

EU procedural guarantees for suspected and accused persons in criminal proceedings

Barcelona, 23-24 February 2021

Grant Agreement 882080 – JudCoopAFSJ – JUST-AG-2019/JUST-JTRA-EJTR-AG-2019
Judicial Cooperation in Criminal Matters in the European Union’s Area of Freedom, Security
and Justice: Recent Developments and Topical Issues’ 2020-2021

Seminar Venue

Escuela Judicial del CGPJ (Consejo General del Poder Judicial)
Ctra. De Vallvidrera, 43-45, Barcelona

Programme

Objectives: The seminar will specifically tackle recent EU legislation on heightening the procedural rights of suspected and accused persons, and relevant CJEU and ECtHR case law on fundamental rights. The main theme besides discussing the individual instruments however is to demonstrate how EU mutual recognition instruments in criminal matters are inevitably embedded in a fundamental rights context and how the EU procedural guarantees in criminal procedures legislation facilitates the application of such instruments by ensuring minimum standards of protection shared by all EU Member States.

The seminar will examine in detail how Charter provisions are mapped out in EU secondary legislation to provide a fuller set of fundamental rights guarantees. In this vein, the following instruments will be discussed: Directive **2010/64/EU** on the right to interpretation and translation in criminal proceedings; Directive **2012/13/EU** on the right to information in criminal proceedings; **Directive 2013/48/EU** on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings and the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty; Directive **2016/343/EU** on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings; Directive **2016/800/EU** on procedural safeguards for children who are suspects or accused persons in criminal proceedings and **Directive (EU) 2016/1919** on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings.

Special consideration will be given to those EU procedural guarantees instruments which enhance the execution of European Arrest Warrants by ensuring that the level of available procedural guarantees is now harmonised with respect to legal assistance and legal aid.



TUESDAY 23 FEBRUARY 2021

- 08.30 Registration of participants
- 09.00 **Welcome and mutual introduction**
- 09.15 **EU protection of fundamental rights in the context of criminal proceedings**
EU Charter of Fundamental Rights, scope and applicability, relationship between the EU law and ECHR, Available national remedies and European level supervisory mechanisms (CJEU and ECHR)
- 10.15 Discussion
- 10.30 Coffee break
- 11.00 **Access to lawyer and Legal Aid**
Standards set by the case law of the European Court of Human Rights, Directive 2013/48/EU and Member States' legislation and EU law compered. Issues of Implementation: the right to a lawyer, legal aid, and the European Arrest Warrant
- 12.00 Discussion
- 12.15 Lunch
- 13.15 **Right to information and the right to interpretation and translation in criminal proceedings**
Directive 2012/13/EU and Directive 2010/64/EU Standards set by the case law of the European Court of Human Rights, Member States' legislation and EU law compered. Issues of Implementation: the right to information in proceedings related to the European Arrest Warrant, a European Letter of Rights
- 14.15 Discussion
- 14.30 Coffee break
- 15.00 **Debriefing on Workshop/Case Study 1**
- 16.15 **End of Day 1**



WEDNESDAY 24 FEBRUARY 2021

- 09.00 **Presumption of innocence**
Directive (EU) 2016/343 Standards set by the case law of the European Court of Human Rights, Member States' legislation and EU law compared
- 10.00 Discussion
- 10.15 Coffee break
- 10.45 **Defence rights of children**
2016/800 (EU) Standards set by the case law of the European Court of Human Rights, Member States' legislation and EU law compared
- 11.45 Discussion
- 12.00 Lunch break
- 13.00 **Debriefing on Workshop/Case Study 2**
Challenges to the admissibility of evidence obtained in another country OR the interplay between EIO and EAW in investigations – when authorities should issue EAW instead of EIO
- 14.15 Coffee break
- 14.45 **Redress in case of fundamental rights violations**
Available national remedies and European level supervisory mechanisms (CJEU and ECHR)
- 15.30 Discussion
- 15.45 **Evaluation**
- 16.00 **END OF SEMINAR**

