



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Berlin, 30 March 2010
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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

Berlin, 29-30 March 2010

List of Decisions

At its meeting held in Berlin on 29-30 March 2010, the Bureau of the CDPC decided to:

- express its condolences to the Russian delegation which had informed the Bureau of the terrorist bombings in Moscow;

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

a. Foreign nationals in prison

- take note of the draft revised *ad hoc* terms of reference of the PC-CP regarding its forthcoming work on foreign nationals in prisons, as approved by the CDPC by written procedure, and that the Committee of Ministers is expected to adopt it on 21 April;

b. Dangerous offenders

- take note of the information provided by the Secretariat on the discussion held at the last meeting of the PC-CP (17-19 March 2010) on this issue and the country survey on dangerous offenders prepared by the PC-CP (PC-CP (2010) 04);
- examine the discussion paper on secure preventive detention (CDPC-BU (2010) 04 rev) prepared by the Secretariat and instruct the Secretariat to revise it further following the discussions of the Bureau and to submit it to the Plenary for information;
- take note that, at its last meeting, the PC-CP appointed Ms. Nicky Padfield (UK) as scientific expert to prepare a comparative study on existing legal systems and practices of treatment of dangerous offenders after they have served their prison sentence and that the expert will submit to the PC-CP at its next meeting (5-7 May) a document containing the outline structure and contents of the report which is expected to be finalised by end of September and then sent out to all CDPC national delegations for their possible comments and contributions;

- instruct the Secretariat to send the preliminary report prepared by Ms Padfield to all members of the Bureau for comments, by written procedure, immediately after the PC-CP meeting in May;
- based on the preliminary outcome of the report prepared by Ms Padfield, consider to invite the expert to the plenary to give a presentation on the topic of dangerous offenders;
- instruct the Secretariat to contact the Secretariat of CODEXTER in order to associate it if possible to the work on dangerous offenders;

c. SPACE statistics

- take note that SPACE I (survey for 2008) and SPACE II (survey 2007) have been completed recently and instruct the Secretariat to invite Mr Aebli to the next plenary meeting of the CDPC to present these surveys, and in particular SPACE II, which was collected for the first time since 2003.

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

- take note of the information provided by the Secretariat on the planned work of the PC-OC concerning the issue of jurisdiction and its effects on international cooperation in criminal matters, and on progress made regarding the modernisation of the European Convention on Extradition;
- instruct the PC-OC to report to the CDPC plenary on its discussions on the issue of the possible consolidation of the European Convention on Extradition and its additional protocols, as well as on the possibility of introducing more binding procedures regarding the resolution of practical difficulties arising from the application and interpretation of the relevant conventions;
- instruct the PC-OC to discuss the feasibility of drawing up a list of procedural rights in the context of international co-operation in criminal matters;
- take note of the information provided by the Secretariat on the latest developments concerning the project on “Effective practical tools to facilitate judicial co-operation in criminal matters”;

3. Follow-up to decisions taken at the CDPC Plenary meeting

a. Standard model provisions

- examine a document prepared by the Secretariat on a draft set of model provisions on selected issues and guidance to drafting committees (CDPC (2010) 21), and instruct the Secretariat to revise this draft document in the light of its discussions, notably by completing this with the following issues:
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 - o information on final clauses, including modalities of accession for third States;
 - o explicit references to be made to the CDPC;
 - o monitoring mechanisms;
- submit the revised document to the CDPC plenary and invite the plenary to endorse this document;

b. Scientific proof in criminal matters

- examine a synopsis prepared by the appointed expert, Prof. Champod, setting out the scope of the comparative study on scientific proof in criminal matters which the expert will prepare for presentation to the next CDPC plenary;

- consider that this issue would merit concrete follow up, subject to approval of the CDPC plenary ;
- instruct the Secretariat to transmit to the expert the comments of the Bureau on the proposed outline and to invite him to the next plenary meeting;

c. Preliminary report/study on the subject of victims

- take note of the revised preliminary study on the subject of victims, prepared by the expert, Mr. Boháčik;
- instruct the Secretariat to ask Mr. Boháčik to prepare a final report, for adoption at the next plenary meeting of the CDPC, taking account of the opinion of the Bureau on his proposals, and in particular as regards his long-term, mid-term and short-term recommendations and conclusions and to invite him to present this report to the CDPC plenary;

4. The 30th Council of Europe Conference of Ministers of Justice (Istanbul, November 2010)

- take note of the document CDPC-BU (2010) 17 presenting the themes of the Istanbul conference as adopted by the Committee of Ministers, as well as of the information provided orally by the Secretariat on the state of preparation of the conference;
- take note that the draft Resolution on the first sub-theme of the Conference (e-justice) will be primarily drafted by the CDCJ, with the possibility for the CDPC to contribute, notably as regards international co-operation in criminal matters;
- include some additional sub-topics to the second theme “prisons in today’s Europe”, notably on prison overcrowding, foreign nationals in prison (linked to the issue of transfer of foreign prisoners), alternatives to custody;
- examine the elements for a draft resolution prepared by the PC-CP on the topic “prisons in today’s Europe”;
- instruct the Secretariat to revise the draft resolution on the basis of the discussions held by the Bureau and send it to all members of the Bureau for comments/approval by written procedure;
- invite the CDPC at its next plenary meeting to examine and approve the draft resolution, as finalised by the Bureau;

5. The Lisbon Treaty – the Stockholm Programme and the work of the CDPC

- take note of the information provided orally by the Secretariat concerning its meetings with representatives of the European Institutions in Brussels in March to address, notably, cooperation and possible synergies between the European Union and the Council of Europe in the criminal law field;
- continue its preliminary discussion regarding future activities of the CDPC in the context of the entry into force of the Lisbon Treaty and instruct the Secretariat to revise the document (CDPC-BU (2010) 09) on the possible areas of co-operation between the Council of Europe and the European Union for the implementation of the Stockholm Programme;
- send this document to all CDPC delegations as background document for information;
- instruct the Secretariat to suggest to the Secretary General that a letter is addressed to the Commission through the appropriate channels, containing a short list of potential areas of Council of Europe assistance on the basis of this document;

6. Trafficking in organs

- in connection with the draft opinion requested from the CDPC by the Committee of Ministers on the joint Council of Europe/United Nations study on trafficking in organs,

- tissues and cells, examine the 12 replies by CDPC delegations to a questionnaire (CDPC (2010) 01) on the possible content of a future convention against this phenomenon;
- instruct the Secretariat to send a reminder to delegations who have not replied to the questionnaire to do so before 30 April 2010;
 - agree with the Group of Experts on Action against Trafficking in Human Beings (GRETA) that the specific issue of trafficking in human beings for the purpose of the removal of organs is adequately covered by the Council of Europe Convention on Action against Trafficking in Human Beings;
 - instruct the Secretariat to prepare, in close cooperation with the chair of the Bureau, a draft CDPC opinion on this subject in the light of the replies to the questionnaire and the discussions of the Bureau;
 - invite the CDPC plenary to discuss this draft opinion at its next meeting, to adopt it and submit it to the Committee of Ministers;

7. Information provided by the Secretariat

- take note of the information provided orally by the Secretariat on the subjects of Medicrime, cybercrime, violence against women/domestic violence, and sexual exploitation and abuse of children;

10. Any other business

a. Request for observer status by Penal Reform International (PRI)

- take note of the document prepared by the Secretariat (CDPC-BU(2010)18) containing general information on PRI;
- decide to grant the request of PRI for observer status with the PC-CP;

b. MONEYVAL

- examine the documents CDPC-BU(2010) 19 and CDPC-BU(2010) 23 and the proposal of MONEYVAL to become an independent monitoring mechanism reporting directly to the Committee of Ministers;
- agree on the proposal of MONEYVAL to become an independent mechanism;
- instruct the Secretariat to prepare a document regarding the position of the Bureau on this matter and to present it at the next plenary meeting of the CDPC;

c. Child friendly justice

- take note of the fourth draft of the Council of Europe Guidelines on child-friendly justice, prepared by the Group of Specialists on Child-Friendly Justice (CJ-S-CH), that will finalise this document at its next meetings in 26-28 April and 25-27 May 2010;
- instruct the Secretariat to send this document to all delegations, and to invite the latter to submit their comments on this text to the Secretariat and, where appropriate, directly to the CJ-S-CH through their national focal points;
- instruct the Secretariat to propose, on the basis of these comments, a draft comment by the CDPC as a whole;

d. Date of the next meeting

- take note that the next CDPC plenary meeting will take place on 7-10 June.