

**JUST/2015/JACC/AG/PROC – Summaries of selected projects**

**APPLICATION NUMBER:** 4000008620

**NAME:** Open Society Institute Foundation - Sofia

**COUNTRY:** Bulgaria

**TITLE:** Improving access to legal aid in the pre-trial phase of criminal proceedings in Bulgaria

**REQUESTED AMOUNT:** EUR 94 468,00

**CONTACT DETAILS:** [info@osi.bg](mailto:info@osi.bg) or phone +3592 9306619

**PROJECT DESCRIPTION:**

**Objectives:**

Provision of effective access to justice in criminal proceedings to persons suspected or accused of crime. Strengthening the capacity of the Bulgarian National Legal Aid Bureau (NLAB) to monitor and assess the access to and the quality of legal aid in the pre-trial phase of criminal proceedings.

Provision of coherent and effective application of EU law in the area of the rights of persons suspected or accused of crime in criminal proceedings. Promoting exchange of good practices between legal aid authorities of EU MS. Mainstreaming awareness of the right to legal aid among Bulgarian citizens.

**Activities:**

Activity 1: Comparative legal analysis of the tools and mechanisms for guaranteeing access to and the quality of legal aid in the pre-trial phase of criminal proceedings in selected EU MS.

Activity 2: Evaluation of access to legal aid in the pre-trial phase of criminal proceedings in Bulgaria – development of a research methodology and evaluation of the access to legal aid. The research will consist in reviewing a sample of the individual cases for legal aid that are granted by the Bulgarian NLAB in 2015 and establishing the actual number of cases where legal aid was granted since the pre-trial phase, their share in the overall workload of the NLAB, to describe the strategies of the lawyers and assess the quality of the legal aid. Based on the assessment the project team will develop a guide for the clients of legal aid a brochure explaining the right to defence in criminal proceedings.

Activity 3: Study visit in the Netherlands. Exchange of good practices between the employees of the NLAB and analogous institution in the Netherlands regarding the access and the

assessment of the quality of legal aid in the pre-trial phase of criminal proceedings.

Activity 4: Development, testing and implementation of national standards for quality of legal aid in the pre-trial phase of criminal proceedings in Bulgaria and strengthening the capacity of the NLAB employees for assessing the quality of legal aid in the pre-trial phase of criminal proceedings.

**Type and number of persons benefiting from the project:**

The members of the NLAB and up to 10 employees of the NLAB.

Around 20,000 persons suspected or accused of criminal offense, receivers of legal aid from the NLAB annually.

Around 3,000 lawyers who are providers of legal aid, around 10 judges and 10 NGO activists

**Expected results:**

Improved access to legal aid for persons who are suspected or accused in criminal proceedings in Bulgaria.

Improved capacity of the NLAB to monitor and assess the quality of legal aid in the pre-trial phase of criminal proceedings.

Established a quantitative baseline for the access to legal aid in the pre-trial phase of criminal proceedings in Bulgaria; to be used potentially as a future point of reference when assessing the effectiveness of the implementation of relevant EU instruments in the field;

Provision of coherent and effective application of EU law in the area of the rights of persons suspected or accused of crime in the pre-trial phase of criminal proceedings.

Raised awareness on the right to legal aid in criminal proceedings among a large number of citizens.

**Type and number of outputs to be produced:**

Comparative law analysis of the tools and mechanisms for guaranteeing access to quality legal aid in criminal proceedings within selected EU member states.

External assessment methodology for measuring the access to and the legal aid quality in the pre-trial phase of criminal proceedings in Bulgaria.

Report with assessment of the access to legal aid in the pre-trial phase of criminal proceedings.

Written quality standards for the legal aid that is to be provided at the pre-trial phase of criminal proceedings in Bulgaria.

Guidelines for Legal Aid Clients a brochure containing an explanation of the right to defence in criminal proceedings for clients of the NLAB.

**APPLICATION NUMBER:** 4000008627

**NAME:** Irish Council for Civil Liberties

**COUNTRY:** Ireland

**TITLE:** Inside police custody: Application of EU procedural rights

**REQUESTED AMOUNT:** EUR 504 637,08

**CONTACT DETAILS:** [info@iccl.ie](mailto:info@iccl.ie) or phone +35317994504

**PROJECT DESCRIPTION:**

**1. Objectives**

- 1) To provide robust empirical data across 8 jurisdictions on the workings of the Directive on the right to interpretation and translation and Directive on the right to information and on the operations gaps that need to be addressed pending transposition date of the Directive on the right to access a lawyer, including specifically:
  - To what extent the standards in the Directives are implemented in practice;
  - What structures and practices are available to make these rights real and effective in practice;
  - Establishing the impact of professional culture of criminal defence lawyers, law enforcement authorities and other criminal justice actors in facilitating effective application of these rights;
  - What are the practical impending challenges and obstacles to the effective implementation of these rights;
  - What different jurisdictions can learn from each other.
- 2) To create a national platform for dialogue and advocacy, using the findings of the research to bring criminal justice actors together potentially to reach a common understanding and develop informal or formal working agreements on foot of it.
- 3) To inform the Commission's work mapping the effective transposition and implementation of the Directive on the right to information. This 'on the ground' empirical evidence will stand alongside and assist any formal reporting by EU Member States.

To inform the Commission and EU Members States regarding the practical realities of ensuring that the right of access to a lawyer is respected in practice in advance of the transposition date.

**2. Activities**

Research teams assembled in 8 jurisdictions

Research instruments reviewed, updated and translated as necessary

Training programme for researchers delivered

Observational research in police stations

Observational research by accompanying lawyers

National reports compiled and data retrieved is analysed

EU comparative report prepared

National advocacy strategies across 8 jurisdictions

Dissemination of methodology and results across the EU, primarily by utilising the JUSTICIA network

### **3. Type and number of Persons benefiting**

Law Enforcement (8 Police Forces )

Lawyers/Legal representative bodies/ judiciary (150+)

National Policy Makers and Politicians (800+)

EU Policy Makers and Politicians (100+)

EU citizens suspected or accused of crimes

### **4. Expected Results**

National reports on the fulfilment of rights under the Directives available to national policy makers, politicians and other key decisions makers and stakeholders, across 8 jurisdictions

Contribution towards effective implementation of the Directives on the right to interpretation and translation and the right to information

Contribution to gap analyses around the effective transposition and implementation of the Directive on the right to access a lawyer

Best practice across jurisdictions analysed and compared: EU comparative report

Increased awareness of national authorities around any identified needs for legislative, policy or practice change

Enhanced ability of national authorities to design and execute evidence based actions to implement EU procedural rights

Bringing together key criminal justice actors and stakeholders to examine how the best practice and country specific actions can be developed based on the research findings

Transposition of the enhanced methodology and project implementation in an easy and coherent fashion to jurisdictions where other JUSTICIA network members operate and further across the EU.

### **5. Type and number of outputs**

Updated research tools (translated) (7)

National reports (8)

EU comparative report in English (1)

Training materials (16 researchers)

Training Programme for researchers (16 researchers)

National advocacy events (minimum 400)

National advocacy: policy document/protocols (2)

Conference in Brussels (1)

High profile web presence on [www.eujusticia.net](http://www.eujusticia.net) (Min1,000)

Social media platform (Min 1,0000)

**APPLICATION NUMBER:** 4000008618

**NAME:** Defence for children international Belgium

**COUNTRY:** Belgium

**TITLE:** MY LAWYER, MY RIGHTS enhancing children's rights in criminal proceedings in the EU

**REQUESTED AMOUNT:** EUR 491 278,52

**CONTACT DETAILS:** [info@defensedesenfants.be](mailto:info@defensedesenfants.be)

PROJECT DESCRIPTION:

### **1. Objectives**

Supporting Member States and advocating for the proper application of the EU Directive 2013/48 on the right of access to a lawyer and other related standards in the specific field of juvenile justice, through practical tools and awareness raising activities

Empowering youth lawyers to become “agents of change” in the better implementation of the right of access to a lawyer for children accused or suspected.

Defining the role, the mission of a child's lawyer and all the specificity of this function; defining the basic training a child's lawyer needs and the structure that should be put in place to fully guarantee children’s rights in this context.

### **2. Activities**

Kick-off seminar, Meeting 1 and 2 in Brussels

Creation of an online platform > data collection/research: gathering information and tools at the EU level on the topic of the access to a lawyer in juvenile justice systems. All outputs will also be published in this website.

Mapping of youth lawyers systems in at least 15 countries of the EU

Elaboration of questionnaires/checklists addressed to MS

Elaboration of a Manual addressed to policy makers in MS in FR, EN, NL, IT, BG and PL.

Elaboration of a Manual addressed to youth lawyers in the EU in FR, EN, NL, IT, BG and PL, including consultations with children and professionals

Elaboration of an awareness raising video performed by children and addressed to youth lawyers (video testimonies from BE, NL, IR, IT, BG and PL).

Design and implementation of an Advocacy Strategy in BE, NL, IR, IT, BG and PL.

Organisation of information sessions for national authorities in BE, NL, IR, IT, BG and PL.

Advocacy meetings with national policy makers in BE, NL, IR, IT, BG and PL.

Organisation of awareness raising sessions at different national Bars and Bar Associations in BE, NL, IR, IT, BG and PL.

Organisation of a National Seminar for key actors in BE, NL, IR, IT, BG and PL.  
Design and implementation of a targeted Dissemination Strategy in the 28 EU countries.  
Presentation of the project's outputs and results in at least 3 strategic EU conferences.  
Presentation of the project's outputs and results in the EU Parliament.  
Project's evaluation and impact's assessment.

### **3. Type and number of persons benefiting from the project**

Ultimate beneficiaires: All children accused or suspected in the criminal system.  
National policy makers and authorities (at least 690 will participate to the activities in 6 EU countries but a larger number of beneficiaries is expected).  
Youth lawyers: directly involved more than 300 in 6 EU countries.  
Bar associations, training institutes, universities, etc (the highest possible number in all EU countries)  
Professionals working in the justice system at different levels (lawyers, magistrates, social workers, educators, mediators, judges, etc.).

### **4. Expected results**

A better overview on how children feel and experience their right of access to a lawyer.  
Identification of obstacles for a correct implementation of the concerned Directives in juvenile cases, as well as good practices already in place.  
Improved level of compliance of national practices with the concerned EU Directives.  
Improved knowledge on the subject among different actors involved in the juvenile justice systems as well as an increased awareness on EU standards and law.  
This issue is placed as a priority in the political agendas.

### **5. Type and number of outputs of the project**

15 national reports  
1 Common report (comparative analysis of the youth lawyers system in place)  
1 Online platform (database) > information tool  
2 Manuals > legal based and including practical tools  
1 Awareness raising Video  
30 information sessions for national authorities  
30 in person advocacy meetings with national policy makers  
6 National seminars  
30 awareness raising sessions for lawyers  
1 Impact's assessment report.

**APPLICATION NUMBER:** 4000008630

**NAME:** Bulgarian Helsinki Committee

**COUNTRY:** Bulgaria

**TITLE:** Strengthening procedural rights in criminal proceedings: effective implementation of the right to a lawyer/legal aid under the Stockholm Programme

**REQUESTED AMOUNT:** EUR 294 002,80

**CONTACT DETAILS:** [bhc@bghelsinki.org](mailto:bhc@bghelsinki.org) or phone +3592 9440670

PROJECT DESCRIPTION:

### **1. Objectives**

The main objective is to strengthen the procedural rights of suspects and accused in criminal proceedings. Sub-objectives are:

To increase knowledge on Directive 2013/48/EU (“Directive”) and Recommendation C(2013) 8179/2 (“Recommendation”) among key stakeholders in 5 EU jurisdictions.

To increase understanding on the shortcomings and dysfunctions in each national criminal law framework.

To build and strengthen the capacity of stakeholders (lawyers, legal and other professionals) on the international and EU standards on the rights to access to a lawyer/legal aid of suspects and accused in criminal proceedings.

To facilitate communication and coordination between key stakeholders on local, national and international level, thus fostering the fulfilment of concrete, rather than theoretical procedural rights of suspects and accused persons.

To identify and promote examples of transferable good practice.

To monitor the proper implementation of the relevant EU sources both in terms of domestic law-making and practice.

### **2. Activities**

National study to assess the scope and quality of access to a lawyer/legal aid in 5 EU jurisdictions via: research of 750 casefiles in completed criminal proceedings; in-depth interviews with key stakeholders (incl. convicted inmates) to assess their views on the law and practice of provision of the studied rights; focus groups with legal aid lawyers; gathering official statistics.

Identifying the challenges before the effective implementation of the Directive/Recommendation and formulating policy recommendations.

Producing 5 country evidence based studies on the implementation of the right to access to a lawyer and legal aid.

Comparative European study covering 5 countries presenting challenges, good practices,

reform proposals.

Producing practical handbooks for key stakeholders on the implementation of the Directive/Recommendation (relevant international/EU standards and issues to be remedied in the domestic contexts).

Rolling out 22 practical capacity building workshops for 450 key stakeholders.

Disseminating project deliverables through targeted offline and online dissemination; country e-learning platform.

International networking and mutual exchange of knowledge event.

### **3. Type and number of persons benefiting from the project**

The chief target groups are the key national stakeholders in the implementation of the Directive 2013/48/EU: lawyers, police, legal aid administration, judges, prosecutors.

Beneficiaries are all suspects and accused persons, especially those in detention, across 5 countries.

450 key stakeholders will benefit from practical capacity building workshops.

App. 10,000 stakeholders will be indirectly reached through targeted online dissemination/e-learning.

200 domestic decision makers will be reached through advocacy.

100 EU policymakers will benefit from the comparative European study.

### **4. Expected results**

Increased capacity/knowledge among key stakeholders on the implementation of the Directive/Recommendation and on the shortcomings of the domestic situation.

Better protection of beneficiaries during the period of pre-trial detention.

Better facilitated cooperation between key stakeholders.

Improved fair trial standards.

### **5. Type and number of outputs to be produced**

10 questionnaires for empirical data collection.

10 focus group reports.

5 country studies on right to access to a lawyer/access to legal aid.

1 comparative European study.

1 analysis of international/EU standards on right to access to a lawyer/legal aid in criminal proceedings.

5 practical handbooks on implementation of the Directive/Recommendation (offline and online).

22 capacity building workshops for 450 key stakeholders.

1 e-learning platform.

20 dissemination materials (banners for legal portals, press releases, articles, infographic).

1 international networking and mutual exchange of knowledge event for 40 people.



**APPLICATION NUMBER:** 4000008625

**NAME:** Ludwig Boltzmann Association

**COUNTRY:** Austria

**TITLE:** Enhancing procedural rights of persons with intellectual and/or psychiatric impairments in criminal proceedings: Exploring the need for actions

**REQUESTED AMOUNT:** EUR 392 171,78

**CONTACT DETAILS:** [bim.office@univie.ac.at](mailto:bim.office@univie.ac.at)

**PROJECT DESCRIPTION:**

### **1. Objectives**

- Identifying gaps and shortcomings of each project partner's national criminal justice system, supporting the implementation of the Recommendation and elaborating recommendations for possible amendments at the national/EU level;
- Improving the procedural rights and safeguards of persons with intellectual and/or psychiatric impairments (final beneficiaries) through capacity building of the professional stakeholders involved in particular law enforcement authorities, legal practitioners, medical personnel, judiciary (target group) by providing mutual learning opportunities, fostering the exchange of good practices and working methods, and facilitating cooperation among partner countries through the establishment of international multidisciplinary networks;
- Raising awareness on the complex situations and barriers that the final beneficiaries are confronted with during criminal proceedings (from the accusation to the verdict) through disseminating the Project results summarized in a Handbook, and a brochure, organizing a European Workshop, a press conference, an International Final Conference and National Implementation Workshops.

### **2. Activities**

- Elaboration of National Baseline Studies examining to which extent the Recommendation has been translated into the countries practice, identifying strengths and weaknesses of the criminal justice systems and protection gaps in all partner countries, and elaborating recommendations for the target group and EU policy makers.
- Creation of National Advisory Groups consisting of representatives of the target group and the beneficiaries and supporting the project team with their expertise throughout the whole project implementation.
- Organizing and implementing a European Workshop in Lithuania aiming at discussing the results of the National Baseline Studies, developing qualification criteria for identifying good practices as recommendations.
- Elaboration of a Handbook which will contain a Comparative Report on the findings and recommendations of each National Baseline Study, qualification criteria for identifying good

practices, case studies and practical recommendations, suggestions for transferability as well as legal and policy recommendations. A short Brochure will summarize the key findings of the project.

- Organizing and implementing National Capacity Building Workshops for target group to present the project findings, raise awareness and debate how to best address existing challenges.
- Organizing and implementing a Final Conference targeting a wider European audience disseminating project results, presenting and discussing possible future perspectives and launching the Handbook and the Brochure.

### **3. Type and number of persons benefiting from the project**

- Law enforcement personnel (100-150)
- Legal practitioners (100 – 150)
- Penitentiary service personnel (50 – 100)
- Medical staff (50– 80)
- Judicial staff (100 – 120)
- Representatives of vulnerable persons and NGOs (100)
- Final beneficiaries

### **4. Expected results**

- Identification of protection gaps in each stage of criminal proceedings and proposition of remedial measures
- Increased awareness of the target group of the risks which persons with intellectual and/or psychiatric impairments are exposed to
- Increased capacity of how these risks can be minimized
- Concrete and practical guidance at hand for the target groups
- Enhanced understanding and mutual trust through joint peer learning and exchange of good practices
- Enhanced protection level of the rights of final beneficiaries

### **5. Type and number of outputs to be produced**

- 75 (maximum) interviews with final beneficiaries
- 25 (maximum) interviews with target group and/or additional experts
- 5 National Roundtables
- 5 National Baseline Studies
- 1 Comparative report
- 1 European Workshop
- 1 Handbook and 1 Brochure in 6 languages
- 5 National Capacity Building Workshops
- 1 Press Conference and 5 Press Releases
- 1 Final Conference