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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

61st Plenary Session

Strasbourg, 6-9 December 2011
Palais de l'Europe
Room 9

Annotated Agenda

1. Opening of the meeting

The meeting will be opened at 2 p.m. by Mr Jan Kleijssen, Director of Information Society and Action against Crime, Directorate General of the Human Rights and Rule of Law.

2. Adoption of the draft agenda

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

The PC-CP held its 68th meeting in May 2011. The PC-CP held its 1st plenary 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 – has been enlarged to allow the participation of representatives of all the CoE's member states. The CDPC is invited to take note of the summary report of the plenary meeting and of the information provided by the Secretariat on the main items that were examined, namely the draft recommendation concerning foreign prisoners and the draft European Code of Ethics for Prison Staff. The PC-CP also examined and discussed possible follow-up action to be taken regarding Resolution No. 2 of the Council of Europe Ministers of Justice (Istanbul, November 2010) related to prisons and to the conclusions adopted at the 16th Conference of Directors of Prison Administration (CDAP) (Strasbourg, October 2011)(see below).

a. Foreign nationals in prisons

The PC-CP first discussed the text of the draft recommendation concerning foreign prisoners in December 2010 and then discussed it again, together with its commentary, in May 2011. The CDPC examined both texts at its plenary in June 2011 and instructed the Secretariat to request that CDPC

Mailbox : dgi.cdpc@coe.int
Website : www.coe.int/cdpc

delegations send additional comments (by a written procedure) and to prepare a compendium of all comments received which would be considered by the PC-CP when examining, and possibly finalising, the draft recommendation at its plenary meeting in November 2011. Eight CDPC delegations sent written comments on the text, and the draft recommendation as amended was examined, revised and finalised by the PC-CP, together with its commentary, in November 2011.

The CDPC is invited to examine the draft recommendation concerning foreign prisoners and its commentary, approve the texts and transmit them to the Committee of Ministers with a view to their adoption early next year.

b. Draft European Code on Prison Staff Ethics

The main aim of the draft European Code on Prison Staff Ethics is to help prison staff at all levels in their everyday work with prisoners. The draft text was examined by the PC-CP at its meetings in March and May 2011. At its last plenary (June 2011), the CDPC examined the draft Code and instructed the Secretariat to request that CDPC delegations send additional comments (by a written procedure) and to prepare a compendium of all comments received which would be considered by the PC-CP at its plenary meeting in November 2011 with a view to finalising the draft Code in order to transmit it to the CDPC plenary meeting in December 2011 for approval and subsequent adoption by the Committee of Ministers early next year. Six CDPC delegations sent written comments on the text and the draft Code was examined, revised and finalised by the PC-CP in November 2011.

The CDPC is invited to examine the draft Code, approve it and transmit it to the Committee of Ministers with a view to its adoption early next year.

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 session, 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) 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 take the necessary measures to implement the follow-up to Resolution No. 2. The CDPC is invited to take note of the information provided by the Secretariat with regard to the measures already undertaken to implement Resolution No. 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).

With regard to the above, the CDPC is invited to examine and approve the proposal that, as regards seeking ways to reduce prison overcrowding (paragraph no. 10 of the Resolution), an event should be organised in Strasbourg in 2012 involving representatives of the CCJE, CCPE, CDPC, PC-CP and CEP. Such a small-scale event would seem to be more appropriate in the current financial situation than an international (ministerial) conference.

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

The CDPC is invited to note that the 16th Council of Europe Conference of Directors of Prison Administration (CDAP) took place on 13-14 October 2011 and that the topic of the Conference was “Working Together to promote the Social Reintegration of Prisoners”. The Conference was attended by both directors of prisons and directors of probation. The discussions were organised into three workshops and the participants were invited to express their views on a number of topics. The participants replied to two questionnaires – one prior to the Conference on the implementation of the most recent Council of

Europe standards in the area and one during the Conference. The CDPC is invited to take note of the analysis of both questionnaires.

The CDPC is also invited to take note that the general opinion of all participants regarding how to improve the implementation of Council of Europe standards in this field was that this would best be achieved by exchanging best practices and enhancing contacts between the prison and probation services at a European level. There was no consensus concerning starting work on a binding instrument on prisons.

The Conference adopted conclusions which contain a number of proposals. The CDPC is invited to examine these conclusions as well as documents CDPC (2011)25 and PC-CP (2011) 21 which are related to the possible follow-up to be given to the Conference and to take decisions if necessary.

e. Elections

The CDPC is invited to take note that the terms of office of four members of the Council for Penological Co-operation (PC-CP) will expire in 2011. Subsequently, the CDPC is invited to elect four new members of the PC-CP. Detailed information on the procedure for the election of the PC-CP members is contained in document CDPC (2011) 27 ("Election of new members"). Upon a specific request by the CDPC Bureau, the Secretariat prepared a document (PC-CP (2011) 14) containing a list of all members of this committee since its creation.

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

The CDPC is invited to take part in an exchange of views with Mr Per Hedval, Chair of the PC-OC, particularly concerning the ongoing and future activities of the PC-OC. The CDPC is invited to take note of the decisions adopted by the PC-OC at its 61st meeting. Particular attention is drawn to the proposals for the follow-up to the questionnaire on jurisdiction on transfer of proceedings as well as on those with regard to practical measures to facilitate the application of conventions on international co-operation in criminal matters.

5. Dangerous offenders and preventive detention

The report on the Sentencing, management and treatment of 'dangerous' offenders drafted by Prof Nicola Padfield was examined by the CDPC at its last plenary meeting in June. As regards 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". At its last meeting in October 2011, the Bureau approved the draft "Roadmap" prepared by the Secretariat, with some amendments, and decided to submit it to the CDPC plenary in December.

The CDPC is invited to examine and approve document CDPC-BU (2011) 5 ("Dangerous offenders – Proposed scope of work").

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

The CDPC may consider items 6 a. and b. on the agenda together as they are linked.

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 to reflect further 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.

Members of the CDPC are invited to express their position with regard to any possible future important activities which could be carried out in the coming years.

Finally, the CDPC is invited to take note of the new terms of reference for 2012-2013 of the CDPC, PC-

OC and PC-CP as adopted by the Committee of Ministers on 23 November 2011.

The CDPC is invited to take note that the term of office of the Chair (Mr Hans-Holger Herrnfeld) will expire at the 2011 plenary session. It is also invited to note that the terms of office of the Vice-Chair (Mr Roland Miklau) and of two members of the Bureau (Mrs Maria Gavouneli and Mr Florin Razvan Radu) will expire in 2011.

The CDPC is invited to elect the Chair, the Vice-Chair and new members of the CDPC Bureau. Furthermore, the CDPC is invited to elect amongst the members of the CDPC Bureau a person to serve as Gender Equality rapporteur of the CDPC.

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

The CDPC is invited to take note of the information provided on the state of preparation of the next Council of Europe Conference of Ministers of Justice that will take place in Vienna in September 2012 and in particular of the fact that the proposed theme of the Conference is “**Responses to urban violence**” and that possible proposed sub-themes are:

- social networks and communications;
- individual and collective responsibility;
- juveniles as perpetrators and victims;
- fundamental freedoms and human rights.

The CDPC is invited to hold a first preliminary exchange of views upon the theme and sub-themes proposed for the Conference. It could also start discussing possible elements which should characterise and possibly be included in the future resolutions to be submitted to the Ministers of Justice for their consideration and approval at the Vienna Conference. The CDPC could hold these first discussions on the Conference and then entrust the Bureau, at its next meeting, to take into consideration the outcome of these discussions and to prepare on that basis (a) draft resolution(s) to be approved afterwards by the CDPC plenary.

8. Transnational and Organised crime

At its last plenary in June, 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;”.

At its last meeting in October 2011, the Bureau examined the document on organised crime - and its Appendix (“Roadmap”) - prepared by the Secretariat and discussed in detail its content and the proposals for future activities contained within. The Bureau welcomed the idea of taking up the issue of organised crime and establishing an ad hoc group for this purpose. It instructed the Secretariat to amend the document in light of the discussions with a view to its presentation (as a document prepared by the Secretariat) to the CDPC at its plenary meeting in December 2011.

The CDPC is invited to examine and approve the document CDPC (2011) 20 (“Transnational and organised crime – Possible activities under the aegis of the CDPC”) – and its appendix (“Roadmap”) -.

9. Recommendations adopted by the Parliamentary Assembly at the October session necessitating an opinion by the CDPC

On 26 October 2011, the Committee of Ministers requested that the CDPC provide it with opinions on recommendations adopted by the Parliamentary Assembly at its October session on 1) combating “child abuse images” through committed, transversal and internationally co-ordinated action; 2) violent and extreme pornography and 3) abuse of state secrecy and national security as obstacles to parliamentary

and judicial scrutiny of human rights violations.

The CDPC is invited to examine the draft opinions prepared by the Secretariat following instructions/indications provided by the Bureau at its last meeting in October 2011, approve them and instruct the Secretariat to transmit them to the Committee of Ministers.

10. Information points

The CDPC is invited to take note of the information provided by the Secretariat with regard to the different matters contained in this item.

11. Any other business

12. Date of the next CDPC Bureau and Plenary meetings