

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res (2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Steering Committee

Terms of Reference valid from: **1 January 2016 until 31 December 2017**

MAIN TASKS

Under the authority of the Committee of Ministers, the CDPC shall identify priority elements for intergovernmental legal co-operation, propose to the Committee of Ministers areas for action in criminal law and procedure, criminology and penology, by providing scientific advice, collecting information, conducting activities in these areas and by advising the Committee of Ministers on all questions within its area of competence, taking due account of relevant transversal perspectives. With this purpose, the CDPC is instructed to:

- (i) steer legal co-operation among the Council of Europe member States in order to assist member States develop modern penal policies. In particular, it shall develop common standards in the fields of criminal law and in preventing and combating organised crime, including both substantive and procedural aspects;
- (ii) be responsible for following the functioning and promotion of the more than 30 Council of Europe Conventions in the criminal law field¹ (in particular those on extradition, mutual legal assistance, transfer of sentenced persons, MEDICRIME, Cybercrime, money laundering, protection of victims of crime, protection of children against sexual exploitation and abuse, trafficking in human organs) including, where appropriate, of any conventional bodies established by them, for their revision and updating as necessary and for facilitating friendly settlements of any difficulty which may arise out of their execution and implementation;
- (iii) be responsible for assisting the member 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 to ensuring harmonised laws and practices in the execution of sanctions and measures throughout Europe. In order to assist 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);
- (iv) promote and facilitate co-operation and understanding in the criminal law field between member States;
- (v) be responsible, in co-operation with the CDDH and CDCJ, for the preparation of the Conferences of the Ministers of Justice and ensure, as appropriate, the follow-up of any decision taken by the Committee of Ministers subsequent to the Conferences;
- (vi) be responsible for the Conferences of Directors of Prison and Probation Services;
- (vii) ensure co-operation and transversal activities, where appropriate, with other relevant Council of Europe bodies (GRECO, MONEYVAL, Pompidou Group, CODEXTER, CEPEJ, CCPE, CCJE, CPT);
- (viii) provide an intergovernmental setting for the negotiation and finalisation of draft legal instruments or draft amendments to existing legal instruments prepared by ad hoc committees and committees of the parties, tasked by the Committee of Ministers with elaborating them;
- (ix) take due account of a gender and to building cohesive societies in the performance of its tasks;
- (x) in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility², in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.

PILLAR/SECTOR/PROGRAMME

Pillar: Rule of Law

Sectors: Ensuring Justice / Strengthening the Rule of Law

Programmes: Prisons and Police / Development and implementation of common standards and policies

¹ Cf. list of Conventions in Appendix 1.

² Cf. Relevant decision of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in Appendix 1.

SPECIFIC TASKS

- (i) Ensure that follow-up is given to the Committee of Ministers decision on the review of Council of Europe conventions, by further evaluating the possible added value of updating certain conventions under the direct responsibility of the CDPC, namely: the Convention on the Transfer of Sentenced Persons (STE No. 112) and its Additional Protocol (STE No. 167), the European Convention on Offences relating to Cultural Property (CETS No:119), the European Convention on the Compensation of Victims of Violent Crimes (CETS No. 116) following the assessment already carried out by the CDPC on the necessity or advisability of drafting amendments or additional protocols to the conventions for which it has been given responsibility;
- (ii) Ensure that follow-up is given to the White Paper on Transnational Organised Crime endorsed by the CDPC, in particular drafting the Action Plan on Transnational Organised Crime and implementation of the key action lines contained in the Action Plan on Transnational Organised Crime, namely:
 - problems relating to international police and judicial international co-operation;
 - the use of special investigative techniques;
 - the implementation of witness protection programmes and collaboration of state witnesses;
 - the need for increasing co-operation with administrative agencies and the private sector;
 - the essential need to target the proceeds of crime;
- (iii) Ensure that follow-up is given to the International Conference on Terrorism and Organised Crime (Málaga, 25-26 September 2014), in particular concerning the links between transnational organised crime and terrorism;
- (iv) Ensure that follow-up is given to the International Conference on Urban Violence (Lisbon, 23-24 October 2014), in particular the appropriate follow-up to the work carried out by the working group instructed to continue working on some of the most important issues related to the general question of urban violence, as highlighted in the Conclusions of the Conference;
- (v) Promote recently adopted criminal law instruments:
 - the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health (CETS No. 211), opened for signature in Moscow on 28 October 2011;
 - the Council of Europe Convention against Trafficking in Human Organs(CETS No:216), opened for signature in Santiago de Compostela, on 25 March 2015;
 - the Recommendation CM/Rec(2014)3 concerning Dangerous Offenders, adopted by the Committee of Ministers of the Council of Europe on 19 February 2014;
 - the Recommendation CM/Rec(2014)4 on electronic monitoring, adopted by the Committee of Ministers of the Council of Europe on 19 February 2014;
 - Guidelines for the prison and probation services facing radicalisation and violent extremism [adoption expected in December 2015].
- (vi) Ensure that follow-up is given to the 19th and 20th Conferences of Directors of Prison Administration as well as to the White Paper on Prison Overcrowding;
- (vii) Collection, analysis and dissemination of the annual penal statistics SPACE;
- (viii) Examine a criminal law response to the phenomenon of organized smuggling of migrants.

COMPOSITION

Members:

Governments of member States are invited to designate one representative of the highest possible rank with the following qualifications: senior officials and experts in the fields of criminal law and criminal procedure, penology or criminology, with responsibility at the national level for the planning, development and implementation of policies relevant to the work of the Committee and appointed by their governments to co-ordinate, at national level, all elements of government policy relevant to the work of the Committee.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the state whose representative has been elected Chair).

Member States may send other representatives without defrayal of expenses.

Each member of the Committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

Participants:

The following may send representatives without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- the Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Consultative Council of European Prosecutors (CCPE);
- the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment (CPT) and any other relevant body of the Council of Europe;
- the Committee of experts on Terrorism (CODEXTER);
- other Council of Europe intergovernmental committees as appropriate.

The following may send representatives without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America.

Observers:

The following may send representatives without the right to vote and without defrayal of expenses:

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant cooperation activities;
- the Conference of Ministers of Justice of Ibero-American Countries (COMJIB);
- EuroPris;
- civil society and representatives of professional communities (to be determined);
- other relevant International Organisations.

WORKING METHODS**Plenary meetings:**

48 members, 2 meetings in 2016, 4 days

48 members, 2 meetings in 2017, 4 days

Bureau:

9 members, 2 meetings in 2016, 2 days

9 members, 2 meetings in 2017, 2 days

The Committee shall appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res (2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

SUBORDINATE STRUCTURE(S)

The CDPC provides a co-ordinating, supervising and monitoring role in the functioning of its subordinate bodies (PC-OC and PC-CP):

- Committee of experts on the operation of European conventions on co-operation in criminal matters (PC-OC);
- Council for penological co-operation (PC-CP).

APPENDIX 1 - RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS

CM/Del/Dec(2013)1168/10.2 (Review of Council of Europe conventions)

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

CDPC	
024	European Convention on Extradition
030	European Convention on Mutual Assistance in Criminal Matters
051	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders
052	European Convention on the Punishment of Road Traffic Offences
070	European Convention on the International Validity of Criminal Judgments
073	European Convention on the Transfer of Proceedings in Criminal Matters
086	Additional Protocol to the European Convention on Extradition
098	Second Additional Protocol to the European Convention on Extradition
099	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
112	Convention on the Transfer of Sentenced Persons
116	European Convention on the Compensation of Victims of Violent Crimes
119	European Convention on Offences relating to Cultural Property
130	Convention on Insider Trading
133	Protocol to the Convention on Insider Trading
141	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime
167	Additional Protocol to the Convention on the Transfer of Sentenced Persons
172	Convention on the protection of Environment through Criminal Law
173	Criminal Law Convention on Corruption
182	Second Additional protocol to the European Convention on Mutual Assistance in Criminal Matters
185	Convention on Cybercrime
189	Additional Protocol to the Convention on Cybercrime concerning the Criminalisation of Acts of a Racist and Xenophobic Nature committed through Computer Systems
191	Additional Protocol to the Criminal Law Convention on Corruption
197	Council of Europe Convention on Action against Trafficking in Human Beings
201	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
209	Third Additional Protocol to the European Convention on Extradition
210	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
211	Council of Europe Convention on Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health)
212	Fourth Additional Protocol to the European Convention on Extradition
216	Council of Europe Convention against Trafficking in Human Organs