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

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

Prague, 19-20 April 2011  
9.30 am

**Ministry of Justice (Ministerstvo spravedlnosti)**  
**Vyšehradská 16**  
**Prague 2, 128 10**

**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 held its 66<sup>th</sup> meeting on 8-10 December 2010 and its 67<sup>th</sup> meeting on 21-23 March 2011. The Bureau is invited to take note of the information contained in the PC-CP meeting reports.

**a. Foreign nationals in prison**

The PC-CP discussed the text of a draft recommendation concerning foreign prisoners at its 66<sup>th</sup> meeting in December 2010 and gave specific instructions in this respect to the scientific experts. The scientific experts and the Secretariat met on 30 March – 1 April 2011 and developed further the draft text of the recommendation (doc PC-CP (2011)5rev) together with a commentary on it (doc PC-CP (2011)6rev) in the light of the discussions and the given instructions. Both texts will be discussed at the next PC-CP meeting on 16-18 May 2011. The Bureau is invited to take note of both texts and if necessary to make proposals regarding their structure and content. The PC-CP will present these texts for consideration at its plenary meeting on 28-30 November 2011, which will be attended by the national delegations of all member states.

**b. 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

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meeting. The Bureau is invited to take note of this report and to decide which follow-up should be given to it. The Bureau is also invited to note that the work on dangerous offenders is shown as one of the priority areas of the Council of Europe for 2012-2013 in the current draft programme and budget for that particular period.

The Bureau is also invited to note that following its decision the PC-CP has examined the draft terms of reference of the PC-R-DO at their 66th meeting. In this regard, the PC-CP considered that this task should normally fall under the PC-CP mandate in order to ensure that the standards set by the European Prison Rules and the Council of Europe Probation Rules are applied also to dangerous offenders. Where a separate committee would be set up, it would be important to ensure its close coordination with the PC-CP for the same reason.

In the light of the above, the Bureau is invited to consider the draft terms of reference of the PC-R-DO and to take any suitable decision..

**c. Draft European Code on Prison Staff Ethics**

The Bureau is invited to note that the idea to draft a European Code on Prison Staff Ethics was launched at the last CDAP Conference in Edinburgh (September 2009) in order to help prison staff at all levels in their every day work with prisoners. The draft text was elaborated by Mr Andrew Coyle, Director of the International Centre for Prison Studies and was revised at the 67<sup>th</sup> PC-CP meeting. The text is a useful synthesis of the relevant existing standards which are to be found in Committee of Ministers recommendations.

The Bureau is invited to consider the draft Committee of Ministers recommendation containing the draft European Code on Prison Staff Ethics and to make any suggestions for amendments it may find appropriate with a view to forwarding the text to the next CDPC plenary session for approval.

**d. Follow-up to the 30<sup>th</sup> 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)**

The Bureau is invited to note that Resolution n° 2 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 Resolution further recommends that the CDPC deals with this task in cooperation with the CDDH and the CPT. The Secretariat proposes to hold an inter-secretarial meeting with representatives of the CDDH and CPT secretariats as a result of which a set of proposals and time-schedule will be elaborated and put for discussion at the next CDPC plenary session.

The Bureau is invited to consider and elaborate proposals concerning possible working methods and the adequate time frame for this task and where appropriate to give instructions to the Secretariat in this respect.

**e. SPACE statistics**

The Bureau is invited to note that the 2009 Council of Europe Annual Penal Statistics SPACE I and SPACE II were finalised after the discussions held at the 67<sup>th</sup> PC-CP meeting. A new dedicated web site was also developed by the University of Lausanne, hosting SPACE statistics, as well as existing research based on these. A link to this web site can be found on the Council of Europe website. In addition, information in this regard was circulated to the national prison and probation services and to other external agencies the Council of Europe is working with. So far, the site has been visited by more than 20 000 visitors.

The Bureau is further invited to consider the related documents and to make any proposals it may find

suitable in this respect.

**f. Follow-up to the seminar on “Improving prison conditions through effective monitoring and standard-setting” (17-18 March 2011, Antalya, Turkey)**

The Bureau is invited to note that a seminar on “Improving detention conditions through effective monitoring and standard-setting” was held under the Turkish Chairmanship of the Committee of Ministers on 17-18 March 2011 in Antalya. It was organised together with the CPT and was attended by several PC-CP members and scientific experts, as well as by numerous representatives of national prison administrations. Although the seminar was not meant to be a follow-up to the Conference of Ministers of Justice, reference was made during the seminar to Resolution n°2. In addition, the conclusions of the four workshops contain interesting ideas to be explored when discussing the follow-up to be given to the 30th Council of Europe Conference of Ministers of Justice which may lead to possible standard-setting work.

**g. 16<sup>th</sup> Council of Europe Conference of Directors of Prison Administration (CDAP)**

The Bureau is invited to note that the dates (during the week 10-15 October 2011) and the content of the next CDAP were discussed at the 67<sup>th</sup> PC-CP meeting. Two topics were considered as priority topics for discussion taking into account the current situation in many European prisons as well as the work carried out by the Council of Europe in this field, namely: Foreign Offenders; and The Role of Prison and Probation Services in Reducing Penal Inflation. It was decided that both prison and probation directors from the CoE member states will be invited. On the occasion of the CDAP, the European Code of Prison Staff Ethics and the draft recommendation on foreign prisoners will be presented, as well as SPACE I and II (2009 surveys). The opinion of the Directors will also be sought regarding the follow-up to Resolution n°2 of the Council of Europe Conference of Ministers of Justice held in Istanbul in November 2010. The outcome of the Conference will then be reported to the plenary meeting of PC-CP in November 2011.

The Bureau is invited to make proposals in this respect.

**4. 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 preliminary 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 11 b, below).

**5. Trafficking in organs**

The Bureau is invited to examine and finally approve the draft additional opinion on main elements of a possible binding legal instrument against trafficking in human organs, tissues and cells. In accordance with the instructions of the Committee of Ministers, the draft has been prepared by representatives of the CDPC, the Steering Committee on Bioethics (CDBI) and of the European Committee on Transplantation of Organs (CD-P-TO). The CDPC was represented by Messrs HERRNFELD and SALAZAR. The draft additional opinion was submitted to the CDPC delegations for adoption in written procedure on 8 April. The deadline for delegations to respond is 15 April 2011 to enable the Bureau to decide on possible amendments at its meeting.

**6. Draft Recommendation on the 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. The bureau is invited in particular to examine and have a first preliminary exchange of views on the Resolution Nr 1 on “Promotion of the integrity of sport against the manipulation of results (match-fixing)” as adopted at the 18<sup>th</sup> CoE Informal Conference of

Ministers responsible for Sport (link to the document : .....). The Bureau should focus its discussion notably on Point C. Legislative measures of the Guidelines appended to the Resolution. The Bureau is invited to make proposals on the way how to proceed with regard to its involvement in this issue. The Bureau should also appoint one of its members as representative of CDPC at the next Hearing which will take place in Strasbourg on 5 May.

**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 by the Secretariat concerning the recent appointment of Mrs Anita Van de Kar as the new Secretary to the PC-OC following the departure of Mr Hasan Bermek.

Regarding the on-going and future activities of the PC-OC notably on the draft Fourth Additional Protocol to the European Convention on Extradition and its explanatory report, the Bureau is invited to take note of the information provided in the list of decisions of its 59<sup>th</sup> plenary meeting (Strasbourg, 3-5 November 2010) as well as of the last meeting of the PC-OC Mod (Strasbourg, 16-18 March 2011) where particular attention should be also given to item 1 on the proposal to establish a regular review mechanism for reservations and declarations which may involve the request of a mandate from the CDPC.

**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 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.

**9. Scientific proof in criminal matters**

The Bureau is invited to take note of the information provided by the Secretariat concerning the future of this activity.

**10. Police matters**

The Bureau is invited to take note of the information provided by the Secretariat concerning the future of this activity.

**11. Opinions of the CDPC**

At its 1105<sup>th</sup> meeting, the Committee of Ministers decided to communicate PACE Recommendation 1950 (2011) – “The protection of journalists’ sources”, Recommendation 1952 (2011) – “The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans”, and Recommendation 1953 (2011) – “The obligation of member and observer states of the Council of Europe to co-operate in the prosecution of war crimes” to the CDPC for information and possible comments. The Bureau is invited to examine and adopt the draft opinions which were communicated to members of the CDPC for approval in written procedure by 14 April 2011. Following the approval of the Bureau, the draft opinions will be communicated to the Committee of Minister in view of their adoption.

**12. 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.

**b. Violence against women/domestic violence**

The Bureau is invited to take note of the information provided by the Secretariat.

**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 preparation of the first meeting of the Committee of the Parties.

**13. Any other business**

**a. Opinion of the CDPC on Reinforcing the effectiveness of Council of Europe treaty law**

The Bureau is invited to take note of the information provided by the Secretariat.

**b. 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) has 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 4 above.

The Bureau is invited to examine and finalise the preliminary draft opinion prepared by Members of the Bureau assisted by the Secretariat. The draft opinion (as finalised by the Bureau) will be submitted to the CDPC at the plenary meeting in June 2011 in view of its formal adoption.

**c. Date of the next meeting**