

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

**Bureau Meeting**  
**(CDPC-BU)**

Rome, 29-30 March 2012  
10.00 am

**Ministry of Justice (Ministero della Giustizia)**  
**Via Arenula 70 - Rome**

**Annotated Agenda**

- 1. Opening of the meeting**
- 2. Adoption of the draft agenda**
- 3. Council for Penological Co-operation (PC-CP)**

The Bureau is invited to take note of the draft agenda for the 2<sup>nd</sup> PC-CP-Plenary meeting in March 2012.

**a. Foreign nationals in prison**

The Bureau is invited to take note that the PC-CP scientific experts and the Secretariat had a drafting meeting on 6-7 February 2012 in Nottingham at which the draft recommendation and its commentary were reviewed and revised following the comments made by the delegations at the last CDPC plenary meeting. In particular, the rules on definitions and the scope were revised and those on the duties of the consular representatives and international transfers were deleted. The PC-CP plenary will meet on 28-30 March 2012 to consider the revised texts of the draft recommendation and its commentary and finalise them for approval at the next CDPC plenary meeting in May 2012. The Bureau is invited to examine the revised texts of the draft recommendation and make its general comments on it, if any and if it considers that appropriate at this stage (taking account notably of the fact that the PC-CP is meeting at the same time). If comments will be made by the Bureau, they will be transmitted to the Secretariat of the PC-CP – which is holding its meeting at the same time as the CDPC Bureau – who will therefore inform the PC-CP Plenary about them.

**b. Follow-up to the 30<sup>th</sup> Council of Europe Conference of Ministers of Justice, “Modernising Justice in the Third Millennium: transparent and efficient justice; prisons in today’s Europe” (Istanbul, Turkey, 24 – 26 November 2010)**

It is recalled that its last plenary, the CDPC took note that five out of the seven follow-up activities to the Resolution adopted at the 30<sup>th</sup> Council of Europe Conference of Ministers of Justice (see document

CDPC (2011)<sup>6</sup> rev – Chapter II) have been successfully carried out. As regards follow-up activity n° 6 (international conference on ways of combating prison overcrowding and of improving social reintegration of prisoners), it decided that in view of the budgetary restrictions and current economic crisis in Europe it would seem more appropriate for the year 2012 to hold a small-scale meeting of the Chairs and further representatives of the Council of Europe bodies CDPC, CEPEJ, CCJE, CCPE, PC-CP and the NGO European Organisation on Probation (CEP) which may discuss measures needed to be taken, including, if appropriate, the holding a high-level European conference on the subject matter. The Secretariat is currently looking into possibilities and funding for holding such a meeting and will provide information in this respect at a later stage. The Bureau is invited to take note of the information provided by the Secretariat in relation to this issue and to make any comments and proposals it may find fit.

#### **4. Dangerous offenders**

At its last plenary, the CDPC after having examined a document on the proposed scope of work on dangerous offenders instructed the Secretariat, taking into account the outcome of discussions on the scope of the instrument, to prepare draft terms of reference for a restricted drafting group of experts to be agreed by the CDPC and subsequently submitted by the CDPC to the Committee of Ministers for adoption.

The Bureau is invited to examine and approve the draft terms of reference of a restricted group of experts on dangerous offenders and subsequently to instruct the Secretariat to send it to all CDPC delegations for approval by written procedure and to submit it to the Committee of Ministers for adoption.

The Bureau is further invited to consider criteria for the composition of the Committee (16 representatives of member states and 1 academic expert) and its working methods and in particular its interaction with the CDPC (please see also document CDPC (2012) 3 “Strategic Paper”).

#### **5. Trafficking in organs**

The Bureau is invited to take note of the information by the Secretariat on the state of play of the work of the PC-TO on a preliminary draft Convention against Trafficking in Human Organs. The Bureau is further invited to provide the PC-TO with possible guidance and general comments on the preliminary draft.

#### **6. The 31<sup>st</sup> Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012) : “Responses of Justice to urban violence”**

The Bureau is invited to take note of the information provided by the Secretariat on the state of play of the 31<sup>st</sup> CoE Conference of Ministers of Justice that will take place in Vienna on 19-21 September 2012. The Bureau is notably invited to examine, discuss and approve the draft “Elements for a Resolution regarding the response of justice to juvenile perpetrators and victims of urban violence” as prepared by the Secretariat with a view to finalisation by the CDPC Plenary in June 2012 and subsequent presentation of the draft Resolution at the Ministers of Justice Conference in September 2012.

The Bureau is further invited to consider any other possible additional proposal for elements for possible resolution to be presented to the Ministers of Justice at their conference in Vienna with regard to issues related to the matter to be discussed at the conference “Responses of Justice to urban violence”.

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

The Bureau is invited to take note of the information provided by the Secretariat, notably that during their 61<sup>st</sup> meeting (22-24 November 2011) the PC-OC considered the replies to a questionnaire on jurisdiction and transfer of proceedings and its possible follow-up. They decided to develop practical guidelines, if appropriate contained in a legal instrument, in respect of transfer of proceedings inter alia in application of the European Convention on the Transfer of Proceedings in Criminal Matters, of Article 21 of the European Convention on Mutual Assistance in Criminal matters and Article 6, paragraph 2 of the European Convention on Extradition. The guidelines would inter alia address the following issues:

- bilateral consultation between the requesting and the requested states before, during and after (feedback) the submission of requests for cooperation;
- proportionality of the case with regard to the procedure initiated and the appropriateness to submit the request;
- ways to accelerate and facilitate procedures so as to avoid impunity while lowering costs and efforts involved (eg by suggested time limits to react to a request ;development of a model form to submit requests, including a coversheet and/or a summary; reconsider translation requirements and burden of costs)
- ways to deal with differences in national legislation as regards extraterritorial jurisdiction, admissibility of evidence, and mandatory and discretionary prosecution

They instructed its working group PC-OC Mod to elaborate draft guidelines for consideration at its next plenary meeting. The PC-OC Mod will develop this draft during its meeting on 22-23 March 2012 on the basis of an outline prepared by the Secretariat (Doc PC-OC Mod (2012) 01).

## **8. Future activities and priorities of the CDPC**

See in particular document CDPC (2012) 3 "Strategic paper".

### **a. Preparation of the next plenary**

The Bureau is invited to examine and finalise the draft agenda of the next CDPC Plenary meeting in June 2012.

### **b. Activities related to transnational organised crime**

At its last plenary, the CDPC after having examined a document on possible activities to be undertaken in respect of transnational organised crime, expressed its strong support for the Council of Europe taking up this task and instructed the Secretariat to prepare draft terms of reference for a restricted group of experts to be agreed by the CDPC and subsequently submitted by the CDPC to the Committee of Ministers for adoption.

The Bureau is invited to examine and approve the draft terms of reference of a restricted group of experts on transnational organised crime and subsequently to instruct the Secretariat to send it to all CDPC delegations for approval by written procedure and to submit it to the Committee of Ministers for adoption.

The Bureau is further invited to consider criteria for the composition of the Committee (16 representatives of member states and 1 scientific expert) and its working methods and in particular its interaction with the CDPC.

### **c. Follow-up to the decision adopted by the Plenary on activities related to piracy**

Recalling the decision by the CDPC Plenary in December 2011, the Bureau is invited to discuss possible format and organisation for the exchange of best practices as regards the criminal prosecution of suspected pirates and to provide the Secretariat with instructions in this regard. The Secretariat is expected to report back to the CDPC Plenary in June for further discussions (Doc CDPC (2011) 31 - List of decisions, item j).

### **d. Alternative measures to imprisonment**

The Bureau is invited to instruct the Secretariat on the drafting of a proposal for work by the CDPC on the topic of alternative measures to imprisonment, in line with the decision by the CDPC Plenary in December 2011 (Doc CDPC (2011) 31 - List of decisions, item j).

## **9. Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing**

The Bureau is invited to take note of the information provided by the Secretariat on the state of play regarding the two feasibility studies on match-fixing.

**10. Information provided by the Secretariat**

**a. Medicrime**

The Bureau is invited to take note of the information provided by the Secretariat on the state of play with regard to the signing and ratification of the Medicrime Convention (CETS No 211).

**b. Cybercrime**

The Bureau is invited to take note of the information provided by the Secretariat on the work of the Cybercrime Convention Committee (T-CY), in particular as regards the question of the opinions prepared by the CDPC and the T-CY respectively for the Committee of Ministers on criteria and procedures for the accession of non-member states to Council of Europe conventions in the criminal law field and to the Convention on Cybercrime.

**c. Co-operation with other international and supranational organisations**

The Bureau is invited to take note of the information provided by the Secretariat on recent developments in the co-operation with, in particular, the European Union and the United Nations in the field of criminal law.

**11. Any other business**

**12. Date of the next meeting**