

Strasbourg, 4 July 2003
cdpc plenary\docs 2003\cdpc (2003) 09 - e

CDPC (2003) 9

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

52nd Plenary Session
(27th meeting as a Steering Committee)

Strasbourg, 16-20 June 2003

List of items discussed and decisions taken

1. The European Committee on Crime Problems (CDPC) held its 52nd plenary session (27th meeting as a Steering Committee) in Strasbourg from 16 to 20 June 2003 with Mr D. Fontanaud (France) in the chair. The list of participants and the agenda appear at appendices I and II respectively.
2. The CDPC elected:
 - Mr Eugenio Selvaggi (Italy) as Chairperson and Messrs Richard Bradley (United Kingdom), Branislav Boháčik (Slovakia) and Claude Debrulle (Belgium) as members of the Bureau;
 - Mr Xavier Ronsin (France), Ms Anna-Katrina Grönholm (Finland) and Mr André Vallotton (Switzerland) as members of the Council for Penological Co-operation (PC-CP);
 - Messrs Nicolas Queloz (Switzerland) and Krzysztof Krajewski (Poland) as members of the Criminological Scientific Council (PC-CSC);
 - Messrs Antonino Di Maio (Italy), Tor Jervell Backe-Hansen (Norway), Jaime Fernandes (Portugal), Neil Clowes (United Kingdom), Alvydas Šakočius (Lithuania), Christakis Mavris (Cyprus) and Peter Ondrusko (Slovakia) as members of the Council for Police Matters (PC-PM).

Items requiring action by the Committee of Ministers

3. The CDPC approved the draft Recommendation concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, as well as the accompanying explanatory memorandum. The Committee of Ministers is invited to adopt the draft Recommendation and to take note of the explanatory memorandum (Addendum I to the present report).

4. The CDPC approved the draft Recommendation concerning partnership in crime prevention as well as the report on some generic aspects of partnership in crime prevention and the consolidated report on the terms of reference which accompany the draft Recommendation. The Committee of Ministers is invited to adopt the draft Recommendation and to take note of the two reports (Addendum II to the present report).

5. The CDPC approved the draft Recommendation concerning the management of life-sentenced and other long-term prisoners and the report accompanying it. The Committee of Ministers is invited to adopt the draft Recommendation and to take note of the report (Addendum III to the present report).

6. The CDPC examined the final activity report of the Group of Specialists on internal security services (PC-S-SEC), noted divergent opinions as to the usefulness of elaborating recommendations on the subject, therefore agreed, for the time being, not to accord priority to this matter in its work programme, and decided to transmit the final activity report to the Committee of Ministers, in conformity with paragraph 6 of the PC-S-SEC's terms of reference. The Committee of Ministers is invited to take note of this final activity report (Addendum IV to the present report).

7. The CDPC approved the draft Recommendation concerning conditional release (parole) and the accompanying explanatory memorandum, as well as a study of conditional release in member States. The Committee of Ministers is invited to adopt the draft Recommendation and to take note of the explanatory memorandum and of the study (Addendum V to the present report).

8. The CDPC amended the terms of reference of the Select Committee of Experts on the evaluation of anti-money-laundering measures (MONEYVAL [formerly PC-R-EV]), in particular with regard to the continued participation of member States which become members of the Financial Action Task Force (FATF), and decided to extend MONEYVAL's terms of reference until 31 December 2007. The Committee of Ministers is invited to approve the amended terms of reference and their extension (Appendix III to the present report).

9. The CDPC adopted specific terms of reference for the Committee of experts on the treatment of sex offenders in penal institutions and in the community (PC-DS). The decision to set up this committee had already been taken at the 48th plenary session in June 1999; however, due to budgetary constraints it has not yet been possible to start this activity. The Committee of Ministers is invited to approve the terms of reference for Committee PC-DS (Appendix IV to this report).

10. The CDPC adopted specific terms of reference for the Committee of Experts on the revision of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (PC-RM). The Committee of Ministers is invited to approve these terms of reference (Appendix V to the present report).

11. Having noted that the Committee of Experts on remand in custody and its implications for the management of penal institutions (PC-DP), set up in 2001, had been unable, due to budgetary constraints, to start its work before December 2002, the CDPC decided to extend the PC-DP's terms of reference (expiry 31 December 2003) until 31 December 2004. The Committee of Ministers is invited to approve the extension of these terms of reference.

12. Having taken note of a progress report of the Group of Specialists on the protection of children against sexual exploitation (PC-S-ES), the CDPC invited Delegations to support the designation or establishment of national agencies that could assume a co-ordinating role in protecting children against sexual exploitation, in conformity with the Stockholm Agenda, the Budapest Commitment and the Yokohama Global Commitment. In this context, it urged the Group to continue their efforts in promoting the speedy setting-up of National Focal Points which would constitute a European network for the purpose of ensuring a co-ordinated approach to the effective protection of children. It decided to extend the Group's terms of reference (expiry 31 December 2003) until 31 December 2005. The Committee of Ministers is invited to approve the extension of these terms of reference.

13. At the request of the Ministry of Foreign Affairs of Serbia and Montenegro (letter of 9 May 2003), the CDPC decided to admit, as from 1 January 2004, an expert from that country to the Committee of Experts on special investigation techniques in relation to acts of terrorism (PC-TI) (provided its terms of reference will be extended beyond 31 December 2003), as a member whose travel and subsistence expenses will be borne by the Council of Europe budget. It agreed to amend, subject to their extension, the PC-TI's terms of reference accordingly. The Committee of Ministers is invited to approve this amendment to the terms of reference.

Other items

14. Having noted the activities which have been, or are expected to be, finished in 2003, as well as those which will be carried out under new or extended terms of reference (cf. paragraphs 6-10 above), and having been informed of the likely budgetary situation in the years to come, the CDPC agreed, subject to the availability of the necessary resources in 2004/2005, to include the following activities in its future work programme:

- Update Recommendation N° R (87) 21 concerning assistance to victims and the prevention of victimisation (to be carried out by a committee of experts – terms of reference to be prepared by the Bureau (CDPC-BU) in consultation with the Criminological Scientific Council (PC-CSC);
- Prepare separate rules for the enforcement of sentences and community sanctions and measures imposed on juvenile offenders, as a complement to the European Prison Rules and the European Rules on Community Sanctions and Measures (to be carried out by a committee of experts – terms of reference to be prepared by the Bureau (CDPC-BU) in consultation with the Council for Penological Co-operation (PC-CP) and the Criminological Scientific Council (PC-CSC).

15. The CDPC took note of progress reports of the advisory bodies, committees and groups of specialists working under its authority: Council for Penological Co-operation (PC-CP), Criminological Scientific Council (PC-CSC), operation of European Conventions in the Penal Field (PC-OC), criminological and criminal law aspects of organised crime (PC-S-CO), remand in custody and its implications for the management of penal institutions (PC-DP), protection of children against sexual exploitation (PC-S-ES), evaluation of anti-money-laundering measures (MONEYVAL [PC-R-EV]), protection of witnesses and *pentiti* in relation to acts of terrorism (PC-PW), and special investigation techniques in relation to acts of terrorism (PC-TI).

16. The CDPC decided to declassify the 2001 Report on the situation of organised crime in Council of Europe member States and took note of the Best Practice Surveys prepared by the Group of Specialists on organised crime (PC-S-CO). As the terms of reference of the PC-S-CO will expire on 31 December 2003, the CDPC agreed to the organised crime reports and best practice surveys to be carried out in future within the Octopus Programme against Corruption and Organised Crime in Europe.

17. The CDPC decided to review, at its next plenary session in 2004, the implementation of Recommendations R (99) 19 on mediation in penal matters and R (99) 22 on prison overcrowding and prison population inflation, on the basis of analytical reports to be prepared by consultants.

18. The CDPC was informed of the conclusions of the 13th Conference of Directors of Prison Administration (Strasbourg, 6-8 November 2002) and of the 4th Conference of Prosecutors General of Europe (Bratislava, 1-3 June 2003).

19. The CDPC took note of the preparations for the 25th Conference of European Ministers of Justice, to be held at the invitation of the Bulgarian Minister in Sofia on 9 and 10 October 2003. It was informed that the Finnish Minister had invited the 26th Conference to meet in Helsinki in April 2005, and that the 27th Conference was scheduled to be held in Yerevan in 2006 at the invitation of the Armenian Minister.

20. The CDPC took note of the preparations for the 22nd Criminological Research Conference, to be held in Strasbourg from 24 to 26 November 2003 on the topic "Opinions, attitudes and images of crime and its control".

21. The CDPC took note of the preparations for the 3rd Consultation Meeting on the implications for member States of the ratification of the Statute of the International Criminal Court, which will be held in Strasbourg on 17 September 2003.

22. The CDPC was informed of the activities carried out within the co-operation programmes for strengthening the Rule of Law, the Octopus and PACO Programmes, the Integrated Project on responses to violence in everyday life, and those by the Group of States against Corruption (GRECO), the Consultative Council of European Judges (CCJE), the European Commission for the Efficiency of Justice (CEPEJ), the Committee of Experts on Terrorism (CODEXTER) and the Committee of Legal Advisers on Public International Law (CAHDI).

23. The CDPC discussed its working methods, in particular the distribution of tasks between the Plenary and the Bureau, and instructed its Bureau to make proposals for consideration by the CDPC at its next plenary session.

24. The CDPC held an exchange of views with Mr Ionel Olteanu, MP, member of the Parliamentary Assembly's Committee on Legal Affairs and Human Rights.

APPENDIX / ANNEXE I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS^(*)

ALBANIA / ALBANIE

Mr Sokol HAZIZAJ, Ministry of Justice

ANDORRA / ANDORRE

* M. André PIGOT, Ancien membre du Conseil Supérieur de la Justice

M. Jean-Louis VUILLEMIN, Tribunal Supérieur de la Justice

ARMENIA / ARMÉNIE

* Mr Hovhannes POGHOSYAN, Police Headquarters

AUSTRIA / AUTRICHE

Mr Roland MIKLAU, Ministry of Justice

AZERBAIJAN / AZERBAÏDJAN

Mr Moylam SHIKHALIYEV, Ministry of Internal Affairs

BELGIUM / BELGIQUE

M. Simon CLAISSE, Ministère de la Justice

Ms Linda CONINGS, Ministry of Justice

* M. Claude DEBRULLE, Ministère de la Justice

M. Freddy GAZAN, Ministère de la Justice

BOSNIA & HERZEGOVINA / BOSNIE & HERZEGOVINE

Ms Medžida KRESO, Prosecutor General's Office

BULGARIA / BULGARIE

* Mr Petar RASHKOV, Ministry of Justice

CROATIA / CROATIE

* Mr Željko HORVATIĆ, University of Zagreb

Mr Tihomir KRALJ, Ministry of the Interior

CYPRUS / CHYPRE

* Mr Lazaros S. SAVVIDES, Ministry of Justice and Public Order

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

* Ms Irena STÁTNIKOVÁ, Ministry of Justice

(*) 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 États 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.

DENMARK / DANEMARK

Ms Alessandra GIRALDI, Office of the Director of Public Prosecution

Mr Jesper HJORTENBERG, Office of the Director of Public Prosecution

* Mr Lennart HOUMANN, Ministry of Justice

Ms Marianne SECHER, Ministry of Justice

Ms Birgit SOMMER, Crime Prevention Council

Chair of the PC-PA / Présidente du PC-PA

ESTONIA / ESTONIE

Mr Priit PIKAMÄE, Circuit Court Tallinn

FINLAND / FINLANDE

* Mr Esa VESTERBACKA, Ministry of Justice

Ms Eeva VIRKKUNEN, Ministry of Justice

FRANCE

* M. Daniel FONTANAUD, Ministère de la Justice

Chairman of the CDPC / Président du CDPC

M. Eric RUELLE, Ministère de la Justice

M. Franck ZIENTARA, Ministère des affaires étrangères

GEORGIA / GÉORGIE

Mr Teimuraz BAKRADZE, Ministry of Foreign Affairs

GERMANY / ALLEMAGNE

Mr Richard BLATH, Federal Ministry of Justice

* Mr Jürgen SCHNIGULA, Federal Ministry of Justice

GREECE / GRÈCE

Mr Nikolaos PARASKEVOPOULOS, Aristote University Thessaloniki

HUNGARY / HONGRIE

Mme Klara NÉMETH-BOKOR, Ministère de la Justice

ICELAND / ISLANDE

* Mr Thorsteinn A. JÓNSSON, Prison and Probation Administration

IRELAND / IRLANDE

Ms Helen CASEY, Department of Justice, Equality and Law Reform

Mr Tim DALTON, Department of Justice, Equality and Law Reform,

* Mr Michael MELLETT, Department of Justice, Equality and Law Reform

Mr David WALKER, Department of Justice, Equality and Law Reform

Chairman of the PC-JU / Président du PC-JU

ITALY / ITALIE

* M. Vitaliano ESPOSITO, Ministère de la Justice

Mr Eugenio SELVAGGI, Procura Generale della Repubblica presso la Corte d'Appello di Roma

LATVIA / LETTONIE

- * Mr Viesturs BURKĀNS, Prosecutor General's Office

LIECHTENSTEIN

M. Patrick RITTER, Représentation Permanente du Liechtenstein auprès du Conseil de l'Europe

LITHUANIA / LITUANIE

Ms Aušra BERNOTIENE, Ministry of Justice

LUXEMBOURG

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

MALTA / MALTE

- * Mr Silvio CAMILLERI, Office of the Attorney General

MOLDOVA

- * M. Vitalie PĂRLOG, Ministère de la Justice

NETHERLANDS / PAYS-BAS

Mr Gerard DE BOER, Permanent Representation of the Netherlands to the Council of Europe

- * Mrs Marjorie BONN, Ministry of Justice

NORWAY / NORVÈGE

- * Mrs Guro KLEPPE, Ministry of Justice

POLAND / POLOGNE

- * Mr Jacek GARSTKA, Ministry of Justice

PORTUGAL

Mme Luisa Maria GONÇALVES, Ministère de la Justice

ROMANIA / ROUMANIE

- * Mme Nicoleta ILIESCU, Ministère de la Justice

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Mr Alexey GOLOVLEV, Federal Security Service

Mr Alexey LYZHENKOV, Ministry of Foreign Affairs

Ms Iana PURESKINA, Financial Monitoring Committee

Mr Igor SERGEEV, Federal Security Service

Mr Oleg SIDOROV, Federal Security Service

Ms Irina SILKINA, Ministry of Foreign Affairs

Mr Stanislav SMOLIAR, Financial Monitoring Committee

- * Mr Alexander V. ZMEYEVSKIY, Ministry of Foreign Affairs

SAN MARINO / SAINT-MARIN

SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO

Ms Jasmina SAHINOVIC, Federal Ministry of the Interior

SLOVAKIA / SLOVAQUIE

- * Mr Branislav BOHÁČIK, Ministry of Justice

SLOVENIA / SLOVÉNIE

* Ms Andreja LANG, Ministry of Justice

SPAIN / ESPAGNE

Mr Alfredo PASCUAL-MARTINEZ, Ministry of Justice

SWEDEN / SUÈDE

* Mrs Maria KELT, Ministry of Justice

Mr Niklas WÄGNERT, Ministry of Justice

SWITZERLAND / SUISSE

M. Mario-Michel AFFENTRANGER, Office fédéral de la justice

Mme Anita MARFURT, Office fédéral de la justice

**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” /
«L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE»**

M. Nikola MATOVSKI, Université "St-Cyrille et Méthode" à Skopje

TURKEY / TURQUIE

Mr Aydin Sefa AKAY, Permanent Representation of Turkey to the Council of Europe

* Mr Şeref ÜNAL, Ministry of Justice

UKRAINE

Ms Kateryna SHEVCHENKO, Ministry of Justice

UNITED KINGDOM / ROYAUME-UNI

* Mr Richard BRADLEY, Home Office

Mrs Govind DEMELZA, Home Office

Mr John GRAHAM, Audit Commission

Scientific Expert of the PC-JU / Expert scientifique du PC-JU

Mr Nigel NEWCOMEN, Sentence Management Group

Chairman of the PC-LT / Président du PC-LT

The Rt Hon Sir Murray STUART-SMITH Kt PC, formerly Proscribed Organisations Appeals Tribunal

Scientific Expert of the PC-S-SEC / Expert scientifique du PC-S-SEC

* * * * *

CDPC BUREAU / BUREAU DU CDPC
(CDPC-BU)

CROATIA / CROATIE

Mr Željko HORVATIĆ, University of Zagreb

FINLAND / FINLANDE

Mr Esa VESTERBACKA, Ministry of Justice

FRANCE

M. Daniel FONTANAUD, Ministère de la Justice

Chairman of the CDPC / Président du CDPC

ITALY / ITALIE

Mr Eugenio SELVAGGI, Procura Generale della Repubblica presso la Corte d'Appello di Roma

POLAND / POLOGNE

Mr Jacek GARSTKA, Ministry of Justice

SWITZERLAND / SUISSE

M. Mario-Michel AFFENTRANGER, Office fédéral de la justice

CRIMINOLOGICAL SCIENTIFIC COUNCIL
CONSEIL SCIENTIFIQUE CRIMINOLOGIQUE
(PC-CSC)

Mrs Mariavaleria DEL TUFO (**Italian / italienne**), Naples University II

Mr Frieder DÜNKEL (**German / allemand**), Ernst-Moritz-Arndt-Universität Greifswald

Mr Michael LEVI (**British / britannique**), Cardiff School of Social Science Apologised / Excusé

Ms Christa PELIKAN (**Austrian / autrichienne**), Institut für Rechts-und Kriminalsoziologie

M. Pierre V. TOURNIER (**French / français**), Centre d'histoire sociale du XX^e siècle de l'Université Paris I Panthéon Sorbonne

Ms Helena VALKOVÁ (**Czech / tchèque**), University of West Bohemia in Pilsen

Mr Hanns von HOFER (**Swedish / suédois**), Stockholm University Apologised / Excusé

* * * * *

COUNCIL FOR PENOLOGICAL CO-OPERATION
CONSEIL DE COOPÉRATION PÉNOLOGIQUE
(PC-CP)

Mr Bertel ÖSTERDAHL (**Swedish / suédois**), formerly National Prison and Probation Administration

* * * * *

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

M. Ionel OLTEANU, Vice-Président de la Sous-Commission de droit pénal de criminologie de la Commission des questions juridiques et des droits de l'homme

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

* * * * *

EUROPEAN COMMUNITY / COMMUNAUTÉ EUROPÉENNE

Commission

General Secretariat of the Council of the European Union /

Secrétariat Général du Conseil de l'Union Européenne

Apologised / Excusé

* * * * *

NON-MEMBER STATES / ETATS NON-MEMBRES

BELARUS / BÉLARUS

Mrs Lyudmila KLEBANOVICH, Ministry of Foreign Affairs

* * * * *

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

HOLY SEE / SAINT-SIÈGE

M. Marc LEYENBERGER, Avocat

UNITED STATES OF AMERICA / ÉTATS-UNIS D'AMÉRIQUE

Apologised / Excusé

CANADA

JAPAN / JAPON

Mr Naoki ONISHI, Consulate General of Japan

MEXICO / MEXIQUE

* * * * *

International Intergovernmental Organisations /
Organisations Internationales Intergouvernementales

UNITED NATIONS / NATIONS UNIES

EUROPEAN INSTITUTE FOR CRIME PREVENTION AND CONTROL, AFFILIATED WITH THE UNITED NATIONS (HEUNI)

Mr Kauko AROMAA, Director

UNITED NATIONS ASIA AND FAR EAST INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (UNAFEI)

UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME (UNDCP)

Apologised / Excusé

UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE (UNICRI)

UNITED NATIONS LATIN AMERICAN INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (ILANUD)

I.C.P.O. INTERPOL / O.I.P.C. INTERPOL

Mme Estelle MARTIN, Legal Counsel's Office

**International Non-governmental Organisations /
Organisations Internationales Non-gouvernementales**

COUNCIL OF THE BARS AND LAW SOCIETIES OF THE EUROPEAN COMMUNITY / CONSEIL DES BARREAUX DE LA COMMUNAUTE EUROPEENNE (CCBE)

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

Mlle Aglaia TSITSOURA, Université « Panteios » à Athènes

INTERNATIONAL BAR ASSOCIATION

Apologised / Excusé

INTERNATIONAL CENTRE FOR CRIMINAL LAW REFORM AND CRIMINAL JUSTICE POLICY

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

Apologised / Excusé

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

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

Ms Rachida TOUAHRIA, Legal Assistant to the Secretary General

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

PENAL REFORM INTERNATIONAL (PRI)

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

Apologised / Excusé

WORLD SOCIETY OF VICTIMOLOGY / SOCIÉTÉ MONDIALE DE VICTIMOLOGIE

Mlle Aglaia TSITSOURA, Université « Panteios » à Athènes

SECRETARIAT

Mr Hans-Jürgen BARTSCH	Head of the Department of Crime Problems / Chef du Service des Problèmes Criminels
Mr Candido CUNHA	Head of the Criminal Law and Criminal Justice Division / Chef de la Division Droit pénal et Justice Pénale
Mr Manuel LEZERTUA	Head of the Economic Crime Division / Chef de la Division Criminalité Economique
Mr Stephanos STAVROS	Head of the Penology and Criminology Division / Chef de la Division Pénologie et Criminologie
Mrs Iliana TANEVA	Administrative Officer / Administrateur
Ms Caterina BOLOGNESE	Administrative Officer / Administrateur
Ms Anita VAN DE KAR	Administrative Officer / Administrateur
Mrs Camilla TESSENYI	Administrative Officer / Administrateur
Mr John RINGGUTH	Administrative Officer / Administrateur
Mr Gianluca ESPOSITO	Administrative Officer / Administrateur, Department of Private Law
Ms Tanja GERWIEN	Administrative Officer / Administrateur, Department of Private Law
Mr Rafael BENITEZ	Administrative Officer / Administrateur, Department of Public Law
Mrs Marie-Louise FORNES	Central Office / Bureau Central
Ms Claire GROVE)	Assistants / Assistantes
Mrs Elspeth REILLY)	
Mrs Marose BALA-LEUNG)	

* * * * *

Mr Tim CARTWRIGHT	Head of Planning and Evaluation Department / Chef du Service de Planification et d'Evaluation
-------------------	--

* * * * *

Mr Jean-Pierre TITZ	Project Manager, Integrated Project / Directeur de Projet, Projet intégré
---------------------	--

* * * * *

Interpreters / Interprètes

Mme Carmen BERNDT
Mme Marie-José HALT
Mr Philippe QUAINÉ
Mr Christopher TYCZKA
Mr Robert VAN MICHEL

APPENDIX II

AGENDA

OPENING OF THE MEETING

- 1 Adoption of the agenda
- 2 Statement by the Director of Legal Co-operation
- 3 Information provided by the Secretariat

STRUCTURES OF THE CDPC

- 4* Election of:
 - the Chairperson and two members of the Bureau (CDPC-BU)
 - three members of the Council for Penological Co-operation (PC-CP)
 - two members of the Criminological Scientific Council (PC-CSC)
 - seven members of the Council for Police Matters (PC-PM)
- 5 Working methods
 - Distribution of tasks between Plenary and Bureau
 - Consultation with Delegations between plenary sessions

ACTIVITIES OF THE CDPC

Committees

- 6* New ways of dealing with juvenile delinquency (PC-JU):
 - Draft Recommendation and Explanatory Memorandum (final activity report)
- 7* Partnership in crime prevention (PC-PA):
 - Draft Recommendation and Explanatory Memorandum (final activity report)
- 8* Management of long-term prisoners (PC-LT):
 - Draft Recommendation and Report (final activity report)
- 9* Internal security services (PC-S-SEC):
 - Report (final activity report)
- 10* Council for Penological Co-operation (PC-CP):
 - Conditional release (parole): Draft Recommendation and Explanatory Memorandum, and comparative study (final activity report)
 - Revision of the European Prison Rules: progress report (for information)
 - SPACE: progress report (for information)
 - Other items for information
- 11* Criminological Scientific Council (PC-CSC):
 - Follow-up to Recommendation N° R (99) 19 concerning mediation in penal matters
 - Updating of Recommendation N° R (87) 21 on assistance to victims and the prevention of victimisation
 - Items for information

- 12* Evaluation of anti-money laundering measures (Moneyval [PC-R-EV]):
 - Amendment to terms of reference
- 13* Treatment of sex offenders in penal institutions and in the community (PC-DS):
 - Adoption of terms of reference
- 14* Revision of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (PC-RM):
 - Adoption of terms of reference
- 15 Operation of European Conventions in the penal field (PC-OC):
 - Progress report (for information)
- 16* Criminological and criminal law aspects of organised crime (PC-S-CO):
 - Reports on the organised crime situation: declassification
 - Best practice surveys (for information)
 - Future reports and surveys
- 17* Remand in custody and its implications for the management of penal institutions (PC-DP):
 - Progress report (for information)
 - Extension of terms of reference
- 18* Protection of children against sexual exploitation (PC-S-ES):
 - Terms of reference for national focal points (interim report)
- 19 Consultation on the International Criminal Court (PC-S-ICC):
 - Progress report (for information)
- 20 Protection of witnesses and *pentiti* in relation to acts of terrorism (PC-PW):
 - Progress report (for information)
- 21 Special investigation techniques in relation to acts of terrorism (PC-TI):
 - Progress report (for information)
- 22 Transnational criminal justice (PC-TJ):
 - Progress report (for information)

Conferences and Colloquia

- 23 3rd Consultation on the Statute of the International Criminal Court (Strasbourg, 2003): preparation
- 24 25th Conference of European Ministers of Justice (Sofia, 2003): preparation
- 25 26th and 27th Conferences of European Ministers of Justice (Helsinki, 2005; Yerevan, 2006): preparation
- 26 13th Conference of Directors of Prison Administration (Strasbourg, 2002): conclusions
- 27 22nd Criminological Research Conference (Strasbourg, 2003): preparation
- 28* 4th Conference of Prosecutors General of Europe (Bratislava, 2003): conclusions

Future work programme

- 29* New activities for 2004/2005

30 **ITEMS FOR INFORMATION**

- Co-operation programmes for strengthening the Rule of Law
- “Octopus” and PACO programmes
- Stability Pact for South Eastern Europe: corruption and organised crime initiatives
- Group of States against Corruption (GRECO)
- European Conferences of Specialised Services against corruption
- New developments in legislation, policy and administrative practice in member States in the field of crime problems
- Co-operation with the European Union
- Co-operation with United Nations
- Activities of international organisations (other than United Nations) in the field of crime problems
- Co-operation with Financial Action Task Force (FATF)
- Forum for Children and Families
- Pompidou Group
- Consultative Council of European Judges (CCJE)
- European Commission for the Efficiency of Justice (CEPEJ)
- Committee of Experts on Terrorism (CODEXTER)
- Committee of Legal Advisers on Public International Law (CAHDI)
- Integrated Project “Responses to violence”
- Publications

OTHER SUBJECTS

- 31** Activities of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly
- 32** European Sourcebook of Crime and Criminal Justice Statistics
- 33*** Implementation of Recommendations
- 34** Other business
- Ad hoc Committee on action against trafficking in human beings (CAHTEH): appointment of three CDPC representatives
 - Committee of Experts on special investigation techniques in relation to acts of terrorism (PC-TI): request for membership (Serbia and Montenegro)
- 35*** Date of the next plenary session

APPENDIX III

Revised specific terms of reference (MONEYVAL [PC-R-EV])

1. Name of Committee

Select Committee of experts on the evaluation of anti-money laundering measures (MONEYVAL)

2. Type of Committee:

Select Committee

3. Source of terms of reference:

European Committee of Crime Problems (CDPC)

4. Terms of reference:

- 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)¹. 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, IMF and 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 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)² in complying with the relevant international anti-money laundering and countering terrorist financing standards, as contained e.g. in

¹ Council of Europe member States members of the FATF: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom.

² Albania, Andorra, Armenia, Azerbaijan, *Bosnia and Herzegovina*, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Georgia, Hungary, Latvia, Liechtenstein, Lithuania, Moldova, Malta, Poland, Romania, Russian Federation, San Marino, *Serbia and Montenegro*, Slovakia, Slovenia, "The former Yugoslav Republic of Macedonia", Ukraine. See also 5(a)ii above.

the recommendations of the FATF, including the Special Recommendations on Financing of Terrorism and Terrorist Acts and related Money Laundering, the 1998 UN Convention on illicit traffic in narcotic drugs and psychotropic substances, the United Nations Convention against Transnational Organised Crime, the relevant European Union Directives on the prevention of the use of the financial system for money laundering 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 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;
- 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
- 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.
 - 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, Moldova, Malta, Poland, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, "The former Yugoslav Republic of Macedonia", 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;
 - iv. three scientific experts appointed by the Secretariat.
- b. The Council of Europe's budget³ 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. These member states may send additional experts at their own expense.
- c. Members' desirable qualifications: senior officials and experts with responsibility for supervision of financial institutions, senior members of 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.

³ A special account has been opened for that purpose.

- d. The Commission of the European Communities 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.
- e. The following observers 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.
- f. 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.iii,
 - Secretariat of the Financial Action Task Force on Money Laundering (FATF),
 - ICPO-Interpol,
 - Commonwealth Secretariat,
 - International Monetary Fund (IMF),
 - United Nations Drug Control Programme (UNDCP),
 - United Nations Counter-Terrorism Committee (CTC),
 - United Nations Crime Prevention and Criminal Justice Division,
 - World Bank,
 - European Bank of Reconstruction and Development (EBRD),
 - Offshore Group of Banking Supervisors (OGBS),
 - Egmont Group.
- g. The Bureau of the CDPC may authorise the admission of other observers to the Committee.

6. Working structures and methods:

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 30 June 2007.

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.

APPENDIX IV

SPECIFIC TERMS OF REFERENCE OF THE COMMITTEE OF EXPERTS ON THE TREATMENT OF SEX OFFENDERS IN PENAL INSTITUTIONS AND IN THE COMMUNITY (PC-DS)

DECISION CDPC/130/200603

1. Name of the Committee: Committee of Experts on the treatment of sex offenders in penal institutions and in the community (PC-DS)
2. Type of Committee: Committee of Experts
3. Source of terms of reference: European Committee on Crime Problems (CDPC)
4. Terms of reference

How to deal with perpetrators of sexual aggression has recently become a matter of growing concern for the Council of Europe and its member states.

The Second Summit of Heads of State and Government of the Council of Europe (11-12 October 1997) made the fight against sexual exploitation of children one of the organisation's top priorities. At the 12th Conference of Directors of Prison Administration (26-28 November 1997), a presentation on the treatment of sex offenders in Canada was included so that European practitioners could learn about new treatment techniques and release programmes for sex offenders as used and evaluated in Canada. Finally, on 18 November 2002 the Parliamentary Assembly, following a report by its Committee on Legal Affairs and Human Rights (Doc. 9613), adopted Recommendation 1583 (2202) on the "Prevention of recidivism in crimes against minors" stressing the importance to investigate efficient ways to tackle, *inter alia*, the problem of recidivism in sexual offences against minors.

The interest in this issue has not abated since.

Several questions arise concerning penal reaction to sexual aggression.

A first area of questions concerns penal policy. It relates to the possible choices between different penal sanctions and measures and their consequences for the offenders, the victims and the member states.

Sex offenders are dealt with through a variety of penal sanctions and measures in Europe, from long prison terms in closed institutions to treatment in the community. Several member states are faced with increasing populations of sex offenders in their prisons. The reasons for such an increase often include more severe sentences and/or restrictions on parole, especially for offences against minors. Other countries, however, have a rather low percentage of sex offenders in their prison population and have interesting experiences with non-custodial treatment of sex offenders in the community at the pre-trial detention, sentencing and conditional release stages. In the light of Recommendation No. R (99) 22 on prison overcrowding and prison population inflation, the evaluation of such programmes could produce interesting results, which could help member states limit recourse to imprisonment whenever this is possible.

A second area of questions concerns the enforcement of the different penal sanctions and measures, the problems that arise and member states' experiences with possible solutions to those problems.

Sex offenders in the prison population raise special questions for prison administrators, such as the advantages and disadvantages of segregation in special units versus integration in the mainstream population, the victimisation of sex offenders by fellow inmates or staff, the possibilities and limits of treatment programmes in prison and their effects on recidivism, the possibilities and limits of the application of normal prison regime elements to this population (family visits, prison leave, parole, etc.), the need for special institutions or programmes for mentally ill, juvenile, female and foreign sex offenders and the training of staff.

In a survey carried out in January 2000 on the treatment of sex offenders in the member states of the Council of Europe, a number of interesting initiatives taken by several prison services (Finland, Germany, Spain and Sweden) were mentioned (summary by Ms. Irene Köck, doc. PC-CP (2000) 22). These initiatives can be further built upon.

The execution of penal sanctions and measures in the community also raises special questions, such as the collaboration between therapeutic instances and penal professionals, the use of actuarial calculations, professional secrecy versus criminal responsibility of therapists, distinguishing between modalities of intervention (guidance, treatment, therapy), informing and protecting the victims and the public in general and the influence of community programmes and sanctions on recidivism, sentencing policies and prison populations. Here too, an exchange of evaluations would be helpful with a view to devising efficient penal policies that are acceptable to all parties concerned.

Obviously, there is interaction between the issues arising in connection with penal choices and those arising in connection with the enforcement of these choices. Choices made at the level of penal legislation or sentencing practice have an impact on problems at the level of enforcement (e.g. long pre-trial detention periods and prison terms may lead to prison overcrowding); however, often these choices are themselves influenced by what is feasible at the level of enforcement and by the problems that arise in this connection (e.g. the effective supervision of offenders in the community makes community sanctions and measures more credible). Therefore, a comparative evaluation of the penal sanctions and measures that exist for sex offenders in Europe and their enforcement may help member states to find ways to improve their legislation, sentencing practice and enforcement policy.

The Committee of Experts should study the above questions. The study conducted by the Committee should lead to a report and a draft Recommendation setting out, *inter alia*, guidelines for good practice. In carrying out this work the Committee should take into account the European Convention on Human Rights, Recommendations N° R (87) 3 on the European Prison Rules, R (92) 16 on the European Rules on community sanctions and measures, R (98) 7 concerning the ethical and organisational aspects of health care in prison, Rec(2000)11 on action against trafficking in human beings for the purpose of sexual exploitation, Rec(2000)22 on improving the implementation of the European Rules on community sanctions and measures, and Rec(2001)16 on the protection of children against sexual exploitation.

5. Membership of the Committee:

- a. one expert appointed by the Government of each of the following member states:
Belgium, Cyprus, Denmark, Finland, France, Germany, Hungary, Malta, Norway, Poland, Portugal, Sweden, Switzerland, Turkey, United Kingdom;
- b. two scientific experts appointed by the Secretary General;
- c. a representative of the Council for Penological Cooperation (PC-CP) and a representative of the Criminological Scientific Council (PC-CSC).
- d. The Council of Europe budget will bear the travel and subsistence expenses for one expert from each of the aforementioned member States, the two scientific experts and the representatives of the PC-CP and PC-CSC.
- e. Qualifications required of Committee members:
experience in sanction policy vis-à-vis sex offenders or in treatment programmes for sex offenders or in the management of penal institutions with sex offenders.

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

Permanent European Conference on Probation and Aftercare (CEP).

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

6. Working structures and methods: -

...

7. Duration:

These terms of reference will expire on 31 December 2005.

APPENDIX V

SPECIFIC TERMS OF REFERENCE OF THE COMMITTEE OF EXPERTS ON THE REVISION OF THE CONVENTION ON LAUNDERING, SEARCH, SEIZURE AND CONFISCATION OF THE PROCEEDS FROM CRIME (PC-RM)

DECISION CDPC/131/200603

1. Name of committee: Committee of Experts on the revision of the Convention on laundering, search, seizure and confiscation of the proceeds from crime (PC-RM)
2. Type of committee: Committee of Experts
3. Source of terms of reference: European Committee on Crime Problems (CDPC)
4. Terms of reference:

On the basis of the final activity report on the advisability of drawing up an additional protocol to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS N° 141) (doc. CDPC (2002) 5), in particular, its Chapter III, Section 3 (recommendations) and bearing in mind recent developments and existing international instruments related to money laundering matters in the Council of Europe as well as in other international fora (e.g. Financial Action Task Force on Money Laundering, European Union, Egmont Group, United Nations), the Committee shall draw up an additional protocol to Convention ETS N° 141, in order to update and complement it as necessary.

The PC-RM will report back to the CDPC before its 53rd plenary session about the advisability of including provisions on prevention in the draft Protocol. In the light of this report the CDPC will decide whether or not to extend the present terms of reference, inviting the PC-RM to incorporate prevention measures in the draft Protocol.

Moreover the PC-RM should also report back to the CDPC before its 53rd plenary session on the feasibility of including provisions on the funding of terrorism in the draft additional Protocol. In the light of this report the CDPC will decide whether or not to extend the present terms of reference inviting the PC-RM to incorporate measures against the financing of terrorism.

5. Membership of the committee:
 - a. a representative of each Party to the Convention;
 - b. a representative of the Select Committee of Experts on the evaluation of anti-money laundering measures (Moneyval - PC-R-EV);
 - c. a representative of the Group of States against Corruption (GRECO);
 - d. a representative of the Committee of Experts on the operation of European conventions in the penal field (PC-OC);
 - e. two scientific experts appointed by the Secretary General.

The travel and subsistence expenses of Committee members from Council of Europe member States will be borne by the Council of Europe budget.

6. Working structures and methods: -

7. Observers:

The following may send a representative, without the right to vote and reimbursement of expenses:

- Council of Europe member States and observer States which are not Parties to the Convention
- Financial Action Task Force on Money Laundering
- United Nations
- Egmont Group
- European Commission

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

8. Duration:

These terms of reference will expire on 31 December 2004.