

“Letter of Rights”

**EU-wide Letter of Rights in Criminal Proceedings:
Towards Best Practice**

**Initiated and supported by
the German Federal Ministry of Justice**



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Funded by the European Community  and the German Federal Ministry of Justice



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Partners of the project

Initiative and leading partner:
Federal Ministry of Justice of Germany

Partners and advisory board:

- Council of Europe
- Ministry of Justice of Austria
- European Criminal Bar Association
- Deutscher Richterbund
- Federal Ministry of Justice of Germany
- Faculty of Law of Maastricht University

Research

- Prof. Taru Spronken, Faculty of Law of Maastricht University



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The right to information in the ECHR

- Art. 6 par. 3 sub a ECHR:
'to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him'
- No right to be informed on 'the rights' in art. 6 ECHR
- Case law:
 - ECtHR 11 december 2008, Panovits v. Cyprus, no. 4268/04, Par. 72-74
 - ECtHR 27 March 2007, Talat Tunç v. Turkey, no. 32432/96 Par 61-62
 - ECtHR 10 August 2006, Padalov v. Bulgaria, no. 54784/00 Par. 53-54



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The project:

- ❖ seeks to examine how the information to suspects on rights in criminal proceedings is in fact ensured in the EU Member States;
- ❖ will focus on the written information that is given to suspects;
- ❖ aims to present best practices and to develop a model Letter of Rights applicable throughout the EU;
- ❖ aims to raise awareness of the importance of EU-wide minimum standards in criminal proceedings through practical measures such as a Letter of Rights.



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Research questions

1. Whether and to what extent suspects are informed in writing about their rights in criminal proceedings in the 27 Member States of the EU;
2. How this practice relates to the requirements of a fair trial and more specifically the right to information under Art. 6 para. 3 of the European Convention on Human Rights;
3. Whether it is possible to develop a model Letter of Rights to be applicable throughout the EU.



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Central Question

Is there any obligation to give a suspect or defendant a Letter of Rights informing them of their rights?



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If so

1. Which rights?
2. Who has to provide the Letter of Rights?
3. At what stage does the Letter of Rights have to be provided?
4. Is there an obligation to provide the Letter of Rights in a language that the suspect/defendant understands?
5. Is there an obligation to verify whether the suspect/defendant understood the rights included in the Letter of Rights?
6. Is there any existing evidence as to whether and how this obligation is complied with?
7. Are there any sanctions or remedies if the obligation is not complied with?



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Activities (to start in April/May 2009)

- Desk review of existing literature, empirical research and case law of the ECtHR
- Developing on-line questionnaire for 27 Member States
- Analysis responses; gathering existing letters of rights (+ translation in English); developing model
- Workshop results ultimately June 2010 in Berlin
- Publication and dissemination of final report



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Added value

1. New knowledge on the extent to which suspects are informed in writing of their rights in criminal proceedings.
2. Model Letter of Rights that can be implemented EU-wide.
3. Stimulate the discussion on the introduction of EU-wide minimum standards in criminal proceedings through practical measures
4. Raise awareness on the European level of the importance of the protection of procedural safeguards.



