



Strasbourg, 18 September 2009
cdpc-bu/docs 2009/cdpc-bu (2009) 11– e

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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau
(CDPC-BU)

Strasbourg, 14-15 September 2009

LIST OF DECISIONS TAKEN AT THE MEETING OF THE CDPC BUREAU

Council of Europe
Agora Building / Bâtiment Agora
Room G05 / Salle G05

The Bureau of the CDPC decided:

1. Organisation of the work for the Plenary

- that the three normative texts completed by its subordinate committees - the PC-OC, PC-ISP and PC-CP - (the draft 3rd Additional Protocol to the European Convention on Extradition, the draft Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health, and the draft Recommendation on the Council of Europe Probation Rules) would be examined at the CDPC Plenary in October.

2. Council for Penological Cooperation (PC-CP)

a. Draft Recommendation on the Council of Europe Probation Rules and its draft commentary

- to instruct the PC-CP to take into consideration the comments sent by the CDPC national delegations;
- to invite the CDPC Plenary to approve the text of the draft recommendation and its commentary as finalised by the PC-CP at its meeting on 21-23 September 2009.

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

- to take note that the PC-CP will update for the CDPC Plenary document PC-CP (2008)04 rev4 concerning its current and future priorities and activities in the light of the conclusions of the 15th Conference of Directors of Prison Administration (CDAP) (Edinburgh, 9-11 September 2009);
- to take note of the conclusions of the 15th Conference of Directors of Prison Administration (CDAP) held on 9-11 September in Edinburgh, instruct the Secretariat to send this document to the CDPC delegations and invite the CDPC to instruct the PC-CP to ensure an effective follow-up of these conclusions;
- that the work related to foreign nationals in prisons is among the top priorities and that PC-CP is instructed to examine the best way to ensure an effective follow-up in the light of the 14th and 15th CDAP;
- to invite the CDPC Plenary to support the PC-CP's proposal to extend its planned work on the procedure for evaluating the risks for safety and security in prisons and open environments that certain dangerous offenders may pose in order also to look at issues related to the prevention of re-offending and the treatment of such offenders in the light of Resolution No. 1 adopted at the 29th Council of Europe Conference of Ministers of Justice (Norway, June 2009) (see also item 5 of the present document);
- that the Chair would transmit the conclusions of the 15th Conference of Directors of Prison Administration (CDAP) to the Chairs of the Consultative Council of European Judges (CCJE) and the Consultative Council of European Prosecutors (CCPE);
- to welcome the progress on the SPACE I and SPACE II surveys and instruct the Secretariat to invite an expert to make a presentation during the October Plenary.

3. Crimes related to medical products

- to instruct the Secretariat to send the text of the draft convention, as adopted by the PC-ISP and with the proposals for modifications by the Bureau in the form of footnotes, to the CDPC heads of delegation asking for proposals for possible amendments and brief reasons for them in writing by 30 September 2009;
- to instruct the Secretariat to compile these comments in the language in which they were received in a document for the October Plenary;
- to instruct the Secretariat to inform the CDPC delegations that the PC-ISP had left the issue of jurisdiction to the CDPC and that the CDPC Plenary should be prepared to discuss this topic.

4. **Committee of experts on the operation of European conventions on cooperation in criminal matters (PC-OC)**

a. Simplified extradition

- to forward the draft 3rd Additional Protocol to the European Convention on Extradition and its draft explanatory report, as adopted by the PC-OC and including the technical amendments of the Bureau as well as some of the proposals for technical changes contained in the legal opinion of the Treaty Office on the draft Protocol, to the CDPC delegations for proposals for possible amendments and brief reasons for them in writing by 30 September 2009;
- to instruct the Secretariat to compile these comments in the language in which they were received in a document for the October Plenary.

b. Jurisdiction

- to take note of the fact that specific issues relating to the application of the rules on jurisdiction, in particular the problem of the application or non-application of the double criminality principle, crop up frequently when preparing criminal law conventions and to invite the CDPC Plenary to instruct the PC-OC to look into the effects of jurisdiction in relation to international cooperation in criminal matters.

c. Draft model provisions

- to invite the Secretariat to look at the conventions and other relevant documents in order to examine the possibility of drafting standard model provisions on certain issues such as jurisdiction, sanctions, liability of legal persons, judicial cooperation, to be used in future Council of Europe legal instruments in the criminal field.

d. State of ratification of Council of Europe conventions in the criminal law field

- to take note of the research conducted by the Secretariat into the state of ratification of certain Council of Europe conventions in the criminal field and that some conventions have been ratified by only a very small number of states;
- to return to this issue at one of its future Bureau meetings when it would decide on possible further action regarding the failure of states to ratify certain conventions in the criminal law field and to explore possible solutions.

e. Compensation of persons in extradition procedures

- to take note of the results of the PC-OC's stock-taking exercise on the issue of compensation in extradition procedures and of the questionnaire on compensation, the replies to it and the summary of replies;
- to invite the Plenary to instruct the Secretariat to prepare an overview document/report on issues relating to compensation based on the replies to the questionnaire.

f. Follow-up to the 28th Conference of European Ministers of Justice: the relationship between asylum procedures and extradition procedures

- to take note of the questionnaire on the relationship between asylum procedures and extradition procedures, of the replies and of the summary of the replies, and of the PC-OC's opinion on the subject;
- to invite the Plenary to instruct the Secretariat to prepare an overview document/report based on the replies to the questionnaire;
- to advise the Plenary that this issue is of great importance to the Council of Europe and to note the absence of a specialised committee on issues related to asylum seekers.

g. Points for information

- to take note of the information provided by the Secretariat on recent developments in the Council of Europe activities aiming at improving international cooperation in criminal matters, and in particular the project on “Effective practical tools to facilitate judicial cooperation in criminal matters”.

5. Follow-up to the 29th Council of Europe Conference of Ministers of Justice (17-19 June 2009, Tromsø, Norway)

- to take note of the three resolutions adopted by the Ministers on preventing and responding to domestic violence, on mutual legal assistance in criminal matters and on Council of Europe action to promote the rule of law;
- to invite the CDPC to instruct the PC-CP to examine existing best practices in member States for assessing the risk of re-offending posed by perpetrators of domestic violence, and the treatment of such perpetrators in closed settings and in the community (see also item 2b of the present document);
- to instruct the Secretariat to identify an expert who could be proposed to the Plenary to carry out a preliminary report/study on the subject of victims as follow-up of Resolution No. 1;
- to invite the Plenary to instruct the PC-OC to examine Resolution No. 2.

6. 30th Council of Europe Conference of Ministers of Justice (Istanbul, Turkey, 2011)

- to take note that the next Council of Europe Conference of Ministers of Justice would take place in Istanbul, Turkey, in 2011;
- to invite the Plenary to consider possible topics for the Conference.

7. Violence against women / domestic violence

- to take note of the information provided by the Secretary of CAHVIO on the progress made by the group in its work;
- to take note of the decision of the Committee of Ministers concerning the future work of the CAHVIO.

8. Cybercrime

- to take note of the information provided by the Secretariat on the last meeting of the T-CY and of the summary of replies to the PC-OC questionnaire on mutual legal assistance in computer-related cases;
- to instruct the Secretariat to keep it informed about progress regarding the T-CY questionnaire on transborder access to data.

9. Scientific proof in criminal matters

- to examine the document prepared by the Secretariat in relation to this subject and to instruct the Secretariat, in collaboration with the Chair, to amend it following the discussions for presentation and further discussion at the October Plenary.

10. Information provided by the Secretariat

a. Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

- to take note of the information provided by the Secretariat on recent developments with regard to the signature and ratification of the convention and the different activities being carried out related to children.

b. Relations with other international organisations

- to take note of the consultation procedure for the EU Presidency's Stockholm Programme and the Council of Europe's contribution;
- to take note of the Swedish Presidency's proposal for a Roadmap on the protection of suspected and accused persons in criminal proceedings and the subsequent observations from the Council of Europe.

11. Election of the Chair and of the new members of the Bureau

- to take note that the October Plenary will have to elect a new Chair, Vice-Chair and four members of the Bureau and to instruct the Secretariat to update the memorandum on procedures for election.

12. Any other business

a. Former Council for Police Matters (PC-PM)

- to invite the Plenary to identify topics which could be dealt with by a similar committee;
- to instruct the Secretariat to prepare draft terms of reference for such a committee.

b. Rule of law

- to take note of the planned Council of Europe activities on this subject;
- to adopt the document "CDPC opinion on the document "The Council of Europe and the rule of law – an overview" and instruct the Secretariat to transmit it to the Committee of Ministers.

c. Parliamentary Assembly (PACE) recommendations

- that PACE Recommendation 1872 (2009) – "The rights of today's girls: the rights of tomorrow's women" and PACE Recommendation 1873 (2009) – "Sexual violence against women in armed conflict" contained no elements which require comments by the CDPC.

13. Dates of the next meeting

- to examine the dates of the next Bureau meeting at a later stage.