

The Council Framework Decisions on detention and transfer of prisoners

Luxembourg, 19-20 October 2021

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Judicial Cooperation in Criminal Matters in the European Union’s Area of Freedom, Security and Justice: Recent Developments and Topical Issues’ 2020-2021

Seminar Venue

To be determined

Programme

The seminar will focus on the Council Framework Decisions on detention and transfer of prisoners, namely the identification of European standards of pre-trial detention and detention drawing on the case law of the European Court of Human Rights on the basis of the European Convention of Human Rights and also the case law of the Court of Justice of the European Union. A special effort will be made as to how to make sure the continuous and appropriate application of EU mutual recognition instruments in cases where there is a concern in relation to the detention conditions in the other EU Member State.

In this context, the following instruments will be discussed

- ✓ Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union;
- ✓ Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions and
- ✓ Council Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to pre-trial detention.

TUESDAY 19 OCTOBER 2021

09.00 **Welcome and mutual introduction**

09.15 **Pre-trial detention and the right to a fair trial**

Presentation on scope, application and use of the EIO, identifying national experiences and practices

10.15 Discussion

10.30 Coffee break



- 11.00 **Detention conditions**
Standards set by the case law of the European Court of Human Rights, Directive 2013/48/EU and Member States' legislation and EU law compared. Issues of Implementation – the right to a lawyer, legal aid, and the European Arrest Warrant
- 12.00 Discussion
- 12.15 Lunch
- 13.15 **Supervision of probation measures and alternative sanctions**
Standards set by the case law of the European Court of Human Rights on alternative measures, reasons for underuse, role of defence lawyers, Discussion of 2008/947/JHA on and related national practices
- 14.15 Discussion
- 14.30 Coffee break
- 15.00 **Workshop - Alternatives to detention**
- 16.15 **Debriefing of a - Case Study**
- 17.15 Discussion
- 17.30 Evaluation
- 18.00 **End of Day 1**

WEDNESDAY 20 OCTOBER 2021

- 08.20 **Visit to the Court of Justice of the European Union**
- 13.00 **END OF SEMINAR**

