



THE
**PROBATION
SERVICE**

*Safer communities through respect,
accountability, restoration and social inclusion*

Conference

Foreigners in European Prisons

New (upcoming) EU Legislation

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- New Systems to be put in place
- What are Framework Decisions?
- Objectives of these 2 FDs, what went before
- Brief outline of systems proposed
- How probation agencies should prepare
- Role for CEP?
- Conclusion

Framework Decisions

- Judicial Co-operation in Criminal matters
- COPEN
- To be transposed into national law
- Examples

Objectives of these FDs

- Need - enforcement in other Member State
 - organise probation intervention
- Social rehabilitation of the sentenced person
- “Has returned or wants to return”

What went before

Council of Europe Convention, Nov. '64
– ineffective

- Convention on Prisoner Transfer, March '83 – has worked well
- EU, mutual recognition of judicial decisions
- Common rules, prisoners, then probation

Systems Outline

Issuing and executing states

Competent authority, judgement

and standard certificate forwarded to it

Must recognise and implement, unless
grounds for refusal

Law of executing State generally applies to
subsequent decisions

Comes into force when published, to take
all necessary measures within 3 years

Later reviews, possible amendments

Probation Agencies to start preparation

- Likely demand, estimate take-up
- Danger of net-widening
- Consider resources needed, training, etc.
- Home circumstances appraisal
- “Reasoned opinion”.

Role for C.E.P.

- Bring to notice, urge familiarity
- Advocate planning, preparation in advance
- Develop standards of best practice
- Network of key personnel?
- Sensitivity, especially where less developed

Conclusion

- A challenge to make transnational supervision effective
- Probation must be seen to work as well as transfer of prisoners
- Will be monitored, instil confidence so does not become a dead letter
- Opportunity to showcase probation and influence future development

Thank you for your attention

Questions?

