

Strasbourg, 4 November 2020

CDPC(2020)11

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

LIST OF DECISIONS

78th PLENARY SESSION

Strasbourg, 3-4 November 2020

Teleconference

The CDPC, meeting remotely via videoconference, under the Chairmanship of Mr Jesper Hjortenberg (Denmark), took the following decisions:

- 1. Opening of the meeting by Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate**
 - to take note of the introductory remarks by Mr Kleijssen who paid tribute to the recent victims of several terrorist attacks in France and in Austria and underlined that the Council of Europe standards and principles are more than ever relevant and need to be upheld in these difficult times. He noted that the COVID-19 pandemic led to the CDPC meeting in a remote format for the first time since 1958. He congratulated the committee's members for having efficiently adapted their way of working to the new environment and underlined the core areas the Committee needs to work in currently, namely artificial intelligence and the protection of the environment through criminal law; enhancing international legal co-operation and assistance in the criminal law area (including by drafting a binding instrument regulating the relations with the European Prosecutor's Office under the MLA Convention); and finalising a Committee of Ministers Recommendation regarding the assessment, management and reintegration of persons accused or convicted of a sexual offence.

2. Adoption of the draft agenda

- to adopt the draft agenda of the meeting (the list of participants and the agenda appear in Appendices I and II respectively).

3. Information by the Chair and the Secretariat

- to congratulate Mrs Barbara Göth-Flemmich for her recent appointment as Director General for Criminal Justice in the Austrian Ministry of Justice and note that she had to step down as member of the Austrian delegation with the CDPC and consequently as member of the Bureau;
- thank Mrs Barbara Göth-Flemmich for her excellent participation in the Committee over the last years and commend her on the achievements made during her tenure;
- that the election of the new member of the CDPC Bureau should be postponed to 2021;
- to take note of the information provided by Mr Carlo Chiaromonte, Secretary to the CDPC, on the progress made in recent CDPC activities, notably the developments achieved by the Working Group on AI and criminal law as well as the adoption of the Action Plan on the smuggling of migrants with activities which are planned to be carried out in 2021;
- to take note that the UK delegate intends to submit to the CDPC Bureau, for its next meeting in 2021, a proposal to start work, potentially in the form of a declaration, to reaffirm the Council of Europe's commitment to the right to liberty and security and also the right to fair trial. Such work can reinforce other ongoing CDPC priorities, like the treatment and reintegration of detainees.

4. Council for Penological Co-operation (PC-CP) – Exchange of views with the Chair, Ms Annie Devos

- to take note of the information provided by the PC-CP Chair, Ms Annie Devos, and of the past PC-CP Working Group meeting reports as well as of the PC-CP plenary meeting report;
- to take note of the discussions held at PC-CP level regarding the requests for observer status with the PC-CP made by the International Corrections and Prisons Association (ICPA), the European Forum for Restorative Justice (EFRJ) and by the European Public Service Union (EPSU);
- to take note of the work underway, namely on the mental health of offenders in detention and under probation as well as the planned work on the use of new technologies and artificial intelligence by prison and probation services;
- since the terms of office of one PC-CP Working Group elected member will expire at the end of 2020, to approve the proposal made by the CDPC Bureau for the election of this new member to be postponed to 2021.

a. Draft recommendation regarding the assessment, management and reintegration of persons accused or convicted of a sexual offence

- to take note that the discussion of the draft Recommendation and its commentary was finalised at the PC-CP plenary meeting (13-14 October 2020) and that due to the very short time between the CDPC and the PC-CP Plenary meetings the CDPC Bureau had suggested to continue the discussion of the draft text at the CDPC plenary with a view to noting any additional comments and proposals for amendments the delegations might have;
- to examine in view of its approval, the draft Recommendation at one of its plenary meetings in 2021 after all comments and proposals for amendments have been taken into consideration by the PC-CP (at their next Working Group meeting in February 2021);
- to thank Ms Devos and the PC-CP for the excellent work on this very complex subject where balance needs to be respected between the different services playing a role in the management and treatment of such offenders in prison or under probation as well as balance between data protection, rights of victims and offenders, risk assessment and risk management.

b. 25th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) (9-10 November 2020)

- to take note of the oral information provided by the PC-CP Chair regarding the organisation of the Conference, its draft programme and expected outcomes, as well as of the invitation to CDPC representatives to attend remotely the Conference.

5. Artificial Intelligence and criminal law

- to take note of the presentation by Prof Sabine Gless and to congratulate her and the Working Group on their excellent work;
- to examine the Feasibility Study of a future Council of Europe instrument on Artificial Intelligence and Criminal Law prepared by the Working Group which was composed of representatives of member States of the Council of Europe supported by certain scientific experts;
- to set up a Working Group to draft an instrument on Artificial Intelligence and Criminal Law, of which the form remains to be decided;
- to suggest that the scope of the instrument should focus on vehicles and automated driving;
- to entrust the Bureau with the drafting of the mandate of the Working Group and instruct the Secretariat to send it to the Committee of Ministers for approval.

6. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC) – Exchange of views with the Chair *ad interim*, Mr Erik Verbert

- to take note of the list of decisions of the 78th Plenary meeting on 6-8 October 2020, including the announcement of the organisation, on 5 May 2021, of a “Conference on International Cooperation in Criminal Matters: Extradition and Mutual legal Assistance” under the aegis of the German Presidency;
- to have an exchange of views with Mr Erik Verbert, Chair *ad interim* of the PC-OC on the discussions held in the PC-OC;
- to ask the Committee of Ministers to give the PC-OC a mandate to prepare a draft binding legal instrument concerning co-operation with the EPPO under the European Convention on Mutual Assistance in Criminal Matters and the Additional Protocols thereto;
- to propose to the Committee of Ministers that an increased advisory role is given to the PC-OC relating to requests by non-member States of the Council of Europe to join Council of Europe Conventions within the remit of the PC-OC;
- to instruct the Secretariat to request an opinion from the Council of Europe legal service on certain issues related to immediate and short-term solutions envisaged with the regard to co-operation between the EPPO and non-EU member States.

7. Environment and Criminal Law

- to thank Ms Veronique Jaworski, Professor at the University of Strasbourg, for preparing the Working Paper on Protecting the Environment through Criminal Law;
- to take note of her presentation of the Working Paper, to discuss and examine it and to make comments on its content;
- to set up a Working Group to discuss the possible way forward on the environment and criminal law.

8. Requests for observer status on the Council for Penological Co-operation (PC-CP)

- to examine the requests for observer status to the Council for Penological Co-operation (PC-CP) made by i) the European Public Service Union (EPSU), ii) the International Corrections and Prisons Association (ICPA) and iii) the European Forum for Restorative Justice (EFRJ);
- to agree that in view of the lack of unanimity and because of the need to adopt some clear rules regarding the acceptance of such requests, the decision on these requests should be postponed to one of the next CDPC meetings.

9. Dates of the next meetings

- to decide on the dates of its next plenary meetings at a later stage.

Appendix I

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 4 November 2020
[CDPC plenary/2020 plenary_1/cdpc list of participants]

CDPC(2020)LP Fin (Bil)

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

78th Plenary Session / 78ème Session plénière

3-4 November / 3-4 novembre 2020

**Council of Europe / Conseil de l'Europe, Strasbourg
Teleconference**

List of participants / liste des participants

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**No nomination / Pas de nomination

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Mr Norayr ABGARYAN

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Mr Emin NASIBOV, Senior Advisor, Department for Coordination of Law Enforcement Agencies and military issues, Administration of the President of the Republic of Azerbaijan

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Mme Delphine WYNANTS, Attachée, SPF Justice, Direction générale de la Législation, des Libertés et Droits fondamentaux, Service Infractions et procédures particulières

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CYPRUS / CHYPRE

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Ms Paulina TALLROTH, Government Counsellor, Department for Criminal Policy and Criminal Law, Ministry of Justice, PL 25, Eteläesplanadi 10, FIN-00023 Government

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M. Pierre BECKERS, Magistrate – European and international negotiations in criminal matters office - Directorate for criminal affairs and pardons

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**No nomination / Pas de nomination

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Apologised/Excusé

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Mr Vladimir ZIMIN, Senior Assistant to the Prosecutor General of the Russian Federation

Ms Irina SILKINA, Head of Unit of the Department of New Challenges and Threats, Ministry of the Foreign Affairs of the Russian Federation

Ms Maria YUKHNO, Deputy to the Deputy to the permanent Representative of the Russian Federation to the Council of Europe, Strasbourg, France

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* * * * *

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SECRETARIAT OF THE COUNCIL OF EUROPE /
SECRETARIAT DU CONSEIL DE L'EUROPE

Directorate General of Human Rights and Rule of Law /
Direction Générale des droits de l'Homme et Etat de Droit

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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Ms Ilina TANEVA	Deputy Head of Criminal Law Division / Co-Secretary to the CDPC , Secretary to the PC-CP Chef adjoint de la Division du droit pénal / Co-secrétaire du CDPC , Secrétaire du PC-CP
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Ms Marjaliisa JÄÄSKELÄINEN	Assistant / Assistante
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Ms Phoebe JAMIESON	Trainee / Stagiaire

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Ms Maria GOLDMAN	Evaluation Division, Senior evaluator / Division de l'Evaluation, Evaluatrice senior
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Registry of the European Court of Human Rights /
Greffe de la Cour européenne des droits de l'homme

Mr Kresimir KAMBER	Lawyer / juriste
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Interpreters / Interprètes

M. Nicolas GUITTONNEAU
M. Didier JUNGLING

Appendix II

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 18 November 2020

CDPC(2020)OJ

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

78th Plenary meeting

Agenda

Teleconference, 3-4 November 2020

Opening at 10:00 (testing at 9:30), Tuesday
Closing at 17:00, Wednesday

www.coe.int/CDPC

E-mail: dgi-cdpc@coe.int

1. Opening of the meeting by Mr Jan Kleijssen, Director, Information Society and Action against Crime Directorate

2. Adoption of the draft agenda

Draft agenda

[CDPC\(2020\)10](#)

Annotated agenda

3. Information by the Chair and the Secretariat

[CDPC\(2019\)23](#)

List of decisions of the 77th CDPC Plenary, 3 - 6 December 2019

[CDPC-BU\(2019\)5](#)

List of decisions of the CDPC Bureau meeting, 1 October 2020

4. Council for Penological Co-operation (PC-CP) – Exchange of views with the Chair, Ms Annie Devos

[PC-CP\(2019\)3Rev11](#)

a. Draft recommendation regarding the assessment, management and reintegration of persons accused or convicted of a sexual offence

[Website of the Conference](#)

b. 25th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) (9-10 November 2020)

c. Items for information

[Terms of reference](#)

Terms of reference of the PC-CP

[PC-CP\(2020\)14](#)

Summary Meeting report of the 10th (hybrid) Plenary meeting of the PC-CP, 13-14 October 2020

[PC-CP\(2020\)11](#)

Summary meeting report of the 25th (hybrid) meeting of the Working Group, 8-10 September 2020

[PC-CP\(2020\)6](#)

Summary meeting report of the 24th (video conference) meeting of the Working Group, 29-30 June 2020

[PC-CP\(2020\)1](#) Summary meeting report of the 23rd meeting of the Working Group, 21-23 January 2020

[PC-CP\(2020\)5](#) Covid-19 related statement by the members of the PC-CP Working Group

[PC-CP\(2020\)10 Rev](#) Follow-up statement on Covid -19

5. Artificial Intelligence and criminal law

[CDPC\(2020\)3](#) Feasibility Study of a future Council of Europe instrument on Artificial Intelligence and Criminal Law

[Doc. 15143](#) Report of the the Parliamentary Assembly of the Council of Europe:
Legal aspects of "autonomous" vehicles

[Resolution 2346 \(2020\) Prov.](#) Resolution of the the Parliamentary Assembly of the Council of Europe:
Legal aspects of "autonomous" vehicles

6. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC) – Exchange of views with the Chair *ad interim*, Mr Erik Verbert

[PC-OC\(2020\)OJ1](#) Agenda of the 78th Plenary of the PC-OC, 6-8 October 2020

[PC-OC\(2020\)12](#) List of decisions of the 78th Plenary of the PC-OC, 6-8 October 2020

7. Environment and Criminal Law

[CDPC\(2020\)9](#) Working Paper on Protecting the Environment through Criminal Law

8. Requests for observer status on the Council for Penological Co-operation (PC-CP)

[Extract concerning observers](#) Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods

[Request letter](#) European Public Service Union (EPSU)

[Establishment of the ICPA
Request letter](#)

International Corrections and Prisons Association (ICPA)

[Request letter](#)

European Forum for Restorative Justice (EFRJ)

9. Any other business

10. Dates of the next meetings