



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 4 April 2005
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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

54th Plenary Session
(29th meeting as a Steering Committee)

Strasbourg, 7–11 March 2005

MEETING REPORT

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BRIEF FOREWORD

1. The European Committee on Crime Problems (CDPC) met in Strasbourg from 7 to 11 March 2005. 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 Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism and take note of its Explanatory report (see Addendum I). The CDPC noted that the issue of the so-called "disconnection clause" (Article 52.4) raises important questions with legal and political implications, to be solved by the Committee of Ministers. One delegation (Russia) indicated that for legal and political reasons it was against the inclusion of specific provisions for regional bodies in the draft Convention;
 - b. to adopt the text of the draft Recommendation on the protection of witnesses and collaborators of justice and take note of its Explanatory memorandum (Addendum II);
 - c. to adopt the text of the draft Recommendation on special investigation techniques and to take note of its Explanatory memorandum (Addendum III);
 - d. to approve the increase of the membership of the CDPC Bureau from 7 to 9 members (see paragraph 5 below);
 - e. to approve the draft revised specific terms of reference of MONEYVAL (Appendix III), extending the terms of office of the Chair and Vice-Chair from one to two years, in order that these terms of office remain in phase with the monitoring cycles;
 - f. to approve the draft specific terms of reference of the Consultative Council of European Prosecutors (CCPE), and to decide that the CCPE may send representatives to the CDPC and to the Consultative Council of European Judges (CCJE) (see paragraph 3b-below and Appendix IV);
 - g. to approve the draft revised specific terms of reference of the Committee of experts on transnational criminal justice (PC-TJ) in particular to extend the terms of reference until 31 January 2006 and to cover the travel and subsistence expenses for one additional member who has been elected as the Chair (Appendix V);
 - h. to approve the draft ad hoc terms of reference for the Council for Police Matters (PC-PM) relating to the regulation of private security services (Appendix VI).

ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR INFORMATION

3. The CDPC invited the Committee of Ministers to note:
 - a. the adoption by the CDPC of the document on the revised working methods of the CDPC and its Bureau (Appendix VII), as a result of which the CDPC will be able to work more effectively and, in particular, respond more rapidly to requests for opinions (see also paragraph e below);
 - b. its opinion on the institutionalisation of the Conference of Prosecutors General of Europe (CPGE) (Appendix VIII);
 - c. the adoption by the CDPC of its Progress Report on the updating of the European Prison Rules and the feasibility of a European Prison Charter, to be presented to the 26th Ministers of Justice Conference in Helsinki, 7 – 8 April 2005 - as requested by the Committee of Ministers in its reply

to Parliamentary Assembly Recommendation 1656 (2004) [CM/AS Rec. 1656 final, 11 June 2004] (Appendix IX);

- d. the priority nature of the activities of the CDPC and its standard setting role in the field of criminal justice and the need to ensure the availability of sufficient resources to enable it to carry out as rapidly as possible its programme of activities;
- e. its regret that it had not been consulted on a number of important texts concerning criminal matters, given that its role in ensuring a coherent, consistent and comprehensive European criminal policy could not be carried out if its opinion was not sought on such questions (see paragraph a above).

4. The CDPC took note of:

- a. the work carried out by MONEYVAL, the Council for Penological Co-operation (PC-CP) and the Committee of Experts on the Operation of European Conventions in the Penal Field (PC-OC) and underlined the importance of this work;
- b. the Conclusions of the 5th Conference of Prosecutors General of Europe (Celle, 23 to 25 May 2004);
- c. the Conclusions of the Conference of Directors of Prison Administration, attended also by Directors of Probation Services (Rome, 25-27 November 2004);
- d. the questionnaire prepared by the Council for Police Matters (PC-PM) to collect information on the implementation by member States of the European Code of Police Ethics and invited those States which had not done so, to send their replies by 18 March 2005;
- e. the presentation by Mr Marcelo AEBI, Scientific expert of the PC-CP, concerning the replies to the questionnaire on the follow-up to Recommendation No. R (99) 22 on prison overcrowding and prison population inflation;
- f. the presentation by Ms Linda CONINGS (Belgium), representative of the CDPC in the ad hoc Committee on action against trafficking in human beings (CAHTEH), on the draft Convention on action against trafficking in human beings;
- g. the work of the Group of Specialists on the assistance to victims and prevention of victimisation (PC-S-AV). The CDPC noted that, at the CDPC Bureau meeting which preceded the opening of the CDPC on 7 March 2005, the Bureau decided to authorise the admission of the United Nations Interregional Crime and Justice Research Institute (UNICRI), the United Nations Office for Drugs and Crime (UNODC) the United Nations High Commissioner for Human Rights (UNHCHR) and the European Forum for Victim-Offender Mediation and Restorative Justice as observers to the Group of Specialists on the assistance to victims (PC-S-AV) (see also paragraphs 7c and 8 below);
- h. the work of the Group of Specialists on the Protection of Children against Sexual Exploitation (PC-S-ES) and in particular the analysis of the governmental replies to the tool "REACT".
- i. the preparation of the 6th Conference of Prosecutors General of Europe (Budapest, 29 to 31 May 2005);
- j. the preparation of the 26th Conference of European Ministers of Justice (Helsinki, 7 and 8 April 2005);
- k. the preparation of a Conference on probation and aftercare, to be held in Turkey in the autumn of 2005;

- l. the preparation of a Conference which is being organised by the Council of Europe and the Government of Slovenia, in co-operation with UNICEF, in Ljubljana on 8-9 (morning) July 2005, as a review of the Commitments made by States at the 1st and 2nd World Congresses Against Commercial Sexual Exploitation of Children in 1996 and 2001 and in the Council of Europe Recommendation Rec(2001)16 on the protection of children against sexual exploitation;
 - m. the preparation of the Regional Consultation for the United Nations on the Study on Violence against children in Europe and Central Asia, Ljubljana, 5–7 July 2005;
 - n. the preparation of a Conference on economic crime, to be held in Cascais, Portugal, from 28 to 30 September 2005 and the request to CDPC delegations to ensure that replies to the questionnaire concerning the organised crime situation in the member states are returned to the Secretariat by 10 May 2005;
 - o. the work carried out under its authority and other activities carried out by the Council of Europe.
5. The CDPC elected Mr Claude DEBRULLE (Belgium) as Chair for a period of two years and Mr Branislav BOHÁČIK (Slovakia) as Vice-Chair for a period of one year. It elected Mr Roland MIKLAU (Austria) and Ms Andreja LANG (Slovenia) as members of the Bureau for a period of four years and, subject to the decision of the Committee of Ministers under 2d above, elected Mr Jesper HJORTENBERG (Denmark) and Mr Alexander ZMEYEVSKIY (Russian Federation) as members of the Bureau for a period of four years.
6. The CDPC confirmed the appointment of Ms Isabelle RORIVE (Belgium) as its representative at the future meetings of the ad hoc Committee of Experts on the Information Society (CAHSI).
7. The CDPC requested its Bureau:
 - a. to consider the question of the work of the Criminological Scientific Council (PC-CSC) and its future work, noting the importance of its activities, in particular in making proposals for future activities;
 - b. to consider the possible means to enable account to be taken of views of all member States on texts drafted by subordinate committees which are composed of a limited number of states or of specialists before these texts are sent for approval by the CDPC;
 - c. to consider the policy to be adopted by the CDPC concerning requests for observer status in the CDPC;
 - d. to consider ways in which States are designated as members or substitute members of restricted subordinate committees of the CDPC, such as the Committee of Experts on transnational criminal justice (PC-TJ);
 - e. to finalise, in the light of written and oral comments made by CDPC delegations, the texts of the draft Recommendation on the European Prison Rules and the commentary. The Bureau will be enlarged to enable those delegations, which so wish, to participate (at their own expense) in this meeting of the Bureau together with the Chair of the PC-CP and one of its scientific experts. The Bureau is instructed, after finalising the texts and completing a written approval procedure with the full membership of the CDPC, to forward these texts directly to the Committee of Ministers for adoption (see paragraphs 10 and 13 below);
 - f. to consider, in the light of discussions on this point to be held at the 26th Ministers of Justice Conference in Helsinki, the question of a possible European Prison Charter and to report back to the CDPC;

- g. to finalise the draft ad hoc terms of reference relating to the drafting of European Rules for juvenile offenders deprived of their liberty or subject to community sanctions and measures and, after completing a written approval procedure with the full membership of the CDPC, to forward the text directly to the Committee of Ministers for adoption.
8. The CDPC will revert to the outstanding request of the European Forum for Victim-Offender Mediation and Restorative Justice to be admitted as an observer once it will have adopted the policy referred to under paragraph 7c above (see also paragraph 4g)
9. The CDPC requested the PC-OC to consider the question of judicial co-operation and the protection of witnesses and collaborators of justice in the light of Article 23 of the Second Additional Protocol to the European Convention on mutual assistance in criminal matters and the information prepared by the Committee of Experts on the protection of witnesses and collaborators of justice (PC-PW).
10. The CDPC requested delegations to the CDPC to send the Secretariat by e-mail (dgi.cdpc@coe.int) by the end of April 2005, any comments they wish to make concerning the texts of the draft Recommendation on the European Prison Rules and its commentary. Such comments should contain, in particular, any proposed textual amendments (see paragraph 7e above).
11. The CDPC requested the PC-CP, following the conference in Turkey in late 2005, and in consultation with the Standing European Conference on Probation (CEP), to propose draft specific terms of reference to address the issues of probation and aftercare, particularly in the context of prison services, and to submit them to the next plenary of the CDPC (see paragraph 4k above).
12. The CDPC requested its Bureau, the PC-CP, the PC-OC and the PC-CSC to give their views to the CDPC concerning possible future activities of the CDPC and its subordinate committees including the follow-up to be given to the 26th Conference of European Ministers of Justice, to matters relating to Parliamentary Assembly Recommendation 1621 (2003) on the promotion of art history in Europe and to the question of counterfeiting.
13. The CDPC decided to hold its next meeting during the week beginning 27 March or 3 April 2006. The Bureau decided to hold its next meeting from 13 to 15 June 2005 (see paragraphs 7e and 10 above).
14. The CDPC invited the Committee of Ministers to take note of this report as a whole.

TABLE OF CONTENTS

	<u>Page</u>
1. Opening of the meeting	9
2. Adoption of the draft agenda	9
3. Elections / Appointments	9
4. Adoption of the revised working methods of the CDPC and its Bureau.....	10
5. Approval of the Draft Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism, and authorisation of the publication of its draft explanatory report.....	10
6. MONEYVAL: Approval of the draft revised terms of reference	11
7. Committee of Experts on the protection of witnesses and collaborators of justice (PC-PW).....	11
8. Approval of the draft recommendation on special investigation techniques and authorisation of the publication of its explanatory memorandum.....	12
9. <u>PRISONS</u>	
9.1 Draft Recommendation on the Revised European Prison Rules and Commentary	
a. Draft Recommendation	13
b. Progress report	14
9.2 European Prison Charter.....	14
9.3 Remand in custody	15
9.4 Information on the draft ad-hoc terms of reference relating to the drafting of European Rules for juvenile offenders deprived of their liberty or subject to community sanctions and measures	15
10. <u>Other work in the field of prisons and probation</u>	
10.1 Organisation of future work in the field of prisons and probation	16
10.2 Replies to a questionnaire concerning Recommendation No. R (99) 22 on prison overcrowding and prison population inflation.....	16
10.3 Conference of Directors of Prison Administration, Rome.....	17
11. <u>PROSECUTORS</u>	
11.1 Adoption of an opinion on the institutionalisation of the Conference of Prosecutors General of Europe (CPGE).....	17
11.2 Approval of draft terms of reference for a Consultative Council of European Prosecutors (CCPE)	17
11.3 Other information	18
12. Extension of the specific terms of reference of the Committee of Experts on transnational justice (PC-TJ)	18
13. Council for Police Matters (PC-PM) – Approval of the draft ad hoc terms of reference on the regulation of private security services	19

14.	Exchange of views on the future work of the CDPC	19
15.	Conference of European Ministers of Justice, Helsinki, 7 and 8 April 2005	20
16.	<u>OTHER ACTIVITIES</u>	
16.1	Ad hoc Committee on Action against Trafficking in Human Beings (CAHTEH).....	20
16.2	Committee of Ministers Recommendation Rec(2004)10 concerning the protection of the human rights and dignity of persons with mental disorders.	20
16.3	Terrorism	20
16.4	Group of specialists on the Assistance to Victims and Prevention of Victimisation (PC-S-AV) (for information)	
a.	Terms of Reference	21
b.	Contribution to the discussions on problems and solutions to counterfeit medicine	21
c.	Request of the European Forum for Victim-Offender Mediation and Restorative Justice to be admitted as an observer to the CDPC	21
16.5	Information on the work of the Committee of Experts on Pharmaceutical Questions (P-SP-PH) - “Counterfeit Medicines Project”	21
16.6	Information on the work of the Committee of experts on the operation of European Conventions in the penal field (PC-OC)	21
16.7	Report of the Executive Secretary of GRECO on ongoing and planned work.....	22
16.8	Report by the Secretariat on assistance activities in the field of economic crime.....	22
16.9	Programme of action on “Children and Violence”	22
16.10	Information on the work of the Group of Specialists on the Protection of Children against Sexual Exploitation (PC-S-ES) and in particular the analysis of the governmental replies to the tool “REACT”	22
17.	Bureau of the CDPC	22
18.	Agenda of the next meeting of the CDPC	23
19.	Calendar of future meetings	23
20.	Dates of the next meetings of the Bureau and the CDPC.....	23
21.	Any other business	23

APPENDICES

I.	List of participants.....	25
II.	Agenda	34
III.	Draft revised terms of reference of MONEYVAL.....	37
IV.	Draft specific terms of reference of the Consultative Council of European Prosecutors (CCPE).....	40

V.	Draft revised terms of reference of the Committee of Experts on transnational justice (PC-TJ)	42
VI.	Draft ad hoc terms of reference for the Council for police matters (PC-PM) relating to the regulation of private security services	43
VII.	Revised working methods of the CDPC and its Bureau.....	45
VIII.	Opinion of the CDPC on the institutionalisation of the Conference of Prosecutors General of Europe (CPGE).....	48
IX.	Progress report on the updating of the European Prison Rules and the feasibility of a European Prison Charter.....	50
X.	Calendar of future meetings of interest to the CDPC	52

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ADDENDA

- I Draft Convention on laundering, search, seizure and confiscation of the proceeds from crime and the financing of terrorism
See documents CM (2005) 35 and Addendum.

- II Draft Recommendation on the protection of witnesses and collaborators of justice
See documents CM (2005) 41 Appendix II and Addendum I.

- III Draft Recommendation on special investigation techniques
See documents CM (2005) 41 Appendix III and Addendum II.

ITEM 1 OF THE AGENDA: OPENING OF THE MEETING

1. The 54th meeting of the CDPC took place from 7 to 11 March 2005, under the Chairmanship of Mr Eugenio SELVAGGI(Italy).
2. It was preceded by a meeting of the Bureau on 7 March 2005 during which the Bureau decided to authorise the admission of the United Nations Interregional Crime and Justice Research Institute (UNICRI), the United Nations Office for Drugs and Crime (UNODC) the United Nations High Commissioner for Human Rights (UNHCHR) and the European Forum for Victim-Offender Mediation and Restorative Justice as observers to the Group of Specialists on the assistance to victims (PC-S-AV)
3. The list of participants is contained in Appendix I.
4. Ms Margaret Killerby, Head of the Department of Crime Problems, informed the CDPC as to the important changes since its last meeting, namely the accession of Monaco to the Council of Europe, the election of a new Secretary General and the changes which had taken place in the Secretariat staff members and structures.

ITEM 2 OF THE AGENDA: ADOPTION OF THE DRAFT AGENDA

5. The CDPC adopted the agenda as it appears in Appendix II.

ITEM 3 OF THE AGENDA: ELECTIONS / APPOINTMENTS

3.1 Election of the Chair, Vice Chair and four Bureau members

6. The CDPC elected Mr Claude DEBRULLE (Belgium) as its Chair, for a period of two years and Mr Branislav BOHÁČIK (Slovakia) as its Vice-Chair for a period of one year.
7. The CDPC elected Mr Roland MIKLAU (Austria) and Ms Andreja LANG (Slovenia) as members of the Bureau for a period of four years.
8. The CDPC considered that the Bureau should be increased from seven to nine members, to enable it better to reflect the wider membership of the CDPC and to improve its efficiency (see also under item 4 below). It therefore elected Mr Jesper HJORTENBERG (Denmark) and Mr Alexander ZMEYEVSKIY (Russian Federation) as members of the Bureau for a period of four years, their appointment being subject to the approval of the Committee of Ministers of this increase.
9. The CDPC asked the Committee of Ministers to improve this increase in the number of members of the Bureau.
10. The CDPC expressed its gratitude to the outgoing members of its Bureau, Mr Selvaggi and Mr Horvatić (Croatia) and it especially thanked Mr Selvaggi for his excellent Chairmanship over the last two years.

3.2 End of term of office of two members of the Criminological Scientific Council (PC-CSC)

11. The CDPC noted that the terms of office of Ms Mariavaleria DEL TUFO (Italy) and Mr Pierre TOURNIER (France) will expire at the end of the present plenary session of the CDPC. It thanked them for their devoted work.
12. It noted that as the PC-CSC would not be meeting in 2005, it was therefore not necessary to elect replacement members of the PC-CSC at the present plenary session. Some members of the CDPC having expressed concern with this situation as the PC-CSC might be called upon, possibly by the

Committee of Ministers to provide an opinion, the CDPC asked its Bureau to look into this matter and to make proposals to ensure the continuity of this Committee, in light of the importance of its activities, in particular in making proposals for future activities.

3.3 Appointment of a CDPC representative to the Multidisciplinary ad hoc Committee of Experts on the Information Society (CAHSI)

13. The Council of Europe's new project on "Good Governance in the Information Society" (project 2005/DGAP/538) was launched at the beginning of 2005 for a duration of three years, focusing its attention on how new Information and Communication Technologies (ICT) affect the practice of democracy, human rights and the rule of law in Council of Europe member States.
14. The Ministers' Deputies thus adopted, at their 909th meeting (15 December 2004), the specific terms of reference for a Multidisciplinary ad-hoc Committee of Experts on the Information Society (CAHSI). According to the terms of reference, the CDPC may send a representative to meetings of the Committee. As the Committee of Experts will meet twice in early 2005, the CDPC was asked to appoint its representative by 20 January.
15. At its meeting in January, the Bureau decided to nominate Ms Isabelle RORIVE (Belgium) Professor of Comparative Law and a specialist in questions related to crime and the internet, as the CDPC representative for the CAHSI meetings in early 2005.
16. The CDPC decided to confirm this appointment for future meetings of the CAHSI.

ITEM 4 OF THE AGENDA: ADOPTION OF THE REVISED WORKING METHODS OF THE CDPC AND ITS BUREAU

17. In accordance with the decision of the CDPC Plenary at its 53rd session in March 2004, the Secretariat revised the document on "Improving the efficiency of the CDPC: Working Methods of the CDPC and its Bureau", so as to incorporate comments on it made by delegations. Further written comments on the document were received by the Secretariat from the French delegation and, further to discussions, the Bureau asked Mr Richard BRADLEY (United Kingdom) to revise the document in light of these discussions and the written observations from the French delegation.
18. The Bureau examined this revised document at its meeting in January and the final version adopted by the Bureau was submitted to the CDPC for discussion and adoption.
19. At the request of the Bureau, the Secretariat prepared a paper indicating the main changes from the current working methods and also regarding the Bureau's proposal that it be increased to nine members.
20. After discussions, leading to further amendments, the CDPC adopted the revised working methods of the CDPC and its Bureau as they appear in Appendix VII.

ITEM 5 OF THE AGENDA: APPROVAL OF THE DRAFT CONVENTION ON LAUNDERING, SEARCH, SEIZURE AND CONFISCATION OF THE PROCEEDS FROM CRIME AND ON THE FINANCING OF TERRORISM, AND AUTORISATION OF THE PUBLICATION OF ITS DRAFT EXPLANATORY REPORT

21. The draft Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism, prepared by the Committee of experts on the Committee of experts on the revision of the Convention on laundering, search, seizure and confiscation of the proceeds from crime laundering (PC-RM) was presented by its Chair, Mrs Lorna Harris. The CDPC thanked Ms Harris and the PC-RM for the excellent work they had carried out.

22. The text of the draft Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism was finalised by the PC-RM at its 6th meeting on 13-15 December 2004.
23. The Secretariat had sent this text to all CDPC delegations in January 2005, with an information note on the main features of this draft, so that the CDPC delegates could complete their examination in good time.
24. The Parliamentary Assembly at its session from 24-28 January 2005, gave its opinion on the draft and the PC-RM at its meeting from 16-18 February 2005 made certain amendments to take into account this opinion (i.e. changed the title of the draft Convention and made a number of amendments to the draft explanatory report).
25. The CDPC approved without amendments the text of the draft Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism, as it appears in Addendum I to this report, and invited the Committee of Ministers to adopt it.
26. The CDPC noted that the issue of the so called "disconnection clause" (Article 52.4) raises important questions with legal and political implications, to be solved by the Committee of Ministers.
27. One delegation (Russia) indicated that for legal and political reasons it was against the inclusion of specific provisions for regional bodies in the draft Convention.
28. Having adopted a slight modification to its paragraph 214, the CDPC authorised the publication of the Explanatory Report to the draft Convention (see Addendum I) and invited the Committee of Ministers to take note.

ITEM 6 OF THE AGENDA: MONEYVAL: APPROVAL OF THE DRAFT REVISED TERMS OF REFERENCE

29. In order to ensure continuity during the evaluation rounds, MONEYVAL proposed that its terms of reference be revised so that the Chair and Vice-Chair of MONEYVAL may remain in office for two years instead of one year. This would also help to ensure effective cooperation with bodies such as the FATF, IMF, World Bank.
30. The CDPC supported this proposal and invited the Committee of Ministers, in compliance with Article 21 of Appendix II to Resolution (76) 3 on Committee Structures, Terms of Reference and Working Methods, to authorise this derogation from Article 17 of the same Appendix and approve the extension of the terms of office of the Chair and Vice-Chair from one to two years (see Appendix III to this report).
31. The CDPC also took note of the extensive activities of MONEYVAL, as presented in the Secretariat's oral and written reports

ITEM 7 OF THE AGENDA: COMMITTEE OF EXPERTS ON THE PROTECTION OF WITNESSES AND COLLABORATORS OF JUSTICE (PC-PW)

32. Ms Maria Grazia Beneditti, Chair of the PC-PW, presented to the CDPC the committee's work and in particular the draft Recommendation on the protection of witnesses and collaborators of justice, its explanatory memorandum and the report on the feasibility of drafting international binding legal instruments in this domain. The CDPC thanked the Committee and in particular its Chair for the excellent work carried out.

7.1 Approval of the draft Recommendation on the protection of witnesses and collaborators of justice and its explanatory memorandum

- 33. The CDPC considered the draft Recommendation on the protection of witnesses and collaborators of justice and its Explanatory Memorandum. It noted the particular relevance of this instrument in the fight against modern forms of criminality and terrorism.
- 34. It held a discussion on various aspects related, *inter alia*, to the use of witness statements taken during the preliminary phase (Art 17) and to the international co-operation (Art 31).
- 35. The CDPC approved the draft Recommendation and authorised the publication of its Explanatory Memorandum, as they appear in Addendum II to this report.
- 36. It invited the Committee of Ministers to adopt the Recommendation and to take note of its Explanatory Memorandum.

7.2. Consideration of the report on issues that should be addressed by means of international binding legal instruments and of the possible extension of the specific terms of reference of the Committee

- 37. The CDPC considered the conclusions of the PC-PW requesting an extension of its terms of reference to enable it to prepare a Convention on the protection of witnesses and collaborators of justice.
- 38. The CDPC, while agreeing that such a convention would give an overall legal framework to be followed by member States in developing judicial cooperation and mutual assistance to protect witnesses, considered that the large variety of national laws and practices among member States in this field was a potential obstacle to drafting a Convention. In addition, the provisions of the second additional Protocol to the Convention on Legal Assistance in Criminal Matters (MLA), in particular its Art 23 deals with witness protection.
- 39. The CDPC therefore as a first stage instructed the Committee of experts on the Operation of European Conventions in the penal field (PC-OC) to carry out a specific overview of the national laws and practices on witness protection and assess these practices and the application of the relevant provision of the 2nd Protocol to the MLA Convention. In this regard the members of the PC-OC were invited to contact their national witness protection programmes to obtain such information. The PC-OC was invited to report back to the CDPC on this issue at the next plenary session.

ITEM 8 OF THE AGENDA: APPROVAL OF THE DRAFT RECOMMENDATION ON SPECIAL INVESTIGATION TECHNIQUES AND AUTORISATION OF THE PUBLICATION OF ITS EXPLANATORY MEMORANDUM

- 40. The work of the Committee of experts on special investigation techniques (PC-TI) and in particular the draft Recommendation on Special Investigation Techniques and its Explanatory Memorandum were presented by Mr Jesper HJORTENBERG, Deputy Chair to the Committee. The CDPC expressed its thanks to the Deputy Chair and to the PC-TI for their excellent work.
- 41. The CDPC considered the draft Recommendation on special investigation techniques and its explanatory memorandum and the particular relevance of this instrument in the fight against modern forms of criminality and terrorism.
- 42. It held a discussion notably on the basis of the written amendments proposed by the Austrian delegation, dealing, *inter alia*, with the protection of third persons, the conditions of use of special investigation techniques and international co-operation. A number of changes were agreed.

43. The CDPC approved the draft Recommendation and authorised the publication of its Explanatory Memorandum, as they appear in Addendum III to this report.
44. It invited the Committee of Ministers to adopt the Recommendation and to take note of its Explanatory Memorandum.

ITEM 9 OF THE AGENDA: PRISONS

9.1 Draft Recommendation on the Revised European Prison Rules and Commentary

a. Draft Recommendation

45. Following a proposal submitted by the European Committee on Crime Problems (CDPC), the Committee of Ministers gave ad hoc terms of reference to the Council for Penological Co-operation (PC-CP) to update the current version of the European Prison rules as contained in Recommendation No. R (87) 3.
46. The draft revised EPR were presented for information to the CDPC-Bureau meeting (15-16 November 2004), as well as for discussion at the ad hoc CDAP Conference in Rome at the end of November 2004, giving the directors general of prison administrations of Council of Europe member States the opportunity to be consulted and to express their opinion. Following this Conference the draft text was further revised by the PC-CP in light of all comments received, including from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).
47. The PC-CP Chair, Mr Bertel Österdahl, presented the outcome of the Committee's work to the CDPC, which thanked him and the Committee for the excellent quality of work accomplished to date.
48. Initially, the PC-CP was asked to present the resulting draft text of the EPR to the current meeting of the CDPC and, further to any oral or written comments from the CDPC delegations, to revise the text in accordance with its terms of reference.
49. However, in view of the importance of having an updated version of the EPR as soon as possible and, as the PC-CP had already produced a detailed and comprehensive text, the CDPC considered the possibility of finalising and approving the draft text of the EPR and their commentary at its present meeting.
50. The CDPC began its discussions of the Rules, but it quickly became apparent that a number of member States had difficulties in approving the text at this meeting, in part due to the need for full consultation of all national (and in some cases regional) authorities concerned. In this context, the current proposed accelerated procedure had not allowed sufficient consultation time.
51. In addition, in the course of this discussion, a number of specific drafting proposals were made, in the light of which a number of member States concluded that they needed further time to consider this text. The CDPC concluded that the text could not be finalised at its present meeting.
52. In order to finalise this important text as soon as possible, without compromising on the need for thorough examination of its provisions, the CDPC instructed its Bureau (in an enlarged composition open to all member States) to finalise the EPR and its commentary without delay.
53. The CDPC therefore invited all CDPC delegations to send written comments on the texts (the revised EPR and the commentary) to the Secretariat by e-mail (dgi.cdpc@coe.int) by 30 April 2005.
54. The CDPC decided that:
 - on the basis of these comments the PC-CP would prepare a working document at its meeting on 23-25 May 2005, to facilitate the work of the enlarged CDPC Bureau;

- the enlarged CDPC Bureau (members of the Bureau and any other CDPC delegation which wishes to attend its own expense), together with the Chair of the PC-CP and one of its scientific experts will meet from 13 - 15 June 2005 to revise the texts in the light of all comments received;
- the revised versions will be sent to all CDPC delegations for any further written comments, subsequent to which the texts will be submitted for adoption to the Committee of Ministers.

55. As noted, the CDPC had expressed its gratitude to the PC-CP for the excellent work which it had carried out.
56. At the same time, the CDPC noted that the PC-CP, eminently qualified to draft the text from a technical point of view, was composed of a limited number of members who, in any event, did not represent member States. Therefore, texts prepared by the PC-CP (and indeed other CDPC bodies with a limited membership or dealing with technical matters) should be subject to a further consultation procedure open to all member States to enable them to take account of both the specialised and political nature of such texts.
57. In conclusion, the CDPC agreed that the Bureau should be mandated, along with the Secretariat, to examine modalities for ensuring that a wider consultation is carried out, once such a committee has completed its work and before presentation of a draft text to the CDPC plenary. Clearly this would not be necessary in all cases, but would depend on the nature and importance of the instrument to be proposed. Suggestions included asking the Bureau to decide whether and when to provide for such a wider consultation, whether to ensure such consultation is provided for in specific terms of reference when considered necessary, or inviting the CDPC delegations to indicate, on the basis of a draft proposed text once completed, whether they feel such a consultation is necessary. The Bureau was mandated to propose a method to deal with this issue at the next plenary session.

b. Progress report

58. In accordance with a further decision of the Committee of Ministers, the CDPC was invited to prepare a progress report on the work to revise the European Prison Rules (EPR) for the forthcoming 26th Conference of European Ministers of Justice (Helsinki, April 2005).
59. The CDPC adopted its progress report, as it appears in Appendix IX, with regard to both the updating of the EPR and the question of a European Prison Charter, for presentation at the Conference of European Ministers of Justice in Helsinki.

9.2 European Prison Charter

60. The CDPC recalled that the Committee of Ministers had transmitted Parliamentary Assembly Recommendation 1656 (2004) on the "Situation of European prisons and pre-trial detention centres" to the CDPC and to the PC-CP, drawing the attention of their members to the proposal contained therein to prepare a European Prison Charter.
61. While taking note of the proposals made by the PC-CP in this regard, the CDPC considered that, given its decision as regards the revision of the European Prison Rules, it was premature to consider this question, which could only be addressed once the text of those rules had been finalised. It instructed its Bureau to consider this question and report back to the CDPC.

9.3 Remand in custody

62. The Committee of experts on remand in custody and its implications for the management of penal institutions (PC-DP) held its 5th and last meeting on 6-8 December 2004 to finalise the drafting of a Recommendation on remand in custody and its implications for the management of penal institutions and its explanatory memorandum. While preparing these texts, the PC-DP experts took account of the latest draft of the European Prison Rules (EPR), and made a number of amendments to its own text and a number of proposals for amendments to the PC-CP as regards the draft EPR.
63. The CDPC noted that at the request of its Bureau, the PC-CP also considered the PC-DP draft recommendation, as well as the possibility of incorporating the provisions regarding remand in custody into the EPR, in order effectively to ensure that there are no incompatibilities in standard setting.
64. The PC-CP noted that the different wording in the two texts covering often identical rules still posed a problem. As regards rules 35–86 of the PC-DP recommendation which the PC-CP considered repeated some of the rules contained in the draft EPR, the CDPC noted with approval that the PC-CP had re-drafted the EPR to take account of these rules and that they were now effectively incorporated into the draft EPR currently under consideration by the CDPC.
65. The CDPC thanked the PC-DP for its work and in the light of the above matters, decided to postpone its consideration of the draft Recommendation until the revised EPR will have been finalised. The CDPC confirmed that the EPR are of a major importance and should prevail over other recommendations in the penal field. It also considered that in future, the PC-CP should be entrusted with ensuring coherence in instruments in this field.

9.4 Information on the draft ad-hoc terms of reference relating to the drafting of European Rules for juvenile offenders deprived of their liberty or subject to community sanctions and measures

66. At its meeting in November, the Bureau, while noting that the Committee of Ministers had recommended that separate and distinct European Rules for juveniles deprived of their liberty or subject to community sanctions or measures be adopted in the near future, had concluded that in general the Council for Penological Co-operation (PC-CP) had a generic competence and, with its overall view of all matters regarding the field of sanctions, would be best placed to deal with this specific issue. The Bureau therefore approved the revised draft terms of reference on this matter for the PC-CP and decided to forward them to the CDPC for consideration.
67. However, at their meeting from 19-21 January, the PC-CP discussed the draft terms of reference on European Rules for juvenile offenders deprived of their liberty or subject to community sanctions and measures, and considered that they needed to be further revised. In view of the fact that the work on European rules for juvenile offenders would only start once the work on the draft EPR is finalised, as well as in view of its busy agenda, the PC-CP had decided to postpone the consideration of this question until its next meeting in May 2005.
68. The CDPC took note of this information and authorised its Bureau, to finalise and approve (following a written consultation procedure) the draft specific terms of reference for the PC-CP. Given its earlier discussions (see under item 9.1 above) it was considered that the draft terms of reference should provide for consultation, at an early stage, of the CDPC, through an enlarged Bureau or such other mechanism as may be proposed by the Bureau.

ITEM 10 OF THE AGENDA: OTHER WORK IN THE FIELD OF PRISONS AND PROBATION

10.1 Organisation of future work in the field of prisons and probation

69. The CDPC noted that it is currently planned to assign to the PC-CP the work on European Rules for juvenile offenders deprived of their liberty or subject to community sanctions and measures (see item 9.4 above). At the same time the PC-CP may well be entrusted with an overall mandate to update regularly all existing rules and standards in this domain, and to ensure a coherent approach (cf. the difficulties encountered as regards the draft recommendation on remand in custody: item 9.3 above). Furthermore it is clear that other issues regarding prison conditions, in particular as regards vulnerable groups such as foreign prisoners, elderly prisoners, ill or disabled prisoners also need to be addressed. And, last but not least, attention should be focused on the growing interest in probation programmes in our member States, especially given that that probation services all over Europe are undergoing significant developments.
70. It was clear from the discussions held under the European Prison Rules (see item 9.1 above) that the issue of probation services and whether and how they can be integrated into the system of sanctions, especially prison sanctions, remains an important item and should be further addressed. In this respect the CDPC welcomed the announcement of a Council of Europe conference on probation and aftercare, to be hosted by the Turkish authorities in September or October of this year.
71. The CDPC mandated the PC-CP, following the conference in Turkey, and in consultation with the Standing European Conference on Probation (CEP) to propose draft terms of reference to address the issue of probation and aftercare, particularly in the context of prison services, and to submit them to the next CDPC plenary
72. The CDPC considered that the PC-CP's first task would be the drafting of the European Rules on Juveniles.
73. The CDPC noted that it had been necessary to suspend meetings of the committee working on the treatment of sexual offenders in penal institutions and in the community (PC-DS) due to budgetary and staff limitations. However, the work on the draft Recommendation on the treatment of sexual offenders in penal institutions and in the community was continuing in the Secretariat. A number of delegations insisted that, given the importance of this issue, this work should be entrusted to a Committee with the necessary expertise.

10.2 Replies to a questionnaire concerning Recommendation No. R (99) 22 on prison overcrowding and prison population inflation

74. Mr Marcelo Aebi, PC-CP scientific expert, made a presentation and discussed the replies sent by member States to a questionnaire on the implementation of the above Recommendation. He informed the CDPC that so far only 18 countries had sent replies. He requested that deadlines be respected as the replies to this Recommendation contain very important and useful comparative information not only as regards prison populations but also as regards the impact of the use of community sanctions and measures on prison overcrowding.
75. He also informed the CDPC that he is in the course of revising the SPACE II questionnaire in the light of the information contained in the replies to the above questionnaire to be discussed at the next PC-CP meeting.
76. Mr Aebi urged those delegations which have not yet done so, to send their replies to the SPACE I questionnaire, as for the time being only 20 countries have done so. It was important to receive the replies in time in order to be able to prepare the 2004 SPACE I, which is a very important reference data source used not only within but also outside Europe.

77. Mr Aebi proposed that an edition be published containing the basic data of all SPACE statistics in order to commemorate its 20th anniversary. Such an edition would demonstrate the developments in the penitentiary field in the course of the last two decades and would be of use both for scientific research as well as for deciding on penal policy in general at national and European level.

78. The CDPC took note of this information.

10.3 Conference of Directors of Prison Administration, Rome

79. The CDPC took note of the Conclusions of the General Rapporteur of the Conference of Directors of Prison Administrations (also attended for the first time by Directors of Probation Services) held in Rome on 25–27 November 2004.

80. This very successful Conference which dealt with, inter alia, the EPR, also addressed issues of conditional release and long-term prisoners. The CDPC thanked the Italian authorities, in particular the Department for Prison Administration, for hosting this Conference

ITEM 11 OF THE AGENDA: PROSECUTORS

11.1 Adoption of an opinion on the institutionalisation of the Conference of Prosecutors General of Europe (CPGE)

81. At its last plenary session, the CDPC took note of Parliamentary Assembly Recommendation 1604 (2003): "Role of the public prosecutor's office in a democratic society governed by the Rule of Law" and of the Reply by the Committee of Ministers inviting the CDPC to debate the issues raised therein, taking into account the Conclusions of the 4th Conference of Prosecutors General of Europe in Bratislava. The CDPC discussed in particular the proposal to institutionalise the Conference as a permanent Council of Europe body with appropriate resources and entrusted the CDPC Bureau with the finalisation of the CDPC opinion after consulting CDPC delegations.

82. The CDPC took note of the draft opinion prepared by its Bureau and after making a number of minor amendments, approved the opinion as it appears in Appendix VIII and invited the Committee of Ministers to take note.

11.2 Approval of draft terms of reference for a Consultative Council of European Prosecutors (CCPE)

83. At its meeting in January 2005, the Bureau adopted the draft opinion noted under item 11.1 above, which included proposed terms of reference for a Consultative Council of European Prosecutors (CCPE). It was highlighted that the proposed draft terms of reference for the CCPE establish a solid institutional link between this advisory body of prosecutors to the Committee of Ministers and the CDPC with the aim to ensure, besides the necessary co-ordination between both advisory bodies, that the CCPE benefit from the necessary political support by the CDPC.

84. The CDPC took note of the draft terms of reference prepared by its Bureau, and after making a number of minor amendments, approved the draft terms of reference on the establishment of a Consultative Council of European Prosecutors as they appear in Appendix IV to this report and submitted them to the Committee of Ministers for adoption.

11.3 Other information

- 5th Conference of Prosecutors General of Europe (Celle, Germany , 23-25 May 2004): conclusions
85. The CDPC was informed about the results of the 5th Conference of Prosecutors General of Europe (CPGE) which was held in Celle, Lower Saxony from 23 to 25 June 2004, at the invitation of the Prosecutor General of Lower Saxony (Germany).
86. The CDPC took note of the Conclusions of the CPGE and thanked the Prosecutor General of Lower Saxony and his collaborators for an excellently organised and fruitful Conference.
- 6th Conference of Prosecutors General of Europe: preparation
87. The 6th Conference of Prosecutors General of Europe (CPGE) will take place in Budapest from 29-31 May 2005, at the invitation of the Prosecutor General of Hungary.
88. The main topic of the Conference will concern the relationship between public prosecutors and the police. The Conference will furthermore address the issue of prosecutors' competencies outside the criminal sector and will be invited to adopt guidelines on ethics for public prosecutors. Invitations will be sent out as soon as the programme and the budgetary aspects of the Conference will be finalised.
89. The CDPC took note of this information.

ITEM 12 OF THE AGENDA: EXTENSION OF THE SPECIFIC TERMS OF REFERENCE OF THE COMMITTEE OF EXPERTS ON TRANSNATIONAL JUSTICE (PC-TJ)

90. The Chair of PC-TJ, Ms Maria Gavouneli, presented the work of the Committee. The CDPC thanked the Chair for this presentation.
91. The CDPC noted that the PC-TJ had held two meetings and drafted an interim report for the CDPC. The CDPC also noted that the terms of reference of the PC-TJ foresee that the Committee should report to the CDPC by May 2005 and that the PC-TJ had requested an extension of these terms of reference.
92. The CDPC considered the work of the Committee and its interim report and approved a revision of its terms of reference in order, in particular, to extend the terms of reference of the Committee until 31 January 2006 and for the Council of Europe to cover the travel expenses and the daily allowances of one further member who has been elected as Chair. It urged the PC-TJ to adopt its final report 2 months before the next CDPC plenary meeting.
93. The CDPC invited the Committee of Ministers to approve the revised specific terms of reference for the PC-TJ (see Appendix V to this report).
94. The CDPC encouraged all member States for which expenses are covered by the Council of Europe as well as the other member States as far as possible to attend the future meetings of this Committee. It asked its Bureau, in collaboration with the Secretariat, to prepare a policy paper on the way in which States are designated as members of restricted committees such as the PC-TJ, and the possibility of appointing in advance substitute members to replace a State which fails to send a representative on one or more occasions.

ITEM 13 OF THE AGENDA: COUNCIL FOR POLICE MATTERS (PC-PM) – APPROVAL OF THE DRAFT AD HOC TERMS OF REFERENCE ON THE REGULATION OF PRIVATE SECURITY SERVICES

95. The CDPC noted that the Council for Police Matters (PC-PM) had drawn up a questionnaire to collect basic information on the implementation by member States of the European Code of Police Ethics to be analysed by the scientific experts and examined by the PC-PM. The PC-PM will resume its consideration of the replies at its third meeting which will take place from 17-19 October 2005.
96. The CDPC delegations were invited to send replies soon to the questionnaire on the implementation of the European Code of Police Ethics.
97. On the proposal of the Secretariat, the PC-PM furthermore agreed in principle in giving its support to an activity on "policing young people" in the framework of the "children and violence" project. The CDPC took note of this information and welcomed the involvement of the PC-PM in engaging in the activity related to children and police.
98. The PC-PM also discussed possible topics to be addressed in the future, and considered that a priority was the issue of private security services. Each member prepared a contribution on this issue, focusing on existing legislation in their respective countries, with particular attention to provisions relating to the accountability and control of private security services, the use of force and the training of their staff. On the basis of these contributions and the extensive research available, the scientific experts prepared a reflection document for the second meeting of the PC-PM. The PC-PM invited the CDPC to approve draft ad hoc terms of reference it had prepared concerning the development of a recommendation and report on this issue.
99. The CDPC discussed the request by the PC-PM but was of the opinion that it was premature to take a decision on the need to develop standards in this field. However, the CDPC endorsed the proposal to develop a study on the functioning and regulation of private security services in Council of Europe member States, as well as gathering information on good practices in this area, including ways to exchange such good practices. The CDPC decided to amend the proposed draft terms of reference accordingly.
100. The CDPC approved the draft ad hoc terms of reference for the PC-PM as they appear in Appendix VI to this report and submitted them to the Committee of Ministers for approval.

ITEM 14 OF THE AGENDA: EXCHANGE OF VIEWS ON THE FUTURE WORK OF THE CDPC

101. The CDPC recognised the importance of preventing the **trafficking of cultural goods**. It also noted that the issue of **counterfeiting in general** should be addressed.
102. The CDPC therefore instructed the PC-OC to make proposals to the CDPC for follow-up actions concerning the status of judicial cooperation, and its possible lacunae, with regard to these two fields.
103. The CDPC further requested the PC-OC to examine the question of how to ensure **consistency regarding judicial co-operation** in all binding legal instruments prepared by the Council of Europe.
104. The CDPC also considered that it was important to complete work already begun. In this context a number of delegations insisted on the need to complete as soon as possible the draft Recommendation on the **treatment of sexual offenders**.
105. A number of delegations reiterated that this work should be carried by the Committee which had been mandated to do so.

106. Other work currently under way included the work concerning **prisons and probation** (i.e. the revision of the European Prison Rules, consideration of the question of a European Prison Charter, the work of the PC-CP on the European Rules for Juveniles and the proposals for terms of reference to examine the question of probation) and the **follow up to the New Start Report**.
107. It was also requested, in regard to the establishment of priorities in general, that the Secretariat prepare, in the future, a document detailing the CDPC's sub committees, along with their terms of reference and a summary of their ongoing and possible future activities.

ITEM 15 OF THE AGENDA: CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE, HELSINKI, 7 AND 8 APRIL 2005

108. The CDPC was informed of the status of preparation of the 26th Conference of the Ministers of Justice in Helsinki (7-8 April 2005). To date, 40 Ministers have confirmed their participation in the Conference. Additional confirmations are expected.
109. The CDPC delegations would receive the relevant documents and draft Resolutions sufficiently in advance. This would allow the CDPC Bureau to have the necessary elements for its meeting on 6 April.
110. The CDPC adopted a progress report on its work on the prison issue, regarding in particular the European Prison Rules and the feasibility of a European Prisons Charter in order to prepare the Ministers' discussion on this issue (see item 9.1 above and Appendix IX).

ITEM 16 OF THE AGENDA: OTHER ACTIVITIES

16.1 Ad hoc Committee on Action against Trafficking in Human Beings (CAHTEH)

111. The CDPC noted that the ad hoc Committee on Action against Trafficking in Human Beings (CAHTEH) revised the draft Convention on the fight against trafficking in human beings, at its final meeting from 22-25 February 2005, in the light of the opinion of the Parliamentary Assembly and forwarded it to the Committee of Ministers for adoption.
112. Ms Linda CONINGS, CDPC representative to the CAHTEH, made a presentation to the CDPC. Concerning the work of the CAHTEH and the draft Convention which the Committee had prepared for adoption by the Committee of Ministers. The CDPC took note of this work and thanked Ms Conings for her very helpful presentation.

16.2 Committee of Ministers Recommendation Rec(2004)10 concerning the protection of the human rights and dignity of persons with mental disorders.

113. The CDPC took note of the contents of this Recommendation.

16.3 Terrorism

114. The CDPC noted that at its meeting from 28 February – 4 March 2005, the CODEXTER had, in the light of the opinions of the Parliamentary Assembly and the Commissioner for Human Rights, finalised the draft Convention on the prevention of terrorism and forwarded it to the Committee of Ministers for adoption.

115. The CDPC also noted that, to date, the European Convention on the Suppression of Terrorism (ETS No. 090) has been signed by 45 States and ratified by 44 and its Amending Protocol (ETS No. 190) has been signed by 43 States and ratified by 13. It is recalled that the Amending Protocol will enter into force once all the Parties to the European Convention have become Parties to the Protocol.

16.4 Group of specialists on the Assistance to Victims and Prevention of Victimisation (PC-S-AV) (for information)

a. Terms of Reference

116. The terms of reference of this new body, proposed by the CDPC, were adopted with certain amendments by the Committee of Ministers on 15 December 2004. The PC-S-AV which held its first meeting from 28 February to 2 March, will follow a twin-track approach: firstly, it will give priority, in terms of time and content, to assistance to the victims of terrorism, on which the PC-S-AV will report both to the CDPC and to the CODEXTER by 30 June 2005 while keeping the CDDH informed; subsequently it will focus the wider aspects of assistance to victims, on which it will report to the CDPC.

117. The CDPC took note of this information.

b. Contribution to the discussions on problems and solutions to counterfeit medicine – see item 14 above and item 16.5 below.

118. The PC-S-AV will also discuss this question in further detail.

c. Request of the European Forum for Victim-Offender Mediation and Restorative Justice to be admitted as an observer to the CDPC.

119. The CDPC noted that the European Forum for Victim-Offender Mediation and Restorative Justice was admitted by its Bureau as an observer in the new Group of specialists on the Assistance to Victims and Prevention of Victimisation (PC-S-AV), where its presence is perhaps more appropriate (see paragraph 2 above). In addition, one of its specialist advisers is a member of the European Forum.

120. With regard to the request of the Forum to be admitted as an observer to the CDPC, the CDPC decided a policy should be established regarding the question of the admission of observers to the plenary sessions and asked its Bureau to prepare this issue. Once this policy is established the pending request from the European Forum for Victim-Offender Mediation and Restorative Justice will be examined.

16.5 Information on the work of the Committee of Experts on Pharmaceutical Questions (P-SP-PH) - “Counterfeit Medicines Project”

121. The CDPC took note of the information provided by the Secretariat on the work of this committee, including the preparation of a seminar in the autumn, to which the CDPC delegations would be receiving invitations. The CDPC delegations were asked to ensure that the invitations reached the appropriate persons.

16.6 Information on the work of the Committee of experts on the operation of European Conventions in the penal field (PC-OC)

122. The CDPC took note of the information provided by the Secretariat and by the Chair of the PC-OC. From the discussions which ensued, the CDPC decided to entrust the PC-OC with a number of specific tasks (see under item 14 above).

16.7 Report of the Executive Secretary of GRECO on ongoing and planned work

123. This item was not discussed, due to lack of time.

16.8 Report by the Secretariat on assistance activities in the field of economic crime

124. This item was not discussed in detail, due to lack of time. However, the CDPC did note the organisation of a Conference on economic crime, to be held in Cascais, Portugal, from 28 to 30 September 2005. CDPC delegations will receive invitations to this Conference in due course.

16.9 Programme of action on “Children and Violence”

125. The CDPC took note of the written information provided (see also item 16.10 below).

16.10 Information on the work of the Group of Specialists on the Protection of Children against Sexual Exploitation (PC-S-ES) and in particular the analysis of the governmental replies to the tool “REACT”

126. The CDPC took note of this information and that a Conference is being organised by the Council of Europe and the Government of Slovenia, in co-operation with UNICEF, in Ljubljana on 8-9 (morning) July 2005, as a review of the Commitments made by States at the 1st and 2nd World Congresses Against Commercial Sexual Exploitation of Children in 1996 and 2001 and in the Council of Europe Recommendation Rec(2001)16 on the protection of children against sexual exploitation. The CDPC also took note of the preparation of the Regional Consultation for the United Nations on the Study on Violence against children in Europe and Central Asia, Ljubljana, 5–7 July 2005. It also requested the PC-S-ES to present, at a future CDPC meeting, proposals for further work in the area of sexual exploitation of children.

ITEM 17 OF THE AGENDA: BUREAU OF THE CDPC

127. The CDPC **requested** its Bureau:

- a. to consider the question of the work of the Criminological Scientific Council (PC-CSC) and its future work, noting the importance of its activities, in particular in making proposals for future activities (see item 3.2 above);
- b. to consider the possible means to enable account to be taken of views of all member States on texts drafted by subordinate committees which are composed of a limited number of states or of specialists before these texts are sent for approval by the CDPC (see item 9.1.b. above);
- c. to consider the policy to be adopted by the CDPC concerning requests for observer status (see item 16.4.c. above);
- d. to consider the designation of states as members or substitute members of restricted subordinate committees of the CDPC, such as the Committee of Experts on transnational criminal justice (PC-TJ) (see item 12 above).
- e. to finalise, in the light of written and oral comments made by CDPC delegations, the texts of the draft Recommendation on the European Prison Rules and the commentary. The Bureau will be enlarged to enable those delegations, which so wish, to participate (at their own expense) in this meeting of the Bureau together with the Chair of the PC-CP and one of its scientific experts. The Bureau is instructed, after finalising the texts and completing a written approval procedure with the

full membership of the CDPC, to forward these texts directly to the Committee of Ministers for adoption (see item 9.1.b. above);

- f. to consider, in the light of discussions on this point to be held at the 26th Ministers of Justice Conference in Helsinki, the question of a possible European Prison Charter and to report back to the CDPC (see item 9.2 above);
- g. to finalise the draft ad hoc terms of reference relating to the drafting of European Rules for juvenile offenders deprived of their liberty or subject to community sanctions and measures and, after completing a written approval procedure with the full membership of the CDPC, to forward the text directly to the Committee of Ministers for adoption (see item 9.4 above).

ITEM 18 OF THE AGENDA: AGENDA OF THE NEXT MEETING OF THE CDPC

- 128. The CDPC asked its Bureau, in the light of the decisions taken and the mandates given, to establish the agenda of the next plenary meeting, in good time before the meeting.

ITEM 19 OF THE AGENDA: CALENDAR OF FUTURE MEETINGS

- 129. The Calendar of future meetings of interest to the CDPC is contained in Appendix X to this report.

ITEM 20 OF THE AGENDA: DATES OF THE NEXT MEETINGS OF THE BUREAU AND THE CDPC

- 130. The CDPC decided to hold its next meeting during the week beginning 27 March or 3 April 2006 (see agenda item 20 of the agenda). The Bureau decided to hold its next meeting from 13 to 15 June 2005.

ITEM 21 OF THE AGENDA: ANY OTHER BUSINESS

- 131. The Secretariat informed the CDPC of the contributions prepared by its Bureau in response to Parliamentary Assembly Recommendations:

Recommendation 1677 (2004) - Challenge of terrorism in Council of Europe member states – deadline for contribution to Committee of Ministers' reply 15 December 2004

- 132. The Bureau had provided a reply on behalf of the CDPC – see Appendix IV to the Report of the Bureau Meeting, 15 - 16 November 2004

Recommendation 1681 (2004) - Campaign to combat domestic violence against women in Europe - deadline for contribution to Committee of Ministers' reply 31 December 2004

- 133. The Bureau had referred this question to the newly established committee on victims (PC-S-AV).

Recommendation 1648 (2004) - Consequences of European Union enlargement for freedom of movement between Council of Europe member states – no deadline for contribution to Committee of Ministers' reply

- 134. The Bureau had agreed that this should be sent to the PC-TJ for consideration at its next meeting.

Recommendation 1663 (2004) - Domestic slavery: servitude, au pairs and "mail-order brides" - deadline for contribution to Committee of Ministers' reply 1 December 2004

- 135. No reply had been considered necessary.

Recommendation 1670 (2004) - Internet and the law - deadline for contribution to Committee of Ministers' reply 1 December 2004

136. No reply had been considered necessary.

Recommendation 1673 (2004) - Counterfeiting: problems and solutions - deadline for contribution to Committee of Ministers' reply 1 December 2004

137. The Bureau had taken note of the Recommendation and considered that it should be brought to the attention of the Finnish Minister of Justice in the context of his report on the social mission of the criminal justice system for the Ministerial Conference in Helsinki. It also brought it to the attention of the PC-S-AV.

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APPENDIX I

LIST OF PARTICIPANTS

MEMBER STATES / ETATS MEMBRES

ALBANIA / ALBANIE

- * Mr Artan HOXHA, Judge, Supreme Court, TIRANA

ANDORRA / ANDORRE

- * M. André PIGOT, Magistrat honoraire, Ancien membre du Conseil Supérieur de la Justice, BOLQUERE (France)

ARMENIA / ARMÉNIE

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

AUSTRIA / AUTRICHE

- * Mr Roland MIKLAU, Director General, Criminal Law, Ministry of Justice, VIENNA

AZERBAIJAN / AZERBAÏDJAN

Ms Saadet YUSIFOVA, Senior Adviser, Division of the work with law enforcement bodies, Executive Office of the President, BAKU

BELGIUM / BELGIQUE

Mme Linda CONINGS, Service de Politique Criminelle, Ministère de la Justice, BRUXELLES

- * M. Claude DEBRULLE, Directeur Général, Direction Générale de la Législation, des Libertés, et Droits fondamentaux, Ministère de la Justice, BRUXELLES

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Apologised / Excusé

BULGARIA / BULGARIE

- * Mr Petar RASHKOV, Director; International Legal Assistance, European Integration and International Legal Co-operation, Ministry of Justice, SOFIA

CROATIA / CROATIE

- * Mr Željko HORVATIĆ, President of the Croatian Academy for Legal Sciences, Professor, Head of the Criminal Law Department, Faculty of Law, University of Zagreb, ZAGREB

Mr Tihomir KRLAJ, Head of the Department for Special Criminal Investigations, Ministry of the Interior, ZAGREB

CYPRUS / CHYPRE

Mrs Elena KLEOPAS, Senior Counsel of the Republic, Law Office of the Republic, NICOSIA

- * Mr Andreas TRYFONIDES, Permanent Secretary, Ministry of Justice and Public Order, NICOSIA

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Ms Olga KUBOVA, Head of International Agreements and International Assistance in Criminal Matters Unit, International Department, Ministry of Justice, PRAGUE

DENMARK / DANEMARK

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

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

Ms Helle HÜBERTZ MORTENSEN, Head of Section Law Department, Ministry of Justice, COPENHAGEN

ESTONIA / ESTONIE

Mr Peeter NÄKS, Deputy Secretary General, Department of Prisons, Ministry of Justice, TALLINN

FINLAND / FINLANDE

Mr Jussi PAJUOJA, Senior Adviser, Legal Affairs, Department of Criminal Policy, Ministry of Justice, HELSINKI

- * Mr Esa VESTERBACKA, Director General, National Prison and Probation Administration, HELSINKI

FRANCE

- * Monsieur Eric RUELLE, Magistrat, Chef de Bureau des Négociations Pénales, Ministère de la Justice, PARIS

GEORGIA / GÉORGIE

Mr Kostantine JHAOSHVILI, Prosecutor, Office of the Prosecutor General, TBILISI

GERMANY / ALLEMAGNE

- * Mr Jürgen SCHNIGULA, Ministerialrat, Head of Section for European and Multilateral Criminal Law Cooperation, Bundesministerium der Justiz, BONN

Mr Richard BLATH, Ministerialrat, Bundesministerium der Justiz, BONN

GREECE / GRÈCE

Ms Maria GAVOUNELI, Legal Advisor, Ministry of Justice, ATHENS

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

M. Ionnis GIANNIDIS, Professeur de Droit Pénal, Université d'Athènes, ATHENS

HUNGARY / HONGRIE

Mme Klara NÉMETH-BOKOR, Directeur de Département, Ministère de la Justice, BUDAPEST

ICELAND / ISLANDE

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

IRELAND / IRLANDE

- * Mr Paul HICKEY, Assistant Secretary, Department of Justice, Equality and Law Reform, DUBLIN

Ms Sarah O'HALLORAN, Higher Executive Officer, International Policy Division, Department of Justice, Equality and Law Reform, DUBLIN

Mr. John ROYCROFT, Principal Officer, Equality and Law Reform, International Policy Division, Department of Justice, Equality and Law Reform, DUBLIN

ITALY / ITALIE

Mr Antonio BALDASSARRE, Lawyer, Ufficio Italiano Dei Cambi, ROME

Ms Maria Grazia BENEDETTI, Expert, c/o Department of Legal and Legislative Presidency of the Council of Ministers, ROME - **Chair of the PC-PW / Présidente du PC-PW**

Mr Paolo COSTANZO, Advisor, Legal Department of the Money Laundering Unit, Financial Intelligence Unit, ROME

Mr. Alberto PIOLETTI, Magistrate, Directorate General for Criminal Justice, Ministry of Justice, ROMA

- * Mr Eugenio SELVAGGI, Deputy District Attorney General, Procura Generale presso la Corte di Appello, ROMA
Chair of the CDPC / Président du CDPC

LATVIA / LETTONIE

- * Mr Viesturs BURKĀNS, Head of the Office for Prevention of Laundering of Proceeds derived from Criminal Activity, Prosecutor General's Office, RIGA

LIECHTENSTEIN

- * Mr Lothar HAGEN, Judge, President of the Criminal Court, VADUZ

Mr. Patrick RITTER, Représentant Permanent Adjoint, Représentation Permanente du Lichtenstein auprès du Conseil de l'Europe, STRASBOURG

LITHUANIA / LITUANIE

- * Ms Aušra BERNOTIENE, Director, Department of International Law, Ministry of Justice, VILNIUS

LUXEMBOURG

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

Mme Katia KREMER, Conseiller de Direction Adjoint, Ministère de la Justice, LUXEMBOURG

MALTA / MALTE

Apologised / Excusé

MOLDOVA

Apologised / Excusé

MONACO

Mme Ariane PICCO-MARCOSSIAN, Directeur du SICCFIN, MONACO

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NORWAY / NORVÈGE

Mr Kristian JARLAND, Higher Executive Officer, Legal Department, Ministry of Justice, OSLO

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Mr Cezary DZIURKOWSKI, Judge, Department of Judicial Assistance and European Law, Ministry of Justice, WARSAW

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PORTUGAL

Ms Luisa MAIA GONCALVES, Directrice de Services, GRIEC, Bureau des Relations Internationales, Ministère de la Justice, LISBONNE

- * M. Antonio VILHENA DE CARVALHO, Directeur Adjoint, GRIEC, Bureau des Relations Internationales, Ministère de la Justice, LISBONNE Apologised / Excusé

ROMANIA / ROUMANIE

- * Mme Nicoleta ILIESCU, Conseillère, Ministère de la Justice, BUCAREST

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Mr Oleg FILIMONOV, Deputy Head, Ministry of Justice, MOSCOW

Mr Denis GRUNIS, Senior Prosecutor, Office of the Prosecutor General, MOSCOW

Mr Ivan PARFENOV, Expert, Federal Security Service, MOSCOW

Ms Irina SILKINA, 3rd Secretary, Department for New Challenges and Threats, Ministry of Foreign Affairs, MOSCOW

Ms Yulia TORMAGOVA, Deputy Head, Legal Department, Federal Service for Financial Monitoring, MOSCOW

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

SAN MARINO / SAINT-MARIN

Apologised / Excusé

SERBIA AND MONTENEGRO / SERBIE-MONTENEGRO

- * Ms Jasmina SAHINOVIC, Chief Inspector, Criminal Police Department, Ministry of the Interior, BELGRADE

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

SPAIN / ESPAGNE

- * M. Alfredo PASCUAL-MARTINEZ, Conseiller Technique de l'Unité de Soutien, Direction Générale de la Politique Législative et de la Coopération Internationale, Ministère de la Justice, MADRID

SWEDEN / SUÈDE

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- * Mr Niklas WÅGNERT, Deputy Director, Criminal Law Division, Ministry of Justice, STOCKHOLM

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- * M. Mario-Michel AFFENTRANGER, Chef de la Section des Traités Internationaux, Division de l'Entraide Judiciaire Internationale, Office Fédéral de la Justice, Département Fédéral de Justice et Police, BERNE

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

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

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

Apologised / Excusé

TURKEY / TURQUIE

Mr Aykut KILIÇ, General Director, Department of International Law and Foreign Affairs, Ministry of Justice, BAKANLIKLAR ANKARA

UKRAINE

Ms Kateryna SHEVCHENKO, Head of the International Legal Assistance Department, Deputy Director, Directorate for International Legal Co-operation, Ministry of Justice, KYIV

UNITED KINGDOM / ROYAUME-UNI

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

Ms Avril GREEN, Organised and Financial Crime Unit, Home Office, LONDON

Ms Lorna HARRIS, Head of Civil Recovery Unit, Home Office, EDINBURGH

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

* * * * *

CDPC BUREAU / BUREAU DU CDPC
(CDPC-BU)

BELGIUM / BELGIQUE

- * M. Claude DEBRULLE, Directeur Général, Direction Générale de la Législation, des Libertés, et Droits fondamentaux, Ministère de la Justice, BRUXELLES

CROATIA / CROATIE

- * Mr Željko HORVATIĆ, President of the Croatian Academy for Legal Sciences, Professor, Head of the Criminal Law Department, Faculty of Law, University of Zagreb, ZAGREB

FINLAND / FINLANDE

- * Mr Esa VESTERBACKA, Director General, National Prison and Probation Administration, HELSINKI

ITALY / ITALIE

- * Mr Eugenio SELVAGGI, Deputy District Attorney General, Procura Generale della Repubblica presso la Corte d'Appello di Roma, ROME

Chairman of the CDPC / Président du CDPC

SLOVAKIA / SLOVAQUIE

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

* * * * *

CRIMINOLOGICAL SCIENTIFIC COUNCIL
CONSEIL SCIENTIFIQUE CRIMINOLOGIQUE
(PC-CSC)

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Mr Andreas KAPARDIS (**Cypriot / Chyprite**)
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Mr Tapio LAPPI-SEPPÄLÄ (**Finnish/Finlandais**)
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Mr Arno PILGRAM (**Austrian/Autrichien**)
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* * * * *

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

Mr Marcelo AEBI, Subdirector, Instituto de Criminologia, SEVILLE
Scientific Expert of the PC-CP / Expert scientifique du PC-CP

Mr Bertel ÖSTERDAHL, Former Director General, National Prison and Probation Administration, JÄRFÄLLA
Chair of the PC-CP / Président du PC-CP

* * * * *

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

Apologised / Excusé

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

Apologised / Excusé

* * * * *

EUROPEAN COMMUNITY / COMMUNAUTÉ EUROPÉENNE

COMMISSION

Mr Fabio MARINI, Principal Administrator, European Commission, Directorate General Justice, Freedom and Security, BRUSSELS

Mr Thomas LJUNGQUIST, Administrator, European Commission, Directorate General Justice, Freedom and Security, Directorate D: Internal Security and Criminal Justice, Unit D/3: Criminal Justice, BRUSSELS
Apologised / Excusé

**GENERAL SECRETARIAT OF THE COUNCIL OF THE EUROPEAN UNION /
SECRETARIAT GENERAL DU CONSEIL DE L'UNION EUROPEENNE**

Mr Hans G. NILSSON, General Secretariat, SG H III (Cooperation in Criminal Matters), BRUSSELS

* * * * *

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

HOLY SEE / SAINT-SIÈGE

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

UNITED STATES OF AMERICA / ÉTATS-UNIS D'AMÉRIQUE

Apologised / Excusé

CANADA

Apologised / Excusé

JAPAN / JAPON

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MEXICO / MEXIQUE

M. Carlos SALAZAR-DIEZ DE SOLLANO, Observateur Permanent Adjoint, Bureau de l'Observateur Permanent du Mexique auprès du Conseil de l'Europe, STRASBOURG

* * * * *

**International Intergovernmental Organisations /
Organisations Internationales Intergouvernementales**

UNITED NATIONS / NATIONS UNIES (UNODC)

Apologised / Excusé

INTERNATIONAL CRIMINAL COURT (ICC) / COUR PENALE INTERNATIONALE (CPI)

Apologised / Excusé

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

Mr Kauko AROMAA, Director, HELSINKI

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

Apologised / Excusé

UNITED NATIONS INTERREGIONAL CRIME AND JUSTICE RESEARCH INSTITUTE (UNICRI)

Apologised / Excusé

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

Apologised / Excusé

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

Mr Jean-Michel LOUBOUTIN, Executive Director Police Services, LYON Apologised / Excusé

**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)

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 BAR ASSOCIATION

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

INTERNATIONAL CENTRE FOR CRIMINAL LAW REFORM AND CRIMINAL JUSTICE POLICY

Apologised / Excusé

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

M. Giacomo BARLETTA CALDARERA, Conseiller Délégué aux Sections Scientifiques, Conseil Principal au TPIR, CATANIA Apologised / Excusé

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

Apologised / Excusé

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

Mme Rachida TOUAHRIA, Secrétaire exécutive du secrétariat général, Ministère de la Justice, PARIS

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

Apologised / Excusé

PENAL REFORM INTERNATIONAL (PRI)

Apologised / Excusé

PERMANENT EUROPEAN CONFERENCE ON PROBATION AND AFTERCARE

CONFÉRENCE PERMANENTE EUROPÉENNE DE LA PROBATION (CEP)

Mr Leo TIGGES, Secretary General, UTRECHT

WORLD SOCIETY OF VICTIMOLOGY / SOCIÉTÉ MONDIALE DE VICTIMOLOGIE

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

* * * * *

SECRETARIAT OF THE COUNCIL OF EUROPE

SECRETARIAT DU CONSEIL DE L'EUROPE

Ms Margaret KILLERBY	Head of the Department of Crime Problems / Chef du Service des Problèmes Criminels
Ms Bridget O'LOUGHLIN	Head of the Criminal Justice Division / <u>Secretary to the CDPC</u> Chef de la Division de justice pénale / <u>Secrétaire au CDPC</u>
M. Gianluca ESPOSITO	Head of the Economic Crime Section / Chef de la Section du crime économique
Mr Alexander SEGER	Head of the Technical Co-operation Section / Chef de la Section de la Coopération Technique
Ms Anita VAN DE KAR	Head of the Criminal Proceedings Unit / Chef de l'Unité des procédures criminelles
M. Humbert de BIOLLEY	Head of the Criminal Standards Unit / <u>Deputy Secretary to the CDPC</u> Chef de l'Unité des standards criminels / <u>Secrétaire adjoint au CDPC</u>
Ms Iliana TANEVA	Head of the Prisons and Probation Unit / Chef de l'Unité des prisons et probation
M. Denis BRIBOSIA	Administrative Officer / Administrateur
M. Nicola-Daniel CANGEMI	Administrative Officer / Administrateur
Mr John RINGGUTH	Administrative Officer / Administrateur
M. Patrick TITIUN	Administrative Officer / Administrateur
Mme Sabine WALSER	Administrative Officer / Administrateur
Mme Marose BALA-LEUNG)
Mrs Claire ROBINS) Assistants / Assistantes
Mme Dominique WULFRAN)

INTERPRETERS / INTERPRETES

Mme Jennifer GRIFFITH

Mme Bettina LUDEWIG

Mme Monique PALMIER

Mr Robert SZYMANSKI

APPENDIX II

AGENDA

- 1. OPENING OF THE MEETING**

- 3. ADOPTION OF THE DRAFT AGENDA**

- 3. ELECTIONS / APPOINTMENTS**
 - 3.1 Election of the Chair, Vice Chair and Bureau members
 - 3.2 End of term of office of two members of the Criminological Scientific Council (PC-CSC)
 - 3.3 Appointment of a CDPC representative to the Multidisciplinary ad hoc Committee of Experts on the Information Society (CAHSI)

- 4. ADOPTION OF THE REVISED WORKING METHODS OF THE CDPC AND ITS BUREAU**

- 5. APPROVAL OF THE DRAFT CONVENTION ON LAUNDERING, SEARCH, SEIZURE AND CONFISCATION OF THE PROCEEDS FROM CRIME AND ON THE FINANCING OF TERRORISM, AND AUTORISATION OF THE PUBLICATION OF ITS DRAFT EXPLANATORY REPORT**

- 6. MONEYVAL: APPROVAL OF THE DRAFT REVISED TERMS OF REFERENCE**

- 7. COMMITTEE OF EXPERTS ON THE PROTECTION OF WITNESSES AND COLLABORATORS OF JUSTICE (PC-PW)**
 - 7.1 Approval of the draft recommendation on the protection of witnesses and collaborators of justice and its explanatory memorandum
 - 7.2 Consideration of the report on issues that should be addressed by means of international binding legal instruments and of the possible extension of the specific terms of reference of the committee

- 8. APPROVAL OF THE DRAFT RECOMMENDATION ON SPECIAL INVESTIGATION TECHNIQUES AND AUTORISATION OF THE PUBLICATION OF ITS EXPLANATORY MEMORANDUM**

- 9 PRISONS**
 - 9.1 Examination of the European Prison Rules
 - 9.2 European Prison Charter
 - 9.3 Remand in custody
 - 9.4 Information on the draft ad-hoc terms of reference relating to the drafting of European Rules for juvenile offenders deprived of their liberty or subject to community sanctions and measures

10. OTHER WORK IN THE PENOLOGICAL FIELD

10.1 Organisation of future work in the penological field

10.2 Replies to a questionnaire concerning Recommendation No. R (99) 22 on prison overcrowding and prison population inflation

11. PROSECUTORS:

11.1 Adoption of an opinion on the institutionalisation of the Conference of Prosecutors General of Europe (CPGE)

11.2 Approval of draft terms of reference for a Consultative Council of European Prosecutors (CCPE)

11.3 Other information

- 5th Conference of Prosecutors General of Europe: conclusions
- 6th Conference of Prosecutors General of Europe: preparation

12. EXTENSION OF THE SPECIFIC TERMS OF REFERENCE OF THE COMMITTEE OF EXPERTS ON TRANSNATIONAL JUSTICE (PC-TJ)

13. COUNCIL FOR POLICE MATTERS (PC-PM) – APPROVAL OF THE DRAFT AD HOC TERMS OF REFERENCE ON THE REGULATION OF PRIVATE SECURITY SERVICES

14. EXCHANGE OF VIEWS ON THE FUTURE WORK OF THE CDPC

14.1 General exchange of views

14.2 Exchange of views on possible specific work

Counterfeiting in general (including medicines, drugs, art and money)
Committee of Experts on Pharmaceutical Questions (P-SP-PH) opinion on the PACE Recommendation 1673 (2004) "Counterfeiting: problems and solutions", dealing with the issue of counterfeit medicines – possible contribution of the Committee on Assistance to Victims and Prevention of Victimisation (PC-S-AV). See also under item 16. 5 below.

15. CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE, HELSINKI, 7 AND 8 APRIL 2005

16. OTHER ACTIVITIES

16.1 Ad Hoc Committee on Action against Trafficking in Human Beings (CAHTEH)

Information on the work of the Committee and the draft Council of Europe Convention on action against trafficking in human beings

16.2 Committee of Ministers Recommendation Rec(2004)10 concerning the protection of the human rights and dignity of persons with mental disorder

- 16.3 Draft convention on the prevention of terrorism
- 16.4 Group of specialists on the Assistance to Victims and Prevention of Victimization (PC-S-AV) (for information)
 - a. Terms of Reference
 - b. Contribution to the discussions on problems and solutions to counterfeit medicine
- 16.5 Information on the work of the Committee of Experts on Pharmaceutical Questions (P-SP-PH) - "Counterfeit Medicines Project"
- 16.6 Information on the work of the PC-OC
- 16.7 Report of the Executive Secretary of GRECO on ongoing and planned work
- 16.8 Report by the Secretariat on Assistance Activities in the field of economic crime
- 16.9 Programme of action on "Children and Violence"
- 16.10 Information on the work of the Group of Specialists on the protection of children against sexual exploitation (PC-S-ES) and work concerning violence against children

- 17. BUREAU OF THE CDPC**

- 18. AGENDA OF THE NEXT MEETING OF THE CDPC**

- 19. CALENDAR OF FUTURE MEETINGS**

- 20. DATES OF THE NEXT MEETINGS OF THE BUREAU AND THE CDPC**

- 21. ANY OTHER BUSINESS**

APPENDIX III

DRAFT REVISED TERMS OF REFERENCE OF MONEYVAL

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, 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 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

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.

countering terrorist financing standards, as contained e.g. in 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.

³ A special account has been opened for that purpose.

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).

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.ii,
- 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 term of office of the Chairman and Vice-Chairman shall be two years. It may be renewed once.⁴

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 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.
see CM/Del/Dec(2003)853, item 10.1aF

⁴ As decided by the Committee of Ministers at their ... meeting on ... 2005, in conformity with Article 21 of Appendix I to Resolution (76) 3 on committee structures, terms of reference and working methods and in derogation of Article 17 of this Appendix.

APPENDIX IV

DRAFT SPECIFIC TERMS OF REFERENCE OF THE CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)

LEGAL CO-OPERATION

1. **Name of Committee:** Consultative Council of European Prosecutors (CCPE)
2. **Type of Committee:** Consultative body
3. **Source of terms of reference:** Committee of Ministers
4. **Terms of reference:**
 - a. To prepare a framework overall action plan for the work of the CCPE to be approved by the European Committee on Crime Problems (CDPC) and the Committee of Ministers;
 - b. to prepare opinions for the attention of the CDPC on difficulties concerning the implementation of Recommendation Rec(2000)19 on the role of public prosecution in the criminal justice system;
 - c. following a specific request from the Committee of Ministers, the CDPC or any other Council of Europe body, to prepare opinions concerning issues related to the prosecution service;
 - d. to promote the implementation of Recommendation Rec(2000)19, in particular by the organisation of conferences on topics of common concern to the profession;
 - e. to collect information about the functioning of prosecution services in Europe.
5. **Membership of the committee:**
 - a. All member states may be represented on the CCPE. Members should be chosen in contact, where such authorities exist, with the national authorities responsible for prosecutors and with the national administration responsible for managing the prosecution service, from among serving prosecutors having a thorough knowledge of questions relating to the functioning of the prosecution system combined with utmost personal integrity.

The travel and subsistence of members shall be at the expenses of their States.
 - b. The European Union may take part in the work of the CCPE, but without the right to vote or to reimbursement of expenses.
 - c. The following Council of Europe observers may send a representative to meetings of the CCPE but without the right to vote or to reimbursement of expenses:
 - Holy See
 - United States of America
 - Canada
 - Japan
 - Mexico

- d. The following observers with the CCPE may attend the meetings of the CCPE, without the right to vote or defrayal of expenses:
- the International Association of Prosecutors,
 - the association "Magistrats européens pour la démocratie et les libertés" (MEDEL).
- e. The CCPE may appoint one representative to attend meetings of the CDPC and one representative to attend meetings of the Consultative Council of European Judges (CCJE) and the CDPC and the CCJE may each appoint one representative to attend meetings of the CCPE. The Council of Europe will cover the travel and subsistence expenses of these representatives.

6. Structures and working methods:

The CCPE is an advisory body of the Committee of Ministers. The Consultative Council works in co-operation, in particular, with the CDPC and the CCJE and also, depending on the subjects dealt with, other committees or bodies. The CCPE reports on its activities to the Committee of Ministers and to the CDPC and all texts for the Committee of Ministers will be forwarded through the CDPC to ensure proper coordination and consistency on matters relating to criminal justice policy.

In order to discharge its terms of reference, the CCPE will be assisted by a Bureau of eleven members appointed by the CCPE. The Bureau shall provide assistance as requested by the CCPE and to this end, the Bureau may seek the advice of external experts and have recourse to studies by consultants.

The travel and subsistence expenses of the Bureau members will be paid by the Council of Europe.

7. Duration:

These terms of reference expire on 31 December 2006 and may be renewed.

APPENDIX V

DRAFT REVISED SPECIFIC TERMS OF REFERENCE OF THE COMMITTEE OF EXPERTS ON TRANSNATIONAL JUSTICE (PC-TJ)

1. Name of Committee: Committee of Experts on Transnational Criminal Justice (PC-TJ)
2. Type of Committee: Committee of Experts
3. Source of terms of reference: European Committee on Crime Problems (CDPC)
4. Terms of reference:

Taking into account the report submitted to the CDPC by the Reflection Group on developments in international co-operation in criminal matters (PC-S-NS) [document CDPC (2002) 1], the Committee is to:

- study the chapter "Renewal" of the above-mentioned report, with a view to making proposals for follow-up action, in particular on the questions concerning the rights and guarantees of the individual;
 - report back to the CDPC.
5. Membership of the Committee:
 - a. The governments of all member States are entitled to appoint members with the following desirable qualifications: experts on criminal law, criminal procedure, individual rights and guarantees and international co-operation in criminal matters.
 - b. The Council of Europe will bear the travelling and subsistence expenses **of the Chair of the Committee and** of one expert for each of the following 17 member States: Austria, France, Georgia, Germany, Hungary, Ireland, Italy, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine.
 - c. Two scientific experts to be appointed by the Secretary General.
 - d. The European Commission and the Secretariat General of the Council of the European Union may send representatives to the meetings of the Committee, without the right to vote or defrayal of expenses.
 - e. The Bureau of the CDPC may authorise the admission of observers to the Committee.
 6. Structures and working methods:

The Committee may set up working parties.
 7. Duration:

These terms of reference will expire on **31 January 2006**.

APPENDIX VI

DRAFT AD HOC TERMS OF REFERENCE FOR THE COUNCIL FOR POLICE MATTERS (PC-PM) RELATING TO THE REGULATION OF PRIVATE SECURITY SERVICES

1. **Name of the Committee:** Council for Police Matters (PC-PM)
2. **Source of the terms of reference:** European Committee on Crime Problems (CDPC)
3. **Date by which the terms of reference must be carried out:** 31 December 2006
4. **Terms of reference:**

A growing concern in member States is the important increase in the provision and use of private security services, taking a great variety of forms. Recent research estimates that in the member States of the Council of Europe the number of staff involved in private security exceeds the number of those employed by the police. From being rather limited in scope and action, private security services are increasingly moving into areas which traditionally have been reserved for the public police.

Ensuring security in society through the Rule of law is a fundamental mission of public authorities. It is recognised that private security services make a useful contribution in ensuring this security. However, the lack of public control over these services, the scope of their activities and the professional conduct of their staff might well endanger the protection of human rights and fundamental freedoms.

National regulations developed by member States on this issue present a large variety and in some member States such regulation is non-existent.

Among the issues to be addressed the following merit particular consideration:

- tasks and limits of private security services primarily with regard to criminal justice functions,
- links between private security services and public police,
- professional conduct of private security staff,
- the accreditation, control and accountability (legal and administrative aspects),
- personnel issues such as recruitment and training requirements,
- the use of force and other professional activities affecting individual rights

Due account should be taken of:

- The European Convention on Human Rights
- European Convention on the Control of the Acquisition and Possession of Firearms by Individuals (ETS N° 101)
- Convention for the protection of individuals with regard to automatic processing of personal data (ETS N° 108) and its additional protocol (ETS N° 181)
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS N° 141)
- Rec. R (82) 15 on the role of criminal law in consumer protection
- Rec. R (84) 10 on the criminal record and the rehabilitation of convicted persons
- Rec. R (84) 23 on the harmonisation of national legislations relating to firearms
- Rec. R (87) 15 on regulating the use of personal data in the police sector
- Rec. R (87) 19 on the organisation of crime prevention
- Rec. R (91) 10 on the communication to third parties of personal data held by public bodies
- Rec. R (88) 18 concerning liability of enterprises having legal personality for offences committed in the exercise of their activities
- Rec(2000)10 on codes of conduct for public officials

- Rec(2001)10 on the European Code of Police Ethics
- Rec(2003)21 concerning partnership in crime prevention
- Current national regulatory systems of relevance in this field
- Norms developed by professional organisations of the private security sector

and any other texts adopted or work in progress within the Council of Europe, the European Union and other international organisations which could have an impact on the work of the Committee

The work should lead to a report identifying recent developments in this field including examples of good practice and ways and means to exchange those good practices.

In order to perform this task, it would need the assistance of two scientific experts with specific knowledge of relevant legislation and practice of member States in this field as well as of recent developments in research. It would also need to consult, as and when appropriate, representatives from the private security sector as well as other bodies involved in this area.

APPENDIX VII

REVISED WORKING METHODS OF THE CDPC AND ITS BUREAU

1. In the context of events which require a rapid and efficient response, and in view of the fact that the CDPC's plenary sessions are held on a yearly basis, the CDPC instructed the Bureau in 2003 (see paragraph 23 of document CDPC (2003) 9), to prepare a proposal focussing especially on the distribution of tasks between the Plenary and the Bureau. In doing so, the Bureau drew upon a document on the distribution of tasks between the Plenary and the Bureau which was endorsed by the CDPC at its 43rd plenary session in June 1994 (CDPC (94) 5) and also on experience of other steering committees, such as the CDCJ. The CDPC is invited to discuss, and, if appropriate, to adopt the present proposals.

2. While the CDPC Plenary must remain the principal forum for all decisions on policy, for normative acts (Conventions and Recommendations) and elections, the Bureau should be empowered to take decisions on more procedural matters and on any other matter delegated to it by the Plenary. This should also ensure that important issues receive full consideration by the Plenary.

3. Thus it is crucial to establish clear guidelines for the distribution of tasks between the Plenary and the Bureau of the CDPC. With a view to the requirement, in Resolution (76) 3 for the Bureau to, *inter alia*, "ensure continuity between meetings as necessary" it should be empowered to deal with urgent issues which cannot wait until the next Plenary Session.

It is clear that, notwithstanding the provisions of paragraphs 5 and 6 below, the Bureau can always renounce the possibility to take a decision on its own in favour of a written consultation procedure or a referral for decision to the Plenary and likewise can renounce the possibility to use the written consultation procedure in favour of a referral to the Plenary for decision.

4. It is also essential for maximum efficiency that the CDPC, its Bureau and the Secretariat make use of the technological tools available, in particular the use of e-mail and the CDPC website (www.coe.int/cdpc).

Proposals for Distribution of tasks between the CDPC and its Bureau

5. Decisions to be taken by the Bureau acting on its own authority:

- a) follow-up and ensuring the implementation of decisions of the CDPC wherever it is not possible to wait for the Plenary Session of the CDPC;
- b) proposing procedural changes to the terms of reference of Committees of Experts, for example by adjusting their timetable of work (including an extension of the time limit of such a committee) or changes to the list of countries whose experts are entitled to receive travel and subsistence expenses;
- c) admitting observers to Conferences and Colloquia;
- d) designating new members to its existing subordinate committees;
- e) approving publication of conference proceedings;
- f) requesting information from CDPC representatives to other standing or ad hoc committees;
- g) between the meetings of the Plenary Committee taking any necessary measures to ensure the monitoring by the CDPC of the activities of the expert committees which are subordinate to it, in particular by requesting information from, and giving guidance to, these subordinate committees;
- h) any other matter which may be delegated on an exceptional basis by the Plenary.

6. Decisions to be taken by the Bureau acting in consultation with the full membership of the CDPC, using the written procedure:

- a) giving advisory opinions to the Committee of Ministers and other Steering Committees;
- b) deciding on requests from international organisations and NGOs for observer status on Committees of Experts or on the CDPC itself;
- c) deciding on requests from non-member States for observer status on Committees of Experts or on the CDPC itself;
- d) appointing CDPC representatives to other standing or ad hoc committees as well as giving them instructions;
- e) finalising or adjusting the terms of reference of Committees of Experts (with the exception of procedural changes pursuant to paragraph 5b);
- f) any other matter which may be delegated on an exceptional basis by the Plenary.

7. These arrangements are subject to the following general rules:

- a) They are without prejudice to the competence of the Committee of Ministers.
- b) The Bureau would be obliged to submit the matter for decision to the CDPC if there is no consensus in the Bureau.
- c) Decisions taken by the Bureau will be reported to CDPC delegations for information, as soon as possible.
- d) Any proposal which meets with a fundamental objection from one of the CDPC delegations (for example with regard to the admission of a non-member state as an observer) shall be referred either to the Plenary, or, in cases of emergency, to the Committee of Ministers
- e) Matters not covered by paragraphs 5 and 6 above shall always be referred to the Plenary session for decision.

Preparation of meetings of the CDPC

8. In order to prepare and facilitate the work of the Plenary, the Bureau shall examine interim reports of Committees of Experts, and propose priorities for action by the CDPC. Both the efficiency of decision-making in the CDPC, and the quality of its discussions, will be enhanced by more effective preparation of its meetings. The Bureau shall, therefore:

- a) propose the draft agenda of the Plenary meeting;
- b) identify matters which might be agreed without debate;
- c) make proposals for the order of business.

9. The Bureau and the Secretariat shall be jointly responsible for ensuring that both the draft agenda and the documents for the meeting are available well in advance. As a rule, all documents should be circulated at least two weeks beforehand. All draft normative texts to be submitted for adoption by the CDPC should normally be distributed at least four weeks prior to the Plenary Session, and delegations should be warned if, exceptionally, this will not be possible. To this end, subordinate committees preparing normative texts should, whenever practicable, aim to finalise their work three months prior to the Plenary Session. If it is not possible to finalise the draft agenda until shortly before the meeting, a draft provisional agenda should be made available. The practice of making available a draft annotated agenda is also extremely helpful for delegations, and such a draft annotated agenda should be available at least two weeks before the meeting.

10. The Bureau shall also assist the CDPC by preparing a working document, in consultation with the Secretariat, on the available budgetary resources and options for the CDPC's future programme of activities.

11. Whenever detailed information is provided to the CDPC at its meetings, this should normally be in written form. However, brief oral reports to the CDPC by the Secretariat and participants may be made especially where a decision has to be taken.

Written Procedure

12. The Bureau must use the written procedure whenever taking one of the decisions referred to in paragraph 6. This procedure is as follows:

- i) On behalf of the Bureau, the Secretariat will circulate by e-mail to the CDPC delegations, via the contact points communicated to the Secretariat in accordance with paragraph 13 a), as well as to observers for information the text of the decision which it proposes to take, supported by any necessary background information and reasoning (background documents on the CDPC website will be referred to but not sent by e-mail).
- ii) Except in situations of urgency, the period allowed for reply must be at least two weeks.
- iii) The Secretariat will inform delegations that silence will be interpreted as approval for the proposed decision.
- iv) Shortly before the end of this period, the Secretariat will send a reminder by e-mail to all CDPC delegations.
- v) At the end of the period, the Secretariat will inform the members of the Bureau of any views expressed by CDPC members.
- vi) The Bureau will decide whether to maintain its earlier proposal, amend it, or refer the matter to the next Plenary Session, or to the Committee of Ministers.
- vii) The Bureau will decide whether any amended proposal should be submitted to a further written procedure, should be presented for adoption by the Plenary or can be adopted by the Bureau.

Consultation by e-mail

13. The CDPC delegations shall:

- a) ensure that the Secretariat always has an appropriate contact point (Head of Delegation) including two appropriate e-mail addresses (e.g. Head of Delegation/Permanent Representation) for CDPC information and for use during the written procedure; and
- b) use the CDPC e-mail address (dgi.cdpc@coe.int) when contacting the Secretariat;
- c) consult, on a regular basis, the CDPC website.

Use of the CDPC website

14. The Secretariat shall inform heads of CDPC delegations by e-mail whenever texts that require action by delegations are included on the web-site⁵, including information about any relevant deadlines (e.g. draft international instruments or other texts such as draft Opinions where delegations are invited to send drafting proposals).

⁵The CDPC website is currently being further developed. Delegations are invited to consult the website on a regular basis but, pending completion of the work to bring it up-to-date, the Secretariat will continue to send out important documents by e-mail

APPENDIX VIII

OPINION OF THE CDPC ON THE INSTITUTIONALISATION OF THE CONFERENCE OF PROSECUTORS GENERAL OF EUROPE (CPGE)

1. The CDPC considered, at its 53rd Plenary Session (16-19 March 2004), Parliamentary Assembly Recommendation 1604 (2003): "Role of the public prosecutor's office in a democratic society governed by the Rule of Law" and the Reply adopted by the Committee of Ministers⁶, at the 870th meeting of their Deputies, inviting the CDPC to debate the issues raised therein, taking into account the Conclusions of the 4th Conference of Prosecutors General of Europe (CPGE) in Bratislava⁷. The CDPC discussed in particular the proposal to institutionalise the Conference as a permanent Council of Europe body with appropriate resources.
2. The CDPC reconsidered these issues at its 54th Plenary Session (7-11 March 2005) also taking into account the Conclusions of the 5th Conference of Prosecutors General of Europe in Celle⁸ (Germany 23-25 May 2004) and the proposals by the Bureau of the CPGE contained in an "exploratory note on the institutionalisation of the CPGE"⁹ dated 14 May 2004 and submitted to the CDPC.
3. The CDPC underlined the essential role of the public prosecutor in the criminal justice system of a democratic society, by safeguarding the rule of law, security and fundamental human rights and freedoms. It recognised that in this respect, and notwithstanding the variety of public prosecution models and of their constitutional status, the role played by the prosecutor's office is of fundamental importance in all member States.
4. The CDPC recalled the growing importance of the activities undertaken by the Conference of General Prosecutors of Europe, which since its creation in 2000, has greatly contributed to the promotion of international cooperation between prosecution services in Europe by the improvement of the mutual understanding of the different prosecution systems and their functioning, the development of a common understanding of the main objectives to be achieved by prosecution services throughout Europe, and the consideration of obstacles to achieve these objectives.
5. The CDPC, referring to the role played by the Consultative Council of European Judges (CCJE)¹⁰ was of the opinion that a similar body - a Consultative Council of European Prosecutors (CCPE) - should be established to advise the Committee of Ministers and its own Committee concerning issues related to the prosecution service.
6. The CDPC underlined that given its own general mandate in advising the Committee of Ministers on issues related to crime problems, a sufficient institutional link between the CCPE and its own Committee would be needed to ensure that a possible overlap of fields of interest and competency would not lead to a situation where the Committee of Ministers would be faced to two advisory bodies providing opinions on similar questions.
7. The CDPC was also of the opinion that, although the budgetary situation of the Council of Europe would not allow for the entire financing of the plenary meetings of the CCPE, and that the travel and subsistence expenses would therefore have to be borne by its members, the CCPE would need the assistance of a Bureau to discharge its terms of reference, as well as that of external experts and consultants. The CDPC was of the opinion that the costs inherent to the functioning of the CCPE-Bureau should be borne by the Council of Europe.

⁶ Parliamentary Assembly Recommendation 1604 (2003): "Role of the public prosecutor's office in a democratic society governed by the Rule of Law" and the Reply adopted by the Committee of Ministers are contained in [Appendix II](#) to this note.

⁷ The Conclusions of the 4th Conference of Prosecutors General of Europe in Bratislava appear in [Appendix III](#).

⁸ The Conclusions of the 5th Conference of Prosecutors General of Europe in Celle appear in [Appendix IV](#).

⁹ The "Exploratory note on the institutionalisation of the CPGE" prepared by its co-ordinating Bureau appears in [Appendix V](#).

¹⁰ The terms of reference of the CCJE appear in [Appendix VI](#).

8. On the basis of the above, the CDPC approved draft specific terms of reference in view of the establishment of a Consultative Council of European Prosecutors (CCPE) and decided to submit them to the Committee of Ministers for adoption. The draft specific terms of reference are contained in Appendix I.
9. Referring to further proposals contained in the conclusions of the 4th Conference of Prosecutors General of Europe in Bratislava, the CDPC discussed at its 54th Plenary Session the proposal made to establish a monitoring mechanism for the implementation by member States of Recommendation Rec(2000)19 on the Role of public prosecution in the criminal justice system. The proposed mechanism would be based on peer-evaluation and on-the-spot verifications. Considering that the principles contained in the Recommendation are designed to provide guidelines to member States in view of the development of their legislation and practice, the CDPC would welcome if the European Prosecutors could continue their constructive role in gathering information and reflecting on the implementation of this Recommendation. However, the CDPC did not support the idea of attaching a fully-fledged monitoring mechanism to a non-binding instrument.
10. Finally, the CDPC took note of the Conclusions of the 5th Session of the CPGE in Celle and welcomed in particular the decision taken to entrust its Bureau with the preparation of a reflection document on the role of prosecution services outside the criminal field to be examined at its next plenary session in May 2005. The CDPC was of the opinion that such document could well be a starting point for the development of the detailed study proposed by the Parliamentary Assembly with a view to preparing an additional recommendation to member states on those aspects of the role of public prosecutors not addressed in Recommendation Rec(2000)19 .

APPENDIX IX

PROGRESS REPORT¹¹ ON THE UPDATING OF THE EUROPEAN PRISON RULES AND THE FEASIBILITY OF A EUROPEAN PRISON CHARTER

1. At its 50th plenary meeting the CDPC entrusted the Council for Penological Cooperation (PC-CP) with the task to update the European Prison Rules, the latest version of which is contained in Recommendation N° R (87) 3 of the Committee of Ministers of the Council of Europe.
2. The PC-CP started its work at the end of 2003 and a first draft of the updated European Prison Rules (EPR) and their commentary were presented at the Conference of Directors of Prison Administration (CDAP) and Probation Service (Rome, 25-27 November 2004). The delegations were requested to make their comments either orally at the Conference or in a written form immediately afterwards.
3. Meanwhile the Committee for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment (CPT) was also consulted and the European Commission was involved in the work on the draft texts. All comments received from the national prison administrations and the other delegates, as well as those of the CPT were discussed in detail by the PC-CP. Quite a number of these were reflected in the revised draft text of the EPR and their commentary, which update the rules in the light of the changes since 1987 in the penitentiary field in the member-States, as well as in the light of the standards developed by the CPT as a result of their visits and the case law of the European Court of Human Rights in this domain.
4. At its 54th plenary meeting (7-11 March 2005) the CDPC discussed the revised draft EPR and their commentary. The CDPC praised the quality and the volume of work done by the PC-CP and pointed out that the European Prison Rules are very important, need updating and are taken very seriously by the national authorities. For these reasons the draft Rules would have to be finalised with care in order to ensure the widest possible consensus so that they can be fully implemented.
5. Hence the CDPC agreed that more time was needed to finalise the draft EPR and their commentary. In order to accelerate the work, it invited the CDPC delegations to send their written comments on the two draft texts by the end of April 2005. On the basis of these comments the PC-CP will prepare a working document at their meeting on 23-25 May 2005, containing an amended draft of the new EPR. In [June] 2005 an enlarged CDPC Bureau meeting (attended also by the PC-CP Chair and one of its scientific experts, as well as by all representatives of CDPC delegations, who so wish) will take place. The CDPC instructed this enlarged Bureau to take account of this working document and to revise the draft EPR and their commentary. These texts approved by the enlarged Bureau will then again be sent to all CDPC delegations for written comments (to be sent by the end of September 2005) and, after completing this written procedure, the texts will be forwarded to the Committee of Ministers for adoption.
6. The CDPC then turned its attention to another issue, which it was requested to examine by the Committee of Ministers¹², namely the proposal contained in Recommendation 1656 (2004) of the Parliamentary Assembly of the Council of Europe (PACE) to draw up a European Prison Charter, comprised of a set of specific binding rules. Two options were tabled for discussion: a binding European Prison Charter or a non-binding European Prison Charter, containing the new European Prison Rules (which would be the “mother” text), as well as all Recommendations in the penitentiary field (such as on healthcare in prison, on education, on foreign prisoners, on remand in custody, on prison overcrowding, on conditional release, etc.). Such a Charter would also provide for a mechanism for regular revision of the EPR and the relevant Recommendations, as well as for adoption of new Recommendations on specific issues, if need be, with a view to achieving consistency in the standards developed. The PC-CP could be entrusted with this task, as it is a standing advisory body to the CDPC composed of high-level

¹¹ Progress report as requested by the Committee of Ministers in its Reply to PACE Recommendation 1656 (2004) [CM/AS Rec. 1656 final, 11 June 2004]

¹² Reply to PACE Recommendation 1656 (2004) [CM/AS Rec. 1656 final, 11 June 2004]

representatives of prison administrations and of services entrusted with the implementation of community sanctions and measures.

7. After some discussion the CDPC considered that until the new EPR are adopted it would be premature to take a stand on the legal status of a European Prison Charter as well as on the proposed mechanism to achieve consistency in the penitentiary standards. Hence it was decided to request the Bureau to consider the question of a possible European Prison Charter and to report back to the next plenary meeting of the CDPC.

APPENDIX X

CALENDAR OF FUTURE MEETINGS OF INTEREST TO THE CDPC CALENDRIER PROVISOIRE DE REUNIONS AYANT UN INTERET POUR LE CDPC

APRIL

6-8	26 th Conference of European Ministers of Justice / 26 ^{ème} <i>Conférence des Ministres de la Justice</i> – HELSINKI
11-13	Bureau of the CPGE (Conference of Prosecutors General of Europe) / <i>Bureau du CPGE (Conférence des Procureurs Généraux d'Europe)</i> – STRASBOURG
11-13	Presentation / Opening session of the Russian Anti-Corruption Programme / <i>Présentation - MOSCOW / Ouverture de la session du Programme anti-corruption en Russie - MOSCOU</i>
19-22	PC-S-ES (Group of Specialists on the protection of children against sexual exploitation / <i>Groupe de spécialistes sur la protection des enfants contre l'exploitation sexuelle</i>) - STRASBOURG

MAY

16-17	3 rd Council of Europe Summit / 3 ^{ème} <i>Sommet européen</i> – WARSAW / <i>Varsovie</i>
18-20	2 nd meeting of the PC-S-AV / 2 ^{ème} <i>réunion du PC-S-AV</i> (Group of Specialists on Assistance to Victims and Prevention of Victimisation / <i>Groupe de spécialistes sur l'assistance aux victimes et la prévention de la victimisation</i>) STRASBOURG
17-20	GRECO plenary meeting / <i>Réunion plénière du GRECO</i> (Group of Specialists against Corruption / <i>Groupe d'Etats contre la Corruption</i>) – STRASBOURG
23-25	PC-CP (Council for penological co-operation / <i>Conseil de coopération pénologique</i>) – STRASBOURG
23-27	MONEYVAL plenary meeting / <i>Réunion plénière de MONEYVAL</i> (Select Committee of experts for the evaluation of anti-money laundering measures / <i>Comité restreint d'experts sur l'évaluation des mesures de lutte contre le blanchiment des capitaux</i>) – STRASBOURG
29-31	Conference of Prosecutors General of Europe / <i>Conférence des Procureurs Généraux d'Europe</i> (CPGE) - BUDAPEST

JUNE

- 13-15 CDPC Bureau / Bureau du CDPC (European Committee on Crime Problems / *Comité européen pour les problèmes criminels*) – STRASBOURG
- 22-23 MOLI-Russia closing Conference – SAINT-PETERSBURG / *Conférence de clôture du programme MOLI-Russie - SAINT-PETERSBOURG*
- 27-28 MOLI-Ukraine closing Conference – KIEV / *Conférence de clôture du programme MOLI-Ukraine - KIEV*
- 27-30 GRECO plenary meeting / *Réunion plénière du GRECO* (Group of Specialists against Corruption / *Groupe d'Etats contre la Corruption*) – STRASBOURG
- 27-29 50th PC-OC plenary meeting / *50^{ème} réunion plénière du PC-OC* (Committee of Experts on the Operation of European Conventions in the Penal Field / *Comité d'experts sur le fonctionnement des Conventions européennes dans le domaine pénal*) - STRASBOURG

JULY

- 4-9 Regional Follow-up on sexual exploitation of children / *Suivi régional sur l'exploitation sexuelle des enfants* – LJUBLJANA

SEPTEMBER

- 19-23 GRECO plenary meeting / *Réunion plénière du GRECO* (Group of Specialists against Corruption / *Groupe d'Etats contre la Corruption*) – STRASBOURG (place and date to be confirmed)
- 22-23 CARD POLICE Ministerial meeting to finalise and adopt the regional strategy against economic and organised crime in South-eastern Europe – ISLAND BRIJUNI, Croatia / *Réunion ministérielle de CARDS POLICE pour finaliser et adopter la stratégie régionale contre le crime économique et le crime organisé en Europe du Sud-Est - ISLAND BRIJUNI, Croatie*
- 27-30 Conference on Economic Crime / *Conférence sur le Crime organisé* – CASCALS
- 28-30 OCTOPUS INTERFACE Conference on Combating Economic Crime – LISBON / *Conférence OCTOPUS INTERFACE sur la lutte contre le crime économique - LISBONNE*

SEPTEMBER / OCTOBER

- Conference on Probation and Aftercare – TURKEY - (place and date to be confirmed) / *Conférence sur la liberté surveillée et suivi – TURQUIE (lieu et date à confirmer)*

OCTOBER

- 10-12 PC-TJ (Committee of experts on transnational justice / *Comité d'experts sur la justice pénale transnationale*) STRASBOURG
- 13-14 Seminar on Corruption and Local Government – BULGARIA / *Séminaire sur la corruption et le gouvernement local - BULGARIE*
- 17-19 3rd Meeting of the PC-PM / *3ème réunion du PC-PM* (Council of police matters / *Conseil pour les questions de police*) – STRASBOURG
- 25-28 PC-CP (Council of penological co-operation / *Conseil de coopération pénologique*) - STRASBOURG

NOVEMBER

- 28 /11-2 / 12 MONEYVAL plenary meeting / *Réunion plénière de MONEYVAL* (Select Committee of experts for the evaluation of anti-money laundering measures / *Comité restreint d'experts sur l'évaluation des mesures de lutte contre le blanchiment des capitaux*) – STRASBOURG

DECEMBER

- 28 /11-2 / 12 MONEYVAL plenary meeting / *Réunion plénière de MONEYVAL* (Select Committee of experts for the evaluation of anti-money laundering measures / *Comité restreint d'experts sur l'évaluation des mesures de lutte contre le blanchiment des capitaux*) – STRASBOURG
- 5-9 GRECO plenary meeting / *Réunion plénière du GRECO* (Group of Specialists against Corruption / *Groupe d'Etats contre la Corruption*) – STRASBOURG

ADDENDA

- I Draft Convention on laundering, search, seizure and confiscation of the proceeds from crime and the financing of terrorism
 - a) draft Convention (see document CM (2005) 35)
 - b) explanatory report (see document CM (2005) 35 Addendum)

- II Draft Recommendation on the protection of witnesses and collaborators of justice
 - a) draft Recommendation (see document CM (2005) 41 Appendix II)
 - b) explanatory memorandum (see document CM (2005) 41 Addendum I)

- III Draft Recommendation on special investigation techniques
 - a) draft Recommendation (see document CM (2005) 41 Appendix III)
 - b) explanatory memorandum (see document CM (2005) 41 Addendum II)