

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

The Hague, 20-21 October 2011
9.30 am

Eurojust
Maanweg 174
The Hague

Draft Annotated Agenda

- 1. Opening of the meeting**
- 2. Adoption of the draft agenda**
- 3. Council for Penological Co-operation (PC-CP)**

The PC-CP will hold its 1st enlarged meeting on 8-10 November 2011. This is the first time in the PC-CP's history that the Group – composed of 9 members elected by the CDPC in their personal capacity - is open/enlarged to participation of representatives of all CoE's member states. The Bureau is invited to take note of the draft agenda of the meeting and of the information provided by the Secretariat on the main items that will be examined at the PC-CP meeting, namely the draft recommendation concerning foreign prisoners and the draft European Code on Prison Staff Ethics (see below). The Bureau is also invited to appoint a representative of the CDPC to the PC-CP meeting. Mr Freddy Gazan, representative of Belgium to the CDPC, has expressed his wish to represent the CDPC at the PC-CP meeting. If the Bureau agrees, it could appoint Mr Freddy Gazan as the CDPC representative at the next PC-CP meeting.

a. Foreign nationals in prison

The PC-CP discussed the text of the draft recommendation concerning foreign prisoners first in December 2010 and then, together with a commentary on it, in May 2011. The CDPC examined both texts at its plenary in June and instructed the Secretariat to refer its general observations to the CDPC delegations when asking them for their additional comments (to be sent by the Secretariat by written procedure not later than 30 September 2011) and to prepare a compendium of the received individual comments which should be considered by the PC-CP when examining, and possibly finalising, the draft recommendation at its next enlarged meeting in November. The Bureau is invited to take note of the written comments sent by some delegations to the CDPC on the draft recommendation and, if necessary, to examine them and comment on them.

b. Draft European Code on Prison Staff Ethics

The European Code on Prison Staff Ethics is a text whose main aim is to help prison staff at all levels in their every day work with prisoners. The draft text was examined by the PC-CP at its meetings in March and May 2011. The Secretariat received comments by four delegations to the CDPC and a general support at the CDAP. The Bureau is invited to take note of the written comments sent on the draft recommendation and, if necessary, to examine them and comment on them.

c. Follow-up to the 30th Council of Europe Conference of Ministers of Justice, “Modernising Justice in the Third Millennium: transparent and efficient justice; prisons in today’s Europe” (Istanbul, Turkey, 24 – 26 November 2010)

At its last plenary, the CDPC examined the “discussion paper” (CDPC (2011) 6rev) prepared by the Secretariat containing specific proposals concerning working methods and the adequate time frame for the follow-up to Resolution No 2 adopted at the 30th Council of Europe Conference of Ministers of Justice, “Modernising Justice and the Third Millennium: transparent and efficient justice; prisons in today’s Europe” (Istanbul, November 2010). Resolution No 2 (“Prison policy in today’s Europe”) provides for a three-step approach, namely (a) evaluating the measures taken by the CoE member states to follow the relevant Committee of Ministers recommendations in the prison field; (b) taking stock of the major problems faced by national prison administrations; (c) and considering in the light of the first two steps whether it is necessary to draft a legally binding instrument or to take other measures. The CDPC approved the discussion paper and instructed the Secretariat to initiate the necessary measures to implement the follow-up to Resolution N° 2. The Bureau is invited to take note of the information provided by the Secretariat with regard to the measures already undertaken to implement the Resolution N°2 (measures nos 1, 2, 3, 4 of the discussion paper) and the measures to be implemented in the future (nos 5, 6 and 7).

d. 16th Council of Europe Conference of Directors of Prison Administration (CDAP)

The Bureau is invited to take note of the information provided by the Secretariat concerning the CDAP, which took place on 13-14 October 2011 in Strasbourg. The Conference was attended by both prison and probation Directors and its theme was “Working together to promote the social re-integration of offenders”. The discussions were organised in three workshops and the participants could express their views on a number of topics. The general opinion of all participants regarding improving the implementation of Council of Europe standards was that the best way to achieve that would be to exchange best practices and enhance contacts between the prison and probation services at European level. There was no consensus concerning starting work on a binding instrument on prisons. Some feared that the current political and financial situation was not suitable, others feared that this might undermine the European Prison Rules. The Conference adopted conclusions which the CDPC Bureau is invited to consider.

4. Dangerous offenders

The report on the Sentencing, management and treatment of ‘dangerous’ offenders drafted by Prof Nicola Padfield was finalised following the proposals for amendments and supplements made at the 66th PC-CP meeting (December 2010). At its last plenary meeting of June, the CDPC examined it and with regard to the follow-up to be given to the report, the CDPC “instructed its Bureau to clarify the scope for possible future standard-setting activities and to present a possible “Roadmap” in this regard to be discussed at its next plenary meeting in December”.

In the view of the above, the Bureau is invited to examine the draft “Roadmap” prepared by the Secretariat, discuss its contents and approve the final version to be presented to the plenary in December.

5. Trafficking in organs

The Bureau is invited to take note of the information provided by the Secretariat concerning the state of play on the preparation of a new international criminal law instrument against the trafficking in organs and a possible additional instrument against trafficking in tissues and cells and the work schedule of the ad hoc group of experts tasked by the Committee of Ministers to draft and negotiate the aforesaid legal

instruments (PC-TO) . The Bureau is further invited to propose a candidate for the post as Chair of PC-TO and appoint him/her.

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

The Bureau is invited to take note of the information provided by the Secretariat concerning the current and future work related to the issue indicated in item 6, in particular to the fact that on 28 September the Committee of the Ministers adopted the CoE Recommendation on "Promotion of the integrity of sport against the manipulation of results notably match-fixing".

7. 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 information provided in the list of decisions of the recent meeting of the PC-OC Mod (Strasbourg, 12-14 October 2011). Particular attention should be given to item 1 on the proposal to the PC-OC plenary to consider at its 61st session (22-24 November 2011) the development of practical guidelines in respect of the application of the European Convention on the Transfer of Proceedings in Criminal Matters, of Article 21 of the European Convention on Mutual Assistance in Criminal matters and Article 6, paragraph 2 of the European Convention on Extradition. The guidelines would address a range of issues emerging from the replies received by member states to the questionnaire on jurisdiction and transfer of proceedings sent out to PC-OC members further to the 60th plenary meeting of the PC-OC.

8. Reform process in the Council of Europe – Future activities and priorities of the CDPC

The Bureau is invited to take note of the information provided by the Secretariat on the reform process of the Council of Europe and in particular the organisation chart and the structure of the Directorate of Information Society and Action against Crime, and its possible impact on the future of the CDPC. In this regard, the Bureau is invited further to reflect on the continuity of its current activities as well as to discuss its future work and working methods which may be envisaged in this particular context.

a. Future activities : 1) preparation of the next plenary ; 2) elections

The Bureau is invited to discuss the organisation of its next plenary which will take place from 6 to 9 December, particularly the items to be examined and, subsequently, to instruct the Secretariat to prepare the draft agenda on that basis. It is also invited to take note of the draft Terms of reference of the CDPC as submitted to the Rapporteur Group on Legal Co-operation (GR-J) of the Committee of Ministers on the 27 September and the information provided by the Secretariat with regard to the next step related to the adoption of the Terms of reference. It is also invited to take note that the election of its chair, vice-chair and a number of Bureau members will be held.

b. Activities related to serious and organised crime

At its last plenary, the CDPC "i. (...) supported the proposal of addressing organised crime with a global and multi-disciplinary approach. The CDPC stressed the importance of providing added value in this respect and considered therefore that it should stay realistic taking account of its own capacities as well as of existing activities on this issue by other international organisations to avoid duplications. It instructed the Bureau to address further the possibility of establishing a new sub-committee to work on this issue by identifying clearly its composition and functions possibly aiming notably at preparing an international event ;".

The Bureau is invited to examine the document "Serious and organized crime" - and its Appendix ("Roadmap") - prepared by the Secretariat, discuss in detail its content and the proposals for future activities contained in it and instruct the Secretariat on possible amendments to be made to the document in view of its presentation to the plenary in December for discussion and approval.

c. Activities related to Police matters (including Scientific proof in criminal matters)

The Bureau is invited to take note of the information provided by the Secretariat concerning the possible future work of the Committee in the field of police matters (from 2013 onwards).

d. Activities related to piracy

The Bureau is invited to take note of the reply adopted by the Committee of Ministers on 6 July to the Parliamentary Assembly Recommendation 1913 (2010) on “The necessity to take additional international legal steps to deal with sea piracy” which was prepared on the basis of the opinions given by the CDPC and CAHDI. With regard to possible future activities in this field, the Bureau should notably taken into account paragraph 8 of the reply : “8. In light of the UN’s leading role on the subject of sea piracy and the present budgetary situation in the Council of Europe, the Committee of Ministers will not at this stage instruct the steering committees concerned to undertake any major work in this field or set up any new structure for this purpose. However, it will continue, as will the CAHDI and, as regards criminal law matters, the CDPC, to follow the situation closely and if further issues arise on this subject, the Committee of Ministers will invite these committees to consider possibilities for co-ordinating the position of Council of Europe member states on these issues at the international level and possible other steps to aid the international effort of combating sea piracy.”

The Bureau is invited to make any proposals it may find fit in this respect.

9. Opinion of the CDPC on Criteria and procedure to be followed as regards the accession of non-member states to the Council of Europe to the conventions in criminal field

The Committee of Ministers (13 October 2010) requested the CDPC to provide it with an opinion on criteria and procedure for the accession of non-member states to Council of Europe conventions in the criminal law field in order to contribute to the extension of these conventions beyond Europe. The Committee of Ministers also requested such an opinion from the Cybercrime Convention Committee (T-CY), see also agenda item 10 a. above.

At its last plenary the CDPC examined the draft opinion and “instructed the Secretariat to amend it in accordance with the comments made during the plenary and to transmit the revised version to CDPC delegations by written procedure for their comments. The CDPC instructed its Bureau to examine and approve the new version of the opinion taking account of the received written comments in view of its adoption by the Committee of Ministers”. Following this decision, on 19 August the Secretariat sent the revised version of the draft opinion to the CDPC delegations asking for their possible written comments by 23 September. Few delegations sent their comments mainly agreeing with the text. The Bureau is invited to examine and finalise the draft opinion and instruct the Secretariat to transmit it to the Committee of Ministers. The Bureau is also invited to take note of the revised version of the opinion of the T-CY (see item 10 b.).

10. Information provided by the Secretariat

a. Medicrime

The Bureau is invited to take note of the information provided by the Secretariat concerning the state of play with regard to the Medicrime Convention and in particular on the forthcoming opining of signature taking place in Moscow on 28 October.

b. Cybercrime

The Bureau is invited to take note of the information provided by the Secretariat concerning the current and future work of the Cybercrime Convention Committee (T-CY), including possible new standard-setting work with regard to jurisdiction on the Internet.

The Bureau is also invited to examine the revised draft opinion of the T-CY on criteria and procedure for the accession of non-member states to the Budapest Convention, and provide the T-CY with its comments and suggestions. (See also agenda item 9, above).

c. Follow-up of the ratification process of the Lanzarote Convention and preliminary activities for the setting up of the Committee of the Parties

The Bureau is invited to take note of the information provided by the Secretariat, in particular on the latest developments regarding the work of the Committee of the Parties.

11. Any other business

a. Recommendations by the Parliamentary Assembly requesting CDPC opinion

The Bureau is invited to examine the three recommendations adopted by the Parliamentary Assembly at its last Session (October 2011) for which the Committee of Ministers requests an opinion of the CDPC and instruct the Secretariat on the follow-up to be given.

b. The 31st Council of Europe Conference of Ministers of Justice (Vienna, 2012)

The Bureau is invited to take note of the information provided by the Secretariat on the state of preparation of the next Conference of the Ministers of Justice and in particular the theme of the Conference as provisionally agreed by the Austrian authorities..

12. Date of the next meeting