

Extract from CM(2023)131-addFinal

Terms of reference of the European Committee on Crime Problems (CDPC)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Category: Steering committee

Duration: 1 January 2024 - 31 December 2027¹

Programme: Upholding safety, security and integrity of society and persons

Sub-programme: Criminal law - Terrorism

Main tasks

Under the authority of the Committee of Ministers, and bearing in mind the Council of Europe legal standards, the case law of the European Court of Human Rights and the findings and recommendations of the relevant monitoring mechanisms, the CDPC identifies priority elements for intergovernmental legal co-operation, proposes to the Committee of Ministers areas for action in criminal law and procedure, criminology and penology, by developing standard setting instruments, providing scientific advice, collecting information, conducting activities in these areas and advising the Committee of Ministers on all questions within its area of competence.

In particular, the CDPC is instructed to:

- i. take due account of the Reykjavik Declaration² in conducting its activities and submit proposals for its implementation as appropriate;
- ii. take account of the relevant key findings and challenges set out in the Secretary General's 2023 Report on the state of democracy, human rights and rule of law "An Invitation to Recommit to the Values and Standards of the Council of Europe";
- iii. steer the legal co-operation among the Council of Europe member States in order to assist them to develop modern criminal law and penal policies, in particular, through the development of common standards in the fields of criminal law and preventing and combating all forms of criminal activities, covering both substantive and procedural aspects;
- iv. follow the implementation of the relevant Council of Europe Conventions in the criminal law field including, where appropriate, any conventional bodies established by them, by identifying potential shortcomings in international law and addressing them in the most appropriate form, including by preparing binding or non-binding legal instruments or by revising and updating as necessary the existing ones;
- v. facilitate friendly settlements of any difficulty which may arise out of the execution and implementation of the relevant Council of Europe Conventions in the criminal law field;
- vi. assist member States, together with the PC-CP, in the implementation of the European Prison Rules, the European Rules for juvenile offenders, the Council of Europe Probation Rules, as well as other relevant recommendations in the penitentiary field with a view to ensuring harmonised laws and practices for the execution of sanctions and measures throughout Europe;
- vii. ensure the regular collection of the Council of Europe Annual Penal Statistics (SPACE) in order to assist member States in developing modern penal policies based on validated data and research;
- viii. prepare, in co-operation with other relevant bodies, conferences, such as the Conferences of the Ministers of Justice, and ensure the follow-up of any decision taken by the Committee of Ministers subsequent to the Conferences;
- ix. ensure the follow-up to the Conferences of Directors of Prison and Probation Services;
- x. ensure co-operation and transversal activities, where appropriate, with other relevant Council of Europe bodies, in particular GRECO, MONEYVAL, Pompidou Group, T-CY, CEPEJ, CPT;
- xi. provide an intergovernmental setting, and steer and supervise all the issues in the criminal law field, for the negotiation and finalisation of draft legal instruments or draft amendments to existing legal instruments prepared by ad hoc committees and committees of the parties, tasked by the Committee of Ministers with elaborating them;
- xii. take full account of the activities of the relevant monitoring and other bodies or convention mechanisms;
- xiii. organise thematic sessions in its field of expertise;
- xiv. orient and oversee the activities carried out by its subordinate bodies, notably the PC-OC and PC-CP in the international co-operation and penitentiary field, respectively; the Committee of Experts on the Protection of the Environment through criminal law (PC-ENV), the Committee of Experts on Criminal Asset Recovery (PC-RAC) and the Committee of Experts on combating technology-facilitated violence against women and girls (GEC/PC-DIG), jointly with GEC (cf. separate terms of reference);
- xv. provide input to the Committee of Ministers in view of the regular, high-level dialogue with member States and partners on delivering on the Reykjavik Principles for Democracy;

¹ These terms of reference are approved for the first biennial period 2024-2025. For the second biennial period 2026-2027, they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for 2026-2027.

² Reykjavik Declaration - United around our values.

- xvi. raise-awareness about Council of Europe standards and tools in its field of competence in the member States and beyond, through the neighbourhood policy and in other international and global fora where relevant;
- xvii. hold an exchange of views annually in order to evaluate its activities and advise the Committee of Ministers and the Secretary General on future priorities in its sector, including possible new activities and those that might be discontinued;
- xviii. take due account of the following mainstreamed perspectives in the performance of its tasks: gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller³ issues;
- xix. where relevant, contribute to strengthening meaningful engagement with civil society organisations and national human rights institutions in its work;
- xx. in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility,⁴ in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers;
- xxi. contribute to the achievement of, and review progress towards, the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 5: Gender Equality and Goal 16: Peace, Justice and Strong institutions;
- xxii. within the existing Council of Europe frameworks, consider and explore concrete ways to improve international co-operation in fighting the smuggling of migrants, thereby also considering the protection from aggravated instances of migrant smuggling, with full respect for their human rights and taking into account the relevant legal framework, and prepare a report assessing the need for and feasibility of a possible instrument in this field.

Main deliverables

Under the authority of the Committee of Ministers, the CDPC is instructed to complete these deliverables, within the following deadlines:

	Category ▼	Priority ▼	Deadline ▼
1. Draft Convention superseding and replacing the European Convention on the Protection of the Environment through Criminal Law (ETS No. 172), as well as a draft Explanatory Report thereto (cf. terms of reference of PC-ENV)	A	1	31/12/2024
2. Draft Protocol updating the European Convention on Mutual Legal Assistance in Criminal Matters (ETS 30) (cf. terms of reference of PC-OC)	A	1	31/12/2024
3. Draft Recommendation regarding the management of offenders with mental health disabilities and disorders in prisons and under probation (cf. terms of reference of PC-CP)	A	1	31/12/2024
4. Updated Recommendation Rec(89)12 on education in prison (including also offenders under probation) (cf. terms of reference of PC-CP)	A	3	31/12/2025
5. Draft legal instrument on criminal liability related to the use of artificial intelligence	A	1	31/12/2025
6. Implementation review report on the Action Plan on fighting smuggling of migrants	A	1	31/12/2025
7. Practical tools and guidelines on international co-operation in criminal matters (cf. terms of reference of PC-OC)	A	2	31/12/2025
8. Draft Recommendation on combating technology-facilitated violence against women and girls, jointly with GEC (cf. terms of reference of GEC/PC-eVIO)	C	1	31/12/2025

³ The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

⁴ Cf. relevant decisions of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in document CM(2023)132.

9. Draft additional protocol supplementing the Council of Europe Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism (CETS no. 198), as well as a draft explanatory report thereto (cf. terms of reference of PC-RAC)	C	1	31/12/2025
10. Within the existing Council of Europe frameworks, consider and explore concrete ways to improve international co-operation in fighting the smuggling of migrants, thereby also considering the protection from aggravated instances of migrant smuggling, with full respect for their human rights and taking into account the relevant legal framework, and prepare a report assessing the need for and feasibility of a possible instrument in this field	C	1	31/12/2024
11. Reviewed and updated commentary to Recommendation CM/Rec(2012)12 on foreign prisoners (cf. terms of reference of PC-CP)	A	3	31/12/2026
12. Draft guidelines for implementing Recommendation CM/Rec(2018)8 on restorative justice in criminal matters	C	2	31/12/2026
13. Subject to the result of the relevant study, draft binding instrument on co-operation with the European Public Prosecutor's Office under the European Convention on Mutual Assistance in Criminal Matters (cf. terms of reference of PC-OC)	C	1	31/12/2026
14. Assessment report of the need to update the European Convention on the Transfer of Proceedings in Criminal Matters (cf. terms of reference of PC-OC)	C	3	31/12/2027
15. Updated database on the jurisprudence of the European Court of Human Rights relevant to international co-operation in criminal matters (cf. terms of reference of PC-OC)	C	3	31/12/2027
16. Updated country profiles regarding international co-operation in criminal matters (cf. terms of reference of PC-OC)	C	3	31/12/2027
17. Updating of the Council of Europe Probation Rules (cf. terms of reference of PC-CP)	C	2	31/12/2027
18. Publication of the annual Council of Europe Penal Statistics (SPACE I and SPACE II) (cf. terms of reference of PC-CP)	A	1	31/06 of each year
19. Annual Council of Europe Conference of Directors of Prison and Probation Services (cf. terms of reference of PC-CP)	A	2	31/12 of each year
<p>Key</p> <p>A: deliverable under preparation (2022-2023 terms of reference or Committee of Ministers' decision) or deliverable foreseen in the terms of reference provisionally approved for 2024-2025 and reviewed where relevant in the framework of the preparation of the draft Programme and Budget 2024-2027</p> <p>B: review of implementation/re-examination foreseen by the recommendation/protocol/convention</p> <p>C: newly proposed deliverable</p>			

Composition

• Members

Governments of member States are invited to designate one or more representatives of the highest possible rank with the following qualifications: senior officials and experts in the fields of criminal law and criminal procedure, penology or criminology, with responsibility at the national level for the planning, development and implementation of policies relevant to the work of the Committee and appointed by their governments to co-ordinate, at national level, all elements of government policy relevant to the work of the Committee.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the Committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

• Participants

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Commissioner for Human Rights of the Council of Europe;
- Conference of INGOs of the Council of Europe;
- Consultative Council of European Prosecutors (CCPE);
- European Committee for the Prevention of Torture and Inhuman and Degrading Treatment (CPT)
- Committee on Artificial Intelligence (CAI);
- Council of Europe Committee on Counter-Terrorism (CDCT);
- Cybercrime Convention Committee (T-CY);
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America.

- Observers

The following may send representatives, without the right to vote and without defrayal of expenses:

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- the Conference of Ministers of Justice of Ibero-American Countries (COMJIB);
- EuroPris.

Observer status may be requested in accordance with Article 8 of [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Working methods

The rules of procedure of the Committee are governed by [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

	Plenary meetings ▼			Bureau meetings ▼		
	Members incl. Chair	Meetings per year	Days per meeting	Members	Meetings per year	Days per meeting
2024	47	2	5	9	2	2
2025	47	2	4	9	2	2
2026	47	2	4	9	2	2
2027	47	2	4	9	2	2

The CDPC will appoint from amongst its members up to 5 Rapporteurs on mainstreamed perspectives, including a Gender Equality Rapporteur.

Subject to the agenda, the chairs of its subordinate structures may be invited to attend CDPC's Bureau and/or plenary meetings.

Subordinate structures

The CDPC co-ordinates, supervises and follows the work of its subordinate bodies:

- Council for penological co-operation (PC-CP) (cf. separate terms of reference);
- Committee of Experts on the Operation of European Conventions on co-operation in criminal matters (PC-OC) (cf. separate terms of reference);
- (until end 2024) Committee of Experts on the protection of the environment through criminal law (PC-ENV) (cf. separate terms of reference);
- (2024-2025) Committee of Experts on combating technology-facilitated violence against women and girls (GEC/PC-DIG, jointly with GEC) (cf. separate terms of reference);
- (2024-2025) Committee of Experts on criminal asset recovery (PC-RAC) (cf. separate terms of reference).

Budgetary information *

	Meetings per year	Days per meeting	Members reimbursed	Plenary in €K	Bureau in €K	Working groups in €K	Secretariat (A, B)
2024	2	5	47	153.5	17.6	30.8	1 A; 1 B
2025	2	4/5	47	139.0	17.6	30.8	1 A; 1 B
2026	2	4	47	↓	↔	↔	↔
2027	2	4	47	↓	↔	↔	↔

*The costs include the per diem, travel costs, interpretation, translation and document printing. These costs are calculated on the basis of standard costs.