

PRE-RIGHTS INTERNATIONAL CONFERENCE IN SOFIA - 7 JULY 2022



On **7 July 2022**, the Center for the Study of Democracy (CSD) held the final international conference of the project Pre-Rights, which will end on 31 July 2022. The event focused on fundamental rights issues in the implementation of EU instruments concerning the principle of mutual recognition in criminal justice matters and brought together law enforcement, criminal justice professionals, and academic scholars. The conference programme featured contributions from leading researchers and experts from Bulgaria, Italy, and the Netherlands.

Ms. **Anna Marconato**, Head of Administration and Operations of the Project Management Office of the Central European Initiative – Executive Secretariat (CEI), provided an overview of the Pre-Rights initiative and its role in facilitating judicial cooperation between EU Member States in crime and radicalization prevention. Her contribution covered research on preventive measures and counterterrorism, discussion-based “living labs” involving criminal justice practitioners, and training on topics such as cross-border legal assistance and preventive practices, and how they foster more effective coordination between the European Union and Member States on crime prevention. More information on how the Pre-Rights project promotes counter-radicalization and joint police-judicial cooperation by allowing prisons to fulfill both security needs and rehabilitative purposes and streamlining the implementation of the European Arrest Warrant (EAW) and the European Investigation Order (EIO) can also be found online on the **Pre-Rights Super-Toolkit**.

Mr. **Sergio Bianchi**, Director of Agenfor International discussed the challenges the EU Member States faced in their efforts to keep individuals from being exposed to the cycle of criminality using pre- and post-trial alternative preventive measures. While codified into law, Article 12 of the European Arrest Warrant (EAW) – the pillar of the EU’s commitment to alternative sanctions – is often overlooked in judicial practices. It faces further complications due to the differences in the national jurisprudence of EU Member States. Mr. Bianchi called for a more consistent approach – from the local availability of alternative sanctions to a greater consideration given to the fulfillment of individual fundamental rights – and deeper trust between the judiciary and policing institutions for a more effective practice of alternative sanctions.

MORE INFO ON PROJECT TOPICS AT ...

Latest news & events
<https://www.pre-rights.eu/>

FOLLOW PRE-RIGHTS SOCIAL MEDIA ACCOUNTS!

facebook.com/PRERIGHTS
project
twitter.com/Prerights



While the **European Arrest Warrant (EAW)** offers numerous advantages, such as its expeditious processing and the absence of judicial politicization, its practical implementation still faces challenges. Mr. Dimitar Markov, Director of the Law Program from the Center for the Study of Democracy, Bulgaria discussed the protection of criminal procedural rights in the context of EAW proceedings. Drawing upon field research data, he pinpointed challenges in guaranteeing the right to information, interpretation, legal aid, and access to a lawyer. Using Sofia City Court Decision No. 802 of 17 July 2018, he illustrated the application of European Arrest Warrant in terrorism-related cases.

Dr. **Adriano Martufi**, Professor at Leiden University discussed the ongoing efforts of the European Union to make the legal instruments for judicial cooperation based on the principle for mutual recognition more effective. In his presentation, he reviewed how relevant case law has evolved to ensure more coherent and adequate protection of fundamental rights in the context of criminal proceedings.

Ms. **Fabrizia Bemer**, representative of the Public Prosecutor Office in Florence, Italy, discussed the practical application of the European Investigation Order (EIO), which allows for the search of evidence in cross-border criminal investigations. She offered insights into the ways in which the EIO can facilitate tackling serious cross-border crime including money laundering and terrorism. In her concluding remarks she made several important observations on enhancing the efficiency of the use of EIO, including the role that relevant training for administrative personnel in courts can play in streamlining existing procedures.

Ensuring effective procedural rights guarantees for suspects and accused persons is an essential element of cross-border judicial and police cooperation. Balancing fundamental rights and security considerations in criminal justice is a complex process involving multiple actors with different roles and priorities. Developing harmonized approaches for facilitating cross-border judicial and police cooperation can contribute to the identification and exchange of good practices regarding the application of relevant fundamental rights standards.

CONTACTS

Anna Marconato
euprojects@cei.int
CEI -Executive Secretariat
Via Genova 9, 34121
Trieste, Italy

This publication was funded
by the European Union's
Justice Programme (2014-2020)

