

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

**67th Plenary Session**

**Strasbourg, 1 – 4 December 2014**

Council of Europe  
PALAIS (Main Building)  
Room 9

**Annotated Agenda**

**1. Opening of the meeting**

**2. Adoption of the draft agenda**

The Committee is invited to adopt the agenda for its plenary meeting and decide on the order of business.

**3. Future activities and priorities of the CDPC for 2014-2015**

In view of the preparation of its next terms of reference for the years 2016-2017, the CDPC is invited to have a preliminary discussion on which issues/aspects the committee should focus its work.

**4. Review of Council of Europe legal instruments in criminal matters**

**a. Review of the Council of Europe Conventions within the direct responsibility of the CDPC**

Following the CDPC plenary's decision to instruct the Bureau to prepare a document on the implementation/assessment of the conventions under the CDPC's direct responsibility (i. e. that are not subject to review/monitoring by other Council of Europe bodies), the Secretariat has prepared a document (CDPC (2014) 14rev) providing, in its first part, general information on the state of ratifications and signatures and the entry into force of these conventions.

The document contains, in its second part, more detailed information notably on whether or not the subject matter of the convention has recently been dealt by other international instruments and substantial elements in order provide to the CDPC the necessary assistance to address the requests made by the Committee of Ministers in its decision related to the review of Council of

Europe conventions (decision n° 9):

*“instructed the steering and ad hoc committees to carry out, at regular intervals (...) an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:*

- *propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;*
- *where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;*
- *encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;*
- *assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;*
- *and to report back to the Committee of Ministers.”*

The CDPC is also invited to take note of the presentation made by Mrs Marie Pfammatter, Ph.D. in Law, LL.M., (BMG-avocats and University of Geneva) and Mr Alessandro Chechi, Ph.D. in Law, (Art-Law Centre, University of Geneva), on the European Convention on Offences relating to Cultural Property (CETS No. 119).

The CDPC should examine the document prepared by the Secretariat (document CDPC (2014) 14rev), make comments/proposals for amendments where necessary, and endorse it. It should focus particularly on the part “Conclusions” related to each convention and make proposals on how these conventions should be reviewed/modernised, if necessary.

**b. Review of the CoE Conventions by other CoE bodies**

The Secretariat will inform the CDPC on the implementation/assessment of the conventions for which other CoE committees/bodies are responsible (Group of Parties Lanzarote, PC-OC, T-CY, GRECO, Conference of the Parties CETS No. 198), in accordance with the decision n° 9 made by the Committee of Ministers (see above).

The CDPC is invited to take note of the presentation by Mr Bragi Gudbrandsson, Chair of the Committee of the Parties to the Lanzarote Convention and have an exchange of views with him on subjects related to the work carried out by the Lanzarote Committee (in particular its activities of implementation/assessment of the Lanzarote Convention) and on any other issue of common interest.

The CDPC should examine the responses provided by other committees/bodies responsible for criminal law conventions (contained in the document called “Compilation”), make any comments/express any view on these replies, if needed, and endorse them.

**5. Drafting a document/report with a view to identifying new forms of behaviour that have emerged in the recent past in connection with the use of modern technologies and that have brought to light possible lacunae in the existing criminal offences/law**

With a view to implementing this task, that has been included in the expected results of the CDPC terms of reference for the years 2014-15, the CDPC plenary - at its last meeting - instructed the Bureau "to draft, together with the Secretariat and with the possible assistance of (a) consultant(s)/expert(s), a document/report highlighting the most significant developments in the field of the (mis)use of modern technologies as emerged over the recent years and the new forms of criminal behaviour in that respect which would need to be considered in substantial/procedural criminal law systems, in particular by identifying possible lacunae in the existing substantial/procedural criminal law."

Mr Yves Charpenel, First Prosecutor General to the Cour de Cassation de France, who made a presentation on "The legal and behavioural impact of modern technologies" at the last CDPC plenary, has been appointed as a consultant. Mr Charpenel has prepared a preliminary draft report. He also has drafted a short questionnaire that is appended to the report and that is intended to be sent to member states in order to provide additional information to complete the report.

Due to the fact that the preliminary draft report has been completed few days before the plenary meeting and it is being translated into English, the CDPC should instruct its Bureau to examine the content of the preliminary report and of the questionnaire prepared by the consultant and present these documents at the next CDPC plenary session in 2015.

**6. Follow-up to the 31<sup>st</sup> Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012): "Responses of Justice to urban violence"**

**a. International conference on urban violence (Lisbon, 23-24 October 2014)**

**b. Responses of justice to urban violence involving juveniles**

The CDPC is invited to take note of the information provided by the Secretary to the CDPC, Mr Carlo Chiaromonte, on the follow-up to the last Conference of Ministers of Justice and in particular 1) on the international conference that took place in Lisbon on the subject of "Urban violence" on 23-24 October 2014 (see conclusions) and 2) the developments related to the drafting of a working paper (document CDPC (2014)3) and the questionnaire (document CDPC (2014)23) prepared by a consultant (Mrs Josiane Bigot) and examined and amended by the Bureau at its last meeting.

The CDPC is also invited to take note of the presentation by Prof Sebastian Roché, Head of the Security and Cohesion Department at the University of Grenoble, who delivered a keynote speech at the Lisbon Conference and have an exchange of views with him on questions related to urban violence.

With a view to providing the necessary follow-up to the CDPC last plenary's decision on this item, the CDPC should 1) decide on possible follow-up to be given to the Lisbon Conference and 2) discuss the questionnaire prepared by Ms Bigot and revised by the Bureau, make any amendments it considers necessary and finally endorse the final version of the questionnaire that should then be sent to all member States.

**7. Council for Penological Co-operation (PC-CP) - Exchange of views with the Chairman, Mr Mauro Palma**

The Bureau CDPC is invited to take note of the reports of the last PC-CP working group meeting (document PC-CP(2014)18) as well as of the summary meeting report of its 4th plenary meeting (document PC-CP(2014)19) and of the main outcome of the PC-CP work : in particular a) the collection of SPACE statistics for 2013 was accelerated so that the final version will be ready by the end of 2014 and b) the country factsheets containing relevant information regarding prisons and probation in the member states are on the PC-CP website.

The CDPC is invited to take note of the draft reports on 1) violence in institutions for juvenile offenders (document PC-CP (2014)13rev2), 2) the use of quasi-compulsory measures as alternatives

to imprisonment (document PC-CP (2014)14rev) and 3) the use of restorative justice in prison (document PC-CP(2014)17rev) and to instruct the Secretariat to send these documents to the Committee of Ministers for information. The delegations are further invited to forward the three reports to the relevant national authorities for information and follow-up.

The CDPC is invited to approve the proposal made by the PC-CP plenary to keep the issue of restorative justice on the PC-CP agenda and to broaden the scope of the study by including also the use of restorative justice in probation work.

The CDPC is further invited to approve the proposal made by the PC-CP plenary to include the issue of radicalisation in prisons and probation on the agenda of its next year's work.

**a. Follow-up to the 19<sup>th</sup> Council of Europe Conference of Directors of Prison and Probation Services, 17-18 June 2014, Helsinki and next conference**

The CDPC is invited to consider the existing documents related to the last conference, notably the conclusions presented by Mr Philippe Boillat, Director General, Directorate General Human Rights and Rule of Law, Council of Europe, and by Mr Mauro Palma, Chair of the PC-CP. The CDPC should pay particular attention to the setting up of the Drafting Working Committee on Prison overcrowding under the auspices of the CDPC (document CDPC (2014)18) (see item 8 below) which will hold its first meeting on 8-9 December 2014 in Strasbourg.

The CDPC is invited to take note that the 20th Conference of Directors of Prison and Probation Services, "Strategic Challenges in Prisons and Probation", will take place in Bucharest on 9-10 June 2015.

**b. Evaluation of the Committee of Ministers recommendations in the field of execution of penal sanctions and measures**

The CDPC is invited to consider and approve the proposals made by the PC-CP for review, promotion and implementation of the relevant Committee of Ministers recommendations (document PC-CP (2014)16rev2) and to make any possible comments and/or suggestions it would consider appropriate in this respect.

**8. Prison overcrowding**

The CDPC is invited to take note of the setting up of a Drafting Working Committee on Prison overcrowding under the auspices of the CDPC (document CDPC (2014)18) which will hold its first meeting on 8-9 December 2014 in Strasbourg.

**9. Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing - Feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173)**

The CDPC is invited to consider the decision taken by the GRECO concerning the issue of the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173): "Following a special tour de table on this subject at GRECO's 60th plenary meeting (Strasbourg, 17-21 June 2013) and in light of the recent exchange of views referred to above, it would be highly desirable from GRECO's perspective if the CDPC would commission a feasibility study (or set up a working party) on the advisability of amending the Convention or complementing it with an Additional Protocol with a view to covering the non-profit sector" (see document Greco (2014) 11E revised – paragraphs 6 and 7).

The CDPC is invited to consider all relevant working documents related to this item, in particular those concerning the outcome of the CDPC's analysis (questionnaire, replies and summary of the replies) made in the past on this matter.

The CDPC is invited to take a final decision on the question raised by the Committee of Ministers of the Council of Europe in June 2012 (see Committee of Ministers decision) on the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173), taking also into account the mentioned decision taken by the GRECO..

**10. Document/guidelines containing “Model provisions” defining a certain number of rules to be duly considered by the expert committees in their drafting work as the base to be followed during future negotiations of any possible convention in a criminal law matter**

The CDPC is invited to take note of the information by Mr Hans-Holger Herrnfeld on the work carried out so far in the drafting of the document on “Model provisions project” (CDPC (2014) 17rev2), including the outcome of the meetings of the group of experts set up following the relevant CDPC decision in that respect.

The CDPC is invited to examine the document on “Model provisions” with a view to approving the text as a document to be used as guidelines by future experts groups that may be mandated by the Committee of Ministers to negotiate criminal law conventions of the Council of Europe.

**11. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC) - Exchange of views with Mr Per Hedvall, vice-Chair of the PC-OC**

The CDPC is invited to take note of the list of decisions of the 667th meeting of the PC-OC held on 18-21 November 2014. (document PC-OC (2014)14) and have an exchange of views with Mr Per Hedvall on subjects of common interest and in particular on the implementation/assessment of the conventions for which the PC-OC is responsible (see item n° 4 b of the present annotated agenda, and the letter dated 21 November 2014 of the Chair of the PC-OC to the Chair of the CDPC contained in the document called “Compilation”).

Moreover, the CDPC should pay particular attention to:

- 1) the decision by the PC-OC to improve the functioning of transfer procedures by the preparation of draft protocol to amend the Additional Protocol to the Convention on the Transfer of Sentenced Persons and the continuation of discussions on the best ways to improve the implementation of the Convention (see decision under 7a of the last PC-OC plenary meeting: document PC-OC (2014)14));
- 2) the decisions taken by the PC-OC to ensure follow up to the special session on international co-operation as regards the seizure and confiscation of proceeds of crime, including the management of confiscated goods and asset sharing, which was held on 19 November 2014 as a first follow up to the White Paper on Transnational Organised Crime (see decision under 6);
- 3) the opinion of the PC-OC on the opinion of the T-CY on recommendation 2.2 of PACE Recommendation 2041 (2014) on “improving user protection and security in cyberspace” (possible update of ETS No. 30) (see decision under 5c);
- 4) the inquiry made by the PC-OC to answer the request by the CDPC Bureau that the PC-OC consider, in its forthcoming work and meetings, the question of compatibility between the Convention on Mutual Assistance in Criminal Matters and the Cybercrime Convention with regard to the exchange of requests for international co-operation in matters related to electronic evidence (see decision under 5d);
- 5) the opinion of the PC-OC on the model provision as regards international co-operation (see decision under 9);

**12. Activities related to transnational organised crime; “White Paper”**

Following the CDPC plenary’s decision “to endorse the Bureau’s proposal to draft an accurate Action Plan that should be examined by the CDPC at its plenary meeting in December;” the Bureau instructed the Secretariat to prepare a draft document containing the main elements of an accurate action plan to be submitted for consideration to the plenary in December”. The document prepared by the Secretariat (document CDPC (2014) 19) is not the Action Plan itself but it contains general elements that should be included in the future Action Plan, which is to be drafted in the coming

months and presented to the next CDPC plenary in 2015.

The CDPC is invited to examine the document prepared by the Secretariat (document CDPC (2014) 19), discuss its content and make any proposals on possible developments related to concrete actions to be included in the future Action Plan to be drafted in 2015.

**13. Terrorism**

The CDPC is invited to take note of the information provided by the Chair and the Secretariat on the International Conference on Terrorism and Organised Crime (Malaga, 25-26 September).

It also should take note of the information provided by the Secretariat on the ongoing work by the CODEXTER on new drafting activities on counter-terrorism matters.

**14. Information provided by the Secretariat**

The Bureau is invited to take note of the information provided by the Secretariat on sub-items a. to e. below.

- a. **Medicrime**
- b. **Trafficking in human organs**
- c. **Dangerous Offenders**
- d. **Cybercrime**
- e. **Co-operation activities in the criminal field**

**15. Elections**

The CDPC is invited to elect a member of the Bureau.

The Committee is further invited to renew the mandates of the Chair and Vice-Chair of the CDPC, respectively.

The CDPC is invited to renew the mandate of Mr Antanas Jatkevicius, PC-CP Working Group member (elected in 2012 for two years, renewable once).

**16. Any other business**

**17. Dates of the next meetings**

The CDPC is invited approve the dates of its next plenary meeting: 1- 4 June 2015.