

Strasbourg, 19 July 2006

CDPC-BU (2006) 15

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

Bureau
(CDPC-BU)

Strasbourg, 28 June 2006 – 9.30 am

Summary report

BRIEF FOREWORD

1. The Bureau of the CDPC approved a draft reply to the Committee of Ministers regarding Parliamentary Assembly recommendation 1747 calling upon the Committee of Ministers to "draw up without delay a new convention setting out detailed and binding rules for the contracting parties on the treatment of prisoners", and requested the Secretariat to send it to all CDPC delegations for approval under the written procedure before forwarding it to the Committee of Ministers.
2. The Bureau also approved an amendment to the terms of reference of the Committee of experts on the protection of children against sexual exploitation and abuse (PC-ES), which it submitted to the enlarged Bureau and then to Committee of Ministers for adoption, as well as proposed guidelines for the work of the PC-ES, to be submitted to the enlarged Bureau, and then to CDPC delegations for approval under the written consultation procedure before being forwarded to the Committee of Ministers for information.
3. It took note of the request of CODEXTER for contributions from delegations of that Committee for the preparation of an independent expert report on the use of the Internet for terrorist purposes and cyber terrorism and proposed that CDPC delegations be informed and invited to comment on this question.
4. It requested the Secretariat to prepare a paper, for approval at the next Bureau meeting, proposing a methodology for ensuring that questions which are discussed and agreed at the CDPC are not unnecessarily re-opened for discussion at the level of the Committee of Ministers, without other CDPC delegations being aware of/able to brief their ambassadors on the issue.
6. The Bureau was informed about the 4th consultation on the implications of the ratification of the Rome Statute on the International Criminal Court to take place in Athens and on the 27th Conference of Ministers of Justice, Armenia, October 2006, which will be focused on victims, particularly vulnerable victims.

The following abbreviations are used in referring to Committees

CDPC	EUROPEAN COMMITTEE ON CRIME PROBLEMS
PC-CP	COUNCIL FOR PENOLOGICAL CO-OPERATION
PC-PM	COUNCIL FOR POLICE MATTERS
PC-CSC	CRIMINOLOGICAL SCIENTIFIC COUNCIL
PC-S-AV	GROUP OF SPECIALISTS ON ASSISTANCE TO VICTIMS AND PREVENTION OF VICTIMISATION
T-CY	CYBERCRIME CONVENTION COMMITTEE
PC-OC	COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS IN THE PENAL FIELD
CPGE	CONFERENCE OF EUROPEAN PROSECUTORS GENERAL
CCPE	CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS
PC-ES	COMMITTEE OF EXPERTS ON THE PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND ABUSE
MONEYVAL	COMMITTEE OF EXPERTS ON THE EVALUATION OF ANTI-MONEY LAUNDERING MEASURES

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1. Opening of the meeting

1. The meeting was opened by Mr. Claude DEBRULLE (Belgium), Chair, who welcomed all participants, in particular the new members of the Bureau, Ms Valerie FALLON and Mr. Eric RUELLE.
2. The list of participants is set out in Appendix I.

2. Adoption of the draft agenda

3. Further to proposals by the Secretariat to add two points to the draft agenda (on the reply to Parliamentary Assembly recommendation 1747 and on the question of cyber terrorism), the Bureau adopted the agenda as set out in Appendix II. The final list of working documents of the meeting appears in Appendix III.

3. Preparation of the Enlarged Bureau Meeting

4. The CDPC Bureau discussed the draft agenda of the Enlarged Bureau. It also agreed that the order of business should follow the order in the agenda, noting, however, that Item 9 of the agenda of the enlarged Bureau (on the interim report on the feasibility of a convention on counterfeiting) would take place on 30 June at 9.30, in the presence of the author of the report, Mr. Hugo BONAR.
5. As regards Item 4 of the Agenda, inviting the CDPC to approve the proposal of the PC-ES to draft a new instrument on the protection of children against sexual exploitation and abuse, the Bureau decided that it would establish draft guidelines to the PC-ES in carrying out its work and would then present this proposal to the enlarged Bureau for their approval before sending it to all CDPC delegations in conformity with the written consultation procedure and then to the Committee of Ministers for information.
6. The Bureau would also propose approval of the amendment to the terms of reference of the Committee of experts on the protection of children against sexual exploitation and abuse (PC-ES) as it appears in the document PC-ES (2006) 1E rev (point 5.A), in order to add the Chair of the Committee as a person whose travel and subsistence expenses are covered by the Council of Europe.
7. The Chair of the PC-ES provided a summary report of the conclusions which had been reached at the first PC-ES meeting. Whilst a large majority of the members of the PC-ES were in favour of proceeding with the drafting of a legal instrument, Mr. RUELLE considered that it was necessary for them to receive directions from the CDPC.
8. The Chair summarised the need for such directions as covering:
 - the nature of the instrument
 - precisions as to its scope – which should cover victims, offenders, criminal law and procedure, but, for example should perhaps also extend to prevention strategies;
 - scientific expertise- a possible need for reinforcement in other disciplines;
 - the reasonable deadline within which the Committee could be expected to produce a result.
9. The Bureau underlined that, as the CDPC had not been consulted the Committee of Ministers before the adoption of the terms of reference of the PC-ES, it was now necessary for the CDPC to give the PC-ES more detailed guidelines.

10. Overall the Bureau considered that the instrument to be prepared should be a binding one, that its hard core should concern the criminal field – including criminal procedures (methods, child friendly investigations, protection of the interests of children (e.g. avoiding secondary victimisation), how to prevent/deal with recidivist offenders, and the start date for the running of any statute of limitations.
11. The issue of mutual legal assistance should be treated carefully – so as not to counteract or replace the ‘mother’ conventions in this file, although it was agreed that, due to the specific nature of these crimes (e.g. sexual “tourism”) some specific measures might be necessary.
12. Other important issues to deal with outside the purely criminal field were the treatment of offenders and the prohibition of offenders from working in certain professions. Care should be taken as to any provision on the age of consent, but it should be kept in mind especially given the increasing ease of movement between member States. The idea of an international data base of offenders was probably not realistic, but there should be provision for exchanges of information.
13. Civil issues such as compensation were outside the scope of a convention in the criminal field, but this and other issues outside the core criminal field might be an appropriate basis for a non-binding instrument.
14. On the basis of these discussions, the Bureau would present proposed guidelines for the PC-ES to the enlarged Bureau and then they would be sent for approval of the CDPC using the written consultation procedure.
15. The Bureau agreed that, as the PC-ES would be preparing an important binding instrument it would propose to the enlarged Bureau (and then to the CDPC) to include, in the guidelines, a provision to the effect that, whilst it would be for the PC-ES to define its work programme, the CDPC agreed, in an anticipated manner, to any possible proposition of the Committee of Experts to extend its terms of reference to the end of 2007.

4. Interim Report on Counterfeit Medicines and Pharmaceutical Crimes

16. The Bureau took note of the interim report of the feasibility study, submitted by the expert, Mr. H. Bonar. It held a short exchange of views on the report and its findings, which will contribute to the drafting of the final report of the feasibility study. The points raised in the Bureau are reflected in the meeting report of the enlarged Bureau (document CDPC-BU (2006) 16) and will be communicated to the consultants who will be preparing the final report.

5. Future activities

a. Standing item – review of document CDPC-BU (2006) 06 and follow-up to the Plenary Meeting

17. The Bureau was informed that, at their 967th meeting, the Ministers’ Deputies:
 - adopted Recommendation Rec (2006) 08 of the Committee of Ministers to member states on assistance to crime victims, with some minor modifications and took note of the Explanatory Memorandum to the recommendation.
 - adopted the terms of reference of the PC-CP as proposed by the CDPC, i.e. including the increase of the membership from 7 to 9;
 - adopted the terms of reference of the PC-PM as proposed by the CDPC, i.e. including the possibility for some members to be re-elected

- adopted the terms of reference of the Committee of experts on the operation of European conventions in the legal field (PC-OC), as proposed by the CDPC
 - welcomed the reply, prepared by the CDPC in accordance with the message from the Committee of Ministers (CM (2005) 145 rev) to all committees involved in intergovernmental co-operation, concerning the CDPC's contribution to the implementation of the Action Plan of the Third Summit of the Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005) and, in particular, its future priorities, as it appeared in Appendix VI to the plenary report.
18. The Bureau noted that, when the recommendation on assistance to victims was discussed at the GR-J, at Ministers' Deputies level, questions had been raised by one of the delegations on a specific issue. The Bureau expressed concern that such a question, which had been discussed and agreed at the CDPC had been re-opened for discussion at the level of the Committee of Ministers, without other CDPC delegations being aware of/able to brief their ambassadors on the issue.
 19. The Bureau agreed that there were three possible scenarios:
 1. a CDPC delegation clearly expresses a reserve on a specific question;
 2. a new question or issue arises which was not seen when the text was discussed at the CDPC level, although such a scenario would be rare;
 3. the issue was seen and discussed and no observation or reservation raised, or the question apparently settled to the satisfaction of all.
 20. The Bureau considered that questions should be resolved, as far as possible, at the level of the CDPC. If not, especially in the latter two scenarios, difficulties can arise if other CDPC delegations are not given sufficient warning in advance to brief their ambassadors on the issue and that, therefore, sufficient notice should be given to all CDPC delegations of the concerns and reasons for raising new or returning to previously settled issues.
 21. On the basis of the ensuing discussions the Secretariat was instructed to prepare a short paper for the next Bureau meeting with a view to the Bureau submitting proposals to the plenary in 2007, possibly suggesting an addition to the working methods to cover this question.
 22. The Ministers' Deputies also referred Recommendation 1747 of the Parliamentary Assembly calling upon the Committee of Ministers to "draw up without delay a new convention setting out detailed and binding rules for the contracting parties on the treatment of prisoners", to the CDPC for comments, with a deadline of 1 September 2006. The Bureau examined the draft reply prepared by the Secretariat. The Bureau proposed some modifications, notably as regards the proposal in the recommendation of the creation of a European prisons observatory which, in the view of the Bureau, would not serve to reinforce the role of the Committee for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment (CPT) which has unlimited access to all places of detention (and not only those where prisoners are being kept) nor the independent international and national bodies provided for in the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
 23. It adopted a draft reply to the Committee of Ministers, as it appears in Appendix IV and instructed the Secretariat to submit it, through the written consultation procedure, to all CDPC delegations for comments before sending it to the Committee of Ministers.
 24. The Bureau asked the Secretariat to ascertain whether it was possible and/or advisable for the Bureau to meet with the parliamentary members responsible for this question (possibly with the Commission on Legal Affairs), to try to avoid, in future, what had become a very long 'ping-pong' procedure.

b. Preparation of the 27th Conference of Ministers of Justice – Armenia, October 2006

25. The Secretariat provided information on the practical arrangements for this event and invited the Bureau members to contact them should they experience any difficulties.
26. The Bureau of the CDPC would meet on the morning of 11 October, followed by a joint meeting with the Bureau of the CDCJ at the end of the morning to prepare proposals for a resolution. The meeting of High Officials would take place in the afternoon of 11 October.
27. The Armenian Minister of Justice is preparing a report on the themes of the conference: vulnerable victims, young people who are both victim and offender at the same time, compensation for victims and restorative justice; national delegations are also invited to address personal contributions (for example giving information as to their own country's experience and practice in the field). Any such contribution received by the Secretariat by the beginning of September can be translated by the Council's services.
28. The Chair, in his capacity as Belgian delegate, indicated that Belgium would be making a proposal for a resolution concerning victims of domestic violence, in particular, violence against a domestic partner, and had also prepared a reflection paper on transitional justice in post conflict societies. These texts were made available to the Bureau and to the enlarged Bureau.

c. 4th Multilateral Consultation on the implications of the ratification of the Rome Statute of the ICC in the co-operation agreements between the Court and the member States of the Council of Europe

29. CDPC delegations had received the convocation letter for this meeting, which will be held in Athens on 14 and 15 September (just after the 32nd CAHDI meeting). The Bureau was pleased to note that its proposals for the topics of bilateral agreements on witnesses and on the execution of the Court's decisions and the application of the principle of complementarity had been included in the programme (document CDPC-BU (2006)12).
30. The Chair raised the possibility of using this occasion, when CDPC delegates might be attending the Consultation, for the CDPC Bureau to hold the meeting, proposed already at the Bureau's meeting in January 2006, dedicated to a reflection on the activities (in the medium to long term) which the Bureau of the CDPC would consider to be important for the Council of Europe, with a view in particular to concentrating on the areas in which the Council has a unique or particular role. This would be decided once it was clearer as to who in the bureau would be attending the Conference in Athens.
31. The Bureau recalled, also that it considered that it would also be useful to have an exchange of views with a representative of the Committee of Ministers' Rapporteur Group on Legal Questions (GR-J), but it noted that as the current Chair of the GR-J would be leaving Strasbourg in the very near future, it might be better to wait and arrange a meeting with his successor.

6. Information

a. Conventions ETS 90, 190, CETS 196, 197, 198 – update on the status of signatures and ratifications

32. To date, the European Convention on the Suppression of Terrorism (ETS No. 090) has been ratified by 44 States and signed by 1 and its Amending Protocol (ETS 190) has been ratified by 21 and signed by 23.
33. The Amending Protocol will enter into force once all the Parties to the European Convention have become Parties to the Protocol.
34. The Secretariat informed the Bureau that it was likely that the Council of Europe Convention on the Prevention of Terrorism (CETS 196) would come into force before the end of this year.
35. The Austrian delegation informed the Bureau that it intended to ratify the Council of Europe Convention on Action against Trafficking in Human Beings (CETS 197) this summer.
36. The CDPC Bureau took note of this information.

b. CPGE/CCPE Moscow 5-6 July 2006

37. The Bureau recalled that it would be represented at both the Conference and at the first meeting of the CCPE by Mr Eugenio SELVAGGI, chair of the PC-OC. It also took note of the draft programme of the CPGE and the draft agenda of the first CCPE.

7. Any other business

38. The Secretariat informed the Bureau of the question, which had been presented by the CODEXTER, requesting contributions from delegations of that Committee for the preparation of an independent expert report on the use of the Internet for terrorist purposes and cyber terrorism.
39. The Bureau asked the Secretariat to send a message to CDPC delegations, on behalf of the Bureau, calling their attention to this question and inviting them to provide comments if they so wish.

8. Dates of the next meeting

40. The Bureau, agreed that, after its meeting on 11 October 2006 in the framework of the Ministers of Justice Conference in Yerevan, it would meet from 29 – 31 January 2007. A further meeting in April could be envisaged, with a view to the plenary meeting which would be held from 11 – 15 or from 18 – 22 June.

A P P E N D I X I

LIST OF PARTICIPANTS

AUSTRIA / AUTRICHE

- * Mr Roland MIKLAU, Director General, Criminal Law, Ministry of Justice,

BELGIUM / BELGIQUE

- * M. Claude DEBRULLE, **Chairman of the CDPC**, Directeur Général, Ministère de la Justice, Direction Générale de la Législation, des Libertés et des Droits fondamentaux,

DENMARK / DANEMARK

- * Mr Jesper HJORTENBERG, Deputy Director of Public Prosecution, Office of the Director of Public Prosecution,

FRANCE

- * M. Eric RUELLE, Chargé de Mission pour les négociations pénales internationales, Ministère de la Justice,

IRELAND / IRLANDE

- * Ms Valerie FALLON, Principal Officer, International Policy Division, Department of Justice, Equality & Law Reform,

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

- * Mr Alexander ZMEYEVSKIY, Director, Department on the Issues of New Challenges and Threats, Ministry of Foreign Affairs,
Apologised / Excusé

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

- * Mr. Branislav BOHÁČIK, **Deputy Chair of the CDPC**, Director – Division for Judicial Co-operation in Criminal Matters, Ministry of Justice,

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- * Ms Andreja LANG, Head of the Department for Criminal Legislation, Directorate for the Preparation of Legislation, Ministry of Justice,
Apologised / Excusé

UNITED KINGDOM / ROYAUME-UNI

- * Mr. Richard BRADLEY, Head of Judicial Co-operation Unit, Home Office,

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Mrs Margaret KILLERBY, Head of the Department of Crime Problems

Ms Bridget O'LOUGHLIN, Head of the Criminal Justice Division
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* * * * *

INTERPRETERS

Mme Isabelle MARCHINI

Mr Philippe QUAINÉ

Mr Didier JUNGLING

APPENDIX II

AGENDA

1. **Opening of the meeting**
2. **Adoption of the draft agenda**
3. **Preparation of the Enlarged Bureau Meeting**
4. **Interim Report on Counterfeit Medicines and Pharmaceutical Crimes**
5. **Future activities**
 - a. Standing item – review of document CDPC-BU (2006) 06 and follow-up to the Plenary Meeting

PACE Recommendation 1747 – Reply to the Committee of Ministers
 - b. Preparation of the 27th Conference of Ministers of Justice – Armenia, September 2006
 - c. 4th Multilateral Consultation on the implications of the ratification of the Rome Statute of the ICC in the co-operation agreements between the Court and the member States of the Council of Europe
6. **Information**
 - a. Conventions ETS 90, 190, CETS 196, 197, 198 – update on the status of signatures and ratifications
 - b. CPGE/CCPE Moscow 5-6 July 2006
7. **Any other business**

CODEXTER – Questions on cyber terrorism
8. **Dates of the next meeting of the Bureau**

APPENDIX III

LIST OF WORKING DOCUMENTS

Agenda item /	Document title	Reference – Link
	CDPC-BU (enlarged) - List of participants	
	Summary report of the Bureau Meeting (30.01 – 01.02.2006)	CDPC-BU (2006) 05 <i>English/ Français</i>
	Report of the 55th Plenary Meeting of the CDPC (3–7 April 2006)	CDPC (2006) 17 REV <i>English / Français</i>
	Memorandum concerning the elections for the CDPC and subordinate committees	CDPC (2006) 19 <i>English/ Français</i>
2.	Draft agenda (see also item 16 of Plenary Report CDPC (2006) 17)	CDPC-BU (2006) OJ2 BIL.
2.	Draft annotated agenda	CDPC-BU (2006) OJ2 ANN <i>English / Français</i>
3.	Draft agenda of the Enlarged Bureau	CDPC-BU (2006) OJ3 BILING.
	Draft List of Working documents of the Enlarged Bureau	CDPC-BU (2006) LD 03 BIL.
3.	Draft Recommendation on Remand in Custody – as revised by the PC-CP at their 52nd meeting (19-21 June 2006)	PC-CP (2006) 2 REV 3 <i>English / Français</i>
	Explanatory Memorandum - as revised by the PC-CP at their 52nd meeting	PC-CP (2006) 3 REV 3 <i>English / Français</i>
3.	PC-ES – report of the first meeting (22–24 May 2006) (see also item 7.5 of Plenary Report CDPC (2006) 17)	PC-ES (2006) 05 <i>English / Français</i>
4.	Pre-report to the feasibility study on a Council of Europe Legal Instrument (see also item 7.4 of Plenary Report CDPC (2006) 17)	CDPC-BU (2006) 10 <i>English / Français</i>

5. a)	CDPC – Report to the Committee of Ministers on Actions to implement the Warsaw Action Plan – CDPC Activities	CDPC-BU (2006) 06 English / Français
5. a)	Committee of Ministers 967th meeting, 14 June 2006 Decisions adopted	CM/Del/Dec(2006)967 10.3a English / Français CM/Del/Dec(2006)967 10.3b English / Français
5. a)	Recommendation Rec (2006) 8 of the Committee of Ministers to member states on assistance to crime victims	Rec (2006) 8 English / Français
5. a)	Parliamentary Assembly - Recommendation 1747 (2006) – European prisons charter	Rec (2006) 1747 English / Français
5. c)	CAHDI – Meeting report	CAHDI (2006)16 REV English / Français
5. c)	Draft Programm for the Fourth Consultation on the implications for CoE member states of the ratification of the Rome Statute of the International Criminal Court	CDPC-BU (2006) 12 English / Français
6.	CPGE / CCPE MOSCOW 5-6 July 2006 – Agenda	CPGE (2006) 03 English / Français CCPE (2006) OJ BIL.
7.	Progress report of the CODEXTER on future priority areas for the work of the Council of Europe in the fight against terrorism	CM(2005)172 ADD. English / Français 953 rd meeting English / Français

APPENDIX IV

DRAFT REPLY TO THE COMMITTEE OF MINISTERS**REGARDING PARLIAMENTARY ASSEMBLY RECOMMENDATION 1747**

On 27 April 2004, the Parliamentary Assembly adopted [Recommendation 1656](#) on the situation of European prisons and pre-trial detention centres in which it recommended that the Committee of Ministers should draw up a European prisons charter in conjunction with the European Union.

In its reply (ref. [CM/AS\(2004\)Rec1656 final](#)) to Recommendation 1656 (2004), adopted in June 2004, the Committee of Ministers informed PACE of its decision to “transmit Recommendation 1656 (2004) of the Parliamentary Assembly to the CDPC and the PC-CP to pursue, as scheduled, the work of updating the European prison rules (EPR), drawing their members' attention to the proposals made now by the Parliamentary Assembly and, in particular, to the proposal to prepare a European Prisons Charter. In addition, it agreed to add Recommendation 1656 (2004) to the list of reference documents reproduced under item 5 of the ad hoc terms of reference given to the PC-CP, which remain unchanged”.

Following an extensive consultation procedure with all Council of Europe member States the European Committee on Crime Problems (CDPC) submitted the updated EPR which were adopted by the Committee of Ministers in January 2006, some six months ahead of the scheduled date.

Further to its plenary meeting in April 2006 (the report of which was submitted to the 967th Meeting of the Deputies on 14 June 2006), the CDPC asked the Committee of Ministers to note:

1. that a significant number of States had already taken or planned measures to ensure the implementation of the revised European Prison Rules (EPR) (cf Recommendation rec (2006)2), including legislative reforms, training, translation and distribution of the text of the EPR;

extract from the full meeting report:

“A significant number of CDPC delegations took the floor to inform the CDPC on the state of implementation of Recommendation (2006) 2 of the Committee of Ministers on the European Prison Rules. In several countries the EPR have influenced recent or envisaged amendments of the legislation and by-laws in the field, in others international or national fora on penitentiary questions have been held or were planned to be held in order to discuss the EPR and disseminate them among a broad audience and a number of countries have already translated the text into their national language.”

2. its opinion that a binding instrument, in the form of a European Prison Charter, was not a feasible proposition and its consequent proposals to strengthen penitentiary reform inter alia through the elaboration of a Compendium of Council of Europe recommendations in the penitentiary field;

extract from the full meeting report:

“The CDPC held a “tour de table” based on a Secretariat memorandum (Doc. CDPC (2006) 5) in which several options were presented and their pros and cons were examined. The CDPC was of the prevailing opinion that a binding European Prison Charter was not a feasible proposition. Among the main reasons mentioned was the fact it would be difficult for the states to reach an consensus in such a case on more than a very limited number of binding legal rules which could impoverish and stigmatise the existing standards and could moreover lead to weakening the importance and the impact of the European Prison Rules (EPR) on the work of the prison administrations in the member States and at the European level in general (see also item. 8.2 below).

The CDPC considered it more appropriate and necessary instead to strengthen further the penitentiary standards inter alia by elaborating a Compendium of Council of Europe recommendations in the penitentiary field. Therefore it requested the PC-CP to present to the next CDPC plenary a proposal for working methods in relation to this proposed consolidation of all Council of Europe recommendations relating to penitentiary questions together with an indication as to which recommendations should be revised and/or updated in the light of the recently adopted new European Prison Rules.”

3. in accordance of the revised terms of reference and rules of procedure of the PC-CP (as adopted by the Ministers Deputies at their 967th meeting on 14 June 2006) the PC-CP is entrusted with the task to re-examine the European Prison Rules every five years, or more frequently if ECHR case law or CPT reports so require. When necessary it will update the European Prison Rules taking into account the instructions of the CDPC.

The CDPC also informed the Committee of Ministers that it had requested delegations to the CDPC to ensure that any translations of the European Prison Rules into their national languages be forwarded to the Secretariat for inclusion in the Council of Europe’s prisons website. A number of member states have already done so.

In addition, the CDPC has been able to note that, further to an initiative of the Spanish authorities and with the support of the Council of Europe, an international penitentiary congress held in Barcelona in March 2006. It drew some 1200 participants and proved to be an excellent platform for promoting and publicising the newly adopted EPR.

Finally, it was also able to inform the Committee of Ministers that it had requested the PC-CP to present to the next CDPC plenary a proposal for working methods to establish a compendium consolidating all Council of Europe recommendations relating to penitentiary questions together with an indication as to which recommendations should be revised and/or updated.

In May 2006 the Parliamentary Assembly adopted [Recommendation 1747](#) on the European Prisons Charter, calling upon the Committee of Ministers to “draw up without delay a new convention setting out detailed and binding rules for the contracting parties on the treatment of prisoners”

The Committee of Ministers, at the 967th meeting of the Ministers’ Deputies has now asked the CPDC to comment on this recommendation.

In reply to this request, the CDPC would refer the Committee of Ministers to the above information extracted from the report of its plenary meeting in April 2006.

In addition, referring to the proposals made under pp. 9.3. and 9.4. of Recommendation 1747 (2006), the CDPC would wish to underline that the mandate of the Committee for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment (CPT) is sufficiently strong and broad. In accordance with Article 1 of the Convention for the Prevention of Torture and Inhuman and Degrading Treatment and Punishment it “shall, by means of visits, examine the treatment of persons deprived of their liberty with a view to

strengthening, if necessary, the protection of such persons from torture and from inhuman or degrading treatment or punishment". It has unlimited access to all places of detention (and not only those where prisoners are being kept) and the national authorities of the Council of Europe member States undertake all possible efforts to follow the recommendations made by the CPT in its reports. The CPT has carried out so far some 215 visits and has published 158 reports.

At the same time the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment establishes a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty. This system includes an international monitoring body - A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (CAT) and all states parties to the Optional Protocol undertake to create at national level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

These two Conventions, which establish two powerful parallel supervisory mechanisms, provide a sound way of monitoring on a regular basis the situation in European prisons. It would seem therefore that the creation of a European prisons observatory may not reinforce the role and place of CPT and CAT. It would be more appropriate to incite the Council of Europe member States which have not yet done so, to sign and ratify as soon as possible the UN Optional Protocol and to create as soon as possible, in case they do not yet have them, their independent national monitoring bodies.