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EUROPEAN COMMITTEE ON CRIME PROBLEMS (CDPC)

DRAFT TERMS OF REFERENCE

DRAFTING WORKING GROUP TO UPDATE 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

The European Committee on Crime Problems (CDPC),

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

Having regard to its Terms of Reference for the years 2018 – 2019, in particular point (v) 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 set up a drafting working group consisting of members proposed by the CDPC.

To task the drafting working group with the update 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 working 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, the duty of witnesses 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 challenge of new technologies (biometrics, social media and the internet);
- e) the co-operation of collaborators with the justice system and the needs and rights of victims and collaborators as witnesses;
- f) international co-operation when implementing witness protection measures and programmes;
- g) any other issue which it deems to be of consequence for the protection of witnesses and collaborators of justice.

The drafting working 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 12 representatives of member States of the highest possible rank in the field of criminal law and witness protection, designated by the CDPC, as well as by the co-ordinator on TOC who will chair the drafting working group’s meetings. 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 working 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 working group at their own expense:

- The Steering Committee on Counter Terrorism (CDCT),
- The European Committee on Legal Co-operation (CDCJ),
- The Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC).

The European Union (EU) and the United Nations Office for Drugs and Crime (UNODC) may also appoint a representative to participate in the work of the drafting working group at its own expense.

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

The drafting working 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 working group shall submit the updated 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.