



19 June 2009

MJU-29 (2009) RESOL. 2 E

## **29th COUNCIL OF EUROPE CONFERENCE OF MINISTERS OF JUSTICE**

(Tromsø, Norway, 18 -19 June 2009)

### **RESOLUTION No. 2 on mutual assistance in criminal matters**

THE MINISTERS participating in the 29th Council of Europe Conference of the Ministers of Justice (Tromsø, Norway, 18 -19 June 2009),

1. Recalling Resolution No. 5 on the functioning of the Council of Europe Conventions on judicial co-operation in criminal matters adopted in Helsinki (7-8 April 2005);
2. Having regard to the Conclusions adopted at the High Level Conference of the Ministries of Justice and of the Interior in Moscow (9-10 November 2006);
3. Convinced that one of the key roles of the Council of Europe is to assist its member States in strengthening their individual and collective ability to prevent and respond to crime, while respecting human rights;
4. Recognising the value of the existing 31 treaties of the Council of Europe dealing with various aspects of co-operation in criminal matters;
5. Welcoming the close co-operation between the Council of Europe and the European Union based on common standards as embodied in these treaties and the Memorandum of Understanding between the two organisations, and as recently expressed in the Conclusions of the Council of the European Union on supporting the Council of Europe's legislative work in the area of criminal justice (26-27 February 2009);
6. Marking the 50<sup>th</sup> anniversary of the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 and welcoming the fact that this Convention has been ratified by all member States of the Council of Europe and by Israel;
7. Bearing in mind that this convention has been of particular relevance in setting up Europe-wide co-operation mechanisms and thus establishing the preconditions for prosecuting different forms of trans-border criminality;

8. Noting that the evolution of criminality towards a growing trans-border phenomenon has led to the need to update the existing instruments and to the adoption of the two additional protocols to the European Convention on Assistance in Criminal Matters in 1978 and 2001;
9. Considering that the 2<sup>nd</sup> Additional Protocol of 8 November 2001 in particular adapts the European Convention on Mutual Assistance in Criminal Matters to today's needs, by providing for novel channels and means of co-operation, by facilitating assistance and making it quicker and more flexible;
10. Welcoming the steady stream of ratifications of the convention and its additional protocols which attests to the fact that they remain a living document, continuing to be applied on a daily basis and providing a legal basis for effective co-operation between their Parties;
11. Noting with appreciation the work of the European Committee on Crime Problems (CDPC) and its subordinate committees in the adoption and updating of the relevant Council of Europe instruments, as well as in maintaining a continued scrutiny on the effective operation of the conventions on co-operation in criminal matters;
12. Welcoming in particular the recent implementation by the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) of measures to facilitate the practical application of the Council of Europe conventions on co-operation in criminal matters;
13. CALL ON member States:
  - a. if they have not already done so, to sign and ratify the 2nd Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters as a matter of priority;
  - b. to review their reservations to the European Convention on Mutual Assistance in Criminal Matters and its Additional Protocols, with a view to withdrawing them if possible, in order to remove all obstacles to international co-operation;
14. AGREE on the need to further develop practical measures in order to render international co-operation in criminal matters more effective all over Europe;
15. INVITE the Council of Europe to strengthen its activities aimed at developing and enhancing such measures, in particular by intensifying the co-operation between the relevant bodies of the Council of Europe and the European Union, and in particular the PC-OC and the European Judicial Network;
16. INVITE member States to support initiatives in this field and offer their co-operation in order to make them effective.