



Strasbourg, 13 July 1999

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**CDPC (99) 18**

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

**48th Plenary Session**  
**(23rd meeting as a Steering Committee)**

**Strasbourg, 7 - 11 June 1999**

**List of items discussed and decisions taken**

1. The European Committee on Crime Problems (CDPC) held its 48th plenary session (23rd meeting as a Steering Committee) in Strasbourg from 7 to 11 June 1999 with Mrs M. Bonn (Netherlands) in the chair. The list of participants and the agenda appear at Appendices I and II respectively.

2. The CDPC elected Mr M. Grotz (Germany) as chairperson and Messrs J. Garstka (Poland), D. Fontanaud (France) and F. Bueno Arús (Spain) as members of the Bureau. It also elected Mr H. von Hofer (Sweden) and Mrs C. Pelikan (Austria) as members of the Criminological Scientific Council.

**Items requiring action by the Committee of Ministers**

3. The CDPC approved the draft Recommendation concerning prison overcrowding and prison population inflation, and the draft report on the same subject. The Committee of Ministers is invited to adopt the draft Recommendation and to authorise publication of the report (Addendum I to the present report).

4. The CDPC approved the draft Recommendation concerning mediation in penal matters, and the accompanying explanatory memorandum. The Committee of Ministers is invited to adopt the draft Recommendation and to authorise publication of the explanatory memorandum (Addendum II to the present report).

5. In pursuance of ad hoc terms of reference assigned to it by the Committee of Ministers at the 653<sup>rd</sup> meeting of their Deputies (Decision N° CM/710/171298), the CDPC adopted a report on the friendly settlement of difficulties arising out of the application of European Conventions in the penal field which, at Appendix I, contains a draft Recommendation. The Committee of Ministers is invited to take note of this report and to adopt the draft Recommendation (Addendum III to the present report).

6. The CDPC adopted specific terms of reference for the Committee of Experts on the protection of children against sexual exploitation (PC-SE). The Committee of Ministers is invited to approve the terms of reference for this new committee (Appendix III), for which provision is already made in the Intergovernmental Programme of Activities for 1999.

7. In order to enable the Committees of Experts on the role of early psychosocial intervention in the prevention of criminality (PC-IN), on crime in cyber-space (PC-CY), on the implementation of the European Rules on community sanctions and measures (PC-ER), on partnership in crime prevention (PC-PA), and on the evaluation of anti-money laundering measures (PC-R-EV) to conclude or continue their work, the CDPC agreed to extend their terms of reference as follows:

PC-IN	(expiry 31 December 1999)	until 30 June 2000
PC-CY	(expiry 31 December 1999)	until 31 December 2000
PC-ER	(expiry 31 December 1999)	until 30 June 2000
PC-PA	(expiry 31 December 2000)	until 31 December 2002
PC-R-EV	(expiry 31 December 1999)	until 31 December 2003

The Committee of Ministers is invited to approve these extensions of terms of reference.

8. The CDPC agreed to the appointment of an expert from France (with defrayal of expenses) on the Committee of Experts on partnership in crime prevention (PC-PA) instead of an expert from the Netherlands as well as the appointment of two additional scientific experts, and to amend the Committee's terms of reference accordingly. The Committee of Ministers is invited to approve this amendment to the terms of reference of Committee PC-PA.

## Other items

9. The CDPC was informed by the Director of Legal Affairs of developments in European legal co-operation and the role and working methods of the Council of Europe in this field, including the activities for the development and consolidation of democratic stability (ADACS).

10. Having been informed of the likely budgetary situation in the years to come, the CDPC agreed, subject to the availability of the necessary resources in 2000/2001, to include the following new activities in its future work programme (in order of priority):

- new ways for dealing with juvenile delinquency and the role of juvenile justice (to be examined by a Committee of Experts – terms of reference to be adopted by the Bureau in consultation with the Criminological Scientific Council);
- protection of children against sexual exploitation (to be examined by a Committee of Experts – cf. paragraph 6 above);
- the management of long-term prisoners (to be examined by a Committee of Experts – terms of reference to be prepared by the Bureau in consultation with the Council for Penological Co-operation);
- annual reports on the organised crime situation in member States and surveys on best practice in the fight against organised crime (activity carried out by Committee PC-CO until 31 December 1999; from 2000 to be carried out by a group of consultants – terms of reference to be adopted by the Bureau);
- updating of the European Sourcebook of Crime and Criminal Justice Statistics (cf. paragraph 11 below) from 1997 onwards (to be carried out by a group of specialists – terms of reference to be prepared by the Bureau);
- pre-trial detention and its implications for the management of penal institutions (to be examined by a Committee of Experts – terms of reference to be prepared by the Bureau in consultation with the Council for Penological Co-operation);
- dealing with sex offenders in penal institutions and in the community (to be examined by a Committee of Experts – terms of reference to be prepared by the Bureau in consultation with the Council for Penological Co-operation);

Furthermore, the CDPC entrusted the Council for Penological Co-operation (PC-CP) with examining the question of early (conditional) release (parole). It asked its Bureau to adopt ad hoc terms of reference to this effect. As the activity is to be carried out within the PC-CP's ordinary work programme, there are no budgetary implications.

The CDPC also agreed to continue the evaluation of anti-money laundering measures, by Select Committee PC-R-EV, until 2003 (cf. paragraph 7 above). As the mutual evaluation programme to be implemented by the Select Committee is financed by voluntary contributions (the Committee of Ministers has authorised the opening of a special account), there are no budgetary implications.

11. The CDPC took note of the European Sourcebook of Crime and Criminal Justice Statistics (English version) and agreed to its publication. It requested the Secretariat to make it available to interested circles, and to ensure its speedy translation into French.

12. The CDPC took note of the conclusions of the ad hoc Conference of Directors of Prison Administration (Noordwijkerhout, Netherlands, 4-7 October 1998), the 3<sup>rd</sup> European Conference of Specialised Services against Corruption (Madrid, 28-30 October 1998) and the High Level Meeting of Ministries of the Interior (Strasbourg, 5-6 November 1998). It also took note of the preparations for the 22<sup>nd</sup> Conference of European Ministers of Justice (Chişinău, 17-18 June 1999), the 23<sup>rd</sup> Conference of European Ministers of Justice (London, 8-9 June 2000), the ad hoc Conference of Directors of Prison Administration (Berlin, 3-5 May 2000), the 4<sup>th</sup> European Conference of Specialised Services against Corruption (Cyprus, 20-22 October 1999) and the 12<sup>th</sup> Criminological Colloquium on "police powers and accountability in a democratic society" (Strasbourg, 24-26 November 1999).

13. The CDPC took note of the progress of work of the Multidisciplinary Group on Corruption (GMC) and the "Octopus II" programme on the fight against corruption and organised crime in states in transition.

## APPENDIX I

### LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS (1)

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(1) States are listed in alphabetical order by their English names. The names of participants are also in alphabetical order, the names of the Heads of Delegation being preceded by an asterisk.

**Les Etats sont mentionnés par ordre alphabétique anglais. Les noms des participants sont également indiqués par ordre alphabétique ; les noms des Chefs de délégation étant précédés d'un astérisque.**

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Apologised / Excusé

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**PENAL REFORM INTERNATIONAL (PRI)**

**PERMANENT EUROPEAN CONFERENCE ON PROBATION AND AFTERCARE  
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**Interpreters / Interprètes**

Mme Amanda BEDDOWS  
Mr Robert SZYMANSKI  
Mr Jean-Louis WÜNSCH  
Mr Robert Van MICHEL (7 et 8)  
Mme Monique PALMIER (du 9 au 11)

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## **APPENDIX II**

### **AGENDA**

#### **OPENING OF THE MEETING**

- 1\* Adoption of the agenda
- 2 Declaration by the Director of Legal Affairs on legal co-operation in Europe
- 3 Information provided by the Secretariat

#### **STRUCTURES OF THE CDPC**

- 4\* Election of :
  - a) the chairperson of the CDPC
  - b) two members of the Bureau
  - c) two members of the Criminological Scientific Council

#### **ACTIVITIES OF THE CDPC**

##### **Committees**

- 5 Operation of European Conventions in the penal field (PC-OC):
  - Draft Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters: progress report (for information)
  - Other items for information
- 6\* Council for Penological Co-operation (PC-CP):
  - Prison overcrowding and prison population inflation: final activity report (draft Recommendation and Report)
  - SPACE : enquiry 1998
  - Items for information
  - Future work

**NB: Items marked with an asterisk (\*) are subject to a decision.**

- 7\* Trends in crime and criminal justice: statistics and other quantitative data on crime and the criminal justice system (PC-S-ST):
  - Final activity report (draft European Sourcebook of Crime and Criminal Justice Statistics)
  - Future work
- 8\* Mediation in penal matters (PC-MP): final activity report (draft Recommendation)
- 9 Role of the public prosecution in the criminal justice system (PC-PR)
- 10 Role of early psychosocial intervention in the prevention of criminality (PC-IN)
- 11\* Criminological and criminal law aspects of organised crime (PC-CO)
  - 1997 report on the organised crime situation
  - Annual questionnaire on the organised crime situation
  - 2<sup>nd</sup> best practices survey
- 12 Crime in cyber-space (PC-CY)
- 13\* Implementation of the European Rules on community sanctions and measures (PC-ER): extension of terms of reference
- 14\* Evaluation of anti-money laundering measures (PC-R-EV): extension of terms of reference
- 15 Police ethics and problems of policing (PC-PO)
- 16\* Partnership in crime prevention (PC-PA): revised composition and extension of terms of reference

### **Conferences and Colloquia**

- 17 22nd Conference of European Ministers of Justice (Chişinău, 1999): preparation
- 18 23rd Conference of European Ministers of Justice (London, 2000): preparation
- 19 12th Criminological Colloquium (Strasbourg, 1999): preparation
- 20 Ad hoc Conference of Directors of Prison Administration (Noordwijkerhout, 1998): conclusions
- 21 Ad Hoc Conference of Directors of Prison Administration (Berlin, 2000): preparation
- 22 High Level Meeting of Ministries of the Interior (Strasbourg, 1998): conclusions

### **Future work programme**

**23\*** Protection of children against sexual exploitation

**24\*** New activities of the CDPC (2000 and 2001)

### **Friendly settlement procedures**

**25** The role of the CDPC in friendly settlement procedures: report

### **OTHER SUBJECTS**

**26** Multidisciplinary Group on Corruption (GMC)

**27** European Conferences of Specialised Services against corruption

- 3rd Conference – Madrid, October 1998: conclusions

- 4th Conference – Cyprus October 1999: Preparation.

**28** Co-operation with countries of Central and Eastern Europe (ADACS)

**29** Co-operation with the European Union

**30** "Octopus" Project

**31** Multisectoral project "Human dignity and social exclusion"

**32** Working Group III on the rights of children in residential care

**33** Council of Europe Programme for children

**34** Multisectoral Group on action against trafficking in human beings for the purpose of sexual exploitation (EG-S-TS)

**35** Abolition of the death penalty: exchange of information

**36** Publications

**37** New developments in legislation, policy and administrative practice in member States in the field of crime problems

**38\*** State of signatures and ratifications of European Conventions in the penal field

**39\*** Control of the implementation of Resolutions and Recommendations in the penal field

**40** Pompidou Group

- 41** Activities of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly
- 42** Collaboration with United Nations
- 43** Activities of international organisations (other than United Nations) in the field of crime problems
- 44** Relations between the Council of Europe and OECD
- 45** Co-operation with Financial Action Task Force (FATF)
- 46** International Criminal Tribunal for the former Yugoslavia / Establishment of an International Criminal Court (ICC)
- 47** Other business
- 48\*** Date of the next plenary session.

## **APPENDIX III**

### **SPECIFIC TERMS OF REFERENCE**

#### **DECISION CDPC/111/110699**

1. Name of Committee: **COMMITTEE OF EXPERTS ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION (PC-SE)**
2. Type of Committee: Committee of Experts
3. Source of terms of reference: European Committee on Crime Problems (CDPC)
4. Terms of reference:

In September 1991, the Committee of Ministers of the Council of Europe adopted Recommendation R (91) 11 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults, which was the first international text addressing such issues in a comprehensive way. Presently, however, in several respects, it no longer adequately responds to present-day requirements.

Moreover, different forms of sexual exploitation of children and young people today assume new and alarming dimensions.

A number of initiatives have been taken recently that are being pursued at international level with the aim of fighting against that phenomenon. Nevertheless, the Council of Europe has a specific role to play in this field, in particular in order to achieve better co-ordination of, step up and eventually monitor its member States' efforts to combat the phenomenon more effectively.

Taking into account inter alia:

- the Action Plan adopted at the Council of Europe's Second Summit (Strasbourg, 10-11 October 1997),
- the results of the European follow-up conference (Strasbourg, 28 - 29 April 1998) to the Stockholm World Congress against commercial sexual exploitation of children,
- the analysis of the results of the survey on the implementation of Recommendation R (91) 11,
- the conclusions of the Reflection Group set up by the CDPC,
- the study on the feasibility of updating Recommendation R (91) 11, and
- the results of the work done by the Multisectoral Group against Trading in Human Beings for the purposes of Sexual Exploitation (EG-S-TS),

and bearing in mind, in particular:

- the UN Convention on the Rights of the Child,
- the ongoing work (within the UN) on a draft optional protocol to the UN Convention on the Rights of the Child concerning the sale of children, child prostitution, and child pornography,
- the ongoing work (within the UN) on a draft protocol to the draft UN Convention on Transnational Organised Crime, and
- the ILO Convention concerning the prohibition and immediate elimination of the worst forms of child labour,
- the ongoing work by the European Committee for Social Cohesion (CDCS) on social support systems for children at risk of, or having been victims of, abuse, violence and exploitation,
- the work being done by other Council of Europe bodies, including in particular the Committee of experts on crime in cyberspace (PC-CY),

the Committee of Experts should:

- (a) review the implementation of Recommendation R (91) 11 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults, with a view to preparing guidelines for member States;
- (b) update Recommendation R (91) 11 so as to enable it to respond to present-day problems
- (c) make proposals for the setting-up, if appropriate, of a monitoring mechanism;
- (d) elaborate any other standard-setting instrument conducive to ensuring an effective combat against sexual exploitation of children, taking account, in particular, of the relevant work being undertaken within United Nations.

5. Membership of the Committee:

- a. One expert appointed by the Government of each of the following member States:  
Austria, Belgium, Denmark, France, Germany, Hungary, Iceland, Italy, Latvia, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, United Kingdom
- b. Four scientific experts appointed by the Secretariat
- c. The Council of Europe's budget bears the travel and subsistence expenses of one expert from each of the above-mentioned member States, as well as those of the scientific experts.
- d. Members' desirable qualifications:
  - prosecutors, advocates, judges, civil servants involved in the organisation of the criminal justice system or experienced in dealing with sex-related criminality at domestic or international level,
  - research workers specialising in that field
- e. The European Commission and the Secretariat General of the Council of the European Union may send a representative to meetings of the Committee, without the right to vote or defrayal of expenses.



- f. The following States or Organisations may send a representative to meetings of the Committee, without the right to vote or defrayal of expenses:

Holy See, United States of America, World Society of Victimology

- g. The Bureau of the CDPC may authorise the admission of other observers to the Committee.

6. Working structures and methods:

7. Duration:

These terms of reference will expire on 31 December 2001.