

DRAFT TERMS OF REFERENCE: 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(2011)24 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 2020 until 31 December 2021**

PILLAR/SECTOR/PROGRAMME
Pillar: Rule of Law Sectors: Ensuring Justice / Strengthening the Rule of Law Programmes: Prisons and Police / Common standards and policies
MAIN TASKS
<p>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 providing scientific advice, collecting information, conducting activities in these areas and by advising the Committee of Ministers on all questions within its area of competence, taking due account of relevant transversal perspectives. In particular, the CDPC is instructed to:</p> <ul style="list-style-type: none">(i) 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 organised crime, including both substantive and procedural aspects;(ii) follow the implementation and promotion of the relevant Council of Europe Conventions in the criminal law field¹ 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;(iii) co-ordinate the implementation of the Action Plan on Transnational Organised Crime (2016-2020) adopted by the Committee of Ministers of the Council of Europe on 2 March 2016;(iv) be responsible for assisting 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. In order to assist member States develop modern penal policies based on validated data and research, it will also ensure the regular collection of the Council of Europe Annual Penal Statistics (SPACE);(v) be responsible, in co-operation with the CDDH and CDCJ, for the preparation of the Conferences of the Ministers of Justice and ensure, as appropriate, the follow-up of any decision taken by the Committee of Ministers subsequent to the Conferences;(vi) be responsible for the follow-up of the Conferences of Directors of Prison and Probation Services;(vii) 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);(viii) 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);(ix) 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;(x) take due account of a gender perspective and of building cohesive societies in the performance of its tasks;(xi) 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,² in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.

¹ Cf. list of Conventions in CM(2017)132.

² Cf. Relevant decision of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in CM(2017)132.

SPECIFIC TASKS

- (i) Consider the criminal law challenges, including related to trans-border judicial cooperation, posed by advances in robotics, artificial intelligence and smart autonomous machinery, including self-driving cars, drones and other forms of robots capable of causing physical harm independent of human operators, and explore further opportunities for the CPDC to provide input on this topic.
- (ii) Ensure concrete follow-up to the work carried out on smuggling of migrants, by coordinating the implementation of a series of actions aiming at assisting member States in fostering international co-operation and investigative strategies in fighting the smuggling of migrants.
- (iii) Ensure follow-up to the high-level Conference “Responses to Prison Overcrowding” involving the ministries of justice, the judiciary and prison and probation services in order to promote the White Paper on Prison Overcrowding, providing a platform to explore and share best practises and concrete measures to reduce overcrowding in prisons.
- (iv) Continue the work already undertaken on victims’ rights within the criminal justice system, with a view to the possible preparation of a non-binding legal instrument (recommendation) or guidelines on this topic using a comprehensive approach.
- (v) Ensure the implementation of specific actions related to issues of Transnational Organised Crime, including some remaining activities identified by the Committee in the Action Plan :
 - review of the Recommendation Rec(2005)9 on the protection of witnesses and collaborators of justice;
 - review provisions on international co-operation in Council of Europe conventions and relevant reservations/declarations to these conventions;
 - considering ways to improve the existing legal network on the management and disposal of criminal assets;
 - organise a thematic session on the development of Joint Investigation Teams based on the Second Additional Protocol to the Convention on Mutual Legal Assistance in Criminal Matters
 - ensure that follow-up is given to the International Conference on Terrorism and Organised Crime, in particular concerning the links between transnational organised crime and terrorism, in close co-operation with the CDCT.
- (vi) Organise activities aimed at promoting the recently adopted Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221) and encouraging States, including non-Council of Europe member States, to ratify it.
- (vii) Assist the efforts made by member States in raising awareness among practitioners, namely judges, prosecutors, law enforcement and relevant civil servants, of relevant Council of Europe work in the field of international co-operation in criminal law matters.
- (viii) Ensure that follow-up is given to the 24th and 25th Conferences of Directors of Prison and Probation Services.
- (ix) Consider the need for reviewing the Council of Europe Handbook for Prison and Probation Services regarding Radicalisation and Violent Extremism and enhancing its implementation.
- (x) Enlarge the scope of judicial co-operation by promoting the ratification of existing CoE Conventions, referring also to developments in the EU membership.
- (xi) Consider the issue of Cyber violence with the aim to identify the different CoE legal instruments which may apply in such cases.
- (xii) Find ways to effectively improve the impact of the work of the CDPC (and its subordinate bodies) by improving means of disseminating key documents to a larger number of practitioners, notably by encouraging each CDPC delegation to use networks of e-mail recipients at national levels, and, when appropriate, by carrying out country-based and targeted needs-specific activities (such as conferences, seminars, workshops) in co-operation with national institutions (ministries, universities, judicial councils, law enforcement agencies).

COMPOSITION

Members:

Governments of member States are invited to designate one representative 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).

Member States may send other representatives without defrayal of expenses.

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.

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;
- the Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Consultative Council of European Prosecutors (CCPE);
- the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment (CPT) and any other relevant body of the Council of Europe;
- the Committee on Counter-Terrorism (CDCT);
- The Cybercrime Convention Committee (T-CY);
- other Council of Europe intergovernmental committees and bodies as appropriate.

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

- European Union;
- 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;
- civil society and representatives of business, technical, professional and academic communities;
- other relevant International Organisations.

WORKING METHODS

Plenary meetings:

48 members, 2 meetings in 2020, 4 days

48 members, 2 meetings in 2021, 4 days

Bureau:

9 members, 2 meetings in 2020, 2 days

9 members, 2 meetings in 2021, 2 days

The Committee shall appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

SUBORDINATE STRUCTURE(S)

The CDPC provides a co-ordinating, supervising and monitoring role in the functioning of its subordinate bodies (PC-OC and PC-CP):

- Committee of experts on the operation of European conventions on co-operation in criminal matters (PC-OC);
- Council for penological co-operation (PC-CP).