

Objective

This first seminar in a series of five over two years will analyse the roles of the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR), as well as that of national courts, in improving conditions related to detention post and pre-trial. Case law, ECHR articles, best practice, mutual trust and recognition of judicial decisions, the European Arrest Warrant (EAW) and the Framework Decision (FD) 829 (European Supervision Order) will be looked at.

Key topics

- Overview of relevant ECHR articles
- Case law of the European Court of Human Rights and national courts on issues related to detention
- Issues related to pre-trial detention
- Best judicial practice in improving matters related to detention
- Mutual trust and mutual recognition of judicial decisions relating to detention amongst EU Member States: the effect of Council FDs 2008/909/JHA and 2008/947/JHA (mutual recognition of judgments, custodial sentences and probation decisions), 2009/829/JHA (European Supervision Order) and the 2014 European Commission report on their implementation, as well as the EAW

Who should attend?

Judges, prosecutors, lawyers in private practice, ministry officials and officials from prison administrations, the probation system and prison

For further information

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Speakers

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

Vincent De Gaetano, Chief Justice Emeritus of Malta, Judge at the European Court of Human Rights, Strasbourg

Natacha De Roeck, Project Manager, European Programme for Human Rights Education for Legal Professionals (HELP), Council of Europe, Strasbourg

David J Dickson, Solicitor Advocate, Head of Extradition, Crown Office, Edinburgh

Ioan Durnescu, Professor, Faculty of Sociology and Social Work, University of Bucharest; Confederation of European Probation (CEP) Board Member

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

Jemima Hartshorn, Legal and Policy Officer, Fair Trials Europe, Brussels

Andras Kadar, Co-chair, Hungarian Helsinki Committee, Budapest

Karolis Lutkivicius, Legal Officer, Human Rights Monitoring Institute, Vilnius

Daniel Roos*, *Avokattfirman Sederholm*, Stockholm

Gert Vermeulen, Director, Institute for International Research on Criminal Policy (IRCP), Ghent University

* invited



IMPROVING CONDITIONS RELATED TO DETENTION

THE ROLE OF THE ECHR, THE STRASBOURG COURT AND NATIONAL COURTS

Strasbourg, 25-26 February 2016
Council of Europe
Agora Building, 1, Quai Jacoutot,
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Thursday, 25 February 2016

- 08:30 Arrival and registration of participants
- 09:00 **Welcome and introduction**
Ramin Farinpour, Natacha De Roeck
- I. THE EUROPEAN CONVENTION ON HUMAN RIGHTS (ECHR) ON DETENTION & THE EUROPEAN COURT OF HUMAN RIGHTS' RELEVANT JURISPRUDENCE**
Chair: Ramin Farinpour
- 09:10 **An overview of detention-related issues in Europe and the level of protection granted by the ECHR**
Moritz Birk
- 09:45 **The European Court of Human Rights' jurisprudence on Articles 3, 5, 6 of the ECHR, Protocol No. 4, as well as its reference to the provisions of the EU Framework Decisions and EAW**
Vincent De Gaetano
- 10:45 Discussion
- 11:15 Coffee break
- II. PRE-TRIAL DETENTION**
Chair: Vincent De Gaetano
- 11:45 **The case for reform and action at European level: the use of pre-trial detention and its impact on individuals within the context of the ECHR**
Jemima Hartshorn
- 12:30 Discussion
- 12:45 Lunch

- 14:15 **The use of pre-trial detention and the need for reform from the perspective of an EU Member State: Lithuania**
Karolis Lutkievicius
- 14:45 Participant discussion and exchange of views on pre-trial detention in their respective Member States
- 15:15 Coffee break
- III. THE ROLE OF NATIONAL COURTS IN DEALING WITH DETENTION ISSUES AND IMPROVING CONDITIONS: BEST JUDICIAL PRACTICE ON THE BASIS OF MEMBER STATES' EXPERIENCES**
Chair: Jemima Hartshorn
- 15:45 **The role of the courts and case studies in Hungary and Sweden**
 - *Andras Kadar*
 - *Daniel Roos*
- 16:45 Discussion
- 17:15 End of the first day
- 19:30 Dinner

For programme updates: www.era.int
Programme may be subject to amendment.

Friday, 26 February 2016

- IV. MUTUAL TRUST AND MUTUAL RECOGNITION OF JUDICIAL DECISIONS**
Chair: Ramin Farinpour
- 09:00 **Council Framework Decisions 2009/829/JHA, 2008/909/JHA and 2008/947/JHA and their implementation: state of play and overcoming legal and practical problems**
Gert Vermeulen
- 09:45 Discussion
- 10:00 **The European Arrest Warrant and its application throughout the Member States' courts: effective tool or unnecessary burden in relation to detention?**
David Dickson
- 10:30 **The European Supervision Order (Framework Decision 829): reducing the need for pre-trial detention**
Ioan Durnescu
- 11:00 Discussion
- 11:30 Coffee break
- 12:00 **Simultaneous workshops**
 - **The correct use and application of the European Arrest Warrant** (*David Dickson*)
 - **Applying the European Supervision Order** (*Ioan Durnescu*)
 - **Reducing the use of pre-trial detention** (*Jemima Hartshorn*)
- 13:00 **Workshop reports and participant discussion on identifying important features to enhance trust on the basis of participants' own experiences**
- 13:30 End of the seminar and lunch