

Development of an EU criminal justice area

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The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report drawn up by Maria Grazia PAGANO (PES, IT) on the development of an EU criminal justice area. The committee addressed certain recommendations to Council, inter alia, that there should be adopted:

- an ambitious legal instrument on procedural safeguards in criminal proceedings, based on the principle of presumption of innocence. The report also enumerated the safeguards which are necessary, such as the right to legal advice, and the right to be informed in a language understandable by the suspect/defendant of the nature of the charges;
- a comprehensive legal framework offering victims of crime the widest protection, including adequate compensation and witness protection, notably in organised crime cases;
- a legal instrument on the admissibility of evidence in criminal proceedings;
- measures to fix minimum standards for prison and detention conditions and a common set of prisoners' rights in the EU, including, among others, the right of communication and consular assistance;
- measures to act as prime mover of civil society in their efforts to combat mafias and take action with a view to the adoption of a legislative instrument on confiscation of the financial assets and property of international criminal organisations and on their re-use for social purposes.

The recommendations also stressed the need to do the following:

- effectively implement the mutual recognition principle in the area of criminal justice, giving due attention to the implementation and daily application of the European Arrest Warrant;
- take stock of the current state of judicial cooperation in criminal matters within the EU, considering both shortcomings and progress;
- establish a committee of wise persons (jurists) with the task of preparing a study on similarities and differences between the criminal law systems of all Member States and submit proposals for the development of an EU criminal justice area that will balance effectiveness in criminal proceedings with safeguarding individual rights;
- set up, together with other organisations in this field, an objective and continuous monitoring and evaluation system of the implementation of EU policies and legal instruments in this area, as well as of quality and efficiency, integrity and fairness of justice;
- take stock of the current state of judicial training in the EU, and take immediate action in order to promote the creation of a genuine EU judicial culture by creating a European Judicial School for judges, prosecutors, defence lawyers and others involved in the administration of justice;
- urge Member States to fully implement without delay the Council Decision on the strengthening of Eurojust and to encourage national authorities to involve Eurojust in the early stages of the cooperation procedures. The recommendation suggests examination of Eurojust's competences on the resolution of conflicts of jurisdiction and power to undertake investigations or prosecutions.

Lastly, the committee suggested that the Council should pay due attention to advantages offered by new technologies to strengthen the role of the "Justice Forum", to share data, updating and reinforcing existing databases such as the customs' databases, which are essentials in fighting smuggling and human trafficking. It should also ensure respect for fundamental rights and notably a high level of protection of the privacy of individuals with regard to the processing of personal data in the framework of police and judicial cooperation in criminal matters.