

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CCPE-GT(2017)2

Strasbourg, 24 May 2017

**WORKING GROUP OF THE
CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS
(CCPE-GT)**

**Report of the 20th meeting
Strasbourg, 27 – 28 February 2017**

Document prepared by the Secretariat
Directorate General I - Human Rights and Rule of Law

I. INTRODUCTION

1. The Working Group of the Consultative Council of European Prosecutors (CCPE-GT) held its 20th meeting in Strasbourg on 27-28 February 2017. The meeting was chaired by Mr Peter McCormick (Ireland), President of the CCPE.
2. The agenda and the list of participants are reproduced in Appendices I and II respectively.

II. COMMUNICATION BY THE PRESIDENT AND MEMBERS OF THE BUREAU AND WORKING GROUP OF THE CCPE

3. The President informed the members of the Working Group about the invitation to an international Conference on the “Binding Effect of Judicial Decisions”, organised by the Supreme Court of the Czech Republic in co-operation with the Ministry of Justice, within the framework of the Czech Chairmanship of the Committee of Ministers of the Council of Europe. The Conference will be held from 19 to 21 June 2017 in Brno, the capital of the Czech judiciary, with the participation of the Presidents of the Supreme and Constitutional Courts of the Council of Europe member states, judges of European courts and leading academics. Mr Cédric Visart agreed to participate in this Conference.

III. PREPARATION OF THE OPINION NO. 12 ON THE RIGHTS OF VICTIMS, WITNESSES AND VULNERABLE PERSONS

4. The President presented to the Working Group members the draft structure of the Opinion (document CCPE-BU(2017)3), as well as the *aide-mémoire* for the Opinion (document CCPE-BU(2017)2). He also referred to the recommendations of the Bureau members, in particular that the Opinion had to be practical and concrete, should highlight an ideal model of the prosecutors’ role in the protection of the rights of victims, witnesses and vulnerable persons, instead of describing the existing systems in member states.
5. As regards the title of the Opinion as adopted by the plenary meeting of the CCPE on 17-18 November 2016¹, which is “The rights of victims, witnesses and vulnerable persons”, the CCPE-GT stated that prosecutorial practices should be reflected in the title. Therefore, the Working Group agreed on the following title: “The role of prosecutors in relation to the rights of victims and witnesses in criminal proceedings” adding that “victims and witnesses” was already covering vulnerable persons.
6. The CCPE-GT discussed in particular the following items:
 - protection of the rights of victims and witnesses in all phases of criminal procedure, as well as during the execution of court verdicts,
 - rights and obligations linked to reporting a crime,
 - the authority charged with receiving complaints about crimes,
 - the role of prosecutors related to the compensation of victims,
 - protection programmes for victims/witnesses,
 - special regimes for victims of certain types of crimes,
 - availability of adequate means and resources at the disposal of the prosecution services,

¹ See the report on the 11th plenary meeting of the CCPE (document CCPE(2016)4), para 9.

- interaction and cooperation between prosecutors and other public bodies and NGOs,
- international cooperation, in particular as regards offences committed abroad and their prosecution,
- development of international instruments for cooperation, e.g. sharing databases,
- assistance to international organisations, e.g. EUROJUST,
- joint investigation teams, judicial networks.

7. The Working Group agreed on a structure (document CCPE-GT(2017)1Prov1) and on the distribution of tasks among its members, as everyone volunteered to draft a specific chapter or sub-chapter of the final approved structure:

1. Introduction: purpose and area of application of the Opinion - by the Secretariat
2. Definitions - by Mr Antonio VERCHER NOGUERA
3. The rights and duties of victims and witnesses and protective measures for them - by Mr José Manuel SANTOS PAIS
4. Role of prosecutors in protecting the rights of victims and witnesses:
 - 4.1 Role of the prosecutor in general - by Ms Alessandra GIRALDI
 - 4.2 Duties (in general manner) of prosecutors towards victims and witnesses - by Ms Alessandra GIRALDI
 - 4.3. Avoiding secondary victimisation and awareness by prosecutors - by Mr Cédric VISART DE BOCARME
 - 4.4 Focus on attention to specific victims - by Mr Cédric VISART DE BOCARME
 - 4.5 Use of special measures or procedures to protect victims/witnesses when giving evidence - by Mr Davit MELKONYAN
 - 4.6 The role of prosecutors and other actors in the enforcement of these rights and in the case of their violation - by Mr Ramazan KAYA
5. Training - by Mr Antonio MURA
6. International cooperation - by Mr Vladimir ZIMIN.

8. As regards the timetable, it was decided to send, by 30 April 2017 or earlier, all contributions to the Secretariat. It would prepare a consolidated version of the draft Opinion, having integrated all contributions, and would then send it to the Bureau. Subsequently, the Bureau would consider and revise the draft and send it back to the Secretariat, which would, by 30 May 2017, send it to the members of the Working Group for their comments. These comments would be expected by 10 June 2017, and would be considered during the next Working Group meeting.

IV. OTHER ITEMS

9. The next meeting of the Working Group would take place in Paris on 15-16 June 2017.

APPENDIX I

AGENDA / ORDRE DU JOUR

1. Opening of the meeting / *Ouverture de la réunion*
2. Adoption of the agenda / *Adoption de l'ordre du jour*
3. Communication by the President, members of the CCPE and the Secretariat / *Communication du Président, des membres du CCPE et du Secrétariat*
4. Preparation of the draft Opinion No. 12 on «the rights of victims, witnesses and vulnerable persons» / *Préparation du projet de l'Avis No. 12 sur « les droits des victimes, des témoins et des personnes vulnérables »*
5. Any other business / *Divers*

APPENDIX II

LIST OF PARTICIPANTS

MEMBERS OF CCPE-GT / MEMBRES DU CCPE-GT

Ms Alessandra GIRALDI, Deputy Chief Director, Office of the Director of Public Prosecutions, Copenhagen, **DENMARK / DANEMARK**

Mr Ramazan KAYA, Member of the High Council of Judges and Prosecutors of Turkey, Ankara, **TURKEY / TURQUIE**

Mr Davit MELKONYAN, Deputy Prosecutor General, Prosecutor General's Office of Armenia, Yerevan, **ARMENIA / ARMENIE**

Mr Antonio MURA, Head of Department for Justice Affairs, Ministry of Justice, Rome, **ITALY / ITALIE**

Mr Sava PETROV, Prosecutor, Head of the Analytical Department, Court of Cassation, Office of the Prosecutor General, Sofia, **BULGARIA / BULGARIE**

Dr Franz PLÖCHL, Senior Deputy Prosecutor General (Erster Generalanwalt), Generalprokuratur, Vienna, **AUSTRIA / AUTRICHE**

M. Cédric VISART de BOCARME, Directeur du service d'appui commun auprès du Collège des procureurs généraux et du Collège du ministère public, Bruxelles, **BELGIUM / BELGIQUE**

Ms Jana ZEŽULOVÁ, Public Prosecutor, Supreme Public Prosecutor's Office, Analytic and Legislative Department, Brno, **CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Vladimir P. ZIMIN, First Deputy Head, General Department of International Legal Cooperation, Office of the Prosecutor General, Moscow, **THE RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

OTHER PARTICIPANTS / AUTRES PARTICIPANTS

Ms Sibel DEMİR SALDIRIM, Rapporteur Judge at the High Council of Judges and Prosecutors of Turkey, Ankara, **TURKEY / TURQUIE**

Mr Zeki UYSAL, Rapporteur Judge at the High Council of Judges and Prosecutors of Turkey, Ankara, **TURKEY / TURQUIE**

MEMBERS OF CCPE-BU / MEMBRES DU CCPE-BU

Mr Peter McCORMICK, Prosecutor, Office of the Director of Public Prosecutions, Dublin, **IRELAND / IRLANDE - (President of CCPE / Président du CCPE)**

M. José Manuel SANTOS PAIS, Procureur-Général Adjoint à la Cour Constitutionnelle du Portugal, Tribunal Constitucional, Lisbonne, **PORTUGAL - (Vice-President of CCPE / Vice-Président du CCPE)**

Mr Han J. MORAAL LL.M.MPA Chief Public Prosecutor, Eurojust, The Hague, **NETHERLANDS / PAYS BAS**

Mr Antonio VERCHER NOGUERA, Deputy Attorney General for environmental matters, Madrid, **SPAIN / ESPAGNE**

**COUNCIL OF EUROPE'S SECRETARIAT /
SECRETARIAT DU CONSEIL DE L'EUROPE**

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