



Strasbourg, 12 March 2019

CDPC-BU(2019)2

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

LIST OF DECISIONS

Bureau meeting

Brussels (Belgium), 12 March 2019

The Bureau, meeting in Brussels, Belgium, on 12 March 2019, under the Chairmanship of Mr Slawomir Buczma (Poland), took the following decisions:

1. **Opening of the meeting and adoption of the draft agenda**
 - to open the meeting and to adopt its agenda.
2. **Activities and priorities of the CDPC for 2018-2019 and organisation of its future work for 2020-2021 (Terms of reference) and forthcoming plenaries**
 - to discuss its forthcoming priorities, to agree to continue focusing on maximum 2 to 3 main subject matters during its plenary meetings;
 - to approve the agenda of its next plenary meeting on 25-26 April 2019, which will be held after the High-Level Conference “Responses to Prison Overcrowding” will take place (see item 4);
 - to identify the main items to be included into the agenda of the CDPC plenary meeting on 3-5

December 2019 and to decide not to hold another thematic meeting during that plenary session because of the already full agenda it will have (examination of the analysis of the replies on the questionnaire on AI and discussion on the follow-up to be given to this work, approval of the revised European Prison Rules and adoption of their commentary, approval of a Committee of Ministers (hereafter CM) Recommendation on the practical application of the Convention on the Transfer of Sentenced Persons and adoption of its the commentary and many other subjects such as smuggling of migrants, administrative sanctions, victims' rights);

- to agree on its draft terms of reference for the years 2020-2021, which will be presented to the CDPC plenary in April for its examination and approval in order to be then sent to the Committee of Ministers for their final adoption.

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

- to take note of the summary meeting report of the last meeting of the PC-CP Working Group and of the discussions and decisions reflected in it, in particular the proposed work on a draft CM recommendation on the management of sex offenders by prison and probation services;
- to take note that EuroPris and the CEP are continuously contributing to the promotion of the Council of Europe standards among their members and that recently EuroPris carried out a survey on the implementation of CM Recommendation n° R (89)12 on education in prison;
- to take note of the proposal to revise and update the Handbook for prison and probation services regarding radicalization and violent extremism (in coordination with CDCT) in order to deal with the management of returning foreign terrorist fighters and to provide practical advice how to best manage the period right after a VE prisoner is released into the community.

a. Recruitment and training of prison and probation staff

- to take note that the draft Guidelines regarding recruitment, selection, training and professional development of prison and probation staff will be finally approved at the next PC-CP WG meeting (1-3 April 2019) and will be ready for adoption by the CDPC plenary on 25 April 2019 and then forwarded to the Committee of Ministers for information and dissemination.

b. Revision of the European Prison Rules (EPR)

- to take note that Belgium, Finland, France, Germany, Poland and The Netherlands had sent written comments after the last CDPC plenary meeting related to the revised and updated draft EPR and commentary, the majority of which were taken into consideration by the PC-CP WG;
- to take note that the text is ready for consideration at the PC-CP plenary meeting (5-7 November 2019), following which it will be considered and approved at the CDPC plenary meeting in December 2019 with a view to its adoption by the Committee of Ministers in 2020.

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

- to take note of the draft programme of the 24th CDPPS "Offender Management: Tradition and Technology" (21-22 May 2019, Cyprus) as well as of the information provided by the Secretariat regarding its state of organisation and to confirm that the CDPC will be represented at it by Ms Marjorie Bonn (The Netherlands).

4. Prison overcrowding

- to take note of the draft programme of the High-Level Conference "Responses to Prison Overcrowding" (24-25 April 2019, Strasbourg) and of the information provided by the Secretariat regarding the state of its organisation.

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

- to take note of the information provided by the Chair of the PC-OC, Mrs Barbara Göth-Flemmich, on the most recent work carried out by the PC-OC and in particular the decisions taken at the 27th meeting of the PC-OC Mod (5-7 March 2019), namely:
 - that significant progress have been made in the drafting of a recommendation on the practical application of the Convention on the Transfer of Sentenced Persons and the commentary thereto;
 - the development of a questionnaire on the application of the European Convention on Mutual Assistance in Criminal Matters as regards the exchange of information from criminal records (Articles 13 and 22);
 - the preparation of a thematic session to celebrate the 60th anniversary of the European Convention on Mutual Assistance in Criminal Matters which will take place during the 77th plenary meeting of the PC-OC (13-15 November 2019);
- to take further note of the opinion of the PC-OC on the draft provisions of the Second Additional Protocol to the Convention on Cybercrime [PC-OC(2019)01] regarding languages of requests, emergency MLA and video conferencing, forwarded to the T-CY Secretariat;
- to request the Secretariat to invite a representative from the European Commission at one of the forthcoming PC-OC meetings in order to examine and discuss different concrete issues and possible solutions to the matters concerning the EPPO and in particular its future relations with the judicial authorities of third countries.

6. Artificial Intelligence and criminal law

- to take note of the composition of the restricted working group of experts set up by the CDPC as follow-up to the Thematic Session that took place in the margins of the last CDPC plenary meeting last year and of its forthcoming meeting (Paris, 27 March 2019) for taking stock of existing regulations and for identifying future challenges related to the development of artificial intelligence. The main objective of this first meeting is to implement/prepare the first output as foreseen in the Concept Paper: **Research project on national criminal law and international legal framework applicable to automated vehicles (or other AI deployment)**;
- to take in particular note that two members of the Bureau are following the work of this group, namely Mrs Marfurt (member of the Swiss delegation) and Mr Hjortenbergh, Vice-Chair of the CDPC but the latter will not be able to attend the Paris meeting;
- to consider the draft questionnaire which will be finalised at the above meeting and to send to the Secretariat their written comments and suggestions regarding its scope and contents.

7. Cybercrime Convention Committee (T-CY)

- to take note of the information provided by the Secretariat regarding the latest developments in the T-CY work since the last CDPC plenary meeting in November 2018 and in particular the developments regarding the mandate of the EU in relation to the drafting and signing of the Second Protocol to the Cybercrime Convention;
- instruct the Secretariat to invite a representative of the T-CY Secretariat at its next plenary meetings to be regularly informed on the developments in this area.

8. Information points

- to take note of the information provided by the Secretariat on sub-items a. to h and in particular point a., point d. concerning the forthcoming 2nd meeting of the subgroup on international cooperation, and point h. concerning a conference.

a. Activities related to transnational organised crime: Witness protection

concerning future developments on the review of the CM/Rec (2005)9 on the protection of witnesses and collaborators of justice, which had to be temporarily suspended, work on this activity should be resumed as soon as possible;

b. Administrative sanctions

so far 25 MS have replied to the questionnaire and the analysis of these replies will be considered at the CDPC plenary meeting in December 2019;

c. Victims' rights

so far 25 MS have replied to the questionnaire and the analysis of these replies will be considered at the CDPC plenary meeting in December 2019;

d. Smuggling of migrants

work will be continued in this area and the next meeting of the group of experts on international co-operation will take place on 10 April 2019 where proposals for concrete actions will be approved;

e. Links between Organised Crime and Terrorism

Guidelines on the links between organised crime and terrorism focussing also on combatting illicit trafficking in arms will be drafted by the CDCT;

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

in relation to the 70th Council of Europe anniversary a Conference on protection of cultural property will be held in Nicosia, Cyprus in October this year;

g. Medicrime and Trafficking in human organs

the Committee of the Parties to the Medicrime Convention will soon be convened;

h. Terrorism

in 2019, The CDCT will decided if a definition of terrorism will be drafted by the Committee in order to amend current Article 1 of the Convention on prevention of terrorism;
that on 11-12 June 2019 in Madrid will be held a Conference on "the conduct of criminal trials against, and the prosecution of, foreign terrorist fighters, including returnees and relocators";

9. Any other business

- to take note that one of the CDPC Bureau members, Ms Emmanuelle Wachenheim (France) had changed her post at the French Ministry of Justice and has therefore informed that she will no longer take part in the CDPC meetings. Elections of a new Bureau member will be held at the CDPC plenary meeting in December 2019;

10. Dates of the next meetings

- to hold the next Bureau meeting on 10-11 October 2019 (tbc).