

**High Level Conference of European Ministries of Justice and of the Interior on  
“Improving European co-operation in criminal matters”**

**Moscow, 9-10 November 2006**

**Background paper**

**Summary:** The fight against today’s new forms of crimes such as organised crime, corruption, terrorism, cybercrime, money laundering, trafficking in human beings, across Europe and beyond, requires more effective forms of international co-operation in criminal matters. The Conference will look at the functioning of the Council of Europe instruments on international co-operation with a view to identifying the best ways to ensure their efficient implementation, and where needed the proposals for modernising some of them.

Neither judges nor the police can directly reach individuals across national borders, because a border traditionally marks the point where the powers of one national justice system end and the powers of another system begin. The result may well be that it is possible for a person to commit a crime, leave the country and so escape prosecution and punishment. Co-operation among States is therefore essential in order to ensure security and efficiently prosecute criminals across borders, while respecting the individual human rights and the rule of law.

The events of recent years have shown the need to set up reliable and efficient co-operation channels. Be it in terrorist cases or in important economic crime cases, it has proved necessary for such co-operation to be enshrined in a clear and modern legal basis, in order to deal with difficult and complex situations while avoiding disputes occurring among the interested States.

For over fifty years now, a series of some thirty treaties have been negotiated within the Council of Europe in the criminal field. They establish a common legal basis for co-operation in criminal matters across Europe and sometimes beyond. These treaties cover such co-operation mechanisms as extradition, mutual legal assistance and the transfer of sentenced persons, but they also address specific forms of crime which more often than others have a trans-border dimension, such as various forms of organised crime, terrorism and cyber-crime.

Some of these Conventions, such as the ones on extradition and mutual legal assistance date from the fifties. Although they have been progressively completed by additional protocols, some of their aspects should perhaps be reviewed through a modern approach and in a comprehensive perspective.

The Conference will look at different aspects of the functioning of these Conventions. It will identify the best ways to increase the efficiency of international co-operation in the criminal field, through practical measures and, where needed, through proposals for the modernisation of some of the Council of Europe Conventions.

This conference would constitute a direct follow-up to the Resolution nr 5<sup>1</sup> on the functioning of the Council of Europe Conventions on judicial co-operation in criminal matters, adopted by the European Ministers of Justice at their 26<sup>th</sup> Conference in Helsinki, on 7-8 April 2005<sup>2</sup>.

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<sup>1</sup> Text of the resolution: click [here](#)

<sup>2</sup> Web site of the Helsinki Conference: click [here](#)

No.	List of the treaties on legal co-operation in criminal matters	Opening of the treaty	Entry into force
024	European Convention on Extradition	13/12/1957	18/4/1960
030	European Convention on Mutual Assistance in Criminal Matters	20/4/1959	12/6/1962
051	European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders	30/11/1964	22/8/1975
052	European Convention on the Punishment of Road Traffic Offences	30/11/1964	18/7/1972
070	European Convention on the International Validity of Criminal Judgments	28/5/1970	26/7/1974
071	European Convention on the Repatriation of Minors	28/5/1970	
073	European Convention on the Transfer of Proceedings in Criminal Matters	15/5/1972	30/3/1978
082	European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes	25/1/1974	27/6/2003
086	Additional Protocol to the European Convention on Extradition	15/10/1975	20/8/1979
088	European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle	3/6/1976	28/4/1983
090	European Convention on the Suppression of Terrorism	27/1/1977	4/8/1978
097	Additional Protocol to the European Convention on Information on Foreign Law	15/3/1978	31/8/1979
098	Second Additional Protocol to the European Convention on Extradition	17/3/1978	5/6/1983
099	Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	17/3/1978	12/4/1982
101	European Convention on the Control of the Acquisition and Possession of Firearms by Individuals	28/6/1978	1/7/1982
112	Convention on the Transfer of Sentenced Persons	21/3/1983	1/7/1985
116	European Convention on the Compensation of Victims of Violent Crimes	24/11/1983	1/2/1988
119	European Convention on Offences relating to Cultural Property	23/6/1985	
141	Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime	8/11/1990	1/9/1993
156	Agreement on illicit traffic by sea, implementing Article 17 of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances	31/1/1995	1/5/2000
167	Additional Protocol to the Convention on the Transfer of Sentenced Persons	18/12/1997	1/6/2000
172	Convention on the Protection of Environment through Criminal Law	4/11/1998	
173	Criminal Law Convention on Corruption	27/1/1999	1/7/2002
182	Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters	8/11/2001	1/2/2004
185	Convention on Cybercrime	23/11/2001	1/7/2004
189	Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems	28/1/2003	1/3/2006
190	Protocol amending the European Convention on the Suppression of Terrorism	15/5/2003	
191	Additional Protocol to the Criminal Law Convention on Corruption	15/5/2003	1/2/2005
196	Council of Europe Convention on the Prevention of Terrorism	16/5/2005	

197	Council of Europe Convention on Action against Trafficking in Human Beings	16/5/2005	
198	Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism	16/5/2005	