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# **EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)**

**BUREAU  
(CDPC-BU)**

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## **PROPOSALS FOR ELEMENTS FOR PRIORITIES AND TASKS FOR THE NEXT TERMS OF REFERENCE OF THE CDPC (2022-2025)**

**Discussion paper**

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Document prepared by the CDPC Secretariat  
Directorate General I – Human Rights and Rule of Law

## **EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)**

**Type of committee:** Steering committee

Draft Terms of reference valid from: **2022 until 2025**

### **PROCESS**

Based on the Council of Europe Strategic Framework, the Terms of Reference (ToR) for the Council of Europe committees will from 2022 be quadrennium. The preparation of the ToR implies detailing main and specific tasks of the committees for the period of 2022 – 2025. Once set, the main tasks will not be amendable throughout the four (4) year period. Contrary to this, specific tasks set for 2023-2024 will be reviewed mid-2022. A draft ToR is expected to be prepared by 15 May 2021.

### **POSSIBLE MAIN TASKS**

The following items have been prepared based on the main tasks of the CDPC set for 2020-2021, as well as wording that could broadly cover new areas of focus identified in the future work and activities :

- a. steer legal co-operation among the Council of Europe member States in order to assist them to develop modern penal policies. In particular, it shall develop common standards in the fields of criminal law and in preventing and combating all forms of criminal activities, including both substantive and procedural aspects;
- b. follow the implementation and promotion of the relevant Council of Europe Conventions in the criminal law field including, where appropriate, any conventional bodies established by them, for their revision and updating as necessary and for facilitating friendly settlements of any difficulty which may arise out of their execution and implementation;
- c. assist member States, together with the PC-CP, in the implementation of the European Prison Rules, the European Rules for juvenile offenders, the Council of Europe Probation Rules, as well as the other relevant recommendations in the penitentiary field with a view to ensuring harmonised laws and practices in the execution of sanctions and measures throughout Europe;
- d. ensure the regular collection of the Council of Europe Annual Penal Statistics (SPACE) in order to assist member States in developing modern penal policies based on validated data and research;
- e. prepare, in co-operation with the CDDH and CDCJ, conferences, such as the Conferences of the Ministers of Justice and ensure the follow-up of any decision taken by the Committee of Ministers subsequent to the Conferences;
- f. ensure the follow-up to the Conferences of Directors of Prison and Probation Services;
- g. oversee the activities carried out by its subordinate committees/bodies (notably the PC-OC and PC-CP in the international co-operation and penitentiary field, respectively);
- h. ensure co-operation and transversal activities, where appropriate, with other relevant Council of Europe bodies (in particular GRECO, MONEYVAL, Pompidou Group, CDCT, T-CY, CEPEJ, CCPE, CCJE, CPT);
- i. provide an intergovernmental setting for the negotiation and finalisation of draft legal instruments or draft amendments to existing legal instruments prepared by ad hoc committees and committees of the parties, tasked by the Committee of Ministers with elaborating them;

- j. in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an assessment of some or all of the conventions for which it has been given responsibility,<sup>2</sup> in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.

## **POSSIBLE SPECIFIC TASKS**

The following includes the actions which will be continued from the previous ToR 2020-2021 and possible suggestions for specific tasks to be listed in the new ToR:

- a. Protection of the environment through criminal law – a new legal instrument (2023);
- b. Criminal liability related to the use of artificial intelligence - a new legal instrument (2023/2024);
- c. A new Protocol to the MLA Convention on the relations with the EPPO and develop a new instrument dealing with the question of relation with third States (2023/2024);
- d. Improving international criminal law cooperation – (a) updating of one or two existing treaties (2024) (b) development of practical tools and guidelines (2023);
- e. Protection of victims of crime – a new CM Recommendation (2022);
- f. Treatment of offenders – (a) a new Committee of Ministers Recommendation and a White Paper on mental health (2023) (b) regulating the use of AI by prison and probation services – a new CM Recommendation/Practical tool (2024);
- g. New Council of Europe Recommendation on hate crime (2023/2024);
- h. Update the Recommendation on protection of witnesses and collaborators of justice (2022);
- i. Implementation of the Action Plan on fighting smuggling of migrants;
- j. ....
- k. ....