



The exchange of information from judicial records under Articles 13 and 22 of the Convention

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Overview of the presentation

1 - Issues involved in the application of Articles 13 and 22

A - Objectives pursued

B - Difficulties identified by States Parties

2 - Areas for improvement

A - Some information about ECRIS

B - Simplify the sending of information (Article 22)

C - Facilitate the request procedure (Article 13)

1 - The issues involved in the application of Articles 13 and 22

A - The objectives pursued

Article 22

Each Contracting Party shall inform any other Party of all criminal convictions and subsequent measures in respect of nationals of the latter Party, entered in the judicial records. Ministries of Justice shall communicate such information to one another at least once a year. Where the person concerned is considered a national of two or more other Contracting Parties, the information shall be given to each of these Parties, unless the person is a national of the Party in the territory of which he was convicted.

A -The objectives pursued

- **Provide the State of nationality with updated information on convictions of its nationals**
- **A simple procedure: Article 16 on the translation of requests for mutual assistance does not apply (*Explanatory Report*)**

A -The objectives pursued

Article 13

1. A requested Party shall communicate extracts from and information relating to judicial records, requested from it by the judicial authorities of a Contracting Party and needed in a criminal matter, to the same extent that these may be made available to its own judicial authorities in like case.
2. In any case other than that provided for in paragraph 1 of this article the request shall be complied with in accordance with the conditions provided for by the law, regulations or practice of the requested Party.

A -The objectives pursued



Provide updated information on the criminal situation

- *information at charge/discharge in criminal proceedings*
- *administrative control for the protection of minors*



Simpler procedures than those for a traditional request for mutual assistance (Article 15)

B – Difficulties identified by States Parties

Low use of articles: French statistics (outside / in ECRIS)

Article 22

Information sent : 16 646/15.727
ECRIS

Information received : 8 515
(Switzerland, Monaco)/18.330 ECRIS

Article 13

Requests sent : 100/13.659 ECRIS

Requests received : 6 099/30.216
ECRIS

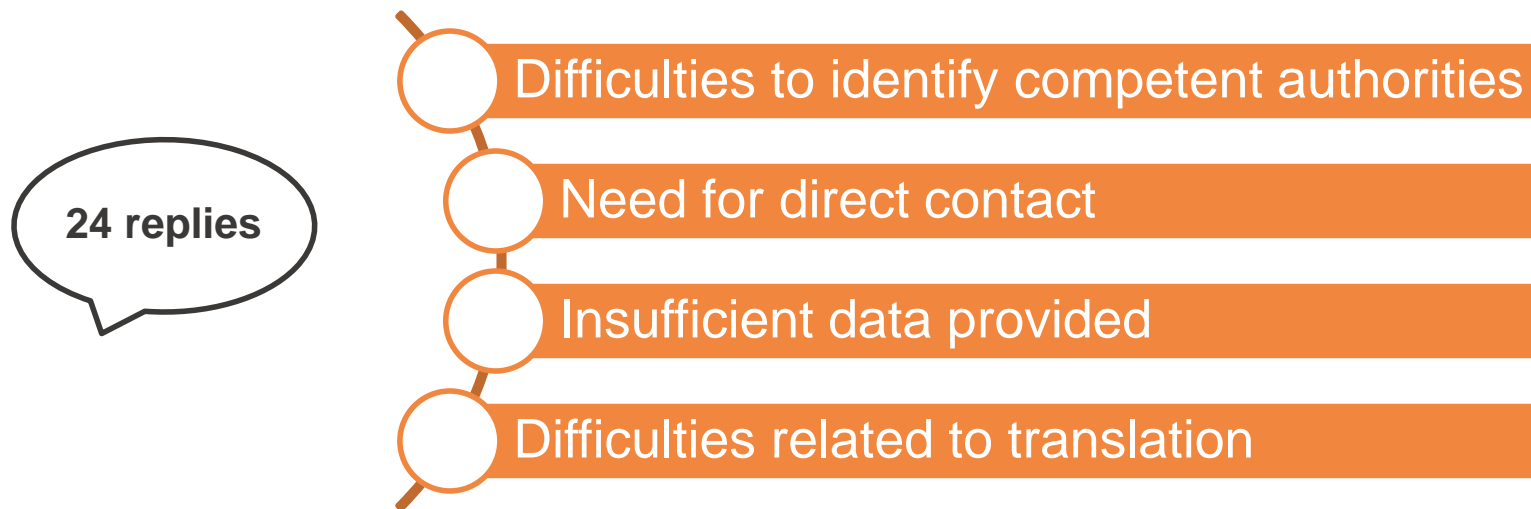
B – Difficulties identified by States Parties

**The application of Articles 13 and 22
= a principled interest of the States Parties**

B – Difficulties identified by States Parties

Difficulties raised in the replies to the questionnaire

Articles 13 & 22

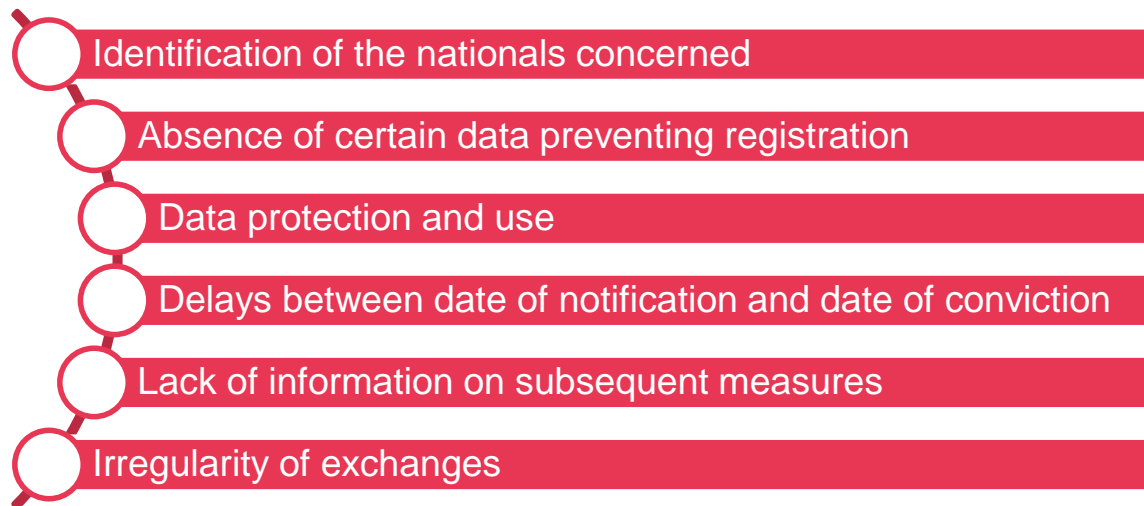


B – Difficulties identified by States Parties

Difficulties raised in the replies to the questionnaire

Article 22

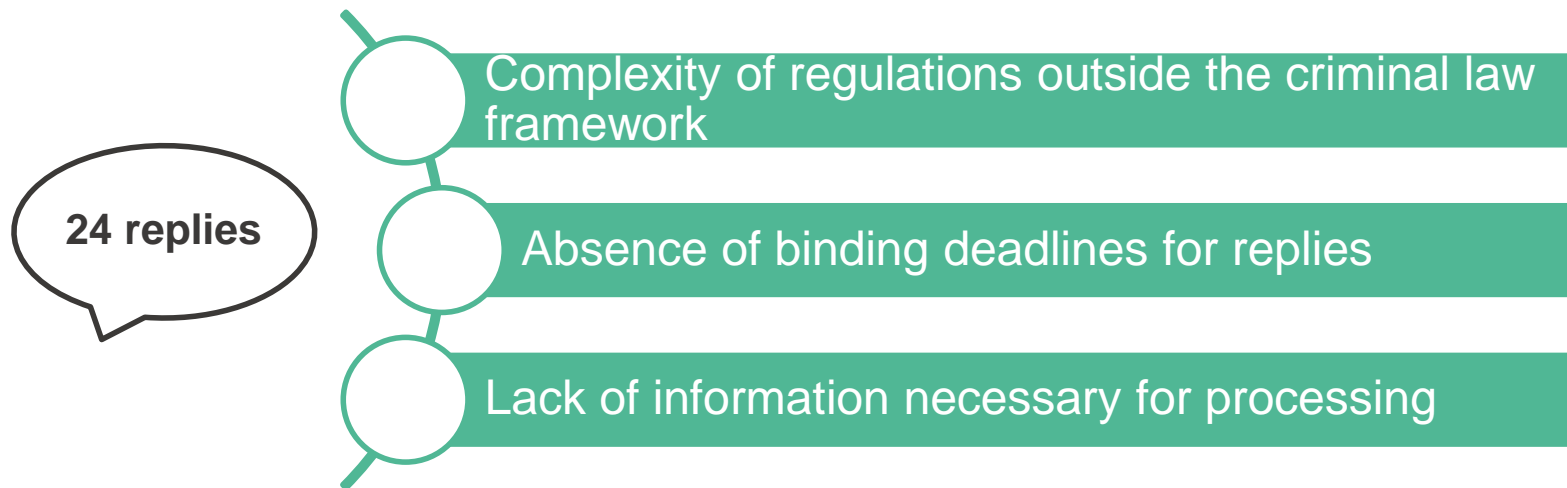
24 replies



B – Difficulties identified by States Parties

Difficulties raised in the replies to the questionnaire

Article 13



2 - Areas for improvement

A – Some information about ECRIS



The reasons for the development of the ECRIS system:

- exchange deficiencies
- application of the principle of mutual recognition of criminal convictions

The steps and principles of operation:

- production of standard documents and interconnection of criminal records (2003-2011) before the entry into force of ECRIS in 2012
- definition of common tables of offences and penalties and automated translations in the context of interconnection
- imposition of processing deadlines

B - Simplify the sending of information (Article 22)

- **Ensure the simplicity of the sending procedure**

Use pre-translated standard forms

Have an exhaustive and updated list of national focal points

Distribute structural email addresses

Use a secure electronic platform?

B - Simplify the sending of information (Article 22)

- **Ensure appropriate use and protection of data**

Send a deletion notification or indicate the date of deletion of the conviction in the initial sending.

Provide for the possibility of indicating the non-transferability of data

Define the cases for which these data are used?

C - Facilitate the request procedure (Article 13)

- **Initiate a series of actions**

Make standard forms pre-translated into ENGLISH available to the competent authorities

Have an updated list of national focal points

Distribute structural email addresses

Set a deadline for reply

Indicate whether or not requests are admissible on administrative grounds

C - Facilitate the request procedure (Article 13)

- **Ensure a follow-up of improvements**



Create a monitoring group composed of national focal points

Use a secure electronic platform

THANK YOU FOR YOUR ATTENTION

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