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EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC) -  
Report of the 36th Plenary Session  
(Strasbourg, 22-26 June 1987)  
(CM(87)167 and Add. I to V)

The Representative of the Federal Republic of Germany said that his Government considers all parts of the draft Recommendation concerning the simplification of criminal justice merely as general principles which allow it to make exceptions in individual cases. He explained that according to the laws of the Federal Republic of Germany the possibility to make exceptions must exist with regard to several parts of the draft Recommendation, as, for example, paragraph II (a) 3 and 4. He asked whether there was any doubt about the correctness of this interpretation of the nature of the draft Recommendation.

The Director of Legal Affairs replied that this interpretation was correct.

With regard to draft Recommendation No. R (87) ... on social reactions to juvenile delinquency among young people coming from migrant families, the Representative of the Federal Republic of Germany requested an adjournment because his national authorities needed more time to study the text.

With regard to the draft Recommendation on assistance to victims and the prevention of victimisation, the Representative of Switzerland reminded the Committee that at the CDPC meeting there had not been a sufficient majority in favour of including Appendix III (Police statistics and victimisation figures by Drs. J.J.M. Van Dijk, Netherlands and J. Shapland, United Kingdom) in the explanatory memorandum. In general his authorities did not think it wise for opinions of scientific experts to be published in this way. They should publish them in reviews instead because there are questions of responsibility: who is liable, the author or the organisation?

The Chairman noted that the Committee agreed with these remarks and that it wished to authorise the publication of the explanatory memorandum thereto excluding Appendix III.

With regard to the CDPC's opinion concerning the question of the criminalisation of illegal movements of migrants (Appendix VI to CM(87)167), the Representative of the United Kingdom stated that his authorities were by no means convinced of the need for any major study on the extra-territorial effects of legislation and would have to give this careful consideration in due course.

The Director of Legal Affairs said that the taking note of the CDPC's opinion in no way represented a commitment to future work in this field, a matter which would have to be examined within the framework of the annual work programmes in the light of the priorities established by the Steering Committee; at present the subject was given a very low priority by the CDPC.

With regard to the specific terms of reference proposed by the CDPC for two new select committees (Appendices VIII and IX to CM(87)167), the Representative of Switzerland pointed out that the select committee of experts on international co-operation as regards search, seizure and confiscation of the proceeds from crime should not merely concentrate on proceeds from illegal dealings in drugs. He was also pleased that this activity was being embarked upon earlier than had been thought.

The Director of Legal Affairs said that it had been decided to start work already in 1987 in view of the importance of those subjects which were already covered by the work programme for that year. He confirmed that the Committee would study the proceeds from crime of whatever nature. All possibilities would be examined but the emphasis would be placed on illegal drug trafficking because of the important work already done by the Pompidou Group.

#### Decisions

##### The Deputies

1. adopted Recommendation No. R(87)18 concerning the simplification of criminal justice, as it appears at Appendix 13 to these Conclusions, and authorised publication of the Explanatory Memorandum thereto set out in Addendum I to CM(87)167 (item I.B.2 of the agenda of the CDPC);
2. adopted Recommendation No. R(87)19 on the organisation of crime prevention, as it appears at Appendix 14 to these Conclusions, and authorised publication of the Explanatory Memorandum thereto set out in Addendum II to CM(87)167 (item I.B.3 of the agenda of the CDPC);
3. adopted Recommendation No. R(87)20 on social reactions to juvenile delinquency, as it appears at Appendix 15 to these Conclusions, and authorised publication of the Explanatory Memorandum thereto set out in Addendum III to CM(87)167 (item I.B.4 of the agenda of the CDPC);
4. agreed to resume at a forthcoming meeting consideration of draft Recommendation No. R(87)... on social reactions to juvenile delinquency, among young people coming from migrant families and of the question of authorising publication of the Explanatory Memoranda thereto (set out in Addendum III to CM(87)167 - item I.B.4 of the agenda of the CDPC);

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5. adopted Recommendation No. R(87)21 on assistance to victims and the prevention of victimisation, as it appears at Appendix 16 to these Conclusions, and authorised publication of the Explanatory Memorandum thereto set out in Addendum IV to CM(87)167 (item I.B.5 of the agenda of the CDPC);
6. authorised publication of the reports submitted to the 8th Conference of Directors of Prison Administrations and of the conclusions reached thereon (item I.B.1 of the agenda of the CDPC);
7. authorised publication of the Proceedings of the 17th Criminological Research Conference (item I.B.6 of the agenda of the CDPC);
8. authorised the Secretary General to invite the observers from non-member States and the international organisations listed in Appendix IV to CM(87)167 to attend the 8th Criminological Colloquium in November 1987 (item I.B.8 of the agenda of the CDPC);
9. took note of the opinion of the CDPC regarding the question of the criminalisation of "illegal movements of migrants" (set out in Appendix VI to CM(87)167);
10. approved the terms of reference of the committees of experts subordinate to the CDPC as set out in Addendum V to CM(87)167;
11. approved the specific terms of reference proposed by the CDPC for two new select committees (Appendices VIII and IX to CM(87)167), on the understanding that the terms of reference of the Select Committee of Experts on the sexual exploitation, pornography and prostitution of, and trafficking in, children and young women (PC-R-SE) are approved subject to the approval of the corresponding activity in the draft Programme of Intergovernmental Activities for 1988;
12. having regard to decisions 1 to 11 above, took note of the report of the CDPC's XXXVIth plenary session (CM(87)167) as a whole, including the final activity reports set out in Addenda I to IV.

When Recommendation No. R(87)18 was adopted (decision 1 above), the Representative of the Federal Republic of Germany, in accordance with Article 10.2.c of the Rules of Procedure for the Meetings of the Ministers' Deputies, reserved the right of his government to comply or not with Articles II.a.3 and II.a.4 of the Recommendation.