



Strasbourg, 15 June 2022

CDPC(2022)6

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

LIST OF DECISIONS

81st Plenary meeting

Strasbourg, 14-15 June 2022

The CDPC, meeting under the Chairmanship of Ms Katariina Jahkola (Finland), took the following decisions:

1. Opening of the meeting by Ms Katariina Jahkola, CDPC Chair

- to take note of the introductory remarks by Ms Jahkola who is chairing the CDPC plenary for the first time. The Chair underlined the important and good work carried out by the two subordinate bodies of the CDPC and the different working groups set up by the CDPC and thanked them all for the excellent outcome achieved.

2. Adoption of the draft agenda and order of business

- to adopt its agenda and order of business (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 the Irish delegate regarding the priorities of the current Irish Presidency of the Committee of Ministers, namely reinforcing human rights and the protection of civilians in Europe; promoting participatory democracy and youth engagement and fostering a Europe of welcome, inclusion and diversity. He also announced the holding of the Ministers of Justice conference during the Irish Presidency in September focusing on gender-based violence.

- to take note of the information provided by Mr Carlo Chiaromonte, Head of Criminal Law and Counter-Terrorism and Secretary to the CDPC who welcomed the fact that the meetings are being held again in their usual format and thanked the Irish delegate for presenting the priorities, especially regarding the planned Ministers of Justice Conference and highlighted how much the CDPC was involved in the drafting of the Istanbul Convention as far as the criminal law aspects of this important convention are concerned.
- to take note, in particular, of the most recent and significant developments in the Council of Europe, notably of the consequences of the aggression of the Russian Federation against Ukraine, which led to the Russian Federation's suspension of its rights as Council of Europe member state on 25 February 2022, followed by its expulsion from the Organisation on 16 March 2022. It was also noted that the Russian Federation continues to be party to the Council of Europe treaties open to third countries and that a decision on the modalities of its participation in the conventional bodies is expected to be taken by the Committee of Ministers in the coming days.

4. Action Plan on Smuggling of migrants

- to take note of the information provided by the Secretariat on the outcome of the 1st meeting of the Council of Europe Network of Prosecutors on Migrant Smuggling (held on 10-11 May 2022), which was established following its decision during the December 2021 Plenary (i.e. to launch Action n°1 of the Action Plan).
- to take note that 24 countries are currently represented in the Network and that CDPC members which have not yet appointed members to this Network are still encouraged to do so.
- to take note that a restricted website, accessible to members of the Network only, will be created to facilitate international co-operation and the exchange of information on relevant issues and that a document presenting the mandate of the Network, as well as its role, aims and future action, will be drafted and submitted to CDPC members during its next Plenary.
- to take note that the next meeting of the Network is tentatively scheduled for late Autumn 2022.

5. Hate Crime – Exchange of views with the Chair of the Committee of Experts on Hate Crime (PC/ADI-CH), Ms Stephanie Oener

- to hold an exchange of views online with the Chair of the PC/ADI-CH, Ms Stephanie Oener (Austria), on the outcome of the first meeting held online on 16-17 February 2022 as well as on the proposed main elements of the draft Recommendation on Hate Crime.
- to express support for their excellent work.
- to hold an exchange of views on the potential options for consultations on the draft Recommendation, including through a limited sequence of meetings with representatives of relevant Council of Europe bodies, international organisations and civil society organisations, among others, as appropriate.
- Following the request of the Ligue Internationale Contre le Racisme et l'Antisémitisme (LICRA) to grant it observer status with the PC/ADI-CH.

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

- to welcome the new Chair of the PC-CP, Ms Nadya Radkovska, to have an exchange of views with her and to take note of the work carried out by the PC-CP since December 2021. [ref. Doc. PC-CP(2022)1;PC-CP (2021)17 REV3; PC-CP(2021)8REV6].

a. White Paper on dealing with persons with mental health disorders by prison and probation services

- to take note of the White Paper on the management of persons with mental health disorders as revised following the last PC-CP Working Group meeting (23-25 February 2022) which also reflects the latest case law of the European Court of Human Rights and the standards of the Committee for the Prevention of Torture (CPT).
- to take note that the Bureau of the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) was also consulted and its contribution is expected by September 2022. To also take note that the revised text will then be discussed at the 29th PC-CP WG meeting on 19-20 June 2022, at their 30th meeting (20-22 September) and finalised at the PC-CP plenary meeting (25-27 October 2022).
- to take note that the White Paper is expected to be ready for adoption by the CDPC plenary meeting in November 2022 with a view to sending it in due course to the Committee of Ministers for information and dissemination at national level.

b. Draft CM Recommendation on the Ethical and Organisational Aspects of the Use of Artificial Intelligence and related Digital Technologies by Prison and Probation Services

- to take note that the work on a Committee of Ministers Recommendation on AI should be finalised by the end of 2023. This will allow more time to agree on possible standards in the new and rather complex area of AI and to align the text and its definitions to the expected general Council of Europe AI framing instrument, also to be finalised in 2023.
- to take note that the draft Recommendation will also be considered at the 29th PC-CP WG meeting on 19-20 June 2022, at their 30th meeting (20-22 September) and at PC-CP plenary meeting (25-27 October 2022).

c. 27th CDPPS (21-22 June 2022, Sevilla, Spain)

- to take note of the information regarding the forthcoming Conference which will be preceded by a meeting of the PC-CP WG (19-20 June) as well as by the General Assembly meeting of EuroPris (20 June), it will be attended by about 130 participants.

d. Items for information

- to take note that the 2021 SPACE I data (prisons) were published on 5 April and attracted as usual a lot of media attention and that SPACE II data for 2021 (on probation) will be published and presented at the 27th CDPPS in Spain on 21 June 2022.

7. Artificial Intelligence and criminal law

- to have an exchange of views with Mr Jesper Hjortenber, Chair of the Drafting Committee to elaborate an instrument on AI and Criminal Law (CDPC-AICL), regarding the 2nd meeting of this Committee (1-2 June 2022).
- to take note that currently there is no support in the Committee for a legally binding instrument.
- to take note of the proposal that CDPC-AICL should be a “permanent” (open-ended) working group meeting once or twice a year in order to regularly follow the developments in this rapidly advancing area, as the criminal law implications of the use of AI go far beyond the scope of automated driving vehicles.
- to use a written procedure for this request (sending an e-mail to all delegations with a deadline for reply).

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

- to have an exchange of views with Ms Joana Gomes Ferreira, Chair of the PC-OC, to take note of the list of decisions of the 81st plenary meeting of the PC-OC (18-20 May 2022) and to thank the committee for its excellent work.
- to take note of the outcome of the discussions the PC-OC held on the issues of co-operation in criminal matters with non-member states of the Council of Europe, including notably with the Russian Federation, noting the significant limitation of all forms of co-operation with the Russian Federation despite the fact that it remains party to the Council of Europe Conventions on co-operation in criminal matters.
- to also take note of the discussions regarding the status of co-operation with Ukraine in criminal matters and to welcome the resumption of this co-operation following initial disruptions.
- to take note of the preparation of a draft policy paper dealing with the question of accession of third states to Council of Europe Conventions on international co-operation in criminal matters which will be presented to the CDPC at its next plenary, as well as the ongoing work concerning the updating of the European Convention on Mutual Assistance in Criminal Matters.
- to take note of the discussions held by the PC-OC on the issue of the application of the European Convention on Mutual Assistance and its additional protocols for co-operation with the European Public Prosecutor's Office (EPPO), following the decision of the CDPC to instruct the PC-OC to further clarify the position of non-EU States Parties to the Convention regarding co-operation with the EPPO, on the basis of a questionnaire.
- to note that so far 11 non-EU states have replied to the questionnaire sent to clarify the position of non-EU member states on the co-operation with the EPPO on the basis of unilateral declarations of EU member states designating the EPPO as a judicial authority under the MLA Convention.
- to endorse the PC-OC's opinion that it is premature to embark on drafting a binding legal instrument on this issue.
- to instruct the PC-OC to continue analysing the different positions of States Parties to the MLA Convention, closely following ongoing dialogues on this matter and pursuing discussions relating to short-term and long-term solutions to existing difficulties;
- to agree that, within that context, more information needs to be obtained from the EPPO regarding its competence and scope of action and that the PC-OC could also receive more information on how the EPPO functions in the participating member states, taking into account its hybrid structure and the various ways to co-operate with other states.
- to come back to this issue at its next plenary meeting.

9. 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 on the outcome of the deliberations of the 4th and final meeting of the Working Group (24-25 February 2022, held online).
- to approve the Feasibility Study on the Protection of the Environment through Criminal Law which underlines the need and appropriateness for a new Council of Europe Convention to replace the 1998 Convention on the Protection of the Environment through Criminal Law (ETS No.172).

- to approve the draft Terms of Reference of the new Committee on the protection of the environment through criminal law (PC-EPCL) in a slightly revised version, and instruct the Secretariat to submit it to the Committee of Ministers for final adoption.

10. Victims' rights

- to take note of the information provided by Mr Antony Pemberton, consultant, on the outcome of the deliberations of the 2nd meeting of the Working Group (21-22 April 2022) and on the advancement of the draft Recommendation on the rights of victims taking into account the rights and position of offenders and other persons involved in the criminal law process and its Explanatory Report to update and replace the Committee of Ministers Recommendation Rec(2006)8 on assistance to crime victims .
- to take note that the next meeting of the Working Group is tentatively scheduled for early November 2022.
- to thank the Committee and Mr Pemberton for the excellent work and to take note that the draft Recommendation and its Explanatory Report should be ready for examination and approval at the CDPC plenary meeting in November 2022.

11. Information points

- to take note of the information provided by the Secretariat on points a. to f. :

a. Cybercrime Convention Committee (T-CY)

- to take note that the 2nd additional protocol to the Budapest Convention, adopted by the Committee of Ministers on 17 November 2021, was opened for signature in May 2022 and has so far 24 signatories.

b. CAI (Committee on Artificial Intelligence)

- to welcome Mr Kristian Bartholin, Secretary to CAI, and to take note of the recent developments in its work.
- to take note that the work on a future general legal instrument on AI will start in September 2022 and finish in September 2023. It will contain broad common principles based on the Council of Europe standards in the field of democracy, human rights and rule of law. Moreover, It will be conducive to innovation; no new rights or obligations to be created but respect of existing ones should be ensured.

c. Medicrime

- to have an exchange of views with Mr Oscar Alarcon Jimenez, Executive Secretary of the Committee of the Parties to the MEDICRIME Convention, and to take note that in 2022 the key activities were carried out by the Secretariat were centred around the promotion of the Convention among many interested countries in Europe, Latin America and in Africa.
- to take note of the latest developments in the Committee of the Parties' work and the latest accessions to the convention (Morocco, Niger and Slovenia ratified the Convention and Greece, and Lithuania signed it).

d. Terrorism

- to take note of the latest developments in this field and the work of the Committee on Counter-terrorism (CDCT).

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

- to take note that the Nicosia Convention entered into force on 1 April 2022, the date on which it was ratified by Italy.

f. Council of Europe Convention against Trafficking in Human Organs

- to take note that the 1st meeting of the Committee of the Parties of the Santiago de Compostela Convention took place on 31 January 2022 and counted the presence of the Secretary General at its opening.
- to take note that two more countries have ratified the Convention, namely Belgium and Slovenia.

12. Any other business

- to consider the draft of the CDPC opinion on PACE Recommendation 2231(2022) “The Russian Federation’s aggression against Ukraine: ensuring accountability for serious violations of international humanitarian law and other crimes”.
- in order to provide delegations sufficient time for consultations at national level, to decide to request those delegations to send their written comments as soon as possible and no later than 8 July 2022, and to instruct the Secretariat to circulate a revised opinion for approval shortly thereafter.

13. Dates of the next meetings

- to decide to hold its next Plenary meeting in Strasbourg on 28-30 November 2022.



Strasbourg, 15 June 2022

CDPC(2022)LP1 Fin(Bil)

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

81st Plenary Session / 81ère Session plénière

14-15 June / 14-15 juin 2022

**Council of Europe / Conseil de l'Europe, Strasbourg
Main building / Palais de l'Europe
Room 3 / Salle 3**

List of participants / liste des participants

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

**No nomination / Pas de nomination

ANDORRA / ANDORRE

Apologised/Excusé

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Apologised/Excusé

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CYPRUS / CHYPRE

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**No nomination / Pas de nomination

IRELAND / IRLANDE

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COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS ON
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**COMMITTEE OF EXPERTS ON COMBATING HATE CRIME /
COMITE D'EXPERTS SUR LES CRIMES DE HAINE (PC/ADI-CH)**

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Directorate General of Human Rights and Rule of Law /
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Ms Iliana 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
Mr Hasan BERMEK	Administrative Officer / Administrateur Secretary to the PC-OC / Secrétaire du PC-OC
Mr Clément BAILLY	Administrative Officer / Administrateur
Mr Jamie BROWN	Administrative Officer / Administrateur
Ms Phoebe JAMIESON	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
Ms Marjaliisa JÄÄSKELÄINEN	Assistant / Assistante

Registry of the European Court of Human Rights /
Greffe de la Cour européenne des droits de l'homme

Mr Kresimir KAMBER	Senior Lawyer / Juriste principal.
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Interpreters / Interprètes

M. Nicolas GUITTONNEAU
 Mme Sylvie BOUX-STINTZY
 Mme Betina LUDEWIG-QUAINE
 Mme Maryline NEUSCHWANDER

Appendix II



Strasbourg, 17 June 2022

CDPC(2022)OJ1

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

81st Plenary meeting

Agenda

Strasbourg, 14-16 June 2022
Council of Europe, Main Building, Room 3

Opening at 10:00 a.m., Tuesday
Closing at 12:30 p.m., Thursday

www.coe.int/CDPC

E-mail: dgi-cdpc@coe.int

1. Opening of the meeting

2. Adoption of the draft agenda

Draft agenda

[CDPC\(2022\)4](#)

Annotated agenda

[CDPC\(2022\)OB1](#)

Order of business

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

[CDPC-BU\(2022\)2](#)

List of decisions of the CDPC Bureau meeting, 15 March 2022

[CDPC\(2021\)14](#)

List of decisions of the 80th CDPC Plenary, 7-9 December 2021

[Terms of reference](#)

Terms of reference of the CDPC (2022-2025)

[CM Res \(2021\)3](#)

Resolution on intergovernmental committees and subordinate bodies, their terms of reference and working methods

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

4. Action Plan on Smuggling of migrants

[CDPC-NPMS\(2022\)01](#)

Report of the 1st meeting, 10-11 May 2022

(sent by e-mail)

List of members of the Network

5. Hate Crime – Exchange of views with the Chair of the PC/ADI-CH, Ms Stephanie OENER

Terms of reference	Terms of reference of the Working Group
PC/ADI-CH(2022)7	Meeting report of the Committee of Experts on Hate Crime (PC/ADI-CH), 16-17 February 2022
PC/ADI-CH(2022)3_rev1	Preliminary outline of the draft Recommendation on combating Hate Crime
PC/ADI-CH(2022)4	Background document
English translation of the letter	Request for observer status in relation to the Committee of Experts on Hate Crime (PC/ADI-CH) submitted by the Ligue Internationale Contre le Racisme et l'Antisémitisme (LICRA)
	6. Council for Penological Co-operation (PC-CP) – Exchange of views with the Chair, Ms Nadya Radkovska
Website of the Conference	a. 27th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) (21-22 June 2022, Sevilla, Spain)
	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)17rev3	Draft Committee of Ministers Recommendation Ethical and Organisational Aspects of the Use of Artificial Intelligence and related Digital Technologies by Prison and Probation Services
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) (please note the document is 46 pages long)	

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)8Rev6 (Please note the document is 53 pages long)	Prisons and Probation: a Council of Europe White Paper on the management of persons with mental health disorders
PC-CP(2022)1	Summary meeting report of the PC-CP WG meeting (23-25 February 2022) (hybrid)
Terms of reference	Terms of reference of the PC-CP (2022-2025)
7. Artificial Intelligence and criminal law	
CDPC(2021)2	Terms of reference of the Drafting Committee to elaborate an instrument on AI and criminal law
CDPC(2020)3Rev	Feasibility Study of a future Council of Europe instrument on Artificial Intelligence and Criminal Law
CDPC-AICL(2022)OJ1	Draft agenda of the 2nd meeting of the Working Group, 1-2 June 2022
CDPC-AICL(2022)2	Report of the 2 nd meeting, 1-2 June 2022
8. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC) – Exchange of views with the Chair, Ms Joana Gomes Ferreira	
Terms of reference	Terms of reference of the PC-OC (2022-2025)
PC-OC(2022)4	List of decisions of of the 81 st Plenary meeting, 18-20 May 2022
PC-OC(2022)03rev	Replies to the Questionnaire on co-operation with the EPPO
9. Environment and Criminal Law	
CDPC-EC(2022)4	Report of the 4 th meeting of the Working Group, 24-25 February 2022

[CDPC\(2021\)9Rev](#)

Draft Feasibility Study

[Draft Terms of Reference](#)

Draft Terms of Reference of a Drafting Committee on the Protection of the Environment through Criminal Law (2022-2023)

10. Victims' rights

[CDPC-VR\(2022\)2](#)

Report of the 2nd meeting of the Working Group, 21-22 April 2022

[CDPC-VR\(2022\)1](#)

Report of the 1st meeting of the Working Group, 10-11 February 2022

[CDPC\(2021\)1](#)

Proposal for an update of CM Recommendation Rec(2006)8 to member States on Assistance to Crime Victims

11. Information points

a. Cybercrime Convention Committee (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

b. CAI (Committee on Artificial Intelligence)

[Terms of reference](#)

Terms of reference

c. Medicrime

[T-MEDICRIME\(2021\) LD 02](#)

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

[Programme](#)
[Link to the video](#)

10th anniversary of the MEDICRIME Convention, 2 December 2021

d. Terrorism

[CDCT\(2022\)11](#)

List of Decisions of the 8th Plenary Meeting of the CDCT, 23 - 25 May 2022

[CDCT\(2021\)16](#)

List of Decisions of the 7th Plenary Meeting of the CDCT, 22 - 24 November 2021

[Convention](#) (Please note the document is 63 pages long)
[website](#)

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

f. Council of Europe Convention against Trafficking in Human Organs

12. Any other business

13. Dates of the next meetings

82nd CDPC Plenary: Week of 6-9 December 2022