

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Bureau Meeting
(CDPC-BU)

Zagreb, 11-12 April 2013
9.30 a.m.

Ministry of Finance
Customs Directorate
Alexandera Von Humboldtta 4a

Annotated Agenda

- 1. Opening of the meeting**
- 2. Adoption of the draft agenda**
- 3. Future activities and priorities of the CDPC**

The Bureau is invited to take note of the information provided by the Secretariat on the state of preparation of the terms of reference of the CoE intergovernmental committees for the years 2014-2015. It is also invited to discuss preliminary issues/topics to be dealt with by the CDPC in the next two years and that could be included in the draft terms of reference of the CDPC for 2014-2015 to be presented to the Committee of Ministers for adoption.

In this regard, members of the Bureau are invited to present their proposals during the Bureau meeting on the issues on which the CDPC should focus in the coming years.

- 4. Trafficking in organs**

The Bureau is invited to take note of the final version of the draft Convention against trafficking in human organs as finalised by the Secretariat following the CoE editing and legal services' comments on the text of the draft Convention as approved by the CDPC in December.

With regard to the draft explanatory report, at its last plenary the CDPC decided to: a) "send the revised draft explanatory report (ER) to delegations for possible comments by a written procedure"; and b) "instruct its Bureau to examine the consolidated version of the draft ER at its forthcoming

meeting (April 2013) with a view to resending the final version of this text to delegations for final approval by a written procedure". On the 15 January, the Secretariat sent the draft ER to all CDPC delegations asking for possible comments by 15 February. 13 delegations sent their comments which have been examined by the Secretariat, consolidated and included in a new version of a draft explanatory report (CDPC (2013) 5).

The Bureau is invited to examine this consolidated version prepared by the Secretariat, with the assistance of Hans-Holger Herrfeld in his capacity as Chair of the PC-TO, and – in accordance with the decision of the plenary - to finalise and approve the consolidated version of the ER with a view to sending it to CDPC delegations for their final approval by written procedure.

5. Follow-up to the 31st Council of Europe Conference of Ministers of Justice (Vienna, 19-21 September 2012): "Responses of Justice to urban violence"

The Bureau is invited to take note of the information provided by the Secretariat on the follow-up to the last Conference of Ministers of Justice and in particular to examine the concept paper prepared by the secretariat on a possible international conference that could be organised on the subject of "Urban violence". The Bureau is invited to discuss the paper and make any comments/suggestions that could be useful and of valuable help for the preparation of this possible future event.

6. Dangerous offenders

The Bureau is invited to take note of the information provided by the chair of the ad hoc drafting group on Dangerous Offenders (PC-GR-DD), Slawomir Buczma, with the regard to the 1st meeting of the PC-GR-DD and on the progress made in the drafting exercise of the future recommendation on dangerous offenders.

On the base of this information, the Bureau is invited to examine the first preliminary draft text of the recommendation and make general comments on it that should be taken into account by the PC-GR-DD in its future work.

The PC-GR-DD will hold two other meetings in 2013 and submit the final version of the draft recommendation to the CDPC by the end of 2013 for its approval.

7. Council for Penological Co-operation (PC-CP)

The Bureau is invited to take note of the list of decisions and the meeting report of the PC-CP plenary.

It is also invited to take note that only 18 member states were represented at the 3rd plenary meeting of the PC-CP (12 at the 1st plenary meeting and 24 at the 2nd). The CDPC could have an exchange of views on the question of whether a plenary where such a small number of member states are represented is still a useful exercise and beneficial for the CDPC's activities. In this regard, it should be underlined that the plenary of PC-CP was established by a decision of the Committee of Ministers of the CoE in order to provide an intergovernmental setting to the PC-CP that at that time was composed by 9 members elected by the CDPC in their personal capacity (this is still the today's existing composition of the "PC-CP working group" which meets 3 times a year in addition to the PC-CP plenary).

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

The Bureau is invited to take note that the PC-CP agreed that overcrowding should remain a priority issue and that therefore there is a need to continue and enlarge the dialogue and co-operation between the prison/probation services and the judiciary in order to improve the sanctioning and execution policies within the penal framework with a view to exploring possible new ways to decrease the overcrowding in prisons.

b. Electronic monitoring

The Bureau is invited to take note that a preliminary draft recommendation and draft commentary were prepared by the Chair of the PC-CP, the scientific experts and the Secretariat in January 2013. These two texts were examined and revised by the PC-CP plenary.

It is further invited to take note that the next meeting of the PC-CP Working Group is scheduled after the next CDPC plenary meeting (19-21 June 2013) and that the final version of the draft recommendation will be submitted to the CDPC at its plenary in December 2013. However, the Bureau may wish to start considering the draft recommendation on electronic monitoring and its draft commentary and to make any comments it considers necessary for the PC-CP to take into account at this stage of the drafting process.

The Bureau is also invited to take note that in accordance with the relevant decision of the CDPC Plenary meeting in December 2012, the PC-CP and the PC-OC Mod took a joint discussion on transborder issues related to electronic monitoring. The outcome confirmed that there are so far in Europe no bilateral agreements or special regulations regarding transborder tracking of suspects or offenders under electronic monitoring or regarding sharing of data in relation to this particular issue. Both committees concluded that it is premature at this point to regulate at Council of Europe level such possible situations.

c. Violence in juvenile detention centres

The Bureau is invited to take note of the fact that the PC-CP discussed the question of violence in places of detention for juveniles and that it was of the opinion that there is a need for a more in-depth study on the causes of violence involving juveniles both in society and in closed settings and on ways of dealing with it. The CDPC Bureau is invited to have a preliminary discussion on whether the CDPC should entrust the PC-CP to study the situation in Europe and draft a report on the matter.

8. Promotion of the Integrity of Sport against the Manipulation of Results, notably match-fixing

The Bureau is invited to have an exchange of views with the Chair of GRECO, Marin Mrčela, on subjects of common interest and in particular on the position of the two bodies on the issues related to match-fixing (see below).

a. Possible Council of Europe Convention against Manipulation of Sports Results and notably Match-fixing

The Bureau is invited to take note of the information on the recent developments related to the negotiation process of a possible convention on match-fixing provided by Helena Lisuchova and Fabienne Schaller who attended the 3 meetings of the drafting group established by EPAS: on legal issues (January), on sport issues (February) and the plenary (20-22 March).

In particular, it should take note that at the plenary drafting group of EPAS (March) it was decided that the discussions on the criminal law provisions of the draft convention against manipulation of sports results and notably match-fixing would be continued at the next meeting (13-15 June). In the interim the convention would be sent again to delegations requesting written comments on the articles, from Article 5 onwards, which were not dealt with during that meeting. These comments should be sent to the Secretariat of Epas by 15 April.

The Bureau is invited to examine the provisions of the draft convention related to criminal law matters and make any comments if it considers this exercise necessary at this stage of the drafting procedure.

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

The Bureau is invited to examine the document prepared by the Secretariat that summaries the replies received by delegations from the CDPC and/or the GRECO to the questionnaire concerning the issue of the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173). Following the CDPC plenary decision in that respect, the Bureau is invited to examine this document and provide “substantial elements for discussion and a possible decision at the next CDPC plenary concerning the feasibility of an Additional Protocol to the Council of Europe Criminal Law Convention on Corruption (ETS No. 173), which could expand the scope of application of its provisions to the private non-profit sector, notably sport”.

9. Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC)

The Bureau is invited to take note of the list of decisions adopted by the PC-OC Mod during their 15th meeting on 6 to 8 March 2013 (Document PC-OC Mod (2013)03 and of the information provided by the Secretariat on that meeting.

Special attention is drawn to:

- a) the proposals to streamline and improve the country information for practitioners on the PC-OC website (item 1);
- b) the proposals for follow-up to the questionnaire on “*in absentia* cases” in connection with Article 3 of the Second Additional Protocol to the European Convention on Extradition (item 2);
- c) the practical problems and legal questions related to the implementation of the Convention on the Transfer of Sentenced Persons and its Additional Protocol (item 3);
- d) the proposal for possible follow up to the “Project on effective practical tools to facilitate judicial co-operation in criminal matters”, including a standard model request form and guidelines on the drafting of mutual legal assistance requests (Doc. DG-HL (2010)6) (item4);
- e) the consideration of provisions related to international co-operation in criminal matters of the “preliminary draft convention against manipulation of sports results” prepared by the European Partial Agreement on Sport (EPAS) (item 6); and
- f) the preliminary exchange of views on possible future activities of the PC-OC (item 7).

The PC-OC will hold its 64th plenary meeting on 28-30 May 2013.

10. Activities related to transnational organised crime

The Bureau is invited to take note of the information provided by the Secretariat and by Tihomir Kralj (representative to the PC-GR-COT) on the planned activities related to transnational organised crime and in particular that the ad hoc drafting Group on Transnational Organised Crime (PC-GR-COT) will hold its first meeting on 24-26 June 2013. The Bureau is invited to make any possible comments and/or suggestions it would consider appropriate on this activity.

11. Follow-up to the decision adopted by the Plenary on activities related to piracy

The Bureau is invited to discuss any possible follow-up/future activities in this field.

12. Alternative measures to imprisonment

The Bureau is invited to discuss any possible follow-up/future activities in this field.

13. Information provided by the Secretariat

The Bureau is invited to take note of the information provided by the Secretariat on sub-items a. to d. below.

- a. **Medicrime**
- b. **Review of Council of Europe Conventions**
- c. **Terrorism**
- d. **Co-operation activities in the criminal field**
- 14. **Any other business**

- a. **Opinion on the draft Declaration of the Committee of Ministers on Risks to Fundamental Rights stemming from Digital Tracking and other Surveillance Technologies**

The CM requested the European Committee on Crime Problems (CDPC) - and the European Committee on Legal Co-operation (CDCJ) – “to give an opinion as soon as possible on the draft Declaration of the Committee of Ministers on Risks to Fundamental Rights stemming from Digital Tracking and other Surveillance Technologies, as it appears in document CM(2012)157.” This Declaration was drafted by the Steering Committee on Media and Information Society (CDMSI).

The Bureau is invited to provide concrete elements for an opinion to this draft Declaration, if any.

- b. **Consultative Council of European Prosecutors (CCPE)**

The Consultative Council of European Prosecutors (CCPE) of the CoE is considering the possibility of beginning an examination on whether and how the Recommendation Rec (2000)19 of the CM “on the role of public prosecution in the criminal justice system” (adopted in October 2000) could be updated.

The Bureau is invited to indicate its position with regard to this proposal.

- 15. **Date of the next meeting**

The Bureau is invited to discuss and decide upon the dates of its next meeting.