



Strasbourg, 02 October 2024

CDPC-BU(2024)04

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

Bureau meeting

Venice, 14-15 October 2024
Council of Europe Programme Office
San Marco 180C
30124 Venice
Italy

Opening at 10 a.m., Monday
Closing around 5 p.m., Tuesday

ANNOTATED AGENDA

Criminal Law Secretariat

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1. Opening of the meeting

The meeting will start at 10 a.m. on Monday 14 October 2024.

2. Adoption of the draft agenda

The Bureau will adopt the agenda of the meeting.

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

The Bureau members are requested to hold an exchange of views on the most recent and significant criminal law issues in their national frameworks and in Europe and make suggestions for possible new initiatives by the CDPC in the criminal law field.

The Bureau is invited to have an exchange with the Secretariat on the recent developments in the Council of Europe.

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

The Bureau is invited to take note of the summary meeting report of the 36th PC-CP WG meeting, held on 17-19 September in Rome, Italy and to have an exchange of views with its Secretary.

a. Mental health

The Bureau is invited to take note of Doc. PC CP (2024)8 (draft CM Recommendation regarding the management of mental disorders and the promotion of positive mental health by the prison and probation services) and Doc. PC-CP(2024)9, Explanatory Memorandum which will be considered at the PC-CP plenary meeting on 5-7 November 2024 and to note that there will be only two weeks' time lap between the said meeting and the CDPC plenary meeting.

The Bureau is invited to consider the draft texts and to make any comments and suggestions in this respect as it considers relevant.

b. Artificial Intelligence

The Bureau is invited to note that the Committee of Ministers adopted on 9 October 2024 the Recommendation on the ethical and organisational aspects of the use of AI and related digital technologies by prison and probation services which had previously been delayed until the adoption and opening for signature of the Framework Convention on AI.

c. Education in prison

The Bureau is invited to take note that work on the updating and replacing of CM Recommendation Rec(89)12 on education in prison is underway and that a first draft of the text, which is planned to be finalised by the end of 2025, will be considered at the PC-CP plenary meeting in November, at this stage not yet accompanied by an explanatory memorandum.

The Bureau is invited to consider the draft text and to make any comments and suggestions in this respect as it considers relevant.

d. 29th CDPPS “Human Rights, Democracy and the Rule of Law at the heart of Prisons and Probation” (Sofia, Bulgaria, 24-25 June 2024) (www.coe.int/cdpps2024)

The CDPC Bureau is invited to note the excellent organisation of the Conference in Sofia, confirmed by all participants who also very much appreciated its contents and the quality of presentations and speakers.

The Bureau is also invited to note that at the Conference the Polish State Secretary officially announced that Poland will host the next year’s Conference. The dates were recently agreed to be 24-25 September, the place will be Krakow and the title and the contents will be discussed at the PC-CP level at their forthcoming plenary and WG meetings.

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

The Bureau is invited to take note of the list of decisions of the enlarged PC-OC Mod meeting of 24-26 September 2024 and of the oral information provided by its Secretary.

The Bureau is invited to take note of the discussions within the enlarged PC-OC Mod meeting regarding a draft Third Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters and its draft Explanatory Report. The main provisions of the Convention to be modernised notably concern channels of communication, videoconferencing, use of technical recording devices, interception of telecommunications, costs and the introduction of time limits for the execution of requests. The draft Protocol is expected to be submitted to the CDPC plenary in November 2024.

The Bureau is also invited to take note of the discussions held by the PC-OC Mod regarding the issue of confidentiality in MLA proceedings, a draft questionnaire on the application of the Convention on the transfer of sentenced persons, and the supervision of conditionally released offenders.

6. Environment and Criminal Law

The Bureau is invited to take note of the information provided by the Secretariat on the finalisation of the text of the new draft Convention on the protection of the environment through criminal law, as well as on the outcome of the 5th meeting of the Committee of experts on the protection of the environment through criminal law (PC-ENV), which took place on 7-9 October 2024 in Strasbourg. This meeting was dedicated to discussing and agreeing on the text of the draft Explanatory Report.

The Bureau is also invited to hold an exchange of views with the Secretary of the CDPC, Ms Eva PASTRANA, to discuss the next steps, notably the adoption of the draft Convention and the draft Explanatory Report at the next CDPC Plenary in November.

7. Smuggling of Migrants

The Bureau is invited to take note of the information provided by the Secretariat regarding the implementation of the Action Plan on Fighting the Smuggling of Migrants, as well as the details of the 2nd International Conference on Migrant Smuggling, organised by the Council of Europe in Strasbourg on 10-11 September 2024.

Additionally, the Bureau is encouraged to engage in exchanges of views with Mr Andreas Schloenhardt and Mr Calogero Ferrara concerning the draft report that assesses the need for and feasibility of a possible Council of Europe instrument in the field of migrant smuggling. The Bureau is also invited to provide any final comments or suggestions on this document, ahead of its presentation at the CDPC Plenary in November 2024.

8. Asset Recovery

The Bureau is invited to take note of the information provided by the Secretariat of MONEYVAL and criminal asset recovery. It is notably invited to take note of the fact that the Committee of Experts on Criminal Asset Recovery (PC-RAC) held its first two meetings in May and September of 2024, while the third meeting is taking place from 14-16 October 2024.

The Bureau is invited to consider a working version of the draft additional protocol supplementing the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism (CETS no. 198) which is a subject of the PC-RAC discussions, and to make any comments and suggestions in this respect as it considers relevant.

9. Draft Recommendation on combating technology-facilitated violence against women and girls

The Bureau is invited to take note of the draft ToR of the Committee of Experts on combating technology-facilitated violence against women and girls (GEC/PC-eVIO) and of the report of the latest GEC/PC-eVIO meeting.

10. Information points

The Bureau is invited to take note of the information provided by the Secretariat on points a to e.

a. Committee on Artificial Intelligence (CAI)

The Bureau is invited to note that the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law was adopted by the Committee of Ministers on 17 May 2024 and opened for signature in Vilnius, Lithuania, on 5 September 2024.

b. Artificial Intelligence and criminal law

The Bureau is reminded that during the last CDPC Plenary meeting, delegates highlighted the lack of sufficient information needed to make an informed decision regarding the scope of the future instrument on artificial intelligence and criminal law. To address this, the Secretariat, in collaboration with Professor Gless and potentially other experts, was tasked with drafting a comprehensive paper outlining the key issues to be regulated and the possible scope of the future instrument. This paper is intended to serve as the basis for discussions at the next Plenary meeting, where a decision is expected to be taken.

In light of the above, the Bureau is invited to note that the Secretariat has completed a selection process and designated a new expert to assist Professor Gless in preparing the detailed paper for the November Plenary meeting. The newly appointed expert is Judge Alfonso Peralta Gutiérrez from Spain, who brings significant expertise in AI and emerging technologies. He also serves as a member of the AI Advisory Board (AIAB) of the European Commission for the Efficiency of Justice (CEPEJ). Both Professor Gless and Judge Peralta are currently working on the paper.

c. Medicrime

The Bureau is invited to take note of the information provided by the Executive Secretary of the MEDICRIME Convention, in particular that both the Bureau of the MEDICRIME Committee will gather by the end of September (26-27 September 2024) to discuss, inter alia, about the final draft report of the 1st Monitoring round, and the 8th Plenary meeting of the Committee of the Parties will take place on 21-22 November 2024.

The Bureau is invited to take note that the MEDICRIME Convention was signed by the Republic of Chad on 11 September 2024. Further details, including cooperation activities, can be found in the documents appended to the draft agenda.

d. Trafficking in Human Organs

The Bureau is invited to take note of the information provided by the Executive Secretary of the Santiago de Compostela Convention on the Bureau of the Santiago de Compostela Committee to be held on 10-11 October. It will mainly discuss about the evaluation made to the answers received to the Country profile questionnaire provided by the Parties.

e. Cultural Property

The Bureau is invited to take note of the information provided by the Secretariat on the meeting organised in Zaragoza (19-20 June) to set-up an Advisory Group to enhance the establishment, operation and development of National Platforms pending the set-up of the Committee of the Parties to the Council of Europe Convention on Offences relating to Cultural Property. This Advisory Group is called "Aragon Group".

11. Any other business

12. Dates of the next meetings