

Remedies in National Legal Systems when Implementing Directive 2013/48/EU (on the right to access to a lawyer)

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23 April 2016



About the Project

- *Title:* Towards Guaranteeing the Right to Effective Assistance of Defence Counsel in Member States in Trans-border Criminal Cases
- *Supervisor:* Prof. Taru Spronken
- *Scheme:* Marie Skłodowska-Curie IEF
- *Period:* 1st of January 2016 until 31st of December 2017
- *Main result:* Report



Scope of the Study I

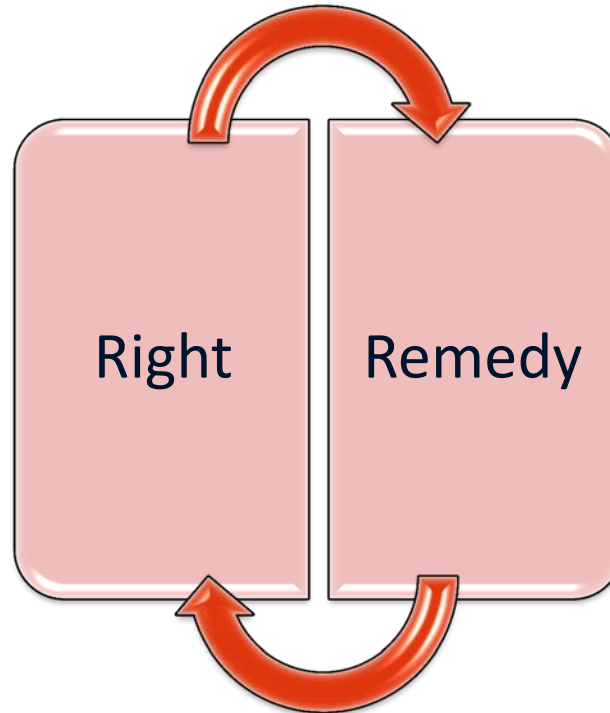
- Article 12 (1) of the Directive 2013/48/EU which provides:

Member States shall ensure that suspects or accused persons in criminal proceedings, as well as requested persons in European arrest warrant proceedings, have an effective remedy under national law in the event of a breach of the rights under this Directive.

- What is the effective remedy in situations where the right to counsel has been breached?

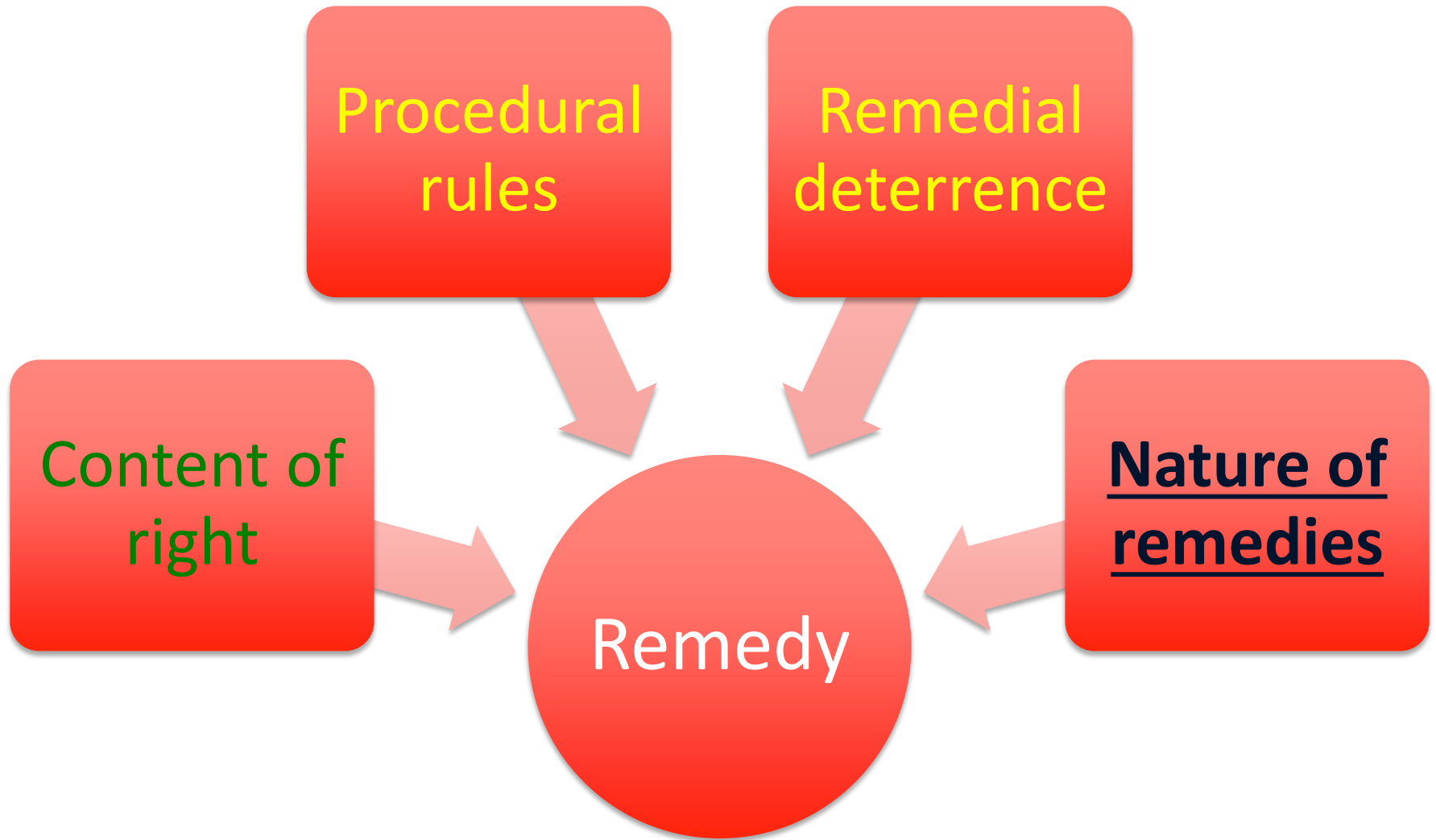


Scope of the Study II



Ubi jus ibi remedium effectivum
Ubi remedium effectivum ibi ius

Scope of the Study III



Scope of the Study IV

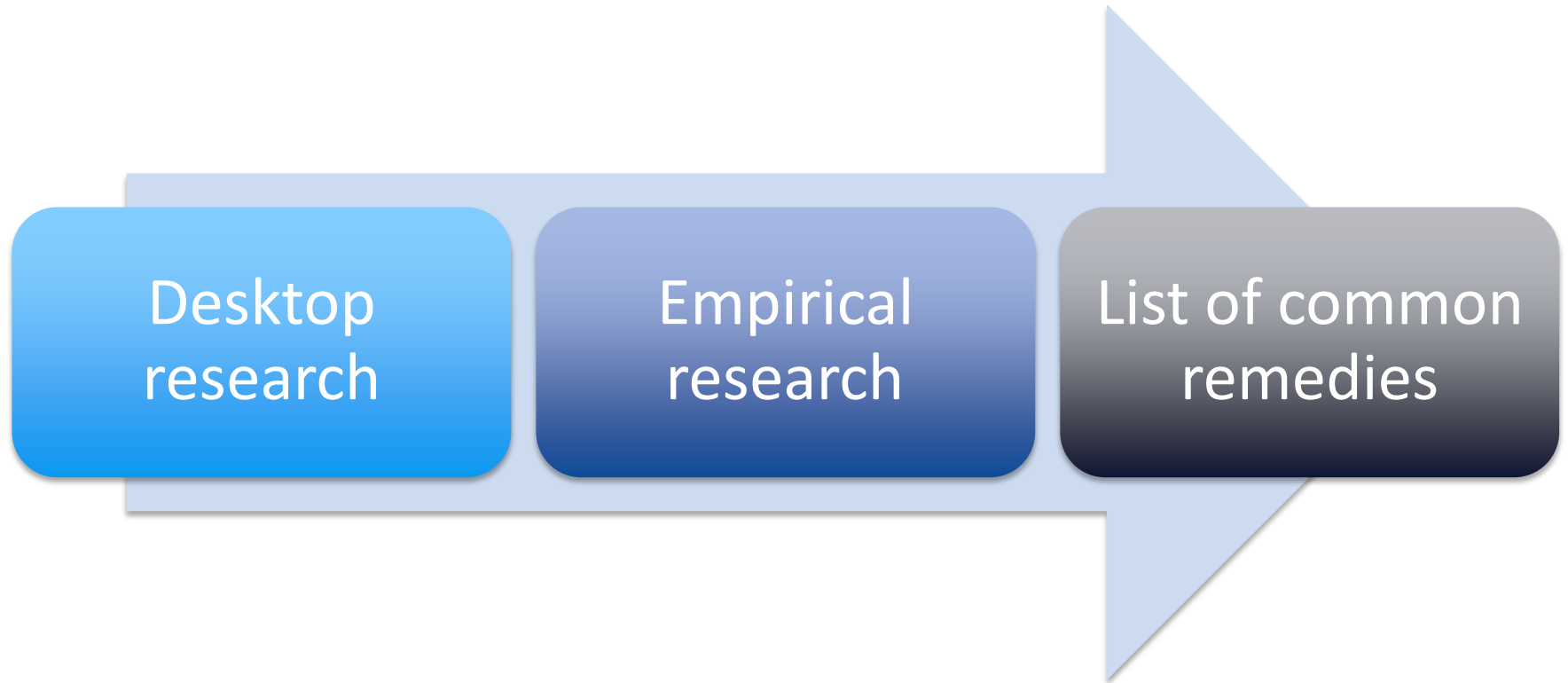
- Effective remedy
 - Applicable in criminal proceedings
 - Aims at putting the person (as far as possible) back to a position in which he would have been if violation had not occurred
 - Applicable in all Member States?

Methodology

1. Desktop research
 - a. Case law of the ECtHR, ECJ, US Supreme Court, international tribunals, and ICC
 - b. Theoretical literature
2. Empirical research
 - a. Questionnaire to the Ministries of Justices
 - b. Verification by local lawyers



Expected outcome



Thank you for your attention.
I look forward to working with you.

Questions, remarks, interest to
contribute:
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