



Strasbourg, 7 September 2009

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

**Bureau**  
**(CDPC-BU)**

**DRAFT ANNOTATED AGENDA**

Strasbourg, 14-15 September 2009  
9.30 am

**Agora**  
**Room G05**



- 1. Opening of the meeting**
- 2. Adoption of the draft agenda**
- 3. Organisation of work for the plenary**

The Bureau is invited to discuss the subjects that will be dealt with at the CDPC plenary meeting (12-16 October 2009).

In addition to the other items, three texts are ready for the plenary: the draft Protocol to the European Convention on Extradition, prepared by the PC-OC, the draft Recommendation on the Council of Europe Probation Rules, prepared by the PC-CP, and the draft Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health, prepared by the PC-ISP.

The Bureau is invited to decide that the October plenary will discuss the draft Protocol to the European Convention on Extradition and the draft Council of Europe Convention on the counterfeiting of medical products. In view of the urgent concerns of overcrowding in prisons raised at the CDAP (see also item 4b), it would be desirable also that the CDPC adopts the draft Recommendation on the Council of Europe Probation Rules. Therefore, the Bureau is invited to take a position with regard to the possibility of examining this text as well at the October plenary. In case the Bureau should decide that this is not feasible, it should invite the plenary to already fix the date of its following plenary meeting as early as possible next year.

#### **4. Council for Penological Co-operation (PC-CP)**

##### **a. Draft Recommendation of the Committee of Ministers to member States on the Council of Europe Probation Rules and its explanatory report**

The Bureau is invited to note that the PC-CP has completed within the time-limit set in its revised ad hoc terms of reference the draft Recommendation on the Council of Europe Probation Rules and its explanatory report further to the written consultation procedure with the national delegations to the CDPC.

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

The Bureau is invited to take note of document PC-CP (2008) 04 rev4 concerning the current and future priorities and activities of the PC-CP, in particular future work related to offenders who are foreign nationals and the treatment of elderly prisoners and prisoners suffering from mental disorders.

Moreover, further to Resolution No. 1 adopted by the 29th Conference of Justice Ministers (Tromsø, June 2009), the Bureau is invited to examine 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 prisoners may pose, so that it can also look at issues relating to the prevention of re-offending and the treatment of such prisoners (see also item 7).

The Bureau is invited to take note of the information provided by the Secretariat, and of the conclusions of the 15th Conference of Directors of Prison Administration (CDAP), held from 9 to 11 September 2009 in Edinburgh.

The Bureau is also invited to take note of progress on the SPACE I and SPACE II surveys.

#### **5. Pharmaceutical crime**

The Bureau is invited to take note of the work carried out by the PC-ISP and to note that this work has been successfully completed. The Bureau is invited to take note of the information provided by Mr ZEDER, Chair of the PC-ISP, and Mr HERRNFELD, who represents the CDPC in this group, concerning the proceedings of the last two meetings of the group.

The Bureau is invited to examine the draft Council of Europe convention on the counterfeiting of medical products and similar crimes involving threats to public health. The Secretariat is instructed to send the text of the draft convention, as adopted by the PC-ISP, to the CDPC heads of delegation, asking them to make any proposals for amendments in writing by 25 September 2009.

The Bureau is also invited to instruct the Secretariat to gather these comments together in a document so that they can be taken on board when the draft Convention is discussed at the CDPC plenary meeting in October.

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

**a. Simplified extradition**

The Bureau is invited to examine the draft 3rd Additional Protocol to the European Convention on Extradition and its draft Explanatory Report, as adopted by the PC-OC at its 56th plenary meeting (12-14 May 2009) and to forward it to the CDPC plenary for adoption and transmission to the Committee of Ministers.

The Bureau is also invited to take note of the memorandum from the Directorate of Legal Advice and Public International Law.

**b. Jurisdiction**

The Bureau is invited to take note of the fact that specific issues relating to the application of the rules on jurisdiction, and in particular the problem of the application or non-application of the principle of double criminality, frequently crop up when preparing and negotiating conventions in the criminal field. The Bureau is invited to consider whether a systematic examination of issues related to jurisdiction would be appropriate at this stage. It could, *inter alia*, instruct the PC-OC to examine the provisions on jurisdiction in the criminal law conventions from the point of view of the practical difficulties involved in implementing these provisions.

**c. State of ratification of Council of Europe conventions in the criminal field**

The Bureau is invited to take note of the fact that the Secretariat has done some research into the state of ratification of certain Council of Europe conventions in the criminal field and that it appears from this document that some Council of Europe conventions have been ratified by only a very small number of States. While some of these conventions are seen as being of limited added value in the current context, others are still relevant. The Bureau is invited to look into this matter and to consider instructing the PC-OC to examine the reasons for the failure to ratify certain conventions and to explore possible solutions.

**d. Compensation of persons in extradition procedures**

The Bureau is invited to take note of the results of the PC-OC's stock-taking exercise concerning the issue of compensation in extradition procedures, as outlined in the summary report of the 55th meeting of the PC-OC.

It is also invited to take note of the questionnaire on compensation, of the replies to this questionnaire, and of the summary of replies. The Bureau is invited to issue further instructions to the PC-OC, if necessary.

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

The Bureau is invited to take note of the questionnaire prepared by the PC-OC on the relationship between asylum procedures and extradition procedures, further to the instructions of the Bureau, of the replies to this questionnaire and of the summary of replies, and of the PC-OC opinion on this subject.

The Bureau is invited to advise the October plenary that this issue is of great interest to the Council of Europe, but that the committee has no possibility in its schedule of priorities and no expertise to consider the matter further. The plenary should therefore be advised to invite the Committee of Ministers to envisage follow-up to these questions through the setting up of a specialised committee of experts.

**f. Points for information**

**i. Preparation of normative texts concerning the European Convention on Extradition**

The Bureau is invited to take note of the oral information provided by the Secretariat on progress made by the PC-OC in its work on updating the European Convention on Extradition, and in particular the provisions on the rule of speciality, lapse of time and ways and means of communication.

**ii. Project on “Effective practical tools to facilitate judicial cooperation in criminal matters”**

The Council of Europe is initiating a project to develop effective practical tools to facilitate judicial cooperation in criminal matters, involving the creation of model request forms to be used in connection with the conventions of the Council of Europe on international cooperation in the criminal law field. The aim of the project is to define a general framework for such forms, which will then be individualised by each state party according to its domestic requirements. The forms will be made available to practitioners through a database set up on the Council of Europe’s website.

The Bureau is invited to take note of the information provided by the Secretariat on recent developments concerning the setting-up of this project, the preparatory stages of which will be funded by a voluntary contribution from Germany.

**iii. Mutual legal assistance in computer-related cases**

The Bureau is invited to take note of the fact that the PC-OC, in keeping with the CDPC’s instructions, has given practical advice to the Cybercrime Convention Committee (T-CY) on best practice concerning mutual legal assistance in computer-related cases (especially in emergencies).

The Bureau is further invited to take note of the questionnaire, the replies to this questionnaire and the summary of replies prepared by the PC-OC Secretariat.

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

The Bureau is invited to take note of the information provided by Mr Chiaromonte on the proceedings of the Tromsø conference.

The Bureau is invited to take note of the three resolutions adopted by 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.

Pending a decision of the Committee of Ministers on the follow-up to be taken, the Bureau is invited to begin a discussion on the basis of Resolution No. 1 of the 29th Conference of European Ministers of Justice on preventing and responding to domestic violence, in relation to the status and rights of victims in criminal proceedings, with a view to granting them status in criminal cases. The Bureau is invited to instruct the Secretariat to identify an expert who could be proposed to the plenary to carry out a preliminary report/study on this subject.

The Bureau is invited to examine the PC-CP's proposal concerning the planned work 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 4b).

The Bureau is invited to consider ways to enhance the impact of Resolution No. 2 of the 29th Conference of Ministers on mutual legal assistance in criminal matters.

Lastly, the Bureau is invited to take note of the 50th anniversary of the European Convention on Mutual Legal Assistance in Criminal Matters, and to welcome its ratification by all the member States and by Israel.

### **7bis. Preparation of the 30<sup>th</sup> Council of Europe Conference of Ministers of Justice (2010, Istanbul, Turkey)**

The Bureau is invited to start examining possible subjects for the themes to be considered at the next conference and transmit them to the plenary.

#### **8. Violence against women / domestic violence**

The Bureau is invited to take note of the reports of the first and second meetings of the CAHVIO.

The Bureau is also invited to take note of the information provided by Mr Chiaromonte, secretary of the CAHVIO, concerning the progress made by the group in its work.

The Bureau is further invited to take note of the decision of the Committee of Ministers concerning the future work of the CAHVIO

#### **9. Cybercrime**

The Bureau is invited to take note of the agenda for the next meeting of the T-CY and of the summary of replies to the questionnaire on mutual legal assistance in computer-related cases.

#### **10. Scientific proof in criminal justice**

The Bureau is invited to take note of the document prepared by the Secretariat, in close co-operation with Mr Ruelle, identifying the different elements and actions to be taken which could be developed in relation to this subject and in particular the issue of equality of arms and the quality of experts.

The Bureau is invited to note that this document will be presented to the CDPC plenary.

#### **11. Information provided by the Chair and the Vice-Chair of the CDPC**

The Bureau is invited to take note of the information provided by the Chair and the Vice-Chair...

#### **12. Information provided by the Secretariat**

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

The Bureau is invited to take note of the information provided by the Secretariat on recent developments with regard to the signature and ratification of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse.

##### **b. Relations with other international organisations**

The Bureau is invited to take note of the consultation procedure for the Stockholm Programme and the Council of Europe's contribution.

The Bureau is invited 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 informal observations from the Council of Europe.

### **13. Election of the Chair and of the new members of the Bureau**

The Bureau is invited to take note of the fact that the Chair's term of office is due to expire at the next plenary. It is also invited to note that the terms of office of the Vice-Chair and of four members of the Bureau (Ms Lang, Mr Miklau, Mr Hjortenber, and Mr Zmeyevskiy) expire in 2009. The plenary will therefore have to elect the Chair, the Vice-Chair and four members of the CDPC Bureau.

### **14. Any other business**

#### **a. Council for Police Matters (PC-PM)**

The Bureau is invited to give its opinion on the usefulness of re-establishing the PC-PM, whose work was "frozen" at the CDPC plenary in 2007 upon a proposal of the Secretariat, due to the difficult staff and budgetary situation, until 2009. The Bureau is also invited to discuss the possibility of setting up a new committee dealing with police questions in cooperation with the CDDH.

#### **b. Rule of law**

The Bureau is invited to take note of the information provided by the Secretariat about the planned Council of Europe activities on this subject and to adopt the document "CDPC opinion on the document "The Council of Europe and the rule of law – an overview"" so that it can then be sent to the Committee of Ministers.

#### **c. Parliamentary Assembly (PACE) recommendations**

The Bureau is invited to examine 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", transmitted to the CDPC for information and possible comments by 30 September 2009, and, since there are no criminal law issues involved, to decide that the CDPC has no comments to make.

### **15. Date of the next meeting**

The Bureau is invited to consider the dates of its next meeting at a later stage.