

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 2014 until 31 December 2015**

Main tasks	
<p>Under the authority of the Committee of Ministers, the CDPC's mandate is to identify priority elements for intergovernmental legal cooperation, to 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. With this purpose, the CDPC is instructed to:</p>	
<ul style="list-style-type: none">(i) steer the legal co-operation among the Council of Europe member states in order to assist member states in developing 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) be responsible for following the functioning of the more than 30 Council of Europe Conventions in the criminal law fields¹ (in particular those on extradition, mutual legal assistance, Medicrime, cybercrime, money laundering, protection of victims of crime, protection of children against sexual exploitation and abuse), 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) carry out, at regular intervals, an examination of some conventions for which it has been given responsibility², in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers;(iv) be responsible for assisting the member states 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 of ensuring harmonised laws and practices of 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, for the follow-up of any decision taken by the Committee of Ministers subsequent to the Conferences. The CDPC will be similarly responsible for the Conferences of Directors of Prison Administration;(vi) enhance co-operation and transversal activities with other Council of Europe relevant bodies (such as GRECO, MONEYVAL, Pompidou Group, CODEXTER, CEPEJ, CCPE, CCJE, CPT);(vii) 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;(viii) take due account of gender perspective in the performance of the above tasks.	
Pillar / Sector / Programme	
Pillar:	Rule of Law
Sectors:	a. Ensuring Justice b. Common standards and policies
Programmes:	a. Prisons and Police b. Development and implementation of common standards and policies
Expected results	
<ul style="list-style-type: none">(i) Drafting a CDPC document/guidelines containing "Model provisions" clearly defining a certain number of rules to be duly considered by the expert committees in their drafting work as the base to be followed during future negotiations of any possible convention in a criminal law matter with a view to avoiding long discussions in the ad hoc drafting committees with regard to standard provisions covering general issues such as jurisdiction, corporate liability, sanctions and measures, aggravating circumstances, international co-operation;	

¹ A list of conventions is appended to this document

² See footnote 1

- (ii) ensuring the proper follow-up to the work carried out by the Ad hoc Drafting Groups on Transnational Organised Crime (PC-GR-COT) and on Dangerous Offenders (PC-GR-DD) in 2013;
- (iii) ensuring the follow-up to the resolution of the 31st Conference of the Ministers of Justice (Vienna, September 2012) on responses of justice to urban violence and the (mis)use of new modern telecommunication technologies : a) preparation of a compilation of the existing CoE recommendations on juvenile offenders and other legal instruments produced by other organisations (such as UN, EU) and possible follow-up activities, and b) possible organisation of a conference on urban violence in 2014;
- (iv) elaboration of activities related to the statute of the public prosecutor services in the criminal justice system, in co-operation with the Consultative Council of European prosecutors (CCPE) and GRECO;
- (v) drafting a document/report with a view to identifying new forms of behaviour that have emerged in the recent past in connection with the use of modern technologies and that have brought to light possible *lacunae* in the existing criminal offences/law
- (vi) in accordance with the relevant CM decision, conduct regular reviews of Council of Europe legal instruments under its field of competence with a view to:
 - propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which CDPC has been given responsibility;
 - where necessary, identify any operational problems or obstacles to the ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
 - encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
 - assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions; and
 - report back to the Committee of Ministers;
- (vii) examination of the previous recommendations adopted by the CDPC over the years in order to assess their current relevance;
- (viii) ensuring follow-up to be given to the 17th and 18th Conferences of Directors of Prison Administration, in particular the problem of overcrowding of prisons;
- (ix) collection, analysis and dissemination of the annual penal statistics SPACE.

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 participate, 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;
- Council of Europe Commissioner for Human Rights;
- 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) and any other relevant body of the Council of Europe.
- other Council of Europe intergovernmental committees 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;
- International Criminal Police Organization (INTERPOL);

Observers:

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

- civil society and representatives of professional communities (to be determined);
- other relevant International Organisations.

Working methods

Plenary meetings:

48 members, 2 meetings in 2014, 4 days

48 members, 2 meetings in 2015, 4 days

Bureau:

9 members, 2 meetings in 2014, 2 days

9 members, 2 meetings in 2015, 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 coordinating, 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).

Budgetary information

Amount foreseen in the draft Programme and Budget 2014-2015*

2014

Meetings per year	Number of days	Members	Plenary	Bureau	Subordinate structures/ Working groups	Secretariat (A, B)
2 plenary 2 bureau	4 2	48 9				1 A ; 1 B

2015

Meetings per year	Number of days	Members	Plenary	Bureau	Subordinate structures/ Working groups	Secretariat (A, B)
2 plenary 2 bureau	4 2	48 9				1 A ; 1 B

*The costs presented above take into consideration the per diem, travel, interpretation, translation and document printing. Other costs which could be linked to committees such as official journeys for staff members or ministerial conferences are not included. Costs calculated on the basis of the per diem and recharged services costs at their 2013 level.

ANNEX**Council of Europe criminal law conventions**

ETS No 24:	European Convention on Extradition
ETS No 30:	European Convention on Mutual Assistance in Criminal Matters
ETS No 51:	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders
ETS No 52:	European Convention on the Punishment of Road Traffic Offences
ETS No 70:	European Convention on the International Validity of Criminal Judgments
ETS No 73:	European Convention on the Transfer of Proceedings in Criminal Matters
ETS No 86:	Additional Protocol to the European Convention on Extradition
ETS No 98:	Second Additional Protocol to the European Convention on Extradition
ETS No 99:	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
ETS No 112:	Convention on the Transfer of Sentenced Persons
ETS No 116:	European Convention on the Compensation of Victims of Violent Crimes
ETS No 119:	European Convention on Offences relating to Cultural Property
ETS No 130:	Convention on Insider Trading
ETS No 133:	Protocol to the Convention on Insider Trading
ETS No 141:	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime
ETS No 167:	Additional Protocol to the Convention on the Transfer of Sentenced Persons
ETS No 172:	Convention on the protection of Environment through Criminal Law
ETS No 173:	Criminal Law Convention on Corruption
ETS No 182:	Second Additional protocol to the European Convention on Mutual Assistance in Criminal Matters
ETS No 185:	Convention on Cybercrime
ETS No 189:	Additional Protocol to the Convention on Cybercrime concerning the Criminalisation of Acts of a Racist and Xenophobic Nature committed through Computer Systems
ETS No 191:	Additional Protocol to the Criminal Law Convention on Corruption
CETS No 197:	Council of Europe Convention on Action against Trafficking in Human Beings
CETS No 201:	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
CETS No 209:	Third Additional Protocol to the European Convention on Extradition
CETS No 210:	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
CETS No 211:	Council of Europe Convention on Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health)
CETS No 212:	Fourth Additional Protocol to the European Convention on Extradition