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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

STRATEGIC PAPER

**FOLLOW-UP TO DECISIONS ON ACTIVITIES TAKEN BY THE CDPC
AT ITS 61ST PLENARY MEETING, STRASBOURG, DECEMBER 2011**

Document prepared by the CDPC Secretariat
Directorate General I – Human Rights and Rule of Law

CDPC website: www.coe.int/cdpc
CDPC e-mail: dgi.cdpc@coe.int

Dangerous offenders:

At the occasion of its 61st Plenary Meeting, the CDPC decided to instruct the Secretariat to prepare draft terms of reference for an ad-hoc restricted group of experts to elaborate a non-binding legal instrument on dangerous offenders during 2012 and 2013 to be submitted to the Committee of Ministers for adoption after approval by the CDPC.

During the discussions of the CDPC on the content of the draft terms of reference of the group of experts, it became apparent that:

- Delegations could not find a common shared final position with regard to the definition of “dangerousness”, the majority preferring to limit the terms of reference of the group of experts to offenders who present a danger to the general public because of their **personality and the violent character of their crimes**, whereas some other delegations would also consider offenders with **links to criminal or terrorist organisations** as dangerous and hence falling under the scope of the aforesaid non-binding legal instrument.
- For budgetary reasons, it will only be possible to have a restricted group of experts : in the draft terms of reference, the number of experts has been determined as 16. At its plenary in December, the CDPC did not reach agreement on the exact number of members of the group. It cannot be excluded that a large number of member states would like to be represented.

Suggested line of action:

As regards the definition of dangerousness, the Secretariat, in line with the position expressed by the majority of CDPC delegations, proposes to focus the work of the group of experts on offenders whose crimes and personality make them likely to reoffend. However – as a compromise – the group of experts should also examine the feasibility of including offenders who are dangerous because of their close links to organised crime and terrorism under the scope of the non-binding legal instrument. If such inclusion is not deemed feasible by the experts, the CDPC could debate the need for separate guidelines for this particular group of offenders as a next step.

Concerning the composition of the group of experts, the Secretariat suggests to ask (via e-mail) all CDPC delegations whether or not their member states would be interested in taking an active part in the work of the group of experts. If the number of member states responding positively would exceed 16, it should be left to the CDPC Bureau to propose the composition of the group based on geographical criteria and an adequate representation of legal systems, as well as ensuring a gender balanced representation (to the extent possible).

Transnational organised crime:

The CDPC at the same Plenary Meeting also decided to instruct the Secretariat to prepare draft terms of reference for a restricted group of experts on transnational organised crime to be submitted to the Committee of Ministers for adoption after approval by the CDPC. The restricted group of experts should start working in 2013.

However, due to the importance of the topic for the work of the CDPC, this restricted group of experts is likely to continue its activities beyond 2013.

From the discussions in the CDPC it can be deduced that this restricted group of experts should focus on general policy related issues (i.e. not practical cooperation), and criminological aspects with regard to current relevant and emerging trends in transnational and organised crime.

As in the case of “dangerous offenders”, it should be expected that a large number of member states would like to be represented in the group of experts, which for budgetary reasons would have to remain restricted.

Suggested line of action:

The Secretariat prepared draft terms of reference for the restricted group of experts, bearing in mind the comments made by CDPC delegations. The draft terms of reference will be submitted to the Bureau for finalisation in March, and subsequently to the CDPC for approval submission to the Committee of Ministers.

As regards the participation of member states, the Secretariat recommends to ask (via e-mail) all CDPC delegations whether or not their member states would be interested in taking an active part in the work of the group of experts. If the number of member states responding positively would exceed 16, it should be left to the CDPC Bureau to propose the composition of the group based on geographical criteria and an adequate representation of legal systems, as well as ensuring a gender balanced representation (to the extent possible). As the work of this group of experts is likely to continue beyond 2013, a rotation system ensuring that all interested member states may be represented in the group at some stage should be envisaged.

Criminal prosecution of suspected pirates:

The CDPC also instructed the Secretariat to contact delegations of member states which had expressed an interest in working on the topic of “criminal prosecution of suspected pirates” proposed by the Russian Federation, with a view to determining the possible format of such work.

The Committee of Ministers has made it clear that the Council of Europe should not engage in major activities in this field. However, the CDPC, in full respect of the position of the Committee of Ministers, does not consider itself to be excluded from exchanging best practices on the topic among interested member states.

Suggested line of action:

The Secretariat will contact delegations with a view to determining their interest and a possible format for the work. Due to budgetary constraints and the fact that the interested member states will not constitute a group with any formal terms of references adopted by the Committee of Ministers, it is likely that this – informal – group of member states will have to meet in the margins of the CDPC Plenary Meetings in order to keep down travel and subsistence costs.

Alternative measures to imprisonment:

The CDPC, at the proposal of Belgium (please see document CDPC (2012) 2 “Explicative document”), finally instructed the Bureau to prepare a proposal for work on the topic of “alternative measures to imprisonment”. In so far as the Secretariat has been able to establish, the idea behind the Belgian proposal is to examine the use of alternative measures to imprisonment, and in particular whether such measures have a real effect or are only accepted by the offender in order to avoid imprisonment.

Suggested line of action:

The topic proposed by Belgium has some clear links to the proposed work on treatment of dangerous offenders. It could accordingly make sense to absorb “alternative measures to imprisonment” into the work of the restricted group of experts on dangerous offenders.