

HUMAN
RIGHTS



Applying the Charter of Fundamental Rights of the European Union

Focus on the right to a fair trial

SEMINAR FOR JUDGES AND PROSECUTORS

Sofia, 9-10 November 2020

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Human
Rights Law**



Speakers

Johan Callewaert, Deputy Grand Chamber Registrar, European Court of Human Rights, Strasbourg (to be confirmed)

Donka Chakarova, Judge, Supreme Administrative Court, Sofia

Ioanna Dervisopoulos, Judge, Darmstadt Administrative Court; Former Legal Secretary at the Court of Justice of the European Union

Hristo Kirilov, Legal Secretary, Court of Justice of the European Union, Luxembourg (to be confirmed)

Piero Leanza, Judge at the Civil Section of the Pordenone District Court; Former International Judge within the EU Rule of Law Mission in Kosovo



Key topics

- The system of fundamental rights protection in Europe
- Scope of application and interpretation of the EU Charter in national legal orders
- Article 6 of the ECHR and Article 47 of the EU Charter
- Impartial and independent tribunal
- EU law remedies
- Rights of defence

Venue

National Institute of Justice
14 Str. Exarh Yosif
1000 Sofia

Languages

English, Bulgarian
(with simultaneous interpretation)

Event number

420DT108

Organiser

ERA (Sanja Jovičić) in cooperation with
National Institute of Justice (NIJ)



Funded by the European Union's Justice Programme (2014-2020)

Applying the Charter of Fundamental Rights of the European Union

Monday, 9 November 2020

8:30 Arrival and registration of participants

9:00 **Opening of the seminar**
Silviya Dimitrova (NIJ) and Sanja Jovičić (ERA)

I. THE SYSTEM OF FUNDAMENTAL RIGHTS PROTECTION IN EUROPE

9:15 **Protecting fundamental rights in Europe: an overview**

- General principles of EU law
- The EU Charter and its legal value
- Other regional and national legal protection instruments

Ioanna Dervisopoulos

10:00 Discussion

10:15 **Relationship between the Charter of Fundamental Rights of the EU and the European Convention on Human Rights and Fundamental Freedoms**

- The roles of the ECtHR and CJEU
- Principle of equivalent protection
- Relationship between 6 ECHR and Article 47 EU Charter

Johan Callewaert

11:00 Discussion

11:15 Coffee Break

11:45 **Case study:**
The scope of application and interpretation of the EU Charter in national legal orders

- The scope of application and interpretation
- The limits of Article 53 of the Charter in the case law of the CJEU
- The issue of direct effect of the Charter provisions
- Practical exercise and group work

Ioanna Dervisopoulos

12:30 Discussion

12:45 Lunch

II. THE RIGHT TO A FAIR TRIAL

14:00 **Article 47 EU Charter: scope of application and interpretation**

Piero Leanza

14:45 Discussion

15:00 **Independence and impartiality of tribunals**

- The notion of “tribunal”
- Conditions for independence and impartiality

Johan Callewaert

15:45 Discussion

16:00 Coffee break

16:30 **Case study:**
Article 47 EU Charter

- Scope of application and interpretation
- Practical exercise and group work

Piero Leanza

17:30 Discussion of case study results

Objective

The participants will obtain sound knowledge of the scope and interpretation of the Charter of Fundamental Rights of the European Union, as well as its relationship with other legal instruments protecting fundamental rights in Europe. The focus will be on the application in practice of the provisions concerning the right to a fair trial.

Who should attend?

Judges, prosecutors and other judicial staff from an EU Member State (except Denmark), Albania and Montenegro

You will learn...

- How fundamental rights are protected in Europe
- The legal value of the EU Charter
- How to apply and interpret the EU Charter at domestic level
- About the scope of application of Article 47 of the EU Charter in practice and possible restrictions, as well as its relationship with Article 6 of the ECHR
- How to effectively exercise the rights of defence under EU law
- How to use remedies in EU law
- How to safeguard the rights of victims in criminal proceedings.

What participants said last time

“Everything was very well organised and the speakers were very specific and well prepared for the subjects”

“It is a good opportunity to learn new information about European law”

“Networking with judges from European countries is very interesting”

Your contact persons



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18:00 End of first seminar day

20:00 Dinner

Tuesday, 10 November 2020

III. ARTICLE 47 OF THE EU CHARTER: RIGHT TO A FAIR TRIAL (continued)

9:00 **Right to an effective remedy**

- Substantive, procedural and institutional requirements
- Specific remedies under EU law

Donka Chakarova

9:45 Discussion

10:00 **Restrictions on Article 47 of EU Charter**

- Evidence barriers, court fees, limitation periods

Hristo Kirilov

10:45 Discussion

11:00 Coffee break

11:30 **Case study:**

The rights of the defence in criminal and other proceedings in EU law

- Right to be advised, defended and represented in non-criminal proceedings
- Procedural rights of victims of crime
- Practical exercise and group work

Donka Chakarova

13:00 Discussion of case study results

13:30 End of seminar and lunch

For programme updates: www.era.int

Programme may be subject to amendment.

Please note that while simultaneous interpretation will be offered during this event, not all the speakers' papers are available in all conference languages.

Social programme

After a day of intensive training, enjoy a dinner at no extra cost on 9 November 2020 with fellow participants from other countries.



This seminar series has received financial support from the **European Union's Justice Programme (2014-2020)**.

For further information please consult:
https://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index_en.htm

Save the date

Whistleblowers' Protection in Europe
Brussels, 24-25 September 2020

Annual Conference on the Rights of Persons with Disabilities
Trier, 29-30 October 2020

Online Hate Speech: Legal Responses
Trier, 3-4 December 2020

Applications for
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can be made online: <https://www.era.int/?129700&en>



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Location

National Institute of Justice
14 Str. Exarh Yosif
1000 Sofia
Bulgaria

Languages

English, Bulgarian

Contact Person

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Terms and conditions of participation

Selection

1. Participation is only open to **judges, prosecutors and other judicial staff from EU Member States (except Denmark), Albania and Montenegro.**
2. The number of places available is limited (35 places). Participation will be subject to a selection procedure. Selection will be dependent on the following criteria:
 - i. the relevance of the seminars to the professional life of the applicant;
 - ii. geographical and language balance among the participants;
 - iii. ability to disseminate the information obtained;
 - iv. in the case of an excess of applications, only one participant per institution may be accepted;
 - v. in case of applicants with the same qualifications, the first applicant to register will be selected.
3. Applications should be submitted by **9 September 2020.**
4. A response will be sent to every applicant shortly after this deadline. **We advise you not to book any travel or hotel before you receive our confirmation.**

Registration Fee

5. No seminar fee.

Travel expenses

6. **Travel expenses will be reimbursed to a maximum of 400 euros** only for participants coming from abroad. Participants coming from Bulgaria will be reimbursed to a **maximum of 150 euros**. The reimbursement is subject to the submission of the **originals** of travel receipts (like flight ticket, boarding pass, train ticket, taxi bill, etc.). Participants are advised of the obligation to use the most cost-efficient mode of transport available.

Accommodation

7. **Maximum 2 hotel nights** will be covered directly by ERA, only for the hotel booked by ERA.

Other services

8. One dinner, two lunches, beverages consumed during the event and the seminar documents are offered by ERA.

Participation

9. Participation at the whole conference is required and your presence will be monitored.
10. A certificate of attendance will be distributed at the end of the conference.