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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Abridged report of the 56th Plenary Session

(31st meeting as a Steering Committee)

(Strasbourg, 18-22 June 2007)

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The following abbreviations are used in referring to Committees

CDPC	EUROPEAN COMMITTEE ON CRIME PROBLEMS
PC-CP	COUNCIL FOR PENOLOGICAL CO-OPERATION
PC-PM	COUNCIL FOR POLICE MATTERS
PC-CSC	CRIMINOLOGICAL SCIENTIFIC COUNCIL
T-CY	CYBERCRIME CONVENTION COMMITTEE
PC-OC	COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS IN THE PENAL FIELD
CPGE	CONFERENCE OF EUROPEAN PROSECUTORS GENERAL
CCPE	CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS
PC-ES	COMMITTEE OF EXPERTS ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND ABUSE
MONEYVAL	COMMITTEE OF EXPERTS ON THE EVALUATION OF ANTI-MONEY LAUNDERING MEASURES

BRIEF FOREWORD

1. The European Committee on Crime Problems (CDPC) met in Strasbourg from 18 to 22 June 2007. The list of participants and the agenda appear in Appendices I and II respectively.

ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR DECISION

2. The CDPC invited the Committee of Ministers:
 - a. to adopt the draft Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, to take note of its Explanatory Report (see the Addendum for the texts of the draft Convention and its Explanatory Report) and to open it for signature during the 28th Conference of the Ministers of Justice (25 and 26 October 2007, Lanzarote, Spain) (see item 3 of the agenda and the Addendum to this report);

The CDPC took note that the delegation of the Russian Federation, even though it raised an objection of principle to include the clause established in Article 43 paragraph 3 of the draft Convention (“disconnection clause”), accepted that this clause, formulated in the same way as in the Council of Europe Convention on Action against Trafficking in Human Beings and accompanied in the Explanatory Report by the corresponding declaration by the European Community and the member States of the European Union, be incorporated in the text of the draft Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;

The CDPC noted that the delegation of the Russian Federation requested that the question of the disconnection clause be examined within the Council of Europe as a general issue ;

The CDPC noted that the representatives of the Presidency of the Council of the European Union and of the European Commission stated that a declaration would be presented to the Committee of Ministers on the disconnection clause provided in Article 43 paragraph 3 of the draft Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which will be equivalent to that appearing in the Explanatory Report of the Council of Europe Convention on Action against Trafficking in Human Beings (paragraphs 375 and 376), which may be reworded depending on the question of the possible accession of the European Communities to this Convention;

- b. to approve the draft specific terms of reference of the Group of Specialists on Counterfeit Pharmaceutical Products (PC-S-CP) (see item 4 of the agenda and Appendix III to this report);
- c. to approve the draft revised specific terms of Reference of MONEYVAL (see item 5 of the agenda and Appendix IV to this report);
- d. to approve the ad hoc terms of reference of the PC-CP relating to probation and aftercare services in the criminal justice systems in Europe (see item 7c of the agenda and Appendix V to this report).

ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR INFORMATION

3. The CDPC invited the Committee of Ministers to note:
 - a. that the CDPC regretted the adverse effect of the current budgetary situation of the Council of Europe on the activities of the CDPC and the staff available for its activities (see item 8 of the agenda);
 - b. that the work of the CDPC carried out in the field of standard setting and international co-operation significantly contributes to the activities of the Council of Europe in the field of the protection of human rights and in particular to the work of the European Court of Human Rights (ECtHR) (see item 8 of the agenda);

- c. the need for the CDPC to have sufficient means to carry out its core activities in particular for the monitoring work concerning money laundering and terrorist financing (MONEYVAL), for the strengthening of the operation of treaties on international co-operation in criminal matters (PC-OC) and for the further development of standards concerning prisons and alternatives to prison (PC-CP) (see items 5, 6 and 7 of the agenda);
 - d. the need to continue to strengthen standards to fight serious crime, in particular counterfeit pharmaceutical products (see 2b above and item 4 of the agenda);
 - e. that, subject to sufficient budgetary resources, the CDPC considered that steps should be taken to preserve the functions formerly carried out by the Criminological Scientific Council (PC-CSC) taking into account, where appropriate, the proposals contained in document CDPC(2007)08 (see item 8d of the agenda);
 - f. that, owing to the staff and budgetary situation, the Council for police matters (PC-PM) has not held meetings this year and will postpone its work until 2009 (see item 8e of the agenda);
 - g. that, in accordance with paragraph 3 of Article 46 of the Convention on cybercrime, the CDPC reviewed the provisions of the Convention, welcomed the fact that the Convention had gained widespread international support and agreed that it was premature to amend its provisions (see item 10 of the agenda);
 - h. that the CDPC instructed the PC-OC to provide it with practical guidance or information concerning best practices for mutual legal assistance in computer related cases in particular in urgent cases and questions relating to operational matters such as Article 32b concerning trans-border access to stored computer data with consent (see item 10 of the agenda);
 - i. that the CDPC approved the proposals of the PC-OC concerning practical and normative measures and underlined the need to focus on practical measures. It also recognised the importance of normative measures to improve the operation of Council of Europe Conventions on international co-operation in criminal matters and in particular the European Convention on extradition (see item 6b of the agenda);
 - j. that the CDPC instructed the PC-OC to continue its examination of the key elements concerning the proposal for a Second Additional Protocol to the European Convention on the Transfer of Sentenced Persons (see item, 6a of the agenda);
 - k. that the CDPC would take a decision at its next meeting concerning the preparation of a possible Convention on combating violence against the partner (see item 8c of the agenda);
 - l. the opinions of the CDPC on Parliamentary Assembly Recommendations 1793 (2007) on the need for a Council of Europe Convention on the suppression of counterfeiting and trafficking in counterfeit goods (see Appendix VI) and 1794 (2007) on the quality of medicines in Europe (see item 13 of the agenda and Appendix VII to this report);
 - m. the reply of the CDPC to the Committee of Ministers concerning the Joint Council of Europe – OSCE workshop on preventing terrorism (Vienna, 19-20 October 2006) (see item 13 of the agenda and Appendix VIII to this report).
4. The CDPC took note of:
- a. the report summarising and analysing replies received from CDPC delegations on the questionnaire on the treatment of juvenile offenders (see item 7a of the agenda);
 - b. the Memorandum of Understanding between the Council of Europe and the European Union (see item 13 of the agenda);

- c. the work in progress on the draft recommendation containing European Rules for juvenile offenders subject to community sanctions or measures deprived of their liberty and its explanatory memorandum (see item 7b of the agenda);
 - d. the proposed structure and contents of a compendium of normative texts relating to penitentiary questions (see item 7d of the agenda);
 - e. the forthcoming 14th Conference of Directors of Prison Administration (CDAP) “Managing Prisons in an increasingly complex environment” (19-21 November 2007, Vienna, Austria) (see item 7 of the agenda);
 - f. the work of the Consultative Council of European Prosecutors (CCPE) (see item 13 of the agenda);
 - g. the work of the Cybercrime Convention Committee (T-CY) and the Octopus Interface Conference “Co-operation against cybercrime” (see item 10 of the agenda);
 - h. the preparation of the 28th Conference of European Ministers of Justice (25 and 26 October 2007, Lanzarote, Spain) on “Emerging issues of access to justice for vulnerable groups, in particular: migrants and asylum seekers; children, including children as perpetrators of crime” (see item 11 of the agenda);
 - i. Parliamentary Assembly Recommendation 1792 (2007) on fair trial issues in criminal cases concerning espionage or divulging state secrets and its Resolution 1547(2007) on the state of human rights and democracy in Europe (see item 13 of the agenda).
5. The CDPC elected Mr Branislav BOHAČIK (Slovak Republic) as Chair for a period of two years, Mr Eric RUELLE (France) as Vice-Chair for one year and Mr Florian Razvan RADU (Romania), Ms Maria GAVOUNELI (Greece) and Mr Hans-Holger HERRNFELD (Germany) as members of the Bureau for four years (see item 12 of the agenda).
 6. The CDPC appointed Mr Claude DEBRULLE (Belgium) to chair the Group of Specialists on counterfeit pharmaceutical products (PC-S-CP), Mr Tihomir KRALJ (Croatia) as its representative to CODEXTER (see items 4 and 12 of the agenda).
 7. The CDPC requested its Bureau to:
 - a. continue to examine issues related to violence against the partner in close co-operation with other Council of Europe bodies dealing with this subject and make proposals to the CDPC concerning the preparation of a possible Convention in this field (see item 8c of the agenda);
 - b. follow closely the progress made by the PC-S-CP (see 2b above and item 4 of the agenda);
 - c. to appoint its representatives to the Steering Committee on Human Rights (CDDH) and the Group of Specialists on remedies for crime victims (CJ-S-VICT);
 - d. to finalise the document concerning the working methods of the CDPC and its Bureau (see item 9 of the agenda).
 8. The CDPC decided to hold its next meeting during either the first or the second week in June 2008. The Bureau decided to hold its next meeting on 10 and 11 September 2007 (see item 14 of the agenda).
 9. The CDPC invited the Committee of Ministers to take note of this report as a whole.

APPENDIX I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS (*)

MEMBER STATES / ETATS MEMBRES

ALBANIA / ALBANIE

Apologised / Excusé

ANDORRA / ANDORRE

- * M. André PIGOT, Magistrat honoraire, Ancien membre du Conseil Supérieur de la Justice
Apologised / Excusé

ARMENIA / ARMÉNIE

- * Mr Hovhannes POGHOSYAN, Head of the International Co-operation Division, Police Headquarters,
YEREVAN

AUSTRIA / AUTRICHE

Ms Barbara GOETH-FLEMMICH, Director, Head of Division for International Criminal Law, Ministry of Justice,
VIENNA

- * Mr Roland MIKLAU, Head of Mission, European Assistance Mission to the Albanian Justice System
(EURALIUS), TIRANA

AZERBAIJAN / AZERBAÏDJAN

Apologised / Excusé

BELGIUM / BELGIQUE

M. Simon CLAISSE, Attaché auprès du Service Public Fédéral de la Justice, DG Législation, Liberté et Droits
fondamentaux, BRUXELLES

- * M. Claude DEBRULLE, Ancien Directeur Général, Direction Générale de la Législation, des Libertés et Droits
fondamentaux, Ministère de la Justice, BRUXELLES **Chairman of the CDPC / Président du CDPC**

M. Freddy GAZAN, Conseiller général adjoint à la politique criminelle, Service Public Fédéral de la Justice,
Ministère de la Justice, BRUXELLES

* 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.

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Damir VEJO, Chef du Service pour le crime organisé et la corruption, Ministère de la Sécurité, SARAJEVO

BULGARIA / BULGARIE

Ms Lyubomira DIMITROVA, State Expert International Legal Co-operation and European Integration Directorate, Ministry of Justice, SOFIA

CROATIA / CROATIE

- * Mr Tihomir KRALJ, Assistant Director of the Criminal Police Directorate, Ministry of Interior, ZAGREB

CYPRUS / CHYPRE

- * Ms Troodia DIONYSIOU, Administrative Officer, Ministry of Justice and Public Order, NICOSIA

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Ms Nicole PETRIKOVITSOVA, Head of the International Treaties and Mutual Legal Assistance in Criminal Matters Unit, International Department, Ministry of Justice, PRAGUE

DENMARK / DANEMARK

Ms Annette ESDORF, Deputy Director-general, Department of Prisons and Probation, Ministry of Justice, COPENHAGEN

Mr Per FIIG, Legal Adviser, Ministry of Justice, COPENHAGEN

Ms Alessandra GIRALDI, Deputy Chief Prosecutor, Director of Public Prosecutions, COPENHAGEN

- * Mr Jesper HJORTENBERG, Deputy Director of Public Prosecution, Office of the Director of Public Prosecution, COPENHAGEN

ESTONIA / ESTONIE

Ms Ülle RAIG, Adviser of Criminal Policy Department, Ministry of Justice, TALLINN

FINLAND / FINLANDE

Mr Olavi KAUKONEN, Ministerial Adviser, Department of Criminal Policy, Ministry of Justice, HELSINKI

- * Mr Jari LOHI, Deputy Head of Department, Department of Criminal Policy, Ministry of Justice, HELSINKI
Apologised / Excusé

FRANCE

M. Manuel Luis RUBIO-GULLON, Adjoint au Chef de Bureau de la Législation Pénale Générale, Direction des Affaires Criminelles et des Grâces, Ministère de la Justice, PARIS

- * M. Eric RUELLE, Chargé de Mission pour les Négociations Pénales Internationales, Direction des Affaires Criminelles et des Grâces, Ministère de la Justice, PARIS

GEORGIA / GÉORGIE

- * Mr Irakli KOTETISHVILI, Head of the Central Administration, The Prosecution Service of Georgia, TBILISI

GERMANY / ALLEMAGNE

- * Mr Hans-Holger HERRNFELD, Regierungsdirektor, Head of International Criminal Law and European and Multilateral Criminal Law Cooperation Division, Bundesministerium der Justiz, BERLIN

GREECE / GRÈCE

Ms Maria GAVOUNELI, Lecturer in International Law, Faculty of Law, University of Athens, ATHENS

Mr Angelos YPSILANTIS, First Counselor, Diplomatic Advisor to the Ministry of Justice, Minister's Office, Ministry of Justice, ATHENS

HUNGARY / HONGRIE

Mme Klara NÉMETH-BOKOR, Directrice Générale Adjointe du Département au Ministère de la Justice et de la Police, BUDAPEST

ICELAND / ISLANDE

Mr Thorsteinn A. JÓNSSON, Secretary General, The Supreme Court of Iceland, REYKJAVIK

IRELAND / IRLANDE

Mr Paul MEMERY, Deputy to the Permanent Representative, Permanent Representation of Ireland to the Council of Europe, STRASBOURG

Mr Ben RYAN, Assistant Principal Officer, International Policy Division, Department of Justice, Equality & Law Reform, DUBLIN

- * Mr Richard RYAN, Assistant Secretary, International Policy Division, Department of Justice, Equality and Law Reform, DUBLIN Apologised / Excusé

Ms Breda WALSHE, Assistant Principal Officer, Criminal Law Reform Division, Department of Justice, Equality and Law Reform, DUBLIN

ITALY / ITALIE

- * Mme Carmela CAVALLO, Chef du Département, Justice des mineurs, Ministère de la Justice, ROME Apologised / Excusée

Mme Loredana CECCACCI, Experte auprès de l'Observatoire pour la lutte contre la pédophilie et la pornographie infantine, Ministère des Politiques pour la Famille, ROME

Mme Silvia CORINALDESI, Conseiller juridique, Présidence du Conseil des Ministres, Département Politique pour la famille, ROME

Mme Cinzia GRASSI, Médecin Chef de la Police d'Etat, Coordinatrice du Comité Technique Scientifique de l'Observatoire sur la Pédophilie, Ministère des Politiques pour la Famille, ROME Apologised / Excusée

Mme Elvira PARASILENO, Chef du Bureau pour la protection des droits des mineurs, Recherches et Projets, Ministère de la Justice, ROME

LATVIA / LETTONIE

Ms Inga MELNACE, Deputy Director, Criminal Law Department, Ministry of Justice, RIGA

LIECHTENSTEIN

- * Mr Lothar HAGEN, Judge, Fürstliches Landgericht, VADUZ

Mr Carlo RANZONI, Judge, Fürstliches Landgericht, VADUZ

LITHUANIA / LITUANIE

Apologised / Excusé

LUXEMBOURG

- * M. Jean-Pierre KLOPP, Procureur Général d'Etat, LUXEMBOURG

MALTA / MALTE

Apologised / Excusé

MOLDOVA

Mme Diana BALAN, Chef adjoint, Direction des Traités et de l'Intégration Européenne, Ministère de la Justice, CHISINAU

MONACO

- * M. Philippe NARMINO, Directeur des Services Judiciaires , Palais de Justice, MONACO

Mme Antonella SAMPO, Administrateur à la Direction des Services Judiciaires, Palais de Justice, MONACO

MONTENEGRO

Apologised / Excusé

NETHERLANDS / PAYS-BAS

- * Ms Marjorie BONN, Senior Legal Adviser, Legislation Department, Ministry of Justice, THE HAGUE

NORWAY / NORVÈGE

- * Mr Karl Otto THORHEIM, Ministry of Justice and the Police, OSLO

Ms Aina Mee ERTZEID, Higher Executive Officer, Legislation Department, Ministry of Justice and the Police, OSLO

POLAND / POLOGNE

Mr. Cezary DZIURKOWSKI, Judge, Counsellor to the Minister of Justice, Ministry of Justice, Department of Judicial Assistance and European Law, WARSAW

PORTUGAL

Ms Inês MARINHO, Legal Advisor, International Affairs Department, Ministry of Justice, LISBON

ROMANIA / ROUMANIE

M. Florian Razvan RADU, Direction des Relations Internationales et des Droits de l'Homme, Ministère de la Justice, BUCAREST

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Mr Vladimir ANDREEV, Deputy Director, Department for new challenges and threats, Ministry of Foreign Affairs, MOSCOW

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Mr Dmitriy LOBACH, Deputy Director, Legal Department, Ministry of Foreign Affairs, MOSCOW

Ms Valentina POLYAKOVA, Director, Department of public service and human resources, Ministry of Justice, MOSCOW

Mr Vladimir P. ZIMIN, First Deputy Chief, General Department for International Legal Co-operation, Office of the Prosecutor General, MOSCOW

- * Mr Alexander ZMEYEVSKIY, Director, Department on the Issues of New Challenges and Threats, Ministry of Foreign Affairs, MOSCOW Apologised / Excusé

SAN MARINO / SAINT-MARIN

Apologised / Excusé

SERBIA / SERBIE

- * Ms Jasmina SAHINOVIC, Chief Inspector, Criminal Police Department, Unit for International Police Co-operation, Ministry of the Interior, BELGRADE

SLOVAK REPUBLIC / SLOVAQUIE

- * Mr Branislav BOHÁČIK, Director, Division for Judicial Co-operation in Criminal Matters, Ministry of Justice, BRATISLAVA

SLOVENIA / SLOVÉNIE

- * Ms Andreja LANG, Head of the Department for Criminal Legislation, Directorate for the Preparation of Legislation, Ministry of Justice, LJUBLJANA

SPAIN / ESPAGNE

Mr Alfredo PASCUAL, Sous-Directeur de la Sous-Direction Générale des Affaires de Justice pour l'Union Européenne et les Organismes Internationaux, Direction Générale de la Politique Législative et de la Coopération Internationale, Ministère de la Justice, MADRID

SWEDEN / SUÈDE

Mr Olof NYMAN, Legal Adviser, Division for Criminal Law, Ministry of Justice, STOCKHOLM

Ms Hedvig TROST, Deputy Director, Division for Criminal Law, Ministry of Justice, STOCKHOLM

SWITZERLAND / SUISSE

- * Mme Anita MARFURT, Division principale du Droit pénal, Office Fédéral de la Justice, Département Fédéral de Justice et Police, BERNE

M. Bernardo STADELMANN, Vice-directeur, Division principal du Droit pénal et recours, Office Fédéral de la Justice, Département Fédéral de Justice et Police, BERNE Apologised / Excusé

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / “L’EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE”

- * M. Nikola MATOVSKI, Professeur, Faculté de Droit de l’Université « Sts Cyrille et Méthode », SKOPJE

TURKEY / TURQUIE

Mr Ergin ERGÜL, Magistrat, Directeur Général Adjoint, Direction Générale de Droit International et des Relations Extérieures, ANKARA

UKRAINE

- * Mr Dmytro ZELENETSKIY, Adviser of the Ministry of Justice, Assistant of the Minister of Justice, KYIV

UNITED KINGDOM / ROYAUME-UNI

- * Mr Richard BRADLEY, Head of the Judicial Co-operation Unit, Home Office, LONDON

Mr Alastair NOBLE, Sexual Crime Reduction Team, Home Office, LONDON

* * * * *

CDPC BUREAU / BUREAU DU CDPC
(CDPC-BU)

AUSTRIA / AUTRICHE

- * Mr Roland MIKLAU, Head of Mission, European Assistance Mission to the Albanian Justice System (EURALIUS), TIRANA

BELGIUM / BELGIQUE

- * M. Claude DEBRULLE, Ancien Directeur Général, Direction Générale de la Législation, des Libertés et Droits fondamentaux, Ministère de la Justice, BRUXELLES Chairman of the CDPC / Président du CDPC

DENMARK / DANEMARK

- * Mr Jesper HJORTENBERG, Deputy Director of Public Prosecution, Office of the Director of Public Prosecution, COPENHAGEN

FRANCE / FRANCE

- * M. Eric RUELLE, Chargé de Mission pour les Négociations Pénales Internationales, Direction des Affaires Criminelles et des Grâces, Ministère de la Justice, PARIS

SLOVAKIA / SLOVAQUIE

- * Mr Branislav BOHÁČIK, Director, Division for Judicial Co-operation in Criminal Matters, Ministry of Justice, BRATISLAVA

SLOVENIA / SLOVÉNIE

- * Ms Andreja LANG, Head of the Department for Criminal Legislation, Directorate for the Preparation of Legislation, Ministry of Justice, LJUBLJANA

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

- * Mr Alexander ZMEYEVSKIY, Director, Department on the Issues of New Challenges and Threats, Ministry of Foreign Affairs, MOSCOW Apologised / Excusé

UNITED KINGDOM / ROYAUME-UNI

- * Mr Richard BRADLEY, Head of the Judicial Co-operation Unit, Home Office, LONDON

* * * * *

**COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS
ON CO-OPERATION IN CRIMINAL MATTERS / COMITE D'EXPERTS
SUR LE FONCTIONNEMENT DES CONVENTIONS EUROPEENNES DANS LE DOMAINE PENAL
(PC-OC)**

Ms Barbara GOETH-FLEMMICH, Director, Head of Division for International Criminal Law, Ministry of Justice, VIENNA **Chair of the PC-OC / Presidente du PC-OC**

**COUNCIL FOR PENOLOGICAL CO-OPERATION /
CONSEIL DE COOPERATION PENOLOGIQUE
(PC-CP)**

Ms Sonja SNACKEN, Professor, Department of Criminology, Faculty of Law, Vrije Universiteit Brussel, BRUSSELS **Chair of the PC-CP / Présidente du PC-CP**

**COMMITTEE FOR THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND ABUSE /
COMITE POUR LA PROTECTION DES ENFANTS CONTRE L'EXPLOITATION
ET LES ABUS SEXUELS
(PC-ES)**

M. Eric RUELLE, Chargé de Mission pour les Négociations Pénales Internationales, Direction des Affaires Criminelles et des Grâces, Ministère de la Justice, PARIS **Chairman of the PC-ES / Président du PC-ES**

CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS /
CONSEIL CONSULTATIF DE PROCUREURS EUROPEENS
(CCPE)

M. João Manuel DA SILVA MIGUEL, Agent du Gouvernement, Magistrat, procuradorial-Geral da República, LISBONNE

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE /
COMMISSION EUROPEENNE POUR L'EFFICACITE DE LA JUSTICE
(CEPEJ)

Apologised / Excusé

STEERING COMMITTEE FOR HUMAN RIGHTS /
COMITE DIRECTEUR POUR LES DROITS DE L'HOMME
(CDDH)

M. João Manuel DA SILVA MIGUEL, Agent du Gouvernement, Magistrat, procuradorial-Geral da República, LISBONNE

* * * * *

PARLIAMENTARY ASSEMBLY - COMMITTEE ON LEGAL AFFAIRS AND HUMAN RIGHTS /
ASSEMBLÉE PARLEMENTAIRE - COMMISSION DES QUESTIONS JURIDIQUES ET DES DROITS DE
L'HOMME

M. Andrew DRZEMCZEWSKI, Chef du Secrétariat, Comité des questions juridiques et des droits de l'homme, Assemblée parlementaire, Conseil de l'Europe

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE /
CONGRÈS DES POUVOIRS LOCAUX ET RÉGIONAUX DU CONSEIL DE L'EUROPE

Apologised / Excusé

COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS / COMMISSAIRE AUX DROITS DE
L'HOMME DU CONSEIL DE L'EUROPE

Apologised / Excusé

CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFERENCE DES OING DU CONSEIL DE
L'EUROPE

Apologised / Excusé

* * * * *

EUROPEAN COMMUNITY / COMMUNAUTÉ EUROPÉENNE

EUROPEAN COMMISSION / COMMISSION EUROPEENNE

Ms Adrienne BOERWINKEL, National Seconded Expert , DG JLS – Justice, Freedom and Security, Unit D3, Criminal Justice, BRUSSELS

Mr Christian TOURNIE, National Seconded Expert, DG JLS – Justice, Freedom and Security, Organised Crime Unit, BRUSSELS

COUNCIL OF THE EUROPEAN UNION / CONSEIL DE L'UNION EUROPÉENNE

Mr Serge de BIOLLEY, General Secretariat of the European Union, Seconded National Expert, DG H 2B – Unit “Judicial Cooperation in criminal matters”, BRUSSELS

* * * * *

**OBSERVERS WITH THE COUNCIL OF EUROPE /
OBSERVATEURS AUPRES DU CONSEIL DE L'EUROPE**

HOLY SEE / SAINT-SIÈGE

Mme Odile GANGHOFER, Docteur en Droit, Mission Permanente du Saint-Siège auprès du Conseil de l'Europe, STRASBOURG

UNITED STATES OF AMERICA / ÉTATS-UNIS D'AMÉRIQUE

Ms Barbara HEATH, Diversion Investigator, DEA Frankfurt, Country Office, Department of Justice, FRANKFURT

CANADA

Apologised / Excusé

JAPAN / JAPON

Mr Yasushi FUKU, Consul (Attorney), Consulate General of Japan, STRASBOURG

MEXICO / MEXIQUE

Apologised / Excusé

* * * * *

**INTERNATIONAL INTERGOVERNMENTAL ORGANISATIONS /
ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES**

**UNITED NATIONS ASIA AND FAR EAST INSTITUTE FOR THE PREVENTION OF CRIME AND THE
TREATMENT OF OFFENDERS / INSTITUT POUR LA PREVENTION DU CRIME ET LE TRAITEMENT DES
DELINQUANTS EN ASIE ET EN EXTREME-ORIENT DES NATIONS UNIES (UNAFEI)**

Apologised / Excusé

UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE / INSTITUT INTERREGIONAL DE RECHERCHE DES NATIONS UNIES SUR LA CRIMINALITE ET LA JUSTICE (UNICRI)

Apologised / Excusé

UNITED NATIONS LATIN AMERICAN INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS / INSTITUT LATINO-AMERICAIN POUR LA PREVENTION DU CRIME ET LE TRAITEMENT DES DELINQUANTS (ILANUD)

Apologised / Excusé

UNITED NATIONS OFFICE ON DRUGS AND CRIME / OFFICE CONTRE LA DROGUE ET LE CRIME DES NATIONS UNIES (UNODC)

Apologised / Excusé

I.C.P.O. INTERPOL

Apologised / Excusé

INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS / ORGANISATIONS INTERNATIONALES NON-GOUVERNEMENTALES

EUROPEAN INSTITUTE FOR CRIME PREVENTION AND CONTROL / INSTITUT EUROPEEN POUR LA PREVENTION DU CRIME ET LA LUTTE CONTRE LA DELINQUANCE (HEUNI)

Apologised / Excusé

INTERNATIONAL ASSOCIATION OF PENAL LAW (IAPL) / ASSOCIATION INTERNATIONALE DE DROIT PÉNAL (AIDP)

Mlle Aglaia TSITSOURA, Chargée de Cours à l'Université "Panteios", Faculté de Droit, ATHÈNES

INTERNATIONAL CENTRE OF SOCIOLOGICAL PENAL AND PENITENTIARY RESEARCH AND STUDIES (INTERCENTER) / CENTRE INTERNATIONAL DE RECHERCHES ET D'ÉTUDES SOCIOLOGIQUES, PÉNALES ET PÉNITENTIAIRES (INTERCENTER)

Mlle Cristina STURNIOLO, Spécialiste en Droit pénal international, CATANIA

INTERNATIONAL PENAL AND PENITENTIARY FOUNDATION (IPPF) / FONDATION INTERNATIONALE PÉNALE ET PÉNITENTIAIRE (FIPP)

Apologised / Excusé

INTERNATIONAL SOCIETY FOR CRIMINOLOGY (ISC) / SOCIÉTÉ INTERNATIONALE DE CRIMINOLOGIE (SIC)

M. George PICCA, Secrétaire Général, SIC, Ministère de la Justice, PARIS

INTERNATIONAL SOCIETY OF SOCIAL DEFENCE (ISSD) / SOCIÉTÉ INTERNATIONALE DE DÉFENSE SOCIALE (SIDS)

Apologised / Excusé

**PERMANENT EUROPEAN CONFERENCE ON PROBATION AND AFTERCARE / CONFÉRENCE
PERMANENTE EUROPÉENNE DE LA PROBATION (CEP)**

Mr Leo TIGGES , Secretary General, UTRECHT

PENAL REFORM INTERNATIONAL / REFORME PENALE INTERNATIONALE (PRI)

Apologised / Excusé

SOCIETY FOR THE REFORM OF CRIMINAL LAW / SOCIETE POUR LA REFORME DU DROIT PENAL (SRCL)

Apologised / Excusé

WORLD SOCIETY OF VICTIMOLOGY / SOCIÉTÉ MONDIALE DE VICTIMOLOGIE

Apologised / Excusé

INTERNATIONAL BAR ASSOCIATION / ASSOCIATION INTERNATIONALE DU BARREAU

Mr Monty RAPHAEL, Chairman Anti-Corruption Working Group, LONDON

**COUNCIL OF BARS AND LAW SOCIETIES OF THE EUROPEAN COMMUNITY / CONSEIL DES BARREAUX
ET DES SOCIETES DE DROIT DE LA COMMUNAUTE EUROPEENNE**

Apologised / Excusé

**EUROPEAN FORUM FOR VICTIM-OFFENDER MEDIATION AND RESTORATIVE JUSTICE / FORUM
EUROPEEN POUR LA MEDIATION VICTIME-DELINQUANT ET LA JUSTICE REPARATRICE**

Mr Michael KILCHLING, c/o Max Planck Institute for Foreign and International Criminal Law, FREIBURG

**EUROPEAN MAGISTRATES FOR DEMOCRACY AND LIBERTIES / MAGISTRATS EUROPEENS POUR LA
DEMOCRATIE. ET LES LIBERTES (MEDEL)**

Mr Jorge COSTA, Public Prosecutor, Constitutional Court of Portugal

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EXPERT on domestic violence / EXPERT sur la violence domestique

Ms Renée RÖMKENS, Senior Researcher IVA Policy Research and Consultancy, Research Fellow INTERVICT
Tilburg University, TILBURG

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SECRETARIAT OF THE COUNCIL OF EUROPE /
SECRETARIAT DU CONSEIL DE L'EUROPE

Secretariat General of the Council of Europe / Secrétariat Général du Conseil de l'Europe

Mr Terry DAVIS	Secretary General / Secrétaire Général
Mr Gianluca ESPOSITO	Adviser, Private Office of the Secretary General and of the Deputy Secretary General / Conseiller, Cabinet du Secrétaire Général et de la Secrétaire Générale Adjointe

Directorate General of Human Rights and Legal Affairs /
Direction Générale des droits de l'Homme et des affaires juridiques

M. Philippe BOILLAT	Director General / Directeur général
Mr Jan KLEIJSEN	Director of Standard-Setting / Directeur des Activités Normatives
Ms Margaret KILLERBY	Head of the Law Reform Department Chef du Service des Réformes Législatives
M. Carlo CHIAROMONTE	Head of the Criminal Law Division a.i. / <u>Secretary to the CDPC</u> Chef de la Division du droit pénal a.i. / <u>Secrétaire du CDPC</u>
Mme Marta REQUENA	Head of the Gender Equality and Anti-Trafficking Division/ Chef de la Division pour l'Egalité entre les femmes et les hommes et lutte contre la traite
Mr John RINGGUTH	Executive Secretary of MONEYVAL / Secrétaire exécutif du MONEYVAL
Ms Iliana TANEVA	Head of the Offenders and Victims of crime Unit / Chef de l'Unité Délinquants et Victimes du crime
Mme Danuta WIŚNIEWSKA-CAZALS	Administrative Officer / <u>Secretary to the CCPE</u> Administratrice / <u>Secrétaire du CCPE</u>
Mr David DOLIDZE	Administrative Officer / <u>Deputy Secretary to the CDPC</u> Administrateur / <u>Secrétaire adjoint du CDPC</u>
Ms Sophie KWASNY	Administrative Assistant / Assistante administrative
Ms Camilla TESSENYI	Administrative Assistant / Assistante administrative
Mme Marose BALA-LEUNG	Assistant / Assistante
Ms Claire ROBINS	Assistant / Assistante
Mme Christiane WELTZER	Assistant / Assistante
Mme Dominique WULFRAN	Assistant / Assistante

**European Directorate for the Quality of Medicines and Healthcare (EDQM) /
Direction Européenne de la Qualité du médicament et Soins de Santé (DEQM)**

Ms Agnès ARTIGES Director / Directrice
Mr. Jean-Marc SPIESER Head of Department Biological Standardisation, OMCL Network &
HealthCare Department (DBO) / Chef du département Standardisation
Biologique, Réseau des OMCLs & Soins de Santé (DBO)

Directorate General III – Social Cohesion / Direction Générale III – Cohésion Sociale

Ms Sabine WALSER Administrative Officer / Administrateur

Directorate General IV – Youth and Sport / Direction Générale IV – Jeunesse et Sport

Mr Stanislas FROSSARD Administrative Officer / Administrateur

Interpreters / Interprètes

Ms Sylvie BOUX
Ms Chloé CHENETIER
Ms Barbara GRUT, Team leader / Chef d'équipe
Ms Maryline NEUSCHWANDER
Ms Monique PALMIER
Mr Gillian WAKENHUT
Ms Josette YOESLE

APPENDIX II

AGENDA

1. **9.00 a.m. – Opening of the meeting by Mr Terry Davis, Secretary General of the Council of Europe**
2. **Adoption of the agenda**
Working documents
 Draft agenda CDPC (2007) OJ
 Annotated agenda CDPC (2007) 05 rev
3. **Approval of the draft Convention on the protection of children against sexual exploitation and sexual abuse and its explanatory report**
Working documents
 Draft Convention on the protection of children against sexual exploitation and sexual abuse PC-ES (2007) 06 fin
 Draft explanatory report on the protection of children against sexual exploitation and sexual abuse PC-ES (2007) 22 fin
 Proposals by delegations for amendments CDPC (2007) 07
 Comments by the Council of the EU Presidency CDPC (2007) 17
 PACE Opinion No. 263 (2007) on the draft Convention on the protection of children against sexual exploitation and sexual abuse PACE Opinion 263
4. **Approval of draft specific terms of reference for a Specialist Group to prepare a Convention on pharmaceutical crime (including the possible appointment of the Chair)**
Working documents
 Draft specific terms of reference for a Specialist Group to prepare a Convention on pharmaceutical crime CDPC (2007) 04
 List of candidates for Committee PC-S-PC CDPC (2007) 16
 Feasibility report on pharmaceutical crime CDPC-BU (2007) 01
 Prioritised elements for a Council of Europe convention on the protection of public health against pharmaceutical and healthcare product crime CDPC-BU (2007) 12
5. **Approval of the revised draft terms of reference of MONEYVAL**
Working documents
 Extension of the terms of reference of MONEYVAL
 19th plenary meeting report (4-7 July 2006) CDPC (2007) 15
 MONEYVAL (2006) 17
 rev
 20th plenary meeting report (12-15 September 2006) MONEYVAL (2006) 26
 rev2
 21st plenary meeting report (28-30 November 2006) MONEYVAL (2006) 27
 rev
 Report of the 1st FATF-MONEYVAL joint plenary meeting – 22nd plenary meeting of MONEYVAL MONEYVAL (2007) 07
 Activity report MONEYVAL (2007) 11

- 6. International co-operation in the criminal field**
- 6a. Follow-up to the high Level conference of Ministries of Justice and of the Interior on « improving European co-operation in the criminal justice field » (Moscow, 9-10 November 2006)**
Working documents
 Conclusions of the High level Conference of the Ministries of Justice and of the Interior (Moscow, 9-10 November 2006) Conclusions
 Proposal of the Hellenic Republic for a Second Additional Protocol to the European Convention on the transfer of sentenced persons PC-OC (2007) 01
 PC-OC (2007) 02
 PC-OC (2007) 03
 PC-OC-Mod summary meeting report (3-4 May 2007) PC-OC-Mod (2007) 06
 rev
 Replies to the questionnaire on the PC-OC proposal concerning the drafting of a Second Additional Protocol to the European Convention on the transfer of sentenced persons PC-OC (2007) 07 – restricted (available by e-mail)
- 6b. Initiatives to improve the efficiency of international co-operation in criminal matters:**
- **practical measures**
Working document
 Draft proposals of the PC-OC concerning practical measures to improve operation of relevant committees PC-OC (2007) 05
 - **normative measures**
Working document
 Draft proposals of the PC-OC concerning normative measures to improve operation of relevant committees PC-OC (2007) 06
- 7. Prisons**
Working documents
 PC-CP 52nd Summary meeting report PC-CP (2006) 12
 PC-CP 53rd Summary meeting report PC-CP (2006) 15
 PC-CP 54th Summary meeting report PC-CP (2007) 01
 PC-CP 55th Summary meeting report PC-CP (2007) 07
- 7a. Replies to the questionnaire on the treatment of juvenile offenders**
Working document
 Summary of the replies to the questionnaire on the treatment of juvenile offenders PC-CP (2007) 06 rev
- 7b. Comments on the draft European Rules on juveniles subject to community sanctions or measures or deprived of their liberty and its explanatory memorandum**
Working documents
 Draft European Rules on juveniles subject to community sanctions or measures PC-CP (2006) 13 rev4
 Draft explanatory report on the draft European Rules on juveniles subject to community sanctions or measures PC-CP (2007) 05 rev
- 7c. Approval of the ad hoc terms of reference of the PC-CP relating to probation and aftercare services in the European criminal justice systems**
Working document
 Draft ad hoc terms of reference relating to probation and aftercare services PC-CP (2006) 07 rev3

- 7d. Proposals regarding a compendium of texts on prison issues**
Working document
 Proposals regarding a compendium of texts on prison issues PC-CP (2007) 02 rev
- 7e. Comments on the implementation of the European Prison Rules**
Working document
 Comments on the implementation of the European Prison Rules CDPC (2007) 14 rev
- 8 Future activities and priorities of the CDPC**
Working document
 Future activities of the CDPC CDPC-BU (2007) 05 rev
 Priorities of the CDPC CDPC (2007) 12
- 8a. New activities**
Working document
 Recommendation N°R (99) 19 concerning mediation in penal matters Rec R (99) 19
- 8b. Implementation of the Warsaw Action Plan**
Working document
 Report to the Committee of Ministers on actions to implement the Warsaw Action Plan CDPC-BU (2007) 03 rev
- 8c. Follow-up to the 2006 Conference of European Ministers of Justice including:**
 - **examination of a feasibility study concerning the drafting of a binding instrument to combat domestic violence**
Working document
 Feasibility study concerning the drafting of a binding instrument to combat domestic violence CDPC (2007) 09 rev
- 8d. Criminological research**
Working document
 Criminological expertise and advice for the CDPC CDPC (2007) 08
 Enlarged Bureau summary meeting report (29-30 June 2006) CDPC-BU (2006) 16, item 5
 Scientific expertise for the future CDPC-BU (2007) 07
- 8e. The Council for police matters (PC-PM)**
Working document
 PC-PM 4th Summary meeting report PC-PM (2006) 02
 Ad hoc terms of reference for the Council for Police Matters (PC-PM) relating to the regulation of private security services Terms of reference
- 9. Working methods**
- 9a. Texts prepared by small specialist committees**
Working documents
 Working methods of the CDPC in dealing with normative texts prepared by specialist committees with a limited membership PC-CP (2007) 03 rev
 Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods Resolution Res(2005)47
- 9b. Revision of the working methods of the CDPC and its Bureau**
Working document
 Revision of the working methods of the CDPC and its Bureau CDPC (2007) 02 rev3

- 10. Review of the Convention on cybercrime**
Working documents
 The Convention on cybercrime CDPC (2007) 13
 Cybercrime and the European Union T-CY (2007) 02
 T-CY Summary meeting report (13-14 June 2007) T-CY (2007) 03
- 11. Preparation of the 28th Conference of European Ministers of Justice (25 – 26 October 2007, Lanzarote, Spain)**
- 12. CDPC elections**
Working document
 CDPC elections CDPC-BU (2007) 08
- 13. Activities of the Council of Europe outside the CDPC**
- **Parliamentary Assembly**
 CDPC opinion on Parliamentary Assembly Recommendation 1794 (2007) on the quality of medicines in Europe CDPC (2007) 11
 CDPC opinion on Parliamentary Assembly Recommendation 1793 (2007) on the need for a Council of Europe convention on the suppression of counterfeiting and trafficking in counterfeit goods CDPC (2007) 10
 Parliamentary Assembly Recommendation 1794 (2007) on the quality of medicines in Europe PACE Rec 1794 (2007)
 Parliamentary Assembly Recommendation 1793 (2007) on the need for a Council of Europe convention on the suppression of counterfeiting and trafficking in counterfeit goods PACE Rec 1793 (2007)
 Parliamentary Assembly Recommendation 1792 (2007) on fair trial issues in criminal cases concerning espionage or divulging state secrets PACE Rec 1792 (2007)
 - **Committee of Ministers**
Working document
 List of decisions of the Committee of Ministers relevant to the work of the CDPC CDPC (2007) 18
 Approval of the reply of the CDPC to the Committee of Ministers concerning the Joint OSCE-Council of Europe Expert Workshop on Preventing Terrorism: Fighting Incitement and related Terrorist Activities (Vienna, 19-20 October 2006) CDPC (2007) 03
 - **Steering Committees (CDCJ, CDDH, CDEG)**
 - **Other Committees (CODEXTER, CEPEJ, CCPE)**
 - **Conferences and other meetings**
 - **Congress of Local and Regional Authorities of Europe**
- 14. Date of the next meeting of the CDPC**
- 15. Any other business**

APPENDIX III

TERMS OF REFERENCE OF THE GROUP OF SPECIALISTS ON COUNTERFEIT PHARMACEUTICAL PRODUCTS (PC-S-CP)

1. **Name of Group:** Group of Specialists on counterfeit pharmaceutical products (PC-S-CP)
2. **Type of Group:** Ad hoc Advisory Group
3. **Source of terms of reference:** European Committee on crime problems (CDPC)
4. **Terms of reference:**

Having regard to:

- the Declaration and Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16 and 17 May 2005), in particular concerning the security of citizens;
- Resolution ResAP(2001)2 concerning the pharmacist's role in the framework of health security;
- Recommendations 1673 (2004) on counterfeiting: problems and solutions and 1794 (2007) on the quality of medicines in Europe of the Parliamentary Assembly;
- Parliamentary Assembly: Counterfeit medicines: problems and solutions (Reply adopted by the Committee of Ministers on 6 April 2005 at the 923rd meeting of the Ministers Deputies);
- the work carried out under the Partial Agreement in the Social and Public field and in particular the Survey report on counterfeit medicines and the conclusions of the 2005 Seminar on counterfeit medicines;
- the Declaration on 'Combating IPR piracy and counterfeiting', G8 Summit Meeting (St. Petersburg, 16 July 2006);
- the International Conference on Europe against counterfeit medicines (Moscow, 23 and 24 October 2006) and its conference declaration¹;
- the conclusions of the High level Conference of the Ministries of Justice and of the Interior on Improving European Co-operation in the Criminal Justice Field (Moscow, 9-10 November 2006);
- the feasibility study prepared for the CDPC on counterfeit medicines and pharmaceutical crime;
- the Convention on cybercrime [ETS no 185].

The Group is instructed, in the light of indications given by the CDPC and document CDPC-BU (2007)12, to prepare a report focusing on the key elements, which could be included in a possible international binding legal instrument to fight crime concerning counterfeit pharmaceutical products.

This report should deal first with the criminal law aspects of counterfeit medicines and other medical products including the means to prevent such crime and strengthening of international co-operation. The report should focus on conducts, which may jeopardize public health, and take account of existing national legislation in this field.

The report could then indicate whether further provisions could be prepared to deal with specific issues concerning health care products.

The report should take full account of other work being carried out at an international level, in particular by the European Union and the World Health Organisation.

¹ http://www.coe.int/t/dc/press/News/20061107_fin_medicaments_en.asp

5. Composition of the Group:

A Members

The Group shall be composed of 11 specialists. The CDPC shall appoint one specialist who shall Chair the Group. The Secretary General shall appoint the remaining specialists in consultation with the Chair of the CDPC.

The Council of Europe will bear the travel and subsistence expenses of the 11 above members of the Group.

B Participants

The Parliamentary Assembly may send (a) representative(s) to meetings of the Group, without the right to vote and at the charge of its administrative budget.

C Other participants

The European Commission, the World Health Organisation (WHO).

6. Working methods and structures:

The Group shall present its report at the next plenary meeting of the CDPC in 2008.

The Bureau of the CDPC will follow closely the progress made and, if appropriate, give further instructions concerning the work of the Group.

7. Duration:

These terms of reference will expire on 31 December 2008.

APPENDIX IV

REVISED SPECIFIC TERMS OF REFERENCE OF THE COMMITTEE OF EXPERTS ON THE EVALUATION OF ANTI-MONEY LAUNDERING MEASURES (MONEYVAL)

1. Name of Committee:

Committee of Experts on the Evaluation of Anti-Money Laundering Measures and Financing of Terrorism (MONEYVAL)

2. Type of Committee:

Committee of Experts

3. Source of terms of reference:

European Committee on Crime Problems (CDPC)

4. Terms of reference:

Having regard to:

- the Statute of the Council of Europe;
 - the importance of the fight against money laundering and terrorist financing and other forms of serious crime, for the purpose of which the Council of Europe has adopted a variety of instruments, in particular the 1990 Convention on Laundering, Search, Seizure and Confiscation of the proceeds from Crime (ETS No.141), and the 2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the proceeds from Crime and on the Financing of Terrorism (CETS No.198);
 - the importance to pursue the efforts in this field and the importance of the work of the MONEYVAL Committee (project 2004/DG1/78 in the Programme of Activities), emphasised during the Third Summit of Heads of State and Government (Warsaw, 16-17 May 2005) in item 8 of the final declaration and under the Heading II.2 of the Action Plan;
 - the status of the Council of Europe / MONEYVAL since June 2006 as an Associate Member of the Financial Action Task Force on Money Laundering (FATF).
- a. Money laundering, i.e. the process through which criminals give an apparently legitimate origin to proceeds of crime, is an expanding and increasingly international phenomenon. It may particularly affect economies which are undergoing transformation and which offer significant opportunities for foreign investment. The financial regulatory framework, both in banking and non-banking sectors, is often less stringent in these countries than in others, which make them vulnerable to money laundering operations. Given the diverse illegal activities, including money laundering, of organised crime groups in some of these countries and, in exceptional cases, their alleged infiltration into entire national economies, it seems that it is in their vital interest to create and maintain a credible financial system capable of detecting, preventing and controlling money laundering.

In addition, recent experience has shown that organised terrorist groups also misuse the world's financial system to fund their illegal operations, thus posing a serious risk to financial institutions of being used for hiding terrorist money. Measures aiming at the prevention and deterrence of money laundering therefore need to be extended to terrorist financing.

b. The establishment of an efficient anti-money laundering system is due in many countries to the enforcement of national and international anti-money laundering measures and their regular monitoring through international bodies, such as the Financial Action Task Force on Money Laundering (FATF).² The monitoring, which implies evaluating each other's performance in so-called "peer groups", greatly enhances the compatibility of national norms with international standards in the financial, law enforcement and judicial sectors.

c. Taking into account the procedures and practices used by the FATF, the IMF and the World Bank, the Committee shall:

- elaborate appropriate documentation, including questionnaires for self- and mutual evaluations;
- evaluate, by means of self- and/or mutual evaluation questionnaires (and/or other documentation agreed between MONEYVAL, the FATF and the IMF/World Bank representing a common AML/CFT methodology) and periodic on-site visits, the performance of those member states of the Council of Europe which are not members of the FATF (subject to paragraph 5(A)ii below)³ in complying with the relevant international anti-money laundering and countering terrorist financing standards, as contained for example in the recommendations of the FATF, including the Special Recommendations on Financing of Terrorism and Terrorist Acts and related Money Laundering, the 1988 United Nations Convention on illicit traffic in narcotic drugs and psychotropic substances, the United Nations Convention against Transnational Organised Crime, the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism, the Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing and the relevant implementing measures and the 1990 Convention on laundering, search, seizure and confiscation of the proceeds from crime, concluded within the Council of Europe, and, where necessary, provide assistance, upon request, to enable them to comply with the recommendations;
- evaluate, by means of questionnaires (and/or other documentation agreed between MONEYVAL and the FATF and the IMF/World Bank representing a common AML/CFT Methodology) and periodic on-site visits, the performance of those applicant states for membership of the Council of Europe which are not members of the FATF in complying with the international anti-money laundering and countering terrorist financing standards enumerated in the paragraph above, provided the following requirements are met: the applicant state must make the request in writing; the request must be accepted by the Committee of Ministers; the applicant state must undertake in its request to participate fully in the evaluation procedure and comply with the results and recommendations formulated by the MONEYVAL; and the applicant state must contribute to the cost of the evaluation procedure;
- evaluate, by means of questionnaires (and/or other documentation agreed between MONEYVAL, the FATF and the IMF/World Bank representing a common AML/CFT Methodology) and periodic on-site visits, the performance of the state of Israel, a non-member state of the Council of Europe, which has observer status with MONEYVAL and to participate in the MONEYVAL mutual evaluation process. The participation of Israel in the mutual evaluation process implies that (a) it participates fully in the evaluation procedure and complies with the results and recommendations formulated by MONEYVAL and (b) it contributes to the cost of the evaluation procedure;
- adopt reports on each evaluated country's situation as to:
 - i. the features and magnitude of money laundering, including typologies;

² Council of Europe member States members of the FATF: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Russian Federation, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

³ Albania, Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Georgia, Hungary, Latvia, Liechtenstein, Lithuania, Malta, Moldova, Monaco, Montenegro, Poland, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, "the former Yugoslav Republic of Macedonia" and Ukraine. See also 5(A)(ii) above.

- ii. the efficiency of measures taken to combat money laundering and terrorist financing in the legislative, financial regulatory, law enforcement and judicial sectors;
- where appropriate, make recommendations to the evaluated countries, with a view to improving the efficiency of their anti-money laundering and countering terrorist financing measures and to furthering international co-operation;
- submit to the CDPC an annual summary of its activities and any recommendations it deems appropriate with a view to furthering the adoption or implementation of anti-money laundering measures.

5. Membership of the Committee:

A. Members

- i. Council of Europe member states not members of the FATF, subject to paragraph 5(A)ii below: three experts appointed by the governments of each of the following member states: Albania, Andorra, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Georgia, Hungary, Latvia, Liechtenstein, Lithuania, Malta, Moldova, Monaco, Montenegro, Poland, Romania, Russian Federation, San Marino, Serbia, Slovak Republic, Slovenia, “the former Yugoslav Republic of Macedonia” and Ukraine;
- ii. three experts appointed by the Government of any Council of Europe member state referred to under (A)i above which has become a member of the FATF and thus would, save for this paragraph, cease to be a member of MONEYVAL, but decides to remain a member of the latter as well. Such a state may also agree to submit to the evaluation process of MONEYVAL;
- iii. FATF: two experts appointed by the Presidency of the FATF from FATF countries for two-year periods.

The Council of Europe’s budget⁴ bears the travel and subsistence expenses of three experts from each of the member states mentioned under (A).i. and (A).ii, as well as those of the three scientific experts mentioned under D. These member states may send additional experts at their own expense.

Members’ desirable qualifications: senior officials and experts with responsibility for regulation or supervision of financial institutions, senior members of financial intelligence units, law enforcement or judicial bodies, with particular knowledge of questions related to money laundering, including national and international anti-money laundering instruments, (e.g. FATF recommendations).

B. Other participants

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.

The following observer states with the Council of Europe may send a representative, without the right to vote or defrayal of expenses to meetings of the Committee:

- Canada;
- Holy See;
- Japan;
- Mexico;
- United States of America.

⁴ A Special Account has been opened for that purpose.

C. Observers

The following intergovernmental organisations may send representatives to meetings of the Committee without the right to vote or defrayal of expenses:

- Secretariat of the Financial Action Task Force on Money Laundering (FATF);
- ICPO-Interpol;
- Commonwealth Secretariat;
- International Monetary Fund (IMF);
- United Nations Drug Control Programme (UNDCP);
- United Nations Counter-Terrorism Committee (CTC);
- United Nations Crime Prevention and Criminal Justice Division;
- World Bank;
- European Bank of Reconstruction and Development (EBRD);
- Offshore Group of Banking Supervisors (OGBS);
- Egmont Group
- Eurasian Group on Combating Money Laundering and Terrorist Financing (EAG)
- Any other Financial Action Task Force Style Regional Body which is, or becomes, an Associate Member of the FATF on the basis of reciprocity.

The following observers with the Committee may send representatives, without the right to vote or defrayal of expenses:

- Members of the FATF other than those referred to in 5.(A) ii;
- Israel.

D. Scientific experts

Three scientific experts appointed by the Secretariat but who do not have the right to vote.

6. Working structures and methods:

The term of office of the Chairman and Vice-Chairman shall be two years. It may be renewed once.⁵

The Committee may elect a Bureau to facilitate its discussions and adopt internal rules of procedure.

7. Duration:

These terms of reference will expire on 31 December 2010.

Adopted: see CM/Del/Dec(97)600, item 10.2a and Appendix 17
Extended: see CM/Del/Dec(99)679, item 10.4a
Revised: see CM/Del/Dec(99)690, item 10.1 and CM(99)158 item 3 and Appendix II
see CM/Del/Dec(2002)794, item 10.2, CM(2002)47 item 4, Appendix IV
see CM/Del/Dec(2003)853, item 10.1aF.

⁵ In derogation of Article 12.e of Appendix 1 to Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods (see also decision of the Committee of Ministers at their 924th meeting on 20 April 2005).

APPENDIX V

DRAFT *AD HOC* TERMS OF REFERENCE FOR THE COUNCIL FOR PENOLOGICAL CO-OPERATION RELATING TO PROBATION AND AFTERCARE SERVICES IN THE EUROPEAN CRIMINAL JUSTICE SYSTEMS

1. Name of the Committee:

Council for Penological Co-operation (PC-CP)

2. Type of Committee:

Ad hoc advisory group to the European Committee on Crime Problems (CDPC)

3. Source of terms of reference:

European Committee on Crime Problems (CDPC)

4. Terms of reference:

- i. Having regard to the latest developments in the field of probation and aftercare in Europe
- ii. Based on the Council of Europe's and other international standards
- iii. Under the authority of the CDPC and in conformity with p. v. of its terms of reference⁶ the PC-CP should address the issue of probation and aftercare services in Europe and the development of their tasks and structures. It should consider more specifically the following aspects:
 - a. Legal systems and structure of probation and aftercare services in the Council of Europe member states;
 - b. Tasks of the services at the pre-sentencing phase of the criminal procedure;
 - c. Tasks of probation services in diverting accused persons from prosecution;
 - d. Provision of supervision, help and assistance to the offender at every stage of the criminal proceedings, as well as during his or her deprivation of liberty and after release
 - e. Work with specific groups of offenders (serious, violent or persistent offenders, foreigners, ethnic and linguistic minorities; women; sex offenders, elderly offenders)
 - f. Work with victims and with the families of the offenders;
 - g. Aftercare and the carrying out of community sanctions and measures;
 - h. Selection, recruitment and training of staff
 - i. Relations with the judiciary, social service centres, victim support agencies, police, health services and penitentiary institutions, private companies, volunteers and local communities, religious and charitable organisations in planning and managing probation work (including questions relating to sharing of information and professional secrecy);
 - j. Scientific research and evidence based evaluation, multi-agency risk assessment panels;
 - k. Work with the media and the general public.

The outcome of the PC-CP's work will comprise a draft recommendation on the role and place of probation and aftercare in Europe and explanatory report.

⁶ As adopted by the Committee of Ministers at their 967th meeting (14 June 2006).

5. Working methods:

- a. In its work the PC-CP will need the assistance of two scientific experts with specific knowledge of relevant legislation and legal practice, of international norms and conventions relating to probation and aftercare, as well as of recent developments in research and practice on probation in the different member states.
- b. The PC-CP will work in close consultation with the CDPC and its Bureau and will report to the CDPC at its plenary sessions on the state of its work so that full account is taken of possible views expressed by the CDPC delegations on the texts drafted before their approval by the CDPC.

6. Duration:

These terms of reference will expire on 31 December 2009.

APPENDIX VI

OPINION OF THE EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC) ON THE PARLIAMENTARY ASSEMBLY RECOMMENDATION 1793 (2007) ON THE “NEED FOR A COUNCIL OF EUROPE CONVENTION ON THE SUPPRESSION OF COUNTERFEITING AND TRAFFICKING IN COUNTERFEIT GOODS”

1. Following the adoption by the Parliamentary Assembly of Recommendation 1793 (2007) on the “Need for a Council of Europe convention on the suppression of counterfeiting and trafficking in counterfeit goods”, the Committee of Ministers decided to communicate it to the European Committee on Crime Problems (CDPC), for information and possible comments. The CDPC had examined the above Recommendation and decided to contribute to the response of the Committee of Ministers by providing the following comments within its fields of competence:
2. The CDPC shared the view of the Parliamentary Assembly concerning the dangers inherent to the counterfeiting of goods and trafficking in such goods. It took full account of the difficulties in preventing this phenomenon, given the need for various measures that need to be taken into consideration at national and international levels not only in legal but also in policy and law-enforcement areas.
3. The CDPC recalled that it is currently considering the preparation of key elements, which could be included in a possible binding international legal instrument to fight counterfeit pharmaceutical products, which would contribute to the overall fight against counterfeiting and trafficking in counterfeit goods.
4. The CDPC reiterated its support to the general idea of the Council of Europe’s possible work on fighting counterfeiting and trafficking in counterfeit goods and expressed its readiness to embark on any future activity to that end in its field of competences.
5. However, before initiating work on a binding international legal instrument in this field, the CDPC will examine the results of the work of the PC-S-CP, which, subject to the approval of the Committee of Ministers, will begin its work this year.

APPENDIX VII

OPINION OF THE EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC) ON THE PARLIAMENTARY ASSEMBLY RECOMMENDATION 1794 (2007) “THE QUALITY OF MEDICINES IN EUROPE”

1. Following the adoption by the Parliamentary Assembly of Recommendation 1794 (2007) “The quality of medicines in Europe”, the Committee of Ministers decided to communicate it to the European Committee on Crime Problems (CDPC), for information and possible comments. The CDPC examined the above Recommendation and decided to contribute to the response of the Committee of Ministers by providing the following comments within its fields of competence:
2. The CDPC shared the concern expressed in the Parliamentary Assembly Recommendation over the increasing danger of counterfeiting of medicines, which has become an activity associated with organised crime, and poses a serious threat to the health of individuals and may sometimes be the cause of death.
3. As regards the lack or inadequacy of regulations on quality control and distribution of medicines, as well as the legal deficiencies at national level in the Council of Europe member States, enabling certain cases of counterfeiting go unpunished, the CDPC was convinced of the need to establish a more efficient national legislation and strengthen administrative mechanisms to successfully prevent counterfeiting of pharmaceutical products and prosecute its perpetrators.
4. As a follow up to the Declaration, adopted by the participants of the International Conference “Europe against Counterfeit Medicines” (Moscow, 23-24 October 2006), the CDPC prepared a feasibility study on the possible preparation a draft Convention on Combating Pharmaceutical Crime.
5. The CDPC recalled that it is currently considering the preparation of key elements, which could be included in a possible binding international legal instrument to fight counterfeit pharmaceutical products, which would contribute to the overall fight against counterfeiting and trafficking in counterfeit goods.
6. The CDPC reiterated its support to the general idea of the Council of Europe’s possible work on fighting counterfeiting and trafficking in counterfeit goods in general and pharmaceutical products in particular and expressed its readiness to embark on any future activity to that end in its field of competences.

APPENDIX VIII

REPLY OF THE CDPC TO THE COMMITTEE OF MINISTERS CONCERNING THE JOINT OSCE-COUNCIL OF EUROPE EXPERT WORKSHOP ON PREVENTING TERRORISM: FIGHTING INCITEMENT AND RELATED TERRORIST ACTIVITIES (VIENNA, 19-20 OCTOBER 2006)

1. At its 981st Meeting the Committee of Ministers decided to transmit to the European Committee for Crime Problems (CDPC) the summary of the Joint OSCE-Council of Europe Expert Workshop on Preventing Terrorism: Fighting Incitement and related Terrorist Activities (Vienna, 19-20 October 2006 – appended to this document), asking the CDPC to take this report into account in its work and to report back. The CDPC examined the summary and decided to present its views to the Committee of Ministers, as requested.
2. The CDPC welcomed the organisation of this workshop and stressed the particular importance of such initiatives for increasing the effectiveness of fight against terrorism in Europe.
3. It welcomed the incorporation by a number of the Council of Europe member states of some of the most recent criminal law standards, established by the legal instruments of the Council of Europe concerning the fight against terrorism⁷, into their national legislation.
4. The CDPC highlighted the importance for the Committee of Ministers to invite all member states to effectively integrate into their national legislation the legal standards in the field of fight against terrorism, including those aiming at protecting human rights. It believed that such integration would enhance the possibility to prevent terrorist attacks in Europe and would ensure that, even when fighting a phenomenon of such a destructive magnitude, human rights are duly safeguarded.
5. The CDPC further recognised the role of the Internet in terrorist propaganda and the threat of a terrorist cyber-attack. In this respect it agreed that the most effective manner to respond to these threats was by intensifying the international co-operation at governmental and civil society levels, within the framework of existing co-operation instruments, particularly the Convention on Cybercrime, including the use of the Internet for terrorist purposes.
6. The CDPC acknowledged the importance of effective prevention of incitement to terrorism in penitentiary system. It took the view that the implementation of the European Prison Rules should take into account the need to develop specific measures for limiting possibilities for spreading terrorist ideology and recruitment of terrorists in prisons.
7. The CDPC confirmed that it should be ready to contribute, in collaboration with the CODEXTER, to other areas of fight against terrorism, falling within the CDPC's competence and in particular to harmonisation of national policies and development of policies common to member states to prevent terrorism and terrorist propaganda, whatever the source and form thereof.

⁷ For example, criminalisation by the Russian Federation, Spain and the United Kingdom of the offence of *public provocation*, in accordance with the Council of Europe Convention on the Prevention of Terrorism (ETS No. 196).