

## Objective

The consultation workshop aims to strengthen the cooperation between judges of EU Member States and enhance their knowledge of the Framework Decisions on detention and the European Arrest Warrant (EAW), with a focus on human rights implications in their implementation. Judges will increase their knowledge of the mandate and function of National Preventive Mechanisms (NPMs) and reflect on how national and cross-border cooperation with NPMs could support a correct and consistent implementation of EU law in accordance with fundamental rights.

## Key topics and aims

- Identify the status quo of cooperation between the judiciary and NPMs domestically and across border, as well as possible points for an improved coordination and cooperation
- Foster cooperation and exchange of information amongst judges within the EU
- Strengthen awareness and knowledge of the mandate and function of NPMs
- Define the roles and responsibilities of the judiciary and NPMs within a fundamental rights based implementation of EU law in criminal matters
- Improve contacts between judges and NPMs with representatives from the EU, UN, Council of Europe, civil society and the legal profession

## Who should attend?

Nominated judges from eligible EU Member States

## For further information

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## Speakers

**Mari Amos**, Member of UN Subcommittee on Prevention of Torture (SPT), Tallinn

**Moritz Birk**, Researcher, Head of Human Dignity and Public Security Team, Ludwig Boltzmann Institute of Human Rights (BIM), Vienna

**Tiphonie Crittin**, Senior Project Officer and Researcher, Human Dignity and Public Security Team, Ludwig Boltzmann Institute of Human Rights (BIM), Vienna

**Ramin Farinpour**, Course Director, European Criminal Law Section, ERA, Trier

**Dr Jonas Grimheden**, Head of Access to Justice Sector, Freedoms and Justice Department, EU Agency for Fundamental Rights (FRA), Vienna

**Dr Antonius Maria van Kalmthout**, Member of the European Committee for the Prevention of Torture (CPT), Tilburg

**Dr Steve Peers**, Professor, School of Law, University of Essex, Colchester

**Gerrit Zach**, Researcher and Project Officer, Human Dignity and Public Security Team, Ludwig Boltzmann Institute of Human Rights (BIM), Vienna

**Dr Dimitris Ziouvas**, Project Lawyer, European Criminal Law Section, ERA, Trier



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Ludwig Boltzmann Institute  
Human Rights



Europäische Rechtsakademie  
Academy of European Law  
Académie de Droit Européen  
Accademia di Diritto Europeo



## STRENGTHENING COOPERATION IN CRIMINAL MATTERS BETWEEN THE JUDICIARY AND NATIONAL PREVENTIVE MECHANISMS CONSULTATION WORKSHOP FOR JUDGES

**Trier, 21-22 April 2016**  
**ERA Conference Centre**  
**Metzer Allee 4, Trier, Germany**

**Organiser:**  
ERA (Ramin Farinpour and Dimitris Ziouvas) in cooperation with the Ludwig Boltzmann Institute of Human Rights (BIM)

**Language:** English  
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Education and Culture DG  
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## Thursday, 21 April 2016

09:00 Arrival and registration of participants

09:30 **Welcome and introduction**  
*Ramin Farinpour, Tiphane Crittin*

### I. THE PROJECT'S BASELINE STUDY: RAISING AWARENESS OF ISSUES IN RELATION TO UPHOLDING MUTUAL TRUST, GUARANTEEING FUNDAMENTAL RIGHTS AND THE COOPERATION BETWEEN JUDGES AND NPMS

*Chair: Ramin Farinpour*

10:00 **Presentation of the study and discussion**

- The Framework Decisions on detention and the EAW: background, scope and the relationship between mutual recognition instruments and detention
- Challenges in the implementation of the Framework Decisions and the EAW: mutual trust and fundamental rights; transposition into national legal orders (and EC infringement proceedings); fundamental rights as possible refusal ground to surrender a person
- Analysis of jurisprudence (ECtHR, CJEU, national courts)
- NPMS and their role in protecting the rights of detainees in the EU
- Cooperation between judges and NPMS: a potential for improving fundamental rights of detainees in the EU?

*Tiphane Crittin, Dimitris Ziouvas*

10:30 Coffee break

### II.

### THE EU AND FUNDAMENTAL RIGHTS: CHALLENGES IN THE IMPLEMENTATION OF THE FRAMEWORK DECISIONS ON DETENTION AND THE EUROPEAN ARREST WARRANT

*Chair: Dimitris Ziouvas, Gerrit Zach*

11:00

- Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments imposing custodial sentences or measures involving deprivation of liberty (Transfer of Prisoners)
- 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 (Probation and Alternative Sanctions)
- Council Framework Decision 2009/829/JHA on the application of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention (European Supervision Order)
- Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States

*Jonas Grimheden, Steve Peers, Anton Maria van Kalmthout*

12:00 Discussion

12:30 Lunch

13:30 **Three simultaneous working groups on issues faced in relation to the Framework Decisions and the European Arrest Warrant**

*Jonas Grimheden, Steve Peers, Anton Maria van Kalmthout*

15:00 Coffee break

15:30 Working groups' reports and discussion

17:15 End of the first day

19:30 Dinner

## Friday, 22 April 2016

### III.

### COOPERATION BETWEEN NPMS AND JUDGES: POTENTIAL FOR IMPROVING FUNDAMENTAL RIGHTS OF DETAINEES WITHIN THE EU?

*Chair: Moritz Birk, Dimitris Ziouvas*

09:30

- Current situation: lacking awareness and cooperation
- A lack of awareness/cooperation on the side of NPMS
- A lack of awareness/cooperation on the side of judges
- Potential for cooperation in relation to a fundamental rights conform implementation of the Framework Decisions and the EAW

*Mari Amos, Anton Maria van Kalmthout, Moritz Birk*

11:00 Coffee break

11:30 **Three simultaneous working groups on cooperation between NPMS and judges**

*Mari Amos, Moritz Birk, Gerrit Zach*

12:45 Lunch

13:45 Working groups' reports and discussion

15:00 Coffee break and end of the workshop