



Strasbourg, 9 December 2021

CDPC(2021)14

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

LIST OF DECISIONS

80th PLENARY SESSION

Strasbourg, 7-9 December 2021

Teleconference (hybrid)

The CDPC, meeting via videoconference (hybrid), under the Chairmanship of Mr Jesper Hjortenbergh (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 and in particular of :

- the terms of reference of the CDPC and the other intergovernmental committees of the Council of Europe were adopted by the Committee of Ministers on 24 November 2021;
- the terms of reference of the new Committee of Experts on Hate Crime (PC/ADI-CH), subordinate to the CDPC and to the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) with the task to prepare a Draft comprehensive Recommendation on combating hate crime were adopted as well;
- a new Committee on Artificial Intelligence (CAI) which succeeds the CAHAI has been set up and is tasked to develop an “appropriate legal instrument on the development, design, and application of artificial intelligence systems based on the Council of Europe’s standards and conducive to innovation”;

- on 5 October this year, the Hungarian Presidency of the Council of Europe hosted a Ministers of Justice Conference in Budapest on the digitalisation of justice and the use of AI in judicial proceedings which was preceded on 4 October by a Roundtable on new means of communication for international cooperation in criminal matters;
- the main priorities of the Italian Presidency are: a) commitment to the founding values and principles of the Council of Europe; b) initiatives focused on the identity of the Organisation; c) the construction of a people orientated future, starting with the challenges posed by technology to human rights, such as the application of AI and the promotion of a citizen-friendly judicial system.
- the important role the CDPC will play in the elaboration of legal instruments on Council of Europe priorities on the protection of the environment through criminal law and on AI and criminal law related to the automated driving of vehicles;
- the work by the PC-OC, notably the issue of co-operation with the European Public Prosecutor's Office (EPPO) and the discussions regarding a binding legal instrument in this respect;
- the CDPC's first steps towards drafting a new recommendation on the rights of victims.

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, the Delegations of the CDPC and the Secretariat

- to take note of the information provided by its Chair, Mr Jesper Hjortenber, and the Secretariat on activities undertaken since the last CDPC Plenary meeting as well as recent developments of relevance to the work of the CDPC, including the outcome of the last CDPC Bureau meeting.

4. Completed, ongoing and future activities of the CDPC

a. Terms of reference of the CDPC (2022-2025)

- to take note that the terms of reference of the CDPC have been adopted by the Committee of Ministers in November with few minor adjustments concerning the deliverables.

b. Action Plan on Smuggling of migrants

- to endorse the decisions of the CDPC Bureau on this item: to launch the implementation of action n°1 at the beginning of 2022, despite the sanitary situation, and to liaise with the European Union, as a major related project has started at its level;
- to encourage members of the CDPC to designate national experts (including prosecutors or law-enforcement officials) specialised on issues related to smuggling of migrants, who will be involved in the implementation of action n°1, which will start during the first semester of 2022. The Secretariat will send an official invitation to all members of the CDPC in this regard.

5. Protection of witnesses and collaborators of justice

- to take note of the information provided by Mr Jesper Hjortenber, Chair of the Drafting Working Group on the Protection of Witnesses and Collaborators of Justice (CDPC-PWCJ) about the deliberations of the 3rd and final meeting of the Drafting Working Group which took place on 18-19 October 2021, in Paris;
- to examine, finalise, approve the draft Recommendation on the Protection of Witnesses and Collaborators of Justice and its draft Explanatory Memorandum;

- to instruct the Secretariat to submit the draft Recommendation on the Protection of Witnesses and Collaborators of Justice to the Committee of Ministers for final adoption and the draft Explanatory Memorandum for information.

6. Hate Crime

- to have an exchange of views with Mr Jamie Brown, the co-Secretary of the newly established Committee of Experts on Hate Crime (PC/ADI-CH), which is to be a subordinate body of the CDPC and the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI);
- to take note that the first meeting of the PC/ADI-CH is tentatively scheduled to take place in February 2022 on the Council of Europe premises in Strasbourg and that the work (draft a Council of Europe Recommendation on hate crime) will be finalised by the end of 2023.

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

- to have an exchange of views with Ms Annie Devos (Belgium), the PC-CP Chair, regarding the past and planned work of the PC-CP, notably:
 - after the CDPC plenary meeting in June 2021, one PC-CP WG meeting was held on 18-19 September 2021 in Madeira in preparation of the 26th Conference of Directors of Prison and Probation Services (20-21 September 2021) at which the working documents on mental health and on artificial intelligence were discussed in greater details including the presentations to be made in relation to this at the Conference by the scientific experts. [See Docs. PC-CP(2021)8Rev2 and PC-CP(2021)9rev];
 - that the PC-CP held its plenary meeting on 22-23 November 2021 (in a hybrid format) and that it was preceded by a half-day Conference commemorating the 40th anniversary of the PC-CP. On its agenda was the continuation of the work on the management by prison and probation services of offenders with mental health disabilities and disorders as well as on the ethical, structural and organisational aspects of the use of AI by the prison and probation services. The Conference and the meeting were attended by 97 participants from 36 member States [See Doc. PC-CP (2021)15];
 - that the PC-CP has agreed that the work on mental health will be finalised at the end of 2022 (A White Paper) and the work on AI (CM Recommendation) will be finalised at the end of 2023 thus allowing more time for reflexion on this topic so that it will also be better coordinated with the work plan of CAHAI and its successor CAI;
 - an agreement was reached by the members of the PC-CP WG that the Chair and Vice-Chair will switch their places as of January 2022 in order to ensure the continuity of the current work carried out by the PC-CP on mental health and on artificial intelligence. As a result of this decision the terms of office of three members of the PC CP Working Group will expire in December 2021 and elections to fill in the three vacancies will be carried out during the present plenary session of the CDPC. [See Doc. PC-CP (2021)13 and Doc. CDPC (2021)XX];

a. 26th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) (held on 20-21 September 2021 in Portugal)

- to take note that the Conference (held in a hybrid format) was attended by more than 120 participants of whom more than 80 attended in person and that it was opened by the Portuguese Minister of Justice. It was considered of great importance and value by all participants. (See www.coe.int/cdpps2021 and Doc. PC-CP(2021)14].

b. Items for information

- to take note that the 3rd and last EU/CoE co-funded project (“SPACE and National Preventive Mechanisms”: JUST-JCOO-COEU-AG-2018) ended on 30 September 2021 and that the proceedings of the two Conferences held online were collected, processed and published by the SPACE team at the University of Lausanne (See. www.coe.int/prison).

8. Artificial Intelligence and criminal law

- to have an exchange of views with Mr Jesper Hjortenberg, Chair of the Drafting Committee to elaborate an instrument on AI and Criminal Law (CDPC-AICL), who provided information regarding the 1st meeting of this Committee, held on 15-16 November 2021 in hybrid format;
- to take note that, ahead of the next meeting of CDPC-AICL which is scheduled to take place on 31 March and 1 April 2022 on the Council of Europe premises in Paris, the AICL decided that the Secretariat will re-distribute the compilation of answers to the 2019 questionnaire so that delegations can provide updated information, notably concerning evolutions with regards to their legislative and regulatory frameworks in the relevant field, and that a framework document containing a substantial outline of the elements that will be included in the future instrument will be prepared.

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

- to have an exchange of views with Mr Erik Verbert, Chair ad interim of the PC-OC, to take note of the lists of decisions of the 80th plenary meeting of the PC-OC (22-23 November 2021) and of the 31st meeting of the PC-OC Mod (7-9 September 2021) and to have an in-depth discussion on the issue of co-operation with the European Public Prosecutor’s Office (EPPO) with the intervention of many delegations;
- to take note of the conclusions of the PC-OC regarding the need for a binding instrument in the form of an agreement between the EU and the Parties to the European Convention on Mutual Assistance in Criminal Matters on the application of this 1959 Convention and the Additional Protocols thereto for the co-operation with the EPPO;
- to take note with great attention of the information communicated by Mr Klemen Princes (Slovenia), on behalf of the EU, presenting the outcome of the recent COPEN WP where the EU Member States concluded that 1) they attach great importance to finding suitable solutions for the co-operation between the EPPO and the non-EU Parties under the 1959 European Convention and its Protocols; 2) welcome all efforts made by the CoE in this regard; 3) EU member States are and remain open to consider any suitable long-term solution, including a self-standing binding instrument; 4) the importance to further explore if and to what extent the unilateral declarations can be considered as an appropriate legal basis and receive any relevant information from the non-EU partners; 5) the EU Member States consider that they will not yet be in a position to recommend to the Committee of Ministers of the Council of Europe to agree on a mandate for a self-standing binding instrument, as proposed by PC-OC; 6) following the exchange with non-EU partners, it will be possible to have a clearer picture of the situation, and this will allow to consider any appropriate way forward, to be explored in particular at technical and expert level;
- to note that the subsequent discussion did not allow to clarify sufficiently the position of member States that are non-EU Parties to the 1959 Convention and that further information would be needed;
- to instruct the PC-OC to send out a short questionnaire to non-EU Parties to the 1959 Convention to obtain further clarity about their position regarding co-operation with the EPPO, existing obstacles and possible solutions in time before the next meeting of the PC-OC Mod and report the outcome to the CDPC in view of a decision;
- to take note of the discussions of the PC-OC on possible provisions to be developed in a future additional Protocol to the European Convention on Mutual Assistance in Criminal Matters;
- to take note of the organisation of a special session on international co-operation on asset recovery to be organised in co-operation with the COP 198 during the next plenary meeting of the PC-OC in May 2021;
- to take note of the election of Ms Joana Gomes Ferreira (Portugal) as Chair and of Mr Adil Abilov (Azerbaijan) as Vice-Chair of the PC-OC.

10. Environment and Criminal Law

- to have an exchange of views with Mr Thomas Grégoire, Chair of the Working Group on the Environment and Criminal Law (CDPC-EC), who provided information about the outcomes of the deliberations of the 3rd meeting of the Working Group, held on 7 October 2021, online;
- to take note that the 4th meeting of this Working Group is scheduled to take place in February 2022, where a revised version of the Feasibility Study on a possible new CoE Convention on the Protection of the Environment through Criminal Law will be examined. It will reflect the viewpoints expressed at the previous meeting by the experts of the Working Group regarding the need to draft a possible instrument in order to obtain the necessary ratifications for its entry into force and therefore to avoid the mistakes made when drafting the 1998 Convention that never entered into force and was ratified only by one State; the harmonisation between administrative and penal law in this area and the need for coordination with the EU work are two key elements also highlighted by the CDPC.
- to consider this topic as its high-priority for 2022 and a subject of great importance both for the Council of Europe and for its member States.

11. Victims' rights

- to take note of the information provided by the Secretariat on this item, namely that following the deadline of 15 October 2021, to date, 17 States have appointed experts for the Working Group to draft a Recommendation on the rights of victims taking into account the rights and position of offenders and other persons involved in the criminal law process;
- to take note that the delegations can still appoint experts to the Working Group before its first meeting;
- to take note that given the availability of the two Scientific Experts, Profs Suzan van der Aa and Antony Pemberton, the first meeting of this Working Group is scheduled to take place in February 2022.

12. Cybercrime Convention Committee (T-CY) – Exchange of views with Mr Alexander Seger, Secretary to the T-CY

- to take note of the information provided by the Secretary of the T-CY, Mr Alexander Seger, regarding the latest developments in the T-CY work since the last CDPC plenary meeting particularly with regard to developments relating to the 2nd additional protocol to the Budapest Convention which was adopted by the Committee of Ministers on 17 November 2021 and should be opened for signatures in May 2022;
- to congratulate the achievement of this important work realised by the T-CY and welcome the new Protocol as an important legal instrument for the effective investigations in criminal cases and in international co-operation in criminal matters.

13. Revitalising criminal justice work of the Council of Europe, with particular regard to Articles 5 and 6 of the European Convention on Human Rights. Proposal by the United Kingdom

- to have an exchange of views with the representatives of the delegation of the United Kingdom on this item;
- to consider and approve the draft proposal of the Declaration by the Committee of Ministers on the need to revitalise the criminal justice work of the Council of Europe with a focus on procedural rights under Articles 5 and 6, with some amendments to the text submitted;

- to instruct the Secretariat to submit this revised text to the Committee of Ministers for final adoption, as soon as the delegation of the United Kingdom will also agree on the amendments agreed by all other delegations of the CDPC.

14. Elections

The CDPC elected:

- Katariina Jahkola (Finland) as its Chair;
- Thomas Grégoire (France) as its Vice-Chair;
- Stefano Filletti (Malta) as member of the Bureau;
- Jesper Hjortenberg (Denmark) as member of the Bureau;
- Anita Marfurt (Switzerland) as member of the Bureau;
- Fritz Zeder (Austria) as member of the Bureau.

- to thank Mr Jesper Hjortenberg for his excellent stewardship of the Committee over the last two years, particularly with the challenges presented by the ongoing Covid-19 pandemic.

The CDPC elected the following new members of the PC-CP WG:

- Jorge Monteiro (Portugal);
- Paulina Tallroth (Finland);
- Dominik Lehner (Switzerland).

15. Information points

- to note that the forthcoming Italian Presidency will hold a Ministers of Justice Conference “Crime and Criminal Justice – What is the Role of Restorative Justice in Europe” (13-14 December 2021, Venice, Italy). In preparation for this Conference a meeting of Senior Officials from the Ministries of Justice was held in Como, Italy on 12-13 October 2021. Three main topics were discussed: the use of Restorative Justice in the case of juvenile perpetrators or victims; the use of Restorative Justice as a complement to the criminal justice system to help desistance from crime, victims’ recovery and offenders redress and reintegration and training in Restorative Justice of justice professionals. The overall aim of the Italian Presidency is to promote the widespread use of Restorative Justice in Europe by adopting a Declaration of the European Ministers of Justice at the Conference in Venice. The draft Declaration will be sent out to the member states by the Italian authorities in due course before the start of the Conference.

a. CAHAI

- to take note of the information provided by the Secretariat regarding the work done by CAHAI, namely a Feasibility Study on the possible legal framework and a list of recommended elements addressed to the CM to form part of the possible transversal legal framework (finalised on 2 December 2021);
- to take note of the human rights/democracy/rule of law impact assessment package that should also be part of the framework

b. Medicrime

- to take note that the Medicrime Convention celebrates its 10th anniversary this year and that a plenary meeting of the Committee of the Parties was held last week and next week there will be a meeting of the 24/7 network Working Group open to all countries and not only to the States parties;
- to note further that the Convention has 18 State Parties of which only 6 are EU members and 4 others are Council of Europe members and make an appeal to the remaining member States to ratify the Convention.

c. Terrorism

- Terrorism

- to take note that in October 2021 the Committee of Ministers adopted a Recommendation on the protection of children from radicalisation prepared by the CDCT and that the CDCT will prepare a new Counterterrorism Strategy to be implemented as of 1 January 2023 to tackle emerging terrorist threats and cover other topical issues;
- to take note that at the last CDCT plenary draft Recommendation on Risk Assessment of persons indicted or convicted for terrorist offences was approved and that it will be submitted to the Committee of Ministers at the beginning of next year and that the draft Recommendation on “The use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences” finalised by the CDCT in May 2021 is still pending before the Committee of Ministers for final adoption and will be examined by the GR-J (Rapporteur Group on Legal Co-operation of the Committee of Ministers) in February 2022.

d. Council of Europe Convention on Offences relating to Cultural Property

- to take note of the entry into force on 1 April 2022 of the Council of Europe Convention on Offences relating to Cultural Property following the 5th ratification by Hungary and that 8 more countries have signed it so far;
- to make an appeal to the national authorities of the remaining member States to sign and ratify this Convention drafted by the CDPC.

16. Any other business

The CDPC thanked Mr Hans-Holger Herrnfeld since this was his last meeting as a member of the committee and expressed its gratitude for Mr Herrnfeld’s enormous contribution to the work of the Council of Europe in general and of the CDPC in particular over a period of many years.

The CDPC expressed its gratitude to Ms Anita van de Kar, Secretary to the PC-OC, for her excellent work in the international co-operation in criminal matters area and for the CDPC. Ms van de Kar will soon retire after a successful career in the Council of Europe.

a. Election of the Gender Equality Rapporteur

- to welcome Ms Kateryna Shevchenko (Ukraine) and appoint her as the new CDPC Gender Equality Rapporteur.

b. Draft Opinion on Parliamentary Assembly Recommendation 2213 (2021) “Addressing issues of criminal and civil liability in the context of climate change”

- to consider and approve the draft opinion by the CDPC for the Committee of Ministers in reply to Recommendation 2213 (2021) of the Parliamentary Assembly of the Council of Europe on “Addressing Issues of Criminal and Civil Liability in the Context of Climate change”.
- to instruct the Secretariat to submit it to the Committee of Ministers.

17. Dates of the next meetings

- to decide that the dates of its next Plenary meeting will be during the week starting on 13 June 2022.

Appendix I

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 9 December 2021

CDPC(2021)LP2 Fin(Bil)

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

80th Plenary Session / 80ème Session plénière

7-9 December / 7-9 décembre 2021

**Council of Europe / Conseil de l'Europe, Strasbourg
Main building / Palais de l'Europe
Room 8 / Salle 8
Hybrid meeting / réunion hybride**

List of participants / liste des participants

MEMBER STATES / ETATS MEMBRES**ALBANIA / ALBANIE**

**No nomination / Pas de nomination

ANDORRA / ANDORRE

M. Alfons C. ALBERCA SANVICENS, General Prosecutor, Baixada del Molí, 2-4, Andorra la Vella AD500

ARMENIA / ARMÉNIE

Mr Hovhannes POGHOSYAN, Deputy Head of Headquarters, Head of International Cooperation Department, Police of the Republic of Armenia, 0025 YEREVAN, str.Nalbandyan 130, Republic of Armenia

AUSTRIA / AUTRICHE

Hon.-Prof. Dr. Fritz ZEDER, Head of Unit IV.2, Federal Ministry of Justice, Museumstrasse 7, A- 1070 Wien

AZERBAIJAN / AZERBAÏDJAN

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

BELGIUM / BELGIQUE

M. Steven LIMBOURG, Adviseur-generaal, Service public fédéral Justice, Direction générale Législation, Direction Pénale, Waterloolaan 115, boulevard de Waterloo, 1000 Bruxelles

Ms Tine DE MEULENAER, Attaché-Juriste, FOD Justitie Directoraat-generaal Wetgeving, Fundamentele Rechten en Vrijheden, Directie III Strafrecht, Dienst Bijzondere Inbreuken en Procedures, Waterloolaan 115, 1000 Brussel

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Mr Nenad EŠPEK, Expert associate in the Section for Combating Organized Crime and Corruption, Ministry of Security of Bosnia and Herzegovina, Trg Bosne i Hercegovine 1, 71 000 Sarajevo

BULGARIA / BULGARIE

Ms Lyubomira Dimitrova, Head of Cooperation in Criminal Matters Unit, International Legal Cooperation and European Affairs Directorate, Ministry of Justice of The Republic of Bulgaria

CROATIA / CROATIE

Mr Dinko KOVAČEVIĆ, Ministry of Justice and Administration, Ulica grada Vukovara 49, 10 000 Zagreb

CYPRUS / CHYPRE

**No nomination / Pas de nomination

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Ms Helena KLIMA LIŠUCHOVÁ, Acting Head of International Cooperation and EU Department, Ministry of Justice, Vyšehradská 16, 128 10 Praha 2

Ms. Pavla Burešová, Senior Ministerial Counsellor, International Cooperation and EU Department, Ministry of Justice, Vyšehradská 16 128 10 Praha 2

Mr Jakub PASTUSZEK, Head of International Cooperation in Criminal Matters Unit, Ministry of Justice, Vyšehradská 16, 128 10 Praha 2

DENMARK / DANEMARK**Chair of the CDPC/ Président du CDPC**

Mr Jesper HJORTENBERG, National Member of Denmark for EUROJUST, Maanweg 174, 2516 AB The Hague, The Netherlands

ESTONIA / ESTONIE

Mr Markus KÄRNER, Deputy Secretary General, Criminal Policy Department, Ministry of Justice, Republic of Estonia, Suur-Ameerika 1, 10122 Tallinn

FINLAND / FINLANDE**Vice-Chair of the CDPC / Vice-Présidente du CDPC**

Ms Katariina JAHKOLA, Counsellor of Government/Head of the Prosecution and Criminal Sanctions Unit, Ministry of Justice, POB 25, FIN - 00023 GOVERNMENT

FRANCE

M. Thomas GREGOIRE, Ministère de la justice, Chef du bureau de la négociation pénale européenne et internationale, Head of the European and international negotiations in criminal matters office, 13 place Vendôme, 75042 PARIS Cedex

GEORGIA / GÉORGIE

**No nomination / Pas de nomination

GERMANY / ALLEMAGNE

Dr. Garonne BEZJAK, Head of Unit II B 6, Division for the European Prosecutor's Office, European Criminal Law Policy, Federal Ministry of Justice and Consumer Protection, Mohrenstraße 37, 10117 Berlin

GREECE / GRÈCE

Ms Kalliopi THEOLOGITOU, Hellenic Ministry of Justice, Deputy Public Prosecutor of the Court of Appeal, Patras

HUNGARY / HONGRIE

Dr Tünde FORMAN, Head of Department, Department of International Criminal Law and Human Rights, Ministry of Justice, 1055 Budapest, Kossuth Lajos tér 2-4, Hungary

ICELAND / ISLANDE

**No nomination / Pas de nomination

IRELAND / IRLANDE

Ms Ursula STAPLETON, Assistant Principal Officer, European Affairs, Department of Justice and Equality, 51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52, 51 St Stephen's Green, Dublin 2, D02 HK52

Mr Chris QUATTROCIOCCHI, Assistant Principla Officer, European Affairs, Department of Justice and Equality, 51 Faiche Stiabhna, Baile Átha Cliath 2, D02 HK52, 51 St Stephen's Green, Dublin 2, D02 HK52

ITALY / ITALIE

Mr Lorenzo SALAZAR, Deputy Attorney General, Attorney General's Office to the Naples Court of Appeal, Sostituto Procuratore Generale, Procura Generale presso la Corte di Appello di Napoli, Punto di contatto della Rete Giudiziaria Europea e Corrispondente nazionale per Eurojust, Palazzo di Giustizia, P.zza Cenni 1 - 80143 Napoli (NA)

LATVIA / LETTONIE

Ms Indra GRATKOVSKA, Director, Criminal Law Department, Ministry of Justice, Brivibas blvd. 36, LV – 1536 RIGA

LIECHTENSTEIN

**No nomination / Pas de nomination

LITHUANIA / LITUANIE

Mr Tautvydas ŽEKAS, Senior advisor of Criminal Justice Group, Ministry of Justice of the Republic of Lithuania, Gedimino pr. 30, LT-01104 Vilnius

LUXEMBOURG

Mme Michèle SCHUMMER, Juriste - Attachée de Gouvernement, Ministère de la Justice - Luxembourg

Mme Lisa SCHULLER, Juriste – Attachée de Gouvernement, Ministère de la Justice – Luxembourg

MALTA / MALTE

Dr. Stefano FILLETTI, Head of Criminal Law Department, Faculty of Laws, University of Malta, Msida MSD 2080

REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA

Ms Diana ROTUNDU, Prosecutor-Chief of the Unit of International Cooperation and European Integration, General Prosecutor's Office of the Republic of Moldova

Ms Vica RUSU, Chief officer, Department of policies on preventing and combating crimes, Ministry of Internal Affairs, Chisinau

MONACO

**No nomination / Pas de nomination

MONTENEGRO

Ms Nataša ČUKOVIĆ, Senior Advisor, Directorate for International Cooperation, Ministry of Justice, Human and Minority Rights

NETHERLANDS / PAYS-BAS

Mr Jeroen DE JONG, Senior Counsellor of Legislation, Ministry of Justice and Security, Department of Legislation, Division of Criminal and Penal Legislation

Mr Ab AFKYR, Senior Policy Advisor, Ministry of Justice and Security, Directorate of European and International Affairs

Ms Julia DE WEIJER, Policy Assistant, Ministry of Justice and Security, Directorate of European and International Affairs

NORTH MACEDONIA / MACEDOINE DU NORD

Ms Nikolina MIKESKA KOSTADINOVSKA, Head of Unit - Judicial Sektor, Ministry of Justice, Republic of North Macedonia

NORWAY / NORVÈGE

Mr Simen GRINDEN, Adviser, Department of Administration, Section for Coordination and International Affairs, Royal Norwegian Ministry of Justice and Public Security

POLAND / POLOGNE

Dr. Sławomir BUCZMA, Seconded National Expert to the JIJs Network Secretariat at EUROJUST, Maanweg 174, 2516 AB, The Hague, The Netherlands

Ms Katarzyna NASZCZYŃSKA, Deputy Director - Judge, Legislation Department of Criminal Law, Ministry of Justice, WARSAW

Ms Natalia ROKOSZ, Expert, European and International Criminal Law Division, Legislation Department of Criminal Law, Ministry of Justice, WARSAW

PORTUGAL

Mr António FOLGADO, Legal Adviser, Cabinet of the Minister for Justice

ROMANIA / ROUMANIE

Ms Dana ROMAN, Head of division for international judicial cooperation in criminal matters Ministry of Justice of Romania

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Mr Sergey TARASENKO, Deputy Director of the Department for New Challenges and Threats of the Russian MFA

Mrs Saglar OKONOVA, First Secretary of the Department for New Challenges and Threats of the Russian MFA

Mr Denis GRUNIS, Senior Assistant to the Prosecutor General of the Russian Federation for Special Assignments

Mrs Ekaterina MIKHALEVA, Prosecutor of the second Department of the Department of Legal Assistance and Law Enforcement Assistance of the Main Department of International Legal Cooperation of the Prosecutor General of the Russian Federation

Mr Oleg SAMUS, Senior Inspector for Special Assignments of the Department of International Cooperation of the Ministry of Internal Affairs of Russia

Mr Nikolay RUBENOK, Deputy Head of the Legal Department - Head of the Service for the Observance of Human Rights in the Penal System of the Federal Penitentiary Service of Russia

Mr Sergey ANISIMOV, Specialist of the International Department of the Federal Penitentiary Service of Russia

Mr Alexander TIMOSHKIN, Senior Inspector of the Department of International Legal Assistance of the Department of Legal Support and International Cooperation of the Investigative Committee of the Russian Federation

Mrs Maria SUBBOTINA-YUKHNO, Deputy to the Permanent Representative, Permanent Representation of Russia to the Council of Europe

SAN MARINO / SAINT-MARIN

**No nomination / Pas de nomination

SERBIA / SERBIE

Mr Jovan ĆOSIĆ, Assistant Minister, Department for Normative Affairs, Ministry of Justice of The Republic of Serbia, 22-26 Nemanjina str., 11000 Belgrade

Ms Neda MARKOVIĆ, Ministry of Justice, Department for Normative Affairs, Senior Advisor, Ministry of Justice, Nemanjina Street 22-26, Belgrade

Mr Bozidar BLAGOJEVIĆ, Senior Adviser, Sector for Normative Affairs, Ministry of Justice, Nemanjina Street 22-26, Belgrade

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Mr Alexander KUNOŠÍK, Director of the Judicial Cooperation in Criminal Matters Division, Ministry of Justice of the Slovak Republic, Račianska 71, 831 02, Bratislava

SLOVENIA / SLOVÉNIE

Ms Jana LOVŠIN, Head of International Cooperation Department, Ministry of Justice of the Republic of Slovenia

Mr Klemen PRINCES, Criminal Law expert, International Cooperation Department, Ministry of Justice of the Republic of Slovenia

SPAIN / ESPAGNE

Mme Miriam BAHAMONDE BLANCO, Procureure et Conseillère auprès de la Direction Générale de la Coopération Juridique Internationale et des Droits de l'Homme du Ministère de la Justice de l'Espagne

SWEDEN / SUÈDE

Ms Johanna GUSTAFSSON, Deputy Director, Division for Criminal Law, Ministry of Justice, Regeringskansliet, SE-103 33 Stockholm

SWITZERLAND / SUISSE

M. Bernardo STADELMANN, Juriste, Sous-directeur, Département fédéral de justice et police, Office fédéral de la justice, Chef du Domaine de direction Droit pénal, Bundesrain 20, CH-3003 Berne

Ms Anita MARFURT, Juriste, Département fédéral de justice et police, Office fédéral de la justice, Unité Droit pénal international, Bundesrain 20, CH – 3003 BERNE

TURKEY / TURQUIE

Mr Güray GÜÇLÜ, Counsellor (Rapporteur Judge), Permanent Representation of Turkey to the Council of Europe

Mr. Hikmet YILDIZ, Rapporteur Judge, Directorate-General for International Relations and EU Affairs, Ministry of Justice of the Republic of Turkey

UKRAINE

Mrs Kateryna G. SHEVCHENKO, Head of the International Legal Assistance Department,
Deputy Head of the International Law Directorate, Ministry of Justice of Ukraine, str. Horodetskogo 13, UA - 01001 KYIV

UNITED KINGDOM / ROYAUME-UNI

Mr Paul AHEARN, Head, International Criminal Justice, Ministry of Justice, 102 Petty France, London SW1H 9AJ, United Kingdom

Mr Andrew THOMPSON, Senior Policy Adviser, International Criminal Law, Ministry of Justice

CDPC BUREAU / BUREAU DU CDPC
(CDPC-BU)

DENMARK / DANEMARK

Mr Jesper HJORTENBERG, National Member of Denmark for EUROJUST, Maanweg 174, 2516 AB The Hague, The Netherlands

Chair of the CDPC/ Président du CDPC**FINLAND / FINLANDE**

Ms Katariina JAHKOLA, Ministry of Justice, Counsellor of Government/Head of the Prosecution and Criminal Sanctions Unit, POB 25, FIN - 00023 GOVERNMENT

Vice-Chair of the CDPC / Vice-Présidente du CDPC**FRANCE**

M. Thomas GREGOIRE, Chef du bureau de la négociation pénale européenne et internationale, Head of the European and international negotiations in criminal matters office, Ministère de la justice, 13 place Vendôme, 75042 PARIS Cedex

GERMANY / ALLEMAGNE

Dr. Hans-Holger HERRNFELD, Federal Ministry of Justice and for Consumer Protection, Criminal Law Department - Unit IIB6, European Public Prosecutors Office, European Criminal Law Policy, Mohrenstr. 37, 10117 Berlin

POLAND / POLOGNE

Dr. Sławomir BUCZMA, Seconded National Expert to the JITs Network Secretariat at EUROJUST, Maanweg 174, 2516 AB The Hague, The Netherlands

PORTUGAL

Mr António FOLGADO, Head of Division for Criminal Justice, International Affairs Department, Directorate General for Justice Policy, Ministry of Justice

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Mr Alexander KUNOŠÍK, Director of the Judicial Cooperation in Criminal Matters Division, Ministry of Justice of the Slovak Republic, Račianska 71, 831 02, Bratislava

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COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS ON
CO-OPERATION IN CRIMINAL MATTERS / COMITE D'EXPERTS SUR LE FONCTIONNEMENT DES
CONVENTIONS EUROPEENNES DANS LE DOMAINE PENAL (PC-OC)

Mr Erik VERBERT

Senior Deputy Legal Adviser, Central Authority, DG Legislation, Ministry Federal Public Service Justice, 115 Boulevard de Waterloo, B - 1000 BRUSSELS

Chair ad interim / Président ad interim

COUNCIL FOR PENOLOGICAL CO-OPERATION /
CONSEIL DE COOPERATION PENOLOGIQUE (PC-CP)

Mme Annie DEVOS

Chair of the PC-CP / Président du PC-CP

Administratrice générale des Maisons de Justice, Fédération Wallonie-Bruxelles, 68A rue du Commerce, B-1040
Bruxelles, Belgique

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OBSERVERS WITH THE COUNCIL OF EUROPE /
OBSERVATEURS AUPRES DU CONSEIL DE L'EUROPE

HOLY SEE / SAINT-SIÈGE

Maître Jean PAILLOT, Avocat au Barreau de Strasbourg, 7 rue Brûlée, 67000 Strasbourg

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
Mr Carlo CHIAROMONTE	Head of Criminal Law Division / <u>Secretary to the CDPC</u> Chef de la Division du droit pénal / <u>Secrétaire du CDPC</u>
Ms Ilna 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
Ms Anita VAN DE KAR-BACHELET	Administrative Officer / Administrateur Secretary to the PC-OC / Secrétaire du PC-OC
Mr Jamie BROWN	Administrative Officer / Administrateur
Ms Phoebe JAMIESON	Administrative Officer / Administrateur
Ms Louise RIONDEL	Administrative Officer / Administrateur
Mr Oscar ALARCON JIMENEZ	Executive Secretary of the Committee of the Parties to the MEDICRIME Convention / Secrétaire Exécutive du Comité des Parties de la convention MEDICRIME
Mr Kristian BARTHOLIN	Secretary to the CAHAI / Secrétaire du CAHAI Head of Digital Development Unit / Chef de l'unité du développement numérique
Mr Alexander SEGER	Executive Secretary of the Cybercrime Convention Committee (T-CY) / Secrétaire Exécutif du Comité de la Convention sur la cybercriminalité (T-CY) Head of Cybercrime Programme Office of the Council of Europe (C- PROC) / Chef du Bureau de Programme du Conseil de l'Europe sur la cybercriminalité (C-PROC) Head of Cybercrime Division / Chef de la Division Cybercriminalité
Ms Marjaliisa JÄÄSKELÄINEN	Assistant / Assistante

Directorate of Legal Advice and Public International Law /
Direction du conseil juridique et du droit international public

Ms Ana GOMEZ	Public International Law Division and Treaty Office / Division du Droit international public et Bureau du Traités Head of Division / Chef de la Division
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Interpreters / Interprètes

Mme Clarissa WORDSDALE
Mme Sylvie BOUX

Appendix II

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 13 December 2021

CDPC(2021)OJ2

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

80th Plenary meeting

Draft Agenda

Teleconference (Hybrid), 7-9 December 2021

Council of Europe, Main Building, Room 8

Opening at 2.30 p.m. (testing at 2.00 p.m.), Tuesday

Closing at 5 p.m., Thursday

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

[CDPC\(2021\)13](#)

Annotated agenda

[CDPC\(2021\)OB2](#)

Order of business

3. Information by the Chair, the Delegations of the CDPC and the Secretariat

[CDPC-BU\(2021\)5](#)

List of decisions of the CDPC Bureau meeting, 4-5 November 2021

[CDPC\(2021\)8](#)

List of decisions of the 79th CDPC Plenary, 28-30 June 2021

4. Completed, ongoing and future activities of the CDPC

[Terms of reference](#)

a. Terms of reference of the CDPC (2022-2025)

[CDPC\(2019\)9Fin](#)

b. Action Plan on Smuggling of migrants

5. Protection of witnesses and collaborators of justice

[CDPC-PWCJ\(2021\)04](#)

Report of the 3rd meeting of the Drafting Working Group to update Recommendation Rec (2005)9 on the protection of witnesses and collaborators of justice, 18-19 October 2021

[CDPC-PWCJ\(2021\)01rev](#)

Draft updated Recommendation Rec(2005)9

CDPC-PWCJ(2021)03rev	Draft updated Explanatory Memorandum
	6. Hate Crime
Terms of reference	Terms of reference of the Working Group
	7. Council for Penological Co-operation (PC-CP) – Exchange of views with the Chair, Ms Annie Devos
Website of the Conference	a. 26th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) (20-21 September 2021, Portugal)
PC-CP(2021)14	Information note regarding the holding of the 26th Council of Europe Conference of Directors of Prison and Probation Services “Gaining an Edge over the Pandemic” (Funchal, Portugal, 20-21 September 2021)
	b. Items for information
PC-CP(2021)9rev	Ethical Guidelines for the use of Artificial Intelligence by the prison and probation services or private companies acting on their behalf
PC-CP(2021)4 (Please note the document is 170 pages long)	Replies to the questionnaire - Survey on mental disorders and disabilities of Persons in Penal Detention
PC-CP(2021)Misc2 (original replies in French)	
PC-CP(2021)Misc3 (original reply in German)	
PC-CP(2021)5 (Please note the document is 98 pages long)	Replies to the questionnaire - Survey on mental health of person under supervision of probation services
PC-CP(2021)8Rev2	Prisons and Probation: a Council of Europe White Paper on the management of offenders with mental health disabilities and disorders
Website	SPACE Statistics 2020

PC-CP(2021)OJ1 PLENARY	Agenda of the 11th PC-CP Plenary Meeting (hybrid), 22-23 November 2021
PC-CP(2021)OB PLENARY BIL	Order of Business of the 11th PC-CP Plenary Meeting (hybrid), 22-23 November 2021
PC-CP(2021)15	Summary Meeting Report of the 11th PC-CP Plenary Meeting (hybrid), 22-23 November 2021
Terms of reference	Terms of reference of the PC-CP (2022-2025)

8. Artificial Intelligence and criminal law

CDPC-AICL(2021)1	Report of the 1st meeting, 15-16 November 2021
CDPC(2021)2	Terms of reference of the Working Group
CDPC(2020)3Rev	Feasibility Study of a future Council of Europe instrument on Artificial Intelligence and Criminal Law
CAHAI(2020)23 (Please note the document is 56 pages long)	Feasibility Study of the Ad Hoc Committee on Artificial Intelligence (CAHAI)

9. 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(2021)14	List of decisions of the 80 th Plenary meeting, 23-25 November 2021
PC-OC(2021)0J2	Agenda of the 80 th Plenary meeting, 23-25 November 2021
PC-OC Mod (2021)07	List of decisions of the 31st meeting of the PC-OC Mod, 7-9 September 2021
Terms of reference	Terms of reference of the PC-OC (2022-2025)

10. Environment and Criminal Law

CDPC-EC(2021)3	Report of the 3 rd meeting of the Working Group, 7-8 October 2021
CDPC-EC(2021)2	Report of the 2 nd meeting of the Working Group, 15 June 2021
CDPC(2021)9	Preliminary draft Feasibility Study
CDPC(2021)4	Discussion paper on Protecting the Environment through Criminal Law
CDPC(2020)9	Working Paper on Protecting the Environment through Criminal Law
	11. Victims' rights
CDPC(2021)1	Proposal for an update of CM Recommendation Rec(2006)8 to member States on assistance to crime victims (by Profs Suzan van der Aa/Antony Pemberton)
	12. Cybercrime Convention Committee (T-CY) – Exchange of views with Mr Alexander Seger, Secretary to the T-CY
T-CY(2020)7 (Please note the document is 92 pages long)	Second Additional Protocol to the Convention on Cybercrime on enhanced cooperation and disclosure of electronic evidence
CDPC(2021)5 Bil.	Opinion prepared by the PC-OC and endorsed by the CDPC on the provisions of the draft 2nd Additional Protocol to the Cybercrime Convention (CETS No185)
CDPC(2021)12	13. Revitalising criminal justice work of the Council of Europe, with particular regard to Articles 5 and 6 of the European Convention on Human Rights. Proposal by the United Kingdom
	14. Elections
CDPC(2021)10	Memorandum concerning the Elections for the CDPC

[PC-CP \(2021\)13](#)

Memorandum concerning the Elections for the PC-CP Working Group

[CDPC\(2021\)15 Bil.](#)

Candidates for the PC-CP Working Group

15. Information points

a. CAHAI

b. Medicrime

List of decisions of the 5th plenary meeting of the Committee of the Parties, 1-3 December 2021

[T-MEDICRIME \(2021\) OJ2](#)

Agenda of the 5th plenary meeting of the Committee of the Parties, 1-3 December 2021

[Programme](#)

Programme of the 10th anniversary of the MEDICRIME Convention, 2 December 2021

c. Terrorism

[Convention website](#)

d. Council of Europe Convention on Offences relating to Cultural Property

16. Any other business

a. Election of the Gender Equality Rapporteur

b. Draft opinion on Parliamentary Assembly Recommendation 2213 (2021) “Addressing issues of criminal and civil liability in the context of climate change”

[Recommendation Report](#)

[CDPC\(2021\)11](#)

Draft opinion

17. Dates of the next meetings