



Strasbourg, 3 April 2018

CDPC-BU (2018) 2

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

List of decisions

Bureau meeting

Venice, 20 – 21 March 2018

The Bureau, meeting in Venice, Italy, on 20 and 21 March 2018, under the Chairmanship of Mr Slawomir Buczma (Poland), took the following decisions:

1. Opening of the meeting

to express its deepest sadness at the death of Mr Eugenio Selvaggi, who was a longstanding member of the CDPC and the PC-OC and had been Chair of both committees. Mr Selvaggi has contributed to the progress of European co-operation by drafting, together with his colleagues from all over Europe and beyond, numerous major texts relating to extradition, mutual legal assistance, transfer of prisoners and many others. The Bureau was pleased to learn that the Secretariat of the Council of Europe had already started the procedure to award a posthumous “Pro merito medal” to Mr Selvaggi;

to congratulate its newly appointed Chair, vice-Chair and new members.

The Bureau discussed the current situation at the Council of Europe and in particular the possible effects of the budgetary restrictions on its current and future work. The Bureau reiterated its opinion that it would be a regrettable mistake if the work on international co-operation in criminal matters that the Council of Europe has been carrying out for many decades was to be drastically reduced or even came to an end.

It is true that the European Union is playing a more and more important role in dealing with criminal law co-operation and that often the activities carried out by the Council of Europe and the European Union are similar and cover the same issues. However, as far as the work of the CDPC and its subordinate committees is concerned, their scope of competence is much wider than that covered by the European Union. The CDPC is the only body on the European continent dealing with such essential matters such as extradition, mutual legal assistance, fighting different forms of crimes, penitentiary issues and many other key aspects of the criminal law policies in its 47 member States. The Bureau agreed that what the CDPC should consider as a future working method is to focus on 2 or a maximum of 3 key subject matters during each of its plenary meetings. This new approach should start as from its plenary meeting in December 2018. These possible focus topics could be for example artificial intelligence, overcrowding in prisons or extending the use of the JITs in the Council of Europe space.

2. Adoption of the draft agenda

to adopt the draft agenda of the meeting.

3. Activities and priorities of the CDPC for 2018-2019

to take note of the information provided by its Chair, Mr Slawomir Buczma, and the Secretariat on the most recent activities of the Council of Europe relevant to the CDPC's work since the last Plenary meeting in November 2017.

4. Activities related to transnational organised crime: Action Plan

to have an exchange of views with Mr Jesper Hjortenber, CDPC co-ordinator on TOC, on the most recent developments in the implementation of the Action Plan on TOC;

a. Review of the Recommendation Rec (2005)9 on the protection of witnesses and collaborators of justice

since the first meeting of the drafting working group will be held in Paris on 19-20 April 2018, to ask the CDPC co-ordinator and the Secretariat to inform the Plenary meeting of the results achieved and present the first draft texts issued by the drafting group;

b. Status of implementation of the Action Plan on TOC

As for the implementation of the Action Plan, the TOC co-ordinator briefed the Bureau about the results achieved so far (recommendation on Special Investigative Techniques, work carried out by the PC-OC on the assessment of the reservations/declarations contained in the CoE conventions on criminal law, project on JITs, review of the recommendation on the protection of witnesses and collaborators of justice, co-ordination with other bodies and institutions on issues related to TOC). The Bureau thanked the co-ordinator and asked him to prepare a document summarising the results achieved and the possible remaining activities to be implemented for the next CDPC plenary in June:

to welcome the progress made in this activity and aim to strengthen the contacts and relations with Eurojust in order to develop and implement as soon as possible the project on a more extended use of JITs to all CoE member States.

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

The Bureau took note of the information provided by the Secretary to the PC-CP on the outcome of the last Working Group meeting, (22-24 January 2018), on the draft programme of the 23rd Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) "Working together effectively: Management and co-operation models between prison and probation services" that will take place on 19-20 June 2018 in Jõhvi (Estonia) and that the draft Recommendation concerning children with imprisoned parents will be adopted by the Committee of Ministers on 4 April 2018:

to invite the PC-CP to begin its work on the issue of sexual offenders as set out in its terms of reference for 2018-2019 (“Consider future areas of interest, including sex offenders and mental health issues”);

a. Restorative justice

to invite the PC-CP to examine the comments made by certain member States (Finland, France, Italy, Netherlands, Russian Federation, Sweden and United Kingdom) on the draft recommendation on restorative justice and revise the text according to these comments, where necessary, and to prepare a new revised text that the CDPC will then examine at its next Plenary meeting in June for possible approval;

b. Manual regarding the criteria for staff selection, training and development of prison and probation staff

to invite the PC-CP to continue its work on this important issue (staff recruitment and selection, training and development) and present a first “conceptual paper” at the next CDPC Plenary meeting in June;

c. Revision of the commentary to the European Prison Rules (EPR)

to examine the two documents 1) on the draft revised commentary [document PC-CP (2018)1rev] and 2) a report indicating which specific rules of the EPR would possibly need revision and updating [document PC-CP (2018)4]. Since these two documents have not yet been considered by the PC-CP itself, the Bureau considered that the final decisions relating to these two documents – and in particular the decision on whether or not (and if so which rules) the EPR should be revised – is to be left to the Plenary of the CDPC in June this year. Subsequently, the Bureau instructed the PC-CP to prepare two documents for the next CDPC Plenary in June on the revision of the commentary and on possible rules to be revised, the first for examination and possible approval and the second for a decision by the CDPC whether or not some of the EPR should be revised/updated.

6. Prison overcrowding

The Bureau considers that prison overcrowding is a very important issue for many CoE member States and that it deserves a thoughtful discussion as regards the proper preparation of the high-level conference on this subject planned to take place in 2019. In that regard, the Bureau invited the Chair of the Working Group on prison overcrowding, Mrs Marjorie Bonn, to prepare a working document, to be presented and discussed at the next CDPC Plenary meeting in June, highlighting the main substantial and organisational aspects of the conference.

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

to take note of the list of decisions of the 25th meeting of the PC-OC Mod held on 20-22 February 2018 and of the information provided by Barbara Goeth-Flemmich, member of the PC-OC, on the most recent activities and work carried out by the PC-OC, in particular on the implementation of the Action Plan on Transnational Organised Crime by the PC-OC; on the Convention on Extradition; on the Convention on Mutual Assistance in Criminal Matters; on the Convention on the Transfer of Sentenced Persons.

8. Revision of the model provisions; issues of administrative sanctions

to take note of the recent developments relating to the issue of the use of administrative sanctions in criminal law conventions and that the Secretariat has appointed an expert to prepare a questionnaire to be addressed to all CDPC delegations in order to have a clearer picture of the situation in member States and in an international context. This questionnaire is expected to be presented at the next CDPC Plenary meeting in June.

9. Victims

to take note of the information provided by the Secretariat who reminded the group that at its meeting in October 2016, the Bureau decided that two different subjects should be dealt separately: 1) the specific issue of the possible updating of the Convention on the Compensation of Victims of Violent Crimes and 2) the more general question of the role of victims in the criminal justice system, including restorative justice. On the first issue, the CDPC, at its last Plenary meeting, considering the replies received to a questionnaire, decided not to take any steps to update the Convention on the Compensation of Victims of Violent Crimes. The Bureau requested the Secretariat to consider how best to put in place a system where individual victims in CoE member States could be informed on how they can make a request for compensation.

On the second issue, the Bureau instructed the Secretariat to prepare, with the assistance of an expert, a questionnaire. This questionnaire should be presented at one of the next CDPC plenary meetings for approval before being sent out.

10. Links between Organised Crime and Terrorism

As a follow-up to the Malaga Conference, the CDPC and the CODEXTER agreed on the setting-up of a joint working group of experts (CDPC-CODEXTER) aimed at discussing future common topics and actions for both committees to ensure a valuable continuation of the work began at the Malaga Conference;

to take note that the first meeting of the working group will take place after the summer and that an invitation to member States to appoint experts to the working group will be sent by the Secretariat.

11. Terrorism

to take note of the information provided by the Secretariat on the most recent activities carried out in the field of counter-terrorism, including the work done with regard to the drafting of the new recommendation on "Terrorists acting alone", that will be adopted by the Committee of Ministers on 4 April;

The Bureau also took note of the information provided by the Secretariat on the fact that the CDCT (new name of the CODEXTER as from 1 January 2018) is preparing a CoE Strategy on Counter-Terrorism (2018-2022) that is expected to be finalised at the next CDCT Plenary meeting (16-18 May 2018) and that some of the activities/actions foreseen would also involve the CDPC.

12. Smuggling of migrants

At its last Plenary meeting, the CDPC agreed to set up two focused working groups composed of a limited number of experts dealing with a) preventive measures and b) practical measures to improve international co-operation. The first meeting of these two working groups will take place on 21-23 June in Paris;

to take note that the letter of invitation will be sent out by the Secretariat in the next few days.

13. Cybercrime Convention Committee (TC-Y)

to take note of the information provided on this issue and instruct the Secretariat to invite the Secretary of the TC-Y to its next Plenary meeting in June.

14. Elections

to invite the Secretariat to prepare for the election of three new members of its Bureau at the CDPC Plenary meeting in December 2018.

15. Opinion by the CDPC on the PACE recommendations

The CDPC was invited to provide its opinions on Recommendation 2121 (2018) – “The case for drafting a European convention on the profession of lawyer” and on the Recommendation 2123 (2018) – “Strengthening international regulations against trade in goods used for torture and the death penalty” of the Parliament Assembly of the CoE;

to take note of the latter without providing any opinion and to wait for the opinions that other committees of the CoE, in particular the CDCJ, will provide on the question of drafting a convention on the profession of lawyer before preparing its own opinion.

16. Information provided by the Secretariat

to take note of the information provided by the Secretariat on Gender Equality issues, the Council of Europe Convention on Offences relating to Cultural Property, Medicrime and the Trafficking in human organs.

17. Any other business

No other issues were discussed.

18. Dates of the next meetings

to hold its next meeting in Vienna on 1-2 October 2018.