

Application: JUST/2014/JCOO/AG/CRIM 4000007709

Title: EAWRights: Analysis of the implementation and operation of the European Arrest Warrant from the point of view of defence practitioners

Applicant: Council Of Bars And Law Societies Of Europe

Country: Belgium

Requested Amount: 226.816,03 EUR

Contact details : not released

Summary:

Objectives

The project aims to contribute to the correct and consistent implementation of the European Arrest Warrant (EAW) as required in the call for proposals. In particular, the project will focus on the following objectives:

Identification of the implementation at national level of the Framework Decision 2002/584/JHA on the European Arrest Warrant in all EU Member States.

Identification of good practices carried out in the 28 Member States in order to ensure defence rights

Presentation of recommendations focused on the improvement of defence rights in EAW cases

Activities

- The objectives will be achieved in three parts which will take the form of a study:
- Part (1) an analysis of the implementation of the EAW in all Member States
- Part (2) identifying good practices that have been implemented in Member States; and
- Part (3) providing recommendations to improve defence rights in EAW cases

Type and number of persons benefiting from the project

The project will provide information to the European Commission on the implementation of Framework Decision 2002/584/JHA on the European Arrest Warrant from a defence lawyers' perspective. This information will be provided by experts who are practising lawyers with experience in EAW cases. The study will provide valuable information on current defence rights and how the situation of defendants can be improved. The anticipated recommendations in the study will be of value to the EU institutions with regard to future legislation on the EAW or related topics.

Member States will also benefit from the results of the project as they will become aware of how other Member States implement the EAW with regard to defence rights. In addition, any good practices that have been identified may assist Member States in providing solutions to some problems they are facing in EAW cases.

The legal community (specially those actors working in EAW proceedings, such as defence lawyers, judges and prosecutors) will also benefit from this study as the analysis of the implementation of the EAW in the different Member States will be of great informative value.

Expected results

The project aims to provide a comprehensive analysis of the state of play on the implementation of the EAW in the different Member States from the point of view of the defence.

The project will aim to identify a catalogue of good practices in EAW proceedings in different Member States that can be used by authorities and the defence at a national level to assist with any existing problems.

The project will include recommendations which could be of use to the EU institutions when considering future legislation. In any case, the recommendations would also deal with short-term actions or recommendations that could assist defence rights in EAW proceedings.

Type and number of outputs to be produced

Tangible: The project will result in a three-part study (analysis, good practices and recommendations) based on responses to a comprehensive questionnaire.

Intangible: Two meetings will be convened (with detailed minutes) involving the project team, 30 national experts from 28 Member States (3 from each of the 3 jurisdictions of the United Kingdom) and representatives from the Commission.

Application: JUST/2014/JCOO/AG/CRIM 400007738

Title: Strengthening the fundamental rights based implementation of EU law in criminal matters through cooperation between the judiciary and NPMs

Applicant: Ludwig Boltzmann Association

Country: Austria

Requested Amount: 245.877,29 EUR

Contact details : tiphane.crittin@univie.ac.at

Summary:

Objectives

The overall objective is to contribute to strengthening judicial cooperation in criminal matters in the EU by the correct and consistent implementation of the EAW and the Council Framework Decisions on Detention (FDs on Detention) in accordance with fundamental rights. It shall be achieved through reaching these specific objectives:

Strengthening the knowledge of judges in the EU on the role of the National Preventive Mechanisms (NPMs), of the EAW, the FDs on Detention and relevant EU laws with a focus on potential fundamental rights implications and their awareness of NPMs' role

Strengthening the knowledge of NPMs in the EU on EAW and FDs on Detention, and raising awareness on their potential role in the implementation of EU legislation in accordance with fundamental rights

Strengthening the cooperation and exchange of information between judiciary and NPMs in the EU as well as on national level and with relevant actors from the EU, Council of Europe, UN and civil society, to contribute to the correct and consistent implementation of the EAW and the FDs on Detention in accordance with fundamental rights

Activities

- Drafting of a comprehensive baseline study
- Development of questionnaires and holding of consultations with judges from all EU Member States except the UK and Denmark and the 22 NPMs existing in these countries on their experiences and perspectives on their roles and cooperation
- Holding of 2 consultation workshops, one with judges from 26 EU Member States, one with representatives of the 22 EU NPM from these countries
- Holding of a conference for judges of 26 EU Member States and 22 EU NPM representatives as well as relevant actors from the EU, Council of Europe, UN and civil society
- Drafting of a comprehensive final study based on the findings of the consultations, workshops and conference – incl. concrete proposals on the implementation of EU legislation in accordance with fundamental rights

- Broad dissemination of study/summary leaflets in print and electronically to relevant actors in the EU

Type and number of persons benefiting from the project

- The below stakeholders will benefit through their participation in consultations, workshops and conference. The participants will serve as multipliers in their countries, transmitting knowledge and experiences within their institutions. It will be facilitated by the dissemination of the final study electronically and in print form providing guidance and practical tools for improving the correct implementation of EU law through cooperation. The actors benefitting from this guidance will be:
 - Judges of 26 EU Member States
 - Representatives of the 22 NPMs in 26 target States
 - Other actors in the criminal justice system dealing with the effective functioning of the criminal justice system in accordance with fundamental rights, e.g. lawyers
 - EU representatives dealing with the implementation of the EAW, FDs on Detention and other relevant EU laws
 - Council of Europe representatives
 - Suspects and accused in EU criminal proceedings

Expected results

Increased knowledge of judges in the EU on the EAW, FDs on Detention and other EU legislation, with a focus on potential fundamental rights implications and increased awareness of mandate, function and information produced by NPMs

Increased knowledge of NPMs with regard to the relevant EU legislation and increased awareness regarding their potential role in its implementation

Increased cooperation and exchange of information between judges and NPMs domestically and in the EU, incl. the development of concrete tools for that purpose

Strengthened judicial cooperation in criminal matters within the EU by correct and consistent implementation of the EAW and FDs on Detention

Consequently, enhanced mutual trust between judicial operators in EU criminal justice.

Application: JUST/2014/JCOO/AG/CRIM 400007739

Title: A comparative analysis of the implementation of Article 4 paragraph 6

Framework Decision 2002/584 (EAW).

Resocialization above surrender?

Applicant: Public Prosecution Service Amsterdam (international Centre For Legal Assistance)

Country: Netherlands

Requested Amount: 81.538,88 EUR

Contact details : K.SCHAFT@OM.NL

Summary:

1. Objectives

Specific objective: comparative analysis of the implementation of article 4 paragraph 6 of the Framework Decision (FD EAW) to result in an overview and improved application of the FD EAW.

Insight into art 5 par 3 FD EAW in relation to EU residents.

Overall objective: preventing impunity within the EU. Facilitating more surrenders.

2. Activities

- research on national legislation, study literature
- making questionnaires
- visit other experts/EJN contact point of participating countries
- writing a preliminary paper in preparation of plenary meetings
- kick off meeting with Partners
- participate during plenary meetings
- writing a final research paper
- Final meeting with Partners to finalize paper and formulate recommendations

3. Type and number of persons benefiting from the project

- everyone within the EU involved in criminal justice and judicial cooperation
- practitioners, judges/prosecutors/lawyers dealing with judicial cooperation
- the IRC Amsterdam and Partners

4. Expected results

- Insight into differences in national legislation concerning implementation of art. 4 par. 6 FD EAW

- Mutual understanding of the criteria to treat residents equally as nationals (Wolzenburgcriteria, EU Court C123/08, 06.10.2009)
- Improve implementation of Framework Decision 2008/909 on transfer of prisoners, in specific Art. 25, by comparison the practice in the participating countries
- Raising awareness on the subject of art. 5 par 3 FD EAW, on how other countries apply the return guarantee
- Develop best practices
- Designate recommendations
- Avoid cases of impunity

5. Type and number of outputs of the project

- questionnaire on the subject
- preliminary paper on the subject
- final research paper and recommendations

Application: JUST/2014/JCOO/AG/CRIM 400007741

Title: Beyond Surrender

Applicant: Fair Trials Europe

Country: Belgium

Requested Amount: 308.330,34 EUR

Contact details : not released

Summary:

Objectives

Provide a human insight into postsurrender treatment of people subject to accusation EAWs;

Raise awareness of judicial actors & lawyers of the practical relationship between the EAW FD, the Roadmap Directives & the ESO;

Identify & illustrate good & bad practice in postsurrender treatment to support effective implementation of the EAW FD, Roadmap Directives & the ESO; and

Inform future EU work to create minimum standards as sound basis for mutual recognition.

Activities

Development of project materials (info pack, monitoring tools, human stories & country report templates) & hosting briefing seminars for lawyers.

Identify & monitor 20 cases per project country to obtain information on: enjoyment of Roadmap rights; use of pretrial detention or alternatives; proportionality of the EAW; & human impact of surrender.

Document findings in 4 country reports & produce 12 human stories (3 per country) featuring detailed case studies & videos showing the human face of issues identified through monitoring.

Publish major regional report, video & summary booklet highlighting common themes & using human stories to support conclusions & recommendations.

Launch events in the European Parliament & project countries.

Type & number of persons benefiting

Domestic governments when considering legal & policy change in relation to the implementation of the EAW FD, ESO & Roadmap Directives (60 via country launch events & up to 400 via dissemination);

EU institutions when considering action relating to implementation of the EAW FD, ESO & Roadmap Directives & future work on mutual recognition & procedural rights (50 via regional launch event & up to 150 via dissemination);

Judicial actors & lawyers in issuing & executing states when considering EAW proportionality & fundamental rights implications of surrender (192 lawyers via briefing seminars, 80 lawyers via identification & monitoring, 80 judicial actors & lawyers via country launch events; 30 via the regional launch event & up to 1000 via dissemination).

Domestic/ international NGOs & academics when designing training, advocacy activities & other work in crossborder criminal justice & human rights areas (60 via country launch events, 20 via regional launch event & up to 200 via dissemination); &

Requested persons in EAW proceedings & defendants in criminal proceedings, whose rights would be better protected by effective Roadmap Directives implementation & ongoing regional & domestic action to strengthen protection of procedural rights (over 2369 people a year surrendered under EAWs, based on responses to Council's 2013 questionnaire).

Expected results

A unique portrayal of the human experience of surrender under accusation EAWs showing:

good & bad practice in relation to implementation of the Roadmap Directives, pretrial detention decisionmaking & proportionality of EAWs;

the human impact of surrender on people & their families;

an understanding of the relationship between implementation of the EAW FD, Roadmap Directives & ESO; &

good & bad practice in EAW decisionmaking in executing states.

Immediate results to be used by beneficiaries, including:

specific knowledge & recommendations relating to partner countries; &

examples of good & bad practices applicable across the EU & regional recommendations.

Type & number of outputs

1 information pack for lawyers to facilitate identification of cases

10 briefing seminars for 192 lawyers in total

4 country reports documenting postsurrender monitoring of 20 cases per country

12 human stories (3 per country) including case studies & videos showing issues identified through monitoring & the human impact of surrender

1 regional report (100 copies distributed, edistribution to 1000 persons)

1 composite video

1 summary booklet (500 copies distributed, edistribution to 1000 persons)

1 regional launch event (100 stakeholders)

4 country launch events (50 stakeholders each)

Application: JUST/2014/JCOO/AG/CRIM 4000007755

Title: Improving the transfer of persons pursuant to mutual recognition of judicial decisions in criminal matters and the citizens' fundamental rights protection

Applicant: Utrecht University

Country: Netherlands

Requested Amount: 320.876,25 EUR

Contact details : rso.rebo@uu.nl

Summary:

Objectives

The project aims at understanding how mutual recognition in criminal matters (especially in the context of the European Arrest Warrant, the Transfer of Prisoners and the recognition to judgments and probation decisions) interplays with the rights of the citizens concerned (in particular in the context of Directive on the right to information in criminal proceedings, Directive on the right of access to a lawyer in criminal proceedings, Directive on the right to interpretation and translation, and the Charter of Fundamental Rights of the European Union) with the purpose of improving judicial cooperation and exchanging best practices with full respect for citizens fundamental rights. The research will also take due account of the Commission's package of defence rights according to COM(2013) 820.

The project will analyse how the aforementioned procedural rights of individuals are implemented and enforced in the Member States contributing to the project, especially in the context of transnational criminal proceedings.

The project will analyse the extent to which individuals would be able to rely on fundamental rights in the context of mutual recognition, especially in order to refuse the execution of a recognition request implying their transfer to another country.

Thirdly, the analysis will be combined with an quantitative and qualitative empirical research involving the stakeholders involved in transnational criminal proceedings.

Activities

The project consists of the following activities:

- a kickoff meeting;
- two progress experts meetings;
- the legal analysis on the implementation of the abovementioned instruments;
- interviewing practitioners involved in transnational criminal proceedings;
- interviewing other stakeholders in the field (in particular human rights organization concerning detention facilities);
- data collection in the field;
- a comparative overview of the country reports, interviews and data collection;

- recommendations on improving judicial cooperation in criminal matters based on mutual recognition and citizens enforcement of fundamental rights in criminal proceedings;
- production of a webpage informing on the progress of the research;
- production of a movie;
- publication of a book with a well known publisher.

Type and number of persons benefiting from the project

Policy makers both at national and EU level;

Judicial authorities and practitioners involved in judicial cooperation in criminal matters.;

Researchers and academics in the field of EU law, EU criminal law, national criminal law, Human Rights law, Criminology;

Individuals.

Expected results

Informing the Commission on the implementation of the instruments subject of the call;

Revealing possible flaws in the implementation and enforcement of these instruments, and consequently, in the mechanism of mutual recognition hindering the goodfunctioning of judicial cooperation;

Enhancing the mutual trust between competent authorities of the Member States in the EuropeanUnion, and consequently, mutual recognition;

Improving the confidence of citizens in the cooperation in criminal matters based onmutual recognition between the Member States of the European Union;

Improving the protection of citizens' fundamental rights in transnational criminal proceedings;

Enhancing the EU fundamental rights culture;

Recommendations for policy makers.

Type and number of outputs to be produced

- Introductory Report;
- National Reports;
- Addition to National Reports including an analysis of Interviews and data;
- Final Report combining the legal analysis and empirical research;
- Publication of a webpage informing on the results of the research;
- A short movie will be available online informing citizens on the EAW procedure and how EU fundamental rights are guaranteed during the procedure;
- An academic international conference;
- A publication of the research including the reportsand statistics.

Note: The requested amount may be in some cases different from the maximum amount of EU grant awarded (i.e. it may be lower than the amount requested).