



Strasbourg, 1 June 2012
cdpc/docs 2012/cdpc (2012)

CDPC (2012) 8

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

62nd Plenary Session

Strasbourg, 29 May – 1 June 2012
Agora Building
Room G01

List of Decisions

The European Committee on Crime Problems (CDPC), meeting in Strasbourg under the Chairmanship of Mr Lorenzo SALAZAR, decided to:

1. Opening of the meeting

- take note of the opening address of Mr Jan Kleijssen, Director of Information Society and Action against Crime, Directorate General of the Human Rights and Rule of Law on the most recent developments in the Council of Europe, in particular the priorities of the current and former Albanian and United Kingdom Chairmanships relevant for the work of the CDPC;

2. Adoption of the draft agenda

- adopt the agenda (The list of participants and the agenda appear in Appendices I and II respectively.);

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

- take note of the information provided by Ms Sonja Snacken, Chair of the PC-CP, concerning the ongoing and future activities of the PC-CP (see Appendix III);

a. Foreign prisoners

- approve the draft Committee of Ministers Recommendation concerning foreign prisoners and its commentary, as amended, and to submit the draft Recommendation to the Committee of Ministers for adoption and its commentary for information (see Appendices IV and V);

b. Preparation of the 17th Council of Europe Conference of Directors of Prison Administration (CDAP)

- thank the Italian prison administration for the invitation addressed to the Council of Europe to host the 17th CDAP on 22-24 November 2012 with the topic: "Foreign Prisoners" and take note of the information provided by the Director of the Prison Administration of Italy, Mr Giovanni Tamburino, and by the Secretariat on the state of preparation of the conference. To the conference will be invited also directors of probation services. The aim of the conference will be promoting the forthcoming Committee of Ministers recommendation concerning foreign prisoners, discussing the treatment and preparation for release of foreign prisoners in general and ways of reducing their numbers in custody;
- take note also that during the conference a special meeting will be held in which directors of prison and probation services, judges and prosecutors, the Chairs and further representatives of the relevant Council of Europe bodies (in particular CDPC, CCJE, CCPE, PC-CP) will take part in order to discuss ways of combating prison overcrowding and the measures which might be taken in this respect;
- propose that on the occasion of the 17th CDAP the topic related to dangerous offenders should also be discussed and that the Chair of the Committee of Experts on Dangerous Offenders (PC-DOF) should also be invited for that purpose and that issues related to methodology of collection and processing of data by the national prison administrations used by SPACE statistics could also be clarified during the conference (see Appendix VI);

c. Electronic monitoring

- take note of doc. PC-CP (2011)21 on the follow-up to be given to the 16th CDAP regarding electronic monitoring as well as of the presentations made by Mr Dominik Lehner, Head of Penal Services, Justice and Security Department, Basel (Switzerland) on the same topic;
- take note of the opinion expressed at the last PC-CP plenary meeting that there is an urgent need for setting ethical guidelines for the use of new tracking technologies in the work with offenders because of their rapid development and expansion in the field of supervising offenders;
- entrust the PC-CP, as a first step and for the purpose of further discussion of the subject, with the task to draft a paper clarifying the possible scope of the term "electronic monitoring", which should relate to the use of such technology outside prisons, as well as identifying the aspects regarding its use that should be addressed in order to develop standards against disproportionate use. The PC-CP should take into account that some member states have already developed standards and rules on electronic monitoring. The PC-CP should not deal with questions related to if, and at what stages of the criminal process, electronic monitoring could be used as this is a matter reserved for national law (see Appendix VII);

d. SPACE statistics

- take note of the presentation made by Prof. Marcelo Aebi, Deputy Director of the School of criminal sciences, University of Lausanne, Switzerland of the results of 2010 SPACE I survey (prisons) and of 2010 SPACE II survey (community sanctions and measures) and expressed its satisfaction with the quality of the work done;
- propose that a presentation of certain SPACE data which give quite a valuable and explicit information on prison population fluctuations, length of imprisonment and turnover of prisoners should be presented at the forthcoming 31st Council of Europe Conference of Ministers of Justice (September 2012, Vienna) and instruct the Secretariat to explore the feasibility of combining a presentation of the SPACE statistics with the presentation of the CEPEJ report;

e. Elections of one member of the PC-CP working group

- elect Mr Antanas Jatkewicius (Lithuania) as new member of the PC-CP working group for a term of two years;

4. Dangerous offenders

- take note of the draft Terms of Reference of the Committee of Experts on Dangerous Offenders (PC-DOF) as submitted by the Secretariat to the Committee of Ministers for adoption;
- subject to the decision by the Committee of Ministers to establish PC-DOF, approve the composition of PC-DOF as proposed by the Bureau;
- instruct the Secretariat to ensure that the work accomplished by the PC-DOF will be closely monitored by the CDPC and its Bureau and to invite the Chair of the PC-DOF to the next CDPC Plenary in December (see Appendices, VIII, IX and X);

5. Trafficking in organs

- take note of the information provided by the Secretariat on the state of play with regard to the elaboration of a criminal law convention against trafficking in human organs and, if appropriate, an additional protocol to that convention against trafficking in human tissues and cells;
- take note of the positions expressed by some delegations concerning the need to criminalise all elements of the trafficking chain in human organs;
- take note that the preliminary draft convention against trafficking in human organs will be submitted to the CDPC for finalisation on the occasion of the next Plenary meeting in December (see Appendices XI and XII);

6. The 31st Council of Europe Conference of Ministers of Justice (Vienna, 19 – 21 September 2012): “Responses of Justice to Urban Violence”

- take note of the information provided by the Austrian delegation and by the Secretariat regarding the state of preparation of the Conference;
- approve, as amended, the elements for a draft resolution to be adopted by the Ministers of Justice;
- take note that the Fourth Additional Protocol to the Convention on Extradition will be opened for signature at the Conference subject to the approval by the Committee of Ministers of this text in July, and that each member state is invited to inform the Secretariat if it foresees the possibility of signing and/or ratifying any other Council of Europe convention at the occasion of the Conference (see Appendices XIII and XIV);

7. Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)

- take note of the information provided by Mr Erik Verbert, vice-Chair of the PC-OC, concerning the ongoing and future activities of the PC-OC;
- underline the importance of the work of the PC-OC for the work of practitioners and welcome in particular the development of practical guidelines as a follow-up to the replies to a questionnaire on jurisdiction and transfer of proceedings;
- take note of the importance of providing sufficient time and resources for the efficient work of the PC-OC and the PC-OC Mod;
- ask the PC-OC to keep the CDPC informed of progress made in the development of the guidelines, noting that the status of these guidelines would have to be decided at a later stage;
- instruct the Secretariat to present at its next plenary the achievements in the development of the PC-OC website;
- referring to the poor level of ratification of some conventions on international co-operation in criminal matters, take note of the information provided by the Secretariat on the review of Council of Europe Conventions which will be examined by the Committee of Ministers on 20 June 2012 (DocSG/Inf(2012)12E / 16 May 2012 available on website http://www.coe.int/t/cm/home_en.asp) (see Appendices XV, XVI and XVII);

8. Future activities and priorities of the CDPC

a. Activities related to transnational organised crime

- take note of the draft Terms of Reference of the Committee of Experts on Transnational Organised Crime (PC-TOC) as submitted by the Secretariat to the Committee of Ministers for adoption;
- take note that 12 member states have expressed their interest in participating in PC-TOC and have submitted candidates;
- instruct the Secretariat to make inquiries with member states concerning the filling of the remaining seats on PC-TOC (see Appendices XVIII and XIX);

b. Activities related to piracy

- adopt the proposal of the Bureau, that member states wishing to exchange best practices with regard to combating sea piracy through criminal law could meet in the margins of CDPC Plenary meetings and report back to the Plenary on their activities;
- instruct the Secretariat to make the necessary preparations for a first meeting of the group of interested member states in the margins of the second CDPC Plenary meeting in 2012 (see Appendix XX);

c. Alternative measures to imprisonment

- take note of the information provided by the Belgian delegation concerning the topic of “alternative measures to imprisonment”;
- instruct the Secretariat to prepare an overview of existing Council of Europe instruments and activities pertaining to quasi-compulsory measures as alternatives to imprisonment (see Appendix XXI);

9. Information provided by the Secretariat

- take note of the information provided by the Secretariat on Medicrime, Cybercrime, Match-fixing and other Council of Europe activities;

10. Any other business

a. Election of the Gender Equality Rapporteur

- elect Ms Antonella Sampo-Couma (Monaco) as Gender Equality Rapporteur (see Appendix XXII);

b. Presentation by Ms Laura d'Arrigo, Chairperson of the Permanent Correspondents of the Pompidou Group of the Council of Europe

- take note of the presentation made by Ms Laura d'Arrigo, Chairperson of the Permanent Correspondents of the Pompidou Group of the Council of Europe;

c. take note of the presentation made by Ms Patricia Ramos Pinto, Interpol;

d. The recommendations of the Parliamentary Assembly communicated by the Committee of Ministers to the CDPC for information and possible comments

- examine the three recommendations of the Parliamentary Assembly of the Council of Europe communicated by the Committee of Ministers to the CDPC;
- instruct the Secretariat to prepare a draft opinion on the Recommendation on the need to combat

- match-fixing on the basis of the discussion held in the plenary and submit this draft text for approval first to the Bureau and then to the CDPC by written procedure;
- take note of the two other recommendations and instruct the Secretariat to inform the Committee of Ministers that the CDPC has no comments on them (see Appendices XXIII, XIV and XXV);

11. Date of the next CDPC Bureau and Plenary meetings

- take note of the information provided by the Chair and the Secretariat on the dates of the next CDPC Bureau and Plenary meetings, which will take place on 4 and 5 October and 4–7 December 2012 respectively.