

EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

DRAFT TERMS OF REFERENCE

**Drafting Group to review the Recommendation Rec (2005)9 of the
Committee of Ministers to Member States on the Protection of
Witnesses and Collaborators of Justice**

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

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The European Committee on Crime Problems (CDPC),

Having regard to the Council of Europe Action White Paper on Transnational Organised Crime and its Action Plan adopted by the Committee of Ministers on 2 March 2016;

Having regard to its Terms of Reference for 2016 – 2017, in particular points (ii) of the “Specific Tasks” contained therein;

Having regard to Resolution Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods, in particular Article 14 of the Appendix;

Decides as follows:

To appoint a drafting group consisting of members proposed by the CDPC;

To task the drafting group with the review of the Recommendation Rec (2005)9 of the Committee of Ministers to member States on the protection of witnesses and collaborators of justice;

The drafting group shall ensure that the updated recommendation deals, in particular, with the following issues:

- a) the current best practices and tendencies of member States when dealing with the topic of witness protection;
- b) when dealing with transnational organised crime issues, duties to report and collaborate with the justice system;
- c) the status of protected witness when serious threats to the life and freedom arise;
- d) the co-operation of collaborators with the justice system and the needs, scope and rights of victims and collaborators;
- e) international co-operation when implementing witness protection measures and programmes;
- f) any other issue which it deems to be of consequence for the protection of witnesses and collaborators of justice.

The drafting group may have recourse to (a) scientific consultant(s) within the limits of the budgetary appropriations for the CDPC.

The drafting group shall be composed of 10 representatives of member States of the highest possible rank in the field of criminal law and treatment of witness protection, designated by the CDPC. Its composition will reflect an equitable geographic distribution amongst the member States and will take account of the gender equality dimension.

The Council of Europe will bear the travel and subsistence expenses of each member of the drafting group.

Other member States may designate representatives without defrayal of expenses.

The following Steering and sub-ordinate committees of the Council of Europe are invited to appoint one representative each to participate in the work of the drafting committee at their own expense:

- The Committee of Experts on Terrorism (CODEXTER),

- The European Committee on Legal Co-operation (CDCJ),
- The Committee of Experts on the Operation of European Conventions in the Penal Field (PC-OC).

The drafting group should complete its tasks within a maximum total of three meetings of two days each.

The drafting group shall report on the progress of its work to the Bureau of the CDPC and to the CDPC itself and, as necessary, request and/or receive instructions from the Bureau and the CDPC concerning the fulfilment of its tasks as set out in this decision.

At the end of its work, the drafting group shall submit the reviewed recommendation Rec (2005)9 of the Committee of Ministers to member States on the protection of witnesses and collaborators of justice to the CDPC for finalisation.