up of the 28th Conference (25-26 October 2007, Lanzarote)

- as regards Resolution No. 1 on access to justice for migrants and asylum seekers adopted by the Ministers of Justice, take note of the fact that, at its last meeting (April 2008), the PC-OC adopted a questionnaire on the relationship between asylum and extradition procedures, to be sent to all PC-OC delegations for replies by 1 September 2008, in accordance with the Bureau's instructions to the PC-OC to take stock of the situation regarding this issue in different member States;
- as regards Resolution No. 2 on child-friendly justice adopted by the Ministers of Justice, take note of the fact that, following the Bureau decision on this point taken at its last meeting in January, the Secretariat had appointed a consultant (Ms Turkovic, former vice-chair of the PC-ES) to prepare a report on criminal aspects for the CDPC, compiling information regarding existing provisions at the national and international level;
- invite the CDPC plenary to discuss this report at its next meeting;
- take note of the information provided by the Secretariat on the follow-up to be given to this report;

b. Preparation of the 29th Conference (17-19 June 2009, Tromsø, Norway)

- take note of the fact that the 29th Conference of European Ministers of Justice will take place in Norway in June 2009 and of the information provided by the Secretariat concerning the state of preparation of the Conference;
- hold a preliminary discussion on the possible themes of the conference, taking note of the information provided by the Secretariat on the following themes being currently considered under the general title of "A Safer Society for European Citizens":
 - o "Domestic violence/Violence against women, including violence against children" (proposal of the Norwegian authorities);
 - o "Dangerous offenders";
- propose to the CDPC plenary to discuss this item at the beginning of its June meeting, in order to allow the Bureau members to transmit CDPC's views on these themes to the representatives of other steering committees involved in the preparation of the conference (CDCJ and CDDH);
- take note of the proposal of one delegation for an additional theme entitled "International co-operation in criminal matters and transnational criminal justice", while considering that this subject could be better served as the theme of a further conference of European Ministers of Justice;

3. Opinion of the Consultative Council of European Prosecutors (CCPE)

- examine and amend the draft comments on the Opinion of the CCPE entitled "Ways of improving international co-operation in the criminal justice field";
- propose to the CDPC plenary to adopt the comments as amended and to transmit the CCPE Opinion to the Committee of Ministers together with these comments;

4. Recommendations of the Parliamentary Assembly of the Council of Europe (PACE) for information and possible comments by the CDPC: Recommendation 1828 (2008) on "Disappearance of newborn babies for illegal adoption in Europe"

- examine and amend the draft opinion of the CDPC on Parliamentary Assembly Recommendation 1828 (2008) on "Disappearance of newborn babies for illegal adoption in Europe";
- instruct the Secretariat to send the draft opinion as amended to all delegations of the CDPC for comments and to transmit the opinion to the Committee of Ministers if no comments are received by 21 May 2008;

5. Domestic violence including violence against women

- take note of the opinion of the Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV) - adopted at the last meeting of the Task Force(1-4 April 2008) -, on the Feasibility Study for a convention on domestic violence, adopted by the CDPC at its plenary meeting in June 2007;
- have an exchange of views with Ms Dubravka Simonovic (Vice-Chair of the Task Force), invited by the Chairman of the CDPC to attend the Bureau meeting, and discuss different issues and options relating to the future work of the Council of Europe in this field;
- take note of the fact that Ms Simonovic presented the position of the Task Force with regard to a possible future convention in this field and, in particular, that the Task Force and the Steering Committee for Equality between Women and Men (CDEG) consider that this convention should address violence against women;
- transmit the opinion of the Task Force, as well as the recommendations already adopted by it, to the CDPC plenary;
- invite the CDPC plenary to take note of the opinion of the Task Force, as well as its position with regard to a possible future convention in this field;
- while taking note of the position of the Task Force, invite the plenary to send to the Committee of Ministers its feasibility study for a convention on domestic violence and the opinion of the Task Force on this study;

6. Appointment of a CDPC representative to the European Commission for the Efficiency of Justice (CEPEJ) and to the Consultative Council of European Judges (CCJE)

- in the case that there are no volunteers for these positions, propose to the CDPC plenary that the Bureau members should ensure CDPC representation at the meetings of these Committees, if such representation appears necessary on the basis of the agendas of their meetings;

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

a. Draft European Rules for juvenile offenders

- take note of the oral information provided by the Chair of the PC- CP, Ms Sonja Snacken, on the work of the Council concerning the finalisation of the Draft European Rules for juvenile offenders and congratulate the Council for its work,
- take note of the draft Recommendation on the European Rules for Juvenile Offenders Subject to Sanctions or Measures and its explanatory memorandum as finalised by the PC-CP at its 58th meeting (31 March – 4 April 2008) and forward them to the CDPC for approval and transmission to the Committee of Ministers for adoption;
- make the following proposals as regards the organisation of the work regarding the approval of the draft recommendation at the CDPC plenary:
 - o instruct the Secretariat to prepare, as working documents for the plenary, new versions of the draft Recommendation and its explanatory memorandum, indicating in footnotes any specific written proposals for amendments made by delegations for each rule;
 - o instruct the Secretariat to compile more general comments made by delegations in a separate compendium;

b. Recent and forthcoming work of the Council of Europe related to penitentiary issues including probation

- take note of the fact that PC-CP started at its 56th meeting in December 2007 its work on a draft recommendation concerning probation and aftercare in Europe and that, following the Bureau decision to speed up the finalisation of the draft recommendation on European Rules for Juvenile Offenders, the continuation of the work on probation was postponed for the next PC-CP meeting in October 2008;
- propose to the CDPC a prolongation of the ad hoc terms of reference of the PC-CP until 30 September 2009;

- take note of the proposals made by the PC-CP regarding the follow-up to be given to the conclusions adopted at the 14th Conference of Directors of Prison Administration (CDAP) held in Vienna on 19-21 November 2007;
- discuss the document “Current and future priorities and activities of the PC-CP”, consider that the issue of foreign prisoners should be included among the priorities of the PC-CP and decide to submit these proposals to the CDPC for approval;

c. Items for information

- take note of the forthcoming elections of three new members of the PC-CP at the next CDPC plenary and of the candidates put forward so far;
- welcome the efforts to restore financing of SPACE I and SPACE II; take note that it is envisaged to do so as of 2008.

8. Revised terms of reference: PC-OC, PC-CP, PC-S-CP & MONEYVAL

- examine the revised terms of reference of PC-OC, PC-CP, PC-S-CP & MONEYVAL;
- submit these revised terms of reference to the CDPC plenary for approval and transmission to the Committee of Ministers for adoption;
- as regards the revised terms of reference of the PC-CP, ask the Secretariat to provide background information on the reasons for extending observer status to two additional non-governmental organisations,
- as regards the revised terms of reference of MONEYVAL, express its view that the extension of the number of scientific experts could be an opportunity for MONEYVAL to increase its expertise with respect to international legal co-operation, in accordance with point 4.vi of its mandate;

9. Working methods of the CDPC and its Bureau

- adopt the revised document “Working methods of the CDPC and its Bureau” and submit it to the CDPC plenary for approval;

10. Information provided by the Chairman of the CDPC

a. Article 23 of the Convention on the Transfer of Sentenced Persons (CETS N°112)

- take note of the information provided by the Chair, Mr Branislav Boháčik, on this item;

b. Cybercrime

- take note of the information provided by Mr Branislav Boháčik on developments in the field of Cybercrime and in particular the results of a Conference organised by the Council of Europe on 1-3 April 2008 and the TC-Y meeting which took place on 3 and 4 April 2008;

11. Information provided by the Secretariat

a. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC): simplified extradition

- take note of the summary meeting report of the 5th enlarged meeting of the restricted Group of experts on international co-operation (PC-OC Mod) and the list of decisions taken at the 54th plenary meeting of the PC-OC;

Preparation of normative texts concerning the European Convention on Extradition:

- take note of the progress achieved by the PC-OC concerning the drafting of a 3rd additional Protocol to the European Convention on Extradition, which will complement the Convention by simplifying extradition procedures where the person concerned consents to her/his extradition;

- take note of the decisions taken by the PC-OC in relation to the preparation of normative texts regarding compensation issues, lapse of time and the rule of speciality in extradition procedures;

Implementation of practical measures:

- take note of the presentation of the Secretariat concerning the progress made towards the implementation of practical measures to improve the operation of relevant conventions (list of points of contact and a database on national procedures regarding extradition and mutual legal assistance in criminal matters);

b. CODEXTER

- take note of the information provided on the last CODEXTER meeting;

12. Dates of the next meeting

- agree that the Bureau should have its next meeting in November 2008 and that the CDPC plenary meeting in 2009 should take place in September, after the Conference of the Ministers of Justice.