

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

The Hague, 20-21 October 2011

List of Decisions

The Bureau of the European Committee on Crime problems meeting in The Hague on 20 and 21 October 2011 decided:

- to take note of the opening remarks by Mr Jan Kleijssen, Director of Information Society and Action against Crime, Directorate General I – Human Rights and Rule of Law ;
- to adopt the draft agenda;

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

- to take note of the draft agenda of the forthcoming PC-CP enlarged meeting and of the information provided by the Secretariat on the main items that will be examined, namely the draft recommendation concerning foreign prisoners and the draft European Code on Ethics for Prison Staff;
- bearing in mind the need for making economies where possible, thank Mr Freddy Gazan (representative of Belgium to the CDPC) but not to appoint a representative of the CDPC to the enlarged PC-CP meeting as the meeting will - or may – be attended by all delegations anyhow;
- to take note of the information provided by the Secretariat concerning the draft terms of reference of the PC-CP to be adopted by the Committee of Ministers. The Bureau further noted that elections to PC-CP should be held only once the new terms of reference have been formally adopted but that pending this CM decision the Secretariat shall nevertheless proceed with sending out the invitation to all national delegations to propose candidates for the members to be elected;
- to instruct the Secretariat, in view of the elections, to provide the CDPC delegations for information with a list of recent previous members of the PC-CP.

a. Foreign nationals in prison

- to take note of the written comments sent by eight delegations to the CDPC on the draft recommendation, thanking the delegations for their contributions;
- to instruct the PC-CP to take the written comments received into account when revising the draft texts;
- to express its wish that the PC-CP should focus its discussions on attempting to reach consensus at its enlarged meeting, where necessary, by limiting the scope of applicability and the substance of the draft recommendation to issues where clear consensus can be achieved at the enlarged PC-CP meeting or can be expected to be achieved at the subsequent CDPC meeting in December.

b. Draft European Code on Ethics for Prison Staff

- to take note of the written comments by six delegations sent on the draft recommendation;
- to instruct the PC-CP to take the written comments received into account when revising the draft texts;
- to instruct the PC-CP to highlight in the preambular part of the text that the draft European Code on Ethics for Prison Staff (in line with the views expressed by the CDPC plenary meeting in June 2011) is intended to serve as a model for national ethical rules and for rules of professional conduct and as such is addressed in the first place directly to the national prison administrations.

c. Follow-up to the 30th Council of Europe Conference of Ministers of Justice, “Modernising Justice in the Third Millennium: transparent and efficient justice; prisons in today’s Europe” (Istanbul, Turkey, 24 – 26 November 2010)

- to take note of the information provided by the Secretariat with regard to the measures already undertaken to implement the Resolution N°2 of the Conference of Ministers of Justice - measures nos 1, 2, 3, 4 of the discussion paper (CDPC (2011) 6rev) - and the measures to be implemented in the future (nos 5, 6 and 7);
- to submit as a proposal to the CDPC at its plenary meeting in December 2011 that as regards seeking ways to reduce prison overcrowding (paragraph no 10 of the Resolution), an event should be organised in Strasbourg in 2012 involving representatives of the CCJE, CCPE, CDPC, PC-CP and CEP. The Bureau underlined that such a smaller-scale event would be more appropriate in the current financial situation than an international (ministerial) conference.

d. 16th Council of Europe Conference of Directors of Prison Administration (CDAP)

- to take note of the information provided by the Secretariat concerning the CDAP, which took place on 13-14 October 2011 in Strasbourg, including on the impending establishment of a new prison NGO called EUROPRIS expected to take place on 25-26 October 2011;
- to welcome the conclusions of the CDAP;
- to consider the recommendations contained in the Conclusions of the CDAP conference, namely the implementation of Rule 50 of the European Prison Rules, the support expressed by the delegations for the current drafting of a European Code of Ethics for Prison Staff, the request voiced to draft a similar European Code of Ethics for Probation Staff, the request for drafting of ethical regulation of the use of electronic monitoring, and the establishment of an electronic platform (website) for the exchange of best practices;
- to instruct the Secretariat to prepare a working document on possible follow-up to the CDAP Conclusions to be submitted to the CDPC at its plenary meeting in December 2011, containing substantial elements for discussion on : a) how to provide the necessary follow-up to the establishment of an electronic platform for the exchange of best practices; b) the feasibility of developing ethical regulation on the use of electronic monitoring as a matter of priority and c) the possible drafting in the future of a European Code of Ethics for Probation Staff. As regards the latter points, the Bureau expressed its view that activity b) should be considered as a priority while activity c) may be given lower priority.

4. Dangerous offenders

- to approve the draft “Roadmap” prepared by the Secretariat, as amended, and submit it for discussion to the CDPC at its plenary meeting in December 2011.

5. Trafficking in organs

- to take note of the information provided by the Secretariat concerning the state of play on the preparation of a new international criminal law instrument against the trafficking in organs and a possible additional instrument against trafficking in tissues and cells and the work schedule of the ad hoc group of experts tasked by the Committee of Ministers to draft and negotiate the aforesaid legal instruments (PC-TO);

- to designate Mr. Hans-Holger Herrnfeld as representative of the CDPC to the PC-TO, and, if confirmed by the CDPC delegations, as Chair of the PC-TO.

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

- to take note of the information provided by the Secretariat concerning the current and future work related to the issue indicated in item 6, in particular to the fact that on 28 September the Committee of the Ministers adopted the CoE Recommendation on "Promotion of the integrity of sport against the manipulation of results notably match-fixing";
- to take note that the Secretariat of the Enlarged Partial Agreement on Sport (EPAS) of the Council of Europe will prepare a feasibility study on elaborating a possible binding instrument on match-fixing and that they have requested the Criminal Law Division to deal with part related to criminal law aspects with the exception of corruption and money-laundering issues;
- to instruct the Secretariat to submit the finalised feasibility study to CDPC delegations for information and possible comments.

7. 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 concerning the current activities carried out by the PC-OC and the list of decisions of the recent meeting of the PC-OC Mod (Strasbourg, 12-14 October 2011), in particular item 1 on the proposal to the PC-OC plenary to consider at its 61st session (22-24 November 2011) the development of practical guidelines in respect of the application of the European Convention on the Transfer of Proceedings in Criminal Matters, of Article 21 of the European Convention on Mutual Assistance in Criminal matters and Article 6, paragraph 2 of the European Convention on Extradition, item 3 on the possible ways of allowing practitioners to submit questions to the PC-OC, item 5 on ways to ensure the authenticity of communications forwarded by electronic means, item 7 on review of existing declarations and reservations to CoE treaties on mutual legal assistance in criminal matters, and item 9 cases related to the extradition convention.

8. Reform process in the Council of Europe – Future activities and priorities of the CDPC

- to take note of the information provided by the Secretariat on the reform process of the Council of Europe and in particular the organisation chart and the structure of the Directorate of Information Society and Action against Crime, and its possible impact on the future of the CDPC.

a. Future activities : 1) preparation of the next plenary ; 2) elections

- to discuss the organisation of its next plenary which will take place from 6 to 9 December, particularly the items to be examined;
- to instruct the Secretariat to prepare the draft agenda on the basis of its discussions;
- to take note of the draft Terms of reference of the CDPC as submitted to the Rapporteur Group on Legal Co-operation (GR-J) of the Committee of Ministers on the 27 September and the information provided by the Secretariat with regard to the next step related to the adoption of the Terms of reference;
- to take note that the election of its chair, vice-chair and a number of Bureau members will be held at the next plenary meeting.

b. Activities related to serious and organised crime

- to examine the document "Serious and organised crime" and its Appendix ("Roadmap");
- to welcome the idea of taking up the issue of organised crime and establishing an ad hoc group for this purpose;
- to instruct the Secretariat to amend the document in light of discussion and in view of its presentation (as a document prepared by the Secretariat) to the CDPC at its plenary meeting in December 2011 for discussion and approval.

c. Activities related to Police matters (including Scientific proof in criminal matters)

- to take note of the information provided by the Secretariat concerning the possible future work of the Committee in the field of police matters (from 2013 onwards);
- to instruct Secretariat to prepare a document focusing on the scope of the work for discussion at the next meeting of the CDPC Bureau in 2012.

d. Activities related to piracy

- to take note of the reply adopted by the Committee of Ministers on 6 July to the Parliamentary Assembly Recommendation 1913 (2010) on "The necessity to take additional international legal steps to deal with sea piracy" which was prepared on the basis of the opinions given by the CDPC and CAHDI;
- to take into account paragraph 8 of the reply: *"8. In light of the UN's leading role on the subject of sea piracy and the present budgetary situation in the Council of Europe, the Committee of Ministers will not at this stage instruct the steering committees concerned to undertake any major work in this field or set up any new structure for this purpose. However, it will continue, as will the CAHDI and, as regards criminal law matters, the CDPC, to follow the situation closely and if further issues arise on this subject, the Committee of Ministers will invite these committees to consider possibilities for co-ordinating the position of Council of Europe member states on these issues at the international level and possible other steps to aid the international effort of combating sea piracy"*;
- to submit, for information, to the CDPC at its plenary meeting in December 2011 the instruction of the Committee of Ministers to monitor the situation as regards sea piracy.

9. Opinion of the CDPC on Criteria and procedure to be followed as regards the accession of non-member states to the Council of Europe to the conventions in criminal field

- to finalise the draft opinion and instruct the Secretariat to transmit the amended version to the Committee of Ministers.

10. Information provided by the Secretariat

a. Medicrime

- to take note of the information provided by the Secretariat concerning the state of play with regard to the Medicrime Convention and in particular on the forthcoming opening of signature taking place in Moscow on 28 October.

b. Cybercrime

- to take note of the information provided by the Secretariat concerning the current and future work of the Cybercrime Convention Committee (T-CY), including possible new standard-setting work with regard to jurisdiction on the Internet.
- to examine the revised draft opinion of the T-CY on criteria and procedure for the accession of non-member states to the Budapest Convention;
- to instruct the Secretariat to provide the T-CY with its comments and suggestions, notably as regards the procedure to be followed.

c. Follow-up of the ratification process of the Lanzarote Convention and preliminary activities for the setting up of the Committee of the Parties

- to take note of the information provided by the Secretariat, in particular on the latest developments regarding the work of the Committee of the Parties.

11. Any other business

a. Recommendations by the Parliamentary Assembly requesting CDPC opinion

- to examine the three recommendations adopted by the Parliamentary Assembly at its last Session (October 2011) for which the Committee of Ministers requests an opinion of the CDPC;
- to instruct the Secretariat to prepare draft replies for the approval of the Bureau in line with the outcome of the aforesaid examination by the Bureau and submit the draft replies to CDPC delegations with a request for suggestions and approval.

b. The 31st Council of Europe Conference of Ministers of Justice (Vienna, 2012)

- to take note of the information provided by the Secretariat on the state of preparation of the next Conference of the Ministers of Justice and in particular the theme (“responses to urban violence”) of the Conference as provisionally agreed by the Austrian authorities;
- to welcome a “single theme” conference and endorse the theme proposed by Austria;
- to propose “social networks and communications”, “individual and collective responsibility”, “juveniles as perpetrators and victims” and “fundamental freedoms and human rights” as sub-themes of the theme of “responses to urban violence”.

12. Date of the next meeting

- to decide on its next meeting, once elections to the Bureau have been held at the CDPC plenary meeting in December 2011.