

Law Program

In 2017, the Law Program worked on crime and justice, victims of crime, integration and social inclusion, and fundamental rights.

- **Crime and justice.** CSD's activities in the area of crime and justice focused on the prevention of and fight against organised crime, terrorism and money laundering, and on enhancing the presumption of innocence of suspects and accused. Other research areas included legal aid, EU financial support to national justice systems, the exchange of information and intelligence between law enforcement authorities of EU Member States and legal migration within the EU.
- **Victims of crime.** CSD explored numerous aspects of the protection of victims of crime, and specifically of human trafficking, such as victims' identification, individual needs assessment, referral and cooperation between public institutions and NGOs. Trainings and awareness events deepened the understanding of local law enforcement, judicial and social stakeholders of the new aspects of victim protection and explored avenues to overcome difficulties on normative and practical level.
- **Integration and social inclusion.** Based on its long policy experience in the area of migration, CSD started exploring aspects of integration and social orientation of foreigners as a tool to empower them against racism and xenophobia.
- **Fundamental rights.** As a member of the FRANET network of the EU Fundamental Rights Agency CSD collected data and information for the Agency's comparative studies. Research topics included asylum and migration, anti-Muslim and anti-migrant hatred, Roma and Travellers, misogyny, gender stereotyping and hate speech against women, barriers to EU citizens to fully enjoy their rights in another Member State, standing and operational space of NGOs in contributing to respecting and promoting fundamental rights, and drivers and barriers for independent living of persons with disabilities.

I. Crime and justice

In 2017, the Law Program's work in the area of crime and justice focused on prevention of and fight against organised crime and terrorism, and on protection of the rights of suspects and accused.

Across Europe, **organised crime and terrorism** represent a major challenge

for public security and safety and many different stakeholder groups are involved in creating awareness, preventing, identifying and intervening in case of risk or threat. At the same time, there is an increasing need of multidimensional approaches to better understand and address these phenomena. To respond to this need CSD, together with public institutions, research institutes

and private companies from 13 countries launched the international initiative *Understand the Dimensions of Organised Crime and Terrorist Networks for Developing Effective and Efficient Security Solutions for First-Line Practitioners and Professionals (TAKEDOWN)*.



TAKEDOWN
Identify . Prevent . Respond

UNDERSTAND THE DIMENSIONS OF ORGANISED CRIME AND TERRORIST NETWORKS FOR DEVELOPING EFFECTIVE AND EFFICIENT SECURITY SOLUTIONS FOR FIRST-LINE-PRACTITIONERS AND PROFESSIONALS

Deliverable D2.6
European Baseline report on current OC/TN specifics and collection of sources

This project has received funding from the European Union's Horizon 2020 Research and Innovation Programme under Grant Agreement No 700688.

The Law Program analysed the national level responses and the existing digital solutions against organised crime and terrorism, identified and reviewed relevant case law of national and international courts, interviewed stakeholders to understand their awareness and perceptions of these phenomena, and held a focus group discussion with first-line practitioners to review their needs and identify promising practices. CSD was also involved in the launch of the first of its kind EU-wide online survey on responses to organised crime and terrorism. The research resulted in the publication of a [baseline report on the current organised crime and terrorist networks specifics](#).



ARISA Assessing the Risk of Isolation of Suspects and Accused

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Suspects and Accused in the EU

Around nine million people are the subject of criminal justice proceedings, every year in the EU. At the same time, a significant share of those suspected or accused of criminal offences are not found guilty and are never convicted. All these persons, including those who are convicted, are presumed innocent until proven guilty according to the law.

The presumption of innocence is a fundamental right, a key principle of criminal justice and a universally recognised human rights standard. At EU level, the presumption of innocence is explicitly proclaimed in the Charter of Fundamental Rights of the European Union (Article 48) and further elaborated upon in Directive (EU) 2016/680 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings.

Despite the obligation of criminal justice authorities to strictly observe the presumption of innocence, suspects and accused are always subject to certain restrictions during the criminal proceedings, most of which affect their personal and social sphere. All of these restrictions have their legitimate purposes. Some of them are aimed to facilitate the investigation of the crime, some should prevent absconding or re-offending, some are justified by the need to protect the victims of the crime. In addition, information about the criminal proceedings is often publicly released or shared with the media, which further affects the lives of suspects and accused.

These measures and restrictions can have certain negative consequences for suspects and accused: loss of job or income, additional expenses, loss of social benefits, worsened relations with family and community, etc. These consequences need to be taken into account and properly assessed by the criminal justice authorities together with the evaluation of other factors like the risk of absconding or re-offending.

ARISA Project
Against this background, a consortium of research institutes experienced in the field of prison reform and inmates' rights from four Member States (Center for the Study of Democracy – Bulgaria; The Center for European Constitutional Law – Greece; Comitato Pubblica Opinione X3000 – Italy; and Droit au Droit (DAD) – Belgium) have launched this project, with the aim to enhance the observance of the presumption of innocence in criminal proceedings according to the provisions laid down in Directive (EU) 2016/680.

Specific objectives of the project consist in:

- identifying the factors affecting the social status of suspects and accused during the proceedings;
- analysing and describing their impact, including the effects of disclosing information about the proceedings to other people or to the media;
- providing judicial and law enforcement authorities with a methodology for assessing the risk of de-socialisation of suspects and accused, as well as with practical guidelines on how to address this risk at the earliest possible stage of proceedings without compromising the effective investigation.

[Read more](#)

The **rights of persons suspected or accused of committing a crime** was the other main topic of the Law Program's activities in the area of crime and justice in 2017. Led by the understanding that authorities, being obliged to respect the presumption of innocence, must be able to assess and reduce the negative impact of criminal investigations on suspects and accused, CSD, together with partners from Italy, Greece and Belgium, started exploring the ways, in which a criminal investigation affects the lives of suspects and accused. The objective of the [initiative to assess the isolation of suspects and accused](#) is to provide judicial and law enforcement bodies with a methodology to assess the consequences of their investigative actions for the suspects and accused and undertake measures to reduce their harmful effect without affecting the investigation.

Further work was done to enhance the capacity of the public authorities to better identify and investigate cases of **money laundering**. In addition to the series of awareness raising activities, CSD de-

livered trainings and workshops, organised a discussion on upcoming legislative amendments and developed a new *Money Laundering Investigation Manual*.

In 2017, CSD was commissioned by the National Legal Aid Bureau to **assess the effectiveness of the Bulgarian legal aid system**. The assessment includes an evaluation of the implementation of the Legal Aid Act combined with a national survey on the public awareness and needs of legal aid.

CSD also contributed to the **evaluation of the EU support to the national justice systems**. The objective of the study was to review the extent to which and how Bulgaria and fifteen other Member States used the European Social Fund and the European Regional Development Fund in the programming periods 2007 – 2013 and 2014 – 2020 to support their justice systems. The work included collection of specific and comprehensive factual information about the extent and the way programming documents were set out to support justice systems, about ex-ante assessment conducted by the Member States on the needs in the justice systems, and about planned, ongoing and finalised projects supporting the justice systems.

In 2017, the Law Program participated in two EU-wide studies in the area of justice and home affairs. For the study on the transposition of *Framework Decision 2006/960/JHA on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the EU* (“*The Swedish Initiative*”), the Law Program performed full compliance assessment (completeness and conformity) and assessment of the practical implementation of the national transposition measures in Bulgaria. For the study in support of a fitness check and compliance assessment of existing EU legal migration direc-

tives, the Law Program compiled the Bulgarian national report and drafted the chapters on pre-application (information and documentation), submission of application and entry and travel (including acquisition of visas) of the synthesis report.

II. Victims of crime

CSD continued to work towards the improvement of the situation of victims of crime through streamlining their identification, needs assessment and referral, improving multidisciplinary work in protecting victims of human trafficking and enhancing stakeholder cooperation.

The search for model practices for the **identification, assessment and referral of victims** continued in 2017 with the holding of two capacity building workshops (one for [lawyers](#) and the other for [social workers](#)) and a national awareness event. Stakeholders were acquainted with international, EU and national legal framework on the rights of victims, with promising practices from various EU countries and had a chance to discuss everyday challenges they meet when working with victims.

Members of the Law Program presented the Bulgarian experience at a [transnational training on victims’ practices](#) in Athens (Greece) and co-authored the *Manual on Model Practices for the Identification, Needs Assessment and Referral of Victims*. An awareness event in December 2017 presented the collected promising practices and Bulgaria’s efforts to transpose EU legislation on the rights of victims.

The Law Program facilitated and took part in three study visits where Bulgarian stakeholders acquainted themselves with the Swedish, Spanish and Belgian



Law Program experts Dr. Maria Yordanova (left) and Miriana Ilcheva explaining the legal framework on the rights of victims during the capacity building workshop for lawyers in May 2017

experience in protecting **trafficking victims**. A handbook for lawyers, social workers and health professionals involved in the protection and assistance of victims of human trafficking was developed and presented at a training seminar in December 2017.

The Law Program also undertook a scoping of institutions and organisations involved in protecting victims of crimes. The collected information will be uploaded into a new web platform, allowing access to all citizens in case of need and providing a framework for a general referral mechanism for all persons harmed by crime.

III. Integration and social inclusion

As a follow-up of its long time research and policy engagement in the area of migration and integration, CSD, together with universities and organisations from Austria, Belgium, Romania, Latvia and Greece, launched an **initiative to prevent and combat racism and xenophobia through social orientation of non-nationals**. Its objective is to introduce an **innovative approach to non-nationals' language tuition and social orientation** as part of integration, incorporating **rule-of-law training elements**. The other key priorities are mainstreaming integration into relevant policy portfolios and acquainting the general public with best practices in social orientation. In 2017, activities included mapping

of existing integration frameworks in twelve Member States, analysis of integration courses and curricula in the six countries, collection of promising practices, and development of guidelines for covering the topics of tolerance and non-discrimination throughout the integration process.

IV. Fundamental rights

CSD continued to explore the realities of **free movement** from the viewpoint of **young Europeans**. The Law Program team took part in comparative studies on drivers and barriers in sending and receiving countries, individual experiences of young movers and the views of relevant institutions. Manuals for young people and for authorities were pre-

sented at an [international workshop at the European Parliament](#) and a [national awareness event](#).

As a member of the FRANET multidisciplinary network of the **EU Agency for Fundamental Rights (FRA)**, CSD continued to monitor the protection of fundamental rights in Bulgaria. In addition to its regular contribution to FRA's annual *Fundamental Rights Report*, CSD delivered studies on anti-Muslim and anti-migrant hatred, on Roma and Travellers, on misogyny, gender stereotyping and hate speech against women, on the barriers before EU citizens from other EU Member States to fully enjoy their rights in Bulgaria, and on the standing and operational space of non-governmental organisations in contributing to respecting and promot-



The Law Program team presenting the drivers and barriers to free movement of young people during the national awareness event in October 2017

ing fundamental rights. The research on the drivers and barriers related to the transition from institutional care to community-based support of persons with disabilities continued in 2017, moving from national to local level. Focus group discussions and interviews were conducted in the cho-

sen locality (Plovdiv), followed by two rounds of validation of results at national level. The monthly reporting on the migration situation in the country, which started back in 2015, continued throughout the year (the full collection of monthly reports is published on the [FRA website](#)).