



Strasbourg, 8 November 2021

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

LIST OF DECISIONS

Bureau meeting

Copenhagen (Denmark), 4-5 November 2021

Opening at 13:00, Thursday
Closing around 17:00, Friday

The Bureau, meeting on 4-5 November 2021, under the Chairmanship of Mr Jesper Hjortenberg (Denmark), took the following decisions:

1. Opening of the meeting by Mr Jesper Hjortenberg, CDPC Chair

- to take note of the introductory remarks made by the CDPC Chair, Mr Jesper Hjortenberg, who welcomed the Bureau members and the Secretariat after long months of online work over the past two years;
- to express its gratitude to Mr Hjortenberg for inviting the Bureau to Copenhagen and for his warm hospitality;

2. Adoption of the draft agenda

- to adopt the agenda.

3. Information by the Chair, the members of the CDPC Bureau and the Secretariat

- to agree that despite the special conditions due to Covid 19, the CDPC has achieved a number of significant results and other important activities are well advanced, such as the work on AI, environment, victims' rights and EPPO;
- to take note of the information provided by Mr Carlo Chiaromonte, Secretary to the CDPC, on the recent developments in the Council of Europe, including on the organisational aspects of the work. This year only two meetings (Drafting Working Group on the Protection of Witnesses and Collaborators of Justice and the PC-CPWG) have been held in a hybrid format. He also informed the Bureau that the convocations for the CDPC Plenary meeting in December will be sent immediately after the Bureau meeting and that CDPC members will be invited to choose between coming to Strasbourg or following the meeting on-line;

4. Completed, ongoing and future activities of the CDPC**a. Draft Terms of reference of the CDPC (2022-2025)**

- to take note that the adoption of the CDPC ToRs for 2022-2025 is expected at the CM meeting on 23-25 November 2021. In accordance with the new four-year planning the ToR can be adjusted after the first two years in case the priorities change;
- to discuss the CDPC working methods and whether there is a need to modify these, and to agree that physical CDPC plenary meetings should remain the rule as the online meetings are a challenge for the delegations as far as being able to take part fully in the debates, network with colleagues; express their positions and take decisions (adoption of legal instruments, elections, etc.) are concerned. The physical meetings could be complemented by online meetings as necessary but preferably in a smaller format (drafting or working groups) where the discussions and the work in general can be better organised;

b. Action Plan on Smuggling of migrants

- to discuss the way forward regarding the implementation of the Action Plan on Fostering International Co-operation and Investigative Strategies in Fighting the Smuggling of Migrants and when and how the first actions could be initiated;
- to decide that despite the sanitary situation the implementation should start next year (with action n° 1 : "Addressing investigative, prosecutorial and judicial challenges in migrant smuggling-related cases");
- to liaise with the EU, as a very big, related project has started at its level as well and there is a need for coordination;

c. Protection of witnesses and collaborators of justice

- to take note of the information provided by Mr Jesper Hjortenbergt, Chair of the Drafting Working Group on the Protection of Witnesses and Collaborators of Justice (CDPC-PWCJ), and to congratulate the Group for finalising so excellently the work on the draft Recommendation and its draft explanatory memorandum;
- following the CM request for more concise texts, to shorten some of the paragraphs of the explanatory report;
- to include this point on the agenda of the CDPC plenary meeting in December 2021 with a view to the approval of both texts and forwarding the Recommendation to the CM for adoption;

5. Hate crime

- to take note of the information by the Secretariat that the first meeting of the joint Working Group of the CDPC/ ADI/PC-CH is expected to take place early next year;

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

- to take note of the information provided by Ms Iliana Taneva, Secretary to the PC-CP, regarding the PC-CP WG meeting which was held on 18-19 September 2021 in Madeira in preparation of the 26th Conference of Directors of Prison and Probation Services (20-21 September 2021) where the working documents on mental health and on artificial intelligence [See Docs. PC-CP(2021)8Rev and PC-CP(2021)9rev] were examined;
- to note that an agreement was reached at the above meeting by the members of the PC-CPWG that the Chair and Vice-Chair would switch places in order to allow them to remain on the Committee for the next two years and to ensure the continuity of the current work carried out by the PC-CP, as due to the COVID pandemic the PC-CP WG had only one face-to-face meeting during their chairmanship;
- to note that the PC-CP plenary meeting will be held on 22-23 November 2021 (in a hybrid format) and will start with a half-day Conference commemorating the 40th anniversary of its creation;

a. 26th Council of Europe Conference of Directors of Prison and Probation Services (CDPPS) “Gaining an Edge over the Pandemic” (20-21 September 2021, Madeira, Portugal)

- to take note of the information provided by the Secretariat regarding the excellent organisation of the Conference, which was attended by more than 120 participants of whom more than 80 attended in person and was opened by the Portuguese Minister of Justice;
- to take note that a separate information document will be on the agenda of the CDPC plenary meeting regarding the this Conference;

b. Items for information

- to take note that under the third EU/CoE co-funded project (“SPACE and National Preventive Mechanisms”: JUST-JCOO-COEU-AG-2018), which ended on 30 September 2021, the proceedings of the two Conferences held online were collected, processed and published by the SPACE team at the University of Lausanne, namely:

- *Measuring cybercrime in the time of Covid-19 (Proceedings of the Conference 29-30 October 2020)*;
- *Three decades of crime and criminal justice statistics in Europe (Proceedings of the Conference 22-23 March 2021)*;

7. Artificial Intelligence and criminal law

- to take note of the information provided by the Chair of the Drafting Committee to elaborate an instrument on AI and criminal law (CDPC-AICL), Mr Hjortenbergh, regarding the first meeting which will take place on 15-16 November to which the CAHA Chair will also be invited;
- to take note that a second meeting is planned at the beginning of 2022;

8. 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 30th meeting of the PC-OC Mod (16-17 March) and of the draft agenda of the 80th plenary meeting of the PC-OC (22-23 November 2021);
- to take note of the information provided by Ms Anita van de Kar, Secretary to the PC-OC, regarding the outcome of the discussions held during the May meeting of the PC-OC Mod on the possible elements for an amending protocol regarding co-operation with the European Public Prosecutor's Office (EPPO), namely that it might be better to develop a self-standing treaty, rather than a protocol;
- to take note that at the forthcoming PC-OC Plenary meeting, the Treaty Office will be invited to participate to advise on this issue;
- to entrust the PC-OC to inquire with the national delegations whether there is a pressing need for a legal instrument formalising the current situation of unilateral declarations. If this is the case, to provide arguments whether this should be an additional protocol to the Convention or a self-standing instrument;

9. Environment and Criminal Law

- to take note of the information provided by Mr Thomas Grégoire, Chair of the Working Group on the Environment and Criminal Law (CDPC-EC), regarding the outcomes of the deliberations of the third meeting of the Working Group, which took place on 7 October 2021, online;
- to take note of the discussions which took place in relation to the Preliminary Draft of the Feasibility Study on a possible new CoE Convention on the Protection of the Environment through Criminal Law, prepared by the Scientific Expert, Prof. Véronique Jaworski [Doc. CDPC(2021)9], as well as of the information that the next meeting of the Working Group is scheduled to take place in early 2022, where a new revised version of the Feasibility Study will be examined;

10. Victims' rights

- following the decision taken at its 79th meeting by the CDPC to set up a Working Group to draft a Recommendation on the rights of victims, taking into account the rights and position of offenders and other persons involved in the criminal law process, to note that to date 16 States have appointed experts for this Working Group;
- to take note that the first meeting of this Working Group is scheduled to take place in January 2022;

11. Revitalising the criminal justice work of the Council of Europe, with particular regard to Articles 5 and 6 of the European Convention on Human Rights. Proposal by the United Kingdom

- to consider the preliminary draft proposal of a Committee of Ministers Declaration on the need to revitalise the criminal justice work of the Council of Europe with a focus on procedural rights under articles 5 and 6, prepared by the Delegation of the United Kingdom;
- to decide to include it on the agenda at its next plenary meeting for consideration and possible approval;

12. Elections

- to note that Ms Annie Devos will be the next Vice-Chair of the PC-CP and Ms Nadya Radkovska its next Chair (see item 6 above);
- to note therefore, that there will be forthcoming elections of three new PC-CP WG members [Doc PC-CP(2021)13] and to instruct the Secretariat to send a request to the CDPC delegations to suggest possible candidates;
- to discuss the forthcoming elections of the CDPC Chair and Vice-Chair and of three new CDPC Bureau members [Doc CDPC (2021) 4].
- to note that Ms Katariina Jahkola, current Vice-Chair of the CDPC, expressed her readiness to become its next Chair and that Mr Thomas Gregoire, CDPC Bureau member, is willing to become the next CDPC Vice-Chair;

13. Information points

- to take note of the conclusions of the events organised by the Hungarian Presidency of the Council of Europe: the Conference of Ministers of Justice “Digital technology and artificial intelligence – New challenges for justice in Europe” held on 5 October 2021, in Gödöllő, Hungary, as well as of the high-level experts’ “Roundtable on New Means of Communication for International Cooperation in Criminal Matters” which was held online on 4 October 2021: <https://rm.coe.int/conclusions-of-the-hungarian-coe-presidency-/1680a40ebe>
- to take note of the information regarding the priorities of the forthcoming Italian Presidency of the Committee of Ministers, namely the work of the ECtHR, HR protection, violence against women and of the two associated activities related to the CDPC area of work, namely the Conference of the High Level meeting of prosecutors in Palermo on the occasion of the 30th anniversary of the killings of judges Falcone and Borsellino (May and July 1992) and the Ministers of Justice Conference “Crime and Criminal Justice – The Role of Restorative Justice in Europe” (13-14 December 2021, Venice, Italy);
- to note that in preparation of the latter Conference a meeting of Senior Officials from the Ministries of Justice was held in Como, Italy on 12-13 October 2021;

14. Dates of the next meetings

- to decide that its next plenary meeting, which will be held in a hybrid format, will start on 7 December in the afternoon and will continue until 9 December lunchtime;
- to express hope that delegations will attend in person in order to facilitate the discussions and the taking of decisions, including regarding the forthcoming elections;
- to decide that the next Bureau meeting will be held in March 2022.