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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

NON-PAPER
POSSIBLE MAIN ELEMENTS OF FUTURE TERMS OF REFERENCE FOR
THE COMMITTEE OF EXPERTS ON THE OPERATION OF
EUROPEAN CONVENTIONS ON CO-OPERATION IN CRIMINAL MATTERS (PC-OC)

Document prepared by
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Non-paper

Possible main elements of future terms of reference for the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC)

Introduction:

In view of the reform of the committee structure in the Council of Europe, the Secretariat has identified a number of possible main elements of future terms of reference for the PC-OC.

The elements set out below are of a purely provisional nature and subject to approval by the Secretary General and the Committee of Ministers.

Possible main tasks:

Under the authority of the European Committee on Crime Problems (CDPC), the Committee is instructed to:

- i. Monitor and evaluate the operation of the conventions on international co-operation in criminal matters¹ with a view to facilitating their practical implementation;
- ii. discuss practical difficulties encountered by states Parties concerning the European conventions on international co-operation in criminal matters and express non-binding opinions concerning the interpretation of the provisions of these Conventions;
- iii. consider various steps and initiatives to improve the efficiency of international co-operation in criminal matters, including in particular to improve practical co-operation as well as developing normative texts in accordance with the given instructions by the CDPC²;
- iv. follow developments in other international frameworks (e.g. United Nations, European Union) in the fields covered by these conventions and, where appropriate, propose measures likely to ensure their conformity with such developments;
- v. follow the application of the European Convention on Human Rights with regard to international co operation in criminal matters;
- vi. carry out other specific mandates given by the CDPC;

¹ These Conventions include in particular: ETS No. 24 (Extradition, and Additional Protocols ETS Nos 86, 98 and 209), 30 (Mutual assistance in criminal matters and Additional Protocols ETS Nos 99 and 182), 51 (Supervision of Conditionally sentenced or Conditionally released Offenders), 70 (International validity of criminal judgments), 73 (Transfer of criminal proceedings), 112 (Transfer of sentenced persons and its Protocol ETS No. 167 .

² On the basis of the elements presented, notably, in the following documents: Proposals of the PC-OC concerning normative and practical measures to improve the operation of relevant conventions (PC-OC (2008) 05 and 06), approved by the CDPC at its 56th plenary session (CDPC (2007) 23)

vii. take due account of gender equality issues in the performance of the above tasks.

Possible activities to be supervised:

Development of practical tools, including explanatory notes, guides on national procedures, IT tools, databases, networks of contact points as well as activities to improve the Committee's visibility in order to assist practitioners in applying the conventions on international co-operation in criminal matters and in particular concerning:

- the European Convention on Extradition and the Additional Protocols thereto;
- the European Convention on Mutual Assistance in Criminal Matters and the Additional Protocols thereto;
- the European Convention on the Transfer of Proceedings in Criminal Matters
- the Convention on the Transfer of Sentenced Persons and the Additional Protocol thereto.

Proposals of solutions to concrete problems experienced by Parties to the conventions on international co-operation in criminal matters and non-binding opinions on their interpretation and implementation;

If and where appropriate, development of additions and/or amendments to the binding or non binding legal instruments related to the international cooperation in criminal matters under the authority of the European Committee of Crime Problems (CDPC) and in particular as regards:

- the European Convention on Extradition and the Additional Protocols thereto;
- the European Convention on the Transfer of Proceedings in Criminal Matters;
- the European Convention on Mutual Assistance in Criminal Matters and the Additional Protocols thereto;
- the Convention on the Transfer of Sentenced Persons and the Additional Protocol thereto;
- the European Convention on the International Validity of Criminal Judgements.

Possible expected results:

Expected results 2012 and 2013

The PC-OC is known by practitioners and its website is used to ask questions or to find information on the implementation of the conventions on international co-operation in criminal matters;

The implementation by practitioners of the conventions on international co-operation in criminal matters is facilitated and threats to the Rule of Law are diminished;

Concrete problems experienced by Parties to the conventions are identified at an early stage, solutions are proposed, procedures are accelerated and conflicts are avoided;

International co-operation in criminal matters is facilitated and enhanced. Relevant conventions and non binding legal instruments are improved, adapted to a changing environment/modernised and kept in pace with normative developments in the United Nations and the European Union. Rule of Law principles and respect for Human rights are reinforced in Europe and in non-European Parties to the conventions.