

Strasbourg, 3 April 2012

CDPC-BU (2012) 2

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

Rome, 29-30 March 2012

Ministry of Justice (Ministero della Giustizia)
Via Arenula 70 - Rome

List of Decisions

The Bureau, meeting in Rome on 29 and 30 March 2012, decided:

- to express its gratitude to the Italian Ministry of Justice and to the Chairman of the CDPC, Mr Lorenzo Salazar, for hosting the meeting in Rome;
- to take note of the opening remarks of Director Jan KLEIJSEN, Information Society and Action against Crime Directorate, DG I – Human Rights and Rule of Law;

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

- to take note of the draft agenda for the 2nd PC-CP-Plenary meeting in March 2012;

a. Foreign nationals in prison

- to take note of the revised draft of the Recommendation concerning foreign prisoners, which has taken on board many – though not all – of the comments made by the CDPC Plenary in December 2011;
- to communicate to the PC-CP its observation that the terms of reference of the PC-CP related to its work on foreign prisoners should be respected, in particular with regard to the issues of “use of remand in custody” and “sentencing”, which may not be directly relevant for the aim of this draft Recommendation that should focus on the equal treatment of foreign prisoners and prisoners having the nationality of the member state in question;
- to invite the PC-CP to consider paying special attention when examining paragraphs 13 (1) and (2) of the draft Recommendation to the need for refraining from creating obligations on member states to discriminate between foreigners and nationals in the application of national procedural rules;
- to call on the PC-CP to ensure consistency in the wording of the text, in particular as regards the phrase “orally and, where possible, also in writing” in paragraph 15 (2), where the word “and” should be replaced with “or”. Likewise, in paragraph 14 (3), the wording “without prejudice to the independence of the judiciary” should in the view of the Bureau be added to the text of that provision;

b. 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 in relation to this issue and in particular to the proposal to hold on the occasion of the next CDAP also a joint meeting with judges and prosecutors on detention issues and involve other relevant CoE bodies (CEPEJ, CCPE, CCJE).;

4. Dangerous offenders

- to approve the draft terms of reference of a restricted group of experts on dangerous offenders as amended;
- to instruct the Secretariat to send the draft terms of reference to all CDPC delegations for approval by written procedure and to submit it to the Committee of Ministers for adoption;
- to instruct the Secretariat to invite interested member states, in a written procedure and subject to the adoption by the Committee of Ministers of the terms of reference of the restricted group of experts on dangerous offenders, 1) to provide a brief motivation explaining the reasons why they consider that they should be represented in the group of experts and 2) to put forward proposals for candidates for the 16 representatives of member states whose costs will be covered by the Council of Europe. Moreover, interested member states should complement their proposals by a CV of the candidate in question, detailing her/his special expertise with regard to matters related to dangerous offenders, and in particular in accordance with the scope and the tasks of the group as indicated in the draft terms of reference. If more than 16 candidates are put forward, the Bureau will make a proposal on the composition of the group and submit this list of 16 experts to the CDPC Plenary for approval, while noting that all member states may, of course, participate in the group at their own expense;

5. Trafficking in organs

- to take note of the information by the Chairman of the PC-TO, Mr Hernnfeld, on the state of play of the work of the PC-TO on a preliminary draft Convention against Trafficking in Human Organs;

6. 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 the Secretariat on the state of play of the 31st Council of Europe Conference of Ministers of Justice that will take place in Vienna on 19-21 September 2012 and in particular the theme chosen for the Conference “Responses of Justice to urban violence”;
- as regards the draft resolutions to be prepared for the conference by the CDPC, to await the report of the Minister of Justice of Austria concerning more precise indication on the content of the topics of the Conference and how the Austrian Ministry of Justice envisages to deal with them;
- to instruct the Secretariat to prepare a list of possible elements for a draft resolution on responses of justice to urban violence;

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;
- to revisit the draft text of the PC-OC on practical measures to improve co-operation in respect of transfer of proceedings once it has been finalised by that Committee at its next Plenary in May;

8. Future activities and priorities of the CDPC

a. Preparation of the next plenary

- to adopt the draft agenda of the next CDPC Plenary meeting in June 2012 as amended;

b. Activities related to transnational organised crime

- to approve the draft terms of reference of a committee of experts on transnational organised crime as amended
- to instruct the Secretariat to send the draft terms of reference to all CDPC delegations for approval by written procedure and to submit it to the Committee of Ministers for adoption;
- to instruct the Secretariat to invite interested member states, in a written procedure and subject to the adoption by the Committee of Ministers of the terms of reference of a committee of experts on transnational organised crime, 1) to provide a brief motivation explaining the reasons why they consider that they should be represented in the group of experts and 2) to put forward proposals for candidates for the 16 representatives of member states whose costs will be covered by the Council of Europe. Moreover, interested member states should complement their proposals by a CV of the candidate in question, detailing her/his special expertise with regard to matters related to transnational organized crime, and in particular in accordance with the scope and the tasks of the committee as indicated in the draft terms of reference. If more than 16 candidates are put forward, the Bureau will make a proposal on the composition of the committee and submit this list of 16 experts to the CDPC Plenary for approval, while noting that all member states may, of course, participate in the committee at their own expense;

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

- to propose to the CDPC Plenary that certain aspects of sea piracy, notably the criminal networks and the money trails involved, as well as matters related to judicial cooperation, could be dealt with by a future restricted group of experts on transnational organised crime and the PC-OC respectively;
- to propose to the CDPC Plenary that member states wishing to exchange best practices with regard to combating sea piracy through criminal law could meet in the margins of the CDPC Plenary meetings and report back to the Plenary on their activities;

d. Alternative measures to imprisonment

- to submit the topic of alternative measures to imprisonment to further discussion in 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 regarding the two feasibility studies on match-fixing (by the CDPC and by the EPAS);
- to examine the Resolution n°1 "International cooperation on promotion of the integrity of sport against the manipulation of results (match-fixing)" adopted by the Ministers responsible for sport at their 12th Conference held in Belgrade on 15th March 2012, and namely its paragraph where the Ministers responsible for sport "Propose to the Committee of Ministers of Council of Europe to invite the CDPC, in co-operation with GRECO and EPAS to consider, as a separate issue, the feasibility of an additional protocol to the Council of Europe Criminal Law Convention on Corruption (ETS no. 173), that could expand to the sport sector the scope of application of its provisions". In this regard, the Bureau considered that this possibility (of expanding the existing legislation on corruption to the sport sector) was already examined by the CDPC in its feasibility study, notably in paragraphs 22 and 23 of this document at least with regard to manipulation of sport results ;
- to come back on this issue at the CDPC next Plenary (29 May-1st June);

10. Information provided by the Secretariat

a. Medicrime

- to take note of the information provided by the Secretariat on the state of play with regard to the signing and ratification of the Medicrime Convention (CETS No 211) and related issues;

b. Cybercrime

- to take note of the information provided by the Secretariat on the question of the opinions prepared by the CDPC and the T-CY respectively for the Committee of Ministers on criteria and procedures for the accession of non-member states to Council of Europe conventions in the criminal law field and to the Convention on Cybercrime;

c. Co-operation with other international and supranational organisations

- to take note of the information provided by the Secretariat on recent developments in the co-operation with, in particular, the European Union and the United Nations in the field of criminal law;
- to instruct the Secretariat to invite the United Nations Office on Drugs and Crime (UNODC) for the next Plenary meeting of the CDPC;

12. Date of the next meeting

- to hold its next meeting in Paris on 4 and 5 October 2012.