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Editorial

EDITORIAL

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CITATION SUGGESTION

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The European Convention on Extradition was opened for signature in 1957 and came into force in 1960. It laid the foundation for cooperation in criminal matters between Council of Europe Member States. Since then, many international treaties drafted under the auspices of the Council of Europe, the European Union, the United Nations, and other international bodies have been developed.

The question everybody is now asking is: After 60 years of effort and work to strengthen relations between the states, has international cooperation in criminal matters produced meaningful results? An initial look at the long tradition of cooperation in criminal matters shows that there are still shortcomings in international cooperation in spite of all the efforts that have been made. Illegal activities involving transnational organised crime continue to proliferate, spread, and take advantage of the loopholes that remain at the international level. Moreover, both the opening of borders and technological advances have led to new types of crime, which are more lucrative than ever.

Some of the activities concerned have been addressed through Council of Europe instruments. Examples include the Conventions on Cybercrime, Trafficking in Human Beings and, more recently, Counterfeiting of Medical Products and Trafficking in Human Organs. However, criminal ingenuity knows no bounds, and trafficking in migrants and in cultural property are some of the new methods being employed by these networks to fund their illegal activities.

Clearly, effective cooperation to combat such crime requires both a proper legal framework and also, above all, its effective implementation. An entire range of legal instruments exists, covering aspects of procedural and substantial criminal law. The question is whether to draw up new legal instruments or focus instead on improving those that already exist. This issue is raised in the Council of Europe's White Paper on Transnational Organised Crime, and the intensification of international cooperation in criminal matters will be one of the key aspects of the subsequent action plan.

While the existing conventions are effective, we must not hide the problems that states encounter when implementing and applying them. Drafting new legal instruments would neither resolve the difficulties encountered nor produce better outcomes. On the contrary, it would further complicate the understanding of the various texts and produce the opposite effect. It is absolutely essential that all players involved in international cooperation in criminal matters strengthen the implementation of the existing instruments, as practical obstacles also exist. The most frequent ones are delays in execution, overstretched national systems, and lack of knowledge of the other party's procedures and/or language.

The Council of Europe is currently working actively to improve cooperation in criminal matters, in particular by improving specific existing conventions (cf. the Convention on the Transfer of Sentenced Persons) while also seeking to develop good practices to guide professionals (for instance, the drafting of relevant guidelines). It is also vital to rationalise procedures: We are working on an "e-transfer" project providing for a computerised system enabling rapid exchanges of information and requests for transfers of sentenced persons in order to help states speed up and facilitate procedures.

As we approach 2020, it is unacceptable that criminal networks can carry on operating unheeded and make such profits despite the very powerful range of legal instruments available. International cooperation in criminal matters must no longer just be a goal but must be seen as a necessity to be put into practice as effectively and quickly as possible. The international community already has effective tools at its disposal. They must now be put into effect. Otherwise, the many legal instruments will remain empty promises, and criminals will keep on expanding their operations to the detriment of our shared values.

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