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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau
(CDPC-BU)

Strasbourg, 19 – 20 February 2009

Summary Meeting Report

19 – 20 February 2009

Summary Meeting Report

The following abbreviations are used in referring to the CDPC and its subordinate bodies as well as other Council of Europe Committees

CDPC	EUROPEAN COMMITTEE ON CRIME PROBLEMS
CCJE	CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
CDAP	CONFERENCE OF DIRECTORS OF PRISON ADMINISTRATIONS
CDCJ	EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
CDDH	STEERING COMMITTEE FOR HUMAN RIGHTS
CDEG	STEERING COMMITTEE FOR EQUALITY BETWEEN WOMEN AND MEN
EG-TFV	COUNCIL OF EUROPE TASK FORCE TO COMBAT VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC VIOLENCE
PACE	PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE
PC-CP	COUNCIL FOR PENOLOGICAL CO-OPERATION
PC-OC	COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS ON CO-OPERATION IN CRIMINAL MATTERS
PC-S-CP	GROUP OF SPECIALISTS ON COUNTERFEIT PHARMACEUTICAL PRODUCTS
PC-ISP	AD HOC COMMITTEE ON COUNTERFEITING OF MEDICAL PRODUCTS AND SIMILAR CRIMES INVOLVING THREATS TO PUBLIC HEALTH

EXECUTIVE SUMMARY

The Bureau of the CDPC decided to:

Council for Penitological Co-operation (PC-CP)

a. Council of Europe draft Recommendation on rules for agencies providing probation and aftercare to offenders

- take note that the PC-CP's second examination of the draft Recommendation has been postponed to next meeting (23-25 February);
- instruct the PC-CP to send out after their meeting in May 2009 the text of the draft Recommendation and its explanatory memorandum to all CDPC delegations for their written comments in order to be able to amend the two draft texts accordingly at the PC-CP meeting in September 2009;
- take note of the conclusions of the general rapporteur of the European Conference of Directors of Probation Services and forward these to the PC-CP for consideration.

b. Recent and forthcoming work of the Council of Europe related to penitentiary issues including probation

- take note of the document "Current and future priorities and activities of the PC-CP", as updated by the PC-CP and of the information provided by the Secretariat regarding the PC-CP's priority activities for 2009-2010;
- support the proposal to give priority to the activities related to foreign prisoners and overcrowded prisons;
- take note that the 15th CDAP Conference will be held on 9-11 September 2009 in Edinburgh;
- take note of the finalisation of the 2007 SPACE I survey;
- take note of the evaluation of national replies to the questionnaire on juvenile offenders;
- instruct the PC-CP to examine possible ways for an effective implementation of EPR by the member States.

Council of Europe Conferences of the Ministers of Justice

a. Follow-up of the 28th Conference (25-26 October 2007, Lanzarote, Spain)

- take note of the summary of the replies to the questionnaire related to the relationship between asylum procedures and extradition procedures as well as information provided by the Secretariat on this matter.

As regards the draft Specific Terms of Reference of the Group of Specialists on Child-friendly Justice (CJ-S-CH):

- take note of its final version, as adopted by the Committee of Ministers;
- take note that six specialists of the Group and its Vice-Chair will be appointed on the basis of candidatures proposed by the CDPC Heads of delegations;
- instruct the Secretariat to send a request to Heads of delegations to propose candidates for the missing profiles required in the Group before 15 March;
- take note of information provided by the Secretariat related to the future work of the Group.

b. Preparation of the 29th Conference (17-19 June 2009, Tromsø, Norway)

- take note of the information provided by Mr Chiaromonte, Secretary to the Conference, on the state of preparation of the Conference;
- take note of the comments provided by some delegations on a proposal concerning a possible resolution related to dangerous offenders;
- take note that a resolution could be envisaged relating to certain elements linked to the activities of the CDPC in the fight against domestic violence, and addressing also the issue of violent/dangerous offenders;
- instruct the Secretariat to prepare a possible draft resolution on the status of victims in criminal proceedings with a view to elaborate common guidelines in this field, which could then be used as a model for other Council of Europe activities related to the status of victims in criminal proceedings, and particularly in future instruments of the Council of Europe;
- appoint Mr Roland MIKLAU, in addition with the Chair and the Vice-Chair of the CDPC, as the third representative of the CDPC in Tromsø.

Pharmaceutical crime

- congratulate the work carried out by the PC-S-CP and in particular Mr Claude Debrulle for his excellent chairmanship;
- give authorisation for negotiations of the draft Convention, as revised by the Bureau, to begin at intergovernmental level in the Ad Hoc Committee on Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health (PC-ISP);
- appoint Mr Hans-Holger HERRNFELD, as representative of the CDPC in PC-ISP meetings;
- instruct the Secretariat to prepare a document highlighting key issues in the Convention in order to facilitate the negotiations;
- instruct the Secretariat to provide the PC-ISP with a record of the exchange of views held by the Bureau on the draft Convention;
- instruct the Secretariat to take all appropriate measures allowing for the continuity between the work already undertaken by the PC-S-CP and the future work of the PC-ISP;
- instruct the Secretariat to consult the PC-OC on the provisions of the draft Convention on international co-operation;
- instruct the Secretariat to consult the T-CY on the relationship of the draft Convention with the Convention on Cybercrime;
- invite the Secretariat to indicate in the convocation letters that it would be useful for the discussions if States appointed more than one representative, due to the multidisciplinary approach of the draft Convention;
- instruct the Secretariat to continue the dialogue with other interested intergovernmental and supranational organisations, notably the European Union and the World Health Organisation with a view, where appropriate, to encourage their presence as observers in, or participation in negotiations of the PC-ISP;
- instruct the Secretariat to keep the Bureau informed about the progress made in the negotiations in the PC-ISP.

Violence against women/domestic violence

- take note of the terms of reference of the Ad hoc Committee on preventing and combating violence against women and domestic violence, as adopted during the meeting of the Committee of Ministers on 10 December 2008;
- take note of information provided by the Secretariat concerning the state of preparation of the first meeting of the Committee, which will be held on 6-8 of April;
- appoint Ms Maria GAVOUNELI, Mr Branislav BOHÁČIK and Mr Christian MANQUET, as representatives of the CDPC in the Committee.

Cybercrime

- take note of the agenda of the forthcoming meeting of the T-CY and of the summary of replies to the questionnaire on mutual legal assistance in computer-related cases;
- appoint Mr Hans-Holger HERRNFELD, as representative of the CDPC in the forthcoming T-CY meeting.

Relations between the CDPC and other Council of Europe bodies, in particular the Consultative Council of European Prosecutors (CCPE)

- take note of the new terms of reference of the CCPE;
- adopt the draft comments of the CDPC on Opinions N° 2 and 3 of the CCPE and to send it to CDPC delegations by written procedure for approval;
- appoint Mr Jesper HJORTENBERG, as representative of the CDPC in CCPE meetings;
- reinforce the cooperation with the CCPE, notably by:
 - insuring the regular participation of a CDPC representative in CCPE meetings;
 - inviting a representative of the CCPE to participate in CDPC meetings, where appropriate;
 - exploring the possibility to organise in the future joined meetings of the Bureaux of the two bodies;
 - considering the possibility for the CDPC to provide comments on documents prepared by the CCPE already in an early stage of drafting of such documents.

Information provided by the Chair of the CDPC

- take note of the information provided by the Secretariat on Article 23 of the Convention on the Transfer of Sentenced Persons (CETS No 112).

Scientific evidence in criminal justice

- take note that the subject of scientific evidence in criminal matters is of great interest to the CDPC;
- instruct the Secretariat, in close cooperation with Mr RUELLE, to prepare a document identifying the different elements and actions to be taken which could be developed relating to this subject, and indicating the different Committees or bodies which could be involved in the examination of this issue;
- instruct the Secretariat to ensure that this document is ready to be presented at the plenary meeting of the CDPC.

Information provided by the Secretariat

a. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC): simplified extradition

- take note of the revised version of the draft explanatory report to the 3rd Additional Protocol.

b. Project with European Union concerning international co-operation in the criminal law field

- take note of the information provided by the Secretariat on recent developments in setting up this project, including the request for voluntary contributions.

c. Project on letter of rights in criminal proceedings

- take note of the information provided by the Secretariat on the project on letter of rights;
- propose Ms Maria GAVOUNELI for appointment.

d. Implementation of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

- take note of the information provided by the Secretariat on the state of implementation of the programmes aimed at promoting the new Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse;
- take note of the information provided by the Secretariat on the state of preparation of the Conference on the protection of children in European justice systems, which will be held in Toledo, on 12-13 March.

Dates of the next meeting

- examine the dates of the next Bureau meeting at a later stage.

1. Opening of the meeting

The Bureau of the CDPC held its meeting in Strasbourg on 19 and 20 February 2009 with Mr Branislav BOHÁČIK (Slovakia) in the Chair.

2. Adoption of the draft agenda

The agenda was adopted, as it appears in Appendix I to this report. Appendix II contains the list of participants.

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

a. Draft Recommendation on guidelines to agencies providing probation and aftercare to offenders

The Bureau noted that the PC-CP's second examination of the draft Recommendation had been postponed to next meeting (23-25 February). It instructed the PC-CP to send out after their meeting in May 2009 the text of the draft Recommendation and its explanatory memorandum to all CDPC delegations for their written comments in order to be able to amend the two draft texts accordingly at the PC-CP meeting in September 2009. The Bureau further took note of the conclusions of the general rapporteur of the European Conference of Directors of Probation Services and decided to forward them to the PC-CP for consideration.

b. Recent and forthcoming work of the Council of Europe related to penitentiary issues including probation

The Bureau took note of the document "Current and future priorities and activities of the PC-CP", as updated by the PC-CP and of the information provided by the Secretariat regarding the PC-CP's priority activities for 2009-2010. It endorsed the proposal to give priority to the activities related to foreign prisoners and overcrowded prisons. It therefore instructed the PC-CP to start examining these two important matters already in 2009, if possible, and report to the PDPC on the outcome of its work.

The Bureau noted that the 15th CDAP Conference will be held on 9-11 September 2009 in Edinburgh and that the theme would be "Overcrowded prisons: looking for solutions".

The Bureau took note of the finalisation of the 2007 SPACE I survey.

It further took note of the evaluation of national replies to the questionnaire on juvenile offenders.

Finally, the Bureau instructed the PC-CP to examine possible ways for an effective implementation of EPR by the member States.

4. Conferences of the Council of Europe Ministers of Justice

a. Follow-up of the 28th Conference (25 – 26 October 2007, Lanzarote, Spain)

The Bureau took note of the summary of the replies to the questionnaire related to the relationship between asylum procedures and extradition procedures as well as information provided by the Secretariat on this matter.

As regards the draft Specific Terms of Reference of the Group of Specialists on Child-friendly Justice (CJ-S-CH), the Bureau decided to take note of its final version, as adopted by the Committee of Ministers. It further noted that six specialists of the Group and its Vice-Chair will be appointed on the basis of candidatures proposed by the CDPC Heads of delegations.

Finally, the Bureau took note of information provided by the Secretariat related to the future work of the Group.

b.Preparation of the 29th Conference (17 – 19 June 2009, Tromsø, Norway)

The Bureau took note of the information provided by Mr Chiaromonte, Secretary to the Conference, on the state of preparation of the Conference. It also took note of the comments provided by some delegations on a proposal concerning a possible resolution related to dangerous offenders.

The Bureau further took note that a resolution could be envisaged relating to certain elements linked to the activities of the CDPC in the fight against domestic violence, and addressing also the issue of violent/dangerous offenders.

It instructed the Secretariat to prepare a possible draft resolution on the status of victims in criminal proceedings with a view to elaborate common guidelines in this field, which could then be used as a model for other Council of Europe activities related to the status of victims in criminal proceedings, and particularly in future instruments of the Council of Europe.

Finally, the Bureau appointed Mr Roland MIKLAU (Austria), in addition with the Chair and the Vice-Chair of the CDPC, as the third representative of the CDPC in Tromsø.

5. Pharmaceutical crime

The Bureau congratulated the PC-S-CP for the work carried out by the group of experts, and in particular Mr Claude Debrulle for his excellent chairmanship.

The Bureau also decided to give authorisation for negotiations of the draft Convention, as revised by it, to begin at intergovernmental level in the Ad Hoc Committee on Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health (PC-ISP). In this context, it appointed Mr Hans-Holger HERRNFELD (Germany), as representative of the CDPC in PC-ISP meetings.

It instructed the Secretariat to prepare a document highlighting key issues in the Convention in order to facilitate the negotiations and to provide the PC-ISP with a record of the exchange of views held by the Bureau on the draft Convention.

The Bureau further instructed the Secretariat to take all appropriate measures allowing for the continuity between the work already undertaken by the PC-S-CP and the future work of the PC-ISP.

As regards the provisions of the draft Convention on international co-operation, the Bureau instructed the Secretariat to consult the PC-OC, as well as to consult the T-CY on the relationship of the draft Convention with the Convention on Cybercrime.

The Bureau invited the Secretariat to indicate in the convocation letters that it would be useful for the discussions if States appointed more than one representative, due to the multidisciplinary approach of the draft Convention and instructed the Secretariat to continue the dialogue with other interested intergovernmental and supranational organisations, notably the European Union and the World Health Organisation with a view, where appropriate, to encourage their presence as observers in, or participation in negotiations of the PC-ISP.

Finally, the Bureau instructed the Secretariat to keep it informed about the progress made in the negotiations in the PC-ISP.

6. Violence against women/Domestic violence

The Bureau took note of the terms of reference of the Ad hoc Committee on preventing and combating violence against women and domestic violence, as adopted during the meeting of the Committee of Ministers on 10 December 2008.

It also took note of the information provided by the Secretariat concerning the state of preparation of the first meeting of the Committee, which will be held on 6-8 of April 2009.

The Bureau decided to appoint Ms Maria GAVOUNELI, Mr Branislav BOHÁČIK and Mr Christian MANQUET, as representatives of the CDPC in the Committee.

7. Cybercrime

The Bureau took note of the agenda of the forthcoming meeting of the T-CY and of the summary of replies to the questionnaire on mutual legal assistance in computer-related cases provided by the Secretariat. It decided to appoint Mr Hans-Holger HERRNFELD, as representative of the CDPC in the T-CY meeting of 12 and 13 March 2009.

8. Relations between the CDPC and other Council of Europe bodies, in particular the Consultative Council of European Prosecutors (CCPE)

The Bureau took note of the new terms of reference of the CCPE. It decided to adopt the draft comments of the CDPC on Opinions N° 2 and 3 of the CCPE and to send it to CDPC delegations by written procedure for approval.

Further, the Bureau appointed Mr Jesper HJORTENBERG, as representative of the CDPC in CCPE meetings. It decided to reinforce the cooperation with the CCPE, notably by:

- insuring the regular participation of a CDPC representative in CCPE meetings;
- inviting a representative of the CCPE to participate in CDPC meetings, where appropriate;
- exploring the possibility to organise in the future joined meetings of the Bureaux of the two bodies;
- considering the possibility for the CDPC to provide comments on documents prepared by the CCPE already in an early stage of drafting of such documents.

9. Information provided by the Chair of the CDPC

The Bureau took note of the information provided by the Secretariat on Article 23 of the Convention on the Transfer of Sentenced Persons (CETS No 112).

10. Scientific evidence in criminal justice

The Bureau noted that the subject of scientific evidence in criminal matters is of great interest to the CDPC. It instructed the Secretariat, in close cooperation with Mr RUELLE (France), to prepare a document identifying the different elements and actions to be taken which could be developed relating to this subject, and indicating the different Committees or bodies which could be involved in the examination of this issue.

It further instructed the Secretariat to ensure that this document is ready to be presented at the plenary meeting of the CDPC.

11. Information provided by the Secretariat

e. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC): simplified extradition

The Bureau took note of the revised version of the draft explanatory report to the 3rd Additional Protocol.

f. Project with European Union concerning international co-operation in the criminal law field

The Bureau took note of the information provided by the Secretariat on recent developments in setting up this project, including the request for voluntary contributions.

g. Project on letter of rights in criminal proceedings

The Bureau took note of the information provided by the Secretariat on the project on letter of rights. It decided to propose Ms Maria GAVOUNELI for appointment.

h. Implementation of the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

The Bureau took note of the information provided by the Secretariat on the state of implementation of the programmes aimed at promoting the new Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse.

The Bureau also took note of the information provided by the Secretariat on the state of preparation of the Conference on the protection of children in European justice systems, which will be held in Toledo, on 12-13 March.

12. Dates of the next meeting

The Bureau decided to examine the dates of the next Bureau meeting at a later stage.

APPENDIX I

Agenda

1. **Opening of the meeting**
2. **Adoption of the draft agenda**
 - Working documents
 - Draft agenda CDPC-BU (2009)OJ 1
 - Draft annotated agenda CDPC-BU (2009)...
3. **Council for Penological Co-operation (PC-CP)**
 - a. **Draft Recommendation on guidelines to agencies providing probation and aftercare to offenders**
 - Working documents
 - Draft Recommendation on guidelines to agencies providing probation and aftercare to offenders PC-CP (2008) 09 rev
 - General Rapporteur's Conclusions of the Conference of directors of probation services CPA (2008) CONCLUSIONS
 - b. **Recent and forthcoming work of the Council of Europe related to penitentiary issues including probation**
 - Working documents
 - Current and future priorities and activities of the PC-CP PC-CP (2008) 04 rev3 prov
 - 59th Summary meeting report of the PC-CP PC-CP (2008) 12
 - SPACE I investigation 2007 PC-CP (2008) 13 prov
 - Analysis of the replies to the questionnaire on juvenile offenders PC-CP (2007) 6 rev3
4. **Council of Europe Conferences of Ministers of Justice**
 - a. **Follow-up to the 28th Conference (25-26 October 2007, Lanzarote, Spain)**
 - Working documents
 - Resolution No. 1 on access to justice for migrants and asylum seekers Resolution No. 1
 - Summary of replies to the questionnaire on the relationship between asylum procedures and extradition procedures PC-OC (2008) ...
 - Resolution No. 2 on child-friendly justice Resolution No. 2
 - Draft terms of reference of the "Group of experts on child-friendly justice" CDCJ (2008) 32 rev
 - b. **Preparation of the 29th Conference (17-19 June 2009, Tromsø, Norway)**
 - Working documents
 - Draft resolutions related to CDPC activities CDPC-BU (2008) ...
 - Draft programme
5. **Pharmaceutical crime**
 - Working documents
 - Final Report PC-S-CP (2008) fin
 - Revised terms of reference of the PC-S-CP PC-S-CP (2008) 10

	Terms of Reference of the Ad hoc Committee on counterfeiting of medical products and similar crimes involving threats to public health (PC-ISP)	PC-ISP (2008) 01
	Preliminary draft Convention on the counterfeiting of medical products and similar crimes involving threats to public health	PC-S-CP (2009) ...
	Draft explanatory report to the Convention	PC-S-CP (2009) ...
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6.	Violence against women / domestic violence	
	<u>Working documents</u>	
	Feasibility study for a Convention against domestic violence	CDPC (2007) 09 rev
	Opinion of the EG-TFV on the feasibility study	EG-TFV (2008) 2 final
	Recommendation on the protection of women against violence	Rec(2002)05
	Draft terms of reference	GR-J (2008) revised 2
7.	Cybercrime	
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	T-CY Meeting report (3-4 April 2008)	T-CY (2008) 04
	Note from the CDPC representative to T-CY	CDPC (2008) 13
	Summary of replies to the questionnaire on mutual legal assistance in computer-related cases	CDPC (2009) ...
8	Relationships between CDPC and other Council of Europe bodies, in particular the Consultative Council of European Prosecutors (CCPE)	
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	Terms of reference of the CCPE	CM/Del/Dec(2008)1044
9.	Information provided by the Chair and the Vice-Chair of the CDPC	
a.	Article 23 of the Convention on the Transfer of Sentenced Persons (CETS N° 112)	
b.	The French Presidency of the EU – Main achievements in the penal law field	
10.	Scientific proof in criminal justice	
11.	Information provided by the Secretariat	
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	PC-OC-Mod Summary meeting report	PC-OC-Mod (2008) 07
	List of decisions taken at the 55 th meeting of the PC-OC	PC-OC (2008) 28
	Draft 3 rd Additional Protocol to the European Convention on Extradition	PC-OC (2008) 05 rev 4
	Draft explanatory report to the 3 rd Additional Protocol	PC-OC (2008) 20 rev 2
	Summary of replies to the questionnaire on compensation issues	PC-OC (2008) 21
b.	Project with European Union	
c.	Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse	

12. Any other business

13. Dates of the next meeting

APPENDIX II

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Mr Kristian BARTHOLIN, Secretary to the PC-S-CP / Secrétaire du PC-S-CP

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Mme Sabine WALSER, Pharmaceuticals and pharmaceutical care / Produits et soins pharmaceutiques

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Ms AnneMarie SCHOOREL
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Mme MARCHINI