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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau
(CDPC-BU)

Paris, 1-2 February 2010

LIST OF DECISIONS TAKEN AT THE MEETING OF THE CDPC BUREAU

At its meeting in Paris on 1 – 2 February 2010, the Bureau of the CDPC decided:

1. Working methods and general discussion on future activities and priorities for the CDPC

- to instruct the Secretariat to draft a document setting out possible priorities for the CDPC's future work (based mainly on subjects examined during this meeting), and including also standards on rights of individuals related to extradition procedures, transfer of criminal proceedings and transfer of prisoners procedures and to present it to the Bureau at its next meeting;
- to instruct the Secretariat to present available internet collaboration tools at its next meeting;
- to instruct the Secretariat to ask the opinion of CDPC members participating in other committees of the Council of Europe, about the added value of CDPC's presence in these committees as well as the possibility of receiving instructions from the CDPC on relevant topics being discussed in the committees concerned.

2. Council of Penological Co-operation (PC-CP)

a. General discussion on future activities and priorities for the PC-CP

- to take note of document PC-CP (2008) 04 rev5 concerning the current and future priorities and activities of the PC-CP and of the oral information provided by the Secretariat regarding the implementation of those activities.

b. Foreign nationals in prisons

- to examine the draft ad hoc terms of reference for the PC-CP in order for this committee to deal with foreign nationals in prisons;
- to instruct the Secretariat to amend the draft ad hoc terms of reference on the basis of its deliberations and submit it to CDPC delegations for adoption by written procedure in accordance with the working methods of the Committee.

c. Follow-up to the 15th CDAP held on 9 – 11 September 2009 in Edinburgh

- to take note of the oral information provided by the Secretariat on the conclusions of the 15th Conference of Directors of Prison Administration (CDAP) and on the planned activities by the PC-CP to ensure an effective follow-up, in particular for the drafting of a code of ethics for prison staff, work on dangerous offenders and a survey of the implementation of Committee of Ministers Recommendation (2003) 23 on long time prisoners and lifers.

d. Dangerous offenders

- to take note of document PC-CP (2010) 02 entitled "Dangerousness and risk – a discussion paper" prepared by Mr Rob Canton for the PC-CP, and document CDPC-BU (2010) 04 entitled "Discussion paper on preventive detention" prepared by the Secretariat;

- to instruct the PC-CP to carry out a comparative study of the current situation in Europe with regard to measures taken against dangerous offenders after the execution of the prison sentence and released offenders considered to be dangerous in relation to domestic violence;
- to instruct the Secretariat to send out a questionnaire on these topics, if the expert to be appointed to carry out the comparative study considers it necessary;
- to instruct the Secretariat to revise its discussion paper on preventive detention in the light of the deliberations of the Bureau.

3. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)

- to take note of the information provided by the Secretariat about the work undertaken by the PC-OC concerning the effects of jurisdiction in relation to international co-operation in criminal matters;
- to revert to the issue at its next meeting.

4. Follow-up to decisions taken at the CDPC Plenary meeting

a. Standard model provisions

- to take note of document CDPC-BU (2010) 01 entitled "Standard model provisions in Council of Europe legal instruments in the criminal field" prepared by the Secretariat;
- to instruct the Secretariat to prepare, for its next meeting, a first draft set of template model provisions that can serve as inspiration for drafters of legal instruments on criminal matters. The model provisions should, where appropriate, include alternative wordings and should be accompanied by an explanatory note.

b. Scientific proof in criminal matters

- to take note of document CDPC-BU (2010) 06 entitled "Scientific proof in criminal proceedings" prepared by the Secretariat;
- to instruct the Secretariat to appoint, on the proposal to be made by the French member of the Bureau, one or two experts to draw up a comparative study on scientific proof, mainly focussing on equality of arms in criminal proceedings and the admissibility (relevance, quality and reliability) of scientific evidence.

c. Preliminary report/study on the subject of victims

- to take note of the document on victims prepared by Mr Brano BOHACIK;
- to instruct the Secretariat to ask Mr BOHACIK to continue his work, focussing on victims' rights in criminal proceedings. As regards the outcome of the study, it should be looked into, but left open, whether it would be appropriate to draft either a convention on the issue of victims' rights, recommendation(s) in this regard or standard model language on victims' rights that could be used in future legal instruments on criminal matters;
- to instruct the Secretariat to invite Mr BOHACIK to its next meeting (30 – 31 March 2010) to present the results of his work.

5. The 30th Council of Europe Conference of Ministers of Justice (Istanbul, November 2010)

- to take note of the information provided orally by the Secretariat on the state of the preparation of the Istanbul conference;

- to take note of the Turkish proposals for the theme of the conference (document CDPC-BU (2010) 07);
- to express as its common position that while “access to justice” would be an appropriate theme for ministers to discuss, it should definitely include, as sub-themes, 1) the situation of foreigners in justice systems, and 2) efficiency of justice;
- to instruct the Secretariat to transmit this common position to the Turkish authorities.

6. Committee on Police Matters (PC-PM)

- to take note of the draft terms of reference for the PC-PM prepared by the Secretariat;
- that, based on its previous experience in police matters and on the proposals provided by delegations on issues to be dealt with by this future committee, and subject to the availability of budgetary means, the setting up of a committee on police matters could have an added value;
- that such a committee, if set up, should be a committee of experts and not a consultative body;
- that an expert committee on police matters should have clearly defined tasks, not duplicating or overlapping with work carried out in the field of police co-operation in other fora;
- to instruct the Secretariat to prepare a revised draft of the terms of reference on the basis of the preliminary discussions held at this meeting and present it to the Bureau at its next meeting.

7. The Lisbon Treaty – the Stockholm Programme and the work of the CDPC

- to take note of document CDPC-BU (2010) 09 entitled “Possible CoE assistance in implementing the Stockholm Programme in the field of criminal law” prepared by the Secretariat;
- to hold a preliminary discussion on possible synergies between the legislative work to be undertaken by the European Union and ongoing and future activities of the CDPC, in particular with a view to identifying priorities for the Committee’s work in this regard;
- to provide written comments on the document to the Secretariat and revisit this topic in more details at its next meeting;
- to instruct the Secretariat to draft a shorter version of the document to be handed over to the European Commission as soon as possible;
- to instruct the Secretariat to submit, by 12 February 2010, the draft shorter paper to the Bureau for agreement in written procedure.

8. Trafficking in organs

- to take note the various documents on this subject, in particular the executive summary of the joint CoE-UN study on trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs (Document GR-J (2010) 01);
- to instruct the Secretariat to prepare a short questionnaire with a brief description of the issue of trafficking in organs and transmit this questionnaire to CDPC delegations in order to establish if trafficking in organs is specifically criminalised at national level, and if the main issues related to trafficking in organs, tissues and cells (OTC) are sufficiently covered by existing international (criminal law) instruments. The deadline for replying to the questionnaire should be 15 March 2010;
- to instruct the Secretariat to submit a summary of the replies of CDPC delegations to the Bureau at its next meeting;

- to instruct the Secretariat to draft, on the basis of the replies received from delegations and taking into account the Ministers' Deputies' indications and the outcome of the discussions within the Bureau, a preliminary draft opinion as requested by the Committee of Ministers of the Council of Europe, with a view to presenting it at the next CDPC Plenary meeting in June 2010 for adoption.

9. Survey of the CDPC

- to take note of the document prepared by the Secretariat presenting the outcome of this survey;
- to instruct the Secretariat to distribute the document to the CDPC delegations.

10. Information provided by the Secretariat

**Medicrime
Cybercrime
Project on "Effective practical tools to facilitate judicial co-operation in criminal matters"
Violence against women/domestic violence**

- to take note of the oral information provided by the Secretariat on the above mentioned subjects.

11. Any other business

a. Making gender equality a reality in the work of CDPC

- to take note of document CM (2009) 68 final and the oral information provided by the Secretariat underlining that it already takes the issue of gender equality into account when setting priorities for the future work of the CDPC.

b. Request for observer status by Penal Reform International (PRI)

- to instruct the Secretariat to provide further information on the PRI for the next meeting of the Bureau.

c. MONEYVAL

- to take note of the paper prepared by the MONEYVAL Secretariat and to revert to it at its next meeting.

d. Date of the next meeting

- to take note that the next Bureau meeting will take place on 30 – 31 March 2010, and that the next CDPC Plenary meeting will take place on 7 – 11 June 2010.