

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

Paris, 4-5 October 2012

Council of Europe Paris Office
55, avenue Kléber

List of Decisions

The Bureau, meeting in Paris on 4 and 5 October 2012, decided:

- to express its gratitude to the French Ministry of Justice and to the French Bureau member, Mrs Fabienne Schaller, for inviting the Bureau members for a working breakfast at the Ministry with Mr Michel Debacq, Diplomatic Counselor of the Minister, Mr Philippe Astruc, Counselor for criminal affairs and Mme Marie-Suzanne Le Quéau, Director for criminal affairs, and for hosting part of the Bureau meeting in the Ministry's premises.

3. Working methods of the Bureau and of the Plenary of the CDPC

- to have a discussion on the working methods of both the Bureau and the plenary of the CDPC with a view to improving their effectiveness;
- to consider a number of preliminary proposals made by Bureau members, for example to set up sub-groups/small working groups dealing with specific issues and composed of a restricted number of CDPC representatives; to invite members of the Bureau to introduce/present each specific topic on the CDPC agenda during the plenary; to entrust each Bureau member with a specific file; to learn from the experiences and practices of other committees (such as in case of the negotiations carried out by the PC-TO) ;
- to underline the importance, and the need, for CDPC members to follow the different files under consideration by the CDPC not only during the plenary meetings but also before and after each session and regularly co-ordinate with the relevant national authorities on issues dealt with by the CDPC;
- to continue its consideration on this important issue at its next meeting;
- to take note of the information provided by the Chair of the CDPC, Mr Lorenzo Salazar, on his participation at the GR-J meeting of 6 September where he presented the current activities carried out by the CDPC and the future work and priorities of the Committee.

4. Preparation of the next plenary (4-7 December 2012)

- to approve the draft agenda of the next plenary meeting of the CDPC, which will start on 4 December at 9.30am and end on 7 December at around 1pm ;
- to instruct the Secretariat to inform the CDPC delegations that the item on the trafficking in human organs (examination and approval of the draft convention) is planned to be dealt with by the plenary on the first two days of the meeting (Tuesday and Wednesday);
- to put asterisks on the more important items in the draft agenda to indicate that discussions on this agenda item are likely to exceed two hours.

5. Trafficking in organs

- to take note of the information provided by the Chair of the Committee of Experts on Trafficking in Human Organs, Tissues and Cells (PC-TO), Mr Hans-Holger Herrfeld, on the state of play as regards the negotiations on the draft preliminary convention against trafficking in human organs. The PC-TO will hold its last meeting on 15–19 October 2012 with a view to finalising the negotiations of the draft convention and its explanatory report and submitting it to the CDPC for approval at its December plenary meeting. Mr Herrfeld informed the Bureau that certain legal issues have still not been resolved by the PC-TO, and it is likely that the CDPC will have to devote a substantial part of the upcoming plenary meeting to finalising the draft convention and its explanatory report before submitting it to the CM;
- not to examine in detail the provisions that are still under discussion in the PC-TO;
- to invite the PC-TO to finalise its work, in accordance with its terms of reference, and notably to reach agreement on the text of the preliminary draft convention and submit it to the CDPC by the end of its next and final meeting;
- to instruct the Secretariat to circulate (if necessary following the outcome of the PC-TO meeting) a short questionnaire, well in advance to the CDPC plenary meeting (immediately after the meeting of the PC-TO), addressed to all CDPC delegations and focusing on the most important points concerning the draft convention with the aim of allowing the CDPC to better understand how delegations position themselves with regard to the issues raised ;
- to indicate in the convocation letter of the CDPC plenary that trafficking in organs is planned to be dealt with on Tuesday and Wednesday.

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”

- to take note of the information provided by Mr Salazar on the Conference of Ministers of Justice in which he participated in his capacity as Chair of the CDPC and notably of the final resolution adopted by the Ministers;
- to follow closely the procedure of examination of this Resolution in the Committee of Ministers and to instruct the Secretariat to keep the CDPC informed on this matter;
- to include the activities of the CDPC needed to implement this Resolution in its next terms of reference.

7. Dangerous offenders

- to take note of the information provided by the Secretariat on the state of play as regards the procedure of adoption of the terms of reference of the Group of experts on dangerous offenders (PC-DD), which will be examined by the GR-PBA (Rapporteur Group on Programme, Budget and Administration) at its meeting of 9 October 2012;
- pending the final CM decision on the PC-DD, to instruct the Secretariat to consider the possibility of having 1 meeting in 2012 (provisional date to be confirmed: 10-13 December) and 2 meetings in 2013;
- due to the late approval of the terms of reference of the PC-DD, not to consider this item at the next plenary but at the next Bureau meeting in 2013 and then at the first plenary meeting in 2013.

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

- to take note of the last meeting report of the PC-CP's Working Group and of the election of its Chair and vice-Chair and to congratulate them;
- to instruct the Secretariat to invite the Chair of the PC-CP to the plenary meeting in December;
- to instruct the PC-CP, in relation to the proposed future work on violence in juvenile detention institutions, to present a preliminary working document with elements of its study to the next CDPC plenary session for further consideration.

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

- to take note of the preparation for the 17th Conference of Directors of Prison Administration on the subject of "Foreign Prisoners" and in particular of the meeting during the Conference with CDPC, PCCP, CCPE and CCJE representatives to discuss ways of combating prison overcrowding (Rome, 22-24 November 2012);
- to appoint three Bureau members (Ms Helena Lisuchova, Ms Fabienne Schaller and Mr Slawomir Buczma) to participate, together with the Chair, in the Conference and the meeting related to ways of combating prison overcrowding.

b. Electronic monitoring

- to take note of the document on electronic monitoring that takes into account of the remarks made by the CDPC at its last plenary, to approve the work carried out so far by the PC-CP on electronic monitoring and to instruct it to continue its work and present its preliminary results at the next CDPC plenary meeting.

9. Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing

- to take note of the information provided by the Secretariat on the state of play as regards the procedure of implementation of the decisions adopted by the CM at their 1145th meeting (13 June 2012) on match-fixing issues, in particular: 1) "invited the EPAS Governing Board, where appropriate, in co-operation with the Group of States against Corruption (GRECO), the European Committee on Crime Problems (CDPC), MONEYVAL and other relevant bodies, and in co-ordination with the European Union, to launch the negotiation of a possible Council of Europe Convention against Manipulation of Sports Results and notably Match-fixing.", and 2) "invited the European Committee on Crime Problems (CDPC), in co-operation with the Group of States against Corruption (GRECO) and EPAS (European Partial Agreement on Sport) to consider the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173), which could expand the scope of application of its provisions to the private non-profit sector, notably sport".;
- as regards number 1): a) to thank Ms Helena Lisuchova, member of the CDPC Bureau, for having accepted to represent the CDPC in the drafting group set up by the EPAS; b) to take note of the "preliminary draft convention against manipulation of sports results" as prepared by the EPAS and underline in particular that three chapters (III: "Criminalisation and law enforcement"; IV: "Sanctions" and V: "International co-operation") out of seven contain provisions of both substantial and procedural criminal law; c) to entrust the Chair of the CDPC with sending a letter to the Chair of the EPAS Governing Board in order to clarify that the CDPC wishes to play an active role in the drafting process and in particular to discuss the relevant provisions of the draft convention related to criminal law at a plenary session and inform him that, in view of its heavy agenda in December 2012, the CDPC plenary will not be in a position to examine in depth the draft convention before its meeting of May/June 2013, and also to recall that in the past the CDPC delegations have already voiced their doubts as to the need for a new criminal law convention on match-fixing; d) to request that Ms Lisuchova checks during the drafting group meeting what is the meaning and the role of the "preparatory consultative meeting "legal", within the EPAS schedule for the drafting process;
- as regards number 2): a) to instruct the Secretariat, in order to allow the CDPC and GRECO to form a view on this matter, to send out a short questionnaire and invite delegations to reply to the

following questions:

- Which corrupt practices/phenomena in **non-profit sectors** (such as sport, humanitarian aid, politics, trade unions, etc.), if any, are not covered by the existing legal provisions on bribery in your country?
- Are there any plans or intentions in your country to address these practices/phenomena and possible legal lacunae related thereto?
- Are you aware of any studies on these practices/phenomena that have been carried out in your country?
- What are, in your view, the (perceived) legal difficulties in criminalising these practices/phenomena?

b) to proceed in the following way:

1. CDPC to launch a questionnaire;
2. CDPC to send the questionnaire to GRECO delegations as well for possible comments;
3. CDPC Secretariat to centralise the information received;
4. consider the possibility of holding a joint meeting of the CDPC and GRECO Bureaux to discuss possible action in light of the information collected.

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

- to take note of the information provided by the Secretariat on the recent activities carried out by the PC-OC and to support the proposal by the PC-OC Mod to submit the finalised text of the draft guidelines on practical measures to improve co-operation in respect of transfer of proceedings for consideration to the PC-OC plenary, as a practical PC-OC tool, taking into consideration that the guidelines are of a technical nature and might need to be regularly updated.

11. Activities related to transnational organised crime

- to take note that the GR-J, at its meeting of 6 September, resumed consideration of the revised draft terms of reference of the Committee of experts on Transnational Organised Crime (PC-COT) and decided to submit it to the GR-PBA (Rapporteur Group on Programme, Budget and Administration) at its meeting on 9 October 2012.

12. Follow-up to the decision adopted by the Plenary on activities related to piracy

- to take note of the fact that the Russian Federation has prepared a questionnaire containing questions mainly related to criminal law issues that Mr Ilya Rogacev presented to the Bureau members and that should be addressed to all CDPC delegations in order get an overview of the best practices in the field;

- to instruct the Secretariat the send the questionnaire prepared by the Russian Federation firstly to Bureau members for possible comments within a week and then to all CDPC delegations asking for their replies with a deadline before the next CDPC plenary;

- to instruct the Secretariat to prepare a compilation of the replies received before the next plenary;

- due in particular to the already heavy agenda of the next plenary, to not consider the possibility of organising a meeting of interested countries in the margins of the next plenary meeting.

13. Alternative measures to imprisonment

- to take note of the document prepared by the Secretariat on alternative to imprisonment and submit it to the attention of the next CDPC plenary;

- to instruct the Secretariat to send this document to those countries that are mentioned in it asking them to confirm that the relevant information is correct.

14. Information provided by the Secretariat

- to take note of the information provided by the Secretariat on Medicrime (positive progress in the

state of signatures and ratifications) and on the review of Council of Europe Conventions.

- a. **Medicrime**
- b. **Review of Council of Europe Conventions**
- 15. **Any other business**
- 16. **Date of the next meeting**

- to hold the next Bureau meeting on 18 and 19 March 2013 (tbc).