EUROPEAN PARLIAMENT

COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS

Tuesday, 18 January 2005, from 9 a.m. to 12.30 p.m.

Rue Wiertz, 60 – Brussels
Altiero Spinelli Building (ASP), Room 3G3

Public seminar:

Promoting a better quality of criminal justice in Europe

Articles II-107 to II-110 of the Treaty establishing a Constitution for Europe (which reproduce Articles 47 to 50 of the Charter of Fundamental Rights) and Articles 6 and 13 of the European Convention on Human Rights define the scope of the 'right to a judge', which, in accordance with their respective powers, the Union and its Member States must provide for the citizens of Europe. The 'right to a judge' includes, in particular, the right to an effective remedy, the right of access to an impartial tribunal, the right to a fair hearing, the right to be judged within a reasonable time and the right of access to legal aid. The protection of these rights is particularly important in the context of criminal proceedings.

The overriding responsibility for providing this protection lies, of course, with the Member States, which do so in accordance with their respective constitutional orders and legal traditions. However, accession to the European Union entails the following obligations:
- firstly, European citizens must be treated in a comparable fashion, no matter where in the Union they are;
- secondly, the Member States' trust in each other must be strengthened in order to allow for the mutual recognition of judgments and even for Member States to hand over their citizens to be brought before judges in other Member States.

Article III-260 of the draft Constitutional Treaty and paragraph 3.2 of The Hague Programme specifically acknowledge the importance of evaluation as a basis for mutual trust and recognition. Now is the time to devise the practical tools for such an evaluation and to increase exchanges of information and training opportunities so as improve the quality of criminal justice in Europe.

The Member States already have a common frame of reference in the shape of the case-law of the Courts in Strasbourg and Luxembourg, but mutual trust would surely be enhanced if, once a set of common indicators has been established, the Member States could engage in mutual evaluation, as is already the case in other fields in the area of freedom, security and justice. If this process were to prove positive, an EU framework decision pursuant to Article 31(1)(c) of the EU Treaty might constitute a suitable legal basis.

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In the context of the work undertaken by Mr António Costa as rapporteur on the draft recommendation on the quality of justice in the Member States and by Mrs Kathalijne Maria Buitenweg as rapporteur on the proposal for a framework decision on certain procedural rights in criminal proceedings, the following topics might be discussed at the seminar[1]:

Draft programme

9. a.m. Opening of the seminar by **Mr Jean-Louis BOURLANGES**, Chairman of the Committee on Civil Liberties, Justice and Home Affairs

Part one – Mutual evaluation of the quality of justice: roles of national and European institutions

9.05 a.m. Presentation by **Mr Franco FRATTINI**, Vice-President of the Commission

Contributions on:
- the practical operation of mutual evaluation systems between Member States (Schengen, terrorism, enlargement) with regard to establishing indicators, programmes and monitoring arrangements, considering and processing results, etc.;
- the initial results of the implementation by the Member States of Union measures in respect of mutual recognition in judicial matters, particularly as regards the European arrest warrant;
- prospects for the future in the context of The Hague Programme.

9.20 a.m. Experiences and viewpoints from the Supreme Courts in the EU Member States[2]:
Mr Guy CANIVET, President of the Court of Cassation (France), President of the Network of Heads of Supreme Courts in the European Union

The recent establishment of this association, following the establishment of the Association of the Councils of State and Supreme Administrative Jurisdictions of the EU[3], shows that the highest national courts are becoming increasingly interested in sharing their experience in a European context. With a view to an improvement in the functioning of the European judicial area, it is an appropriate time to consider, at EU level, the assessments and expectations of these institutions.

9.30 a.m. Experiences and viewpoints from the Councils for the Judiciary:
Mr Luigi BERLINGUER, Consiglio Superiore della Magistratura (Italy), President of the European Network of Councils for the Judiciary (ENCJ)

The aim of this network, which was created on 20 May 2004[4], is to pool the experience of institutions seeking to preserve the autonomy and effectiveness of the judicial process in several Member States.

[1] As speaking time will be limited to ten minutes per contribution, speakers wishing to supplement their speeches may do so in writing by submitting a document (preferably in English or French) in advance to the secretariat. This document will then be circulated during the seminar.

[2] For more information see: http://www.courdecassation.fr/relations internationales
[3] For more information see: http://www.raadvst-consetat.be
[4] For more information contact Mr Bert van Delden, Secretary-General of the Network: encj@rvdr.drp.minjus.nl

9.40 a.m. Quality indicators in respect of justice under consideration by the Council of Europe's Commission for the Efficiency of Justice (CEPEJ)[1]:
Mr Eberhard DESCH, President of the CEPEJ (Head of the international law division at the German Ministry of Justice), and **Mr Guy DE VEL**, Director-General of Legal Affairs, Council of Europe

10 a.m. From Eurojust's point of view
Mr **François FALLETTI,** President of Eurojust, an interinstitutional body

10.10 a.m. – 10.30 a.m. Exchange of views

Part two – Improving the quality of justice: what citizens, legal practitioners and NGOs want

10.30 a.m. The court user's need for quality:
Mr Jean-Paul JEAN, Attorney General's deputy at the Paris Court of Appeal, associate professor at the University of Poitiers (France)

10.40 a.m. From a lawyer's point of view:
Mr Han JAHAE, Chairman of the European Criminal Bar Association (ECBA) and **Mrs Taru SPRONKEN**, Chair of the Legal Department of the European Criminal Bar Association
Mr Bernard VATIER, President of the Council of the Bars and Law Societies of Europe (CCBE)

10.55 a.m. From a judge's point of view:
Mr Antonio MURA, Secretary-General of the International Association of Judges, and **Mr Ignazio JUAN PATRONE**, President of the Association of European Magistrates for Democracy and Freedom (MEDEL)

11.10 a.m. From an NGO point of view:
Mrs Susie ALEGRE, Legal Affairs Executive Officer at Amnesty International
Mr Antoine MADELIN, Permanent Representative to the European Union of the International Federation of Human Rights (FIDH)
Mr Stephen JAKOBI, Director of 'Fair Trials Abroad'

11.40 a.m – 12.10 p.m. Exchange of views

12.10 p.m. Conclusions of the rapporteurs
Mrs Kathalijne Maria BUITENWEG and **Mr António COSTA**, members of the Committee on Civil Liberties, Justice and Home Affairs

[1] For more information see:
http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Operation_of_justice/Efficiency_of_justice

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Bibliographie

Homepage de l'audition : disponible en janvier.

Fiches thématiques sur l'ELSJ : http://www.europarl.eu.int/comparl/libe/elsj/zoom_in/default_fr.htm#4
Livre vert sur le rapprochement, la reconnaissance mutuelle et l'exécution des sanctions pénales dans L'Union européenne (COM((2004)334): http://www.europa.eu.int/eur-lex/pri/fr/dpi/gpr/doc/2004/com2004_0334fr01.doc
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Convention relative à l'entraide judiciaire en matière pénale (JO C 197 du 12.07.2000) : http://europa.eu.int/eur-lex/pri/fr/oj/dat/2000/c_197/c_19720000712fr00010023.pdf
Décision-cadre du 13 juin 2002 relative au mandat d'arrêt européen et aux procédures de remise entre Etats membres (JO L 190 du 18.7.2002) : http://europa.eu.int/eur-lex/pri/fr/oj/dat/2002/l_190/l_19020020718fr00010018.pdf
Décision-cadre du 22 juillet 2003 relative à l'exécution dans l'Union européenne des décisions de gel de biens ou d'éléments de preuve (JO L 196 du 02.8.2003) : http://europa.eu.int/eur-lex/pri/fr/oj/dat/2003/l_196/l_19620030802fr00450055.pdf
Proposition de décision-cadre du Conseil relative au mandat européen d'obtention de preuves (COM (2003)0688): http://europa.eu.int/eur-lex/fr/com/pdf/2003/com2003_0688fr01.pdf
Proposition de décision-cadre du Conseil relative à certains droits procéduraux accordés dans le cadre des procédures pénales dans l'Union européenne (COM (2004)0328) : http://europa.eu.int/eur-lex/fr/com/pdf/2004/com2004_0328fr01.pdf

ANNEXE

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Important notice for those wishing to attend the seminar

The seminar is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain a such a pass should contact the seminar secretariat before 12 January 2005.