



Towards Harmonised Minimum Standards in Criminal Proceedings in Europe

“However, the removal of internal borders and the increasing exercise of the rights to freedom of movement and residence has as an inevitable consequence that cross-border criminality in the European Union is continually growing and that an increasing number of people are becoming involved in criminal proceedings in a Member State other than that of their residence. In those situations, the procedural rights of suspected and accused persons become particularly important in order to safeguard the right to a fair trial.”

- Roadmap with a view to fostering protection of suspected and accused persons in criminal proceedings, Council of the European Union, 1 July 2009

The Silken Hotel
Brussels

30th June 2010

Organised by



Centre for
Parliamentary
Studies



“An International Symposium for gathering knowledge, discussing the latest challenges and sharing best practices in criminal justice policy in Europe”

“In the face of cross-border crime, more efforts should be made to make judicial cooperation more efficient.

Mutual recognition could extend to all types of judgments and decisions of a judicial nature, which may, depending on the legal system, be either criminal or administrative.”

- The Stockholm Programme

“The Commission Communication ‘An area of freedom, security and justice serving the citizen’ foresees inter alia the establishment of a comprehensive system for obtaining evidence in cross-border cases. According to the Communication, this would require the replacement of the existing legal instruments in this area by a new single instrument. This instrument would be automatically recognised and applicable throughout the EU, thereby encouraging prompt and flexible cooperation between the Member States. It would also lay down deadlines for enforcement and limit as far as possible the grounds for refusal. This instrument could include rules on electronic evidence and a European order for bringing persons to court that takes account of the opportunities offered by videoconferences. In addition, minimum principles to facilitate the mutual admissibility of evidence between Member States, including scientific evidence, could be provided for.”

- Green Paper on obtaining evidence in criminal matters from one Member State to another and securing its admissibility, COM(2009)624 final

Abstract and Programme

In its attempt to foster closer cooperation in criminal investigations, the European Commission initiated several documents which tackle issues related to obtaining evidence in criminal matters and fostering protection of persons in criminal proceedings. As a cornerstone of judicial cooperation in Europe, mutual recognition of judicial decisions, judgments, pre-trial orders and approximation of legislation should be put at the forefront of the European agenda. In this regard the question of minimum standards in criminal proceedings is pivotal for the success of the process of cross-border cooperation in Europe.

Obtaining evidence in cross-border criminal cases can be done in two ways: through *mutual assistance* and through *mutual recognition*. Over the years, several legal acts have been introduced in those areas which facilitate cross-border cooperation such as the European Convention on mutual assistance in criminal matters, the Schengen Agreement, Convention on mutual assistance in criminal matters with its Protocols; and when it comes to mutual recognition, this is facilitated by the Framework Decision on the European Evidence Warrant.

Defining **minimum** or **common standards** in these areas will contribute to better cross-border collaboration between police and judicial authorities. These standards will help to provide coherent measures against cross-border criminality in Europe, safeguard the right of a fair trial, guarantee the high level of safety for European citizens and create easier access to legal advice in another Member State. A key development in moving towards this process was represented by the European Union standards for the protection of procedural rights.

The *Centre for Parliamentary Studies* welcomes the participation of all key partners, responsible authorities and stakeholders. The Symposium will support the exchange of ideas and encourage delegates to engage in thought-provoking topical debate, providing recommendations for future policy actions at regional level.



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Towards Harmonised Common Standards in Criminal Proceedings in Europe

30 June 2010
Silken Hotel, Brussels

- 09:00 *Registration and Morning Refreshments*
- 10:00 Chair's Welcome and Opening Remarks
*Scott Crosby, Crosby Houben & Aps, Brussels and Antwerp
(confirmed)*
- 10:10 Introduction of Participants
- 10:20 **Session One: Safeguarding the Rights of EU Citizens in Criminal Investigations**
- Criminal Investigation Challenges – Fostering Closer Cooperation between Member States
 - Fairness of Criminal Proceedings
 - Protection of Procedural Rights
 - Access to Information in Third Countries – Some Good Practices
 - Language Barriers During Investigations – Towards Harmonised and Integrated Approaches
 - Recommendations for Further Actions
 - Creating Specific Measures on Procedural Rights in Europe
 - Mutual Recognition of Judicial Decisions – Challenges Ahead
- Speakers:*
Marc Henzelin, Attorney-at-Law, Geneva, Admitted to Plead Before the International Criminal Tribunal for Rwanda and the International Criminal Court (tbc)
Jonathan Stuart Mitchell MA, Barrister, England and Wales, UK (confirmed)
Prof. Dr. Holger Matt, Lawyer, Specialist Lawyer in Criminal Law; Chairman, European Criminal Bar Association (ECBA) (confirmed)
- 11:05 *Morning Coffee Break*
- 11:25 First Round of Discussions
- 12:25 Networking Lunch



13:25

Session Two: Towards Effective European Standards for the Protection of Procedural Rights

- EU Recent Activities in the Field – Some Good Practices
- Minimum Principles of Facilitating Mutual Admissibility of Evidence
- Obtaining Evidence in Criminal Matters – Existing Instruments in Europe
- Mutual Assistance and Recognition – Good Practices
- Setting Common Standards For Gathering Evidence
- Towards Single Instrument for Mutual Recognitions – Existing Challenges
- Lessons Learned from Strasbourg Proof

Defining Specific Rights of Persons in Criminal Proceedings

- Existing Definition Challenges
- Access to Legal Aid and Advice in Europe – Creating Integrated Approaches
- Recommendations for Future Actions

Speaker:
(tbc)

14:15

Second Round of Discussions

15:00

Short Coffee Break

15:10

Session Three: Facilitating Criminal Prosecutions through Better Police Cooperation

- Comparative Experience in Different Member States – Good Examples of Cross – Border Police Cooperation
- Towards a Common Methodology for Effective Cooperation in Criminal Proceedings
- Lessons Learned and Best Practices from Different Initiatives at Regional Level

Speaker:
Ms. Michèle Coninx, Vice-President, Eurojust (confirmed)

15:35

Third Round of Discussions

16:05

Chair's Summary and Closing Remarks

16:15

Networking Reception and Refreshments

Symposium Close