

**questionnaire related** **to**

**the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court, in order that the court may decide without delay on the lawfulness of his or her detention and order his or her release if the detention is not lawful**

1. Please describe your organization’s concern with the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court?

The European Union adopted in 2009 a “Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings” (Official Journal of the EU, C 295, p. 1, 4 December 2009). The need for this Roadmap and in particular the rights to legal advice and to communicate with relatives points to problems in this regard in the European Union. The need for reinforced standards is underscored by the increase in cross-border justice cases and the attempts to create a genuine area of justice. One of the five measures of the Roadmap, was adopted in the form of a Directive on 7 October 2013. This Directive seeks to guarantee the right of access to a lawyer from the first stage of police questioning and to communicate with the family. Two measures remain to be adopted (on legal aid and special safeguards for vulnerable persons).

1. In your organizations international/regional focus, how far is the right of anyone deprived of his or her liberty to seek proceedings before court part of national laws?
2. Please describe the most common problems individuals face in their realization of the right?
3. How do you assist individuals who do not enjoy the right to bring proceedings before the court?
4. Have you taken any action in support of the realization of the right of anyone deprived of his liberty by arrest or detention to bring proceedings before court? If, what kind of measures have you taken, and if these exist in written form (Guidelines/Policy Papers) please attach them to your reply.
5. In your organization’s opinion, how would you advise the Working Group on Arbitrary Detention to draft the “draft basic principles and guidelines on remedies and procedures on the right of anyone deprived of his or her liberty […]”. What should be key points of these basic principles and guidelines?