

CALL FOR PAPERS

CONFERENCE

PROCEDURAL RIGHTS IN CRIMINAL PROCEEDINGS IN THE EU

UTRECHT UNIVERSITY - LEIDEN UNIVERSITY – MAASTRICHT UNIVERSITY

13-14 SEPTEMBER 2018

Speakers include

Jannemieke Ouwerkerk (Leiden University), André Klip (Maastricht University), Elpiniki Kolokatsi (criminal defence lawyer Amersfoort), Tamas Lukacsi (European Parliament, legal service), Frank Meyer (University of Zurich), John Vervaele (Utrecht University), Michiel Luchtman (Utrecht University).

The Conference

Utrecht University, Leiden University and Maastricht University are organizing a two day conference on Procedural rights in criminal proceedings in the European Union, offering a venue for practitioners and young scholars to exchange experiences and ideas on this subject matter. We aim to:

- Identify whether the transposed directives on procedural rights for suspects and accused persons, together with the CJEU case law lead to convergence of procedural rights for defendants in legal practice;
- Identify the role of these measures for transnational cooperation;
- Identify the further impact (side-effects) of the directives in the national criminal procedures;
- Discuss possible future initiatives in this area;
- Involve practitioners and young researchers and offer the latter a platform to discuss their ideas with senior experts.

The overarching topic of the conference is scrutinized from three different angles, which build three streams, both at the plenary sessions and in the working groups.

The first stream focuses on ***EU competences in the area of procedural rights in criminal proceedings***. This includes an overview of the scope of the EU mandate, the current legal framework and the challenges for the EU legislator. Further, it includes the justification of the harmonization measures (transnational objectives vs. national impact) and the desirability for further harmonization. The related plenary session and working group will also assess the relationship between the directives on procedural rights for suspects and accused persons, national constitutions, CFR and the ECHR.

As a second stream the conference takes a look at **the impact of the EU legal framework within the national context**. Topics include the implementation of the Roadmap directives in the national legal orders, their relationship with the victims' rights directive, the discrepancies between the goals of the directives and their national application, as well as the possibilities for the defence to enforce the rights granted to them, possibly with the help of EU institutions. This stream also offers the possibility to discuss the decline of the rule of law in some Member States and the role of the EU in that regard.

The third stream focuses on **procedural rights in the cross-border context**. This includes both horizontal (EAW, EIO, *et cetera*) and vertical cooperation (EPPO, OLAF, Eurojust, ECB, *et cetera*) and the related issues concerning procedural rights, the position of the defence, questions of mutual trust and mutual recognition in practice, the admissibility and exclusion of 'foreign' evidence, judicial control, *et cetera*. The decline of the rule of law in some member states – in light of its effects on transnational cooperation – could be addressed in this section as well. As regards the vertical cooperation within the future EPPO, questions about the danger of unequal treatment of defendants due to diverging national guarantees are at the fore of the debate.

The first day focuses on the three streams in a series of corresponding plenary sessions. Each plenary session includes two presentations, followed by audience discussion.

On the second day, participants are offered the opportunity to present their research in working groups, receiving feedback from senior experts and the audience. With this call for papers we invite you to prepare a paper and present it in one of the working groups, each related to one of the three streams. The conference committee expressly encourages early career researchers to present their research.

Paper proposals

We welcome proposals for papers falling within the scope of the theme of one of the working groups below.

Topics:

Working Group I - EU competences in the area of procedural rights in criminal proceedings

Relevant questions concern:

- a) What is the scope of EU competences in the field of procedural rights?
- b) How should these competences be exercised? Is there a need for a new multi-annual program?

- c) What is the relationship between procedural rights directives and the EU Charter of Fundamental Rights, national constitutions as well as the ECHR?

Working Group II - The impact of the EU legal framework in the national context

Relevant questions concern:

- a) What are the questions that come up in practice on the (implementation of the) relevant Directives?
- b) How do the Directives relate the victims' rights Directive?
- c) What to do with discrepancies between the Directive and national application?
- d) What possibilities are there for the defence to enforce the rights, granted by the directives, or to remedy violations of these rights?
- e) How can the EU initiatives contribute to the strengthening of the rule of law in EU member states?

Working Group III - Procedural rights in the cross-border context

Relevant questions concern:

- a) How can we determine the applicable law in a common judicial area that largely still consists of diverging national laws?
- b) To which extent is there a need for human rights clause in EU instruments if we already have harmonization in the field in the form of the defence rights Roadmap?
- c) To which extents are double locks (Article 24 (5) e) EIO) necessary if we have harmonization of defence rights?
- d) How can we organize effective judicial control in this supranational setting? What are the tasks of the national judiciaries in this respect?
- e) Is the current level of harmonization enough, both for cooperation, as well as for the admissibility of evidence?

Formal requirements:

Paper proposals (maximum 500 words) need to be submitted by 15 May 2018 at the latest to a.csuri@uu.nl.

Please indicate under which of the three themes you would like to present and please include your contact details. Submitted paper abstracts will be reviewed by the conference committee.

Applicants will be notified of acceptance by 15 June 2018 at the latest.

Presentations

Accepted abstracts will be placed in a panel of contributions within one of the three streams and will be chaired by a senior expert. A panel session consists of three presenters.

The sessions will last approximately 90 minutes, so participants will be granted no more than 15 minutes to present their papers. The presentation is followed by comments by the senior expert and a general discussion.

Publication of the papers in the European Journal of Crime, Criminal Law and Criminal Justice

The organizers of the conference offer the possibility to publish the presentations in the peer-reviewed European Journal of Crime, Criminal Law and Criminal Justice. However, all submitted articles will have to meet the quality standards of the journal individually and will undergo peer-review. In case enough articles are accepted, these may be grouped together in a thematic Issue. The organizers will inform the speakers of the possibility for publication after the event.

Conference practicalities

The conference will start on 13 September 2018 at 13.30 and end on 14 September 2018 at 13.00. (Please note that these times are as yet provisional). A detailed conference programme will be published soon.

All participants contribute a conference fee of € 135 (€ 75 participation fee + € 60 dinner). The participants must cover their own travel and accommodation expenses.

Of course you are also welcome to participate without presenting a paper.

More information on this call, registration, payments and the final programme will follow soon on: <https://www.uu.nl/en/events/conference-procedural-rights-in-criminal-proceedings-in-the-eu>.

Organization and contact

The conference committee consists of Michiel Luchtman and András Csúri (Utrecht University), Jannemieke Ouwerkerk (Leiden University) and André Klip (Maastricht University).

Questions concerning practical arrangements can be addressed to: wpi@uu.nl.

Acknowledgements

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