



**EU Criminal Justice Policy: Reflections and Priorities**



**Submission to the European Commission  
On Future Justice Policy of the European Union further to the  
*Assises de la Justice***

**December 2013**

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## EU Criminal Justice Policy: Reflections and Priorities

### Background

The **JUSTICIA** European Rights Network, of which the Irish Council for Civil Liberties (ICCL) is Consortium Leader, was formally established in 2012. **JUSTICIA** currently has 11 member organisations based in 10 European Union (EU) States:

- Bulgarian Helsinki Committee
- Greek Helsinki Monitor
- Helsinki Foundation for Human Rights (Poland)
- Human Rights Monitoring Institute (Lithuania)
- Hungarian Civil Liberties Union
- Irish Council for Civil Liberties
- Latvian Centre for Human Rights
- League of Human Rights (Czech Republic)
- Open Society Justice Initiative
- Rights International Spain
- Statewatch (UK)

The Network's thematic focus is on EU criminal justice, particularly procedural rights, and right of victims of crime. For more information on the activities of the Network, please see: <http://www.eujusticia.net>.



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### I. Introduction

**JUSTICIA** welcomes the opportunity to input into the European Commission's upcoming Communication to the European Council on future initiatives in the field of justice and home affairs policies. Following on from the Stockholm Programme, the Network looks forward to the adoption of a concrete and human rights-centred work programme in this area, and specifically on EU Criminal Justice Policy, in line with Article 68 TFEU,<sup>1</sup> according to which "the European Council shall define the strategic guidelines for legislative and operational planning".<sup>2</sup> In addition, the **JUSTICIA** Network notes with interest the emerging discussions on the "Rule of Law",<sup>3</sup> and looks forward to contributing further to the emergence of a new mechanism.

In this regard, we encourage the European Commission to mainstream fundamental rights into its policies and legislative proposals, ensuring, for example in the area of criminal justice, that reforms are guided by fundamental rights. This would entail going beyond cross-checking compatibility with the Charter and could take the form of an over-arching internal human rights strategy reflecting the fundamental human rights standards as outlined under the Charter of Fundamental Rights of the European Union (EU Charter),<sup>4</sup> and the European Convention on Human Rights (ECHR)<sup>5</sup>. We see this as an ongoing process in relation to: the overall policy priorities during the next years; any future legislative proposals; and the continuous analysis of gaps and challenges in fundamental rights protection that, for example, may be created by the European Arrest Warrant.

In any event, **JUSTICIA** considers it imperative that any high-level strategic guidelines adopted around EU Criminal Justice Policy for the next four years contain operational

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<sup>1</sup> Consolidated Version of the Treaty on the Functioning of the European Union, Article 68, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:en:PDF> (accessed on 13.12.13).

<sup>2</sup> Council of the European Union, *Discussion Paper on the future development of the JHA area*, 16.10.13, available at <http://register.consilium.europa.eu/doc/srv?!=EN&t=PDF&gc=true&sc=false&f=ST%2014898%202013%20INIT&r=http%3A%2F%2Fregister.consilium.europa.eu%2Fpd%2Fen%2F13%2Fst14%2Fst14898.en13.pdf>, (accessed on 10.12.13). See also Council of the European Union, Press Release, Justice and Home Affairs, 3279<sup>th</sup> Meeting, 17342/13, 05/06.12.13 available at [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/139938.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/139938.pdf), (accessed on 10.12.13).

<sup>3</sup> European Commission, *Assises de la Justice, Discussion Paper 4: Rule of Law*, for input into Conference of 21-22 November 2013, available at [http://ec.europa.eu/justice/events/assises-justice-2013/files/rule\\_of\\_law\\_en.pdf](http://ec.europa.eu/justice/events/assises-justice-2013/files/rule_of_law_en.pdf), (accessed on 10.12.13).

<sup>4</sup> 2000/C 364/01, 18.10.2000, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:0391:0407:en:PDF>, (accessed on 10.12.13).

<sup>5</sup> Council of Europe, 01.06.2010, available at [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf), (accessed on 10.12.13).

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measures that facilitate real implementation of coherent, rights-based policies which are focused on tangible outputs and progression, rather than aspirational benchmarks.

The Stockholm Programme set out a body of work aimed at progressing EU Criminal Justice Policy and has delivered some notable achievements to date; namely the progression of measures on the *Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings* (the Procedural Rights Roadmap),<sup>6</sup> and the enactment of the *Directive establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA* (Victims' Rights Directive).<sup>7</sup> Recognition should be duly afforded to these first steps towards ensuring the protection of the rights of suspects and accused persons, and the rights of victims of crime across the EU. **JUSTICIA** urges the European Commission to continue on this path and press towards a coherent and robust set of measures.

In light of this, **JUSTICIA** notes that outstanding measures on the Procedural Rights Roadmap have yet to be agreed. As European Commission President Barroso stated in his letter to European Parliament President Martin Schulz (11 September 2013), the Commission must complete the "legislative work that we have started and [push] ahead for implementation".<sup>8</sup>

Drawing on **JUSTICIA** Network Members' expertise and geographical scope, this submission addresses the challenges outlined in *Discussion Paper Two: Criminal Law*,<sup>9</sup> where relevant to the Network's present and future thematic focus, and reaffirms the joint NGO Working Group submission, *2014-2019: Strengthening Defence Rights in the European Union*.<sup>10</sup> Furthermore, the submission sets down the Network's opinion regarding further development of EU Criminal Justice Policy, particularly in relation to initiatives which would best strengthen mutual trust between Member States.

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<sup>6</sup> Available at <http://www.ecba.org/extdocserv/projects/ps/RevRoadmap310709.pdf> (accessed on 13.12.13).

<sup>7</sup> Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF> (accessed on 13.12.13).

<sup>8</sup> Europa, MEMO/13/778, Available at [http://europa.eu/rapid/press-release MEMO-13-778\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-778_en.htm) (accessed on 13.12.13).

<sup>9</sup> European Commission, *Assises de la Justice, Discussion Paper 2: EU Criminal Law*, for input into Conference of 21-22 November 2013, available at [http://ec.europa.eu/justice/events/assises-justice-2013/files/criminal\\_law\\_en.pdf](http://ec.europa.eu/justice/events/assises-justice-2013/files/criminal_law_en.pdf), (accessed on 10.12.13).

<sup>10</sup> This document was submitted to the *Assises de la Justice* with a broader range of NGOs and was endorsed by the **JUSTICIA** European Rights Network on 18 November 2013, available at <http://www.eujusticia.net/images/uploads/pdf/2014-2019-Strengthening-Defence-Rights-in-the-EU.pdf> (accessed on 10.12.13).



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### II. Strengthening Mutual Trust: Completion of the Procedural Rights Roadmap and Beyond

**JUSTICIA** welcomes the recent publication by the European Commission of a package of measures on the right to legal aid, safeguards for children and vulnerable suspected and accused persons and the presumption of innocence. These measures are integral to the roadmap and essential for the effective functioning of the already adopted directives. Furthermore, the measures should comply, as a minimum, with the relevant standards in Articles 4, 6, 47 and 48 of the EU Charter, and Article 6 of the ECHR. These benchmarks are the floor on which any EU measures must build, particularly as the origin of two of these measures, i.e. the Stockholm Programme itself envisages,

*“...the creation of a uniform European fundamental and human rights system based on the European Convention and those set out in the Charter of Fundamental Rights of the European Union.”<sup>11</sup>*

In addition, the Commission recently reiterated this in a communication on the latest package of procedural rights measures, where the following was stated,

*“Criminal law measures should be firmly grounded in strong EU-wide standards for procedural rights and victims’ rights in line with the EU charter of Fundamental rights. This is central to strengthen mutual trust and requires defining and reinforcing the rights of individuals involved in criminal proceedings.”<sup>12</sup>*

With this in mind, **JUSTICIA** will closely monitor the legislative passage of these measures, with specific focus on the joint legislative proposals on legal aid reform and on vulnerable suspected and accused persons, in order to ensure the rights of suspected and accused persons are protected and that no proposal falls below the required standards of the Charter and the ECHR.

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<sup>11</sup> *The Stockholm Programme-An Open and Secure Europe Serving and Protecting Citizens*, 04.05.2010, C 115/1, Para. 2.1, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF>, (accessed on 10.12.13).

<sup>12</sup> European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Making progress on the European Union Agenda on Procedural Safeguards for Suspects or Accused Persons - Strengthening the Foundation of the European Area of Criminal Justice*, COM(2013) 820/2, p. 3. op. cit. ,

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### III. Ensuring Effective Implementation

The Network recognises the significant progress made in the EU criminal justice arena in recent times. As the European Commission focuses its activity on the transposition and implementation stage, it is imperative to ensure that, “what legal acts promise on paper corresponds to the reality on the ground”.<sup>13</sup> In the past, as has been stated by the Commission itself, “EU criminal law has in many cases neither been transposed nor used in practice at national level.”<sup>14</sup> Moreover, the European Council has acknowledged that “Europe has to be **credible** in terms of implementation and abide by its commitments.”<sup>15</sup>

In addition to the Commission’s role in monitoring transposition and ensuring effective implementation, (for example through compliance reports and infringement proceedings), **we encourage the Commission to take a multi-pronged approach towards effective implementation of procedural rights’ Directives, and the Victims’ Directive including:**

#### A. Legislative Support

This might include **legislative support programmes** for government lawyers and officials, and mechanisms to facilitate the exchange of best practices and support for the production of guidance materials.<sup>16</sup>

#### B. Pilot Programmes

In many countries the lack of systematised programmes is one of the key obstacles to the implementation of effective defence rights, and the rights of victims of crime. We call on the Commission to **provide support to Member States, practitioners and civil society actors, prior to and during the transposition period, to develop and test new systems and procedures to ensure that once reforms are in place, practitioners have the relevant experience to achieve the impact envisaged by the Directives.**

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<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> Council of the European Union, *Discussion Paper on the future development of the JHA area, op.cit.*

<sup>16</sup> For an example of this see, *JUSTICIA*, (December 2013), Training Programme on the Implementation of the Right to Interpretation and Translation Services in Criminal Proceedings.

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### C. Research and Analysis by Civil Society

Domestically and through networks across the EU, civil society groups occupy a unique position and **the expertise of these organisations should be utilised during the implementation stage** both prior to, and during the transposition period. Our expertise and experience extends across research, advocacy and litigation. Through active participation in the implementation process, civil society organisations can relay the impact of current, upcoming and future EU instruments. This might include support to conduct research which provides baseline information, identification of trends, and analysis of the challenges and experiences faced by practitioners. Civil society groups are also well-placed to produce independent monitoring reports.

### D. Data Collection

Effective implementation will require knowledge of operational realities and ongoing evaluation. **The Commission should require Member States to collect and regularly publish data that demonstrates the level of implementation of the Directives.** Where applicable, partnerships on data collection and analysis could be forged with the European Union Agency for Fundamental Rights and civil society organisations.

### E. Training:

#### i) Procedural Rights

Beyond transposition with respect to legislation and regulations, implementation of the new Directives may require amendment to the procedures of criminal justice agencies. In certain Member States changes may also be required to professional cultures and practices. In this regard, the **training requirements which are specifically set out in the relevant Directives<sup>17</sup> must be fully resourced and rolled out** in Member States and include all criminal justice actors, including defence lawyers. As Commissioner Reding stated in November 2013:

*“Our success in facing up to the challenges and opportunities brought about by the establishment of a European area of Justice can only be achieved by assuring the coherence and consistency of the way in which the EU legal order interacts with the*

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<sup>17</sup> Article 6, *Directive on the right to interpretation and translation* and Article 9, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:280:0001:0007:en:PDE>, (accessed on 18.12.13); *Directive on the right to information*, 01.06.12, L 142/1, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:142:0001:0010:en:PDE>, (accessed on 18.12.13).



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*diverse national legal traditions and systems. And this requires, first of all, well informed and well trained legal practitioners.”<sup>18</sup>*

Training initiatives might take different formats including those that are formally integrated into national curricula, as well as more specialised courses and exchange programmes. Initiatives that assist practitioners to develop their own national guidance notes and reference materials around specific themes should also be supported.

### ii) Rights of Victims of Crime

With respect to the implementation of the Victims’ Rights Directive, the legislation contains a requirement to train officials involved in criminal proceedings who are likely to come into contact with victims of crime. As is recognised in Recital 61, the officials should be in a position to identify “victims and their needs and deal with them in a respectful, sensitive, professional and non-discriminatory manner”.<sup>19</sup> In addition, the **training should be gender-specific, where relevant, and ensure that officials involved in the individual assessment to identify victims’ specific protection needs “should receive specific training on how to carry out such an assessment”.**<sup>20</sup>

Moreover, **JUSTICIA** refers to Measure B of the *Budapest roadmap for the strengthening the rights and protections of victims, in particular in criminal proceedings* (Budapest Roadmap).<sup>21</sup> Following on from the poor compliance rate with *Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings*,<sup>22</sup> it is clear that Member States would benefit greatly from recommendations on “practical measures and best practices” as stated in Measure B of the Roadmap, in relation to full implementation of the Victims’ Rights Directive.

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<sup>18</sup>Europa, SPEECH/13/994, 28.11.13, available at [http://europa.eu/rapid/press-release\\_SPEECH-13-994\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-13-994_en.htm) (accessed on 13.12.13).

<sup>19</sup> *Directive establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF> (accessed on 13.12.13)

<sup>20</sup> *Ibid.*

<sup>21</sup> Council of the European Union, 3096<sup>th</sup> JUSTICE and HOME AFFAIRS Council meeting, **9/10.06.11**, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/122529.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/122529.pdf) (accessed on 13.12.13).

<sup>22</sup> See for example, Europa, *Commission adopts report on implementation of framework decision on the standing of victims in criminal proceedings* IP/09/549, [http://europa.eu/rapid/press-release\\_IP-09-549\\_en.htm](http://europa.eu/rapid/press-release_IP-09-549_en.htm) (accessed on 13.12.13).

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### IV. Further Development of EU Criminal Justice Policy

*JUSTICIA* looks forward to working with the Commission and other EU institutions on the progression of EU Criminal Justice Policy, and ensuring that all future measures are based on the fundamental rights set down in the EU Charter and the ECHR. As Commissioner Reding stated when launching the Commission's package of measures on procedural rights in November 2013, "there can be no area of justice and no mutual trust without common fundamental-rights standards based on our common values".<sup>23</sup>

#### A. Procedural Rights: Pre-Trial Detention

The Commission's 2011 Green Paper on the application of EU criminal justice legislation in the field of detention<sup>24</sup> acknowledged the problem of excessive pre-trial detention and responses to the consultation from Member States and civil society organisations called for legislative action on this matter.<sup>25</sup> Indeed, in its *Resolution on the Procedural Rights Roadmap*, the European Council stated that excessively "long periods of pre-trial detention are detrimental to the individual, can prejudice cooperation between the Member States, and do not represent the values for which the European Union stands".<sup>26</sup>

In light of this, and in accordance with the joint NGO Working Group submission, *2014-2019: Strengthening Defence Rights in the European Union*,<sup>27</sup> **JUSTICIA calls on the Commission to consider a legislative proposal on the use of pre-trial detention** including: the use of detention as a last resort; use of alternatives; corroboration of detention orders by written and reasoned decisions, and the operation of a system of regular review.

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<sup>23</sup> [http://europa.eu/rapid/press-release\\_SPEECH-13-986\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-13-986_en.htm) (accessed on 13.12.13).

<sup>24</sup> *Strengthening mutual trust in the European judicial area – A Green Paper on the application of EU criminal justice legislation in the field of detention*, COM(2011) 327, Brussels 14.06.11, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0327:FIN:en:PDF>, (accessed on 18.12.13).

<sup>25</sup> 30.11.11. See the *Analysis of Replies to the Consultation* here [http://ec.europa.eu/justice/newsroom/criminal/opinion/110614\\_en.htm](http://ec.europa.eu/justice/newsroom/criminal/opinion/110614_en.htm) (accessed on 13.12.13).

<sup>26</sup> *Resolution on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings*, (2009/C 295/01), 4.12.10, p. 1, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:295:0001:0003:en:PDF>, (accessed on 18.12.13)

<sup>27</sup> This document was submitted to the *Assises de la Justice* with a broader range of NGOs and was endorsed by the *JUSTICIA* European Rights Network on 18 November 2013, available at <http://www.eujusticia.net/images/uploads/pdf/2014-2019-Strengthening-Defence-Rights-in-the-EU.pdf> (accessed on 10.12.13).

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To assist in determining the scope of pre-trial detention across Member States, **it is crucial for the Commission to introduce EU-wide standards for the collection of data on the length of, and use of alternatives to, pre-trial detention.** In addition, it must be an imperative of the Commission's upcoming work programme to progress the establishment of minimum standards on the use of pre-trial detention.<sup>28</sup>

### B. Rights of Crime Victims

*JUSTICIA* is keen to hear the Commission's plans with respect to the roll out of the Budapest Roadmap on victims' rights, not least in respect of *Measure D: Review of Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims.* In 2011, subsequent to a Council invitation, the Commission agreed to review existing compensation schemes relating to victims,<sup>29</sup> such as those provided for by the 2004 Directive.<sup>30</sup> **The Network urges the Commission to fulfil this commitment and consider whether the existing procedures should be revised and simplified.**<sup>31</sup>

The Commission should note that in certain *JUSTICIA* Network countries, an effective complaints mechanism would greatly assist the full implementation of the Victims' Directive. In this regard, the Network **proposes that the development of an effective, independent complaints mechanism, through which victims of crime can lodge complaints in the event of a breach their rights, should be considered as part of the Commission's upcoming work programme.**

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<sup>28</sup> Joint Letter to Ms Viviane Reding, (10 September 2013), Vice-President of the European Commission and Commissioner for Justice, Fundamental Rights and Citizenship, available at [http://ec.europa.eu/justice/events/assises-justice-2013/files/contributions/30.3ngo\\_letter\\_ptd\\_sept2013\\_en.pdf](http://ec.europa.eu/justice/events/assises-justice-2013/files/contributions/30.3ngo_letter_ptd_sept2013_en.pdf) (accessed on 13.12.13). As the letter states, these minimum standards should recognise that a strict maximum period of pre-trial detention may not be appropriate given the diversity of Member States criminal justice systems, domestic laws, and resources.

<sup>29</sup> Council of the European Union, 2011/C 187/01, 10.06.11, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:187:0001:0005:en:PDF> (accessed on 13.12.13).

<sup>30</sup> COUNCIL DIRECTIVE 2004/80/EC of 29 April 2004 relating to compensation to crime victims <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:261:0015:0018:EN:PDF> (accessed on 13.12.13).

<sup>31</sup> In this respect, *JUSTICIA* acknowledges the necessity of access to compensation irrespective of where the victim resides, or where the crime occurred, as set out in the Victim Support Europe Manifesto. Victim Support Europe, *Manifesto 2014-2019, Towards a Union of Freedom, Security and Justice for Victims of Crime*, available at <http://victimsupporteurope.eu/publications/victim-support-europe-manifesto-2014-2019/>, (accessed on 10.12.13).

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### V. Role of Civil Society:

The Network recalls the Council's statement that "a forward-looking and strategic political approach to post-2014 planning calls for discussion",<sup>32</sup> and notes that such a debate is one in which civil society should be included. **JUSTICIA** highlights the extensive role that civil society has played in the shaping of current EU Criminal Justice Policy, through, for example, the provision of joint statements,<sup>33</sup> submission of evidence-based comparative reports,<sup>34</sup> and participation in consultative meetings.<sup>35</sup>

**JUSTICIA** was formalised in July 2012 and has conducted six events,<sup>36</sup> which included awareness- raising and training seminars /conferences and conferences on EU criminal justice reform, in particular procedural rights, and the rights of victims of crime. These events raised awareness of upcoming developments in the EU criminal justice field and

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<sup>32</sup> Council of the European Union, *Discussion Paper on the future development of the JHA area*, 16.10.13, p.4, available at <http://register.consilium.europa.eu/doc/srv?l=EN&t=PDF&gc=true&sc=false&f=ST%2014898%202013%20INIT&r=http%3A%2F%2Fregister.consilium.europa.eu%2Fpd%2Fen%2F13%2Fst14%2Fst14898.en13.pdf>, (accessed on 10.12.13).

<sup>33</sup> For example: **JUSTICIA** Network and others, *Joint briefing on the Directive on the right of access to a lawyer in criminal proceedings and the right to inform a third party upon deprivation of liberty*, 22 April 2013, available at [http://www.eujusticia.net/images/uploads/pdf/jointNGO\\_briefing\\_on\\_Directive\\_on\\_the\\_right\\_of\\_access\\_to\\_a\\_lawyer22\\_April2013.pdf](http://www.eujusticia.net/images/uploads/pdf/jointNGO_briefing_on_Directive_on_the_right_of_access_to_a_lawyer22_April2013.pdf), (accessed on 10.12.13); **JUSTICIA** Network and others, *Joint Statement on the Directive on the Right of Access to a Lawyer and to Communicate Upon Arrest, For Trilogue Discussions on Articles 1 to 6*, 14 November 2012, available at [http://www.eujusticia.net/images/uploads/pdf/joint\\_NGO\\_statement\\_on\\_Measure\\_C\\_for\\_trilogues\\_14\\_November.pdf](http://www.eujusticia.net/images/uploads/pdf/joint_NGO_statement_on_Measure_C_for_trilogues_14_November.pdf), (accessed on 10.12.13).

<sup>34</sup> For example: **JUSTICIA** Network, *Compliance of Legal Aid systems with the European Convention on Human Rights in seven jurisdictions" covering Bulgaria, Czech Republic, England & Wales, Germany, Greece, Ireland and Lithuania*, April 2013, as referred in European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Making progress on the European Union Agenda on Procedural Safeguards for Suspects or Accused Persons - Strengthening the Foundation of the European Area of Criminal Justice*, COM(2013) 820/2, p. 5, fn.8 available [http://ec.europa.eu/justice/criminal/files/com\\_2013\\_824\\_en.pdf](http://ec.europa.eu/justice/criminal/files/com_2013_824_en.pdf), (accessed on 10.12.13).

<sup>35</sup> For example, Experts Meetings organised by the European Commission.

<sup>36</sup> 5 November 2012, International Conference, "Effective Criminal Defence Europe: Challenges and Prospects", Vilnius, Lithuania; 12 December 2012, High-Level Roundtable, "Effective Criminal Defence in Europe: Challenges and Prospects for Future Presidencies of the European Union" Dublin, Ireland; 23 September 2013, Training Seminar, "Know-Your-Rights Legal Training Seminar", Dublin Ireland; 23 September 2013, Launch, "Know-Your-Rights Guide on the Victims' Directive", Dublin, Ireland; 31 October 2013, International Conference, "Effective Criminal Defence as a Fundamental Basis to Fair Trial" Warsaw, Poland; 6 November 2013, Roundtable Seminar "Human Rights in the EU: Towards Effective Implementation of the Victims' Directive", Brussels, Belgium.



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brought together government, policy makers, practitioners and NGOs to debate, inform on implementation, and identify challenges in the Network's represented countries.

**In light of this, the Network urges the European Commission to establish a civil society platform specifically to facilitate formal engagement, and to ensure regular and consistent engagement with civil society into the future.** This would allow greater input from a wider range of actors on the Stockholm Programme measures, and future EU criminal justice measures.

### VI. Conclusion:

As the Stockholm Programme comes to a close, *JUSTICIA* commends the EU institutions for the progress made to date. *JUSTICIA* looks forward to the progression of justice rights over the next four years. We believe that the creation of a civil society platform for regular and systematic engagement would greatly facilitate this, and urge the Commission to take concrete steps to formalise civil society participation.

We call on the European Commission to ensure that the upcoming work programme and future criminal justice work is guided by fundamental rights and the standards under the EU Charter and the ECHR. It is clear that the protection of victims' rights and the rights of suspected and accused persons in criminal proceedings is a core value of the Union, and that such safeguards are essential in maintaining mutual trust between Member States.

At this key juncture in the European Justice Project, the evolution of harmonised Criminal Justice Policy requires the completion of the Roadmaps already in place for procedural rights and victims' rights. In this respect, we urge the Commission to ensure the effective implementation of newly adopted Directives. Moreover, our vision must move beyond this to the creation of a European area of criminal justice law which conforms, in theory and practice, to the rights set down in the EU Charter and ECHR, as developed by the Court of Justice of the European Union and the European Court of Human Rights. In creating a new map for this journey, the Stockholm Programme successor must ensure that fundamental and human rights are the baseline components of this work.

