

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

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

Paris, 2-3 October 2014  
at 10.30

CoE Paris Office  
55, avenue Kléber  
(Métro Boissière)

**Annotated Agenda**

1. **Opening of the meeting**
2. **Adoption of the draft agenda**
3. **Future activities and priorities of the CDPC**
- a. **Review of Council of Europe legal instruments in criminal matters**

Following the CDPC plenary's decision to instruct the Bureau to prepare a document on the implementation/assessment of the conventions under the CDPC's direct responsibility, the Secretariat has prepared a document (see document CDPC 2014 14) giving some information on the relevant conventions (i.e. those that are not subject to review/monitoring by other CoE bodies), notably on the state of ratifications, their entry into force and whether or not the subject matter of the convention has recently been dealt by other international instruments.

Moreover the document contains substantial elements in order to address the requests made by the Committee of Ministers in its decision related to the review of CoE conventions (decision n° 9):  
"9. instructed the steering and ad hoc committees to carry out, at regular intervals (...) an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:  
- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;  
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;

- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers;”.

The Bureau should examine the document prepared by the Secretariat (see document CDPC 2014 14), make comments/proposals for amendments where necessary, endorse it and instruct the Secretariat to present it to the next CDPC plenary. It should focus particularly on the part “Conclusions” related to every convention and make proposals for the CDPC plenary on how these conventions should possibly be reviewed, if necessary.

The Secretariat will inform the Bureau on the implementation/assessment of the conventions for which other CoE committees 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 (see above).

**b. 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 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, who made a presentation on “The legal and behavioural impact of modern technologies” at the last CDPC plenary, has been appointed as a consultant. Another consultant could be appointed if necessary. Mr Charpenel has prepared a preliminary draft report. He also has drafted a short questionnaire that is intended to be sent to member states in order to help him to complete his report.

The Bureau is requested to discuss how to proceed in the future with this item and in particular to examine the content of the questionnaire and the preliminary report prepared by the consultant.

**4. Follow-up to the 31<sup>st</sup> Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012): “Responses of Justice to urban violence”**

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 will take place in Lisbon on the subject of “Urban violence” on 23-24 October 2014 (see concept paper: document CDPC (2014) 6 and draft agenda) and 2) the developments related to the drafting of a working paper by a consultant (Mrs Josiane Bigot).

With a view to providing the necessary follow-up to the CDPC plenary’s decision on this item (“to instruct the Bureau to revise the questionnaire at its next meeting and send it out to all CDPC delegations. The replies received should constitute the basis for an analysis/ a report related to the part of the Ministers’ Resolution contained in paragraph 20;”), the Bureau should discuss the questionnaire prepared by Ms Bigot, make any amendments it considers necessary and finally endorse the final version that should then be sent to all member states.

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

The Bureau is invited to take note of the reports of the last PC-CP working group meetings

(documents PC-CP (2014)10 and PC-CP(2014)18) and of the main outcome of its work ,in particular the country factsheets which are already on the PC-CP website and the draft reports on violence in institutions for juvenile offenders (document PC-CP (2014)13); the use if quasi-compulsory measures as alternative to imprisonment (document PC-CP(2014)14) and the use of restorative justice in prison (document PC-CP(2014)17). It should moreover consider the proposals for reviewing/revision of Committee of Ministers recommendations and resolutions related to the execution of penal sanctions and measures (document PC-CP(2014)16). It should also examine the draft annotated agenda of the next plenary session of the PC-CP (5-7 November 2014) and make any possible comments and/or suggestions it would consider appropriate.

**a. Follow-up to the 19<sup>th</sup> Council of Europe Conference of Directors of Prison and Probation Services 17-18 June 2014 Helsinki**

The Bureau is invited to consider the existing documents related to the last conference, notably the conclusions presented by Mr Philippe Boillat, Director General, Directorate General Human Rights and Rule of Law, Council of Europe, and by Mr Mauro Palma, Chair of the PC-CP. The Bureau should pay particular attention to the proposal of setting up of a working group composed of representatives of the judiciary, of prison and probation services and of the Ministry of justice which should seek for possible legal, judicial and practical measures to be taken in order to deal with prison overcrowding. At its last meeting the PC-CP Working Group suggested that a possible topic for discussion could be the use of pre-trial detention (until the end of the first instance court sentence), its possible alternatives and possible pre-trail diversion. This proposal is based on the fact that in many countries overcrowding is a problem at this stage of the criminal process.

**6. Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing**

**a. Feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173)**

The Bureau is invited to consider the decision taken by the GRECO concerning the issue of the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173): in particular, "Following a special tour de table on this subject at GRECO's 60th plenary meeting (Strasbourg, 17-21 June 2013) and in light of the recent exchange of views referred to above, it would be highly desirable from GRECO's perspective if the CDPC would commission a feasibility study (or set up a working party) on the advisability of amending the Convention or complementing it with an Additional Protocol with a view to covering the non-profit sector" (see document Greco (2014) 11E revised – paragraphs 6 and 7).

The Bureau should discuss how this request by the GRECO should be dealt with by the CDPC and express its opinion on this request.

**7. 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 on a criminal law matter**

The Bureau is invited to take note of the information by Mr Hans-Holger Herrfeld on the work carried out so far and notably on the outcome of the meeting of the group of experts (set up following the relevant CDPC plenary decision in that respect) that took place on 9 September.

The Bureau is requested to examine the document "Model provisions project" and discuss it with Mr Herrfeld, also the way forward with the intention to present to the plenary.

**8. 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 draft agenda of the PC-OC Mod who will have its next meeting on 7-9 October 2014. The 67th plenary meeting of the PC-OC will take place on 18-20

November this year, including (on 19 November) a special session on the seizure and confiscation of the proceeds of crime, including the management of confiscated goods and asset sharing.

The Bureau should consider making suggestions/proposals to the PC-OC, if necessary, on the forthcoming PC-OC meetings, including on the special session on seizure and confiscation. The Bureau should also consider how the CDPC can best participate in the special session/if the CDPC should appoint some of its members.

**9. Activities related to transnational organised crime: “White Paper”**

Following the CDPC plenary’s decision “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;” the Bureau should instruct the Secretariat to prepare in close co-operation with Ms Lorena Bachmaier Winter, Chairperson of the former ad-hoc drafting Group on Transnational Organised Crime, a draft document containing the main elements of an accurate action plan to be submitted for consideration to the plenary in December.

**10. Terrorism**

The Bureau is invited to take note of the information provided by the Chair and the Secretariat on the International Conference on Terrorism and Organised Crime (Malaga, 25-26 September). It also should take note of the ongoing preparatory work by the CODEXTER on Special Investigation Techniques. In this regard, the Bureau note that two CDPC members (Mr Edin Jahic, Bosnia and Herzegovina and Mr Tihomir Kralj, Croatia) have expressed their interest in attending, as representatives of the CDPC, the joint drafting group (composed of representatives of different relevant CoE bodies) that is going to be created.

The Bureau is invited to give its agreement for Mr Edin Jahic and Mr Tihomir Kralj to represent the CDPC in the drafting group on Special Investigation Techniques.

**11. Information provided by the Secretariat**

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

**a. Medicrime**

**b. Trafficking in human organs**

**c. Dangerous Offenders**

**d. Cybercrime**

**12. Any other business**

The Bureau is invited to examine the recommendation of the Parliamentary Assembly of the Council of Europe on “The large-scale arrival of mixed migratory flows on Italian shores” sent by the Committee of Ministers to the CDPC for information and possible comments, to consider the draft opinion of the CDPC on the recommendation prepared by the Secretariat, to approve it and to instruct the Secretariat to transmit it to the Committee of Ministers.

**13. Dates of the next meetings**

The Bureau is invited to take note of the dates of the next meeting of the CDPC (1-4 December 2014)