

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

65th Plenary Session

Strasbourg, 2-5 December 2013
Palais, Room 9

List of Decisions

The European Committee on Crime Problems (hereafter 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 (hereafter CoE) and in the Directorate, in particular those activities relevant to the work of the CDPC. He also informed the CDPC of the recently adopted budget of the CoE and that the ToRs of the CDPC and of its subordinated committees (PC-OC and PC-CP) have been adopted by the Committee of Ministers (hereafter CM), as presented by the CDPC.

2. Adoption of the draft agenda

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

3. Future activities and priorities of the CDPC

- to agree upon the decision of the Bureau related to the task of reviewing the CoE conventions to draft a letter to the chairpersons of the relevant CoE monitoring/conventional bodies (PC-OC, GRECO, Group of Parties Lanzarote, GRETA, T-CY, MONEYVAL) asking them whether or not each committee is ready, and if so, when to provide concise and written feedback to the CDPC on the implementation/assessment with regard to the conventions for which they are responsible and in particular:

- a) identifying any operational problems or obstacles related to the implementation and ratification of the relevant conventions;
- b) proposing ways of improving their visibility, impact and efficiency;
- c) assessing the necessity or advisability of drafting amendments or additional protocols to the conventions or drafting supplementary conventions;
- d) giving advice on if and how to encourage non-member states of the CoE to examine the possibility of becoming a Party to the relevant conventions.

The answers to these letters are to be received before the next Bureau meeting.

- to invite the chairpersons of these CoE monitoring bodies to take part in CDPC Plenary meetings in the coming two years (two of them at each Plenary) in order to exchange views on issues of common interest;
- to make a reference in these letters to the document "Review of the Council of Europe Conventions - Report by the Secretary General" (1168th meeting – 10 April 2013) and in particular to its paragraph 9.

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 take note of the information provided by Mr Carlo Chiaromonte, Secretary to the CDPC, on the state of preparation of a possible conference on "Urban violence" in 2014 and in particular that the conference should in principle be organised in Strasbourg;
- to reiterate its support for this international conference on the subject of "Urban violence" to be held in 2014. The conference should focus on the involvement in acts of urban violence of juveniles as vulnerable persons when confronted with instigators who incite urban violence notably through the Internet, social networking sites and other information and communication technologies;
- to invite the consultant entrusted with the task of drafting 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, to its plenary meeting in spring 2014 with a view to presenting her work;
- to instruct its Bureau to examine the preliminary work carried out in this field at its next meeting in 2014;
- 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 Sławomir Buczma, Chair of the ad hoc drafting group on Dangerous Offenders (PC-GR-DD), with the regard to the work accomplished by the PC-GR-DD (final meeting held on 18-20 September 2013) on the drafting of the recommendation on dangerous offenders;
- to welcome the draft recommendation on dangerous offenders, in particular taking into consideration the short timeframe within which the PC-GR-DD has prepared it;
- to examine the draft recommendation and its commentary, notably on the basis of the written comments made by delegations before the meeting;
- to approve the draft recommendation and its commentary and instruct the Secretariat to transmit them to the CM for final adoption of the recommendation;

- to thank Mr Buczma, Ms Louise Victoria Johansen, scientific expert, and all the members of the drafting group for the excellent work achieved.

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 meetings and to make some comments on the issue of "Alternative measures to imprisonment" and in particular to develop a transversal approach not exclusively to include the problem of treatment in the future activities of the PC-CP in this field;
- to take note of the preliminary draft agenda of the next plenary meeting of the PC-CP in 2014 and to request that the PC-CP provides more detailed information on the content of the different items to be treated and the expectations of the participants (annotated agenda of the plenary).

a. The 18th Council of Europe Conference of Directors of Prison Administration (CDAP)

- to take note of the information on the 18th CoE Conference of Directors of Prison Administration (CDAP), Brussels 27-29 November 2013, provided by the Chair of the PC-CP;
- to instruct the Secretariat to ensure that a proper follow-up to the CDAP, in particular to the important issue of overcrowding of prisons, is provided.

b. Electronic monitoring

- to take note of the information provided by the Chair of the PC-CP on the final draft versions, as approved by the PC-CP Working Group, of the recommendation on electronic monitoring and its commentary;
- to examine the draft texts of the recommendation and its commentary, notably on the basis of the written comments made by delegations before the meeting;
- to approve the draft recommendation and its commentary and instruct the Secretariat to transmit them to the CM for final adoption of the recommendation.

c. Violence in juvenile detention centres

- to take note of the progress made by the PC-CP on the question of violence in places of detention for juveniles.

d. Election

- to proceed with the elections of the members of the PC-CP Working Group. The three members elected are: Mr Vivian Geiran (Ireland), Mr Attila Juhász (Hungary) and Mr Dominik Lehner (Switzerland) for two years renewable. The mandate of four other members (Ms Alina Barbu, Mr Harald Føsker, Mr Joerg Jesse, Mr Mauro Palma) has been renewed for two years.

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 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 with regard to the outcome of the 5th meeting of the drafting group held on 25-27 November 2013 as well as the further modifications made to the draft convention;
- to express its regret that the clear text was not provided in due time;
- to examine the provisions related to criminal law matters (Manipulation of sports competitions; Aiding and abetting; Corporate liability; Jurisdiction; Protection measures; Liability and application of sanctions; Criminal sanctions on natural persons; Sanctions against legal persons; Other sanctions; Other measures; Measures with a view to international co-operation in criminal matters in conjunction with the provision on the definition of the term manipulation of sports competitions);
- to express its preliminary concerns on these provisions, to make some suggestions and to request that the drafting group of EPAS duly takes into account the deliberations of the CDPC on those provisions;
- to take note of the EPAS's forthcoming meeting to be held on 21-22 January 2014 in Strasbourg aimed at finalising the possible CoE convention and that the CDPC members should be properly and promptly informed of the outcome of that meeting;
- that the CDPC will consider the final text of the draft convention and of its explanatory report at its next plenary meeting in 2014.

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

- to take note of the decision taken by the GRECO concerning the issue of the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173): GRECO "agreed that it was premature to take a firm decision on the matter as the question merits further consideration, notably in light of the outcome of the work underway within the Enlarged Partial Agreement on Sport (EPAS) on a draft Convention against manipulation of sports competitions";
- to instruct the Secretariat to reiterate to the GRECO the decision taken by the CDPC at its last plenary, where the CDPC clearly indicated that there is no need for such a protocol and that this decision needs to be transmitted to the CM.

8. Cybercrime

- to take note of the abridged report of the 9th Plenary meeting of the T-CY (4-5 June 2013) and in particular of agenda item 7 (Transborder access to data) of the report;
- to have an exchange of views with the Chair of the T-CY, Mr Markko Künnapu, on this item and on other subjects of common interest, and in particular to take note that at its last meeting (2-3 December 2013) the TC-Y decided to postpone the drafting of an additional protocol to the Cybercrime convention.

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 the Chair of the PC-OC, Ms Selma de Groot, on the current and future work of the PC-OC and to take note of the list of decisions of the 65th meeting, which took place on 26-28 November 2013;
- to pay special attention to the follow-up to be given to the special session devoted to the operation of the Convention on the Transfer of Sentenced Persons and its Additional Protocol. The session included an exchange of views on the application of these treaties and possible problems encountered in co-operation between parties. The most important subject of the session was the discussion of proposals to improve the functioning of the convention, and in particular the possibility of developing a second additional protocol or a non-binding instrument;
- to take note of the follow-up to be given to the discussion on mutual legal assistance in relation to the liability of legal entities and the seizure and confiscation of proceeds of crime, including the management of confiscated goods and asset sharing;
- to congratulate Ms Selma de Groot for her excellent work as Chair of the PC-OC and wish her much success in her future endeavours.

10. Activities related to transnational organised crime

- to take note of the information on the work carried out by the ad hoc drafting Group on Transnational Organised Crime (PC-GR-COT) provided by the Chair of the PC-GR-COT, Ms Lorena Bachmaier Winter;
- to examine the preliminary draft version of the “White Paper” on Transnational Organised Crime prepared by the PC-GR-COT, to make some comments and suggestions for amendments (before 11 December 2013) and to request that the PC-GR-COT take into account these comments when finalising the draft “White Paper” at their next meeting in December;
- to welcome and express its support for the work conducted in such a short time by the PC-GR-COT;
- to review the White Paper after it has been finalised by the PC-GR-COT and to consider the possibility for its follow-up at the next CDPC plenary meeting.

11. Consultative Council of European Prosecutors (CCPE)

- to hold an exchange of views with the Chair the Consultative Council of European Prosecutors (CCPE), Mr Antonio Mura, on the current and future work carried out by CCPE and on any matter of common interest.

12. Request for observer status by EuroPris to the CDPC

- to examine the request for observer status to the CDPC by EuroPris and take a positive decision on that request.

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 related to the promotion of the MEDICRIME Convention;

- to take note of the information provided by Maria Jesús Fraile Martín, Spanish representative to the CDPC, on the second regional conference on the MEDICRIME Convention, which took place in Madrid, Spain, on 21-22 November 2013;
- to welcome the proposal to organise a 3rd regional conference on the MEDICRIME Convention during the first semester of 2014.

b) Trafficking in organs

- to take note of the information provided by the Secretariat regarding the state of play related to the process of adoption of the draft convention against trafficking in human organs.

c) Terrorism

- to take note of the most recent developments in this field and in particular of the CODEXTER activities.

14. Elections

- to express its warmest thanks to Mr Lorenzo Salazar for the excellent way in which he has chaired the committee over the last two years and to congratulate Mr Ilya Rogachev and Mr Tihomir Kralj for the work accomplished during their mandate as members of the Bureau;
- to proceed with the elections of the Chair, vice-Chair of the CDPC and members of the CDPC Bureau. The Chair of the CDPC is Mr Jesper Hjortenbergh, elected for one year renewable; the vice-Chair of the CDPC is Ms Helena Lisuchova elected for one year renewable; the three new elected members of the Bureau are: Ms Linda Katharina Drazdiak, Ms Mariana Radu and Mr Lorenzo Salazar for two years renewable. The mandate of four other members (Mr Sławomir Buczma, Mr Ebrima I Chongan, Mr Hans-Holger Herrnfeld, Ms Fabienne Schaller), has been renewed for two years.

15. Any other business

- to take note of the presentation made by Mr Fernando Ferraro, Secretary General of the Conference of Ministers of Justice of the Iberoamerican countries (hereafter COMJIB), on the COMJIB goals and lines of work as well as on the Iberoamerican Network of International Legal Cooperation (IberRed);
- to welcome the proposal by Mr Ferraro that the COMJIB requests the status of observer to the CDPC;
- to take note of the information provided by Mr Alexey Ilyashenko, Ukrainian representative to the CDPC, on the recent developments with regard to the latest demonstration occurring in the country and the measures taken by the law enforcement agencies to bring the situation under control in accordance with the law.

16. Dates of the next CDPC Bureau and Plenary meetings

The CDPC is invited to take note of the dates of the next Bureau meeting (the week of 7 April 2014) and the plenary sessions (10-13 June and 1-4 December 2014).

Appendix I

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 5 December 2013
[CDPC plenary/2013 plenary_2/oj lp/cdpc list of participants]

CDPC (2013) LP 2 Fin (Bil)

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

COMITE EUROPEEN POUR LES PROBLEMES CRIMINELS
(CDPC)

65th Plenary Session / 64^{ème} Session plénière

Strasbourg, 2 – 5 December / 2 – 5 décembre 2013

Main Building / Palais de l'Europe

Room / Salle 9

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

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**No nomination / Pas de nomination

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Apologised/Excusé

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RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

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Ms Yelena ZAREMBINSKAYA, Head of the Directorate for execution of punishments not linked to isolation from society, Federal Penitentiary Service of the Russian Federation

Mr Dmitry SHALYAGIN, Chair of Human Rights and International Law, Moscow University of the Ministry of Interior of the Russian Federation

Ms Marina SJEDUHINA, Counselor of the international cooperation section, Department of development of winter sports and coordination of preparation to the Olympic Games in Sochi, Ministry of Sport of the Russian Federation

Mr Konstantin KOSORUKOV, Deputy for Legal Affairs to the Permanent Representative of the Russian Federation at the Council of Europe

SAN MARINO / SAINT-MARIN

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**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” /
“L’EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE”**

**No nomination / Pas de nomination

TURKEY / TURQUIE

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**COMMITTEE OF EXPERTS ON THE OPERATION OF EUROPEAN CONVENTIONS ON
CO-OPERATION IN CRIMINAL MATTERS / COMITE D'EXPERTS SUR LE FONCTIONNEMENT DES
CONVENTIONS EUROPEENNES DANS LE DOMAINE PENAL
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(PC-CP)**

M. André VALLOTTON

Chair of the PC-CP / Président du PC-CP

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GROUPE DE REDACTION AD HOC SUR LES DELINQUANTS DANGEREUX
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Mr Fernando FERRARO, Secretary General

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Directorate General of Human Rights and Rule of Law /
Direction Générale des droits de l'Homme et Etat de Droit

Mr Jan KLEIJSEN	Director, Information Society and Action against Crime Directorate / Directeur, Direction de la Société de l'Information et de la Lutte contre la Criminalité
Mr Ivan KOEDJIKOV	Head of Action against Crime Department / Chef de la Service de la Lutte contre la Criminalité
Mr Carlo CHIAROMONTE	Head of Criminal Law Division / <u>Secretary to the CDPC</u> Chef de la Division du droit pénal / <u>Secrétaire du CDPC</u>
Mr Oscar ALARCON JIMENEZ	Administrative Officer / Administrateur Co-Secretary to the CDPC / Co-secrétaire du CDPC Secretary to the PC-GR-DD / Secrétaire du PC-GR-DD
Ms Iliana TANEVA	Deputy Head of Criminal Law Division / Secretary to the PC-CP Chef adjoint de la Division du droit pénal / Secrétaire du PC-CP
Ms Anita VAN DE KAR-BACHELET	Administrative Officer / Administrateur Secretary to the PC-OC / Secrétaire du PC-OC
Ms Marjaliisa JÄÄSKELÄINEN	Assistant / Assistante

Interpreters / Interprètes

Ms Rebecca BOWEN
 Mr Christopher TYCZKA
 Ms Bettina LUDEWIG

Appendix II

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CDPC (2013) OJ 2

Strasbourg, 29 November 2013
CDPC/CDPC 2013plenary_2/OJ+LP/CDPC (2013) OJ 2 - E

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

65th Plenary Session

Strasbourg, 2 (10.00) – 5 December 2013 (13.00)

AGENDA

Council of Europe

Main Building, Palais de l'Europe

Room 9

[The agenda with links to the working documents is available on the CDPC website]

1. **Opening of the meeting**
2. **Adoption of the draft agenda**
Draft agenda
Annotated agenda
For information:
List of decisions of the 64th CDPC Plenary, 28-31 May 2013
List of decisions of the CDPC Bureau meeting, 29-30 September 2013
3. **Future activities and priorities of the CDPC**
Terms of reference for the years 2014-2015
Resolution on intergovernmental committees and subordinate bodies, their terms of reference and working methods
Decision by the Committee of Ministers on the review of the Council of 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”**
Resolution on responses of justice to urban violence
Decision of the Committee of Ministers
Concept paper on an international conference on urban violence
General information on juvenile delinquency justice for children
- *5. **Dangerous offenders**
Terms of reference of the Ad hoc Drafting Group on Dangerous Offenders (PC-GR-DD)
Summary Meeting report of the PC-GR-DD, 18-20 September 2013
Draft recommendation
Draft commentary
Compilation of comments by delegations
Addendum
6. **Council for Penological Co-operation (PC-CP)**
Summary Meeting report of the 3rd Working Group Meeting of the PC-CP, 19-21 June 2013
Summary Meeting report of the 4th Working Group Meeting of the PC-CP, 25-27 September 2013
Preliminary draft agenda of the PC-CP Plenary meeting, November 2014
- a. **18th Council of Europe Conference of Directors of Prison Administration (CDAP)**
Website of the Conference
Programme
- *b. **Electronic monitoring**
Draft recommendation
Draft commentary
Compilation of comments by delegations
- c. **Violence in juvenile detention centres**
Report by the Secretariat for information

- d. Elections**
Memorandum concerning the elections for the PC-CP Working Group
- 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**
Draft Convention against manipulation of sports competitions (Please note the document is 64 pages long)
Letter by the Chair of the CDPC to the Chair of the EPAS Governing Board
- b. Feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173)**
Questionnaire
Replies to the questionnaire (Please note the document is 53 pages long)
Summary of the replies
Decision of the CDPC plenary: see item 7. b.
Decisions of the GRECO plenary: see items 27 and 28
- 8. Cybercrime**
Meeting report of the 9th Plenary of the T-CY, 4-5 June 2013
Exchange of views with the Chairperson of the TC-Y
- 9. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)**
List of decisions of the 64th Plenary meeting of the PC-OC
List of decisions of the 16th meeting of the PC-OC Mod, 9-11 October 2013
Agenda of the 65th Plenary meeting of the PC-OC
List of decisions of the 65th Plenary meeting of the PC-OC
- *10. Activities related to transnational organised crime**
Terms of reference of the Ad hoc Drafting Group on Transnational Organised Crime (PC-GR-COT)
Report of the 1st meeting of the PC-GR-COT
Draft White Paper
- 11. Consultative Council of European Prosecutors (CCPE)**
Exchange of views with the Chairperson of the CCPE
- 12. Request for observer status by EuroPris to the CDPC**
Letter by EuroPris
- 13. Information provided by the Secretariat**
- a. Medicrime**
Programme of the 2nd Regional Conference on the MEDICRIME Convention, Madrid, Spain, 21-22 November 2013
Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (Medicrime Convention) (CETS No. 211)
- b. Trafficking in human organs**

- c. Terrorism**
Report of the 25th meeting of the CODEXTER, 23-24 October 2013
- 14. Elections**
Memorandum concerning the elections for the CDPC
- 15. Any other business**
- 16. Dates of the next meetings**