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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

56th Plenary Meeting
(31st meeting as a Steering Committee)

Strasbourg, 18-22 June 2007

MEETING REPORT

The following abbreviations are used in referring to the CDPC and its subordinate bodies Committees

CDPC	EUROPEAN COMMITTEE ON CRIME PROBLEMS
MONEYVAL	COMMITTEE OF EXPERTS ON THE EVALUATION OF ANTI-MONEY LAUNDERING MEASURES
PC-OC	COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS IN THE PENAL FIELD
PC-CP	COUNCIL FOR PENOLOGICAL CO-OPERATION
PC-CSC	CRIMINOLOGICAL SCIENTIFIC COUNCIL
PC-PM	COUNCIL FOR POLICE MATTERS
CDAP	CONFERENCE OF DIRECTORS OF PRISON ADMINISTRATIONS
PC-S-CP	GROUP OF SPECIALISTS ON COUNTERFEIT PHARMACEUTICAL PRODUCTS
PC-ES	COMMITTEE OF EXPERTS ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE
PC-OC Mod	RESTRICTED GROUP OF EXPERTS ON INTERNATIONAL CO-OPERATION

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). The text may be reworded depending on 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 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 identified by the PC-OC 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 or 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) on “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 BOHÁČIK (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).

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ADDENDUM I – DRAFT COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE AND ITS EXPLANATORY REPORT

ADDENDUM II - DRAFT EXPLANATORY REPORT TO THE DRAFT COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE

ITEM 1 – OPENING OF THE MEETING

1. The meeting was opened by Mr Terry DAVIS, Secretary General of the Council of Europe. In his speech, Mr DAVIS stressed the importance of implementing Council of Europe conventions in the criminal law field and the need to strengthen international co-operation in criminal matters. Encouraging the friendly settlement of disputes between member States, monitoring existing legal instruments to improve their operation and addressing specific types of crimes in new treaties were the three objectives the Organisation should aim to achieve in the penal field in the coming years.
2. The Secretary General:
 - welcomed the draft Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
 - recognised the importance of drafting a legal instrument to combat domestic violence, and in particular violence against women, dealing with at least three major aspects - prevention, protection of victims and prosecution of perpetrators;
 - underlined the increasing problems of counterfeit medicines in Europe and hence the need to prepare a legal instrument to fight this crime;
 - highlighted the need to strengthen the role of the Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC) to prevent disputes between member States and to establish more effective international co-operation mechanisms.
3. The Secretary General underlined the current difficult budgetary situation in the Council of Europe and stated that, given the zero real growth budget of the Organisation and the evolving needs of the European Court of Human Rights (ECtHR), the governments of member States should consider increasing the financing of core priority activities of the Council of Europe as for example in the field of standard-setting.
4. Mr Philippe BOILLAT, the Director General of Human Rights and Legal Affairs (DGHL) also referred to the current difficult budgetary situation and the need for governments to be made aware of the importance of supporting the Council of Europe's priority activities. He specified that the 91,000 cases pending before the ECtHR at this moment make its work a priority within the Council of Europe, which is detrimental to the financial and human resources available for other sectors, such as standard-setting, co-operation and monitoring activities. In this respect, delegations were invited to promote the Council of Europe's priority activities with their national governments with a view to ensuring that such activities are not suspended solely due to lack of funding.

ITEM 2 – ADOPTION OF THE AGENDA

5. The Agenda was adopted, as it appears in Appendix II to this report and lists the documents relevant to each agenda item. Appendix I contains the list of participants.

ITEM 3 – APPROVAL OF THE DRAFT COUNCIL OF EUROPE CONVENTION ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE AND ITS EXPLANATORY REPORT

6. At its last meeting (26-30 March 2007), the Group of Experts on the protection of children against sexual exploitation and sexual abuse (PC-ES) finalised the draft Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and its Explanatory Report.
7. On 20 April, the Parliamentary Assembly of the Council of Europe (PACE) adopted its Opinion No. 263 (2007) concerning the draft Convention. In particular, the PACE welcomed the speedy preparation of the draft Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and considered it to be a major step forward in the protection of children against this particularly repugnant kind of abuse. It also recommended all member States to accede to this Convention without making any reservations.
8. The CDPC congratulated the PC-ES and its Chair, Mr Eric RUELLE, for finalising the draft Convention, which is a comprehensive legal instrument, covering all necessary aspects relating to child victims, the criminalization of certain acts as well as monitoring.

9. Prior to the plenary meeting, CDPC delegations were asked to provide their written comments to the draft Convention. The CDPC examined the draft Convention, focusing the discussions on comments received from delegations, as well as on proposals contained in the PACE Opinion No. 263 (2007).
10. A substantial debate took place concerning provisions of the draft Convention containing reservation clauses (notably, Articles 20 and 21) as well as those concerning jurisdiction of the States Parties (Article 25) and the statute of limitation (Article 33). Having made appropriate amendments to these Articles, as well as to the corresponding Articles in the draft Explanatory Report of the Convention, the CDPC reached agreement on these provisions.
11. The question of inclusion of the “disconnection clause” (Article 43) into the draft Convention was also discussed. It was agreed to include this provision into the draft Convention and to explain the reasons for doing so in the Explanatory Report, notably by referring to the declaration made by the European Community and the member States of the European Union upon the adoption of the Council of Europe Convention on Action against Trafficking in Human Beings in 2005.
12. 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.
13. 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.
14. 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). The text may be reworded depending on the possible accession of the European Communities to this Convention.
15. The CDPC approved by consensus the draft Convention (see Addendum I to this report) and its Explanatory Report (see Addendum II to this report) and sent the draft Convention to the Committee of Ministers for adoption and opening for signature on the occasion of 28th Conference of the European Ministers of Justice on 25-26 October in Lanzarote, Spain. The CDPC invited the Committee of Ministers to take note of the draft Explanatory Report and to authorise its publication.

ITEM 4 – APPROVAL OF DRAFT SPECIFIC TERMS OF REFERENCE FOR A GROUP OF SPECIALISTS ON COUNTERFEIT PHARMACEUTICAL PRODUCTS (PC-S-CP)

16. The CDPC took note of the Feasibility Study for a Council of Europe convention on counterfeit medicines/pharmaceutical crime, the Prioritised Elements for a Council of Europe convention on the protection of public health against pharmaceutical and healthcare product crime and of Parliamentary Assembly of the Council of Europe Recommendations 1793 (2007) on the Need for a Council of Europe convention on the suppression of counterfeiting and trafficking in counterfeit goods and 1794 (2007) on the quality of medicines in Europe, which addressed the problem of counterfeit medicines in Europe, stressing the detrimental effects this problem has on public health (see also item 13a below and Appendices VI and VII to this report).
17. The CDPC agreed on the importance of this subject and the added value that the Council of Europe’s work could bring to the initiatives of other international and regional organisations in fighting the counterfeiting of medicines and other healthcare products.

18. At the same time, the CDPC stressed the complexity of the problem of counterfeiting and agreed that the scope of work of the proposed Group of Specialists should be clearly defined. It took the view that at this stage, preparing a text of the draft Convention would be premature, especially by a limited Group of specialists, where the governments of member States are not represented. Therefore, it agreed that the Group should initially be mandated to prepare a report, containing key elements that could be included in a possible Convention.
19. The CDPC emphasized the importance for all member States of the Council of Europe to have an opportunity of meaningful participation in preparing a possible legal instrument. This work should be carried out in co-operation with other competent bodies of the Council of Europe in particular, the Directorate General III – Social Cohesion (DG III) and the European Directorate for the Quality of Medicines (EDQM) and should be closely followed by the CDPC Bureau, including by means of written consultation with CDPC delegations, where necessary. The results of this work should be presented to the next plenary meeting of the CDPC in 2008, which would decide if the elements, elaborated by the Group, could be further developed into a Convention.
20. The CDPC agreed that the work of the Group should, as a matter of priority, focus on the criminal law aspects of counterfeiting of pharmaceutical products and on strengthening of international co-operation in preventing this crime. Particular attention should be paid to conducts which may jeopardize public health. The possible introduction of corporate liability for crimes relating to counterfeiting of pharmaceutical products was also mentioned.
21. There was an agreement that, apart from dealing with counterfeit pharmaceutical products, the Group could examine the possibility of preparing further provisions dealing with a broader range of health care products. It was noted that the Council of Europe Convention on Cybercrime is relevant to the fight against counterfeit medicines and should therefore be taken into consideration. The CDPC stressed the need for the Group to take into account existing national legislation of member States in this field as well as other work that is being carried out at an international level, in particular by the European Union and the World Health Organisation.
22. The CDPC examined and approved the draft terms of reference of the Group of Specialists on Counterfeit Pharmaceutical Products (PC-S-CP) (see Appendix III to this report) and transmitted them to the Committee of Ministers for adoption.
23. Mr Claude DEBRULLE (Belgium) was appointed by the CDPC to Chair the PC-S-CP, subject to approval of its draft terms of reference by the Committee of Ministers. The CDPC instructed the Secretariat to remind CDPC delegations to send by 15 August 2007 at the latest, if they have not already done so, their proposals for candidates that could be appointed to the Group.

ITEM 5 – APPROVAL OF THE DRAFT REVISED SPECIFIC TERMS OF REFERENCE OF MONEYVAL

24. The CDPC took note of the information provided by Mr John RINGGUTH, Executive Secretary of MONEYVAL, concerning the recent work of MONEYVAL and its forthcoming activities. It underlined the important role of MONEYVAL's activities in the fight against money laundering and terrorist financing in Europe and its input to this fight at a global level. The CDPC expressed satisfaction with the work of MONEYVAL and thanked it in particular for its contribution to the fight against terrorist financing.
25. The CDPC examined and approved the draft revised specific terms of reference of MONEYVAL and transmitted them to the Committee of Ministers for adoption (see Appendix IV to this Report).

ITEM 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)**
26. Following the instructions of the CDPC Bureau, the restricted Group of experts on international co-operation (PC-OC Mod) at its last enlarged meeting on 3-4 May 2007, held preliminary discussions concerning the proposal of the Ministry of Justice of Greece to draft a Second Additional Protocol to

- the European Convention on the Transfer of Sentenced Persons (ETS No.112) and addressed a questionnaire to the PC-OC members relating to the desirability of the proposed new instrument.
27. 18 States¹ responded to this questionnaire before the plenary meeting of the CDPC. Opinions of the responding states differed as to the urgency of preparing a Second Additional Protocol to the Convention ETS No. 112. Some states were not in favour of amending the systems established under the Convention at all. Some delegations expressed the view that it would be premature to start preparing a Second Additional Protocol before the finalisation of the draft Framework Decision on the application of the principle of mutual recognition of judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union. However, the CDPC agreed in general that the Greek proposal merited further consideration within the CDPC and the PC-OC, with due regard to other priorities of the two committees. Given the fact that so far less than one third² of the States Parties to the Convention ETS No. 112 responded to the questionnaire the CDPC decided to remind states to send their replies to the Secretariat by 15 September 2007 at the latest, if they have not already done so.
28. The CDPC instructed the Secretariat to prepare, on the basis of all the replies received, a detailed working document, examining to what extent the principles established in the 1983 Convention (in particular, consent of the person concerned and of the requested state) could be amended by a new possible Additional Protocol in order to enable the PC-OC to have a meaningful discussion on this subject at its next meeting in November 2007. The PC-OC was instructed to report the results of this discussion first to the CDPC Bureau and then to the CDPC plenary in 2008.
- 6b. Initiatives to improve the efficiency of international co-operation in criminal matters: proposals for practical and normative measures**
29. The CDPC examined the proposals of the PC-OC concerning practical and normative measures aiming at improving the efficiency of international co-operation in criminal matters. It underlined the fundamental role of the PC-OC in international co-operation between the Council of Europe member States in criminal matters and stressed the importance of ensuring the continuity of the activities of the PC-OC, in particular, by allocating the necessary budgetary and human resources to this committee.
30. The CDPC agreed that, while improving the operation of existing legal instruments and elaborating new legal instruments were the two equally important spheres of activity of the PC-OC, at this stage it should put greater emphasis on increasing the efficiency of implementing the existing instruments.
31. In relation to proposals for practical measures to improve the operation of relevant conventions, the CDPC decided to invite the Committee of Ministers to take note of:
- the proposal to set up a network of national single points of contact on co-operation in the criminal field;
 - the proposal to set up a database on information on national procedures on judicial co-operation in the criminal field;
 - the development of practical measures aimed at strengthening the efficiency of international co-operation through better visibility.
32. The CDPC instructed the Secretariat to complement the approved practical measures with information concerning the budget that would be required for their implementation with a view to presenting it to the CDPC Bureau at its next meeting on 10-11 September 2007.
33. In relation to proposals for normative measures to improve the operation of relevant conventions, the CDPC decided to mandate the PC-OC as regards questions relating to the European Convention on Extradition (ETS No. 024):

¹ Austria, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Netherlands, Norway, Slovakia, Spain, Switzerland, Sweden, Turkey, Israel and the United States of America.

² On 2 July 2007 the Convention on the Transfer of Sentenced Persons ETS No. 112 had 61 States Parties.

- to draft the necessary legal instruments to give a treaty basis to simplified forms of extradition when the person sought consents. It could take the form of a new legal instrument complementary to the ETS No. 024, supplemented by (a) non-binding instrument(s), assisting States in implementing this mechanism;
 - to draft the necessary legal instruments – binding and/or non binding - outlining conditions and modalities of application of the speciality rule³ and of the renunciation to the rule, with reference to Article 14 of ETS No. 024;
 - to consider possible ways of improving the wording of the relevant provisions (Article 12 of ETS No. 024 and Article 5 of its Second Additional Protocol) notably by bringing the texts up-to-date⁴;
 - to consider first of all drafting of non-binding measures addressing a set of principles so as to reduce time limits and avoid long extradition procedures (and long detention before extradition). These measures could also address issues of co-operation such as languages and translation, sending of documents/information etc;
 - to propose solutions to practical problems relating to the use of languages for a simpler, less expensive and more rapid extradition procedure and to identify best practices to be followed by States. When accomplishing this task, the PC-OC should first of all examine possible solutions through non-binding measures and secondly should also examine binding measures with a view to transmitting its proposals to the CDPC for a final decision. These proposals could include indications as to which documents or which information should be transmitted and translated, with reference to Article 12 of ETS No. 024;
 - to take note of the issue of compensation and return of the person, which will be examined by the PC-OC through a detailed questionnaire to all its members. The PC-OC will elaborate specific preliminary proposals on the basis of the summary of the responses to the questionnaire and will submit them to the CDPC for decision;
 - to draft the necessary binding legal instruments dealing with lapse of time, possibly complemented by a non-binding instrument.
34. The CDPC took note of the idea expressed by the Secretary General of the Council of Europe in his opening address, concerning the preparation of a comprehensive convention on international co-operation in criminal matters. Some delegations expressed support as regards the advisability of preparing such an instrument in the near future, while others were hesitant due to the fact that one general convention would not be able to cover such a large number of different issues.
35. The CDPC instructed the Secretariat to provide more detailed information on this subject to the CDPC Bureau at its next meeting so as to enable it to examine the advantages and possible disadvantages of such a convention and to report back to the CDPC.

ITEM 7 – PRISONS

36. The CDPC took note of the information concerning the current work of the PC-CP, presented by its Chair, Ms Sonja SNACKEN (Belgium).

³ Article 14, paragraph 1 of the ETS No.024 states:

"A person who has been extradited shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order for any offence committed prior to his surrender other than that for which he was extradited, nor shall he be for any other reason restricted in his personal freedom, except in the following cases:

- a. when the Party which surrendered him consents. A request for consent shall be submitted, accompanied by the documents mentioned in Article 12 and a legal record of any statement made by the extradited person in respect of the offence concerned. Consent shall be given when the offence for which it is requested is itself subject to extradition in accordance with the provisions of this Convention;
- b. when that person, having had an opportunity to leave the territory of the Party to which he has been surrendered, has not done so within 45 days of his final discharge, or has returned to that territory after leaving it."

⁴ Article 5 of the Second Additional Protocol to the European Convention on Extradition poses certain difficulties to some of those States Parties who communicate through channels other than Ministry of Justice (for example, the Office of the Prosecutor General). The proposal aims at reflecting this practice in the texts of the Convention and its Second Additional Protocol.

7a. Replies to the questionnaire on the treatment of juvenile offenders

37. The CDPC took note of the report summarising and analysing replies received from delegations to the questionnaire on the treatment of juvenile offenders. Given that not all member States had replied⁵ to this questionnaire, the CDPC decided to invite those delegations which had not yet done so to send their replies to the Secretariat not later than 15 September 2007. It was underlined in this respect that delegations should consult all relevant national agencies in order to provide the information sought.

7b. Draft Recommendation containing European Rules for juvenile offenders subject to community sanctions or measures or deprived of their liberty and its explanatory memorandum

38. The CDPC took note of the progress in preparing the draft Recommendation containing European Rules for juvenile offenders subject to community sanctions or measures or deprived of their liberty and its explanatory memorandum. In this respect the PC-CP was advised to ensure the coherence of the text of the draft Recommendation, concerning the legal and practical aspects of the treatment of juvenile offenders. The Chair of the PC-CP confirmed that the CDPC and its Bureau would be regularly informed about the progress of the PC-CP's work on the draft Recommendation.

7c. Approval of the ad hoc terms of reference relating to probation and aftercare services in the European criminal justice systems

39. The CDPC examined and approved the ad hoc draft terms of reference of the PC-CP relating to probation and aftercare services in the European criminal justice systems and transmitted them to the Committee of Ministers for adoption (see Appendix V to this report).

7d. Proposals regarding a compendium of texts on prison issues

40. The CDPC took note of the proposed structure and contents of a compendium of normative texts relating to penitentiary questions. The CDPC approved the list of instruments appearing in the compendium and agreed that Recommendation n° R (99) 19 on mediation in penal matters should be added to the compendium. The CDPC proposed to include in footnotes, references to normative texts that are not included as they are considered too outdated or have been updated by more recent texts. Some delegations underlined the need to draft this compendium in a user-friendly manner for those target groups that most probably will use it in their daily work.

7e. Comments on the implementation of the European Prison Rules (EPR)

41. The CDPC took note of the information regarding the translation of the European Prison Rules into the national languages by the Council of Europe member States and their implementation. It invited those delegations which have not yet translated the text of the EPR in their national language to do so and to send their translated versions to the Secretariat not later than 15 September 2007 with a view to their inclusion on the Council of Europe website.

7f. Other matters relating to the PC-CP

42. Following the implementation of the Resolutions⁶ of the 26th Conference of European Ministers of Justice, the CDPC instructed the PC-CP to consider the question of mediation and restorative justice and in this respect to study the implementation and possible updating of Recommendation n° R (99) 19 by member States. A similar exercise should be carried out by the PC-CP at a later stage as regards Recommendation n° R(85)11 on the position of the victim in the framework of criminal law and procedure.

⁵ On 18 June 2007, 29 member States had responded to this questionnaire.

⁶ In particular, Resolution No 2 on The Social Mission of the Criminal Justice System - Restorative Justice

43. The CDPC took note of the forthcoming 14th Conference of Directors of Prison Administration (CDAP) on “Managing Prisons in an Increasingly Complex Environment” organised in cooperation with the Austrian Ministry of Justice (Vienna, 19-21 November 2007) and of the 7th international conference “European Prison Systems” (Kroměříž, 4-6 September 2007) being organised by the Czech Prison Service under the auspices of the Council of Europe and the Parliament of the Czech Republic.

ITEM 8 – FUTURE ACTIVITIES AND PRIORITIES OF THE CDPC

8a. New activities

44. Mr Jan KLEIJSEN, the Director of Standard-Setting and Ms Margaret KILLERBY, Head of the Law Reform Department, presented to the CDPC information concerning inter alia the difficult current budgetary situation at the Council of Europe (see also paragraphs 1-4 of this Report). The CDPC stressed the need to give priority to the most important core activities of the Committee. It also took note that the actual zero per cent real growth of the annual budget leads to numerous constraints as regards the implementation of all envisaged activities and hence requires a prioritised approach to intergovernmental work.
45. 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.
46. 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).
47. 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), for the further development of standards concerning prisons and alternatives to prison (PC-CP), and for the need to continue to strengthen standards to fight serious crime, in particular counterfeit pharmaceutical products was strongly underlined.

8b. Implementation of the Warsaw Action Plan

48. The CDPC took note of the document concerning activities of the CDPC contributing to the implementation of the Warsaw Action Plan submitted to the Committee of Ministers by the CDPC Bureau, after its meeting on 29-31 January 2007.

8c. Follow-up to the 2006 Conference of European Ministers of Justice, in particular work on preparing a draft convention on combating violence against the partner

49. The CDPC took note of the Feasibility Study for a Convention Against Domestic Violence, presented by one of its authors, Ms Renée RÖMKENS. It agreed that it could be necessary to draft a legally binding instrument on combating violence against the partner. It took the view that any work should be carried out in co-operation with the Steering Committee for Equality between Women and Men (CDEG) and with the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV). Ms Marta REQUENA, the Secretary to the EG-TFV, informed the CDPC of the work carried out so-far by the Task Force, which is expected to be finalised in June 2008.
50. The CDPC agreed that a possible convention should deal with physical as well as psychological violence against partners and should cover penal, civil and human rights aspects of the problem. It also agreed that preparing such a convention required a multidisciplinary approach.

51. At the same time, the CDPC agreed to inform the European Ministers of Justice at their next Conference to be held in October 2007 (see item 11) about actions taken to implement Resolution No.1⁷ of their 27th Conference held on 12-13 October 2006 in Yerevan, Armenia, and the work that is currently carried out in this field by other Council of Europe bodies.
52. Taking into account the above-mentioned factors and in particular that the final report of the Council of Europe campaign “Stop domestic violence against women” will be finalised in 2008 before the next meeting of the CDPC, the CDPC concluded that it would discuss the issue concerning the preparation of a possible Convention on combating violence against the partner at its next plenary meeting in 2008.
53. The CDPC instructed its Bureau to 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.

8d. Criminological research

54. The CDPC took note of:
 - the discussions on criminological research which took place during the enlarged Bureau meeting in June 2006,
 - the Secretariat memorandum on scientific expertise for the future,
 - the document prepared by Mr Roland MIKLAU (Austria) on criminological expertise and advice for the CDPC.
55. The CDPC considered that, subject to sufficient budgetary resources, 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 the document prepared by Mr MIKLAU.

8e. The Council for police matters (PC-PM)

56. The CDPC took note of the work of the PC-PM which is, inter alia, responsible for questions relating to the implementation of the European Code of Police Ethics (ECPE).
57. The CDPC took account of the following proposals made in the report of the 4th meeting of the PC-PM:
 - to draw up a table of indicators which could be used for a possible future assessment of the ECPE concrete implementation in member States,
 - to consider the possibility of drawing up a recommendation containing specific guidelines on the regulation of private security services in Europe in the light of the report on regulating private security companies in Europe: status and prospects,
 - to consider the topic of confidence building between the police and young people.
58. The CDPC regretted that, owing to the current difficult staff and budgetary situation, the PC-PM had not held any meetings this year. The CDPC agreed that, in the light of this situation, the work of the PC-PM would have to be postponed until 2009.

ITEM 9 – WORKING METHODS

59. The CDPC examined the document on working methods of the CDPC and its Bureau, including working methods concerning texts prepared by small committees and groups of specialists. The CDPC stressed the need to ensure that all delegations are duly consulted when a legal instrument is prepared by a small group of experts. To this end, organising at least one meeting of the committee of experts with the participation of all member states financed by the Council of Europe budget, particularly in the case of binding legal instruments, should be possible.

⁷ Resolution No.1 on victims of crime.

60. The CDPC instructed its Bureau to finalise the document concerning working methods at its next meeting on 10-11 September 2007.

ITEM 10 – REVIEW OF THE CONVENTION ON CYBERCRIME

61. The CDPC took note of:
- the report of the Cybercrime Convention Committee (T-CY – 2nd multilateral consultation of the Parties – 13 and 14 June 2007),
 - the note of the written and oral information provided by the representative of the CDPC to the T-CY, Mr Branislav BOHÁČIK,
 - the Conference summary of the Octopus Interface Conference on Co-operation against cybercrime (11 and 12 June 2007),
 - the Communication from the Commission to the European Parliament, the Council and the Committee of the regions concerning a general policy on the fight against cyber crime and the accompanying Commission staff working document.
62. In accordance with paragraph 3 of Article 46 of the Convention on cybercrime, the CDPC reviewed the provisions of the Convention.
63. The CDPC, in particular, welcomed the fact that the Convention had gained widespread international support and agreed that it was premature to amend its provisions.
64. The CDPC considered the request from the T-CY to the CDPC and the PC-OC to provide the T-CY with practical guidance or information concerning best practices for mutual legal assistance in computer related cases in particular in urgent cases. The CDPC also noted that the T-CY had requested further information from the T-CY participants concerning Article 32b concerning trans-border access to stored computer data with consent. The CDPC therefore decided to instruct the PC-OC to provide the requested practical guidance or information and also to include questions relating to operational matters such as Article 32b.

ITEM 11 – PREPARATION OF THE 28TH CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE (25-26 OCTOBER 2007, LANZAROTE, SPAIN)

65. The CDPC took note of the topic “Emerging issues of access to justice for vulnerable groups, in particular: migrants and asylum seekers; children, including children perpetrators of crime”, approved as the result of consultations between the Bureau of the CDPC and the Bureau of the CDCJ.
66. The CDPC agreed that issues of access to justice for asylum seekers in the context of their possible extradition, including the issue of the impact of asylum proceedings on extradition, as well as asylum issues in the context of the fight against organised crime could be of interest to the Ministers of Justice. As regards children as perpetrators of crime, the problem of unaccompanied foreign minors could also be interesting to examine.
67. In order to prepare the Conference, the CDPC agreed to hold its next Bureau meeting on 10-11 September 2007, especially as it was intended to open for signature at this Conference the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (see item 3 above).

ITEM 12 – ELECTIONS

68. The CDPC elected Mr Branislav BOHÁČIK (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. The CDPC thanked its outgoing Chair, Mr DEBRULLE, for his excellent work.
69. The CDPC appointed Mr Claude DEBRULLE (Belgium) to chair the Group of Specialists on counterfeit pharmaceutical products (PC-S-CP) and Mr Tihomir KRALJ (Croatia) as its representative to the CODEXTER.

70. As a result of these elections the following are now members of the Bureau:

Mr Branislav BOHÁČIK (Slovakia)	elected Chair	2007-2009
Mr Eric RUELLE (France)	elected Vice-Chair	2007-2008
Mr Jesper HJORTENBERG (Denmark)	elected	2005-2009
Ms Andreja LANG (Slovenia)	elected	2005-2009
Mr Roland MIKLAU (Austria)	elected	2005-2009
Mr Alexander ZMEYEVSKIY (Russian Federation)	elected	2005-2009
Mr Florian Razvan RADU (Romania)	elected	2007-2011
Ms Maria GAVOUNELI (Greece)	elected	2007-2011
Mr Hans-Holger HERRNFELD (Germany)	elected	2007-2011

71. The CDPC instructed its Bureau to appoint the CDPC representatives to the Steering Committee on Human Rights (CDDH) and the Group of Specialists on remedies for crime victims (CJ-S-VICT) at its next meeting on 10-11 September 2007.

ITEM 13 - ACTIVITIES OF THE COUNCIL OF EUROPE OUTSIDE THE CDPC

13a. Opinions and replies

72. The CDPC examined and approved the following texts, which it invited the Committee of Ministers to take note:

- its 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 (see Appendix VI),
- its Opinion on Parliamentary Assembly Recommendation 1794 (2007) on the quality of medicines in Europe (see Appendix VII),
- its Reply 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) (see Appendix VIII).

73. The CDPC took note of Parliamentary Assembly Recommendation 1792 (2007) on fair trial issues in criminal cases concerning espionage or divulging state secrets and Resolution 1547(2007) on the state of human rights and democracy in Europe.

13b. Work of other bodies of the Council of Europe

74. The CDPC took note of the work carried out by the Consultative Council of European Prosecutors (CCPE), presented by its Chair Mr João Manuel DA SILVA MIGUEL. The CDPC underlined the important role prosecutors play in the field of policy making in the criminal area and therefore co-operation between the CDPC and the CCPE is important and very useful for both committees.

75. The CDPC noted with interest that the CCPE was preparing an Opinion on international co-operation in the penal field, which would become a useful document not only to improve international co-operation in general, but will also to strengthen its efficiency.

76. The CDPC thanked the Chair of the CCPE for his intervention. It agreed that, when necessary, organising joint meetings between the CDPC and the CCPE could be considered in the future.

ITEM 14 – DATES OF THE NEXT MEETINGS OF THE CDPC AND ITS BUREAU

77. Taking into account the preparatory work for the 28th Conference of the European Ministers of Justice the Bureau of the CDPC decided to hold its next meeting on 10-11 September 2007.

78. The CDPC instructed the Bureau to:
- 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);
 - follow closely the progress made by the PC-S-CP (see paragraph 2b above and item 4 of the agenda);
 - follow the discussions at the PC-OC concerning the proposal for a new possible Additional Protocol to the European Convention on the Transfer of Sentenced Persons (see item 6a of the agenda);
 - take note of the information concerning the budget necessary for the implementation of practical measures to improve the efficiency of international co-operation in criminal matters (PC-OC) (see item 6b of the agenda);
 - examine, in light of the information provided by the Secretariat, the advantages and disadvantages of a possible comprehensive convention on international co-operation in criminal matters (see paragraphs 34-35 above);
 - taken note of the progress in preparing the draft Recommendation containing European Rules for juvenile offenders subject to community sanctions or measures or deprived of their liberty and its explanatory memorandum (see item 7b of the agenda)
 - appoint its representatives to the Steering Committee on Human Rights (CDDH) and the Group of Specialists on remedies for crime victims (CJ-S-VICT);
 - to finalise the document concerning the working methods of the CDPC and its Bureau (see item 9 of the agenda)
 - fix the date of the next plenary meeting of the CDPC (see item 14 of the agenda);
79. The CDPC decided to hold the next plenary meeting during the first or the second week of June 2008 and instructed its Bureau to determine the exact dates of the plenary meeting.

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

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

* 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.

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

Ms Natalia KHUTORSKAYA, Principal Researcher, Research Institute of the Federal Penitentiaries Service, MOSCOW

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

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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

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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)

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- * 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**

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

FRANCE / FRANCE

- * M. Eric RUEELLE, 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

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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

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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 / CONFÉRENCE DES OING DU CONSEIL DE L'EUROPE

Apologised / Excusé

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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

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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

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**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
PENALE ET PENITENTIAIRE (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 Group of Specialists on Counterfeit Pharmaceutical Products (PC-S-CP) (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 specific terms of reference of MONEYVAL**
Working documents
 Extension of the terms of reference of MONEYVAL CDPC (2007) 15
 19th plenary meeting report (4-7 July 2006) 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 <u>practical measures</u> to improve operation of relevant committees	PC-OC (2007) 05
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- normative measures

Working document

Draft proposals of the PC-OC concerning <u>normative measures</u> to improve operation of relevant committees	PC-OC (2007) 06
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7. Prisons

Working documents

PC-CP 52 nd Summary meeting report	PC-CP (2006) 12
PC-CP 53 rd Summary meeting report	PC-CP (2006) 15
PC-CP 54 th Summary meeting report	PC-CP (2007) 01
PC-CP 55 th 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
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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
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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
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- 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) Terms of reference
 relating to the regulation of private security services
- 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) CDPC (2007) 11
 on the quality of medicines in Europe
 CDPC opinion on Parliamentary Assembly Recommendation 1793 (2007) CDPC (2007) 10
 on the need for a Council of Europe convention on the suppression of counterfeiting and trafficking in counterfeit goods
 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

DRAFT 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 declaration⁸;
- 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.

⁸ 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

DRAFT 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).⁹ 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)¹⁰ 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;
 - ii. the efficiency of measures taken to combat money laundering and terrorist financing in the legislative, financial regulatory, law enforcement and judicial sectors;

⁹ 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.

¹⁰ 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.

- 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 budget¹¹ 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.

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);

¹¹ A Special Account has been opened for that purpose.

- 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.¹²

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.

¹² 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 reference¹³ 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.

¹³ 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 terrorism¹⁴, 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 the 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.

¹⁴ 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).