



# Procedural Safeguards in Criminal Proceedings and Victims' Rights

**HELP**

**Human Rights Education for Legal Professionals  
Council of Europe**

Funded  
by the European Union  
and the Council of Europe



Implemented  
by the Council of Europe

## Procedural Safeguards in Criminal Proceedings and Victims' Rights HELP ONLINE COURSE

Duration: 11 hours

Available for free on the CoE  
HELP e-learning platform

Statement of  
Accomplishment

START COURSE 

Council of Europe  
Human Rights Education for Legal Professionals (HELP) Programme | 2021

## Background

States' obligations are not limited to the duty to prosecute crime. Fighting and deterring crime as well as providing access to justice and adequate protection from further harm to victims of crime are also part of the states' duties vis-à-vis its citizens.

The EU Charter confirms the rights enshrined in the ECHR, mentioning the right to a fair and public hearing by an independent tribunal; the right to be advised and represented or and the right to legal aid. The case law of the ECtHR shows that violations of defence rights (Articles 5 -right to liberty and security- and 6-right to a fair trial- of the ECHR) do occur. This, despite the EU Directives on interpretation and translation (2010), on the right to information in criminal proceedings (2012), and on minimum standards on the right of access to a lawyer in criminal proceedings and to communicate upon arrest (2013). The EU Directives adopted throughout 2016 on which legal professionals need to be trained - and aimed to guarantee fair trial rights in the EU - are on the presumption of innocence and the right to be present at trial (2016), on special safeguards for children suspected and accused in criminal proceedings (2016), and on the provision of legal aid for citizens suspected or accused of a criminal offence and for those subject to a European arrest warrant (October 2016).

The ECHR and EU Charter on Fundamental Rights lay out a number of rights that pertain to victims. To exercise their rights, proper victim support is needed, backed by adequate infrastructure and funding. In this context, legal professionals should be responsive to the individual needs of the victims and be particularly aware of certain categories of particularly vulnerable victims, such as children, victims of sexual violence or victims of terrorism. The EU Directive establishing minimum standards on the rights, support and protection of victims of crime was adopted on 2012. The EU Member States were under an obligation to implement these provisions into their national laws by 16 November 2015 (EU Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime. EU, 2012). How well States respect victims tests the quality of EU legal systems. On the other hand, EU Member States must ensure that the fundamental procedural rights of accused and suspected persons are respected.

## About the course

The course was developed under the EU-CoE HELP in the EU Project, thanks to EU funding. It was finalized in August 2019.

## Target audience

The course is aimed at judges, prosecutors and lawyers working in criminal law.

## Course outline

The HELP course was developed combining both the fundamental procedural rights of accused and suspected persons in criminal proceedings (focusing on EU Directive topics, notably the presumption of innocence) and the rights of victims of crime (emphasis on access to justice).

The course consists of **6 substantive modules**:

<b>1</b>	<b>Module 1 - Introduction</b> <ul style="list-style-type: none"> <li>• Legal Framework and CoE-EU relationship</li> <li>• Key concepts</li> </ul>
<b>2</b>	<b>Module 2 – General Aspects of a Fair Trial</b> <ul style="list-style-type: none"> <li>• Legal framework</li> <li>• Institutional guarantees</li> <li>• Procedural guarantees</li> <li>• Fairness (Administration of Evidence; Adversarial Proceedings; Equality of Arms; Reasoning)</li> <li>• Public Hearing</li> </ul>
<b>3</b>	<b>Module 3 - Specific Rights/Procedural Safeguards I – The Presumption of Innocence</b> <ul style="list-style-type: none"> <li>• Legal basis</li> <li>• What does it cover? (Unbiased Approach to the Accused; Burden of Proof; Public References to Guilt; Presentation of the Suspect or Accused)</li> <li>• Remedies against breach</li> </ul>
<b>4</b>	<b>Module 4 - Specific Rights/Procedural Safeguards II</b> <ul style="list-style-type: none"> <li>• Legal Basis</li> <li>• Specific Rights (Right to Information; Right to Remain Silent and Not to Incriminate Oneself; Right of Access to a Lawyer; Right to Legal Aid; Right to Interpretation and Translation)</li> </ul>
<b>5</b>	<b>Module 5 - Specific Rights/Procedural Safeguards III</b> <ul style="list-style-type: none"> <li>• Specific rights (Right to Examine Witnesses; Right to be present at Trial; Right to Appeal; Right to an Effective Remedy)</li> <li>• Protection in the European Arrest warrant (EAW) Proceedings</li> </ul>
	<b>Module 6 – Victims' Rights</b> <ul style="list-style-type: none"> <li>• Key concepts</li> </ul>

- Context for victims' rights in Europe
- Victims' needs
- Victims' rights in the CoE framework and in EU law (Right to Respectful Treatment; Right to Protection; Right to Support; Right of Access to Justice; Right to Restoration)

## How to access the HELP online course

You can click here to access the CoE HELP e-learning platform: <http://help.elearning.ext.coe.int> You will need to log in to your HELP account. If you don't have yet a HELP account, you can create one here: <http://help.elearning.ext.coe.int/login/signup.php>. It only takes 2 minutes.