



CrossBES

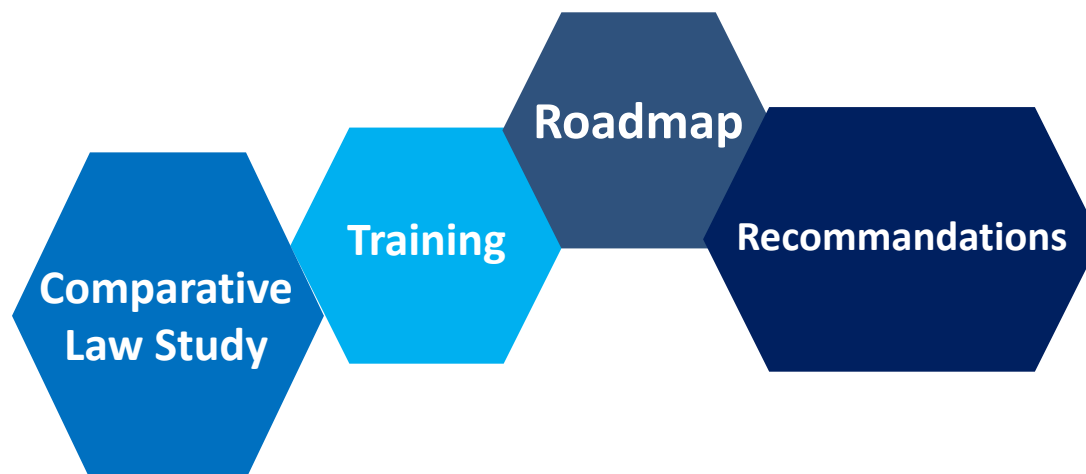
Cross Border Execution of Sentences

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Background



Pillars



Comparative Law Study (1)

in the field of cross border execution of sentences between Belgium, Germany and The Netherlands and taking into account the existing European Framework.

Focus on :

- Framework Decision 2008/909/JHA on transfer of prisoners;
- Framework Decision 2008/947/JHA on probation and alternative sanctions
- Framework Decision 2002/584/JHA on the European arrest warrant;
- Framework Decision 2005/214/JHA on financial penalties;
- Framework Decision 2006/783/JHA on mutual recognition of confiscation orders;

Comparative Law Study (2)

- Which investigative measures are possible in the execution phase?
- In which way is a prison sentence executed in practice (When is conditional release possible? Under which conditions? Is electronic detention possible?).
- Which alternative measures exist in each of the participating countries? Under which condition can they be applied?)

This global view on the possibilities of each country, ensures that the public prosecutor responsible for executing a sentence (across borders) can take an informed decision on whether to apply one of the aforementioned Framework Decisions.

- **3 two day-trainings** concerning the cross-border cooperation in the field of execution of sentences. Focus on the Framework Decisions as mentioned under the comparative law study.
- EU instruments in the light of national law = increase mutual understanding
- **“teach-the-teacher”** principle
- 50 EU-magistrates each
- Simultaneously translated in Dutch, German and French

Roadmap

= a (digital) **multi-lingual step-by-step** guidance tool on how to successfully execute the following sentences across borders between BE, DE and NL:

- Prison sentence
- Probation and alternative measures
- Confiscation and asset recovery
- Financial penalties

Also presented to the EJM to stimulate other European countries to fill in the template with their country specific information.

Available in Dutch, English, French and German

- The **List of 32 Recommendations to improve and strengthen** (cross border) **execution of sentences** was addressed to national and EU legislators and policy makers.

Raise **awareness** in respect of adequate cross border enforcement by

- **Trainings** to expand and refresh **knowledge and expertise**.
- Creating expert networks
- Creating an **understanding and appreciation** of the various legal systems by having common training organized to optimize mutual legal assistance.
- Pool expertise within the Public Prosecutor's Offices in the area of cross-border-execution issues

Recommendations(1)

Rights of the parties involved

- **Information rights** of the sentenced person – Provide her or him with complete and easy-to-understand information about the procedure.
- Emphasize during the transfer procedure that the social rehabilitation is the main criterion for transfer.
- Develop a harmonized strategy regarding the definition of the term “**social rehabilitation**”.
- Safeguard the **rights of victims** in the enforcement phase in future regulations.

Recommendations (2)

Align the investigative possibilities in the context of law enforcement with those one has in the context of pre-trial proceedings.

Improve information exchange and **expand digitization**

- Develop common database
- Link up the national Population Registers and Detention registers

Better exchange of information regarding:

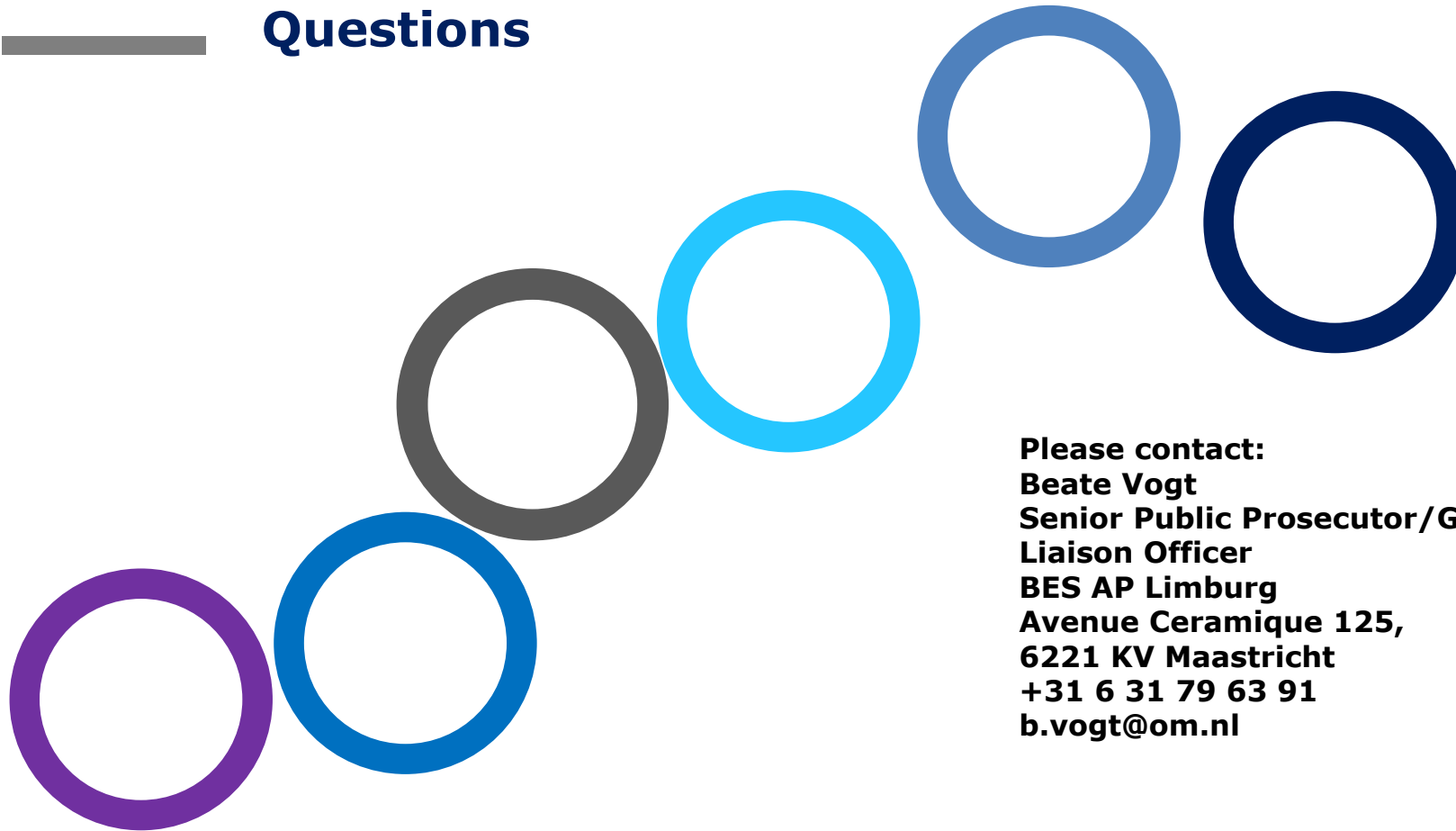
- Conditional release (data base) - Calculation of the remaining penalty
- Conditions in national prisons/penitentiaries
- The way in which the responsible authorities may be contacted

Improving cooperation

- Early consultation between authorities
One language?

Recommendations (3)

Questions



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