

Workshop on Framework Decisions 829 and 947

14 September 2022, Brussels, Belgium

26 participants (7 male, 19 female)

Public prosecutors, policy advisors, Representative of the Dpt for International Relations, EC representative, probation practitioners, EJM contact points, judge, head of the probation office, representative of ERA.

Background

As a follow-up to the online expert meeting of September 2021, the Confederation of European Probation (CEP) invited Experts on the Framework Decisions, Members of the European Commission, European policy makers, representatives of EU Member States and other interested people to discuss the state of play regarding FD 2008/JHA/947 and FD 2009/JHA/829 in order to support and promote the implementation of the Framework Decisions throughout Europe and make recommendations/actions on how to enhance that implementation: "what works, what doesn't work and what needs to be done". The workshop took place on 14 September 2022 in Brussels, Belgium.

Broader application of the EU FDs is a priority of the EU, however, what we have learnt over the years that there is a huge difference between the theory and practice.

Presentations

With 26 participants from various EU countries, the presentations provided examples of how the Framework Decisions are applied in practice, shared information and knowledge among participants, as well as challenges, obstacles and best practice.

Prof. Stefano Montaldo from the University of Turin focused on application of FD 829 and its applicability to house arrest. Colleagues from the Dutch Probation Service and Prosecutor's Office presented the best practice and core to the work of their team in regard to implementation of FDs. Mrs Stefania Stan, Public Prosecutor from Romania and EJM Contact Point, focused in her presentation on challenges and solutions to the use of European Supervision Order during criminal investigation. Mr Ramin Farinpour from the Academy of European Law (ERA) introduced the organization and discussed the work and experience in implementing training projects on the Framework Decisions for practitioners. Last presentation was delivered by Mr Michele Fini from the Italian Ministry of Justice on the application of both FDs in Italian practice as well as the practice of the European Judicial Network for which Mr Fini is one of the Contact Points.

The world café session provided participants with the opportunity to discuss in smaller groups the following questions:

- What have we learnt so far from using FDs?
- What are (still) the main challenges in the implementation of the FD's?
- What can we do to improve/enhance the use of the FDs in an ethical and strategic manner?

Key findings and outcomes:

- Mutual trust between key stakeholders and more importantly between EU countries is needed.
- FD 947 better known than FD 829.
- Differences in national laws and different names of the processes (e.g. different names to the same/similar sanctions).
- Need for direct contacts/one contact point within respective jurisdictions, preferably no fragmentation of tasks within organisations.
- Language barriers between professionals and the height of translation costs (low budget).
- Lack of feedback and answers for closure of the procedure.
- Mutual training of all stakeholders (prosecutors, judges, probation officers, lawyers) is a key to increased mutual cooperation. Lawyers are the first to meet their clients so their role is important. One of the options would be to have a joint training with ERA to get all actors together.
- Differences in level of training.
- Sharing good examples of projects (bilateral, trilateral etc) – good example to other countries. As known, most of the transfers takes place between neighbouring countries.
- Communication between various jurisdiction needs to be improved.
- Communication and promotion of the application of FD needs to be enhanced - need to raise awareness on the existence of FDs and its procedures.
- Difficulties in collection of reliable data, data quality, evaluation and research.
- Fear of asking questions – as a professional you feel that you should know everything.
- Not satisfactory level of knowledge among all actors - uncertainties from the side of the issuing authorities or defence lawyers, lack or inappropriate feedback from foreign executing activities, absence of the persons concerned in the executing state at the beginning of the procedure.

„Where there is a will, there is a way.“



Links (to the website, YouTube, social sites etc):

<https://www.cep-probation.org/recap-framework-decisions-workshop-14-september-2022-brussels-belgium/>