



Strasbourg, 26 April 2019

CDPC(2019)14

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

LIST OF DECISIONS

76th Plenary meeting

Strasbourg (France), 25-26 April 2019

Room 5
Palais

The European Committee on Crime Problems (hereinafter the CDPC), meeting in Strasbourg under the Chairmanship of Mr Slawomir Buczma (Poland), decided:

1. Opening of the meeting

- to take note of the opening address by Mr Jan Kleijssen, Director of the Information Society and Action against Crime Directorate, Directorate General of Human Rights and Rule of Law, in particular the information that the election of the new Secretary General of the Council of Europe will take place during the June session of the Parliamentary Assembly of the Council of Europe (24-28 June 2019) and that the two retained candidates by the Committee of Ministers of the Council of Europe are Ms Marija Pejčinović Burić (Croatia), Deputy Prime Minister and Minister of Foreign and European Affairs and Mr Didier Reynders (Belgium), Deputy Prime Minister and Minister for Foreign Affairs and European Affairs, and Defence. Mr Kleijssen informed the CDPC on the recent developments as regards the budgetary situation by mentioning the contingency plan that will be implemented should the non-payment by the Russian Federation of its

obligatory contributions continue. He stated that in this worst scenario case the intergovernmental sector (including of course the CDPC) would face a reduction of about 50% in terms of budgetary cuts. This situation would clearly have a significant impact on the CDPC's future. The Director also congratulated the CDPC on its new working methods: holding thematic sessions at least once per year back-to-back with the plenary meetings. The first two thematic sessions on artificial intelligence - last November - and overcrowding of prisons have certainly proven to be a very efficient exercise. Moreover he noted with satisfaction that all subject matters on the CDPC agenda are of great importance for the member States and for the Organisation: artificial intelligence and criminal law; smuggling of migrants; updating the European Prison Rules; work on victims' rights and on administrative sanctions as alternatives to criminal sanctions; follow-up to the conference on the overcrowding of prisons. He ended by thanking, on behalf of the Council of Europe, Ms Marjorie Bonn (the Netherlands) since this was the last meeting in which Ms Bonn would participate as a member of the CDPC and expressed his gratitude to her for her enormous contribution to the work of the Council of Europe and the CDPC over a period of four decades.

2. Adoption of the draft agenda

- to adopt the agenda without amendments (the list of participants and the agenda appear in Appendices I and II respectively).

3. Activities and priorities of the CDPC for 2018-2019 and organisation of its future work for 2020-2021 (Terms of reference) and forthcoming plenaries

- to examine the proposals for elements to be included in the draft terms of reference for 2020-2021 as prepared by its Bureau and approve it in order for it to be then sent to the Committee of Ministers for final adoption.

4. Council for Penological Co-operation (PC-CP) – Exchange of views with the Chair, Mr Dominik Lehner

- to take note:
 - (i) of the oral report made by the PC-CP Chair, Mr Dominik Lehner, and of the summary meeting reports of the two last meetings of the PC-CP Working Group (in February and April 2019);
 - (ii) that the PC-CP WG considered the issue of sex offenders and of offenders with mental health disorders and disabilities and decided that these two groups of offenders should be dealt with separately despite some common areas existing between them;
 - (iii) that the PC-CP has already started work on a draft Committee of Ministers recommendation on the management in prisons and in the community of persons suspected of or having committed sexual offences and that work will also start in the autumn on offenders with mental health disorders and disabilities;
- to examine and approve the draft terms of reference of the PC-CP for 2020-2021.

a. Recruitment and training of prison and probation staff

- to examine, finalise and adopt the Guidelines regarding recruitment, selection, education, training and professional development of prison and probation staff;
- to instruct the Secretariat to forward the Guidelines to the Committee of Ministers for information and dissemination.

b. Revision of the European Prison Rules

- to take note of the information provided by the PC-CP Chair that after finalising the draft text of the revised European Prison Rules at the PC-CP WG level in February 2019, some additional text was introduced into the commentary to Rules 32, 52, 68 and 93 following the adoption of a PACE Recommendation 2147 (2019) "Protecting human rights during transfers of prisoners" (see also point 11 a. of this list of decisions);

- to make some general comments regarding solitary confinement and ask the Secretary of the PC-CP to duly report these comments to the PC-CP plenary;
- to take note that the draft text will be examined and approved at the PC-CP plenary meeting (5-7 November 2019) and that after that the text can be ready for consideration and approval by the CDPC plenary meeting in December;
- to invite the CDPC delegations to co-ordinate their national approach to the revised European Prison Rules with their representatives participating in the PC-CP plenary meeting in November.

c. Council of Europe Conferences of Directors of Prison and Probation Services

- to take note of the information provided by the Cypriot delegate regarding the holding of the 24th Council of Europe Conference of Directors of Prison and Probation Services “Offender Management: Tradition and Technology” (21-22 May 2019) and thank Cyprus for the organisational efforts made;
- to welcome the attendance of Ms Marjorie Bonn (the Netherlands) who will represent the CDPC at this Conference (see also point 5).

5. Prison overcrowding

- to congratulate and thank the General Rapporteur of the High-Level Conference “Response to Prison Overcrowding” (24-25 April 2019), Ms Marjorie Bonn (the Netherlands), and the Council of Europe Secretariat for the very successful and extremely useful Conference;
- to welcome the proposal made to present the outcomes and conclusions of the Conference at the 24th Council of Europe Conference of Directors of Prison and Probation Services in Cyprus;
- to instruct its Bureau to consider the proper follow-up to be given to this Conference and report to the plenary on this issue.

6. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)

- take note of the list of decisions of the 27th meeting of the PC-OC Mod and of the information provided by the Secretariat on the main issues on the agenda of the 76th plenary meeting of the PC-OC (27-29 May 2019):
 - a) the draft Recommendation on the application of the Convention on the Transfer of Sentenced Persons which will be presented to the CDPC in its next plenary meeting;
 - b) the preparation of a thematic session to celebrate the 60th anniversary of the European Convention on Mutual Assistance in Criminal Matters during the 77th meeting of the PC-OC on 13-15 November 2019;
 - c) the adoption of a questionnaire on the application of Articles 13 and 22 of this Convention regarding the exchange of information from judicial records with the aim to improve existing practice;
 - d) the implementation of the Action Plan on Transnational Organised crime including the consideration of a preliminary study undertaken by a consultant on the feasibility and possible added-value of preparing a new binding instrument as regards international co-operation on the management, recovery and sharing of assets proceeding from crime and an exchange of views involving the COP 198;
 - e) the presentation by the European Commission on “Co-operation with the European Public Prosecutor’s Office” followed by an exchange of views;
 - f) the future activities of the PC-OC (2020-2021) further to the proposals made by the PC-OC Mod;
- take note of the comments provided by the PC-OC on the draft provisions of the Second Additional Protocol to the Convention on Cybercrime regarding languages of requests, emergency MLA and video conferencing.

7. **Artificial Intelligence and criminal law**

- to recall that following the excellent session on artificial intelligence and criminal law organised by the CDPC at its last plenary meeting in November last year, the Committee “recognised the importance of this topic” and decided to “create a restricted working group of representatives of member states supported by some scientific experts to take stock of existing regulations and identify future challenges related to the development of artificial intelligence to be addressed in the criminal field”. The first meeting of this restricted working group took place in Paris on 27 March. The main objective of this first meeting was to prepare a questionnaire to be sent to all member States;
- that this questionnaire should be sent in May to all CDPC delegations followed by a compilation of responses and an analysis;
- to invite the expert(s) who will prepare the analysis of the replies to the questionnaire at its next plenary meeting in December to present it;
- to instruct its Bureau to follow closely the work carried out before the plenary;
- to instruct the Secretariat to indicate clearly in the e-mail sending the questionnaire to the CDPC delegations that this questionnaire should be addressed to the national competent authorities that are dealing with this issue in order to get the most accurate replies.

8. **Cybercrime Convention Committee (T-CY)**

- to take note of the information provided by Mrs Lina Lichtener from the T-CY Secretariat regarding the latest developments in the T-CY work since the last CDPC plenary meeting in November 2018.

9. **Smuggling of migrants**

- to take note of the information provided by the Secretariat regarding the latest developments in the work carried out by the Working Group on smuggling of migrants and namely on the main outcomes of a draft Action Plan;
- to invite the Chair of the Working Group to present the Action Plan at its plenary meeting in December. The Action Plan should then be examined, approved and sent to the Committee of Ministers for final adoption.

10. **Information points**

- to take note of the information provided by the Secretariat on sub-items a. to g and in particular point a. concerning future developments on the review of the CM/Rec (2005)9 on the protection of witnesses and collaborators of justice, which had to be temporarily suspended and point g. concerning a conference being organised together with the Spanish authorities on “the conduct of criminal trials against, and the prosecution of, foreign terrorist fighters, including returnees and relocators” in Madrid in June.

- a. **Activities related to transnational organised crime: Witness protection**
- b. **Administrative sanctions**
- c. **Victims’ rights**
- d. **Links between Organised Crime and Terrorism**
- e. **Council of Europe Convention on Offences relating to Cultural Property**
- f. **Medicrime and Trafficking in human organs**
- g. **Terrorism**

11. Any other business**a. Opinion of the CDPC on the Recommendation 2147 (2019) of the Parliamentary Assembly “Protecting Human Rights during Transfers of Prisoners”**

- to consider and approve the CDPC opinion on Recommendation 2147 (2019) and instruct the Secretariat to send it to the Committee of Ministers.

b. Feasibility study on drafting a European convention on the profession of lawyer (Recommendation 2121 (2018) of the Parliamentary Assembly)

- to follow closely the work carried out by the CDCJ on this issue;
- to instruct the Secretariat to send to all CDPC delegations the first preliminary report prepared by the expert appointed by the CDCJ for their comments before the formal adoption of this report by the CDCJ.

12. Dates of the next meetings

- to hold its next plenary meeting in December, starting on Tuesday 3 in the morning and closing on Friday 6 at noon.

APPENDIX I



Strasbourg, 26 April 2019
[CDPC plenary/2019 plenary_1/oj lp/cdpc list of participants]

CDPC(2019)LP1Fin(Bil)

**EUROPEAN COMMITTEE ON CRIME PROBLEMS
COMITE EUROPEEN POUR LES PROBLEMES
CRIMINELS
(CDPC)**

76th Plenary Session / 76ème Session plénière

25-26 April / 25-26 avril 2019

**Council of Europe / Conseil de l'Europe, Strasbourg
Main Building / bâtiment principal
Room 5 / Salle 5**

List of participants / liste des participants

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* * * * *

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Mr Jan KLEIJSEN	Director, Information Society and Action against Crime Directorate / Directeur, Direction de la Société de l'Information et de la Lutte contre la Criminalité
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APPENDIX II



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 05 June 2019

CDPC(2019)OJ1

**European Committee on Crime Problems
(CDPC)**

76th Plenary meeting

Agenda

Strasbourg (France), 25-26 April 2019
Council of Europe, Main Building, Room 5

Opening at 15.00, Thursday
Closing at 13.00, Friday

The agenda and the documents of the meeting are available on the website
www.coe.int/CDPC

E-mail: dgi-cdpc@coe.int

The High Level Conference “Responses to Prison Overcrowding” by the CDPC

Opening: Wednesday, 24 April 2019 (09:00)

Closing : Thursday, 25 April 2019 (12:00)

Programme of the Conference: [link](#)

76th Plenary meeting of the CDPC Draft agenda

1. Opening of the meeting

2. Adoption of the draft agenda

Draft agenda

[CDPC\(2019\)10](#)

Annotated agenda

**3. Activities and priorities of the CDPC for 2018-2019 and
organisation of its future work for 2020-2021 (Terms of
reference) and forthcoming plenaries**

[CDPC-BU\(2019\)2](#)

List of decisions of the CDPC Bureau meeting, 12 March 2019

[CDPC\(2018\)21](#)

List of decisions of the CDPC Plenary, 27-29 November 2018

Terms of reference	Terms of reference for the years 2018-2019
Draft terms of reference	Draft terms of reference for the years 2020-2021
CM Res (2011)24	Resolution on intergovernmental committees and subordinate bodies, their terms of reference and working methods
	4. Council for Penological Co-operation (PC-CP) – Exchange of views with the Chair, Mr Dominik Lehner
PC-CP(2019)4	Summary Meeting report of the 21 st Meeting of the PC-CP Working Group, 1-3 April 2019
PC-CP(2019)1	Summary Meeting report of the 20th Meeting of the PC-CP Working Group, 4-6 February 2019
Terms of reference	Terms of reference for 2018-2019
Draft terms of reference	Draft terms of reference for the years 2020-2021
	a. Recruitment and training of prison and probation staff
PC-CP(2018)14rev6	Draft Guidelines regarding recruitment, selection, training and development of prison and probation staff
	b. Revision of the European Prison Rules
PC-CP(2018)15Rev6	Revision of the European Prison Rules (<u>Please note the document is 76 pages long</u>)
	c. Council of Europe Conferences of Directors of Prison and Probation Services
Draft programme	24th Council of Europe Conference of Directors of Prison and Probation Services, Agia Napa, Cyprus (21-22 May 2019)
	5. Prison overcrowding
CM(2016)121-add3	White Paper on prison overcrowding
Website	Conference on prison overcrowding
	6. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)

PC-OC(2019)OJ1	Draft Agenda of the 76th Plenary of the PC-OC, 27-29 May 2019
PC-OC-Mod(2019)03	List of decisions of the meeting of the 27th PC-OC Mod, 5-7 March 2019
PC-OC(2018)11	List of decisions of the 75th Plenary meeting of the PC-OC, 14-16 November 2018
PC-OC(2018)07rev2	Draft recommendation concerning the application of the Convention on the Transfer of Sentenced Persons and the Additional Protocol thereto (The text of the recommendation and of the guidelines contained in appendix 1 were provisionally approved by the PC-OC at its 75th meeting, the text of appendices 2 and 3 are proposed by the PC-OC Mod)
PC-OCMod(2019)2revBil	Draft questionnaire on the application of the European Convention on Mutual Assistance in Criminal Matters concerning exchange of information from judicial records (Art 13 and 22)
PC-OC(2019)1	Comments to draft provisions of the future 2nd Additional Protocol to the Cybercrime Convention (CETS 185) regarding languages of requests, emergency MLA and video conferencing
Terms of reference	Terms of reference for the years 2018-2019

7. Artificial Intelligence and criminal law

CDPC(2018)14Rev	Concept paper
CDPC(2018)22	Final remarks of the Thematic Session, 28 November 2018
Conclusions	Conclusions from the Conference in Helsinki, 26-27 February 2019 Restricted Working Group of experts (1st meeting, 27 March 2019)
CDPC(2019)11	Report of the 1st meeting of the Working Group on Artificial Intelligence and Criminal Law

[CDPC\(2019\)3](#) - Working paper I

[CDPC\(2019\)7](#) - Working paper II

[CDPC\(2019\)4](#) - Agenda

[CDPC\(2019\)5](#) - Work plan

8. Cybercrime Convention Committee (T-CY)

[T-CY\(2018\)4](#) Proposal for a Guidance Note on election interference

[T-CY\(2018\)27](#) T-CY workplan (1 January 2018 - 31 December 2019)

[T-CY\(2018\)37](#) Meeting report of the 20th T-CY Plenary (27 November 2019)

[T-CY\(2018\)39](#) Summary report of the 3rd Meeting of the T-CY Protocol Drafting Plenary (28-29 November 2018)

[T-CY\(2018\)23](#) Provisional draft text of provisions: Language of requests; Emergency MLA (29 November 2018)

9. Smuggling of migrants

[Final observations](#) Final observations for Council of Europe Further Action on the Smuggling of Migrants

[CDPC-SOM-C\(2018\)1](#) Conclusive observations of the 1st meeting of the Working Group on fostering international co-operation and investigative strategies in fighting the smuggling of migrants

[CDPC\(2019\)13](#) Report of the 2nd meeting of the Working Group on fostering international co-operation and investigative strategies in fighting the smuggling of migrants

10. Information points**a. Activities related to transnational organised crime:
Witness Protection****b. Administrative sanctions**[CDPC\(2019\)1Bi.](#)

Compilation of replies to the questionnaire on Administrative Sanctions (**Please note the document is 170 pages long**)

c. Victims' rights[CDPC\(2019\)2Bi.](#)

Compilation of replies to the questionnaire on the Rights of Victims (**Please note the document is 140 pages long**)

d. Links between Organised Crime and Terrorism**e. Council of Europe Convention on Offences relating to
Cultural Property****f. Medicrime and Trafficking in human organs****g. Terrorism****11. Any other business****a. Opinion of the CDPC on the Recommendation 2147 (2019)
of the Parliamentary Assembly - "Protecting Human Rights
during Transfers of Prisoners"**[CDPC\(2019\)12](#)

Draft opinion

b. Feasibility study on drafting a European convention on the profession of lawyer (Recommendation 2121 (2018) of the Parliamentary Assembly)

[Extract - CDCJ](#)

Extract from the report of the 105th meeting of the Bureau of the CDCJ (21-22 March 2019)

[Appendix III - CDCJ](#)

Consultant's profile and terms of reference

[Recommendation](#)

Recommendation 2121 (2018) – The case for drafting a European convention on the profession of lawyer

[CM/AS\(2019\)Rec2121-final](#)

Reply adopted by the Committee of Ministers

12. Dates of the next meetings