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Conference's website address: www.coe.int/prosecutors

Conference of Prosecutors General of Europe 4th session

organised by the
**Council of Europe in co-operation with the
Prosecutor General of the Slovak Republic**

Bratislava, 1 – 3 June 2003

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CONCLUSIONS

Under the aegis of the Council of Europe and following an invitation from the Prosecutor General of the Slovak Republic, the Prosecutors General and other Prosecutors of Europe held their 4th Conference in Bratislava from 1 to 3 June 2003.

At its opening, the Conference heard statements by the Prime Minister of the Slovak Republic and the President of the Slovak Constitutional Court.

The Programme of the Conference and the list of participants are available in separate documents. The Proceedings of the Conference will be published in due course.

The Conference of Prosecutors General of Europe reaffirmed its determination in promoting the approximation of prosecutors and prosecutors' offices of Europe and their harmonisation around the values and guiding principles set out in Recommendation (2000) 19 of the Council of Europe to its member States on "the Role of Public Prosecution in the Criminal Justice System".

It recalled that these values and principles, respectful of human rights while mindful of the requirement of efficiency in criminal justice, guaranteed the capacity of Public Prosecutors to contribute, with the independence required, to ensure the appropriate balance between the necessary freedom of citizens and their indispensable security.

On the Recommendation

The Conference accordingly decided to continue to circulate the aforementioned Recommendation as widely as possible and to see to it that it was taken into account, in particular where reforms were undertaken, and even to react strongly to any infringements of its principles. At the same time it expressed the hope that governments would increasingly base their policies on the text.

Moreover, the Conference strongly recommends that a monitoring mechanism for Recommendation (2000) 19 is set up. Indeed, the latter is a unique and highly valuable instrument. An effective and credible supervision of its implementation is called for.

The monitoring should be based on peer-evaluation and on-the-spot verifications, taking into account the different organisational models of prosecution services in the member States.

The Conference wishes that the principle of the monitoring mechanism be submitted to the Committee of Ministers, following which the Bureau should make proposals on guidelines for the evaluation procedure.

On the institutionalisation of the Conference

Being aware that defending principles is insufficient to ensure the desired developments and that organised action by public prosecutors at the European level is a necessary complement in order to promote the ideals of justice and democracy advocated by the Council of Europe, the Conference reiterated the invitation that it had already addressed at its previous sessions to the Committee of Ministers, that the latter formally recognise it as a fully fledged body on the same level as the Consultative Council of European Judges and grant it the resources required for its operation.

Drawing on both the Statute and the *acquis* of the Council of Europe, the Conference expressed the ambition to build a multilateral structure for linking up Public Prosecutors' Offices throughout Europe. In so doing, it sees itself as contributing to peace amongst nations.

In this context, it highlighted the fact that, in facing up to the threats of crimes against humanity, terrorism, transnational crime and corruption - even if these phenomena also called for political responses - Public Prosecutors had a frontline role to play at both the national and international levels.

On the International Criminal Court

The Conference welcomed the establishment of the International Criminal Court, which would help guarantee respect for the rule of law and protection of individual freedoms. It invited all Public Prosecutors' offices to draw the requisite conclusions from the establishment of this new body, particularly in the field of vocational training for prosecutors. It also voiced the hope that this new court would base its organisation and operations on the principles of the Recommendation.

On international co-operation in criminal matters

Again underlining the importance that it attached to reinforced international co-operation and the paramount role to be played by Public Prosecution in this area, the Conference regretted that no action had yet been taken on the proposals for a “New Start” which it had examined in 2002. It stressed that the Council of Europe, drawing on its traditions and experience, should take the requisite measures to implement such proposals. It reiterated its interest in taking part in the corresponding work.

On co-operation among public prosecutors’ offices

The Conference decided to initiate a process of reinforcing co-operation among Public Prosecutors’ offices in Europe by setting up a network of “national contact points”, geared to facilitating exchanges, without prejudice to the role of national central authorities where they exist. It considered that this network should be co-ordinated with the legal network operating in the European Union, and should have the necessary resources for bringing together and training the various correspondents.

On the relations between politics and Public Prosecution

Being aware of the public demand for greater clarity in relations between public prosecutors and the political authorities as well as the difficulties encountered by the latter, the Conference stated its preoccupation with partisan interferences that are carried out, or may be carried out, in many Public Prosecutors’ Offices in Europe. It recalled that the latter’s functions required the recognition of a formal statute, on the same basis as judges, ensuring, notably in terms of appointments and career, absolute impartiality on the part of all its members and effective safeguards against any partisan interference in the exercise of their tasks. The Conference underlined that these safeguards should take into account the more or less centralised organisation of Public Prosecution, the circumstance that Prosecutors belong or not to the judiciary, as well as the legalistic or discretionary nature of prosecution. It furthermore insisted on the need for political authorities to do their utmost to promote public trust in public prosecutors. The Conference at the same time stressed that public prosecutors should not interfere with the competence of the legislative and the executive powers and must respect a strict obligation of impartiality, compliance with which should be appropriately supervised.

On ethical requirements vis-à-vis public prosecutors

Further recalling that the autonomy, and even the possible independence of the Public Prosecutor’s Office must be accompanied by regulations on accountability based on strict individual ethics, the Conference took note of the initial discussions held on this subject under the auspices of its Bureau, and mandated the latter to prepare a draft code of ethics for its next plenary session.

On juvenile delinquency

The Conference, after an intensive discussion on new forms and trends in juvenile delinquency in Europe (e.g. severe, violent, persistent group and gang criminality, often related with drugs and alcohol, involving or not ethnic minorities) demands a new multi-disciplinary approach in response to criminal behaviour of young people.

This new approach should start on the local level in a partnership of all social and administrative agencies working in this field. The prosecution offices must play an adequate role in this partnership. They must take care of the rule of law in the investigation, the needs and interests of victims and the effectiveness of sanctions and measures against the offenders.

The Conference underlines the need for specialisation and education of prosecutors and other persons dealing with young offenders, as well as special forms of organisation both of the prosecution offices and the above-mentioned local partnerships.

The Conference called for a follow-up reflexion on this subject having in mind standards for juvenile justice that were developed by the participants of the International Conference on Juvenile Justice in Europe, held in Klagenfurt (Austria) from 16 to 18 January 2003, as well as the draft Recommendation on new ways of dealing with juvenile delinquency and the role of juvenile justice, which is in preparation within the Council of Europe.

On the future work of the Conference

The Conference examined themes that could be the subject of its forthcoming work, e.g. the organisation of Prosecutors' Offices, the role of prosecutors in the administration and management of justice, prosecutors' powers in non-criminal matters, crime policy, discretionary prosecution, prosecutors in international courts and environmental protection. The subject of prosecutors powers in non-criminal matters mostly attracted the participants.

On the membership of the Bureau

The Conference asked its Bureau, in its present composition, to remain in office until its next plenary session.

On co-operation with non-European public prosecutors

Lastly, hoping to establish pragmatic relations with Public Prosecutors' offices in other continents, the Conference took note with great interest and supported the proposal from the President of the Conference of Prosecutors General of Central America, Carlos De León, to hold a world summit of prosecutors general in Antigua, Guatemala, from 2 to 5 February 2004. It recognised the importance of such an initiative to uphold justice throughout the world. The Conference instructed its Bureau to co-ordinate the European contributions to this summit.

On the next plenary session of the Conference

The Conference gratefully accepted the invitation from the Prosecutor General of Lower Saxony to host its next plenary session in Celle, from 23 to 25 May 2004.

The Conference took note with interest of the intentions of the Prosecutor General of Ukraine to host in Kyiv a plenary session in 2005.