EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

64th Plenary Session
Strasbourg, 28-31 May 2013
Palais, Room 5

List of Decisions

The European Committee on Crime Problems (CDPC), meeting in Strasbourg under the Chairmanship of Mr Lorenzo Salazar, decided:

1. **Opening of the meeting**
   - to take note of the opening address of Mr Jan Kleijssen, Director of the Information Society and Action against Crime Directorate, Directorate General of Human Rights and Rule of Law, on the most recent developments in the Council of Europe, in particular the priorities of the current and former Armenian and Andorran Chairmanships respectively, relevant to the work of the CDPC.

2. **Adoption of the draft agenda**
   - to adopt the agenda without amendments (the list of participants and the agenda appear in Appendices I and II respectively).

3. **Future activities and priorities of the CDPC**
   - to take note of the information provided by the Secretariat on the state of preparation of the terms of reference of the Council of Europe’s (hereafter CoE) intergovernmental committees for the years 2014-2015;
   - to consider the decisions of the Committee of Ministers (hereafter CM) on the Report by the Secretary General of the CoE: “Review of CoE conventions”;
   - to examine the proposals made by the Bureau of the CDPC as new tasks that could be dealt with by the CDPC over the next two years and to include them in its terms of reference for 2014-2015;
   - to examine the draft terms of reference of the CDPC for 2014-2015, to make some amendments, to approve them and to instruct the Secretariat to send them to the CM for consideration.

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4. **Follow-up to the 31st Council of Europe Conference of Ministers of Justice (Vienna, 19–21 September 2012): “Responses of Justice to Urban Violence”**

- to examine the concept paper prepared by the Secretariat on a possible international conference on the subject of “Urban violence”, to approve the main purposes contained in it and to welcome the idea of holding such a conference in 2014 as a follow-up of and as required by the decisions taken by the CM at its 1156th meeting on 28 November 2012 (item 5);
- in relation to the place where such a conference could be organised, to make a call to the delegations of the CDPC concerning the possibility of the conference being hosted in one of their countries and, should there be no candidate(s), to take note that the conference may be held in Strasbourg;
- to take note of the comments made by Mr Gerhard Kreutzer, representative of INTERPOL, on the concept paper and in particular of INTERPOL’s interest in such a conference;
- in accordance with the relevant decision of the CDPC at its last plenary in December 2012, to examine a document prepared by the Secretariat containing a compilation of the existing CoE recommendations on juvenile offenders as well as legal instruments on this matter produced by other international organisations (UN and EU);
- to instruct the Secretariat to entrust a consultant with the task of drafting – on the basis of the above-mentioned compilation - a working paper aimed at taking stock of the existing legal instruments on the subject of juvenile offenders, specifically when they are involved in urban violence, determining in particular whether or not these instruments still produce the desired results at the present time and identifying possible future steps/activities to be carried out in this field as a follow-up of and as required by decisions taken by the CM at its 1156th meeting on 28 November 2012 (item 4);
- to instruct its Bureau to follow closely the preliminary work carried out in this field;
- in relation to the forthcoming 32nd CoE Conference on Ministers of Justice, to make a call to the delegations of the CDPC concerning the possibility of the conference being hosted in one of their countries.

5. **Dangerous offenders**

- to take note of the information provided by Mr Slawomir Buczma, Chair of the ad hoc drafting group on Dangerous Offenders (PC-GR-DD), with the regard to the 1st and 2nd meetings of the PC-GR-DD and on the progress made in the drafting exercise of the future recommendation on dangerous offenders and to thank him for the excellent work carried out by the group;
- to welcome the draft recommendation on dangerous offenders, in particular taking into consideration the short time frame within which the PC-GR-DD has prepared it;
- to examine the draft recommendation, make general comments on it, endorse its content and provide some guidelines to the PC-GR-DD with a view to the final approval of the draft recommendation by the group at its next meeting in September 2013;
- to decide to examine the final version of the draft recommendation on dangerous offenders and its draft commentary for approval at its next plenary session (December 2013).

6. **Council for Penological Co-operation (PC-CP)**

- to hold an exchange of views with Mr André Vallotton, Chair of the PC-CP, on the current and future activities of the PC-CP;
- to take note of the outcome and the decisions of the last PC-CP plenary meeting (6-8 March 2013);
- to agree that prison overcrowding should remain high on the agenda of the PC-CP’s work.

a. **Preparation of the terms of reference for the years 2014-2015**

- to examine the draft terms of reference of the PC-CP for 2014-2015;
- to take note of the general low attendance of the plenary meetings of the PC-CP and subsequently to have an exchange of views on whether holding a plenary meeting in which such a small number of member states are represented is still a useful exercise and beneficial to both the CDPC and...
PCCP’s activities;
- to instruct the Secretariat to bring this issue to the PC-CP itself for careful consideration;
- to introduce in the draft terms of reference that up to two plenary meetings of the PC-CP should be held for the period 2014-2015 and should be convened in consultation with the CDPC especially if important legal instruments are to be approved by the PC-CP before submitting them to the CDPC, in order to ensure a proper and appropriate intergovernmental examination of the legal texts drafted by the PC-CP;
- to approve the draft terms of reference of the PC-CP for 2014-2015 and to instruct the Secretariat to send them to the CM for consideration.

b. Follow-up to the conclusions adopted at the 17th Council of Europe Conference of Directors of Prison Administration (CDAP)

- to take note of the information provided on the follow-up to the 17th CDAP, namely the intention to keep the issue of overcrowding and the idea to continue to associate judges and prosecutors in this debate, in particular in association with the CCJE and the CCPE, high on the agenda of the 18th CDAP.

c. Electronic monitoring

- to take note of the information on the work related to electronic monitoring and to examine the preliminary draft recommendation and its draft commentary;
- to congratulate the PC-CP for the quality of the draft texts and to underline their usefulness as a source of guidance to national authorities;
- to make a certain number of specific comments on the draft recommendation and its draft commentary which are to be considered at the next meeting of the PC-CP Working Group in June 2013, notably regarding Rules 3, 7, 8, 15, 17, 18 and 27 of the draft Recommendation and proposals for introducing additional clarifications to certain rules in the draft commentary and to invite the delegations of CDPC to send possible additional comments in writing to the Secretariat;
- to decide that the draft recommendation and its commentary will be considered at its next plenary session (December 2013) with a view to their approval;
- to assist the PC-CP in collecting answers to a questionnaire on the use of electronic monitoring which was sent to the national probation services in order to complement the draft recommendation and its commentary with an analysis of the current situation in Europe.

d. Violence in juvenile detention centres

- to take note of the fact that, at its last plenary, the PC-CP discussed the issue of violence in places of detention for juveniles and that it was of the opinion that there is a need for a more in-depth study on the causes of violence involving juveniles and on ways of dealing with it;
- to agree that this work should be included on the list of forthcoming activities of the PC-CP which should, in turn, lead to the drafting of a report on the subject.

e. SPACE

- to take note of the presentation made by Prof. Marcelo Aebi on the results of the 2011 SPACE I survey (prisons) and of the 2011 SPACE II survey (community sanctions and measures);
- to take note of the presentation made by Ms Natalia Delgrande regarding prison inflation and prison overcrowding trends in Europe in the course of the last ten years;
- to congratulate the team of experts on the excellent work carried out which helps national authorities take informed decisions regarding penal policies and practices;
- to take note of the fact the SPACE will celebrate its 30th anniversary in 2013 and of the request expressed by the experts responsible for SPACE to hold a meeting of the SPACE national correspondents in order to adjust further the terminology and methodology used for collecting data;
- to instruct the Secretariat to assess the possibility of holding such a meeting.
7. Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing

a. Possible Council of Europe Convention against Manipulation of Sports competitions

- to take note of the detailed information provided by Ms Valérie Berset Hemmer, vice-Chair of the EPAS drafting group, on the ongoing and planned future activities concerning the possible CoE convention against manipulation of sports competitions, in particular:

  a) that 43 countries have been involved in the drafting exercise of this future CoE legal instrument, including non-European countries;

  b) that the preparatory work for this future convention is strongly supported by inter alia the International Olympic Committee, the Union of European Football Associations (UEFA) and followed by the European Union;

  c) with regard to the calendar of the drafting process, that additional meetings of the EPAS drafting group are scheduled in 2013 (in June and two others to be confirmed in September - in Rome - and in November) and the intention to finalise the text of the convention by the end of 2013;

  d) with regard to the criminal law provisions, which are still currently under consideration by the EPAS drafting group, that two proposals were tabled during the negotiations: one option (called the "soft" criminal law approach) and a second one that provided for a set of more compulsory provisions covering some specific behaviors needing to be criminalised. The question of whether or not criminal law provisions should be included in the future convention also remains open.

- to take note of the information provided by Ms Helena Lisuchova and Ms Fabienne Schaller, members of the CDPC Bureau, in their quality as CDPC representatives in the EPAS drafting group;

- that it is clearly too premature for the CDPC to take a final decision with regard to the drafting of a text containing criminal law provisions to be included in the draft convention prepared by the EPAS, notably due to the fact that it does not appear clear at this stage of the drafting exercise by the EPAS what is the scope of the convention, which behaviors are covered by the convention and would need to be criminalised and even whether or not criminal law provisions should be included in the future convention at all;

- to note that the drafting process of the future convention is still at a preliminary phase: only 5 articles of the text have been provisionally approved;

- to invite Ms Valérie Berset Hemmer, vice-Chair of the EPAS drafting group, to request that the drafting group, at its forthcoming meeting in two weeks' time, focuses its work on clearly defining the scope of the convention and identifying possible lacunae in the existing regulation that could require additional criminal law provisions so that the CDCP could decide upon the nature and the scope of the possible criminal law provisions;

- to propose that the EPAS sets up a joint working group, composed equally of EPAS and CDPC representatives, and entrusted with the task of drafting the required specific criminal law provisions that would be needed to be included in the future convention;

- to consider the proposed text prepared by the Secretariat entitled “Criminal law provisions on the draft convention against the manipulation of sports competitions” (CDPC (2013)6) containing a proposal for the criminal law provisions as a basis for possible future drafting work.
b. Feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173)

- to take note of the replies received by delegations from the CDPC and/or the GRECO to the questionnaire concerning the issue of the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173) and of the document prepared by the Secretariat summarising all these replies;
- to agree, in particular, with its conclusions that "in the majority of countries that replied (…) corrupt practices in the non-profit sector are covered by existing legislation";
- to come to the conclusion that there is no need for such a protocol;
- to instruct the Secretariat to inform the GRECO about this decision with a view to jointly transmitting this response to the CM.

8. Trafficking in human organs

- not to reopen any further discussion on the draft convention against Trafficking in Human Organs (THO) and only examine the comments made by two delegations on the draft Explanatory Report;
- to take note of the final version of the draft Convention against THO as finalised by the Secretariat following the CoE Editorial Unit’s, the Legal Advice Department’s and the Treaty Office’s comments on the text of the draft Convention as approved by the CDPC in December 2012;
- to approve the draft Explanatory Report after rejecting the amendments submitted by Germany and the United Kingdom;
- to remove the footnotes from the final text of the draft convention as they all will be covered in the accompanying note (see below);
- to instruct the Secretariat to transmit the draft convention against THO and its draft Explanatory Report to the CM for further procedure;
- to agree that the Secretariat prepares a note accompanying the two draft texts explaining that:
  a) the draft convention against THO was approved in December 2012 by a majority vote with one country against and three abstentions;
  b) the draft Explanatory Report was approved in May 2013 by a majority vote with four countries against and one abstention;
  c) with regard to certain provisions of the draft convention, the voting result in favour or against some specific issues was very close and the results of this voting as they appeared in the footnotes of the draft convention will be reported in the accompanying note, indicating the number of states which voted in favour and against;
- to welcome the work achieved during the entire long drafting process on a difficult subject of high importance;
- to support and welcome the proposal from Spain to host the opening ceremony of the signature of this convention once the CM has completed all the necessary procedures.

9. Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)

- to hold an exchange of views with Ms Selma de Groot, Chair of the PC-OC, concerning the ongoing and future activities of the PC-OC;
- to take note of the decisions adopted by the PC-OC during its 64th plenary meeting (28-30 May 2013);
- to examine the draft terms of reference of the PC-OC for 2014-2015, to approve them and to instruct the Secretariat to send them to the CM for consideration.
10. **Activities related to transnational organised crime**

- to wish a quick recovery to Mr Timohir Kralj, member of the CDPC Bureau, appointed as representative of the Bureau to the ad hoc drafting Group on Transnational Organised Crime (PC-GR-COT);
- to take note of the information provided by the Secretariat on the planned activities related to transnational organised crime and in particular that the PC-GR-COT will hold its 1st meeting on 24-26 June 2013 in Paris, France.

11. **Activities related to piracy**

- to encourage all delegations who have not yet done so, to answer on voluntary basis the questionnaire and send it to the Secretariat;
- to invite:
  a) the Secretariat to transmit all the replies received to the Russian Federation;
  b) on the basis of the replies received, the Russian Federation to consider to prepare a working paper to be submitted for consideration at one of the next CDPC meetings;
  c) the Secretariat to include this item on the agenda of the forthcoming plenary session.

12. **Alternative measures to imprisonment**

- to agree to entrust the PC-CP with the examination of the issue of quasi-compulsory measures as an alternative to imprisonment also in the context of the general priorities as established for the PC-CP (see item 6).

13. **Information provided by the Secretariat**

- to take note of the information provided by the Secretariat on the following sub-items:

  a) **Medicrime:**
   - to take note of the Secretariat’s activities, in co-operation with the EDQM Secretariat, related to the promotion of the MEDICRIME Convention;
   - to take note of the information provided by Mr Alexey Ilyashenko, Ukrainian representative to the CDPC, on the first regional conference on the MEDICRIME Convention to be organised in Kyiv, Ukraine, on 11-12 June 2013 and to encourage those CDPC members from the neighbouring countries to Ukraine, that have not yet done so, to appoint their participants;
   - to welcome the proposal from Spain to host a regional conference on the MEDICRIME Convention during the second semester of 2013.

  b) **Review of Council of Europe Conventions**
   - to take note of the information provided by the Secretariat regarding the decisions taken by the CM regarding the review of the CoE conventions.

  c) **Terrorism**
   - to take note that a conference entitled “International Conference on the use of special investigation techniques to combat Terrorism and other forms of serious crime” took place on 14–15 May 2013 in Strasbourg, France, co-organised by the Council of Europe in close co-operation with the UN Security Council Counter-Terrorism Committee Executive Directorate (CTED), the Organisation for Security and Co-operation in Europe (OSCE) and the League of Arab States and that the vice-Chair, of the CDPC, Mr Jesper Hjortenberg, participated as a key speaker;
   - take note that the question of the possible updating of recommendation Rec (2005) 10 of the Committee of Ministers to member states on "special investigation techniques" in relation to serious crimes including acts of terrorism was at the core of the conclusions of this conference.
d) Co-operation activities in the criminal field

- to take note of the information provided by Ms Tanja Rakusic-Hadzic on the on-going co-operation projects in the field of prisons and the police.

e) Consultative Council of European Prosecutors (CCPE)

- to continue the co-operation with the CCPE in common fields of interest and consider the possibility of inviting its chair to the forthcoming plenary meeting for an exchange of views.

14. Any other business

- to take note of the presentation made by Mr Alexey Ilyashenko, Ukrainian representative to the CDPC, following his participation at the regional meeting on the Strategic Guidance Framework for International Police Peacekeeping held in Kyiv, Ukraine, on 18-22 March 2013.

15. Dates of the next CDPC Bureau and Plenary meetings

The CDPC is invited to take note of the dates of the next Bureau meeting (30 September -1 October 2013) and the plenary session (2-5 December 2013).
Appendix I

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS (CDPC)

64th Plenary Session / 64ème Session plénière

Strasbourg, 28 - 31 May / 28 – 31 mai 2013

Main Building / Palais de l’Europe

Room / Salle 5

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HOLY SEE / SAINT-SIÈGE
**No nomination / Pas de nomination**
UNITED STATES OF AMERICA / ÉTATS-UNIS D'AMÉRIQUE
**No nomination / Pas de nomination**

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* * * *

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Head of Action against Crime Department / Chef de la Service de la
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Ms Marjaliisa JÄÄSKELÄINEN
Assistant / Assistante

Interpreters / Interprètes

Mr Nicolas GUITTONNEAU
Ms Bettina LUDEWIG
Appendix I

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

64th Plenary Session

Strasbourg, 28 (2.00 pm) – 31 May 2013 (1.00 pm)

AGENDA

Council of Europe

Main Building, Palais de l'Europe

Room 5
1. Opening of the meeting

2. Adoption of the draft agenda
   Draft agenda                  CDPC (2013) OJ1
   Annotated agenda             CDPC (2013) 9
   For information:
   List of decisions of the CDPC Plenary, 4-7 December 2012 CDPC (2012) 20

3. Future activities and priorities of the CDPC
   Preparation of the Terms of reference for the years 2014-2015 Draft terms of reference
   Terms of reference for the years 2012-2013 Terms of reference
   Resolution on intergovernmental committees and subordinate bodies, their CM Res (2011) 24
   terms of reference and working methods
   List of decisions of the CDPC Bureau, 11-12 April 2013 CDPC-BU (2013) 2
   Decision by the Committee of Ministers on the review of the Council of CM decision
   Europe Conventions

4. Follow-up to the 31st Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012) : “Responses of Justice to urban violence” MJU-31 (2012) RESOL E
   Resolution on responses of justice to urban violence Decision
   Decision of the Committee of Ministers CM (2012) 145
   SG report on Vienna Comments
   Concept paper on an international conference on urban violence CDPC (2013) 2
   Comments by Interpol on the concept paper CDPC (2013) 7
   General information on juvenile delinquency justice for children Compilation
   Compilation of legal instruments related on justice for children and juvenile delinquency (Please note the document is 259 pages long)

5. Dangerous offenders
   Terms of reference of the Ad hoc Drafting Group on Dangerous Offenders Terms of reference
   (PC-GR-DD)
   24-26 April 2013 PC-GR-DD (2013) 2
   Draft recommendation PC-GR-DD (2013) 1 rev 3

6. Council for Penological Co-operation (PC-CP)
   Exchange of views with the Chair, Mr André Vallotton

a. Preparation of the Terms of reference for the years 2014-2015 Draft terms of reference
   Terms of reference for the years 2012-2013 Terms of reference
   List of decisions and report of the 3rd Plenary Meeting of the PC-CP, PC-CP (2013) 4
   6-8 March 2013

b. Follow-up to the conclusions adopted at the 17th Council of Europe Conference of Directors of Prison Administration (CDAP) Conclusions
   Conclusions of the CDAP
   Conclusions of the meeting on prison overcrowding

c. Electronic monitoring
   Draft recommendation PC-CP (2013) 1 rev 2
   Draft commentary PC-CP (2013) 2 rev

d. Violence in juvenile detention centres
e. SPACE
Annual Penal Statistics: SPACE I, Survey 2011 (Please note the document is 165 pages long)
Annual Penal Statistics: SPACE II, Survey 2010 (Please note the document is 85 pages long)

7. Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing
Decision of the Committee of Ministers

a. Possible Council of Europe Convention against Manipulation of Sports Competitions
CDPC proposal for criminal law provisions on the draft convention against manipulation of sports competitions
Preliminary draft Convention against manipulation of sports competitions (Please note the document is 77 pages long)
Framework and timetable for the process of negotiating a draft international convention to combat the manipulation of sports results
Feasibility study on criminal law on Promotion of the integrity of sport against manipulation of results, notably match-fixing (Please note the document is 102 pages long)
Letter of the Chair of the CDPC
Letter of the Chair of the Governing Board of EPAS

b. Feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173)
Questionnaire
Replies to the questionnaire
Summary of the replies

8. Trafficking in human organs
Draft Council of Europe Convention against Trafficking in Human Organs
Draft Explanatory Report
Comments by two delegations on the draft Explanatory Report

9. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)
Exchange of views with the Chair, Mrs Selma de Groot
Preparation of the Terms of reference for the years 2014-2015
Terms of reference of the PC-OC for the years 2012-2013
List of decisions of the 15th meeting of the PC-OC Mod
Draft agenda of the 64th Plenary meeting of the PC-OC
Project on effective practical tools to facilitate judicial co-operation in criminal matters

10. Activities related to transnational organised crime
Terms of reference of the Ad hoc Drafting Group on Transnational Organised Crime (PC-GR-COT)

11. Follow-up to the decision adopted by the Plenary on activities related to piracy
Background working paper
Appendices (Please note the document is 108 pages long)
Questionnaire
Replies to the questionnaire (Please note the document is 73 pages long)
12. **Alternative measures to imprisonment**
Existing Council of Europe instruments and activities pertaining to quasi-compulsory measures (PCM)

13. **Information provided by the Secretariat**

a. **Medicrime**
Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (Medicrime Convention) (CETS No. 211)
Draft programme of the Conference in Kyiv, 11-12 June 2013

b. **Review of Council of Europe Conventions**
Report by the Secretary General
(Please note the document is 64 pages long)
Decisions by the CM

SG/Inf(2012)12
CM decision

b. **Review of Council of Europe Conventions**
Report by the Secretary General
Decisions by the CM

SG/Inf(2012)12
CM decision

c. **Terrorism**
List of decisions of the CODEXTER meeting, 16-17 May 2013
Draft programme of the International Conference on the Use of Special Investigation Techniques to Combat Terrorism and Other Forms of Serious Crime

CODEXTER (2013) 7
Programme

d. **Co-operation activities in the criminal field**
Ongoing projects

e. **Consultative Council of European Prosecutors (CCPE)**
Recommendation of the Committee of Ministers “on the role of public prosecution in the criminal justice system”

Rec(2000)19

14. **Any other business**

15. **Dates of the next meetings**
CDPC Bureau: 30 September – 1 October 2013
CDPC Plenary: 2 December at 9.30 am – 5 December at 1.00 pm