



Strasbourg, 2 October 2018

CDPC-BU(2018)4

# EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

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## List of decisions

### Bureau meeting

Vienna, 1 – 2 October 2018

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The Bureau, meeting in Vienna, Austria, on 1 and 2 October 2018, under the Chairmanship of Mr Slawomir Buczman (Poland), took the following decisions:

#### 1. Opening of the meeting

- to welcome Mr Christian Pilnacek, Secretary General and Director General for Criminal Law, Austrian Ministry of Justice, who opened the meeting and complimented the CDPC work in the criminal law field and stated that the priorities of the Austrian Chairmanship of the EU are in line with the Council of Europe pillars and priority activities. He underlined that international legal co-operation and mutual legal assistance depend very much on the mutual trust among the member States and the full respect of the fundamental principle of the Rule of law which should be preserved and further developed. He also welcomed the Thematic Session on artificial intelligence to be held at the next CDPC plenary meeting stating that this issue is topical. He accepted the invitation to have an Austrian expert at the Thematic Session;

#### 2. Adoption of the draft agenda

- to adopt the draft agenda of the meeting;

### 3. **Activities and priorities of the CDPC for 2018-2019 and organisation of its future work and forthcoming plenaries**

- following the decision taken by the CDPC at its last plenary meeting “to focus on 2 or a maximum of 3 subject matters during its plenary meetings”, starting from its November plenary meeting, to welcome the organisation of the one-day Thematic Session on artificial intelligence and criminal law (see also Item n° 6). The Secretariat informed that at the meeting of the GR-J of the Committee of Ministers (25 September 2018) the idea to focus on 2-3 priority subjects and to have thematic sessions during the CDPC plenary meetings was welcomed by the member States;
- to agree that the thematic session of the CDPC first plenary meeting in 2019 should be on prison overcrowding which will coincide with the holding of a high level Conference on prison overcrowding during the Finnish Chairmanship of the Committee of Ministers (see also Item n° 5);
- to agree that depending on the work schedule and priorities it will be decided at a later stage whether a thematic session will be held at the second CDPC plenary meeting in 2019;

### 4. **Council for Penological Co-operation (PC-CP)**

- to take note of documents PC-CP (2018) 14, PC-CP (2018) 15 rev 2 and PC-CP (2018) 17, as well as of the information provided by Ms Iliana Taneva, Secretary to the PC-CP, regarding the outcome of the last PC-CP Working Group meeting (17-19 September 2018) and the latest developments in the PC-CP work since the last CDPC plenary meeting in June 2018;

#### a. **Recruitment and training of prison and probation staff**

- to take note that following the conclusions adopted at the 22nd Council of Europe Conference of Directors of Prison and Probation Services “Staff selection, training and development in the 21st century” (20-21 June 2017, Norway), the PC-CP started work on Guidelines regarding recruitment, selection, training and development of prison and probation staff. The first draft of the Guidelines was examined at the last PC-CP WG meeting in September 2018 and is currently being revised and further developed to be considered at the PC-CP plenary (6-8 November 2018);
- to suggest to the PC-CP experts to add in references to the documents from which the definitions and key principles contained in the first part of the draft Guidelines were taken;
- to agree that the text should be presented, for information only, at the next CDPC plenary meeting in November 2018 and that a presentation by one of the scientific experts could be made to facilitate the understanding of the subject. It was also agreed that the Guidelines will be presented for adoption at one of the next CDPC plenary meetings in 2019;

#### b. **Revision of the European Prison Rules**

- to take note that, in accordance with the decisions taken at the last CDPC plenary meeting in June 2018, draft revised Rules and the commentary thereto [document PC-CP (2018) 15 rev 2] were produced and discussed by the PC-CP WG for the first time in September 2018;
- to take note that the revised Rules and its commentary will be discussed at the PC-CP plenary meeting in November 2018;
- to agree that due to the very short time between the two plenary meetings of PC-CP (6-8 November) and CDPC (27-29 November), the revised Rules and its commentary should be presented, for information and possible general comments only, at the next CDPC plenary meeting in November 2018;

- to agree that the adoption of the revised Rules and its commentary will take place at one of the next CDPC plenary meetings in 2019;

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

- to take note of the information regarding the holding and outcome 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” (19-20 June 2018, Jõhvi, Estonia);
- to take note of the information regarding the state of preparation of the 24th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) “Prison and Probation Services towards Digital Transformation: Quality, Effectiveness, Ethical standards” (21-22 May 2019, Cyprus);

### **5. Prison overcrowding**

- to take note of the written summary and of the oral information provided by Carlo Chiaromonte regarding the working meeting that took place in Paris on 25 September in preparation of a high level Conference on prison overcrowding to be held during the Finnish Chairmanship of the Committee of Ministers of the Council of Europe;
- to consider the draft outline of the programme and make some comments on it;
- to agree that as the reasons for prison overcrowding differ in different countries the aim of the Conference would not be to suggest one single solution but to propose a forum for debating possible reasons for and solutions to prison overcrowding and to underline the importance of having long term national strategies/plans involving all stakeholders in order to effectively deal with this problem. The authorities need to discuss practical solutions in the first place;
- to agree that the CPDC 1<sup>st</sup> plenary meeting in 2019 (during the Finnish Chairmanship of the Council of Europe) will be dedicated to the thematic Conference on Prison Overcrowding (dates proposed and to be confirmed: 24-25 April 2019 in Strasbourg);

### **6. Artificial Intelligence and Criminal Law**

- to take note of the “Council of Europe Project on Artificial Intelligence and Criminal Law Responsibility - the Case of Automated Vehicles” and to consider and approve the preliminary draft programme of the Thematic Session on AI and Criminal Law, its four sessions, speakers and moderators. The Session will take place during the second day of the next plenary meeting of the CDPC (28 November 2018). Its primary aims will be to raise awareness and to present recent legal developments on this issue;

### **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 74th meeting of the PC-OC Mod held on 19-21 May 2018 as well as of the 26<sup>th</sup> meeting of the PC-OC Mod on 25-27 September 2018, which concern in particular the implementation of the Action Plan on Transnational Organised Crime; the Convention on Extradition; the Convention on the Transfer of Sentenced Persons (examination of a preliminary draft recommendation on the transfer of sentenced persons);

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

- to examine and approve the revised version of the questionnaire on administrative sanctions and to instruct the Secretariat to send it to all CDPC delegations (deadline for replies: 31 January 2019);

**9. Victims**

- to examine, revise and approve the draft questionnaire on the rights of victims in the criminal justice system and to instruct the Secretariat to send it to all CDPC delegations (deadline for replies: 31 January 2019);

**10. Smuggling of migrants**

- to take note of the oral information given by Carlo Chiaromonte regarding the first meetings of 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 next meetings of the groups are scheduled for December 2018 or at beginning of 2019;

**11. Election**

- to take note that the terms of office of Tanja Trtnik (Slovenia) will expire at the end of the year and that two additional vacant posts of CDPC Bureau members need also to be filled in at the next CDPC plenary meeting;

**12. Opinions by the CDPC on the PACE Recommendations :**  
**Recommendation 2139 (2018) – Deliberate destruction and illegal trafficking of cultural heritage**  
**Recommendation 2121 (2018) – The case for drafting a European convention on the profession of lawyer**

- to take of the information provided by the Secretariat on the opinions of the CDPC on these two recommendations;

**13. Information provided by the Secretariat**

- to take note of the information provided by the Secretariat on sub-items a., b., c., d., e. below;

**a. Activities related to transnational organised crime: Action Plan****b. Links between Organised Crime and Terrorism****c. Council of Europe Convention on Offences relating to Cultural Property****d. Medicrime and Trafficking in human organs****e. Cybercrime****14. Any other business**

- to agree that a table with the dates of the meetings of other relevant Council of Europe bodies be drawn in order to be able to appoint CDPC representatives to attend such meetings as necessary. Special mention was made in this respect of the Committee of the Parties of the Lanzarote Convention;

**15. Dates of the next meetings**

- to postpone the final decision concerning the dates of the next meetings of the CDPC in 2019.