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**CONFERENCE OF HEADS OF PROSECUTOR'S OFFICES  
OF THE EUROPEAN STATES**

*Organised by the Prosecutor General's Office of the Russian Federation in cooperation  
with the Council of Europe and the International Association of Prosecutors*

*Konstantinovsky Palace, St. Petersburg,  
Russian Federation, 6-9 July 2021*

**FINAL DOCUMENT**

**“THE ROLE OF THE PROSECUTOR'S OFFICE IN PROTECTING INDIVIDUAL  
RIGHTS AND PUBLIC INTEREST IN THE LIGHT OF THE REQUIREMENTS OF  
THE EUROPEAN CONVENTION ON HUMAN RIGHTS”**

1. On 6-9 July 2021, [the Prosecutor General's Office of the Russian Federation](#), [the Council of Europe](#) and [the International Association of Prosecutors](#) held a joint Conference of Heads of Prosecutor's Offices of the European States (Konstantinovsky Palace, St. Petersburg, Russian Federation).

2. The Conference was attended by representatives of the Council of Europe, including [the European Court of Human Rights](#), [the European Commission for Democracy through Law \(Venice Commission\)](#), [the European Commission for the Efficiency of Justice \(CEPEJ\)](#), [the Consultative Council of European Prosecutors \(CCPE\)](#), along with the International Association of Prosecutors, prosecutorial and other public authorities of the Council of Europe member states, and representatives of the academic community (the Conference programme is available on the Council of Europe website: <https://rm.coe.int/prokuratura-vkladysh-liflet-283x210-eng/1680a34370>).

3. The Conference focused on the role of the prosecution services in protecting individual rights and the public interest in the light of the requirements of [the European Convention on Human Rights](#) (European Treaty Series, No. 5). Practices and experiences related to the role of prosecutors both within and outside the criminal justice system (where provided for by national law) were shared at the Conference.

4. The Conference confirmed the findings of the [Budapest](#) (2005), [Moscow](#) (2006) and [St. Petersburg](#) (2008) conferences of prosecutors general of Europe on the important mission of the Prosecutor's Office in upholding the rule of law and protecting human rights, especially of vulnerable groups (children, including orphans, elderly people, disabled persons, etc.). Although national legislation in the Council of Europe member states varies in defining the competence of the prosecution services, the prosecution service shall play an important role in ensuring that states fulfil their obligations under the European Convention on Human Rights. The work of the prosecution service in this field should aim to achieve greater unity among European countries, in the interest of general social and economic progress, in the spirit of [the Council of Europe's Statute](#) (European Treaty Series, No. 1).

5. States have a margin of appreciation in determining the structure and powers of the prosecution service, as well as the mechanisms for exercising its competence, in order to promote the public interest and to achieve the highest possible level of compliance with - and protection of - human rights and freedoms, to uphold the principle of the rule of law, and to fulfil their international legal obligations. Nevertheless, states must take into account the values of a democratic, rule-of-law and social state. The principle of separation of powers, which implies the independence of prosecutors from undue interference in their activities, should also be respected.

6. In line with the principle of the rule of law, the functions of the prosecution service should be defined by law and exercised with strict respect for the democratic principles and values of the Council of Europe, and notably the provisions of the European Convention on Human Rights. In those countries where the legislation entrusts the prosecution service with functions outside the criminal justice system, such functions should be clearly defined in law and exercised, if necessary, in coordination with other authorities established to protect the public interest in specific areas. When protecting the rights of citizens outside the criminal law sphere, the prosecutor's office should take due account of the constitutional and legislative mandate of the human rights commissioner

(ombudspersons) and other similar bodies (where they are established). If the prosecution service is empowered by law to apply coercive measures, such measures should be subject to judicial review.

7. In a number of European countries prosecutors are competent to prevent human rights violations and to redress violations, both within and outside the criminal justice system. Such functions should be exercised in accordance with the European Convention on Human Rights and in light of the case law of the European Court of Human Rights. The prosecutor's office is also called upon to participate, within the scope of its statutory powers, in the development and implementation of general measures to prevent violations of the European Convention on Human Rights.

8. The Conference noted that in relation to the COVID-19 pandemic, the role of prosecutors in the protection of social rights is increasing. It is essential that measures taken in the context of a public health emergency are used to protect people and are applied in strict compliance with the legal obligations in the field of human rights, including the obligations under [the European Social Charter](#) (European Treaty Series, [Nos. 35](#) and [163](#)). The Conference recommends that prosecutors take into account [the CCPE Opinion No. 15 \(2020\) on the role of prosecutors in emergency situations, in particular when facing a pandemic](#), as well as [the Declaration of the CEPEJ on the lessons learned and challenges faced by the judiciary during and after the COVID-19 pandemic](#) (CEPEJ(2020)8rev).

9. In order to strengthen the independence of prosecution services, taking into account the [2008 Declaration on Minimum Standards of Security and Protection of Prosecutors and their Families](#) adopted by the International Association of Prosecutors, the state should protect prosecutors and, where appropriate, their families, when their personal security is threatened in relation to the performance of their duties, including in the context of the risks posed by the COVID-19 pandemic.

10. The Conference emphasised that one important safeguard of fair trial is the transparency ensured under national law in the exercise of prosecutors' functions. This follows in particular from the [Guide on communication with the media and the public for courts and prosecuting authorities](#) (CEPEJ(2018)15). At the same time, in line with [the CCPE Opinion No. 8 \(2013\) on "Relations between prosecutors and the media"](#), when dealing with the media, prosecutors should seek to strike a balance between freedom of expression and press freedom on the one hand, and the protection of the rights and interests of individuals, including the most vulnerable groups, on the other. When dealing with the press, the interests of the investigation should be also taken into account and the principles of presumption of innocence and adversarial proceedings should be respected.

11. The Conference noted the importance of effectively enforcing the right to access to justice, including the provision of free legal aid where necessary in accordance with the jurisprudence of the European Court of Human Rights.

12. The Conference supports the strengthening of the professional training of prosecutors. In this context, the role of the Council of Europe's [HELP Programme](#) (Human Rights Education for Legal Professionals), which provides access to the most relevant courses aimed at improving knowledge and skills on the developing pan-European standards, including the jurisprudence of the European Court of Human Rights, is noted.

13. The Conference endorsed the work of the CCPE and CEPEJ in preparing and adopting practical recommendations and guidelines for use by prosecutors. The Conference recommends that national prosecution services take into account the documents developed by the CCPE, in particular the CCPE [Opinion No. 3 \(2008\) on the "Role of Prosecutors outside the Criminal Law Field"](#), [Opinion No. 4 \(2009\) on the relations between Judges and Prosecutors in a democratic society](#) (Bordeaux Declaration) adopted jointly with the Consultative Council of European Judges (CCJE), [Opinion No. 9 \(2014\) of the CCPE on "European norms and principles concerning prosecutors"](#) (Rome Charter) and [Opinion No. 13 \(2018\) on "Independence, accountability and ethics of prosecutors"](#). In developing further proposals for the implementation of [Recommendation No. Rec \(2000\)19 on the role of the prosecution in the criminal justice system](#) and [Recommendation No. Rec \(2012\)11 on the role of prosecutors outside the criminal justice system](#), the Conference recommends, in addition to the opinions of the CCPE, the Venice Commission, the CEPEJ and other Council of Europe bodies along with the International Association of Prosecutors, to take account of the successful models of the functioning of national prosecution systems that were presented and discussed at this Conference.

14. In view of the relevance of climate change and environmental issues, the Conference calls upon the CCPE to consider preparation in 2022 of an opinion on the role of prosecutors in the environmental protection, summarising the relevant practice of prosecutors in the Council of Europe member states (both in the criminal law field and beyond) and making the necessary pan-European recommendations.

15. In connection with the development of information technology, the Conference noted the importance of the CEPEJ documents in the field of e-justice, including, insofar as they are applicable to the activities of prosecutors, [the Guide on communication with the media and the public for courts and prosecuting authorities](#) (CEPEJ(2018)15), [the Guidelines on how to drive change towards Cyberjustice](#) (CEPEJ(2016)13), and [the Guidelines for using videoconferencing in judicial proceedings](#) (CEPEJ(2021)4REV4).

16. The Conference recommends that the International Association of Prosecutors should consider updating its 2003 [Human Rights Manual](#) in collaboration with the Council of Europe, including the CCPE.

17. The Conference calls on European states to strengthen the cooperation between the prosecution services of the member states, which is of fundamental importance for effective international cooperation between the member states, the Council of Europe and the International Association of Prosecutors and which promotes the application by the prosecution authorities of the European Convention on Human Rights, the European Social Charter and other international standards in the field of human rights protection.

18. The Conference participants noted the need to publish the Conference proceedings in order to raise awareness among the prosecution community and the public at large about the role of the prosecution service in protecting public interests, human rights and fundamental freedoms, as well as the development of the international cooperation among prosecution services.

19. The Conference expresses the gratitude to the Prosecutor General's Office of the Russian Federation, the Council of Europe and the International Association of Prosecutors for organising the event and the opportunity to exchange experiences on a wide range of topical issues, including the role and actions of prosecutors in protecting individual rights and the public interests.