

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

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: **Steering Committee**

Terms of reference valid from: **1 January 2022 until 31 December 2025<sup>1</sup>**

**PILLAR/PROGRAMME/SUB-PROGRAMME ▼**

**Pillar:** Rule of Law

**Programme:** Action against crime, security and protection of citizens

**Sub-programme:** Action against crime and protection of citizens - criminal law, terrorism, money laundering, cybercrime, medicrime, trafficking in human beings

**MAIN TASKS ▼**

Under the authority of the Committee of Ministers, the CDPC shall identify priority elements for intergovernmental legal co-operation, propose to the Committee of Ministers areas for action in criminal law and procedure, criminology and penology, by developing standard setting instruments, providing scientific advice, collecting information, conducting activities in these areas and advising the Committee of Ministers on all questions within its area of competence.

In particular, the CDPC is instructed to:

- (i) ensure the follow-up of the relevant decisions taken at the 131<sup>st</sup> Session of the Committee of Ministers (Hamburg, 21 May 2021),<sup>2</sup> and in particular contribute to the implementation of the key strategic priorities relating to its specific field of expertise as identified in the Strategic Framework of the Council of Europe, and respond to the respective key findings and challenges set out in the Secretary General's 2021 Report on the state of democracy, human rights and rule of law "A democratic renewal for Europe";
- (ii) steer the legal co-operation among the Council of Europe member States in order to assist them to develop modern criminal law and penal policies. In particular, to develop common standards in the fields of criminal law and preventing and combating all forms of criminal activities, covering both substantive and procedural aspects;
- (iii) 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, by identifying potential shortcomings in international law and addressing them in the most appropriate form, including by preparing binding or non-binding legal instruments or by revising and updating as necessary the existing ones;
- (iv) facilitate friendly settlements of any difficulty which may arise out of the execution and implementation of the relevant Council of Europe Conventions in the criminal law field;
- (v) 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 other relevant recommendations in the penitentiary field with a view to ensuring harmonised laws and practices for the execution of sanctions and measures throughout Europe;
- (vi) 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;
- (vii) prepare, in co-operation with other relevant bodies, 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;
- (viii) ensure the follow-up to the Conferences of Directors of Prison and Probation Services;
- (ix) ensure co-operation and transversal activities, where appropriate, with other relevant Council of Europe bodies, in particular GRECO, MONEYVAL, Pompidou Group, T-CY, CEPEJ, CPT;
- (x) provide an intergovernmental setting, and steer and supervise all the issues in the criminal law field, 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;
- (xi) take full account of the activities of the relevant monitoring and other bodies or convention mechanisms;
- (xii) organise thematic sessions in its field of expertise;
- (xiii) orient and oversee the activities carried out by its subordinate bodies, notably the PC-OC and PC-CP in the international co-operation and penitentiary field, respectively, and jointly with the CDADI, the Committee of Experts on Hate Crime (PC/ADI-CH) (cf. separate terms of reference);
- (xiv) hold an exchange of views annually in order to evaluate its activities and advise the Committee of Ministers and the Secretary General on future priorities in its sector, including possible new activities and those that might be discontinued;
- (xv) take due account of the following mainstreamed perspectives in the performance of its tasks: gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller<sup>3</sup> issues;
- (xvi) where relevant, contribute to building cohesive societies and to strengthening the role and meaningful participation of civil society in its work;

<sup>1</sup> These terms of reference are approved for the first biennial period 2022-2023. For the second biennial period 2024-2025, they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for 2024-2025.

<sup>2</sup> [CM/Del/Dec\(2021\)131/2a](#), [CM/Del/Dec\(2021\)131/2b](#), [CM/Del/Dec\(2021\)131/2c](#) and [CM/Del/Dec\(2021\)131/3](#).

<sup>3</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

(xvii) 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 examination of some or all of the conventions for which it has been given responsibility,<sup>4</sup> in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers;

(xviii) contribute to the achievement of, and review progress towards, the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 5: Gender Equality and Goal 16: Peace, Justice and Strong institutions.

#### MAIN DELIVERABLES

Under the authority of the Committee of Ministers, the CDPC is instructed to complete the following deliverables, within the following deadlines:

	Deadline ▼
1. Study on the feasibility and appropriateness of modernising the Convention on the protection of environment through criminal law (ETS 172) or of preparing a new instrument	30/04/2022
2. Draft Recommendation on victims of crime	31/12/2022
3. Draft Recommendation on Ethical guidelines for the use of new technologies, including artificial intelligence, by prison and probation services (cf. terms of reference of PC-CP)	31/12/2022
4. Draft policy paper dealing with the question of accession of non member States to Council of Europe Conventions on international cooperation in criminal matters (cf. terms of reference of PC-OC)	31/12/2022
5. Draft legal instrument on criminal liability related to the use of artificial intelligence	31/12/2023
6. Draft Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS 30) on the relations with the European Public Prosecutor's Office (cf. terms of reference of PC-OC)	31/12/2023
7. Updated Recommendation on protection of witnesses and collaborators of justice	31/12/2023
8. Draft Recommendation on combating hate crime including its investigation and victim support (cf. terms of reference of PC/ADI-CH, jointly with CDADI)	31/12/2023
9. White Paper on the management of offender with mental disorders and disabilities by prison and probation services (cf. terms of reference of PC-CP)	31/12/2023
10. Draft Protocol updating the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 30)	31/12/2024
11. Updated Recommendation (89)12 on education in prison (including also offenders under probation) (cf. terms of reference of PC-CP)	31/12/2024
12. Implementation review report on the Action Plan on fighting smuggling of migrants	31/12/2025
13. Update of two existing treaties on international co-operation in criminal matters	31/12/2025
14. Practical tools and guidelines on international co-operation in criminal matters	31/12/2025
15. Reviewed and updated commentary to Recommendation CM/Rec(2012)12 on foreign prisoners (cf. terms of reference of PC-CP)	31/12/2025
16. Practical tools and guidelines on international cooperation in criminal matters (cf. terms of reference of PC-OC)	31/12/2025
17. Annual publication of the Annual Council of Europe Penal Statistics (SPACE I and SPACE II) (cf. terms of reference of PC-CP)	30/06 of each year
18. Annual Council of Europe Conference of Directors of Prison and Probation Services (cf. terms of reference of PC-CP)	31/10 of each year

#### COMPOSITION ▼

##### MEMBERS:

Governments of member States are invited to designate one or more representatives of the highest possible rank with the following qualifications: senior officials and experts in the fields of criminal law and criminal procedure, penology or criminology, with responsibility at the national level for the planning, development and implementation of policies relevant to the work of the Committee and appointed by their governments to co-ordinate, at national level, all elements of government policy relevant to the work of the Committee.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the Committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

<sup>4</sup> Cf. relevant decisions of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in document CM(2021)132.

**PARTICIPANTS:**

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Commissioner for Human Rights of the Council of Europe;
- Conference of INGOs of the Council of Europe;
- Consultative Council of European Prosecutors (CCPE);
- European Committee for the Prevention of Torture and Inhuman and Degrading Treatment (CPT)
- Committee on Artificial Intelligence (CAI);
- Council of Europe Committee on Counter-Terrorism (CDCT);
- Cybercrime Convention Committee (T-CY);
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America.

**OBSERVERS:**

The following may send representatives, without the right to vote and without defrayal of expenses:

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- the Conference of Ministers of Justice of Ibero-American Countries (COMJIB);
- EuroPris.

Observer status may be requested in accordance with Article 8 of Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

**WORKING METHODS ▼**

	Plenary meetings ▼			Bureau meetings ▼		
	Members incl. Chair	Meetings per year	Days per meeting	Members	Meetings per year	Days per meeting
2022	48	2	4	9	2	2
2023	48	2	4	9	2	2
2024	48	2	4	9	2	2
2025	48	2	4	9	2	2

The rules of procedure of the Committee are governed by Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The CDPC will appoint from amongst its members up to 5 Rapporteurs on mainstreamed perspectives, including a Gender Equality Rapporteur.

Subject to the agenda, the chairs of its subordinate structures may be invited to attend CDPC's Bureau and/or plenary meetings.

**SUBORDINATE STRUCTURE(S) ▼**

The CDPC co-ordinates, supervises and follows the work of its subordinate bodies:

- Council for Penological Co-operation (PC-CP) (cf. separate terms of reference);
- Committee of Experts on the Operation of European Conventions on Co-Operation in Criminal Matters (PC-OC) (cf. separate terms of reference);
- (2022-2023) Committee of Experts on Hate Crime (PC/ADI-CH) (with the Steering Committee on Anti-discrimination, Diversity and inclusion – CDADI) (cf. separate terms of reference).

**BUDGETARY INFORMATION\* ▼**

	Meetings per year	Days per meeting	Members reimbursed	Plenary in €K	Bureau in €K	Working groups in €K	Secretariat (A, B)
2022	2	4	48	137.8	18.0	-	1 A; 1 B
2023	2	4	48	137.8	18.0	-	1 A; 1 B
2024	2	4	48	↔	↔	-	↔
2025	2	4	48	↔	↔	-	↔

\*The costs include the per diem, travel costs, interpretation, translation and document printing. These costs are calculated on the basis of the 2021 standard costs.