

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

62nd Plenary Session

Strasbourg, 29 May – 1 June 2012
Agora Building
Room G01

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)

a. Foreign prisoners

The PC-CP at its 2nd plenary meeting (28-30 March 2012) considered the texts of the draft Committee of Ministers Recommendation concerning foreign prisoners and its commentary as revised by the scientific experts in February 2012 in the light of the comments and observations made by the CDPC at their last plenary session in December 2011. The PC-CP made further amendments to the two texts at the said plenary meeting in the light of the outcome of the discussions it held. It also took into considerations the observations and proposals for amendments made by the CDPC Bureau at its meeting on 29-30 March 2012.

The CDPC is invited to finalise and approve the draft Committee of Ministers Recommendation concerning foreign prisoners and its commentary and to forward these texts to the Committee of Ministers for adoption.

b. Preparation of the 17th Council of Europe Conference of Directors of Prison Administration (CDAP)

The CDPC is invited to take note that, following an invitation made by the Italian authorities, the 17th CDAP will take place in Rome on 22-24 November 2012. Its topic will be “Foreign Prisoners” and apart from promoting the forthcoming Committee of Ministers recommendation concerning foreign prisoners it will also discuss the treatment and preparation for release of foreign prisoners in general and ways of reducing their numbers in custody. The directors of probation services will also be invited to the Conference. The work will be organised in plenary sessions and workshops where will be discussed the treatment and preparation for release of different categories of foreign prisoners, namely those who remain in the country after their release and those who leave the country, as well as the treatment of women and juvenile foreign prisoners and the co-operation between prison and probation services inside the country and between countries to ensure continuity of treatment.

The CDPC is also invited to take note that during the Conference, as a follow-up to resolution n°2 of the 30th Council of Europe Conference of Ministers of Justice (Istanbul, 2010) and to the previous decisions taken by the CDPC on that matter, a special meeting will be held in which will take part directors of prison and probation services, judges and prosecutors, the Chairs and further representatives of the relevant Council of Europe bodies (in particular CDPC, CCJE, CCPE, PC-CP) in order to discuss ways of combating prison overcrowding and the measures which might be taken in this respect (ref. doc CDPC(2011)6rev).

The CDPC is invited to make any proposals regarding the organisation and holding of the Conference it may find fit.

c. Electronic monitoring

The CDPC is invited to take note of doc. PC-CP (2011)21 as well as of the presentations made by Mr Dominik LEHNER, Head of Penal Services, Justice and Security Department, Basel (Switzerland) and Mr Robert Michael NELLIS, Emeritus Professor of Criminal and Community Justice, University of Strathclyde, School of Law, Glasgow (United Kingdom). It is further invited to take note of the opinion expressed at the last PC-CP plenary meeting (ref. doc. PC-CP(2012)04, p. V) that there is an urgent need for setting ethical guidelines for the use of new tracking technologies in the work with offenders because of their rapid development and expansion in the field of supervising offenders at all stages of the penal process.

At its last plenary in December 2011, “the CDPC decided that the work on electronic monitoring should be given priority and that in order to set the scope of this work it instructed the Secretariat to invite an expert in the field to present a report on this subject at its next plenary meeting with a view on developing a specific proposal to the Committee of Ministers on the follow-up to be given (...)”. The CDPC is invited to entrust the PC-CP with the task to draft a legal instrument containing standards regarding the use of electronic monitoring as penal sanction or measure and setting ethical and procedural guidelines in this respect. In relation to this the PC-CP should come up with a definition of the term “electronic monitoring” and should study and recommend at which stage of the criminal proceedings it should be put in place, its proportionality, length and intensity; it should examine its effects on offenders, families, victims and society in terms of supervision and control; and it should define the role which probation services need to play in this respect.

d. SPACE statistics

The CDPC is invited to take note of the presentation made by Prof. Marcelo Aebi, Deputy Director of the School of criminal sciences, University of Lausanne, Switzerland of the results of 2010 SPACE I (prisons) survey and of 2010 SPACE II survey (community sanctions and measures).

The CDPC is invited to consider whether the results of the above surveys necessitate any action or decision on its behalf.

e. Elections of one member of the PC-CP working group

The term of office of Ms Sonja Snacken (Belgium) expires at the current CDPC plenary meeting. The CDPC is therefore invited to elect one new member of the PC-CP working group for a term of two years.

4. Dangerous offenders

The CDPC is invited to take note of the draft Terms of Reference of the Committee of Experts on Dangerous Offenders (PC-DOF). Subject to the decision by the Committee of Ministers to establish PC-DOF, it is further invited to approve the composition of PC-DOF as proposed by the Bureau.

5. Trafficking in organs

The Committee of Experts on Trafficking in Human Organs, Tissues and Cells (PC-TO), tasked with the elaboration of a binding international criminal law instrument against trafficking in human organs, and, if appropriate, an additional protocol against trafficking in human tissues and cells, has held two meetings (December 2011 and March 2012). Two more meetings are foreseen (26 -29 June 2012) and a last meeting in the autumn of 2012. The outcome of the work of the PC-TO will be submitted to the CDPC for finalisation at the occasion of its 63rd Plenary meeting. The CDPC is invited to take note of the information provided by the Chair of the PC-TO Mr Hans-Holger Herrnfeld, and by the Secretariat on the state of play with regard to the elaboration of the aforesaid international binding legal instruments. The CDPC is further invited to provide any comments on the current version of the preliminary draft Council of Europe Convention against Trafficking in Organs, as it sees fit.

6. The 31st Council of Europe Conference of Ministers of Justice (Vienna, 19 – 21 September 2012): “Responses of Justice to Urban Violence”

The CDPC is invited to take note of the information provided by the Secretariat and by the Austrian delegation regarding the state of preparation of the Conference. The CDPC is further invited to examine and approve the elements for a draft resolution to be adopted by the Ministers of Justice. Finally, each delegation is invited to inform the Secretariat, if it foresees the possibility of signing and/or ratifying any Council of Europe binding legal instruments in the field of criminal law at the occasion of the 31st Council of Europe Conference of Ministers of Justice.

7. Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)

Further to an exchange of views with Mr Erik Verbert, vice-Chair of the PC-OC, 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 during their 62nd plenary meeting (9-11 May).

Particular attention is drawn to the development of practical guidelines as a follow-up to the replies to a questionnaire on jurisdiction and transfer of proceedings. Attention is furthermore drawn to the development of an information leaflet on the PC-OC. This leaflet aims at informing practitioners in member states on the role and activities of the PC-OC, on the practical information and tools that are - and will be made - available on the PC-OC website and on ways to benefit from the PC-OC's experience by asking questions.

8. Future activities and priorities of the CDPC

a. Activities related to transnational organised crime

The CDPC is invited to take note of the draft Terms of Reference of the Committee of Experts on Transnational Organised Crime (PC-TOC). Subject to the decision by the Committee of Ministers to establish PC-TOC, it is further invited to approve the composition of PC-TOC as proposed by the Bureau.

b. Activities related to piracy

Following the exchange of views held by the CDPC at its 61st Plenary meeting on possible future work on “criminal prosecution of suspected pirates” (proposed by the delegation of the Russian Federation), the Bureau has discussed how to proceed with this work. The CDPC is invited to examine and adopt the

proposal of the Bureau, that certain aspects of sea piracy, notably the criminal networks and the money trails involved, as well as matters related to judicial cooperation, could be dealt with by PC-TOC (if established by the Committee of Ministers) and the PC-OC respectively. The CDPC is further invited to examine and adopt the proposal of the Bureau, that member states wishing to exchange best practices with regard to combating sea piracy through criminal law could meet in the margins of CDPC Plenary meetings and report back to the Plenary on their activities. If these Bureau proposals are accepted by the Plenary, the CDPC is consequently invited to instruct the Secretariat to make the necessary preparations for a first meeting of the group of interested member states in the margins of the second CDPC Plenary meeting in 2012.

c. Alternative measures to imprisonment

At the 61st Plenary meeting the Belgian delegation proposed to take up work on “alternative measures to imprisonment”. The CDPC instructed the Bureau to make a proposal for work on this topic and present it to the Plenary at the 62nd meeting. The Bureau, having examined the Belgian proposal, decided to submit it again to the Plenary for a further exchange of views. The CDPC is therefore invited to take note of the information provided by the Belgian delegation concerning the topic of “alternative measures to imprisonment” and to discuss if and how to proceed with possible activities in this field.

9. Information provided by the Secretariat

The CDPC is invited to take note of the information provided by the Secretariat on the sub-items a – d.

10. Any other business

a. Election of the Gender Equality Rapporteur

In accordance with its current Terms of Reference, the CDPC (as all other Council of Europe’s committees) is instructed by the Committee of Ministers to take due account of gender perspectives in the performance of its tasks. Consequently, the CDPC is invited to elect a Gender Equality Rapporteur from among its members. The Gender Equality Rapporteur: a) in cooperation with the Bureau and the Secretariat is responsible for ensuring that gender perspectives, where relevant, are taken into account in relation to the work of the Committee; b) is not required to make reports, but as part of her/his tasks, the Gender Equality Rapporteur will be invited to liaise with the Gender Equality Commission and Gender Equality Rapporteurs from other committees.

b. Presentation by Mrs Laura d’Arrigo, Chairperson of the Permanent Correspondents of the Pompidou Group of the Council of Europe

The CDPC is invited to take note of the presentation made by Mrs Laura d’Arrigo, Chairperson of the Permanent Correspondents of the Pompidou Group of the Council of Europe.

c. The recommendations of the Parliamentary Assembly communicated by the Committee of Ministers to the CDPC for information and possible comments

The CDPC is invited to examine the three recommendations of the Parliamentary Assembly of the Council of Europe communicated by the Committee of Ministers to the CDPC and to decide whether the CDPC should present a response/an opinion on these three recommendations or only take note of them.

11. Date of the next CDPC Bureau and Plenary meetings

The CDPC is invited to take note of the information provided by the Chair and the Secretariat in this regard.