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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

NON-PAPER
POSSIBLE MAIN ELEMENTS OF FUTURE TERMS OF REFERENCE FOR
THE EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

Document prepared by
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Non-paper

Possible main elements of future terms of reference for the European Committee on Crime Problems (CDPC)

Introduction:

In view of the reform of the committee structure in the Council of Europe, the Secretariat has identified a number of possible main elements of future terms of reference for the CDPC.

The elements set out below are of a purely provisional nature and subject to approval by the Secretary General and the Committee of Ministers.

Possible main tasks:

1. The CDPC shall steer the legal cooperation among the Council of Europe member states in the priority areas of common interest as defined by the Committee of Ministers. In particular, it shall develop common standards and policies in the fields of criminal law, including both substantive and procedural aspects.
2. Work in the criminal law field will include criminal law procedure, combating organised crime, general crime prevention and the execution of sanctions and measures.
3. The CDPC shall be responsible for following the functioning and implementation of the Council of Europe Conventions in the criminal law fields and for their revision and updating as necessary.
4. The CDPC shall be responsible for assisting the members states in the implementation of the European Prison Rules, the European Rules for juvenile offenders, the Council of Europe Probation Rules, as well as the other relevant recommendations in the penitentiary field with a view of ensuring harmonised laws and practices of execution of sanctions and measures throughout Europe. In order to help member states develop modern penal policies based on validated data and research it will also ensure the regular collection of the Council of Europe Annual Penal Statistics (SPACE).
5. The CDCP shall evaluate the implementation of Committee of Ministers recommendations in the fields of criminal law, including guidelines and similar texts.
6. Under instruction of the Committee of Ministers, the CDPC shall be responsible, in co-operation with the CDDH and CDCJ, for the organisation and holding of the 31st Conference of the Ministers of Justice and for reporting back to the Committee of Ministers the conclusions and resolutions adopted at such Conference with a view to ensuring its follow-up. The CDPC will be similarly responsible for the Conferences of Directors of Prison Administration.

7. The CDPC shall advise the Committee of Ministers on the appropriate actions to be taken within its area of competence and likewise provide advice as requested as such questions as may arise.

Possible activities to be supervised:

- a) Elaboration of a legal instrument concerning sentencing, management and treatment of dangerous offenders¹;
- b) Elaboration of (a) legal instrument(s) concerning the trafficking in human organs, tissues and cells²;
- c) Ensuring follow-up to be given to Resolutions 1 (on a modern, transparent and efficient justice) and 2 (on prison policy in today's Europe) adopted by the 30th Council of Europe Conference of Ministers of Justice (Istanbul - November 2010) and preparation of the 31st Conference (2012);
- d) Ensuring follow-up to be given to the 16th Conference of Directors of Prison Administration (October 2011) and preparation of the 17th and 18th Conferences (2012 and 2013);
- e) Developing an integrated strategic approach to combating transnational serious organised crime and identifying common responses to major threats to the rule of law and security of citizens;
- f) Follow closely the work of the conventional committees (Cybercrime, sexual abuse of children, counterfeiting of medical products);
- g) Collection, analysis and dissemination of the annual penal statistics SPACE.

Possible expected results:

- a) Decreasing risks of re-offending by dangerous offenders, whilst respecting the relevant case-law of the ECHR;
- b) Improving states' capacity to fight serious and organised crime in relation to the trafficking in human organs, tissues and cells;
- c) Enhancing the conditions of detention for the European prison population including by decreasing the number of overcrowded prisons, and facilitating the exchange of prisoners between states on the basis of common minimum standards of prisons conditions;
- d) Providing the Committee of Ministers with a clear overview of the situation of serious organised crime in a pan-European space;
- e) Improving practitioners' knowledge of the situation in penitentiary and probation systems

¹ Subject to the Committee of Ministers' approval

² Subject to the Committee of Ministers' approval