

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

68th Plenary Session

Strasbourg, 2 – 5 June 2015

Council of Europe
PALAIS (Main Building)
Room 9

Annotated Agenda

1. **Opening of the meeting**
2. **Adoption of the draft agenda**
3. **Future activities and priorities of the CDPC for 2016-2017**

In view of the preparation of the next terms of reference for the years 2016-2017, following preliminary discussions on this topic in the CDPC (Plenary and Bureau), the CDPC is invited to have a discussion on which issues/aspects the CDPC should focus its work on over the next two years and examine and **approve** the preliminary draft Terms of Reference of the CDPC for the years 2016-2017 on the basis of the relevant document prepared by the Secretariat. The CDPC should also examine and approve the preliminary terms of reference of its subordinated bodies; the PC-OC and the PC-CP (see also items 7 and 10).

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 with regard to the document "Review of the Council of Europe conventions within the direct responsibility of the CDPC" (see decision 4a of the CDPC plenary in December 2014), the CDPC should examine, discuss and **adopt** the document revised by the Secretariat (document CDPC (2014) 14rev2) and finalise it. It should also examine the replies received by States (document CDPC (2015) 9) to the document "Memorandum on the revision of the 1985 European Convention on Offences Relating to Cultural Property", and **decide** on the follow-up to be given to the question of whether or not to review this Convention.

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 decision n° 9 made by the Committee of Ministers.

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 66th plenary meeting, June 2014 - 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, has been appointed as a consultant and has prepared a draft report. The Bureau of the CDPC examined this report and decided "to thank Mr Yves Charpenel for his report "on the impact of the new technologies on behaviour and legislation in the criminal law field"".

The Bureau also decided "to instruct the Secretariat to request that the relevant CoE bodies (notably the TC-Y and the PC-OC) give their opinions on possible transversal actions that could be developed under this item and in particular on the possibility of setting up a multi-disciplinary Working Group with a view to identifying possible actions to be undertaken in the criminal law field in relation to the impact of the new technologies".

The CDPC should discuss this decision of the Bureau and possibly endorse it.

6. Follow-up to the 31st 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) and
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 follow-up to the international conference that took place in Lisbon on the subject of "Urban violence" on 23-24 October 2014 (see conclusions of the Conference) and 2) the developments related to the drafting of a working paper (document CDPC (2015)3) and the questionnaire on urban violence and juvenile involvement (document CDPC (2014)23) prepared by a consultant (Mrs Josiane Bigot), examined and amended by the Plenary at its last meeting and sent to the CDPC delegations.

The CDPC should examine 1) the document "Information document on the Working Group on urban violence" and 2) the replies received to the questionnaire and the summary of these replies prepared by the Secretariat (document CDPC (2015)10) and decide on the follow-up to be given to this activity taking into account the need to report back to the Committee of Ministers on the follow up/conclusion of this activity.

7. Council for Penological Co-operation (PC-CP)

The CDPC is invited to have an exchange of views with the Chairman, Mr Mauro Palma, on the current activities carried out by the PC-CP, take note of the reports of the last PC-CP working group meetings (documents PC-CP(2015)1 and 5) as well as the main outcome of the PC-CP's work and in particular:

- the current work on the draft Guidelines for the prison and probation services facing radicalisation and violent extremism;
- the forthcoming 20th Council of Europe Conference of Directors of Prison and Probation Services (9-10 June 2015, Bucharest, Romania);
- the work started in relation to the review of the recommendations and resolutions in the prison and probation field, namely the drafting of a Committee of Ministers Recommendation on the European Rules on sanctions and measures enforced in the community;
- the progress made by the Working Group on Prison overcrowding.

The CDPC is also requested to examine and **approve** the preliminary draft Terms of Reference of the PC-CP for 2016-2017.

a. Radicalisation in Prison

The members of the CDPC are invited to take note of the information provided by the Chair of the PC-CP on the progress made in the drafting work on the "Guidelines for the prison and probation services facing radicalisation and violent extremism".

The PC-CP started working on these Guidelines following the decision by the Committee of Ministers of the Council of Europe to include the issue of radicalisation in prison in the Action Plan "The fight against violent extremism and radicalisation leading to terrorism" (see document CM(2015)74 add final (item 12 of the CDPC agenda) and in particular point 2.2 of the Action Plan). It is expected that the Guidelines will be ready for adoption by the Committee of Ministers in December 2015.

The main aim of the Guidelines is to provide the prison and probation services with practical guidelines which should help them prevent, detect and deal with cases threatening to lead to terrorist acts. It will recommend measures related to general prevention, to good prison management, as well as to mentoring, preparation for release, and post-release supervision and work with former prisoners.

The Guidelines will also contain basic principles and safeguards regarding the co-operation and exchange of information between prison and probation services and police and intelligence services.

The CDPC is requested to **examine** and discuss the document "Draft Guidelines for the prison and probation services facing radicalisation and violent extremism" (document PC-CP (2015) 2 rev sent by e-mail to all CDPC members on 21 May 2015) and **make** any comments and proposals for amendments as necessary.

The CDPC is further invited to note that the PC-CP will dedicate a Working Group meeting (14-16 September 2015) and its plenary meeting (17-19 November 2015) to this text. In addition, the issue of radicalisation in prisons will also be discussed at the 20th Council of Europe Conference of Directors of Prison and Probation Services. The Directors will also be consulted regarding the draft text of the Guidelines. The final text of the draft Guidelines is to be presented to the CDPC plenary in December 2015 for approval.

b. 20th Council of Europe Conference of Directors of Prison and Probation Services, 9-10 June 2015, Bucharest

The CDPC is invited to take note of the draft agenda of the 20th Conference of Directors of Prison and Probation Services, “Radicalisation and other strategic challenges”, which will take place in Bucharest on 9-10 June 2015 and the information provided by the Chair of the PC-CP on the topics and the objectives of the Conference.

8. Prison overcrowding

The Drafting Committee on Prison overcrowding under the auspices of the CDPC held its second meeting on 20-21 May 2015 in Strasbourg and the CDPC is invited to take note of the information provided by the Chairs of the PC-CP and the CDPC on the work carried out by the Drafting Committee so far.

The CDPC should examine the Executive summary of the 2nd meeting of the Drafting Committee on Prison overcrowding (document (2015) 11) and make any comments on the structure of the White Paper on prison overcrowding that is going to be drafted and on the main topics that will be considered in this White Paper.

9. 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 basis/model 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 on the work carried out so far in the drafting of the documents on the “Model provisions project”.

The CDPC is invited to examine the documents on the “Model provisions project” (CDPC (2014) 17rev4 and CDPC (2014) 24 rev2) with a view to **approving** them as documents to be used as guidelines by future expert groups that may be mandated by the Committee of Ministers to negotiate the criminal law conventions of the Council of Europe. The CDPC should also consider and **decide** upon the proposal by the Bureau “to recommend that once the CDPC plenary has adopted these documents (“Model provisions”), the Committee should submit it to the CM to be adopted in the form of a recommendation to be used as guidelines by future expert groups that may be mandated by the CM to negotiate the criminal law conventions of the Council of Europe”.

10. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)

The CDPC is invited to have an exchange of views with the Chairperson of the PC-OC, Mrs Joana Gomes Ferreira, on the current activities carried out by the PC-OC, take note of the lists of decisions of the 19th meeting of the PC-OC Mod held on 17-19 February 2015 (document PC-OC Mod (2015)04) and of the PC-OC plenary meeting held on 27-29 May 2015 (document PC-OC (2015)14).

Moreover, the CDPC should pay particular attention to:

- 1) the Draft protocol to amend the Additional Protocol to the Convention on the Transfer of Sentenced Persons (CETS No. 167) [Doc. PC-OC Mod (2015) 01rev2] and the draft revised explanatory report [PC-OC(2015)02];
- 2) the E-transfer proposal by Israel, to develop an electronic tool to facilitate transfer procedures [Doc PC-OC Mod (2014)04];
- 3) the questionnaire to be addressed to member States [Doc PC-OC Mod (2015)03rev3] by the PC-OC as a 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;

4) the replies received to the inquiry conducted by the PC-OC [Doc PC-OC Mod (2015)02 rev] 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” as well as the opinion adopted by the PC-OC.

The CDPC is also requested to examine and **approve** the preliminary draft Terms of Reference of the PC-OC for 2016-2017.

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

Following the CDPC plenary’s decisions “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;” (66th CDPC meeting, June 2014) and “to instruct the Secretariat, together with the assistance of a consultant and the Chair of the CDPC, to prepare a draft Action Plan to be submitted to the CDPC at one of its next meetings” (67th CDPC plenary meeting, December 2014), the CDPC is invited to take note of the information provided by the Chair of the CDPC, Mr Hjortenbergh, and by the Secretariat on the developments related to the work carried out to prepare the draft Action Plan and have a discussion on how this activity should be continued in the future.

12. Terrorism

The CDPC is invited to take note of the information provided by the Secretariat on the ongoing work by the CODEXTER on its activities on counter-terrorism matters and in particular on the draft Additional Protocol to the Convention on prevention of terrorism.

13. Information provided by the Secretariat

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

a. Medicrime

b. Trafficking in human organs

c. Dangerous Offenders

d. Cybercrime

14. Any other business

15. Dates of the next meetings