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COUNCIL OF EUROPE  
CONSEIL DE L'EUROPE

CDPC-BU (2006)05E

## EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

### Meeting of the Bureau (CDPC-BU) (Strasbourg, 30 -31 January 2006)

#### Summary Report

##### BRIEF FOREWORD

1. The Bureau of the CDPC approved draft ad hoc terms of reference of the committee of Experts on the protection of children against sexual exploitation and abuse (PC-ES) and forwarded them to the CDPC for approval using the written consultation procedure.
2. The Bureau examined the preliminary draft action plan for the Consultative Council of European Prosecutors (CCPE), proposed some amendments and agreed on a procedure for the adoption of this plan. It also proposed that the terms of reference of the CCPE be extended.
3. The Bureau agreed with the proposal to amend the terms of reference of the Council for Penological Cooperation (PC-CP) and its rules regarding its role in updating the European Prison Rules. It recommended that the CDPC plenary approve these amendments and forward them to the Committee of Ministers for adoption.
4. The Bureau also noted information regarding other priority activities in its work plan, namely to do with counterfeit goods (especially medicines), cybercrime and modernising the European Conventions on extradition and on mutual assistance in criminal matters, including aspects of disputes settlement.
5. In order to ensure some continuity in the functioning of the Council on Police Matters (PC-PM), the Bureau decided to propose to the CDPC plenary to amend the specific terms of reference so as to allow the re-election of some of its members for an additional mandate of two years. The re-election of a member should be possible only once.
6. The Bureau was informed about the 4<sup>th</sup> consultation on the implications of the ratification of the Rome Statute on the International Criminal Court to take place in Athens and on the sub themes for 27<sup>th</sup> Conference of Ministers of Justice, Armenia, October 2006, which will be focused on victims. In this regard it also noted the work of the Group of Specialists on Assistance to Victims who will have finalised a draft recommendation for presentation to the Plenary in April.
7. The Bureau took note of Committee of Ministers' Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods, and in particular the provisions regarding the admission of observers to steering committees and their subordinated committees.
8. The Bureau adopted two replies to the Committee of Ministers in respect of Parliamentary Assembly Recommendations.

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## **1. Opening of the meeting**

1. The meeting was opened by Mr Claude DEBRULLE (Belgium), Chair.
2. The list of participants is set out in Appendix I.

## **2. Adoption of the draft agenda**

3. The CDPC Bureau adopted the agenda as set out in Appendix II. The revised list of working documents of the meeting appears as Appendix III.
4. The Chair noted that significant progress had been made, partly through the efficient use of the website, in ensuring that documents were available in good time and that many documents were already prepared for the plenary meeting. The Bureau joined the Chair in expressing their satisfaction and encouraged the Secretariat to ensure that all documents be made available on the CDPC website for consultation by the delegations of the Plenary as soon as they are finalised.

## **3. Future activities**

### **a. 2005/2006 work plan for the CDPC and its subordinate committees – establishing priorities**

5. The Bureau examined the draft work plan prepared by the Secretariat. Further to the discussions, details of which are set out below, the Secretariat was instructed to prepare a revised work plan, using the same format as presented to the Bureau, for discussion by the plenary in April.
6. The Bureau considered that it would be important to have a meeting, dedicated to a reflection on the activities (in the medium to long term) which the Bureau of the CDPC would consider to be important for the Council of Europe, with a view in particular to concentrating on the areas in which the Council has a unique or particular role. In this regard it would be useful to have an exchange of view with representatives of the European Commission's Directorate General of Justice and Home Affairs. It might also be desirable that such a meeting be held outside the Council's headquarters in Strasbourg. This question would be further discussed at the plenary meeting in April.
7. It might also be useful to have an exchange of views with a representative of the Committee of Ministers' Rapporteur Group on Legal Questions (GR-J) and the Bureau asked the Secretariat to investigate this possibility.

### **i. Counterfeiting**

8. The Bureau noted that the Committee of Experts on the Operation of European Conventions in the Penal Field (PC-OC) would discuss at its next meeting (1 to 3 March 2006), together with representatives from public health and quality control of medicines, the desirability of drawing up a feasibility study on the drafting of a Convention on counterfeit medicines/pharmaceutical crime. The PC-OC would be called upon, notably, to:
  - consider the scope of application of such Convention: counterfeit medicines, pharmaceutical crimes, other counterfeit goods which endanger public health?
  - assess the complementarity of any future work in the Council of Europe in this field with existing initiatives at Regional (EU) or global (WHO) level and possibilities of co-operation with the respective organisations.
9. The Bureau instructed the PC-OC to report back to the plenary meeting of the CDPC on the desirability of drawing up a feasibility study. It is proposed that, should it be decided that such a feasibility study be prepared, it should be drawn up by three experts – one in the area of criminal law and procedure, one in the area of public health and one in the area of quality control.
10. It invited the CDPC to decide, in the light of the discussions of the PC-OC, whether to invite the Committee of Ministers to authorise the preparation of such a study, with a view, in case of a favourable

opinion concerning the need for such a Convention, to the setting up in 2007, under the authority of the CDPC, of an ad hoc multidisciplinary group of experts in the various fields concerned to draft the Convention.

## **ii. Sexual exploitation of Children - proposed terms of reference for the drafting of an international legal instrument**

11. The Bureau recognised the importance of this topic, in particular as the Action Plan adopted at the 3<sup>rd</sup> Summit of Heads of States and Governments (Warsaw, May 2005) stated that “We will take specific action to eradicate all forms of violence against children. We therefore decide to launch a three year programme of action to address social, legal, health and educational dimensions of the various forms of violence against children. We shall also elaborate measures to stop sexual exploitation of children, including legal instruments if appropriate, and involve civil society in this process.”

12. The Bureau also noted that the Committee of Ministers wished work to be carried out speedily on this topic and therefore included in the Council of Europe’s Programme of Activities for 2006 a committee to work, under the authority of CDPC, on measures to combat sexual exploitation and abuse of children. (Committee of experts on the protection of the children against sexual exploitation and abuse (PC-ES)) The Committee of Ministers also approved the allocation of resources for this specific topic which should permit the organisation of three plenary meetings of this new committee in 2006.

13. During its meeting, the Bureau came to the conclusion that this new Committee could not become operational until the autumn unless the CDPC could accelerate its decision making process by means of a written consultation procedure with a view to adopting its terms of reference. Therefore, the Bureau recommended to the CDPC to adopt the draft terms of reference for the PC-ES as amended by the Bureau and as they appear in Appendix IV to this report. The Bureau instructed the Secretariat to proceed with a written consultation procedure to this effect. This procedure should enable the terms of reference to be forwarded to the Committee of Ministers for adoption at its 958th meeting (15 March 2006) and so allow the PC-ES to start its work at an early date.

14. When examining the draft terms of reference of the PC-ES, the Bureau took account of a feasibility report prepared by an independent expert on the added value of a new binding instrument in the field of sexual exploitation and abuse of children (see CDPC (2005)13). The Bureau also took note of the analysis of the REACT questionnaire (see PC-S-ES (2005) 5) and the conclusions from the Conference “Yokohama Review for Europe and Central Asia – Combating Sexual Exploitation of Children” (Ljubljana, July 2005).

15. The Bureau made a certain number of modifications to the draft terms of reference, particularly in light of the important aspect of the protection of children which lies in the sanctions for and treatment of offenders.

16. In this regard, the Bureau noted that the treatment of sexual offenders was an important element in preventing sexual exploitation of children. The Bureau therefore considered that the question of the treatment of sexual offenders would have to be reconsidered in the light of the results of the work of the PC-ES. The Bureau noted that the PC-DS, which for budgetary reasons had not been able to complete its work had, nevertheless, prepared a preliminary text on this matter and hoped that any further work would be able to take account of this text.

17. The Bureau noted that the primary tasks of the PC-ES will be to review existing international instruments with a view to evaluating the need for an additional international legally binding instrument and, **subject to the approval of the CDPC**, to prepare such an instrument.

18. The Bureau underlined the importance of consistency of legal instruments regulating international judicial cooperation. The Bureau also considered that, to the extent that this Committee may deal with question of international judicial co-operation in the specific field of combating sexual exploitation of children, it should liaise with the PC-OC. The CDPC representative to the PC-ES should therefore be a member of the PC-OC and the Secretariat was instructed to request the PC-OC to nominate such a representative at its next meeting in March.

**iii. Cybercrime – Results and possible follow-up to the Conference on Cybercrime (MADRID 13 – 14 December 2005)**

19. The Bureau noted that the Convention on cybercrime (ETS No 185) has entered into force and its additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No 189) will enter into force on 1 March 2006.

20. On 12 and 13 December 2005 the Conference on “Cybercrime: A Global Challenge, A Global Response” was held in Madrid. This Conference was organised by the Council of Europe, in co-operation with the Organisation of American States and the Spanish Authorities (Ministry of Justice) and States were strongly encouraged to consider the possibility of becoming Parties to this Convention

21. The Bureau further noted that the Convention provides for consultations of the Parties and, in order to carry out these consultations, the first meeting of the Cybercrime convention committee (T-CY) would take place in Strasbourg on 20 and 21 March 2006. The Bureau appointed its Deputy Chair, Mr Brano BOHACIK (Slovakia), to represent the CDPC at this meeting.

**iv. Follow-up to the New Start report on transnational justice, on the basis of the contributions by the PC-TJ and the PC-OC working party**

22. The Bureau took note of the reports prepared by the PC-TJ and by the PC-OC Working Party, proposing follow-up suggestions on the chapters of the New Start report which were respectively entrusted to them.

23. It agreed that a number of suggestions made by the PC-TJ in terms of normative developments would be of interest to the CDPC Plenary, but also that the Plenary should consider these suggestions in the context of the modernisation of the criminal conventions, as developed in agenda item 3. a. v. below.

24. It expected therefore that the Plenary would discuss these points on the basis of both the PC-TJ final report and of the elements submitted to it by the PC-OC, following its next meeting in March 2006.

25. It noted that this discussion will take place in the presence of the Chairs of the two Committees concerned.

**v. Improvement of judicial co-operation in criminal matters: possibility for a future mandate for the PC-OC in modernising the European Conventions on extradition and on mutual assistance in criminal matters, including aspects of disputes settlement**

26. Following the request addressed to it by the Bureau of the CDPC, the PC-OC discussed the above matter at its 50<sup>th</sup> meeting and concluded on the need to modernise the European Conventions on extradition and on mutual assistance in criminal matters. The PC-OC would have a thorough discussion on this matter at its 51<sup>st</sup> plenary meeting (1-3 March 2006).

27. In this perspective, the Bureau decided that a letter should be addressed to the Chair of the PC-OC, asking him to elaborate, with a view to the discussions in the CDPC plenary, on:

- the list of elements which could be envisaged in an exercise to modernise the criminal conventions,
- different options as to the nature of the outcome of such a normative exercise,
- any further non normative suggestions to the CDPC (database, network, specialists).

28. On the basis of the elements provided by the PC-TJ and those to be presented by the PC-OC, the Bureau felt that there would be no need for a feasibility study to launch the exercise of modernising the criminal conventions (extradition and mutual assistance). The Bureau would rather envisage, at the

plenary, the adoption of specific terms of reference, entrusting the PC-OC with this task. It asked that the conclusions of the PC-OC be forwarded to all CDPC delegations by 10 March 2006.

29. The Bureau was also informed that at its first meeting in December, the Group of Specialists on Human Rights and the fight against terrorism (DH-S-TER), expressed its wish that the CDPC be represented as an observer at its second meeting 29 -31 March 2006. The Bureau asked the Secretariat to contact certain members of the CDPC, so as to ensure the presence of a representative of the Committee at the next DH-S-TER meeting, at which the question of diplomatic assurances will be discussed.

**vi. European Prison Charter – Feasibility**

30. The Bureau instructed the Secretariat to reissue the documents on this question for the plenary, together with a cover note recalling the developments on this issue and the questions to be answered by the CDPC delegations at the plenary

**b. 27<sup>th</sup> Conference of Ministers of Justice – Yerevan, Armenia, 12 – 13 October 2006**

31. The Bureau recalled that the theme of ‘Victims – place, rights and assistance’ had been agreed at the joint meeting of the Bureau and the Bureau of the European Committee on legal Co-operation (CDCJ). It further took note of the possible sub themes proposed by the Secretariat, viz:

- the issue of particularly vulnerable victims, whether their vulnerability arises because of who the victim is – a child, a person with learning disabilities, an elderly person, etc.) or because of the type of crime (sexual violence, racial violence, where victims may be reluctant to report an offence or give evidence; organised crime, where the victim may be intimidated into not giving evidence);
- the establishment of bodies, institutions or ombudsmen in the member states (which could lead to the establishment of a network of victim support and protection);
- compensation and the role of the insurance industry.

32. The Bureau recalled, however, the agreement that member states should be encouraged to bring to the conference any specific issues they might wish to raise in regard to particular groups of victims and, in order to help the Secretariat to prepare the conference efficiently it invited CDPC delegations to indicate any such issues at the Plenary in April.

33. The Bureau also noted that the CDPC work plan for 2007 would, eventually, have to reflect the possible resolutions adopted by the Ministers of Justice, in particular should there be a mandate to revise some of the Council’s Recommendations concerning witnesses. The Group of specialists on assistance to victims and prevention of victimisation (PC-S-AV), which has just completed its work on a draft updating of the recommendation on assistance to victims would probably recommend that work be undertaken to update the recommendations on mediation, and on the role/place of the victim in criminal procedures (see also item 7 below).

34. The Bureau also noted with satisfaction that the Minister of Justice of Spain had invited the European Ministers of Justice to hold their 28<sup>th</sup> Conference in Lanzarote and that this proposal would be submitted to the CDPC and the CDCJ.

**c. 4<sup>th</sup> Multilateral Consultation on the implications of the ratification of the Rome Statute of the ICC in the co-operation agreements between the Court and the member States of the Council of Europe**

35. The Bureau noted that this consultation would take place either 13 – 15 September or 20-22 September 2006, in Athens. It also noted that voluntary contributions had been assured for the financing. It instructed the Secretariat to ascertain whether representatives of the ICTY and the ICT of Rwanda could be invited as observers. This question would be brought to the attention of the CDPC plenary in April at which time a call would be made for any person interested as acting as a rapporteur, particularly in regard to the Bureau’s proposals for at least some of the themes (bilateral agreements on witnesses and on the

execution of the Court's decisions and the application of the subsidiarity principle). These proposals have been communicated to the CAHDI.

#### **4. Working methods**

36. At its last meeting, the Bureau had agreed that, at this meeting it would both check the progress of the availability of documents for the plenary meeting and, if necessary, discuss a possible change in the working methods regarding deadlines for the Bureau itself as well as for subordinate committees and working groups.

37. In light of the discussions regarding the preparation of the plenary (item 11, below) and the improvement in the availability of documents (item 2 above) the Bureau did not consider it necessary to take this matter any further.

#### **5. Consultative Council of European Prosecutors (CCPE)**

38. The Bureau examined the preliminary draft action plan for the CCPE [Doc CDPC-BU (2005) 26] as prepared by the CPGE-Bureau and proposed a few amendments. The draft action plan, as amended by the Bureau would be sent to the members of the CPGE-Bureau for comments so as to enable the Secretariat to submit a consolidated draft action plan to the CDPC plenary for examination and comments. The CCPE would then be in a position to approve a draft action plan at its first meeting in July 2006, integrating any comments of the CDPC Plenary.

39. According to the terms of reference of the CCPE, the CDPC is required to approve the draft action plan and submit it to the Committee of Ministers for adoption. The Bureau agreed, in order not to lose any time, to propose to the CDPC plenary that it delegate to the Bureau the final approval of the draft action plan (using the written consultation procedure).

40. The Bureau also agreed to request the CDPC plenary to approve a proposal to extend the terms of reference of the CCPE to 31 December 2008.

#### **6. a. Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods (Adopted by the Committee of Ministers on 14 December 2005 at the 951st meeting of the Ministers' Deputies)**

##### **b. Committee of Ministers – New working methods**

##### **c. Observers to the CDPC**

41. The Bureau took note of Resolution Res(2005)47, and in particular the provisions regarding the admission of observers to steering committees and their subordinated committees which greatly simplify the system of admitting observers to the CDPC or to its subordinated bodies.

42. The Bureau agreed that in these circumstances it was no longer necessary to establish a procedure and policy specific to the CDPC in this regard.

43. At the same time the Bureau instructed the Secretariat to invite the European Forum for Restorative Justice and Victim Offender Mediation to attend the plenary in April (as it had been admitted as an observer by the plenary in March 2005) and to invite MEDEL, Eurojust, the European Judicial Network and the Academy of European Law (Trier, Germany) to request observer status should they so wish, so that the plenary in April can be called upon to decide on these requests.

44. As regards the Committee of Ministers' new working methods, the Bureau took note of the new procedures and the potential delays this might imply for the adoption by the Committee of Ministers of texts proposed by the CDPC.



**7. Group of specialists on assistance to victims and prevention of repeat victimisation (PC-S-AV)**  
Preliminary Draft Recommendation

45. The Bureau took note of the report of the 4<sup>th</sup> meeting (18-20 January 2006) of the Committee, to which was appended the preliminary draft recommendation.

46. It held a preliminary discussion on some specific questions on the preliminary draft recommendation and conclude with a positive reception of the proposed text. It notably commended the comprehensiveness of the document, incorporating the various aspects of assistance to victims.

47. It noted that the preliminary draft recommendation, together with its explanatory memorandum would be presented and discussed at the plenary in presence of the Chair of the PC-S-AV, Dame Helen Reeves (United Kingdom).

48. The CDPC plenary will also have the opportunity to discuss the follow-up suggestions which will be proposed by the PC-S-AV following its final meeting. This might usefully contribute to the preparation of the 27<sup>th</sup> Conference of the European Ministers of Justice in Yerevan (October 2006). (see also item 3 a above)

**8. PC-CP**

**a. Role in updating the European Prison Rules (EPR)**

49. The Bureau agreed with the amendments proposed by the PC-CP to its terms of reference and its rules regarding its role in updating the European Prison Rules. It recommended that the CDPC plenary approve these amendments and forward them to the Committee of Ministers for adoption.

**b. Draft Recommendation on Remand in Custody**

50. The Bureau noted that the PC-CP would be meeting from 6 - 8 February, together with the Chair of PC-DP and one of its scientific experts in order to provide its opinion on the draft recommendation on remand in custody and its explanatory memorandum, so that a revised text could be finalised and presented to the CDPC plenary session in April 2006.

51. Recalling the discussions in the plenary of March 2005 on the European Prison Rules as to a need for wide consultation, and in order to avoid any similar difficulties on with regard to this text, the Secretariat was instructed to ensure that the text is sent to the CDPC members no later than the middle of February, accompanied by a cover note to remind the delegations of the situation which led to this text, which had initially been prepared by a Committee of 15 governmental experts, being reviewed by the PC-CP experts.

**c. European Rules for Juvenile offenders**

52. The Bureau also noted that at this meeting the PC-CP would begin its work on the drafting of the European Rules for Juvenile offenders deprived of their liberty or subject to community sanctions and measures, with the help of three scientific experts.

**d. Elections**

53. The Bureau noted that the invitations for proposals of candidatures had been sent to the CDPC heads of delegation. It also noted that the PC-CP itself had suggested as candidates Ms Marta FERRER PLIG (Spain) and Mr Antanas JATKEVIČIUS (Lithuania), both of whom are experts in the field of juvenile justice.

**e. Probation**

54. The Bureau was informed of the successful results of the Conference on Probation and Aftercare held from 14-16 November 2005 in Istanbul (Turkey) 2005. It took note that the PC-CP would be proposing terms of reference for the drafting of a recommendation on the role and place of probation services. These term of reference would be presented to the CDPC plenary in 2007.

**f. SPACE**

55. The Bureau regretted that the SPACE activity had been cut from the Council's programme of activities in 2006, but noted that difficult choices had had to be made in the light of budgetary and staff limitations (see also item 3 a above).

56. Given the important role of these statistics in helping member States to define their penal policies, as well as the high reputation of the Council of Europe's work in the field of prisons, a field in which it plays an almost exclusive role in Europe, the Bureau insisted that this publication be re-established as from 2007.

**9. PC-CP – Admission of CEP as an observer**

57. In accordance with paragraph 6 b of the ad hoc terms of reference of the Council for Penological Co-operation (PC-CP) relating to the drafting of European Rules for juvenile offenders deprived of their liberty or subject to community sanctions and measures [CM(2005)163], the Bureau of the CDPC decided to invite the CDPC plenary to authorise the admission of the European Standing Conference on Probation (CEP) as an observer.

**10. PC-PM - elections**

58. The Bureau recalled that the mandates of all seven members of the PC-PM would come to an end in 2006.

59. In order to ensure some continuity in the functioning of the PC-PM, the Bureau decided to propose to the CDPC plenary to amend the specific terms of reference of the PC-PM so as to allow the re-election of some of its members for an additional mandate of two years. The re-election of a member should be possible only once. The draft amended specific terms of reference of the PC-PM appear in Appendix V. The Secretariat was instructed to inform the CDPC delegations of this proposal and to invite the member states to present candidates for (re-)election

60. The Bureau furthermore agreed with the proposal by the Secretariat that the PC-PM be subject to Rules similar to those that exist for the PC-CP. Draft Rules of the PC-PM will be presented to the CDPC plenary for approval.

**11. Preparation of the CDPC Plenary meeting 3-7 April 2006**

61. The Bureau discussed the preliminary draft agenda and asked the Secretariat to ensure that all the documents for the plenary be made available on the CDPC website as soon as possible. A draft annotated agenda and proposed order of business should be available four weeks before the meeting.

**12. Requests for opinions**

62. PACE –Recommendation 1719 (2005) Enforced disappearances and Recommendation 1723 (2005) - Forced marriages and child marriages

63. The texts of the recommendations as well as of draft replies to the Committee of Ministers as prepared by the Secretariat were sent to CDPC delegations in December 2005 and comments had been received from four delegations. In light of these comments, the Bureau finalised the two replies and requested the Secretariat to forward them to the Committee of Ministers.

**13. Information**

**CATS Meeting Brussels 8 December 2005**

64. The Bureau took note of the 18<sup>th</sup> Consultation meeting between the Troïka of the Article 36 Committee of the European Union (EU) (Presidency United Kingdom, European Commission and the Secretariat

General of the Council of the European Union) and the Council of Europe delegation which took place in Brussels on 7 December 2005 and at which the Chairs of the CDPC, the PC-OC and CODEXTER had been present. The Chair of the CDPC referred to the different ways in which the two institutions were represented at the CATS meeting.

### **Revised European Prison rules**

65. The Bureau noted that the recommendation containing these Rules as an Appendix was adopted by the Committee of Ministers on 11 January 2006. (CM REC(2006)2). It regretted that, for budgetary and staff shortage reasons, the Conference of Directors of Prison Administration, originally scheduled for the autumn of 2006 would probably not take place as this would have been a good vehicle for the promotion of the revised Rules.

### **Work of sub committees :**

#### **Moneyval**

a. Terms of reference

66. The Bureau took note of the modifications made by the Committee of Ministers to MONEYVAL's terms of reference, made subsequent to the adoption of Committee of Ministers Resolution (2005) 47

b. Observers

i. Israel

67. The Bureau noted that the Committee of Ministers had admitted Israel as an observer.

ii. The Eurasian Group on Combating Money Laundering and Financing of Terrorism(EAG)

68. The Bureau took note of the request for observer status of the EAG which, like MONEYVAL, is an FATF-style regional body (FSRB). The Bureau also noted that the Council of Europe, represented by MONEYVAL, has enjoyed, since 2005, observer status in EAG and that MONEYVAL is already co-operating with this new (and "neighbouring") FSRB. This application by EAG to the Council of Europe would serve to intensify co-operation and co-ordination overall within the global network of the FATF and FSRBs.

69. This issue will be referred to CDPC at its next meeting on 3-7 April 2006 under Paragraph 3.4 (a) of Resolution Res(2005)47 of the Committee of Ministers, with a request that the CDPC approve the admission of EAG as an observer to MONEYVAL.

70. The CDPC Bureau recommended to CDPC plenary that this application be unanimously supported.

### **Work of other Committees of interest to the CDPC GRECO – CDPC representative**

71. The Bureau decided that the appointment of a CDPC representative to attend meetings of GRECO would be included on the agenda of the plenary in April.

**14. Any other business**

72. As regards the CDPC web site the Bureau asked the Secretariat to ascertain whether it would be possible to make use of a clearer structure and the inclusion of search tools, which would assist practitioners in finding the documents and information they need.

**15. Dates of the next meeting of the Bureau**

73. The Bureau will meet on the morning of 3 April. The plenary will start at 14.30 on that day and finish at 13.00 on Friday, 7 April.

Strasbourg, 30 January / janvier 2006

**EUROPEAN COMMITTEE ON CRIME PROBLEMS  
COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS  
(CDPC)**

**BUREAU  
(CDPC-BU)**

Strasbourg, 30 and 31 January / janvier 2006  
Room / salle 7

**APPENDIX I. - LIST OF PARTICIPANTS**

**AUSTRIA / AUTRICHE**

Mr Roland MIKLAU, Director General, Criminal Law, Ministry of Justice,

**BELGIUM / BELGIQUE**

M. Claude DEBRULLE, **Chairman of the CDPC / Président du CDPC**, Directeur Général, Ministère de la Justice, Direction Générale de la Législation, des Libertés et des Droits fondamentaux,

**DENMARK / DANEMARK**

Mr Jesper HJORTENBERG, Deputy Director of Public Prosecution, Office of the Director of Public Prosecution,

**FINLAND / FINLANDE**

Mr Esa VESTERBACKA, Head of the Department of Criminal Policy, Ministry of Justice, Uudenmaankatu 37,

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Mr Alexander ZMEYEVSKIY, Director, Department on the Issues of New Challenges and Threats, Ministry of Foreign Affairs,

**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Mr Branislav BOHÁČIK, **Deputy Chair of the CDPC / Vice-Président du CDPC**, Director – Division for Judicial Co-operation in Criminal Matters, Ministry of Justice,

**SLOVENIA / SLOVENIE**

Ms Andreja LANG, Head of the Department for Criminal Legislation, Directorate for the Preparation of Legislation, Ministry of Justice,

**UNITED KINGDOM / ROYAUME-UNI**

Mr Richard BRADLEY, Head of Judicial Co-operation Unit,

\* \* \* \* \*

**SECRETARIAT OF THE COUNCIL OF EUROPE**  
**SECRETARIAT DU CONSEIL DE L'EUROPE**

**Department of Crime Problems / Service des Problèmes Criminels**

Mrs Margaret KILLERBY, Head of the Department of Crime Problems / Chef du Service des Problèmes Criminels

Ms Bridget O'LOUGHLIN, Head of the Criminal Justice Division / Chef de la Division de la justice pénale  
**Secretary to the CDPC / Secrétaire du CDPC**

M. Humbert de BIOLLEY, Head of the Criminal Standards Unit / Chef de l'Unité des standards criminels  
**Deputy Secretary to the CDPC / Secrétaire adjoint du CDPC**

Ms Iina TANEVA, Head of the Prisons and Probation Unit / Chef de l'Unité des prisons et probation

Ms Anita VAN DE KAR, Head of Prosecutors and Police Unit / Chef de l'Unité de la Police et des Procureurs

Mr Denis BRIBOSIA, Administrator – Economic Crime Section / Section Criminalité Economique

Ms Karin JOHANSSON, Administrator – Economic Crime Section / Section Criminalité Economique

Mr John RINGGUTH, Administrator – MONEYVAL

Ms Dominique WULFRAN, Assistant / Assistante

Ms Christiane WELTZER, Assistant / Assistante

\* \* \* \* \*

**INTERPRETERS / INTERPRETES**

Mr Christopher TYCZKA

Mr Derrick WORDSLEY

Mr Didier JUNGLING

Strasbourg, 24 January / janvier 2006 CDPC-BU (2006) OJ 1

**EUROPEAN COMMITTEE ON CRIME PROBLEMS  
COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS  
(CDPC)**

Bureau  
(CDPC-BU)

Strasbourg, 30 January / janvier - 1 February / février 2006  
Room / salle 7

9:30 am

## APPENDIX II. - Agenda

1. **Opening of the meeting / Ouverture de la réunion**
2. **Adoption of the draft agenda / Adoption de l'ordre du jour**
3. **Future activities / Activités futures**
  - a. **2005/2006 work plan for the CDPC and its subordinate committees – establishing priorities**  
2005/2006 organisation du travail du CDPC et ses comités subordonnés – définition des priorités
    - Counterfeiting
    - Sexual exploitation of Children - proposed terms of reference for the drafting of an international legal instrument / l'exploitation sexuelle des enfants - proposition du mandat pour la rédaction d'un instrument juridique international
    - Improvement of judicial co-operation in criminal matters: future mandate for the PC-OC in modernising the European Conventions on extradition and on mutual assistance in criminal matters (including the disputes settlement mechanisms and diplomatic assurances) / Amélioration de la coopération judiciaire en matière pénale: futur mandat pour le PC-OC visant à moderniser les Conventions européennes d'extradition et d'entraide judiciaire en matière pénale (y inclus les mécanismes de règlement pacifique de différends et les assurances diplomatiques).
    - Follow up to the New Start report on transnational justice, on the basis of the contributions by the PC-TJ and by the PC-OC / Suites au rapport Nouveau Départ sur la justice transnationale, sur base des contributions du PC-TJ et du PC-OC.
    - Cybercrime – Results and possible follow-up to the Conference on Cybercrime (MADRID 13 - 14 December 2005 crime / Cybercriminalité – Résultats et possible suivi de la Conférence sur la cybercriminalité, Madrid, 13 – 14 décembre 2005
    - Follow up to PC-TJ final report and PC-OC Bureau and working group report / Suites aux rapport final du PC-TJ et au rapport du Bureau et groupe de travail du PC-OC
    - PC-DS
  - b. **27<sup>th</sup> Conference of Ministers of Justice – Armenia, 12 – 13 October 2006**  
27<sup>e</sup> Conférence des Ministres de la justice – Arménie, 12 – 13 octobre 2006  
  
**28<sup>th</sup> Conference of Ministers of Justice – Lanzarote**  
28<sup>ème</sup> Conférence des Ministres de la justice - Lanzarote  
Information from the Secretariat / Information du Secrétariat
  - c. **4<sup>th</sup> Multilateral Consultation on the implications of the ratification of the Rome Statute of the ICC in the co-operation agreements between the Court and the member States of the Council of Europe**  
4<sup>e</sup> Consultation multilatérale sur les implications de la ratification du Statut de Rome du TPI dans les accords de coopération entre la Cour et les Etats membres du Conseil de l'Europe
4. **Working methods / Méthodes de travail**
5. **Consultative Council of European Prosecutors (CCPE) / Conseil Consultatif des Procureurs Européens (CCPE)**
  - draft plan of action / projet du plan d'action
6. **a. Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods (Adopted by the Committee of Ministers on 14 December 2005 at the 951st meeting of the Ministers' Deputies) / Résolution Res(2005)47 concernant les comités et les organes subordonnés, leur mandat et leurs méthodes de travail (adoptée par le Comité des Ministres le 14 décembre 2005, lors de la 951<sup>e</sup> réunion des Délégués des Ministres)**
  - b. **Committee of Ministers – New working methods / Comité des Ministres – Nouvelles Méthodes de travail**
  - c. **Observers to the CDPC/Observateurs auprès du CDPC**
7. **Group of specialists on assistance to victims and prevention of victimisation (PC-S-AV) /Groupe de spécialistes sur l'assistance aux victimes et la prévention de la victimisation (PC-S-AV) First Draft of a recommendation / Avant projet d'une recommandation**



8. **PC-CP - role in updating the EPR / Mission concernant l'actualisation des RPE**
9. **PC-CP – Admissions of CEP as an observer / Admission du CEP comme observateur**
10. **PC-PM - elections / élections**
11. **Preparation of the CDPC Plenary meeting 3-7 April 2006 /  
Préparation de la réunion Plénière CDPC 3-7 Avril 2006**
12. **Requests for opinions / Demandes d'avis**
  - PACE – Recommandations 1719,1723
  - PACE – Recommandations 1713 - Reply by Committee of Ministers / Réponse du Comité des Ministres
13. **Information**
  - CATS Meeting Brussels 8 December 2005 / Réunion CATS, Bruxelles 8 Décembre 2005
  - Revised European Prison rules / Règles Pénitentiaires Européennes révisées
  - Work of sub committees /Travaux de comités subordonnés au CDPC : Moneyval
  - Work of other Committees of interest to the CDPC / Travaux d'autres Comités ayant un intérêt pour le CDPC: GRECO
  - CDPC representative / représentant du CDPC
14. **Any other business / Autres sujets**
15. **Dates of the next meeting of the Bureau / Dates de la prochaine réunion du Bureau**

Strasbourg, 23 January / janvier 2006 CDPC-BU (2006) LD 01

Bureau (CDPC-BU)

Strasbourg, 30 January / janvier – 1 February / février 2006

APPENDIX III- LIST OF WORKING DOCUMENTS

CDPC-BU - List of participants / Liste des participants

Summary report of the Meeting of the Bureau (12-14.10.2005) / Rapport de synthèse de la Réunion du Bureau (12-14.10.2005)

2. Draft agenda / Projet d'ordre du jour  
Draft annotated agenda / projet d'ordre du jour annoté  
Has been sent to the members of the Bureau / a été envoyé aux membres du Bureau

3. a. Workplan 2006 / Programme de travail 2006

Etude sur la Faisabilité d'un instrument juridique international sur l'exploitation sexuelle et l'abus des enfants

Specific Terms of reference on the Committee of Experts on the protection of children against sexual exploitation and abuse / MANDAT SPÉCIFIQUE DU COMITÉ D'EXPERTS SUR LA PROTECTION DES ENFANTS CONTRE LES VIOLENCES ET L'EXPLOITATION SEXUELLES

CYBERCRIME – « A Global Challenge, A Global Response » at the Casa de América, Madrid on 12 and 13 December 2005 / Conclusions :  
La cybercriminalité : un défi global, une réponse mondiale » à la Casa de America, Madrid, les 12 et 13 décembre 2005

PC-TJ - Final Activité report / Rapport final d'activité (20.12.05)

Diplomatic Assurances / Assurances diplomatiques

PC-OC-WP - Final Report / Rapport Final (26.05.2005)

PC-OC – Information Note / Note d'information

PC-DS - The state of work on the text of a Draft Recommendation on the treatment of sex offenders in penal institutions and in the community / Etat de Préparation du Projet de Recommandation sur le traitement des délinquants sexuels dans les établissements pénitentiaires et dans la communauté

Yokohama Review on combating sexual exploitation and abuse of children – Europe and Central Asia / Bilan des Engagements de Yokohama sur la Lutte contre l'exploitation sexuelle des enfants – Europe et Asie Centrale – Ljubljana – 8 – 9.07.2005

Analysing React. : Gaps, Challenges and next steps / Analyse de react. : Lacunes, défis et prochaines étapes

**3.b.** Exchange correspondance Secretary General Council of Europe and Spanish Minister of Justice / Correspondance échangée entre le Secrétaire Général du Conseil de l'Europe et le Ministre de la Justice Espagnol

**4.** Working Methods / Méthodes de travail

**5.** Consultative Council of European Prosecutors (CCPE) / Conseil Consultatif des Procureurs Européens (CCPE)  
Draft plan of action / Projet du plan d'action

**6.** Resolution (2005) 47 on committees and subordinate bodies, their terms of reference and working methods / Résolution Res (2005) 47 concernant les comités et les organes subordonnés, leur mandat et leurs méthodes de travail

Working methods Committee of Ministers / Méthodes de travail du Comité des Ministres

**7.** PC-S-AV – Draft SUMMARY REPORT of the 4th meeting 18/20.01.2006 / Projet RAPPORT DE REUNION de la 4ème réunion 18/20.01.2006

**8.** PC-CP - Specific terms of reference – proposals for amendment – Mandat spécifiques – propositions de modifications

PC-CP - Rules of the Council for Penological Co-operation - proposals for amendment / Règlement pour le Conseil de Coopération Pénologique – propositions de modifications

PC-CP - Summary Meeting report 50th meeting 26/28.10.2005 / Rapport sommaire 50ème réunion 26/28.10.2005

PC-CP - Revision of the European Prison Rules – A contextual report / Révision des Règles de Prison Européennes – Rapport contextuel

Procedures for regular revision of the European Prison Rules and other recommendations in the penal field / Procédures de révision régulière des règles pénitentiaires européennes et autres recommandations en matière pénale

9. PC-PM - Council for Police matters – Specific terms of reference / Conseil pour les questions de police – Mandat spécifique

CDPC (2005) 3 – Memorandum concerning the elections for the CDPC and subordinate Committees / Note concernant les élections au CDPC et à ses comités subordonnés

10. CODEXTER

Committee of Ministers Reply to PACE - Recommendation 1706 Media and Terrorism

Recommendation 1706 (2005) Media and Terrorism / Recommendation 1706 (2005° Media et Terrorisme)

11. Recommendation 1719 (2005) Enforced disappearances / Disparitions forcées

Draft reply to Parliamentary Assembly Recommendation 1719 (2005) - ENFORCED DISAPPEARANCES / Projet de réponse à la Recommendation (2005) de l'Assemblée Parlementaire - DISPARITIONS FORCEES

Proposals or comments from the CDPC delegations on Recommendation 1719 – Enforced Disappearances

Recommendation 1723 (2005) - Forced marriages and child marriages / Mariages forcés et mariages d'enfants

Draft reply to Parliamentary Assembly Recommendation 1723 - FORCED MARRIAGES AND CHILD MARRIAGES / Projet de réponse à la Recommendation 1723 de l'Assemblée Parlementaire - MARIAGES FORCÉS ET MARIAGES D'ENFANTS

Proposals or comments from the CDPC delegations on Recommendation 1723 – Forced marriages and child marriages / Mariages forcés et mariages d'enfants

Draft reply from CDCJ

Committee of Ministers Reply to PACE - Recommendation 1706 Media and Terrorism

Recommendation 1706 (2005) Media and Terrorism / Recommendation 1706 (2005° Media et Terrorisme)

12. CATS

Revised European Prison Rules / Règles Pénitentiaires Européennes révisées

Revised specific terms of reference of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL) / **Mandat spécifique révisé du Comité d'experts sur l'évaluation des mesures de lutte contre le blanchiment des capitaux (MONEYVAL)**

**APPENDIX IV – DRAFT TERMS OF REFERENCE FOR THE PC-ES**

Strasbourg, 31 January 2006

cdpc plenary\docs 2005\CDPC (2005) 14 rev 2 E

CDPC (2005) 14 rev 3 E

**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**DRAFT**

**SPECIFIC TERMS OF REFERENCE**  
**OF THE COMMITTEE OF EXPERTS ON THE PROTECTION OF CHILDREN**  
**AGAINST SEXUAL EXPLOITATION AND ABUSE**

Draft prepared by the Bureau of the CDPC

SPECIFIC TERMS OF REFERENCE  
OF THE COMMITTEE OF EXPERTS ON THE PROTECTION OF CHILDREN  
AGAINST SEXUAL EXPLOITATION AND ABUSE (PC-ES)

1. **Name of committee:** Committee of experts on the protection of children against sexual exploitation and abuse (PC-ES)
  
2. **Type of committee:** Committee of experts
  
3. **Source of terms of reference:** European Committee on Crime Problems (CDPC)
  
4. **Terms of reference:**

Having regard to the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe (Warsaw 15-16 May 2005) which reads as follows:

*“[...] We shall also elaborate measures to stop sexual exploitation of children, including legal instruments if appropriate, and involve civil society in this process [...]”*

Having regard to existing international legal instruments, in particular the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the European Union Council framework decision on combating the sexual exploitation of children and child pornography;

Having regard to the expertise of those international governmental and non-governmental organisations active in the field of fighting sexual exploitation and abuse of children;

Bearing in mind the work already conducted by the Council of Europe in this field including the working document “Study on the feasibility of an international legal instrument on the sexual exploitation and abuse of children” (CDPC (2005) 13);

Under the authority of the European Committee on Crime Problems (CDPC) and in relation to the implementation of Project 2006/DG1/892 of the Programme of Activities, the Committee is instructed to:

- i. conduct a review of the existing international instruments on the protection of children against sexual exploitation and instruments on legal co-operation, with a view to evaluate the need for an additional international legally binding instrument, and/or amendments to the existing instruments, in particular regarding the harmonisation of substantive rules of criminal law, child-friendly criminal procedures and appropriate sanctions for and treatment of offenders;
- ii. if the need for an additional instrument is established, subject to the approval of the CDPC, prepare such an instrument.

## **5. Membership of the committee:**

### **A. Members:**

The governments of all member states are entitled to appoint representatives with relevant experience in criminal law and/or in the field of children’s rights, in particular in connection with the protection of children against sexual exploitation and abuse.

The Council of Europe's budget will bear the travelling and subsistence expenses of one representative from each member state.

### **B. Participants :**

- i. The following Committees may each send one representative to meetings of the Committee, without the right to vote and at the charge of their respective administrative budgets: Steering Committee for Human Rights (CDDH); European Committee for Social Cohesion (CDCS); European Committee on Migration (CDMG); Governmental Committee of the European Social Charter; the European Committee on Crime Problems (CDPC); Advisory Council on Youth (CCJ).



- ii. The Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe, the Council of Europe Commissioner for Human Rights and the Conference of INGOs of the Council of Europe may each send one representative to meetings of the Committee, without the right to vote and at the charge of their administrative budgets.

C. Other participants :

- i. The Secretariat General of the Council of the European Union and the Commission of the European Communities may send representatives to meetings of the Committee, without the right to vote or defrayal of expenses.

- ii. The States with observer Status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send representatives to meetings of the Committee without the right to vote or defrayal of expenses.

- iii. The following intergovernmental organisations may send representatives to meetings of the Committee without the right to vote or defrayal of expenses:

- United Nations Children's Fund (UNICEF)
- The UN Committee on the Rights of the Child
- Secretariat of the UN Secretary General's Study on Violence against Children
- International Labour Organisation (ILO)
- The Council of the Baltic Sea States
- Interpol
- Europol

D. Observers :

The following observers from international non-governmental organisations with the Committee may send representatives to meetings of the Committee without the right to vote or defrayal of expenses:

- ECPAT International
- The European Centre for Missing and Exploited Children
- The European Network of Ombudspersons for Children
- The NGO Group for the Convention on the Rights of the Child
- Save the Children Alliance
- The International Federation Terre des Hommes

**6. Working structures and methods:**

In the framework of its terms of reference, the Committee may set up a Bureau, appoint a drafting committee and have recourse to consultant experts as well as to scientific experts to be appointed by the Secretary General, who shall be entitled to attend meetings of the Committee and whose travel and subsistence costs shall be borne by the Council of Europe. It shall have the possibility to have whatever contacts and consultations with governmental and non-governmental organisations or professionals and others that it deems necessary for the implementation of its terms of reference, in particular through hearings or written consultations.

Other Steering Committees may be consulted at an appropriate stage of the drafting of the Convention.

**7. Duration:**

These terms of reference will expire on 31 December 2006.

**APPENDIX V – REVISED DRAFT TERMS OF REFERENCE FOR THE PC-PM**

Strasbourg, 30 January 2006  
docs 2002\pc-pm (2002) 01 - e

**CDPC (2006) 01E**

EUROPEAN COMMITTEE ON CRIME PROBLEMS  
**(CDPC)**

**Council for Police Matters**

**(PC-PM)**

**DRAFT AMENDMENT OF THE  
SPECIFIC TERMS OF REFERENCE**

SPECIFIC TERMS OF REFERENCE OF THE COUNCIL FOR POLICE MATTERS  
(PC-PM)

**DECISION CDPC/124/210602**

**1. Name of the Committee:**

Council for Police Matters (PC-PM)

**2. Type of Committee:**

Advisory body.

**3. Source of terms of reference:**

European Committee on Crime Problems (CDPC)

**4. Terms of reference:**

- to follow the development of European police systems (national and international);
- to assist the CDPC in reviewing the implementation of Recommendation Rec(2001)10 on the European Code of Police Ethics and other relevant instruments of the Council of Europe;
- to prepare, at the request of the Committee of Ministers or the CDPC, draft legal instruments and reports on police matters on the basis of ad hoc terms of reference;
- to formulate opinions at the request of the CDPC;
- to prepare conferences and high-level meetings on police matters;
- to collect and disseminate documentation on police matters;
- to promote research on police matters.

**5. Membership:**

- a. Seven members elected in their personal capacity for three years by the CDPC (representatives of ministries responsible for the police, high-level representatives of national police administrations, scientific police researchers, high-level representatives of the judiciary involved in supervising the police, ombudsmen specialised in the police, etc). **Members can be re-elected once for a period of two years.**
- b. Two scientific experts to assist the Council in carrying out its duties, to be appointed by the Secretary General;
- c. The Council of Europe budget will bear the travel and subsistence expenses of the seven members and those of the two scientific experts;
- d. The CDPC or its Bureau may authorise the admission of observers to the Council for Police Matters.

**6. Duration:**

The duration of these terms of reference is identical to that of the CDPC's terms of reference.