

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

Venice, 22 – 23 April 2015

Council of Europe Programme Office
San Marco 180C
30124 Venice

Annotated Agenda

1. **Opening of the meeting**
2. **Adoption of the draft agenda**
3. **Future activities and priorities of the CDPC for 2016-2017**

In view of the preparation of the next terms of reference for the years 2016-2017, the Bureau is invited to have a discussion on which issues/aspects the CDPC should focus its work over the next two years and, on that basis, instruct the Secretariat to prepare a preliminary draft Terms of Reference of the CDPC for the years 2016-2017.

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**

Following the CDPC plenary's decision with regard to the document "Review of the Council of Europe conventions within the direct responsibility of the CDPC" (see decision 4a), 1) to examine and discuss the revised document, modified by the Secretariat on the basis of that Plenary's decision and 2) to examine the "Memorandum on the revision of the 1985 European Convention on Offences Relating to Cultural Property" as prepared by the consultants.

The CDPC should examine the document revised by the Secretariat (document CDPC (2014) 14rev), make comments/proposals for amendments where necessary, and finalise it for the CDPC next plenary meeting. It should also examine the document "Memorandum on the revision of the 1985 European Convention on Offences Relating to Cultural Property", make any comments/proposals for amendments where necessary, and instruct the Secretariat to send it to all

CDPC delegations for possible answers before the Plenary.

b. Review of the CoE Conventions by other CoE bodies

The Secretariat will inform the Bureau 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), in accordance with the decision n° 9 made by the Committee of Ministers.

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

With a view to implementing this task, that has been included in the expected results of the CDPC terms of reference for the years 2014-15, the CDPC plenary - at its 66th plenary meeting, June 2014 - instructed the Bureau "to draft, together with the Secretariat and with the possible assistance of (a) consultant(s)/expert(s), a document/report highlighting the most significant developments in the field of the (mis)use of modern technologies as emerged over the recent years and the new forms of criminal behaviour in that respect which would need to be considered in substantial/procedural criminal law systems, in particular by identifying possible lacunae in the existing substantial/procedural criminal law."

Mr Yves Charpenel, First Prosecutor General to the Cour de Cassation de France, has been appointed as a consultant. Mr Charpenel has prepared a draft report. He also has drafted a short questionnaire that is appended to the report and that is intended to be sent to member states in order to provide additional information to complete the report.

The Bureau should examine the content of the preliminary report and of the questionnaire prepared by the consultant and present these documents at the next CDPC plenary session in June 2015 for possible follow-up.

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)

b. Responses of justice to urban violence involving juveniles

The Bureau is invited to take note of the information provided by the Secretary to the CDPC, Mr Carlo Chiaromonte, on the follow-up to the last Conference of Ministers of Justice and in particular 1) on the international conference that took place in Lisbon on the subject of "Urban violence" on 23-24 October 2014 (see conclusions) and 2) the developments related to the drafting of a working paper (document CDPC (2014)3) and the questionnaire (document CDPC (2014)23) prepared by a consultant (Mrs Josiane Bigot), examined and amended by the Plenary at its last meeting and sent to the CDPC delegations.

The Bureau should to examine the replies received and instruct the Secretariat to prepare a summary of these replies for the next CDPC plenary in June.

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

The Bureau is invited to take note of the reports of the last PC-CP working group meeting (document PC-CP(2014)5)1) as well as of the agenda of the next PC-CP working group meeting (document PC-CP(2015)OJ 2 BIL) and of the main outcome of the PC-CP work and in particular:

- a) the current work on draft Guidelines on the role prison and probation services can play in dealing with radicalization and violent extremism in prisons (Doc PC-CP (2015) 2)
- b) the forthcoming holding of the 20th Council of Europe Conference of Directors General of

Prison and Probation Services (9-10 June 2015, 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 Committee of Ministers Recommendation on the European Rules on sanctions and measures enforced in the community.

a. Radicalisation in Prison

The members of the Bureau are invited to consider the text of the draft Guidelines (sent to them by e-mail on 7 April 2015: "Guidelines on the role prison and probation services can play in dealing with radicalization and violent extremism" (document PC-CP (2015) 2) and make any comments and proposals as necessary. It is further invited to note that this draft, prepared by one of the scientific experts, has not yet been considered by the PC-CP itself and that the PC-CP will dedicate two Working Group meetings (22-24 April and 14-16 September 2015) and its plenary meeting (17-19 November 2015) to this text. In relation to this and in view of the need to present the draft Guidelines to the CDPC plenary in December 2015 for approval, the Bureau is invited to decide the best manner in which the CODEXTER opinion on the draft text should be sought.

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

The CDPC is invited to take note of the draft agenda of the 20th Conference of Directors of Prison and Probation Services, "Strategic Challenges in Prisons and Probation", which will take place in Bucharest on 9-10 June 2015, appoint a representative of the Bureau to attend the Conference and make any possible comment/remark on the draft agenda.

8. Prison overcrowding

The CDPC is invited to take note that the Drafting Working Committee on Prison overcrowding under the auspices of the CDPC will hold its second meeting on 20-21 May 2015 in Strasbourg and take note of the information provided by the Chair of the CDPC, Mr Hjortenbergh, on the works of the Drafting Working Committee.

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

The CDPC is invited to take note of the information by Mr Hans-Holger Herrfeld on the work carried out so far in the drafting of the document on "Model provisions project".

The members of the Bureau are invited to examine the documents on "Model provisions project" (CDPC (2014) 17rev4 and CDPC (2014) 24 rev4) that were sent to them by e-mail on 15 April 2015, examine them and instruct the Secretariat to send the final draft documents to all CDPC delegations with a view to examining and possibly approving the texts at the next CDPC plenary as documents to be used as guidelines by future experts groups that may be mandated by the Committee of Ministers to negotiate criminal law conventions of the Council of Europe.

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

The Bureau is invited to take note of the list of decisions of the 19th meeting of the PC-OC Mod held on 17-19 February 2015 (document PC-OC Mod (2015)04) and the draft agenda of the next PC-OC plenary meeting to be held on 27-29 May 2015.

Moreover, the Bureau should pay particular attention to:

- 1) the Draft protocol to amend the Additional Protocol to the Convention on the Transfer of Sentenced Persons (CETS No. 167) as proposed by the PC-OC Mod [Doc. PC-OC Mod (2015)

01rev];

2) The E-transfer proposal by Israel, proposing to develop an electronic tool to facilitate transfer procedures [Doc PC-OC Mod (2014)04];

3) the draft questionnaire to member States [Doc PC-OC Mod (2015)03rev] proposed by the PC-OC Mod as a follow up to the special session on international co-operation as regards the seizure and confiscation of proceeds of crime, including the management of confiscated goods and asset sharing, which was held on 19 November 2014 as a first follow up to the White Paper on Transnational Organised Crime ;

4) 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 (see decision in Doc PC-OC Mod (2015)04 under 5d).

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

Following the CDPC plenary’s decisions “to endorse the Bureau’s proposal to draft an accurate Action Plan that should be examined by the CDPC at its plenary meeting in December;” (66th CDPC meeting, June 2014) and “to instruct the Secretariat, together with the assistance of a consultant and consideration to the plenary in December” (67th CDPC plenary meeting, December 2014), the Bureau is invited to take note of the information provided by the Chair of the CDPC, Mr Hjortenbergl and by the Secretariat on the developments related to the work carried out to prepared the draft Action Plan and have a discussion on how this activity should be continued in the future.

12. Terrorism

The Bureau is invited 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 prevention of terrorism.

13. Information provided by the Secretariat

The Bureau is invited to take note of the information provided by the Secretariat on sub-items a. to e. below.

a. Medicrime

b. Trafficking in human organs

c. Dangerous Offenders

d. Cybercrime

14. Any other business

15. Dates of the next meetings