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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

60th Plenary Session

Strasbourg, 14-17 June 2011
Agora Building
Room G02

Annotated Agenda

1. Opening of the meeting

The meeting will be opened at 2 p.m. by Mr Philippe Boillat, Director General of the Human rights and Legal Affairs.

2. Adoption of the draft agenda

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

The PC-CP held its 66th (8-10 December 2010), 67th (21-23 March 2011) and 68th (16-18 May 2011) meetings. The CDPC is invited to take note of the information contained in the respective PC-CP meeting reports.

a. Dangerous offenders and preventive detention

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

The CDPC is invited to note that the CDPC Bureau at its last meeting in April 2011 decided to hold a round table discussion at the next CDPC plenary in order to decide whether a new committee of experts should be set up to deal with this issue and what standard-setting text would need to be drafted. The Bureau was of the opinion in this respect that any such text should deal only with the management and

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treatment of dangerous offenders and not with the sentencing policy.

In the light of the above, the CDPC is invited to have a round table discussion on these issues and to instruct the Secretariat on the procedures to be followed as a result of the outcome of the discussions. If necessary, terms of reference of an ad hoc committee of experts for 2012-2013 will be prepared for the next Bureau meeting for adoption and transmission to the Committee of Ministers.

b. Foreign nationals in prisons

The PC-CP discussed the text of a draft recommendation concerning foreign prisoners at its 66th meeting in December 2010. The scientific experts and the Secretariat held a meeting on 30 March – 1 April 2011 to further work on the draft recommendation and develop its commentary. The CDPC Bureau examined the draft recommendation at its meeting in April 2011 and gave specific instructions to the PC-CP in this respect. The draft text was revised in the light of these comments at the 68th PC-CP meeting in May and the views of the PC-OC were also taken into account following a consultation process.

The CDPC is invited to take note of both draft texts and if necessary to make specific proposals in this respect. The CDPC is further invited to note that 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. The CDPC will be invited to approve the draft recommendation and its commentary at their plenary meeting in December 2011.

c. Draft European Code on Prison Staff Ethics

The CDPC is invited to note that the suggestion 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 67th PC-CP meeting. The CDPC Bureau examined the draft Code at its meeting in April 2011 and gave specific instructions to the PC-CP. The draft Code was revised accordingly at the 68th PC-CP meeting in May 2011.

The CDPC is invited to take note of the draft text and to make any proposals in this respect if necessary. The CDPC is further invited to note that the PC-CP will present this text for consideration at its plenary meeting on 28-30 November 2011, which will be attended by national delegations of all member states. The CDPC will be invited to approve the draft Code at its plenary meeting in December 2011.

d. 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)

The CDPC is invited to note that Resolution n° 2 adopted by the Ministers of Justice at their 30th Conference 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 major problems faced by national prison administrations, more particularly prison overcrowding, remand in custody, treatment of foreign nationals; (c) and considering in the light of the first two steps whether it is necessary to reinforce the legal framework in that field, including the feasibility and advisability of a legally binding instrument regulating certain aspects of detention conditions, prison management and the treatment of prisoners or undertaking other measures to achieve this aim, including the identification and dissemination of best practices.

The CDPC is also invited to note the CDPC Bureau examined the decisions of the Committee of Ministers taken in this respect at their 1107th meeting in March 2011 and agreed that the Secretariat should hold an inter-secretarial meeting with representatives of the CDDH and CPT secretariats in order to elaborate a set of proposals and time-schedule to put for discussion at the next CDPC plenary session.

The CDPC is therefore invited to consider the discussion paper (CDPC(2011)6) prepared by the Secretariat which contains specific 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. 16th Council of Europe Conference of Directors of Prison Administration (CDAP)

The CDPC is invited to note that the dates and venue (13-14 October 2011, Strasbourg) and the content of the next CDAP were discussed at the 67th and 68th PC-CP meetings. The topic of the Conference, which would be "Working Together to promote the Social Reintegration of Prisoners", was also agreed. 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 outcome of the Conference will then be reported to the plenary meeting of PC-CP in November 2011 and to the CDPC plenary in December 2011.

The CDPC is invited to take note of the above and if necessary to make proposals in this respect.

f. SPACE statistics

The CDPC is invited to take note of the oral presentation of the 2009 Council of Europe Annual Penal Statistics SPACE I and SPACE II made by Prof Marcelo Aebi, scientific expert.

The CDPC is also invited to note that a new dedicated website was 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 with which the Council of Europe is working.

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

The CDPC is invited to have an exchange of view with Mr Per Hedval, elected chair of the PC-OC in November last year, particularly concerning the on-going and future activities of the PC-OC.

Draft Fourth Additional Protocol to the European Convention on Extradition and its draft explanatory report

The CDPC is invited to examine and approve the draft Fourth Additional Protocol to the European Convention on Extradition and its draft explanatory report and transmit it to the Committee of Ministers for adoption.

5. Trafficking in organs

The CDPC is invited to take note of the information provided by the Secretariat on this item.

In accordance with the instructions of the Committee of Ministers, an opinion on the possible content of a binding legal instrument against trafficking in organs, tissues and cells was 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 opinion was formally adopted by the CDPC on 19 April after having been submitted to delegations in written procedure on 8 April.

The opinion was presented to the legal rapporteur group (GR-J) of the Committee of Ministers on 18 May 2011. The GR-J instructed the Secretariat to prepare a draft terms of reference for this new Ad Hoc Committee for the meeting of the GR-J on 30 June 2011 in view of its subsequent adoption by the Committee of Ministers. The CDPC is invited to take note of the draft terms of reference for a new Ad Hoc Committee against Trafficking in Human Organs, Tissues and Cells to elaborate a binding criminal law instrument on this subject under the aegis of the CDPC. If agreed by the Committee of Ministers, the Ad Hoc Committee would take up its tasks from December 2011, working on the basis of preliminary

drafts of the future Convention prepared by the Secretariat. The terms of reference of the Ad Hoc Committee would expire by 31 December 2012.

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

At their 18th Informal Conference (Baku, Azerbaijan, 22 September 2010), the Ministers responsible for Sport adopted Resolution n° 1 and decided that the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe should examine the question of illegal betting and match fixing in cooperation with other relevant bodies and notably with the CDPC for all issues related to criminal law aspects. On the basis of the aforementioned Resolution, a draft recommendation on the Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing was prepared.

The CDPC is invited to take note of the information provided by the Secretariat of the Council of Europe and notably of the (EPAS) concerning the current and future work related to the issue of match-fixing, particularly on the related draft recommendation, and have a debate on that matter. Mr. Pierre CORNU, Chief Legal Counsel Integrity and Regulatory Affairs of the UEFA, and Mr. Drago KOS, Chairman of GRECO, will also be participating in the discussions. Subsequently, the CDPC is invited to examine and approve the part of the "Guidelines" concerning criminal law aspects (Chapter C and Chapter D), appended to the Draft Recommendation.

After the approval by the CDPC of the "Guidelines" appended to the Draft recommendation on the Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing, this text will be transmitted to the Committee of Ministers for adoption.

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

The CDPC 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 CDPC 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.

The CDPC may consider items 7 a., b., and c. together as they are all linked.

a. Future activities

In the context of the general discussions related to item n°7 on the "Future activities and priorities of the CDPC", the CDPC is invited to examine the discussion paper (doc CDPC (2011)11) - prepared by the Secretariat upon instruction by the Bureau – containing proposals on future priorities and main activities of the CDPC for 2012-2013.

The CDPC is invited to express its position with regard to future and main activities which could be carried out in the coming years.

b. Activities related to a) Scientific proof in criminal matters and b) Police matters

The CDPC is invited to take note of the information provided by the Secretariat concerning the future of these two activities.

c. New Terms of Reference for the years 2012-2013 (CDPC, PC-OC, PC-CP)

The CDPC is invited to examine and approve the new terms of reference for the years 2012-2013 of the CDPC, PC-OC and PC-CP with a view of their transmission to the Committee of Ministers for adoption.

8. Cybercrime

The CDPC 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 Committee 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 to provide the T-CY with its comments and suggestions, see also agenda item 9 below.

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”

On 13 October 2010, the Committee of Ministers 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 8 above.

The CDPC is invited to examine and adopt the draft opinion prepared by the Bureau with the assistance of the Secretariat.

The draft opinion identifies Council of Europe criminal law instruments for which their application should be extended beyond Europe. In addition, it contains the suggestion that the Committee of Ministers when deciding on whether or not to invite a non-member state to accede to a Council of Europe criminal law instrument should always avail itself of the expert opinion of the CDPC and the relevant Committee of the Parties.

10. Reinforcing the effectiveness of Council of Europe treaty law

Last year, the Committee of Ministers of the Council of Europe approved a proposal by the Secretary General of the Council of Europe to conduct a critical review of the relevance of CoE Conventions as one of the priorities for 2011. For this purpose, a “Task Force on Convention Review” composed of representatives of the Secretariat of the relevant steering committees (including the Secretariat of the CDPC) and of the Treaty Office has been established notably to discuss possible means to implement this priority proposal in view of the elaboration of a comprehensive report of the Secretary General for the attention of the Committee of Ministers by the end of September 2011.

The CDPC is invited to take note of the information provided by the Secretariat with regard to the ongoing preparations of the above mentioned report by the Secretary General. It is also invited to examine the replies to the questionnaire sent by the Secretariat on 13 May (doc CDPC (2011) 8) and, on that basis, to contribute to the ongoing exercise on “Reinforcing the effectiveness of Council of Europe treaty law” by adopting a CDPC document on that matter.

11. Information points

a. Violence against women/domestic violence

The CDPC is invited to take note of the information provided by the Secretariat with regard to the new Convention of the Council of Europe on preventing and combating violence against women and domestic violence.

b. Medicrime

The Committee 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 with regard to the place and dates foreseen for the ceremony of opening for signature of the Convention.

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 CDPC 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.

12. **Any other business**
13. **Date of the next CDPC Bureau and Plenary meetings**