

Strasbourg, 30 April 2017

CDPC-BU (2017) 2

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

List of decisions

Bureau

24 – 25 April 2017

Ministry of Justice
Prague

The Bureau, meeting in Prague, Czech Republic, on 24 and 25 April 2017, under the Chairmanship of Mr Hans-Holger Herrnfeld (Germany), decided:

1. Opening of the meeting

- to thank Ms Helena Lišuchová (Czech Republic) for organising this Bureau meeting in Prague;
- to agree with its Chair that the main points to be discussed will be 1) terms of reference of the CDPC for the years 2018-2019 (and more in general future priorities and activities of the CDPC), 2) implementation of the Action Plan on Transnational Organised Crime and the revised questionnaire on protection of witnesses, 3) victims and the revised questionnaire on compensation of victims and 4) the conference on smuggling of migrants;
- to take note of the information provided by Mr Carlo Chiaromonte, Secretary to the CDPC, on the most recent developments in Council of Europe (hereafter, CoE) activities related to CDPC work and in particular the procedure for the adoption by the Committee of Ministers (hereafter, CM) at its 1285 meeting of 3 May 2017 of the CoE Convention on Offences relating to Cultural Property and its possible opening for signature in Nicosia, at the Ministerial Session on 19 May 2017.

2. Adoption of the draft agenda

- to adopt the agenda without any amendments.

3. Activities and priorities of the CDPC for 2018-2019

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- to take note of the information provided by the Secretariat on the internal procedure leading up to the approval by the CM of the terms of reference of all CoE committees that have to be presented by the end of May 2017. For that reason, the CDPC will have to be invited to approve its terms of reference by written procedure;
- to discuss which issues the CDPC should focus its future work on and to prepare a draft Terms of Reference of the CDPC for the years 2018-2019;
- to instruct the Secretariat to submit this draft Terms of Reference to all CDPC delegations for their approval by written procedure.

4. Activities related to transnational organised crime: Action Plan

- to take note of the information provided by Mr Jesper Hjortenber, CDPC co-ordinator on Transnational Organised Crime (hereafter TOC), and by Mr Oscar Alarcón-Jiménez, Co-Secretary of the CDPC, on the most recent developments in the implementation of the Action Plan on TOC;
- to discuss on the following activities underway:

1) **Witness protection** (“Review of the Recommendation Rec (2005)9 on the protection of witnesses and collaborators of justice”):

The Bureau had an exchange of views with Mr Iwan Waltenburg, scientific expert, on the issue of witness protection and collaborators of justice and in particular on the perspective of reviewing the recommendation. The main points highlighted by the expert were:

- 1) the key and unique role of the CoE recommendation on protection on witnesses and its use by different bodies at national and international level (International Tribunals and Courts, Europol, Interpol,);
- 2) the IT’s significant developments since 2005 (social media, new technologies, face distortion, etc.), when the recommendation was drafted, that challenge the witness protection programmes by putting them in danger or facilitate the identification of the witness and collaborators of justice.

The Bureau thanked Mr Waltenburg for his presentation and examined the revised questionnaire on Recommendation Rec (2005)9 on the protection of witnesses and collaborators of justice [document CDPC (2017)5_rev], modified after the CDPC Plenary meeting in March. It instructed the Secretariat to send it to all CDPC delegations and to prepare a compilation document with the replies received and a document analysing those replies; agreed that, on the basis of the analysis of the replies received to the questionnaire, the forthcoming Bureau in October should decide on whether the recommendation may be reviewed and possibly draft the Terms of Reference for a restricted group of experts mandated by the CDPC to the review the recommendation.

2) **Enhancing international co-operation through networks:**

- **Action A2 (“Discuss the setting up and use of secure communications for international co-operation”):** Mr Per Hedvall (prosecutor, former Chair of the PC-OC, Sweden) has been appointed as an expert and asked to prepare a report on existing initiatives on secure communications notably by Interpol (e-extradition) and the EU (E-codex). His report will be presented to the PC-OC plenary in November.

- **Action A3 (“Build-up the connection of judicial networks”):**
 - Ms Esther George (Solicitor, former Crown Prosecutor, United Kingdom) drafted a working paper identifying a list of international judicial networks of relevance for the fight against TOC and describing their functions and working methods;
 - a meeting of representatives of the most relevant networks will be organised in 2017 to discuss possible options for the interconnection and/or co-operation of those networks.
- **Action B1 (“Review provisions on international co-operation in CoE conventions and relevant reservations/declarations to them/these conventions”):**
 - two documents have been prepared by the PC-OC Mod providing 1) a list of reservations made to the Conventions on Extradition, MLA, Transfer of Proceedings, Laundering, Search, Seizure and Confiscation of the Proceeds of Crime, Transfer of Sentenced Persons [document PC-OC Mod (2016)05rev3], and 2) an assessment of these reservations [document PC-OC Mod (2016)05rev3Add];
 - the PC-OC Mod decided to identify those reservations and declarations that could represent an impediment to efficient co-operation regarding the fight against TOC, and to set up small working groups of 2 or 3 experts from the PC-OC to check with the countries concerned whether or not any update or possible withdrawal of those reservations is possible.
- **Action B3 (“Development/elaboration and support of model request forms”):** the PC-OC Mod considered the possibility of developing a model request form for extradition requests and agreed that this work should start as soon as possible.

3) *Recovery of assets:*

- **Action B1 (“Enhancing the implementation of the existing legal network on the management and disposal of criminal assets”):**
 - the PC-OC Mod agreed that one of the activities to be implemented (the drafting of a model agreement for asset sharing between member States) could be addressed by making an overview of existing texts and projects on asset sharing, including by the G8, the UN and some bilateral agreements.
- to meet before the forthcoming Bureau meeting (for a half day) to discuss what topics and which actions should be implemented in 2018.

5. **Smuggling of migrants**

- to discuss any developments on the issue of smuggling of migrants in Europe;
- to invite CDPC members (or their representatives in case they cannot attend the Conference personally) to participate in the Conference and play an active role in the debates and discussions that will take place on 23 June in Strasbourg. The invitations have been sent to all CDPC delegates on 13 April 2017;
- to examine and discuss the draft agenda of the Conference on the smuggling of migrants, to be held on 23 June 2017, and make some proposals on the structure of the programme;
- to take note of how the practical organisation of the Conference is progressing and make some proposals concerning the outcome of the Conference, also in view of the follow-up to be given by the CDPC;

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

- to take note of the meeting report of the last PC-CP Working Group meeting, which took place on 10-12 April 2017 [document PC-CP(2017)9], and of the new PC-CP website (www.coe.int/prison);

a. Organisation of the 22nd Council of Europe Conference of Directors of Prison and Probation Services, 13-14 June 2017, Lillestrøm, Norway

- to take note of the draft programme of the 22nd Council of Europe Conference of Directors of Prison and Probation Services to be held in Norway (20-21 June 2017) and of the draft conclusions to be adopted;

b. SPACE

- to take note of the publication of the annual SPACE I and SPACE II statistics for 2015 (14 March 2017) and of the significant media coverage following the two press briefings held respectively in Strasbourg and Brussels on 13 and 14 March 2017;
- to invite Mr Marcelo Aebi, Deputy Director of the School for Criminal Sciences at the University of Lausanne, to participate at the forthcoming CDPC plenary meeting in November 2017;

c. Restorative justice in prison and probation fields

- to take note of document PC-CP (2017) 7rev and of the further information contained in the meeting report of the last PC-CP Working Group meeting [PC-CP (2017)9];

d. Children of imprisoned parents

- to take note of the document PC-CP (2017) 6rev and of the further information contained in the meeting report of the last PC-CP Working Group meeting [PC-CP (2017)9];
- to discuss and make comments on the draft recommendation concerning children of imprisoned parents;
- to instruct the secretariat to compile these comments in a document to be sent to the PC-CP in order that they be taken into account in the forthcoming meeting of the PC-CP Working Group in September 2017;
- to express its concern about the timing of the next PC-CP Plenary which is planned to take place only two weeks before the CDPC plenary meeting. This short time between the two plenary meetings will prevent CDPC delegations from properly examining the texts prepared by the PC-CP plenary meeting for final adoption at the CDPC plenary meeting;
- to invite the Chair of the PC-CP to the forthcoming CDPC Bureau meeting to have an exchange of views;

e. Revision of the commentary to the European Prison Rules

- to take note of document PC-CP(2017)3rev and of the further information provided in the meeting report of the last PC-CP Working Group meeting [PC-CP (2017)9];

f. Draft terms of reference of the PC-CP for 2018-2019

- to take note of the draft terms of reference of the PC-CP for the years 2018 – 2019 and make some minor changes;

7. Prison overcrowding

- to take note of the executive summary of the first meeting of its sub-group on prison overcrowding held on 7 December 2016, The Hague (The Netherlands) and that a second meeting of this subgroup is scheduled for 7 June 2017 in The Hague;
- to consider positively the idea of organising a conference by the CoE in 2018 with the participation of the key stakeholders of the criminal justice system involved in the decision making process and who have a strategic role to play in implementing policies and measures to deal with the issues of overcrowding prisons in Europe;

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

- to take note of the list of decisions of the 23rd meeting of the PC-OC Mod [document PC-OC Mod (2017) 3], held on 28 February-2 March 2017, and of the draft agenda of the 72nd meeting [PC-OC(2017)OJ1], to be held on 22-24 May 2017;
- to welcome the work of the PC-OC in the implementation of the Action Plan on TOC [document PC-OC 2016)05], in particular its examination of: a) the overview of reservations to CoE Treaties within the remit of the PC-OC and different proposals for follow up [document PC-OC Mod (2016)05rev3Add]; b) the draft overview of judicial networks and proposals to promote their interconnection [document CDPC (2017)1rev];
- to take note of the findings of the PC-OC Mod on both the possibility to amend the Convention on the Transfer of Sentenced Persons as well as the replies received to the questionnaire on the possible establishment of an E-transfer tool;

9. Links between Organised Crime and Terrorism

- to take note of the information provided by the Secretariat on the Conference on links between organised crime and terrorism to be held in Malaga (Spain) on 21-22 September 2017 and the progress of the organisational aspects of the Conference and in particular on the main topics to be discussed in Malaga and that the letters of invitation will be soon sent to all representatives of the two CoE steering committees involved in this issues (CDPC and CODEXTER);

10. Terrorism

- to take note of the information provided by the Secretariat on the most recent activities carried out in the field of counter-terrorism and notably that the CODEXTER is working on a new recommendation on Terrorists Acting Alone and that a representative of the CDPC (from France) is also attending the meetings of this drafting group;

11. The role of victims within the criminal justice system

- to endorse the revised draft questionnaire on the Council of Europe Convention on the Compensation of Victims of Violent Crime (ETS No 116) modified following the last plenary meeting of the CDPC in March and to instruct the Secretariat to send it out to all CDPC delegates;

12. Information provided by the Secretariat

- to take note of the information provided by the Secretariat below:

a. MEDICRIME

- to welcome the decision of the Spanish National School of Judges to implement a training

course for judges on the MEDICRIME convention (from June to December 2017);

- to take note that a report on gender mainstreaming and the MEDICRIME convention is currently being prepared;
- following the existing curriculum for judges and prosecutors, to take note that the drafting of a curriculum addressed at law-enforcement authorities could bring added value to the promotion of the convention;

b. Trafficking in human organs

c. Cybercrime

d. Council of Europe Convention on Offences relating to Cultural Property

13. Any other business

- to recall that four members of the CDPC Bureau need to be appointed at the next CDPC Plenary meeting;
- to instruct the Secretariat to send out a call for nominations after the next Bureau meeting;

14. Dates of the next meetings

- to hold the next Bureau meeting on 2 and 3 October 2017 in Venice, Italy