

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau
(CDPC-BU)

Strasbourg, 16-18 April 2007

Summary Meeting Report

BRIEF FOREWORD

The CDPC Bureau invited the CDPC to note that it had, in particular:

- revised the document concerning the working methods of the CDPC and its Bureau (see paragraph 3 and Appendix III) and made proposals concerning the methods which could be used by the CDPC to enable account to be taken of the views of all member States when finalising draft legal instruments prepared by Committees with a limited membership (see paragraph 3);
- agreed that there was a need to prepare a Convention on pharmaceutical crime and forwarded the appended draft terms of reference of the Group of Specialists on pharmaceutical crime (PC-S-PC) for consideration and approval by the CDPC at its next meeting (see paragraphs 10 to 18 and Appendix IV);
- considered the follow-up to be given to the proposals concerning domestic violence made by the European Ministers of Justice during their 27th Conference (12-13 October 2006, Yerevan, Armenia) (see paragraphs 19 to 23);
- taken note of the document on actions of the CDPC to implement the Warsaw Action Plan, updated and submitted to the Committee of Ministers (see paragraph 24 and Appendix V) and updated the document concerning future priority activities of the CDPC (see paragraph 24 and Appendix VI);
- examined the draft proposals concerning practical and normative measures to improve the operation of conventions concerning international co-operation in the criminal field (see paragraphs 32 to 38);
- noted that the draft Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse had been finalised by the Committee of Experts (PC-ES) and would be submitted together with its explanatory report, for the approval of the CDPC at its next plenary meeting (see paragraphs 39 to 41).

Introduction

1. The Bureau of the CDPC held its meeting in Strasbourg from 16 to 18 April 2007 with Mr Claude DEBRULLE (Belgium) in the Chair.
2. The agenda and list of participants are set out in Appendices I and II.

Working methods of the CDPC and its Bureau

3. The Bureau revised the document concerning the working methods of the CDPC and its Bureau (see Appendix III) and made proposals concerning the methods which could be used by the CDPC to enable account to be taken of the views of all member States when finalising draft legal instruments (Recommendations or Conventions) prepared by subordinate Committees with a limited membership.

Criminological Scientific Council (PC-CSC)

4. The Bureau was informed about the difficult budgetary situation (see also paragraph 25 below), which obliged the Council of Europe to suspend the activities carried out by the PC-CSC.
5. Mr Miklau (Austria) indicated that he would prepare a document on this matter for the attention of the next plenary meeting of the CDPC.
6. **The Bureau**, while recognising the importance of criminological research, was aware of the present budgetary context and **invited the CDPC** to take note of the Secretariat memorandum on scientific expertise for the future.

Conference of European Ministers of Justice 2007

7. The Bureau took note that the following topic was chosen for the 28th Conference of European Ministers of Justice (Lanzarote, Spain, 25 and 26 October 2007)
“Emerging issues of access to justice for vulnerable groups, in particular:
- migrants and asylum seekers;
- children, including children as perpetrators of crime”
8. As regards the sub-topics, the Bureau noted that the issue of access to justice for asylum seekers could be of interest to the CDPC in the context of extradition and could be a politically important issue of interest to the Ministers. In addition, asylum issues in the context of the fight against terrorism was also important as in cases persons suspected of terrorism try to abuse the asylum procedures to delay their otherwise inevitable extradition. Also, regarding children as perpetrators of crime, the subject of unaccompanied foreign minors could also be of special interest to the Ministers of Justice.
9. The Bureau considered that access to justice should also be discussed in general terms as justice is costly, time-consuming and is a particular concern to vulnerable groups.

Draft Convention on pharmaceutical crime

10. The Bureau examined the proposal to prepare a draft Convention on pharmaceutical crime in the light of the written comments it had received from CDPC delegations and held discussions with Mr Bernard MARQUET, the representative of the Social, Health and Family Affairs Committee of the Parliamentary Assembly of the Council of Europe (PACE), and Ms Alexandra DE MOOR of the Institute for International Research on Criminal Policy (IRCP) of Ghent University .

11. Before examining the draft terms of reference of the proposed group of specialists, the Bureau considered the following:
 - Why is the Council of Europe best placed to prepare a legal instrument on this theme?
 - What is the added value? (Expertise of the Council of Europe not only as regards pharmaceutical crime but in other areas)
12. The Bureau welcomed present inter-disciplinary co-operation on this topic within the Council of Europe and noted that a joint debate was organised at the Parliamentary Assembly on the subject of counterfeit products and medicines, bearing in mind two aspects – public health and intellectual property. It was recognised that public health concerns needed a more urgent response than those of intellectual property.
13. One member of the Bureau underlined that a multidisciplinary approach would indeed be necessary when tackling this issue and that the future legal instrument should not focus on purely criminal law issues, but should also cover the regulatory field, ensuring a strict control and indicating measures for creating national information database and an international information network. It was stressed that coordination is needed between the professionals involved on the one hand and the Council of Europe and other international organisations (in particular the WHO) on the other hand.
14. The Bureau agreed that the CDPC should consider the following issues when examining this matter:
 - the prospect of success of the CoE work in this field;
 - coordination with other organisations in order to avoid unnecessary duplication;
 - the reasons leading the WHO to suspend its work on the Convention (insurmountable differences existing between states etc.);
 - consistency with other international legal instruments.
15. At the same time it was suggested that the monitoring mechanism for the implementation of this convention should not be too cumbersome.
16. In conclusion, the Bureau agreed that there was a need to prepare such a Convention and forwarded the appended draft terms of reference of the Group of Specialists on pharmaceutical crime (PC-S-PC) (see Appendix IV) for consideration and approval by the CDPC at its next meeting. These draft terms of reference also cover non-criminal aspects of pharmaceutical crime and contain detailed working methods.
17. **The Bureau instructed the Secretariat** to invite CDPC delegations to send the Secretariat, before the next meeting of the CDPC, the names of suitable specialists who could be considered for appointment as members of the proposed Group of Specialists. **The CDPC is invited** to note that the draft terms of reference provide for the appointment of the Chair of the Group by the CDPC.
18. Finally **the Bureau instructed the Secretariat** to prepare an information document for the Group of Specialists before the first meeting and then, once the draft Convention is prepared after the first meeting of the Group, to send it to the CDPC delegations for written consultation, keeping the CDPC Bureau informed about the progress made.

Preparation of a Convention on domestic violence

19. The Bureau considered the follow-up to be given to the proposals concerning domestic violence made by the European Ministers of Justice during their 27th Conference in Yerevan (12-13 October 2006). The Bureau recognised the need to provide an effective and coherent response to problems arising out of domestic violence.

20. Ms Marta Requena, representative of the Secretariat of the Task Force on Combating Violence against Women, presented information concerning the latest work carried out by the Task Force. She stated in particular that if the Council of Europe would embark upon preparing a Convention on violence against the partner such an instrument should be of a global nature, comprising prevention and prosecution of acts of violence and protection of its victims. In the preliminary view of the Task Force the best way for elaborating such an instrument would be through a multidisciplinary Ad-hoc Committee.
21. When preparing an instrument on this issue the importance of defining its scope clearly was underlined. In particular, the instrument should specify the persons that it covers (not only women but men as well), types of violence it relates to (physical only or also moral violence; harassment, forced marriage; working place etc.), and types of relationships it applies to (only those existing in family units or within unregistered partnerships as well). At the same time a cautious approach should be taken in order to avoid overlapping with other Council of Europe activities, namely the work of the PC-ES.
22. **The Bureau instructed the Secretariat** to prepare, for the next meeting of the CDPC, a feasibility study concerning the preparation of a Convention on this matter, with particular reference to physical and moral violence between partners and within the family and with indications of how such a Convention would operate in the light of the existing instruments in this field. **It also instructed the Secretariat** to prepare a report for the 28th Conference of European Ministers of Justice on the follow-up to be given to the proposals made at their 27th Conference.
23. The Bureau also **invited the CDPC to instruct the Bureau** to examine this matter further, if possible during a joint meeting with the Task Force, and to make proposals enabling the CDPC, at its meeting in 2008, to take a decision concerning the preparation of a Convention on domestic violence.

Future activities of the CDPC and implementation of the Warsaw Action Plan

24. The Bureau took note of the document updated and submitted to the Committee of Ministers in light of the decisions of the last meeting of the Bureau (29-31 January 2007) on actions of the CDPC to implement the Warsaw Action Plan, as it appears in appendix V to this Report. The Bureau also updated the document concerning future priority activities of the CDPC, as it appears in appendix VI to this Report.
25. The Bureau noted the difficult budgetary and staff situation and recognised the need to focus on core activities. The Bureau underlined the importance of defining its priorities in light of recent budgetary difficulties in order to enable the views of the CDPC to be taken into account at the stage of budgetary planning. **The Bureau instructed the Secretariat** to prepare a general comprehensive information document, setting out all ongoing and future activities of the CDPC as well as the activities that are likely to be assigned to the CDPC in the near future.
26. As regards the feasibility study concerning the preparation of an instrument on political financing, conflicts of interest, lobbying and undue influence on justice the Bureau considered that, as this is a politically delicate matter, before starting to prepare a legal instrument further discussion is necessary.

Council for Police Matters (PC-PM)

27. The Bureau was informed about the difficult budgetary situation and staff shortages (see paragraph 25 above) which could have an impact on the PC-PM and noted that, in the light of the available budgetary means priorities would have to be fixed, giving the top priority to core activities. The Bureau noted with regret that, for staff and budgetary reasons, the work of the PC-PM had to be postponed.

Convention on Cybercrime

28. The Bureau noted that the CDPC had agreed, at its last meeting in 2006, to hold, at its next meeting, the review of the Convention on Cybercrime as required by paragraph 3 of Article 46 of the Convention. The Bureau also noted that the Cybercrime Convention Committee (T-CY) would meet on 13 and 14 June 2007.
29. **The Bureau instructed the Secretariat** to remind the CDPC delegations that they were invited to forward to the Secretariat any comments that they may have regarding the operation of the Convention in order to prepare a paper for Mr BOHACIK (Slovak Republic) who represents the CDPC in the T-CY. The T-CY can then be asked to inform the CDPC on how the Convention is working in order to enable the plenary to fulfil its task to review the provisions of the Convention. The Bureau considered that was unlikely that the CDPC would be called upon to give a detailed examination of the Convention at its next meeting.
30. The representative of the CDPC to the T-CY was asked to prepare a paper for the CDPC on the discussions of the T-CY and **the Secretariat was instructed** to prepare an information document concerning activities in this area.

European Prison Rules (EPR)

31. **The Bureau requested** CDPC delegations to send the Secretariat, by the end of May 2007, written information for the attention of the CDPC concerning the implementation of the European Prison Rules by their national authorities. This information should include, in particular, whether the EPR have been translated into the official languages of the states concerned and should indicate the degree of their dissemination to persons and institutions concerned as well as to general public. **The Bureau reminded** delegations to send the translated versions of the EPR to the Secretariat, if they have not already done so, in order to enable the Secretariat to include the translated versions on the Council of Europe website.

International co-operation in the criminal field

32. The Bureau took note of the letter from the Minister of Justice of Greece, Mr Anastasis Papaligouras, addressed to the Chair of the CDPC concerning his proposal to draft the Second Additional Protocol to the European Convention on Extradition, and the proposed texts prepared by the Greek authorities for a draft Protocol and its draft Explanatory Report. The Bureau recognised the importance of this question and agreed that, should such a protocol be drafted, the consent of the executing state concerning possible extradition should be maintained as a matter of principle.
33. The Bureau instructed the Restricted Group of Experts on International Co-operation (PC-OC Mod) to discuss the matter at its next meeting on 3-4 May 2007.
34. **The Bureau invited the PC-OC-Mod** to send a questionnaire to member states, asking them what would they consider to be the added value of such a protocol, what could be its main provisions and on what conditions would they be prepared to sign and ratify it. **The Bureau instructed the Secretariat** to inform the CDPC plenary in June about the replies received to this questionnaire and decided that, on the basis of these replies, the PC-OC should examine this issue at its next plenary meeting in October 2007.
35. The Bureau examined the two documents on the draft proposals of the PC-OC Mod concerning
- practical measures to improve the operation of the relevant Conventions
 - normative measures to improve the operation of relevant Conventions

36. The Bureau decided to transmit to the CDPC plenary the proposals concerning practical measures to improve the operation of relevant Conventions, as approved by the PC-OC Mod at its 3rd meeting on 22-23 January 2007.
37. As regards the proposals for normative measures the Bureau took the view that a number of issues merited further discussion and clarification.
38. Summing up the discussions relating to the draft proposals concerning normative measures to improve the operation of relevant conventions, the Bureau in particular:
- **invited the PC-OC Mod** to clarify the information contained in 1.3 (Channels/means of communication) and provided more justification for the request to the CDPC
 - had considerable doubts about the desirability to adopt binding measures to fix time limits (1.4)
 - **invited the CDPC** to limit its discussions to the 7 proposals concerning extradition (part A – matters for requests for instructions by the CDPC)
 - **instructed the PC-OC Mod** to send an appropriate questionnaire to member States in order to enable the PC-OC to examine the proposal to prepare a second additional Protocol to the Convention on the transfer of sentenced persons in the light of the replies to the questionnaire.

Organisation of the examination by the CDPC of the draft Convention on the protection of children against sexual exploitation and sexual abuse

39. The Bureau congratulated the PC-ES for finalising the draft Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and its Explanatory Report. The Bureau noted that already the draft had very wide support and that the PC-ES was composed of all the Council of Europe member States, observer States, other Council of Europe bodies and NGOs.
40. The Bureau noted that the opinion of the Parliamentary Assembly of the Council of Europe (PACE) concerning this issue would be available before the next meeting of the CDPC.
41. **The Bureau instructed the Secretariat** to forward the text of the draft Convention and draft Explanatory report to the delegations of the CDPC and **requested** delegations wishing to make possible comments to send them by 11 May 2007. All comments which propose amendments to the text of the draft Convention or the draft Explanatory Report should be accompanied by specific drafting proposals for amendment. On the basis of these proposals **the Secretariat was instructed** to prepare, as far as possible, an integrated document with the proposed amendments inserted into relevant articles to be presented to the CDPC. Delegations that have changed their position regarding reservations are invited to inform the Secretariat accordingly.

CDPC Elections

42. The Bureau took note of the information concerning the resignation of Ms Valerie Fallon from the Bureau following her appointment to a new position. The Bureau agreed that the elections for the Chair and Vice-Chair of the CDPC and at least 2 members of its Bureau would take place on Friday morning, 22 June 2007.

Replies to the Deputies

- a) Recommendations of the Parliamentary Assembly
43. **The Bureau invited the CDPC** to take note of the following opinions adopted by the Bureau on Recommendations of the Parliamentary Assembly of the Council of Europe:
- Recommendation 1777 (2007) rev on sexual assault linked to “date-rape” drugs (see Appendix VII)
 - Recommendation 1778 (2007) on child victims: stamping out all forms of violence, exploitation and abuse (see Appendix VIII)

44. The Bureau took the view that Recommendation 1783 (2007) on threats to the lives and freedom of expression of journalists did not require any specific comments on the part of the CDPC.

b) Joint OSCE-Council of Europe workshop on preventing terrorism

45. **The Bureau** examined the draft Reply of the CDPC to the Joint OSCE-Council of Europe workshop on preventing terrorism. Having made some modifications to the text proposed by the Secretariat, the Bureau decided to send it to the CDPC delegations for their written comments and **invited the CDPC** to examine and adopt the Reply at its plenary meeting in June 2007.

Agenda of the next meeting of the CDPC

46. The Bureau finalised the draft agenda for the next meeting of the CDPC (Strasbourg, 18-22 June 2007). (See Appendix IX).

Next meeting of the Bureau of the CDPC

47. The Bureau agreed to hold a short meeting from 8.00 a.m. to 9.00 a.m. on Monday, 18 June 2007 immediately before the beginning of next meeting of the CDPC.

* * * * *

Appendix I

LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS

AUSTRIA / AUTRICHE

Mr Roland MIKLAU, Former Director General, Criminal Law, Ministry of Justice, Head of Mission,
Rr. A. Toptani, Torre Drin, 3rd Floor, TIRANA, Albania
Tel. +355-4-22 83 41 / +355-68 20 69 780 Fax +355-4-22 89 31
E-mail: miklau@euralius.org.al

BELGIUM / BELGIQUE

M. Claude DEBRULLE, **Chairman of the CDPC / Président du CDPC**, Directeur Général, Ministère de la Justice,
Direction Générale de la Législation, des Libertés et des Droits fondamentaux, 115, Bld. de Waterloo, B - 1000
BRUXELLES
Tel. +32-2-542 67 30 Fax +32-2-538 83 75
E-mail claudedebrulle@just.fgov.be

DENMARK / DANEMARK

Mr Jesper HJORTENBERG, Deputy Director of Public Prosecution, Office of the Director of Public Prosecution,
Frederiksholms Kanal 16, DK – 1220 COPENHAGEN K
Tel. +45-33-12 72 00 / 92 33 40 Fax +45-33-43 67 10 / 95 35 10
E-mail jh.rigsadvokaten@ankl.dk / rigsadvokaten@mail.dk / aka@jm.dk

FRANCE

M. Eric RUELLE, Chargé de Mission pour les négociations pénales internationales, Ministère de la Justice,
D.A.C.G., SAEI, Bureau L2, 13, Place Vendôme, F - 75042 PARIS Cedex 01
Tél. +33-1-44 86 14 29 / 34 Fax +33-1-44 77 63 27
E-mail eric.ruelle@justice.gouv.fr / eric.ruelle@laposte.net

IRELAND / IRLANDE

Ms Valerie FALLON, Resigned / Démissionné

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Alexander ZMEYEVSKIY, Director, Department on New Challenges and Threats, Ministry of Foreign Affairs,
Smolenskaya-Sennaya 32/34, RUS - 119200 MOSCOW
Tel. +7-095-244 18 37 Fax +7-095-244 37 14
E-mail dnv@mid.ru

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Mr Branislav BOHÁČIK, **Deputy Chair of the CDPC / Vice-Président du CDPC**, Director – Division for Judicial Co-
operation in Criminal Matters, Ministry of Justice, Zupné namestie 13, SK - 81311 BRATISLAVA
Tel +421-2-59 35 32 40 Fax +421-2-59 35 36 04
E-mail branislav.bohacik@justice.sk / inter.coop@justice.sk

SLOVENIA / SLOVENIE

Ms Andreja LANG, Head of the Department for Criminal Legislation, Directorate for the Preparation of
Legislation, Ministry of Justice, Zupančičeva 3, SLO - 1000 LJUBLJANA
Tel. +386-1-369 56 19 / 53 38 Fax +386-1-426 10 50
E-mail andreja.lang@gov.si

UNITED KINGDOM / ROYAUME-UNI

Mr Richard BRADLEY, Head of Judicial Co-operation Unit, Home Office, 2 Marsham Street, 5th Floor, Fry Building
(A), LONDON SW1P 4DF, United Kingdom Apologised / Excusé
Tel +44-207-035 12 77 / 273 44 13 Fax +44-207-035 69 85
E-mail richard.bradley@homeoffice.gsi.gov.uk

**PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE /
ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE**

Social, Health and Family Affairs Committee / Commission des Questions sociales, de la santé et de la famille

M. Bernard MARQUET, member of the Committee / membre de la Commission

Mme Agnès NOLLINGER, Secretariat of the Social, Health and Family Affairs Committee / Secrétariat de la Commission des Questions sociales, de la santé et de la famille

* * * * *

**SECRETARIAT OF THE COUNCIL OF EUROPE
SECRETARIAT DU CONSEIL DE L'EUROPE**

Directorate General I – Legal Affairs / Direction Générale I – Affaires Juridiques

Department of Crime Problems / Service des Problèmes Criminels

Ms Margaret KILLERBY, Head of the Department of Crime Problems / Chef du Service des Problèmes Criminels

M. Carlo CHIAROMONTE, Head of the Criminal Justice Division *ad interim* / Chef de la Division de la justice pénale *ad interim* **Secretary to the CDPC / Secrétaire du CDPC**

Mr David DOLIDZE, Administrator / Administrateur
Deputy Secretary to the CDPC / Secrétaire adjoint du CDPC

Ms Iliana TANEVA, Head of the Prisons and Probation Unit / Chef de l'Unité des prisons et probation

Ms Camilla TESSENYI, Administrative Assistant / Assistante administrative

Ms Claire ROBINS, Assistant / Assistante

Directorate General II – Human Rights / Direction Générale II – Droits de l'Homme

Equality Division / Division Egalité

Mme Marta REQUENA, Head of Division and Secretary to the CDEG / Chef de la Division et Secrétaire au CDEG

Directorate General III – Social Cohesion / Direction Générale III – Cohésion sociale

European Directorate for the quality of medicines and health care / Direction européenne de la qualité du médicament et soins de santé

Mme Agnès ARTIGES, Director / Directrice

M. Jean-Marc SPIESER, Head of Department / Chef de Service

Secretariat of the Partial Agreement in the Social and Public Health Field / Secrétariat de l'Accord Partiel dans le domaine social et de la santé publique

Mr Thorsten AFFLERBACH, Head of the Secretariat / Chef du Secrétariat

Ms Sabine WALSER, Head of Division / Chef de la Division

* * * * *

GUESTS / INVITES

Ms Alexandra DE MOOR, Academic Assistant Criminal Law, Institute for International Research on Criminal Policy (IRCP), Ghent University, Universiteitstraat 4, B-9000 GENT

Tel: +32-9-264 68 38

Fax +32-9-264 69 71

E-mail: alexandra.demoor@ugent.be

* * * * *

INTERPRETERS / INTERPRETES

Mme Isabelle MARCHINI

Mme Corinne McGEORGE, Team leader / chef d'équipe

M. Christopher TYCZKA

Appendix II

AGENDA

1. Opening of the meeting

2. Adoption of the draft agenda

3. Pharmaceutical crime

- **draft specific terms of reference for a specialist group**

Working documents

- *CDPC plenary report*
- *CDPC Bureau report*
- *Draft specific terms of reference*
- *Feasibility study*
- *Prioritised elements for a legal instrument*
- *Report by the Social, Health and Family Affairs Committee of the Parliamentary Assembly (draft Recommendation and draft explanatory memorandum containing the Moscow declaration)*
- *Swedish comments on the counterfeiting convention*
- *Belgian comments on pharmaceutical crime*
- *Comments by Mr Miklau on the feasibility study*

4. Working methods

a. texts prepared by small specialist committees

Working documents

CDPC Bureau report
Information from the Council for Penological Co-operation (PC-CP)
Resolution on committees and subordinate bodies,
their terms of reference and working methods

b. working methods of the CDPC and its Bureau

Working documents

CDPC Bureau report
Working methods of the CDPC and its Bureau
Resolution on committees and subordinate bodies,
their terms of reference and working methods

c. criminological research

Working documents

CDPC Bureau report
Scientific expertise for the future

5. Future activities

a. Future activities of the CDPC

Working documents

*CDPC Bureau report
Report on future activities*

b. Implementation of the Warsaw Action Plan

Working documents

*CDPC Bureau report
CDPC report to the Committee of Ministers*

c. Follow-up to the 2006 Conference of European Ministers of Justice

- Domestic violence

Working documents

*CDPC Bureau report
Information document
Stocktaking study to combat violence against women
Legislation of member States Volume I (Albania – Ireland)
Legislation of member States Volume II (Italy – United Kingdom)
Information document 3rd meeting of the EG-TFV
Council of Europe Action – 1st meeting of the EG-TFV
Selection of international instruments*

d. Police matters (*As for staff reasons the meetings of the Council for police matters (PC-PM) will not take place before the next meeting of the CDPC, the Bureau is invited to postpone consideration of this item*)

Working document

CDPC Bureau report

6. 2007 Conference of European Ministers of Justice

Working documents

*CDPC Bureau report
Themes for the Conference*

7. International co-operation in the criminal field

Working documents

*CDPC Bureau report
Proposals for practical measures
Proposals for normative measures*

8. CDPC Elections

Working document

Memorandum concerning elections

9. Replies to the Deputies

a. Recommendations of the Parliamentary Assembly

Working documents

Recommendation 1777 (2007) rev

on sexual assault linked to “date-rape” drugs

Recommendation 1778 (2007)

on child victims: stamping out all forms of violence, exploitation and abuse

Recommendation 1783 (2007)

on threats to the lives and freedom of expression of journalists

b. Joint OSCE-Council of Europe workshop on preventing terrorism

Working document

Draft reply

10. Organisation of the examination by the CDPC of the draft Convention on the protection of children against sexual exploitation and sexual abuse

Working document

Draft Convention

Draft Explanatory report to the draft Convention on the protection of children against sexual exploitation and sexual abuse

11. Agenda of the next meeting of the CDPC

Working document

Draft agenda

12. Any other business

Appendix III

WORKING METHODS OF THE CDPC AND ITS BUREAU

1. In the context of events which require a rapid and efficient response, and in view of the fact that the CDPC's plenary sessions are held on a yearly basis, the CDPC instructed the Bureau in 2003 (see paragraph 23 of document CDPC (2003) 9), to prepare a proposal focussing especially on the distribution of tasks between the Plenary and the Bureau. In doing so, the Bureau drew upon a document on the distribution of tasks between the Plenary and the Bureau which was endorsed by the CDPC at its 43rd plenary session in June 1994 (CDPC (94) 5) and also on experience of other steering committees, such as the CDCJ. The CDPC is invited to discuss, and, if appropriate, to adopt the present proposals.

2. While the CDPC Plenary must remain the principal forum for all decisions on policy, for normative acts (Conventions and Recommendations) and elections, the Bureau should be empowered to take decisions on more procedural matters and on any other matter delegated to it by the Plenary. This should also ensure that important issues receive full consideration by the Plenary.

3. Thus it is crucial to establish clear guidelines for the distribution of tasks between the Plenary and the Bureau of the CDPC. With a view to the requirement, in Resolution (76) 3 for the Bureau to, *inter alia*, "ensure continuity between meetings as necessary" it should be empowered to deal with urgent issues which cannot wait until the next Plenary Session.

It is clear that, notwithstanding the provisions of paragraphs 5 and 6 below, the Bureau can always renounce the possibility to take a decision on its own in favour of a written consultation procedure or a referral for decision to the Plenary and likewise can renounce the possibility to use the written consultation procedure in favour of a referral to the Plenary for decision.

4. It is also essential for maximum efficiency that the CDPC, its Bureau and the Secretariat make use of the technological tools available, in particular the use of e-mail and the CDPC website (www.coe.int/cdpc).

Proposals for Distribution of tasks between the CDPC and its Bureau

5. Decisions to be taken by the Bureau acting on its own authority:

- a) follow-up and ensuring the implementation of decisions of the CDPC wherever it is not possible to wait for the Plenary Session of the CDPC;
- b) proposing procedural changes to the terms of reference of Committees of Experts, for example by adjusting their timetable of work (including an extension of the time limit of such a committee) or changes to the list of countries whose experts are entitled to receive travel and subsistence expenses;
- c) admitting observers to Conferences and Colloquia;
- d) designating new members to its existing subordinate committees;
- e) approving publication of conference proceedings;
- f) requesting information from CDPC representatives to other standing or ad hoc committees;
- g) between the meetings of the Plenary Committee taking any necessary measures to ensure the monitoring by the CDPC of the activities of the expert committees which are subordinate to it, in particular by requesting information from, and giving guidance to, these subordinate committees;
- h) any other matter which may be delegated on an exceptional basis by the Plenary.

- 6.** Decisions to be taken by the Bureau acting in consultation with the full membership of the CDPC, using the written procedure:
- a) giving advisory opinions to the Committee of Ministers and other Steering Committees;
 - b) deciding on requests from international organisations and NGOs for observer status on Committees of Experts or on the CDPC itself;
 - c) deciding on requests from non-member States for observer status on Committees of Experts or on the CDPC itself;
 - d) appointing CDPC representatives to other standing or ad hoc committees as well as giving them instructions;
 - e) finalising or adjusting the terms of reference of Committees of Experts (with the exception of procedural changes pursuant to paragraph 5b);
 - f) any other matter which may be delegated on an exceptional basis by the Plenary.
- 7.** These arrangements are subject to the following general rules:
- a) They are without prejudice to the competence of the Committee of Ministers.
 - b) The Bureau would be obliged to submit the matter for decision to the CDPC if there is no consensus in the Bureau.
 - c) Decisions taken by the Bureau will be reported to CDPC delegations for information, as soon as possible.
 - d) Any proposal which meets with a fundamental objection from one of the CDPC delegations (for example with regard to the admission of a non-member state as an observer) shall be referred either to the Plenary, or, in cases of emergency, to the Committee of Ministers
 - e) Matters not covered by paragraphs 5 and 6 above shall always be referred to the Plenary session for decision.

Preparation of meetings of the CDPC

- 8.** In order to prepare and facilitate the work of the Plenary, the Bureau shall examine interim reports of Committees of Experts, and propose priorities for action by the CDPC. Both the efficiency of decision-making in the CDPC, and the quality of its discussions, will be enhanced by more effective preparation of its meetings. The Bureau shall, therefore:
- a) propose the draft agenda of the Plenary meeting;
 - b) identify matters which might be agreed without debate;
 - c) make proposals for the order of business.
- 9.** The Bureau and the Secretariat shall be jointly responsible for ensuring that both the draft agenda and the documents for the meeting are available well in advance. As a rule, all documents should be circulated at least two weeks beforehand. All draft normative texts to be submitted for adoption by the CDPC should normally be distributed at least four weeks prior to the Plenary Session, and delegations should be warned if, exceptionally, this will not be possible. To this end, subordinate committees preparing normative texts should, whenever practicable, aim to finalise their work three months prior to the Plenary Session. If it is not possible to finalise the draft agenda until shortly before the meeting, a draft provisional agenda should be made available. The practice of making available a draft annotated agenda is also extremely helpful for delegations, and such a draft annotated agenda should be available at least two weeks before the meeting.
- 10.** The Bureau shall also assist the CDPC by preparing a working document, in consultation with the Secretariat, on the available budgetary resources and options for the CDPC's future programme of activities.
- 11.** Whenever detailed information is provided to the CDPC at its meetings, this should normally be in written form. However, brief oral reports to the CDPC by the Secretariat and participants may be made especially where a decision has to be taken.

Proposed working methods for small committees working under the authority of CDPC

12. Without prejudice to the competence of the CDPC to discuss the normative texts at the Plenary,
- a) where, for budgetary reasons, CDPC expert committees preparing normative texts are comprised of a limited number of national experts their terms of reference may provide for one or more of the following, considered on a case by case basis :
 - (i) for other member States to send their representatives to the meetings of the committee at their own expense;
 - (ii) a CDPC representative to attend the meetings and report back to the Bureau and the plenary on the progress in the work of the committee;
 - (iii) a written consultation procedure with the CDPC delegations;
 - (iv) the CDPC to send (depending on the subject matter) draft texts for opinion to its other subordinate bodies;
 - b) where normative texts are drafted by advisory groups (like the PC-CP or the PC-PM) or other subordinate bodies whose members are elected in their personal capacity their terms of reference may provide for one or more of the following, considered on a case by case basis:
 - (i) the Chair of the committee will report regularly to the CDPC Bureau and plenary sessions on the state of advancement of the work on the draft text;
 - (ii) a CDPC representative to attend the meetings and report back to the Bureau and the plenary on the progress in the work of the committee,
 - (iii) a written consultation procedure with the CDPC delegations.

Written Procedure

13. To the extent possible, all issues arising from a draft text which is to be presented for adoption by the Committee of Ministers should be dealt with in the plenary meeting at which the text is approved by the CDPC. Clearly, there may be three exceptions to this general rule of procedure, viz:
- when a CDPC delegation expresses a reservation on a specific question which has been noted in the meeting report;
 - when a new question or issue arises which was not apparent when the text was discussed at the plenary meeting;
 - when a delegation has not raised any objections or reservations in the plenary but questions are raised by their Ministry subsequent to the approval by the plenary.

In the first of these cases, it is clear that the question may be raised again when the text is presented to the Committee of Ministers for adoption. Should the delegation withdraw its reservation, it should inform the Secretariat, which in turn will inform all delegations that the reservation has been lifted.

In the latter two cases CDPC delegations should indicate to the Secretariat, who will so inform the other CDPC delegations, the nature of any question which may be raised at the level of the Committee of Ministers, and if possible any proposals to resolve the difficulty which has arisen.

14. The Bureau must use the written procedure whenever taking one of the decisions referred to in paragraph 6. This procedure is as follows:
- i) On behalf of the Bureau, the Secretariat will circulate by e-mail to the CDPC delegations, via the contact points communicated to the Secretariat in accordance with paragraph 14 a), as well as to observers for information the text of the decision which it proposes to take, supported by any necessary background information and reasoning (background documents on the CDPC website will be referred to but not sent by e-mail).

- ii) Except in situations of urgency, the period allowed for reply must be at least two weeks.
- iii) The Secretariat will inform delegations that silence will be interpreted as approval for the proposed decision.
- iv) Shortly before the end of this period, the Secretariat will send a reminder by e-mail to all CDPC delegations.
- v) At the end of the period, the Secretariat will inform the members of the Bureau of any views expressed by CDPC members.
- vi) The Bureau will decide whether to maintain its earlier proposal, amend it, or refer the matter to the next Plenary Session, or to the Committee of Ministers.
- vii) The Bureau will decide whether any amended proposal should be submitted to a further written procedure, should be presented for adoption by the Plenary or can be adopted by the Bureau.

Consultation by e-mail

15. The CDPC delegations shall:

- a) ensure that the Secretariat always has an appropriate contact point (Head of Delegation) including two appropriate e-mail addresses (e.g. Head of Delegation/Permanent Representation) for CDPC information and for use during the written procedure; and
- b) use the CDPC e-mail address (dgi.cdpc@coe.int) when contacting the Secretariat;
- c) consult, on a regular basis, the CDPC website.

Use of the CDPC website

16. The Secretariat shall inform heads of CDPC delegations by e-mail whenever texts that require action by delegations are included on the web-site¹, including information about any relevant deadlines (e.g. draft international instruments or other texts such as draft Opinions where delegations are invited to send drafting proposals).

¹ The CDPC website is currently being further developed. Delegations are invited to consult the website on a regular basis but, pending completion of the work to bring it up-to-date, the Secretariat will continue to send out important documents by e-mail

Appendix IV

TERMS OF REFERENCE OF THE GROUP OF SPECIALISTS ON PHARMACEUTICAL CRIME (PC-S-PC)

1. **Name of Group:** Group of Specialists on pharmaceutical crime (PC-S-PC)
2. **Type of Group:** Ad hoc Advisory Group
3. **Source of terms of reference:** European Committee on crime problems (CDPC)
4. **Terms of reference:**

Having regard to:

- the Declaration and Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16 and 17 May 2005), in particular concerning the security of citizens;
- Resolution ResAP(2001)2 concerning the pharmacist's role in the framework of health security;
- Recommendations 1673 (2004) on counterfeiting: problems and solutions and 1794 (2007) on the quality of medicines in Europe of the Parliamentary Assembly;
- Parliamentary Assembly: Counterfeit medicines: problems and solutions (Reply adopted by the Committee of Ministers on 6 April 2005 at the 923rd meeting of the Ministers Deputies);
- the work carried out under the Partial Agreement in the Social and Public field and in particular the Survey report on counterfeit medicines and the conclusions of the 2005 Seminar on counterfeit medicines;
- the Declaration on 'Combating IPR piracy and counterfeiting', G8 Summit Meeting (St. Petersburg, 16 July 2006);
- the International Conference on Europe against counterfeit medicines (Moscow, 23 and 24 October 2006) and its conference declaration¹;
- the conclusions of the High level Conference of the Ministries of Justice and of the Interior on Improving European Co-operation in the Criminal Justice Field (Moscow, 9-10 November 2006);
- the feasibility study prepared for the CDPC on counterfeit medicines and pharmaceutical crime;
- the Convention on cybercrime [ETS no 185].

The Group is instructed, in the light of indications given by the CDPC and its Bureau, to prepare a draft Convention and a draft explanatory report on pharmaceutical crime containing measures:

- to provide effective means to prevent pharmaceutical crime;
- to criminalise certain acts which threaten public health;
- to provide, at a national and at an international level, effective means to detect , prosecute and punish offenders (including manufacturers, distributors);
- to withdraw from the market and if necessary to destroy or dispose of safely products of pharmaceutical crime;
- to take account of the specific situation of victims of pharmaceutical crime;
- to improve co-operation between the relevant national and foreign bodies.

¹ http://www.coe.int/t/dc/press/News/20061107_fin_medicaments_en.asp

5. Composition of the Group:

A Members

The Group shall be composed of 9 specialists (e.g. criminal law, pharmaceutical regulation and control, international co-operation, organised crime, pharmaceutical crime). The CDPC shall appoint one specialist who shall Chair the Group. The Secretary General shall appoint the remaining specialists in consultation with the Chair of the CDPC.

The Council of Europe will bear the travel and subsistence expenses of the 9 above members of the Group.

B Participants

The Parliamentary Assembly may send (a) representative(s) to meetings of the Group, without the right to vote and at the charge of its administrative budget.

C Other participants

The European Commission.

6. Working methods and structures:

The Secretariat will prepare before the first meeting of the Group a memorandum on the way the measures outlined in the terms of reference of the Group could be incorporated into a Convention.

The Secretariat will prepare, after the first meeting of the Group, a preliminary draft Convention and circulate it to the CDPC delegations for comments.

The CDPC and its Bureau will follow closely the progress made and, if appropriate, give further instructions concerning the organisation of the work of the Group.

To fulfil its terms of reference and within the budgetary resources available, the Group may use consultants and organise hearings and consultations.

The last meeting of the Group shall be enlarged, without the right to defrayal of expenses, to all participants in the European Committee on Crime Problems (CDPC).

Once the CDPC or its Bureau is satisfied that the draft Convention and its Explanatory Report are sufficiently advanced for consideration and finalisation by all member States, it shall seek the authorisation of the Committee of Ministers to convene a Committee of Experts composed of all member States to finalise the draft Convention in 2008/9. The CDPC would then finalise the text of the draft Convention and Explanatory Report and forward it to the Committee of Ministers for approval.

7. Duration:

These terms of reference will expire on 31 December 2008.

Appendix V

CDPC – REPORT TO THE COMMITTEE OF MINISTERS ON ACTIONS TO IMPLEMENT THE WARSAW ACTION PLAN

CDPC ACTIVITIES

This table reviews the work of the CDPC in light of the Warsaw Declaration and Action Plan adopted at the Third Summit (16–17 May 2005) and the subsequent Road Map adopted by the Committee of Ministers on 28 September 2005 (CM (2005)145 revised). It has been updated and revised by the CDPC-BU and the Secretariat, with a view to presentation to the Committee of Ministers in response to their request for contributions to a comprehensive report on the implementation of the decisions of the Third Summit, a report to be presented at the 117th Ministerial Session in May 2007 (see message of the Committee of Ministers to committees involved in intergovernmental co-operation at the Council of Europe, adopted by the Committee of Ministers on 27 September 2006 at the 974th meeting of the Ministers' Deputies).

It also links the tasks of the CDPC as mandated further to:

- decisions taken at the 924th meeting of the Ministers' Deputies – 20 April 2005 – i.e. further to CDPC plenary meeting 7–11 March 2005
- decisions taken at the 925th meeting of the Ministers' Deputies – 3-4 May 2005 reflecting the Resolutions of the Conference of Ministers of Justice (7-8 April 2005)
- the decisions of the CDPC at its plenary meeting – 3-7 April 2006 (CDPC (2006) 17 REV)
- decisions taken at the 967th (14 June 2006) and 974th (27 and 28 September 2006) meetings of the Ministers' Deputies, i.e. further to CDPC plenary meeting 3-7 April 2006 and the subsequent meeting of the Enlarged Bureau 28–30 June 2006
- decisions taken at the 984th meeting of the Committee of Ministers – 17 January 2007 reflecting the Resolutions of the Conference of Ministers of Justice (Yerevan, 12–13 October 2006) and at their 985th meeting – 31 January 2007 in response to the Conclusions of the High Level Conference of Ministers of Justice and the Interior (Moscow, 9 – 10 November 2006).

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

Item of the Action Plan**I - PROMOTING COMMON FUNDAMENTAL VALUES: HUMAN RIGHTS, RULE OF LAW AND DEMOCRACY****2. Protecting and promoting human rights through the other Council of Europe institutions and mechanisms**

“We also ask for regular updates of the European prison rules as the basis for the setting-up of standards in prisons. The Council of Europe will assist member states to ensure their implementation.”

	Task	Source	Sub committee responsible	Deadline	Comments
1.	Recommendation revising the European Prison Rules(EPR) and the commentary	Resolution 4, Helsinki Para. 11 CM Decisions 925th meeting	PC-CP	Completed January 2006	The CM approved the EPR and took note of their commentary on 11 January 2006 (CM Recommendation Rec (2006)02)
2.	Consider feasibility and added value of a possible European Prison Charter (EPC)	Resolution 4, Helsinki Para. 11 CM Decisions 925th meeting	PC-CP	Completed April 2006	The CDPC considered that a binding instrument, in the form of a European Prison Charter, was not a feasible proposition and it consequently proposed to strengthen penitentiary reform inter alia through the elaboration of a Compendium of Council of Europe recommendations in the penitentiary field
3.	Compendium of Council of Europe recommendations in the penitentiary field		PC-CP	CDPC plenary meeting June 2007 to examine proposals	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
4.	Consider feasibility and potential added value of a mechanism, in EPR or EPC, to allow for consistency and regular updating of relevant texts	Resolution 4, Helsinki Para. 11 CM Decisions 925th meeting; Action Plan	PC-CP	Completed June 2006	The PC-CP is entrusted with this task in its new mandate adopted by the CM on 14 June 2006 (967 th meeting of the Ministers' Deputies).
5.	Recommendation on remand in custody and its explanatory memorandum		PC-DP/ PC-CP	Completed September 2006	The CM approved Recommendation Rec(2006)13 on the use of remand in custody at the 974 th meeting of the Ministers' Deputies (27 September 2006).

	Task	Source	Sub committee responsible	Deadline	Comments
6.	European Rules for juvenile offenders deprived of their liberty or subject to community sanctions and measures	Resolution 2, Helsinki Para. 4 CM Decisions 925th meeting	PC-CP	2008	The PC-CP has begun its work on drafting the European Rules for juveniles. It is expected to present a first draft to the CDPC plenary in June 2007 for information and comments.
7.	Prepare and present to Bureau and then to plenary proposals for terms of reference to examine the question of the role of probation and aftercare services and their development	Resolution 2, Helsinki – para. 5 CM Decisions 925th meeting	PC-CP	CDPC plenary meeting June 2007	Proposals for terms of reference finalised by the PC-CP in 2006 and presented to the CDPC-BU in January 2007. CDPC plenary to approve in June 2007.

Item of the Action Plan**I - PROMOTING COMMON FUNDAMENTAL VALUES: HUMAN RIGHTS, RULE OF LAW AND DEMOCRACY****3. Strengthening democracy, good governance and the rule of law in member states**

We will make full use of the Council of Europe's standard-setting potential and promote implementation and further development of the Organisation's legal instruments and mechanisms of legal cooperation, keeping in mind the conclusions of the 26th Conference of European Ministers of Justice (Helsinki, 7-8 April 2005).

	Task	Source	Sub committee responsible	Deadline	Comments
1.	The PC-OC continues its monitoring of the functioning of the Council of Europe conventions in criminal matters.	Resolution 5, Helsinki Para. 13 CM Decisions 925th meeting	PC-OC	ongoing	National experts put forward practical problems related to the application or the interpretation of the Conventions. The problems are discussed in plenary meetings and solutions are agreed.
2.	Further to the work of the PC-OC and the PC-TJ on the follow-up to New Start report, the results of which were presented to the CDPC in April 2006, proposals were made for action regarding visibility and consistency as well as for normative initiatives		PC-OC/PC-TJ	Completed April 2006	The outcome is reflected in the report of the CDPC plenary and in the new proposed terms of reference of the PC-OC (as set out in Appendix V to the meeting Report)

	Task	Source	Sub committee responsible	Deadline	Comments
3.	Improve the efficiency of international co-operation in the criminal justice field, through practical measures and, where necessary, through normative developments.	Resolution 5, Helsink Para 13 CM Decisions 925th meeting New terms of reference (June 2006) and conclusions of the Conference of Ministers of Justice and of the interior (Moscow, 9-10 November 2006) CM Decisions 985th meeting (31 January 2007)	PC-OC	Report to CDPC plenary session (June 2007)	<p>PC-OC set up a limited Group of experts which prepares the proposals to be agreed by the Committee and to be proposed to the CDPC. The PC-OC will first make proposals regarding the improvement of the practical aspects of co-operation and subsequently address the issue of normative amendments.</p> <p>The work of PC-OC received an important support and impetus by the Ministers of Justice and of the Interior who met in Moscow on this issue on 9-10 November 2006. PC-OC will also ensure follow-up to the proposal expressed by the Greek Minister of Justice, in Moscow, to envisage a second additional Protocol to the Convention on transfer of sentenced persons.</p>
4.	Ratification of the Additional Protocol to the Convention on the Transfer of Sentenced Persons (reasons for limited number of ratifications)	CDPC Bureau request (CDPC-BU (2005) 5, paras 46-47)	PC-OC	Completed April 2006	<p>The CDPC agreed with the PC-OC's opinion that, when dealing with cases of escaped prisoners, the Additional Protocol ensures that the prisoner does not escape justice and, when dealing with prisoners subject to an expulsion or a deportation order, it ensures the start of the re-socialisation process at an early stage; but that States parties should seek the <i>opinion</i> of the sentenced person, as required by the Art 3.2 of the Protocol (although <i>consent</i> of the person is not required)</p> <p>The PC-OC has taken note of the existing case law of the European Court of Human rights and will continue to follow closely the application of this Protocol, especially with regard to the development of the case law of the European Court of Human Rights.</p> <p>See the opinion as set out in Appendix VII to the CDPC plenary meeting report.</p>

5.	Transfer of mentally ill offenders		PC-OC	Completed April 2006	The CDPC took note of the opinion prepared by the PC-OC (see document PC-OC (2006) 08) and decided that no action need be taken at present.
6.	Witness protection – need for a convention?	CDPC plenary 2005- see CDPC (2005)12, para 39	PC-OC	Completed April 2006	The CDPC agreed with the opinion prepared of the PC-OC on the question of witness protection (application of Art 23 of the 2 nd additional Protocol to the European Convention on Mutual Assistance in Criminal Matters) and that there was no need to proceed to the drafting of a binding instrument in this regard. See also document PC-OC (2006) 11
7.	Opinion of the CCPE on international co-operation in criminal matters as regards prosecutors		CCPE	November 2007	The CDPC will take note and follow the CCPE's work in this field.

Item of the Action Plan**II - STRENGTHENING THE SECURITY OF EUROPEAN CITIZENS****1. Combating terrorism**

“We strongly condemn terrorism, which constitutes a threat and major challenge to our societies. It requires a firm, united response from Europe, as an integral part of the worldwide anti-terrorist efforts under the leadership of the United Nations. We welcome the new Council of Europe Convention on the Prevention of Terrorism opened for signature during the Summit and draw attention to other instruments and documents that the Council of Europe has drawn up so far to combat terrorism. We call on all member states to respect human rights and to protect victims when combating this scourge, in accordance with the guidelines drawn up by the Council of Europe in 2002 and 2005 respectively.”

“We will identify other targeted measures to combat terrorism and ensure close cooperation and coordination of common anti-terrorist efforts with other international organisations, in particular the United Nations.”

	Task	Source	Sub committee responsible	Deadline	Comments
1.	PC-S-AV to make proposals to the CDPC on the wider aspects of assistance to victims		PC-S-AV	Completed April 2006	<p>a. Recommendation Rec(2006)8 on assistance to crime victims and explanatory report approved by CDPC. Recommendation adopted by the Committee of Ministers in June 2006.</p> <p>b. proposals for priority work: Compensation for crime victims, restorative justice and mediation, visibility and dissemination of existing CoE norms in the field of victims; the place of the victims in criminal law and criminal procedure as well as crime prevention/reduction.</p>
2.	CDPC to examine and promote implementation of Recommendation Rec(2006)8 on assistance to crime victims	Resolution 1, Yerevan – para. 23 CM decision 984th meeting (17 January 2007)	None	Ongoing	CDPC-BU at its meeting on 29-31 January 2007, decided that the PC-PM could be entrusted with the task of assessing the implementation of Rec(2006)8 in-so-far as it is related to the police.

	Task	Source	Sub committee responsible	Deadline	Comments
3.	Examine means of enhancing crime prevention policies	(ties in to Resolution 2 of Helsinki re prevention of crime) also reflects request of CDPC plenary 2005 to examine the role of the PC-CSC		CDPC plenary meeting June 2006	This question was discussed at the Enlarged Bureau meeting (28–30 June 2006). However, budgetary constraints have led to suppression of the PC-CSC. The Bureau is mandated to make a proposal to the plenary in 2007 on other means to ensure the CDPC receives the criminological expertise necessary for its work.
4.	The CDPC is to envisage further activities dealing with the technical and legal aspects of the prevention of crime, in particular crime which targets vulnerable victims, as well as with restorative justice, including mediation (with a view notably to examining the implementation of the 1999 Recommendation No. R (99) 19 on mediation in criminal matters)	Resolution 1, Yerevan – para. 23 CM decision 984th meeting (17 January 2007)	PC-CP	Ongoing	CDPC-BU at its meeting on 29-31 January 2007, decided that the Conference of European Ministers of Justice in Lanzarote (25-26 October 2007) could also deal with vulnerable victims (children). The PC-CP will examine the implementation of Recommendation No. R (99) 19.
5.	Study of the regulation of private security services	(ties in to Resolution 2 of Helsinki re prevention of crime)	PC-PM	CDPC plenary meeting 2007	The PC-PM discussed the draft report on the regulation of private security services in Council of Europe member States. The PC-PM invited the CDPC to take note of the final report and to consider the possibility of drawing up a recommendation containing specific guidelines on the regulation of private security services in Europe.

	Task	Source	Sub committee responsible	Deadline	Comments
6.	Counterfeiting of medicines		CDPC	CDPC plenary meeting 2007	At its plenary in April 2006, the CDPC agreed that a feasibility study on the drafting of a Convention on counterfeit medicines/ pharmaceutical crime, should be drawn up and, subject to a favourable opinion of the CDPC, it would then invite the Committee of Ministers to approve terms of reference for an ad hoc multidisciplinary group of experts in the various fields concerned to draft the Convention, their work to begin in 2007.

Item of the Action Plan**II - STRENGTHENING THE SECURITY OF EUROPEAN CITIZENS****2. Combating corruption and organised crime**

“We also commend the work undertaken by MONEYVAL for monitoring anti-money-laundering measures, including the financing of terrorism. MONEYVAL should continue to strengthen its ties with the Financial Action Task Force on Money Laundering (FATF) under the aegis of the OECD.”

“We welcome the revision of the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the opening for signature of the revised Convention at the Summit. We call for its signature and ratification.”

“The Council of Europe will continue to implement its technical assistance programmes for interested member states. It will also support strengthened international co-operation in the fight against transnational organised crime and drug trafficking.”

	Task	Source	Sub committee responsible	Deadline	Comments
1.	Continue the evaluation process of anti-money laundering and counter-terrorism financing measures	(ties in to Resolution 2 of Helsinki re prevention of crime)	MONEYVAL	ongoing	In 2006, 5 comprehensive and detailed evaluation reports were adopted – each averaging around 150 pages (Cyprus, Albania, Slovakia, Latvia, and Lithuania). 7 onsite missions were carried out. 9 progress reports were received and analysed as part of continuing peer pressure. 3 of the adopted mutual evaluation reports are already published in full on the website and the other 2 should be published early in 2007. The Rules of Procedure were amended in November 2007 and now provide for automatic publication in full of all future adopted reports, progress reports and updates without requiring the country’s consent. In practice under the previous publication policy no country had declined to consent to publication.

	Task	Source	Sub committee responsible	Deadline	Comments
2.	Strengthen ties with FATF		MONEYVAL	ongoing	The Committee of Ministers decided in March 2006 that the Council of Europe/MONEYVAL should apply for associate member status in FATF. The application was granted in June 2006 unanimously. Agreement was reached that MONEYVAL would host in February 2007 a major joint FATF/MONEYVAL plenary in Strasbourg, which will bring together around 500 of the world's leading experts in anti-money laundering and countering the financing of terrorism (AML/CFT), including representatives of all global AML/CFT assessment bodies. The agenda will include discussions on 1 FATF and 1 MONEYVAL report.

Item of the Action Plan**II - STRENGTHENING THE SECURITY OF EUROPEAN CITIZENS**

4. Combating violence against women

“The Council of Europe will take measures to combat violence against women including domestic violence.”

	Task	Source	Sub committee responsible	Deadline	Comments
1.	The CDPC to examine, in co-operation with other competent bodies of the Council of Europe, in particular the Steering Committee for Human Rights (CDDH) and the Steering Committee for equality between women and men (CDEG), the measures concerning violence against the partner contained notably in the appendix to Recommendation Rec (2002) 5 on the protection of women against violence, in order to determine the feasibility of and the need for an additional Council of Europe legal instrument on violence against the partner, taking into account the discussions of this Conference	Resolution 1, Yerevan – para. 23 CM decision 984th meeting (17 January 2007)	None	Ongoing	CDPC-BU at its meeting on 29-31 January 2007, decided to examine, at its next meeting (16-18 April 2007), documents related to: <ol style="list-style-type: none"> 1. an inventory of measures taken to-date with regard to violence against the partner; 2. an inventory of international instruments existing in this field; 3. an inventory of provisions existing in national legislation.
2.	The CDPC to report back to the Committee of Ministers on the results of this examination so that it can decide whether there is a need for the Council of Europe to carry out work in this field, possibly in the form of an international normative instrument to combat domestic violence, in particular violence against the partner	Resolution 1, Yerevan – para. 23 CM decision 984th meeting (17 January 2007)	None	Ongoing	CDPC-BU at its meeting on 29-31 January 2007, decided that, based upon the examination of the above-mentioned documents, by the Bureau, the CDPC plenary will give an opinion on the opportunity to draft a legal binding instrument to combat domestic violence against the partner.

Item of the Action Plan**II - STRENGTHENING THE SECURITY OF EUROPEAN CITIZENS****5. Combating cybercrime and strengthening human rights in the information society**

“We condemn all forms of ICT use in furthering criminal activity. We therefore urge all member states to sign and ratify the Convention on Cybercrime and to consider signature of its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, the first binding international instruments on the subject.”

	Task	Source	Sub committee responsible	Deadline	Comments
1.	Cybercrime convention	(ties in to Resolution 2 of Helsinki re prevention of crime)	CPC in co-operation with the T-CY	ongoing	First meeting of the Parties (T-CY) took place in Strasbourg on 20 and 21 March 2006. CDPC took note of the report of this meeting and agreed to conduct the review of the Convention as required by paragraph 3 of Article 46 of the Convention.

Item of the Action Plan**III - BUILDING A MORE HUMANE AND INCLUSIVE EUROPE****2. Building a Europe for children**

“We will take specific action to eradicate all forms of violence against children. We therefore decide to launch a three year programme of action to address social, legal, health and educational dimensions of the various forms of violence against children. We shall also elaborate measures to stop sexual exploitation of children, including legal instruments if appropriate, and involve civil society in this process. Coordination with the United Nations in this field is essential, particularly in connection with follow-up to the optional protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.”

	Task	Source	Sub committee responsible	Deadline	Comments
1.	The PC-ES will continue negotiations to finalise the draft convention on protection of children against sexual exploitation and sexual abuse.		PC-ES	June 2007	<p>The CDPC mandated its Bureau, to approve, further to a consultation of its members by means of a written consultation procedure, any proposal by the PC-ES to prepare a new international legal instrument.</p> <p>The PC-ES is expected to conclude its work (preparation of a draft convention on protection of children against sexual exploitation and sexual abuse) by the end of April 2007. The text will be submitted to the CDPC at its plenary meeting in June 2007.</p>

Tasks regarding the internal procedures of the CDPC					
	Task	Source	Sub committee responsible	Deadline	Comments
1.	Requests for observer status – policy paper	CDPC plenary 2005- see CDPC (2005)12, para 120	Bureau	Completed April 2006	See annotated agenda and full meeting report, plenary 2006 Item 4.4
2.	Proposals for possible future activities		Bureau	Completed April 2006	See annotated agenda and full meeting report, plenary 2006 Item 7.1
3.	Adoption of a Working method to ensure wider consultation for texts prepared by specialist or limited number committees	CDPC plenary 2005- see CDPC (2005)12, para 57	PC-CP	June 2007	The CDPC-BU requested the PC-CP to prepare, for the plenary meeting in June 2007, a paper proposing working methods in this respect.

Appendix VI

FUTURE ACTIVITIES OF THE CDPC

The CDPC, in addition to the work currently underway as reflected in the table of activities (Document CDPC-BU (2007) 03), will need to undertake other future activities in order to respond to the required follow up to Yerevan and to the proposals contained in the final activity report of the PC-S-AV (as reflected in the report of the last plenary meeting in April 2006).

The questions regarding the follow-up to the Moscow High Level Conference of Ministers of Justice and the Interior will be dealt with, in the first instance, by the PC-OC. The results of the work of the first meeting of the PC-OC working group will be presented to the Bureau and a more detailed paper on these issues will be presented, once the working group will have held its next meeting and more clearly defined its work plan.

Excerpt plenary report:

“5.2 Consideration of the final activity report of the PC-S-AV on issues that should be addressed

The CDPC considered the following priority proposals which the Group identified:

1. compensation for crime victims: survey and research on implementation, best practices, difficulties;
2. restorative justice and mediation in criminal matters: elaboration of modern European instruments;
3. promotion of the visibility of existing CoE norms in the field of victims, including the new recommendation, through publications, translations, web sites, etc;
4. strengthening of the assistance programmes in the field of victims in order to diffuse the CoE standards and assist in their implementation in member States.
5. In addition, further work could be envisaged notably on the place of the victims in criminal law and criminal procedure (update of the Recommendation R(85)11) as well as on crime prevention/reduction.”

Excerpt from the Committee of Ministers Decision taken at its 984th meeting 17 January 2007, following the Yerevan Ministers of Justice Conference conclusions:

“4. entrusted the European Committee on Legal Co-operation (CDCJ), in co-operation with other competent bodies of the Council of Europe in particular the Steering Committee for Human Rights (CDDH) and the Steering Committee for equality between women and men (CDEG), to study the question of civil, administrative and other remedies to be made available to victims of crime, with a view to reducing the risk of secondary victimisation and contributing to their rehabilitation from crime suffered and adequate compensation for damage sustained, and to this end identify and analyse the existing best practices:

i. concerning civil and administrative or other remedies, designed to protect the interests of victims, in particular provision of information on procedures, simplified procedures, legal aid and advice before, during and after the completion of criminal, civil, administrative or other procedures, bearing in mind the needs of categories of particularly vulnerable victims (for example children, the elderly, disabled persons);

ii. concerning the role of publicly or privately financed insurance schemes in ensuring compensation for damages sustained by victims;”

[...]

“5. entrusted the European Committee on Crime Problems (CDPC) to:

1° - Assistance to crime victims

examine and promote, in co-operation with other competent bodies of the Council of Europe, the implementation of Recommendation [Rec\(2006\)8](#) on assistance to crime victims;

2° - Domestic violence, in particular violence against the partner

- i. examine, in co-operation with other competent bodies of the Council of Europe, in particular the Steering Committee for Human Rights (CDDH) and the Steering Committee for equality between women and men (CDEG), the measures concerning violence against the partner contained notably in the appendix to Recommendation Rec (2002) 5 on the protection of women against violence, in order to determine the feasibility of and the need for an additional Council of Europe legal instrument on violence against the partner, taking into account the discussions of this Conference;
- ii. report back to the Committee of Ministers on the results of this examination so that it can decide whether there is a need for the Council of Europe to carry out work in this field, possibly in the form of an international normative instrument to combat domestic violence, in particular violence against the partner;

3° - Crime prevention, restorative justice and mediation

envisage further activities dealing with the technical and legal aspects of the prevention of crime, in particular crime which targets vulnerable victims, as well as with restorative justice, including mediation (with a view notably to examining the implementation of the 1999 Recommendation No. R (99) 19 on mediation in criminal matters);

6. asked the Secretary General of the Council of Europe to ensure that the activities of the Council of Europe in the field of training of police and personnel involved in the administration of justice include the question of the appropriate ways in which to deal with vulnerable persons, particularly victims and to report on the steps taken to give effect to this Resolution, on the occasion of their next Conference;”

As a response to **item 1** of the PC-S-AV's proposals, it can be considered that this work will be carried out by the CDCJ in their work to follow-up **paragraph 4** of the Yerevan Ministers of Justice conference resolution.

As a response to **item 2** of the PC-S-AV's proposals, as well as **paragraph 5, 3°** of the Committee of Ministers' Decision regarding mediation and restorative justice the CDPC Bureau could propose to the plenary that the PC-CP be mandated to carry out this work, starting with examining the implementation of Recommendation No. R (99) 19 of 15 September 1999 concerning mediation in penal matters subject to budgetary appropriations. The Bureau could also ask the Austrian and UK delegations to elaborate further on their contributions to the Ministers of Justice Conference

n.b. see also the annotated agenda re the proposals for the 28th Ministers of Justice Conference

As a response to **items 3 and 4** of the PC-S-AV's proposals as well as **paragraph 5, 1° and paragraph 6** of the Committee of Ministers' Decision regarding the implementation of Recommendation (2006)8 on Assistance to Victims:

- the Bureau instructed the Secretariat to ask for written information from each delegation whether the recommendation has been translated into their national language(s) and what means have been used to implement it and to bring it to the attention of the wider public;
- the secretariat could be asked to report, at that meeting, on actions undertaken to promote visibility, including through activities carried out as per the Committee of Ministers' decision under **paragraph 6** regarding training of police and personnel involved in the administration of justice;
- the Bureau could ask the CDPC to mandate the undertaking of a study, by an independent expert, on the implementation of the recommendation in our member states, covering also means of enhancing its visibility and a review of how it has been received in/dealt with by other international organisations

As regards the crime prevention/reduction, the wide range of co-operation activities carried out by the Technical Co-operation Division of the Directorate of Legal Affairs as well as the activities of the PC-CP with regard to mediation and restorative justice can be seen as contributing to this issue.

In response to paragraph 5 2° of the Decisions of the Committee of Ministers further to the Resolution of the Ministers of Justice Conference in Yerevan, regarding violence against women and violence against partners the Bureau will have a discussion with the Secretaries of the CDEG and the CDDH to agree on a common approach to this question. A feasibility study is proposed in the Yerevan conclusions, however, under the aegis of the CDEG, a Task Force to Combat Violence against Women set up as a follow-up of the 3rd Summit is currently examining the feasibility of a Council of Europe Convention to combat violence against Women.

Appended [**the appendices appear in document CDPC-BU (2007) 05 rev**]:

1. Draft decisions on future activities as follow-up to the Yerevan Conference
2. Excerpts from the Meeting Report of the European Committee on Crime Problems (CDPC) Plenary 3-7 April 2006, concerning the Finnish, Austrian and Russian priorities for the presidencies of, respectively, the European Union, the G8 and the Council of Europe.
3. Draft decision (adopted as such) of the Committee of Ministers regarding the follow-up to the Ministers of Justice Conference in Yerevan 12-13 October 2006
4. RESOLUTION No. 1 on victims of crime of the Ministers of Justice Conference, Yerevan 12-13 October 2006
5. Conclusions of the High Level Conference of Ministers of Justice and the Interior, held in Moscow 9-10 November 2006 on Improving European Co-operation in the Criminal Justice Field.

Appendix VII

OPINION OF THE BUREAU OF THE EUROPEAN COMMITTEE
ON CRIME PROBLEMS (CDPC)
TO THE PARLIAMENTARY ASSEMBLY RECOMMENDATION 1777 (2007)
ON “DATE-RAPE DRUGS”

1. Following the adoption by the Parliamentary Assembly of Recommendation 1777 (2007) on sexual assaults linked to “date-rape drugs” (appended to this document), the Committee of Ministers decided to communicate it to the European Committee on Crime Problems (CDPC) and other competent bodies of the Council of Europe³, for information and possible comments by 30 April 2007.
2. In view of the fact that the CDPC would not meet in plenary until this date, the Bureau of the CDPC (the Bureau) examined the Recommendation and submitted to the Committee of Ministers the following comments, relevant to its fields of competence:
3. The Bureau shared the alarm expressed by the Parliamentary Assembly concerning the increased frequency of cases of rape and sexual violence by means of “date-rape drugs”. It also agreed with the need to increase the awareness on this type of drugs with a view to ensure prevention and the successful prosecution of sexual offences committed through its use;
4. The Bureau noted that the penal legislation Council of Europe member states considered that rape and other sexual assaults was a very serious offence;
5. The Bureau further agreed that the Recommendation Rec(2006)8 on assistance to crime victims could be an efficient guiding instrument for member states to ensure that the interests of victims of sexual assaults, committed through the use of “date-rape drugs”, are duly taken into consideration.
6. The Bureau also noted that any future Convention on pharmaceutical crime is likely to improve control over access to “date-rape” drugs thus preventing their illegal use more effectively.

³ The Steering Committee for Equality between Women and Men (CDEG), the Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group).

Appendix VIII

OPINION OF THE BUREAU OF
THE EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)
ON THE PARLIAMENTARY ASSEMBLY RECOMMENDATION 1778 (2007)
ON “CHILD VICTIMS: STAMPING OUT ALL FORMS OF VIOLENCE,
EXPLOITATION AND ABUSE”

1. Following the adoption by the Parliamentary Assembly of Recommendation 1778 (2007) “Child victims: stamping out all forms of violence, exploitation and abuse” (appended to this document), the Committee of Ministers decided to communicate it to the European Committee on Crime Problems (CDPC), for information and possible comments by 30 April 2007. In view of the fact that the CDPC would not meet in plenary until this date, the Bureau of the CDPC (the Bureau) examined the Recommendation and decided to submit to the Committee of Ministers its comments relating to those provisions, which in its view were of concern to the CDPC.
2. The Bureau welcomed the call of the Parliamentary Assembly and of the Committee of Ministers to member states to sign and ratify international and European legal instruments relating to the protection of children and in particular supports doing so in respect of the Council of Europe Convention on Cybercrime (ETS No.185)⁴ and the Council of Europe Convention on Action against Trafficking in Human Beings (ETS No.197)⁵, which lacks 5 ratifications to enter into force.
3. The Bureau fully shares the importance attached by the Parliamentary Assembly to the fight against all forms of violence, exploitation or abuse of children and draws the attention of the Committee of Ministers to the preparation by the Committee of Experts on the protection of children against sexual exploitation and abuse (PC-ES) of new Convention on the Protection of Children against Sexual Exploitation.
4. This new Convention will provide for a comprehensive protection of children against sexual exploitation and sexual abuse, consolidating existing standards in this field by covering the issues of preventive and protective measures, substantive criminal law, investigation, prosecution and procedural law (including child-friendly procedures), exchange of information between states parties and international co-operation. It also aims at filling gaps and ensuring coherent and equal protection for all children by establishing clear common standards and definitions in this field which must be applicable in all states parties to it, in particular by harmonising criminal law and other relevant measures. The Convention is expected to be adopted in 2007.
5. The Bureau further noted that at their 27th Conference (12-13 October, Yerevan, Armenia) the European Ministers of Justice adopted Resolution No.1 on victims of crime, whereby particular attention was paid to the needs of categories of particularly vulnerable victims, including children. The Bureau also referred to the fact that at their 28th Conference (planned on 25-26 October 2007 in Lanzarote, Spain) the European Ministers of Justice will cover issues of access to justice for vulnerable groups, including children, which could lead to future work of the Council of Europe in the field of protection of children.
6. Therefore, the Bureau of the CDPC fully supports the objectives put forward by the Parliamentary Assembly in its Recommendation 1778 (2007), which are taken into account in the draft Convention on the protection of children against sexual exploitation and sexual abuse.

⁴ According to the chart of signatures and ratifications by 16 March 2007 the Cybercrime Convention is signed by 24 Council of Europe member states without ratification, and is in force since 1 July 2004 in respect of 18 member states and 1 non-member state.

⁵ According to the chart of signatures and ratifications by 16 March 2007, 29 Council of Europe member states affixed their signatures to Convention on Action against Trafficking in Human Beings, without subsequent ratification, while another 5 member states have ratified it. In order to enter into force, the Convention requires 10 ratifications, of which at least 8 should be those of the Council of Europe member states.

Appendix IX

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

56th Plenary Session

Strasbourg, 18 (09 :00) - 22 (13 :00) June 2007
Room 6 / Salle 6

DRAFT AGENDA

1. 9.00 a.m. – Opening of the meeting by Mr Terry Davis, Secretary General of the Council of Europe
2. Adoption of the agenda
- *3. Approval of the draft Convention on the protection of children against sexual exploitation and sexual abuse and its explanatory report (including the possible appointment of the Chair and specialists)⁶
- *4. Approval of draft specific terms of reference for a Specialist Group to prepare a Convention on pharmaceutical crime
5. Approval of the revised draft terms of reference of MONEYVAL
- *6. International co-operation in the criminal field
 - a. Follow-up to the high Level conference of Ministries of Justice and of the Interior on « improving European co-operation in the criminal justice field » (Moscow, 9-10 November 2006)
 - b. Initiatives to improve the efficiency of international co-operation in criminal matters:
 - normative measures
 - practical measures
- *7. Prisons
 - a. Replies to the questionnaire on the treatment of juvenile offenders
 - b. Comments on the draft European Rules on juveniles deprived of their liberty or subject to community sanctions or measures and its explanatory memorandum
 - c. Approval of the ad hoc terms of reference relating to probation and aftercare services in the European Criminal Justice systems
 - d. Proposals regarding a compendium of texts on prison issues
 - e. Comments on the implementation of the European Prison Rules

* Items marked with an asterisk indicate that discussions on this agenda item are likely to last or exceed 1 hour.

⁶ Room 8 (with interpretation) will also be available for discussions on this agenda item whenever necessary during the meeting of the Plenary.

- *8. Future activities of the CDPC
 - a. New activities
 - b. Implementation of the Warsaw Action Plan
 - c. Follow-up to the 2006 Conference of European Ministers of Justice including:
 - examination of a feasibility study concerning the drafting of a binding instrument to combat domestic violence
 - d. Criminological research
 - e. The Council for police matters (PC-PM)
- *9. Working methods
 - a. texts prepared by small specialist committees
 - b. revision of the working methods of the CDPC and its Bureau
10. Review of the Convention on cybercrime
11. Preparation of the 28th Conference of European Ministers of Justice (25 – 26 October 2007, Lanzarote, Spain)
12. CDPC elections
13. Activities of the Council of Europe outside the CDPC
 - Parliamentary Assembly
 - Committee of Ministers
 - Steering Committees (CDCJ, CDDH, CDEJ)
 - Other Committees (CODEXTER, CEPEJ, CCPE)
 - Conferences and other meetings
 - Congress of Local and Regional Authorities of Europe
14. Date of the next meeting of the CDPC
15. Any other business