



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 21 April 2011
cdpc-bu/docs 2011/cdpc-bu (2011) 1 - e

CDPC-BU (2011) 3

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

Prague, 19-20 April 2011
9.30 am

Ministry of Justice (Ministerstvo spravedlnosti)
Vyšehradská 16
Prague 2, 128 10

List of decisions

The Bureau of the CDPC decided to:

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

- take note of the information contained in the reports of the last two PC-CP meetings;
- propose to the CDPC to elect new PC-CP members to replace the members whose terms of office expire in 2011 at its plenary session in December 2011.

a. Foreign nationals in prison

- examine the draft text of the recommendation (doc PC-CP (2011)5rev);
- instruct the Secretariat to convey its comments to the PC-CP with a view to amending the document accordingly at its next meeting (16-18 May);
- instruct the Secretariat to transmit the text as amended by the PC-CP in May as quickly as possible to CDPC delegations for written comments. This text will be discussed further at the PC-CP plenary in November 2011 in view of its adoption by the CDPC at its plenary in December.

b. Dangerous offenders

- take note of the finalised report on "The sentencing, management and treatment of 'dangerous' offenders" (doc PC-CP (2010) 10rev 5) and thank the drafter, Professor Nicola Padfield;
- instruct the Secretariat to disseminate the report to CDPC delegations in view of further in-depth discussions at the next CDPC plenary meeting in June 2011;

Mailbox : dgi.cdpc@coe.int
Website : www.coe.int/cdpc

- note that if a recommendation is developed it should not focus on issues related to sentencing, but rather on risk assessment (including regular re-evaluation of dangerousness), management and treatment of dangerous offenders;
- not to present draft terms of reference to the CDPC plenary in June to start working on a standard-setting text, but to await discussions and decisions of the CDPC on the item of dangerous offenders and then to proceed to the adoption of terms of reference of a drafting group at its plenary in December 2011.

c. Draft European Code on Prison Staff Ethics

- take note of the draft code on prison staff ethics (doc PC-CP (2011) 1rev), expressed concern about the current broad content of the text and stressed the need to avoid duplication with the European Prison Rules;
- note that if the Code is intended as a model code for staff, it should be more concise and focused on the conduct of staff members;
- instruct the Secretariat to revise the draft text accordingly, to send it to the PC-CP for examination at their meeting in May and to circulate the revised draft Code to all PC-CP delegations in time for that Committee's plenary meeting in November 2011.

d. 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)

- instruct the Secretariat, on the basis of an inter-secretarial consultation with the relevant CoE bodies, to prepare for the CDPC meeting in June a discussion paper regarding the implementation of Resolution No 2 adopted at the Conference (see document "Decisions of the Committee of Ministers concerning the Resolutions adopted in Istanbul", paragraph 8), and in particular means to evaluate the measures taken by the Council of Europe member states to follow the relevant Committee of Ministers recommendations in the prison field and to take stock of the major problems faced by national prison administrations in this regard;
- with regard to paragraph 10 of the decision of the Committee of Ministers, instruct the Secretariat to examine the feasibility of holding a multi-disciplinary conference in 2012 involving representatives of Ministries of Justice, judges, prosecutors, prison and probation services to discuss penal policies, sentencing and the use of imprisonment;
- instruct the Secretariat to prepare a discussion paper regarding topics for the multi-disciplinary conference for the CDPC plenary in June;
- take note of the decision of the Committee of Ministers concerning Resolution no. 1 and of the fact that the T-CY is already dealing with the issue of jurisdiction and related matters on the Internet.

e. SPACE statistics

- take note of the information provided by the Secretariat;
- instruct the Secretary to invite the experts to present the outcome of the survey at the CDPC plenary in June;
- take note of the concerns expressed at last PC-CP meeting concerning the fact that for the last two years no data have been provided by the prison administration of the Russian Federation.

f. Follow-up to the seminar on "Improving prison conditions through effective monitoring and standard-setting" (17-18 March 2011, Antalya, Turkey)

- take note of the information provided by the Secretariat on the Antalya seminar.

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

- take note of the information provided by the Secretariat regarding the organisation of the CDAP conference.

4. Cybercrime

- 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 regards to jurisdiction on the Internet;
- examine the preliminary draft opinion of the T-CY on criteria and procedure for the accession of non-member states to the Budapest Convention at the plenary meeting of CDPC in June 2011, together with the draft opinion on the same subject (accession of non-member states) related to all Council of Europe conventions in the criminal field (see item 13.b).

5. Trafficking in organs

- take note of the information provided by the Secretariat on the responses received from CDPC delegations on the final draft additional opinion on the main elements of a possible binding legal instrument against trafficking in human organs, tissues and cells;
- based on the responses received from CDPC delegations as well as the approval given by the CDBI and the CD-P-TO to approve the draft additional opinion and instruct the Secretariat to transmit the additional opinion to the Committee of Ministers.

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

- take note of the information provided by the Secretariat concerning the current and future work related to the issue;
- welcome the requested involvement of the CDPC in this matter;
- consider this topic as very important and that it should be addressed at the national and international levels;
- examine and have a first preliminary exchange of views on Resolution No 1 on "Promotion of the integrity of sport against the manipulation of results (match-fixing)" as adopted at the 18th Council of Europe Informal Conference of Ministers responsible for Sport and in particular its paragraphs 10 to 22 related to "Legislative measures";
- give its very preliminary opinion that these provisions should need to be reviewed and further developed within the necessary and adequate timeframe ;
- actively involve the CDPC in any future standard-setting work on promoting the integrity of sports against the manipulation of results, notably match fixing;
- appoint one of its members as representative of the CDPC at the next hearing which will take place in Strasbourg on 3 May 2011;
- invite a representative of the EPAS to the CDPC plenary meeting in June 2011 to contribute to the discussion on this issue ;
- instruct the Secretariat to inform EPAS that, if the envisaged standard-setting work is to focus on criminal law measures mainly, the CDPC should have a leading role and if the future instrument has a broader scope the CDPC should have a leading role with regard to the drafting of the criminal law provisions ;
- suggest that a multi-disciplinary group of experts, composed of representatives of EPAS, CDPC and GRECO, is set up to start working on a standard-setting instrument;
- instruct the Secretariat to prepare a document on the role of the CDPC in this work in view of further discussions at the CDPC plenary meeting in June 2011.

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 the Secretariat concerning the recent appointment of Mrs Anita Van de Kar as the new Secretary to the PC-OC following the departure of Mr Hasan Bermek;
- take note of the information provided in the list of decisions of the 59th plenary meeting of PC-OC (Strasbourg, 3-5 November 2010) as well as of the last meeting of the PC-OC Mod (Strasbourg, 16-18 March 2011);

- take note that the draft Forth Additional Protocol to the European Convention on Extradition will be finalized and adopted at the next PC-OC plenary (17-19 May) and then transmitted to all the CDPC delegations for examination and approval at the CDPC plenary in June.

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

- take note of the information provided by the Secretariat on the reform process of the Council of Europe and its possible impact on the future of the CDPC;
- include a specific item on future priorities and main activities of the CDPC for 2012 – 2013 on the agenda of the plenary meeting in June for discussion;
- instruct the Secretariat to prepare a document containing proposals to be discussed by the CDPC.

9. Scientific proof in criminal matters

- take note of the information provided by the Secretariat concerning the fact that this new activity is to be suspended at least until a final decision is taken on future priorities and budgetary implications of Council of Europe activities.

10. Police matters

- take note of the information provided by the Secretariat concerning the fact that this new activity is to be suspended at least until a final decision is taken on future priorities and budgetary implications of Council of Europe activities.

11. Opinions of the CDPC

- examine and finalise the draft opinions which were communicated to members of the CDPC for approval in written procedure by 14 April 2011¹;
- instruct the Secretariat to transmit the revised draft opinions to the Committee of Minister in view of their formal adoption.

12. Information provided by the Secretariat

a. Medicrime

- take note of the information provided by the Secretariat concerning the state of play with regard to the Medicrime Convention.

b. Violence against women/domestic violence

- take note of the information provided by the Secretariat with regard to the adoption and opening for signature of the CAHVIO Convention (Istanbul, 11 May 2011).

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

- take note of the information provided by the Secretariat, in particular on the latest developments regarding the preparation of the first meeting of the Committee of the Parties (8 and 9 September 2011).

¹ At its 1105th meeting, the Committee of Ministers decided to communicate PACE Recommendation 1950 (2011) – “The protection of journalists’ sources”, Recommendation 1952 (2011) – “The protection of witnesses as a cornerstone for justice and reconciliation in the Balkans”, and Recommendation 1953 (2011) – “The obligation of member and observer states of the Council of Europe to co-operate in the prosecution of war crimes” to the CDPC for information and possible comments.

13. Any other business

a. Opinion of the CDPC on Reinforcing the effectiveness of Council of Europe treaty law

- take note of the information provided by the Secretariat on recent developments on the issue of reinforcing the effectiveness of Council of Europe treaty law and in particular on the fact that a inter-secretarial task force has been set up in the Council of Europe to examine possible proposals to be addressed to the Committee of Ministers on this matter;
- instruct the Secretariat to prepare a document on the state of affairs as regards criminal law instruments and treaties for the June plenary meeting of the CDPC.

b. 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

- take note of the information provided by the Secretariat on the outcome of the meeting of a taskforce which discussed the scope of a possible CDPC opinion on criteria and procedure for accession of non-member states to Council of Europe criminal law conventions;
- instruct the Secretariat to prepare a draft opinion to be submitted to the CDPC at its plenary meeting in June 2011 in view of examination and adoption.

c. Date of the next meeting

- hold its next meeting on 20 and 21 October 2011.