

Implementation of EU Framework Decision on Probation Supervision



Probation Service, Haymarket, Smithfield, Dublin 7
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*Role and Objectives of the
EU in relation to the FD*

David O'Donovan
Deputy Director
Research, Training & Development

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1. What went before.
 2. EU competence in Justice and Home Affairs.
 3. Framework Decisions.
 4. Preparation for, introduction of this FD.
 5. Objectives of this FD.
 6. Continuing role of EU.

1. What went before

- Council of Europe Convention, 1964.
- Number of States signing and ratifying.
- Conclusions.

2. EU competence in Justice and Home Affairs

- Treaty of Maastricht (1993) TEU, as amended by Treaty of Amsterdam (1999).
- Introduced 'third pillar' – JHA.
- Area of freedom, security and justice.
- Mutual recognition of judicial decisions.
- Programme of measures agreed, Nov. '04.

3. Framework Decisions

- Art. 34, TEU. Co-operation and co-ordination.
- Structured set of rules to facilitate inter-State common action in specified criminal law areas.
- Must be agreed unanimously by Council of Ministers.

Framework Decisions, cont.

- Mandatory, must be implemented in all 27 Member States by date specified.
- So must fit with all criminal justice systems across Europe. No opt out, but options provided to cater for different traditions.
- Has to be transposed into domestic law in each Member State.

4. Preparation for, introduction of this FD

- Work on transfer of prisoners, need to complement.
- Questionnaire on probation by Germany, July 2006.
- First text circulated January 2007, a Franco-German initiative.
- Text developed by COPEN working group.
- Agreed by Ministers in JHA Council, November 2008.

5. Objectives of this FD

- Article 1 –
Facilitating the social rehabilitation of sentenced persons.
Improving the protection of victims and of the general public.
Facilitating the application of suitable probation measures, alternative sanctions.

Objectives of this FD, cont.

- Recitals – thinking behind the provisions
- Scope – offenders who do not live in the State of conviction, and want to return to State where ordinarily and lawfully reside

6. Continuing role of EU

- General Secretariat receive notifications from Member States, circulates information to all.
- Member States to forward to Secretariat text of provisions transposing FD into domestic law.
- EU Commission to draw up report on implementation by December 2014. May include legislative proposals.
- JHA Council assesses extent of implementation, may initiate amendments or further expansion.

Thank you for your attention

