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HIGH-LEVEL CONFERENCE OF THE MINISTRIES OF JUSTICE AND OF THE INTERIOR

Moscow (Russian Federation)

9 – 10 November 2006

IMPROVING EUROPEAN CO-OPERATION IN THE CRIMINAL JUSTICE FIELD

CONCLUSIONS

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Improving European Co-operation in the Criminal Justice Field

1. The Ministers of Justice and of the Interior and Heads of Delegation taking part in the Conference on "Improving European Co-operation in the Criminal Justice Field" (Moscow, 9-10 November 2006),
2. Referring to the Warsaw Declaration adopted by the Heads of State and Government at their Third Summit in May 2005, which proclaims: "we will further develop legal co-operation within the Council of Europe with a view to better protecting our citizens and to realising on a continental scale the aims enshrined in its Statute";
3. Referring also to the Action Plan adopted by the Summit and which provides for strengthening the security of European citizens notably by combating terrorism, corruption and organised crime, trafficking in human beings and cybercrime as well as to the Resolution adopted by the Third High-level multilateral meeting of the Ministries of the Interior in Warsaw in March 2005 on the fight against terrorism and organised crime to improve security in Europe;
4. Bearing in mind the provision of this same Action Plan whereby "we will make full use of the Council of Europe's standard-setting potential and promote implementation and further development of the Organisation's legal instruments and mechanisms of legal co-operation, keeping in mind the conclusions of the 26th Conference of European Ministers of Justice (Helsinki, 7-8 April 2005)" and also the conclusions adopted at the 7th Session of the Conference of Prosecutors General of Europe (Moscow, 5-6 July 2006);
5. Convinced of the Council of Europe's essential role in developing a common legal area based on respect for human rights and the rule of law;
6. Bearing in mind the significant number of the Council of Europe treaties in the criminal justice field (currently over thirty), in particular the conventions on extradition and mutual assistance in criminal matters and their additional protocols, which have provided the basis for legal co-operation in criminal matters in Europe for almost 50 years;
7. **Underline** the need to improve the efficiency of international co-operation in criminal matters in order to prevent and effectively combat criminality while ensuring respect of the European Convention on Human Rights, and **welcome** the significant achievements of the Council of Europe in this domain, in particular through the work of the European Committee on Crime Problems (CDPC);
8. **Support** the essential role of the Committee of Experts on the operation of European conventions on co-operation in criminal matters (PC-OC) in monitoring the application of the Council of Europe conventions on international co-operation in criminal matters in order to find solutions to concrete problems, accelerate procedures and prevent disputes between States;
9. **Encourage** the Council of Europe:
 - a. to put in place various practical measures to this end:
 1. in particular, they support the idea that a network of national contact points be developed in order to facilitate contacts between those responsible for international judicial co-operation, notably in the areas of combating terrorism, corruption and organised crime, trafficking in human beings and cybercrime;
 2. they also support the establishment of a database of procedures in force in the member States concerning the various types of co-operation which would allow for easier access to this information;
 3. they furthermore invite the States party to the co-operation conventions to continue their exchanges of good practices;
 - b. to continue the efforts to improve the operation of the main conventions regulating international co-operation in criminal matters, in particular those regarding extradition (as well as mutual legal assistance and transfer of criminal proceedings), in order to identify the difficulties encountered and to consider the need for any new instruments;
10. **Agree** that the Council of Europe's instruments offer possibilities for the friendly settlement of disputes arising from the application of the conventions. They **encourage** the PC-OC to

strengthen its role in preventing disputes, taking into account, in particular, the nature and content of such disputes and, wherever necessary, to submit proposals to the CDPC, in consultation with the Committee of legal advisers on public international law (CAHDI), to improve the settlement procedures;

11. **Call on** the PC-OC to continue facilitating the transfer of sentenced persons in application of the Council of Europe instruments and to follow closely the developments in the case-law of the European Court of Human Rights as well as in the European Union in this matter, and to analyse the feasibility of an extension in the Council of Europe context of any provisions which may be adopted by the European Union; they also **support** the Council of Europe's actions under way in the penitentiary field, which aim at improving the standards of detention and which thus facilitate international co-operation in this field;
12. **Consider** that for the PC-OC to be able to fulfill adequately its role in this domain, regular meetings of the Committee should be ensured;
13. **Call on** the Committee of Experts on Terrorism (CODEXTER) to continue its effective work to identify the existing lacunae in international law or action on the fight against terrorism, as well as to pursue ongoing activities, in particular the drawing up of the Country profiles on counter-terrorist capacity covering, *inter alia*, international co-operation in this area;
14. **Call on** those States which have not already done so to sign and ratify at the earliest opportunity the relevant Council of Europe conventions, in particular the Protocol amending the European Convention on the suppression of terrorism, the Conventions on the prevention of terrorism, on laundering, search seizure and confiscation of the proceeds from crime and on the financing of terrorism as well as on action against trafficking in human beings, so that they can enter into force without delay;
15. **Call on** those States which have not already done so to become Parties, in conformity with their national procedures, to the Convention on Cybercrime so as to ensure the broadest possible application of the co-operation machinery it provides for and **invite** the CODEXTER to continue its examination of the issue of cyberterrorism;
16. **Call** also for the signature and ratification of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, which provides a legal basis for increased co-operation between States using methods suited to combating modern types of crime;
17. **Support** the current work on drafting a convention to criminalise the sexual exploitation of children and **observe** with interest the preparatory work for a possible binding legal instrument on counterfeit medicines and pharmaceutical crimes, in particular following the international conference held on the issue in Moscow on 23 and 24 October 2006; they **reiterate** the importance of international co-operation to combat these evils;
18. **Welcome** the positive results of the assistance activities conducted by the Council of Europe in its member States with a view to promoting, notably through legislative and institutional reforms as well as training programmes, international co-operation and the application of European instruments in this area; they note, in particular, the many activities and co-operation programmes conducted in certain member States and in certain regions; they **encourage** the Council of Europe to continue and expand, to the extent possible, these activities;
19. **Welcome** the results achieved by the monitoring bodies in the criminal field such as the Group of States against Corruption (GRECO) and the Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL) and, with the perspective of setting up monitoring mechanisms as provided for in the above-mentioned conventions (in the fields of money-laundering, terrorism and trafficking in human beings), underline their importance for the consistent and effective application of the relevant standards;
20. **Express** their warmest thanks to the authorities of the Russian Federation for the excellent organisation and success of this Conference in the context of the Chairmanship of the Committee of Ministers of the Council of Europe, and for their generous hospitality.