

Presumption of innocence – Lights and Shadows

Online, 3rd of July 2025

Seminar Venue: Zoom

Organized by EIPA – European Institute of Public Administration

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Programme

Objectives: The presumption of innocence (Article 48(1) of the Charter) is a legal principle on the basis of which every person accused of any crime is to be considered innocent until proven guilty according to law. This principle is also enshrined in Article 6(2) and (3) of the European Convention of Human Rights. The presumption of innocence is crucial to ensuring a fair trial in individual cases, to protecting the integrity of the justice system, and to respecting the human dignity of suspects and accused persons. This principle has been developed in the Directive 2016/343 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (Directive on presumption of innocence), which establishes common minimum rules concerning certain aspects of the presumption of innocence, together with the case-law of the Court of Justice of the European Union (CJEU).

The objective of the seminar is to provide an overview of the presumption of innocence and an update on the case law of the CJEU in relation to this principle, and make legal practitioners aware of the latest jurisprudence of the Court, relevant in their professional work.

Target group: The seminar is especially interesting for legal practitioners working in the field of criminal law, with a particular focus on procedural rights, but is also of relevance to those having a particular interest in cross-border criminal cases and the interaction with the EU Charter of Fundamental Rights.

Participants will have a nuanced understanding of the practical application of the presumption of innocence, the Directive on presumption of innocence, and the related recent case law of the CJEU. After attending the seminar, participants will have acquired a clear understanding of the interrelation between EU law and domestic law with regards to the presumption of innocence.

Seminar methodology: The seminar is based on short presentations complemented with practice-oriented panel discussions led by experts who have an in-depth understanding of the principle of presumption of innocence. Departing from the Directive on presumption of innocence and the case law of the Court of Justice of the European Union, the seminar will focus on practical issues arising in the application of the Charter in criminal proceedings.



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Thursday, 3rd of July 2025

- 9:20 Registration of participants
- 9:30 **Welcome of participants and overview of the principle of presumption of innocence**
- 9:35 **Introduction to the Directive 2016/343 on the presumption of innocence**
This piece of legislation establishes common minimum rules concerning certain aspects of the presumption of innocence and the right to be present at the trial in criminal proceedings.
- 10:00 **Round table on national perspectives on the impact of the Directive**
- 10:30 **The pre-trial detention and the principle of presumption of innocence: Lack of harmonisation?**
This session explores the pre-trial detention in connection with the Directive 2016/343 on the presumption of innocence and the right to be present at the trial. The CJEU has emphasised on several occasions that the level of harmonisation set by the Directive is minimum. Aspects such as the circumstances in which the decision on pre-trial detention may be adopted, the degree of certainty of the suspect's criminal liability and the rules governing the evidence should be laid down by national law. The case law developed by the CJEU is centred on three cases: the *Milev* Case, the *RH* Case, and the *DK* Case.
- 11:00 **Round table on national perspectives on pre-trial detention**
- 11:15 Coffee break
- 11:30 **Safeguards in relation to parallel criminal proceedings**
This session examines how parallel criminal proceedings may undermine the principle of the presumption of innocence. The European Court of Human Rights emphasises that the presumption of innocence, enshrined in Article 6(2) of the ECHR, is a key component of a fair criminal trial as required by Article 6(1) thereof. According to the Court, this presumption is violated if a court prematurely suggests in its decision that the accused is guilty before guilt has been legally established. In cases of parallel criminal proceedings involving multiple accused persons, or proceedings against a legal entity that could implicate a natural person, practitioners must pay close attention to specific aspects as interpreted by the CJEU in the *AH* Case and the *Delta Story 2003* Case.
- 12:00 **Round table on parallel criminal proceedings and the principle of presumption of innocence**
- 12:30 **Wrap up and final thoughts**
- 12:45 End of Day

