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**BUREAU OF THE CONSULTATIVE COUNCIL
OF EUROPEAN PROSECUTORS
(CCPE-BU)**

**Report of the 27th meeting
Paris, 15 June 2017**

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

I. INTRODUCTION

1. The Bureau of the Consultative Council of European Prosecutors (CCPE) held its 27th meeting in Paris on 15 June 2017. Mr José Manuel SANTOS PAIS (Portugal), Vice-President of the CCPE, chaired the meeting¹.
2. The following Bureau members were also present:
 - Mr Han MORAAL (The Netherlands)
 - Mr Antonio VERCHER NOGUERA (Spain)
3. The agenda is set out in Appendix I.

II. COMMUNICATION BY THE PRESIDENT, MEMBERS OF THE BUREAU AND THE SECRETARIAT

4. Mr SANTOS PAIS reminded the members of the Bureau about invitation for the CCPE to participate in an international high-level 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 Council of Europe. The conference would be held on 20-21 June 2017 in Brno, the capital of the Czech judiciary, with the participation of the Presidents of the Supreme and Constitutional Courts of the member states of the Council of Europe, judges of European courts and leading academics. Mr Cédric VISART DE BOCARME (Belgium) agreed to participate in this conference on behalf of the CCPE.

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

5. The members of the Bureau examined the draft Opinion (document CCPE-GT(2017)3Prov4) which contains the contributions of the members of the Working Group and the Secretariat. This draft was already sent to all members of the Bureau and the Working Group for comments and the Secretariat already integrated their comments.
6. Before the Bureau meeting, it was already decided to change the title of the Opinion into “The role of prosecutors in relation to the rights of victims and witnesses in criminal proceedings”. Such title would more exactly describe the purpose and scope of the Opinion. It would of course focus on different types of victims and witnesses, including first of all those who are vulnerable due to their age, gender or other characteristics.
7. The members of the Bureau recommended that the Opinion should have first of all a practical dimension. It should provide example and guidance for prosecutors’ role in the protection of the rights of victims and witnesses, including vulnerable persons.
8. The members of the Bureau also discussed structural issues and decided to present their proposals during the meeting of the Working Group.

¹ In the absence of Mr Peter McCORMICK (Ireland), President of the CCPE.

IV. OTHER WORKS OF THE CCPE

9. The members of the Bureau discussed the follow-up to the report of the Secretary General of the Council of Europe – 2016 on the “State of democracy, human rights and the rule of law - a security imperative for Europe” which proposed to “develop the methodology and establish a regular in-house evaluation mechanism on the independence and impartiality of the judiciaries of the Council of Europe member states”².
10. The plenary meeting of the CCPE on 17-18 November 2016 welcomed this initiative and decided that, as a follow-up, the CCPE Bureau would prepare a report on an annual basis focusing on the independence and impartiality of the public prosecution services in member states, relying on information received from the CCPE members, on the judgments of the European Court of Human Rights, the opinions of the Venice Commission, and on the reports of the Human Rights Commissioner and of the Parliamentary Assembly. As decided by the plenary meeting, these reports would not contain ratings or rankings of member states’ performance and would not constitute a monitoring mechanism³. The preparation of the report would constitute follow-up to the Council of Europe Plan of Action on strengthening judicial independence and impartiality in member states⁴.
11. The Bureau members discussed the upcoming process of preparation of the report in line with the above-mentioned proposal of the Secretary General. In order to identify issues of concern in member states, an inquiry was sent, in April 2017, to all members of the CCPE as regards five key areas:
 - I. Organisational independence of prosecution services from executive and legislative powers.
 - II. Functional independence: appointment and security of tenure of prosecutors.
 - III. Impartiality of prosecutors, codes of ethics and professional conduct and disciplinary measures.
 - IV. The economic basis for smooth functioning of the system of prosecutor offices.
 - V. Prosecutors and media: public discussion and criticism of prosecutors.
12. In the inquiry, it was stressed that the CCPE Bureau, which would prepare the report, needs information on the existing current problems and concerns in these key areas. Based on that, the Bureau would integrate all responses on such problems and concerns in the report, along with information reported by other bodies, i.e. prosecutorial associations, or based on the findings of the CoE bodies and institutions.
13. As regards the CCPE work in 2018 and the preparation of the future Opinion in particular, the Bureau proposed to organise, after the plenary meeting of the CCPE, a short meeting of the newly constituted Working Group in order to start the process (need of a questionnaire, of a scientific expert, main topics to address, form of the future Opinion,

² See the Report’s Executive Summary, proposed actions and recommendations, judicial independence: 3rd bullet point (page 7).

³ See the report on the 11th plenary meeting of the CCPE (document CCPE(2016)4), para 6.

⁴ Adopted at the 1253rd meeting of the Committee of Ministers on 13 April 2016 (document CM(2016)36final).

etc). It suggested also that for the future work of the CCPE, a short working methodology should be prepared by the Bureau.

V. OTHER ITEMS

14. The plenary meeting of the CCPE will take place in Strasbourg on 23-24 November 2017.

Appendix I

AGENDA

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 Bureau and the Secretariat / *Communication du Président, des membres du Bureau et du Secrétariat*
4. Preparation of the 21st meeting of the CCPE-GT and the draft Opinion No. 12 on “the role of prosecutors in relation to the rights of victims and witnesses in criminal proceedings” / *Préparation de la 21^{er} réunion du CCPE-GT et du projet de l’Avis No. 12 sur « le rôle des procureurs concernant les droits des victimes et des témoins dans la procédure pénale »*
5. Follow-up to the report of the Secretary General of the Council of Europe – 2016 on the “State of democracy, human rights and the rule of law - a security imperative for Europe” and preparation of the report on the independence and impartiality of the prosecution services in member states of the Council of Europe / *Suivi du rapport établi par le Secrétaire Général du Conseil de l’Europe - 2016 sur la « Situation de la démocratie, des droits de l’homme et de l’Etat de droit - un impératif pour la sécurité de l’Europe » et la préparation du rapport sur l’indépendance et l’impartialité du ministère public dans les Etats membres du Conseil de l’Europe*
6. Situation of prosecutors in Poland / *Situation des procureurs en Pologne*
7. Other work of the CCPE / *Autres travaux du CCPE*
8. Any other business / *Divers*