



HUNGARIAN
HELSINKI
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HELSINKI FOUNDATION
FOR HUMAN RIGHTS



Funded by the Justice Programme (JUST)
of the European Union (2017–2027)
Project no.101160584

PROCEDURAL RIGHTS OF VULNERABLE GROUPS IN POLAND AND HUNGARY

Summary of the research
findings from
the PRinCE project

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Published as a part of the project *Procedural Rights in Central Europe. Implementation of EU Directives on procedural rights with regards to persons from vulnerable groups in Poland and in Hungary (PRinCE)*, funded by the Justice Program (JUST) of the European Union (2021-2027). Project no. 101160584.

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Introduction

This publication presents the summary of the key findings of the research conducted by the Helsinki Foundation for Human Rights in Poland and the Hungarian Helsinki Committee in Hungary within the project *Procedural Rights in Central Europe. Implementation of EU Directives on procedural rights with regards to persons from vulnerable groups in Poland and in Hungary (PRinCE)*.

The central question of the PRinCE project is whether procedural rights genuinely benefit the most vulnerable populations in criminal proceedings. The “**early stage**” of the criminal procedure – including police stops, initial questioning, and the moment when an individual is informed that they are a suspect – lays the foundation for everything that follows. If this stage is unfair, rushed, or inaccessible, the entire process risks becoming so too.

Hungary

1. Introduction: relevance and methodology

This report examines how procedural rights are implemented in practice within Hungary’s criminal justice system, with particular attention to the initial and most decisive stages of criminal proceedings. It focuses specifically on individuals who are more likely to experience disadvantage in these proceedings in Central-Eastern Europe.

Vulnerable groups – including Roma people, foreign nationals, persons in crisis (such as individuals with psychosocial disabilities, those struggling with addiction, and people experiencing acute mental health crises), and children – often encounter barriers that undermine their access to justice in criminal proceedings in Hungary. Although Hungary has formally transposed all EU Directives on procedural rights – including those concerning interpretation and translation, the right to information, access to a lawyer and legal aid, procedural safeguards for children in criminal proceedings, and the presumption of innocence – both research and practical experience reveal persistent shortcomings in implementation. Furthermore, several infringement proceedings remain pending against Hungary due to the incorrect transposition of certain provisions of these Directives.¹

The research team of the Hungarian Helsinki Committee (HHC) drew on the organisation’s extensive experience in litigation, monitoring, and research when designing this study, and adopted a mixed-methods approach. Initially, a legal analysis was conducted, followed by the synthesis of findings from existing literature and previous research on procedural rights in Hungary. The team then developed and distributed an online consultation questionnaire to 44 civil society organisations working closely with vulnerable populations, of which 12 completed

¹ [INFR\(2025\)2163](#): Incorrect transposition by Hungary of Directive (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings; [INFR\(2023\)2109](#): Partial transposition of Directive (EU) 2016/800 on procedural safeguards for children in criminal proceedings by Hungary; [INFR\(2023\)2141](#): Non-conformity of Hungarian legislation with Directive (EU) 2016/343 on the presumption of innocence and the right to be present at trial; [INFR\(2021\)2137](#): Incorrect transposition by Hungary of the Directive on the right of access to a lawyer and to communicate upon arrest.

the survey. In addition, Freedom of Information requests were submitted to the National Police Headquarters and the Ministry of the Interior to obtain official information and statistical data on police practices, including training, interview recording, access to legal aid, and other procedural safeguards.

2. Key issues in the context of the EU Directives

The EU has set clear minimum standards to ensure fair treatment during the earliest stages of criminal proceedings. Hungary has formally adopted these rules. On paper, these rules are designed to ensure that every suspect and accused person understands the procedure, can participate effectively, and has access to a lawyer from the earliest stage. But research consistently shows that vulnerable groups do not experience these rights equally.

There are several systemic problems affecting procedural rights in general, which have an especially pronounced impact on vulnerable groups. These issues are described in detail in the accompanying research report (available in Hungarian) and include the lack of clarity and comprehensibility of information on rights, limitations on the right to defence and access to free legal aid, and the widespread practice of handcuffing.

This project focuses on social groups whose identity and personal circumstances render them particularly vulnerable during criminal proceedings.

- **Roma people** encounter various forms of discrimination and mistrust within society, including when they come into contact with the criminal justice system. Many of them also experience socio-economic disadvantages and low levels of education, making adequate legal assistance — often free of charge — especially important.
- **Foreign nationals**, particularly those **seeking international protection**, encounter a range of challenges, including language barriers, cultural misunderstandings and trauma-related difficulties. For defendants who do not speak Hungarian, high-quality interpretation and robust safeguards regarding the quality of interpretation are essential to enable them to follow proceedings and participate meaningfully.
- **Persons in crisis**, including individuals struggling with substance use problems, withdrawal symptoms or acute mental health crises, are especially vulnerable to misinterpretation or inappropriate responses from those around them. People with intellectual or psychosocial disabilities may have difficulties understanding legal procedures and require procedural accommodations. Ensuring effective legal assistance for persons in crisis is crucial, as their mental state may prevent them from fully grasping the proceedings or the implications of their statements, increasing the likelihood of self-incrimination or of officials inadvertently communicating with them in ways that adversely affect the outcome of their case.
- **Children** are inherently more vulnerable due to their age and require more intensive support during criminal proceedings than adult defendants. Where a child defendant also belongs to one of the groups above, the need for clear information and effective protection becomes even more urgent. Child-friendly communication methods and special safeguards must be in place to ensure their rights are upheld.

3. Key findings and inputs from civil society organisations

The following table summarises our key findings on the practical challenges that arise in ensuring procedural rights for vulnerable social groups, based on our research in Hungary.

Vulnerable group	Main implementation problems of procedural rights
Roma people	<ul style="list-style-type: none"> • Discriminatory or disrespectful treatment • Low trust in police; fear of injustice • Rights and information rarely explained clearly • Institutional discrimination, thus, stereotypes influence decisions (e.g., assumed criminality, not taken seriously when victimised) • Lack of culturally sensitive anti-discrimination focused police training
Foreign nationals, people seeking international protection	<ul style="list-style-type: none"> • Lack of methods determining whether the defendant needs an interpreter • Inconsistent or poor-quality of interpretation and translation and lack of quality control mechanisms • Delays or failures in securing interpreters before the first questioning • Lack of translation of documents requiring the defendant's signature during police proceedings • Information on rights not available in all relevant languages • Miscommunication leading to misunderstandings of status, rights and obligations • Lack of cultural awareness and skills of dealing with intercultural conflicts • No trauma-sensitivity in police conduct, heightened risk of re-traumatisation • Anti-immigrant political messaging promote derogatory, discriminatory behaviour within police
People in crisis (acute mental health or substance misuse crisis) and people with psychosocial and intellectual disabilities	<ul style="list-style-type: none"> • Vulnerability is "invisible", often goes unidentified • No systematic screening of vulnerability • No procedural adaptations, no support persons provided • Lack of necessary knowledge about the concept of special needs and procedural accommodation • Police misinterpret behaviour as non-cooperation or threat • Complex, legalistic rights notifications impossible to understand • Oral explanations rushed, not adapted to comprehension needs • Increased likelihood of coercive or escalated interventions • High risk of self-incrimination without understanding consequences • Police view mental health crisis-affected behaviour as aggression or defiance • Lack of adapted communication methods or de-escalation approach • Safeguards like medical assessment or fitness-to-interview applied inconsistently
Children	<ul style="list-style-type: none"> • No specific information materials in child-friendly language • Despite legal obligations, often no adult or trained professionals present (e.g., parent, legal guardian, support person, lawyer) • Failure to consider age-specific needs or developmental level • Insufficient protection from secondary victimisation • Gaps in knowledge on how to deal with traumatised children, especially those in a defendant position • Lack of systematic use of individual assessment tools

The civil society organisations (CSOs) consulted provided practical insights into how the system operates for the people they support. A combination of the following factors results in a system that leaves the most vulnerable individuals without the protection of essential procedural guarantees.

Communication is unclear and overly technical. Consequently, information about rights is often not understood by those who need it most. The police appear to fall short in their duty to present information in a comprehensible manner, regardless of the specific needs of their audience. This shortcoming suggests that clear and accessible communication is not treated as a priority within the organisation. Most CSOs agreed that the language used in police information notices is too dense and technical. As a result, many suspects – particularly those in crisis or with low literacy, cognitive difficulties, trauma histories or limited Hungarian – do not understand what their rights mean in practice. CSOs also highlighted a lack of foreign language skills among police officers, which is especially problematic in relation to traumatised refugees, where insufficient intercultural sensitivity further worsens the situation. One CSO consultant reported an instance in which immigration authorities called the police on an asylum seeker instead of providing an explanation regarding the loss of their protected status.

Recognition of vulnerability is inconsistent and often inadequate. CSOs noted that while police officers frequently recognise age-related vulnerability (especially for children under 14), they struggle to identify needs related to mental health, psychosocial or intellectual disabilities, addiction, or traumatic experiences. These forms of vulnerability often remain unacknowledged until problems arise, such as escalating behaviour, misunderstandings or communication breakdowns.

There is a lack of professional tools to appropriately accommodate the specific needs of vulnerable groups. Most CSO consultants pointed to the police's limited methodological and communication tools, as well as insufficient training in recognising and responding to the needs of vulnerable social groups in a non-confrontational manner. These shortcomings impede professional and humane conduct in line with procedural guarantees. This is a complex set of issues, including:

- **Shortcomings in the practical application of procedural guarantees.** According to one professional consulted, children may still be interviewed by the police without the presence of an adult. Where vulnerability is recognised, CSO consultations revealed that police officers tend to exercise greater caution with younger children (under 10) and adopt a more supportive approach. However, officers lack the necessary skills to communicate effectively with such children because they have not been trained in age-appropriate communication techniques.
- **The absence of specialised knowledge contributes to inadequate procedural adaptations.** Without appropriate training, police officers are unable to implement necessary adjustments when dealing with vulnerable individuals. For some vulnerable social groups, this has been shown to increase the risk of police abuse, for example in cases involving individuals struggling with addiction.
- **The lack of intercultural conflict management and communication techniques** relevant to refugees, Roma people and persons in crisis. These skills are essential for de-escalation and respectful engagement but are not routinely applied.

- **The absence of trauma-informed questioning techniques**, which should minimise or prevent secondary victimisation, is of particular concern in the case of women, children and refugees who have experienced severe trauma.

Prejudice. As indicated by several consulting CSO members, a pervasive and entrenched form of prejudice is present among police officers, frequently exhibiting characteristics of discrimination, towards Roma, refugees, individuals with psychosocial disabilities, those experiencing a mental health crisis, or those struggling with substance abuse. Respondents noted that this prejudice is evident in practices such as identity checks, general treatment, the withholding of information, and the tendency to treat their cases, questions and complaints less seriously. Several CSOs observed that government-initiated hate campaigns directed at certain vulnerable and marginalised groups, including Roma people and refugees, have had a noticeable negative impact on police attitudes and behaviour. While this study concentrates on the rights of suspects, it is important to acknowledge that many respondents also reported significant prejudice in police interactions with vulnerable individuals who have become victims.

Police staff shortages, training deficiencies and time pressures affect quality. Some CSO participants expressed empathy for the structural pressures faced by police officers, including understaffing, burnout and performance indicators that prioritise speed over quality. It was widely perceived that even well-intentioned officers are often unable to devote the time, resources or training required to carry out sensitive, personalised and lawful interventions.

4. Good practices, lessons learnt from the consultations with civil society

Despite systemic challenges, civil society organisations put forward several practical ideas that could be implemented in the medium to long term as reforms to significantly improve the realisation of criminal procedural guarantees.

Training should be provided particularly in the following areas:

- procedural accommodations for individuals with special needs; the appropriate treatment of members of vulnerable social groups;
- clear and accessible communication;
- child-friendly communication;
- trauma awareness;
- intercultural communication;
- non-discrimination awareness;
- conflict management;
- and the legality of police measures.

Participants emphasised that regular training sessions on these topics are essential, as well as opportunities for police officers to become familiar with the backgrounds and circumstances of vulnerable social groups. Such understanding would foster empathy and contribute to more humane interactions in challenging situations.

CSO respondents provided detailed ideas on three practical areas to be developed, the following:

4.1. Clear and accessible communication training objectives:

- breaking down information into short, simple explanations;
- giving people time to ask questions;
- checking understanding by asking suspects to repeat information in their own words;
- avoiding jargon and legal terminology where possible;
- adapting tone and pace to the needs of the individual.

4.2. Better cooperation with the child-protection system. Some of the consulted CSOs emphasised that, although the police are formally part of the child-protection alert system, they rarely act on this responsibility. The organisations recommended:

- proactive information-sharing with schools, child welfare services, and social workers;
- joint case conferences in complex situations;
- clear guidance for officers on when to initiate child-protection referrals;
- child-friendly interview spaces and protocols.

4.3. Restoring trust with marginalised communities. Approaches mentioned by the consulted CSOs would make policing safer and more effective for all parties involved. Trust-building is possible where police officers:

- work consistently in the same local area;
- communicate clearly and without judgement;
- demonstrate respect and patience;
- follow through on commitments;
- take complaints and reports from indigent and vulnerable communities – particularly Roma communities – seriously.

Poland

1. Introduction: summary of the methodology

The research conducted by the Helsinki Foundation for Human Rights focused on the implementation of the EU Directives on procedural rights and how it affects persons from vulnerable groups – and what can be done to make the situation better. *Vulnerability* of the groups was assessed from different perspectives, allowing for the inclusion of groups not included in previous studies. In our research we included persons belonging to discriminated minorities (foreigners, Roma, LGBTIQ+ persons, in some cases also women), persons in crisis (under the influence of substances, with mental illnesses, experiencing homelessness, as well as persons affected by criminalization and moral social judgement (using drugs, engaged in sex work).

Within the research conducted as a part of the PRinCE project, we made sure not only to read relevant literature and jurisprudence, but also to hear directly from the affected communities and their organizations. Following a thorough analysis of the law, judgements of relevant courts, as well as recently published literature on the subject, we reached out to organizations of vulnerable groups and experts working closely with them. We organized 10 meetings, most of them in a hybrid format to make them more accessible, each focusing on a different group. This allowed us to not only read about their experiences with the police, but also to hear directly from them and learn what is important for them and what they would like to see in the future from the police and the criminal justice system as a whole.

Apart from conducting desk research and meeting with representatives from vulnerable groups, we've sent applications for access to public information to the Police – both on a central and local level. The goal was to learn their perspectives on the certain aspects of implementation of EU Directives and the Commission Recommendation on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings. Responses from the National Police Headquarters and 57 local police departments would be analysed below.

2. Key issues in the context of the EU Directives

Our research led us to a conclusion that several issues regarding the implementation of the Six Roadmap Directives in Poland remain unsolved.

One of the key problems that we have diagnosed is the delay in the access to the rights guaranteed in the directives. In general, those rights shall be protected from the very first stages of the proceedings. Meanwhile in Poland the suspects are entitled to all the rights mentioned in the EU Directives only after being formally informed about the charges by the investigators.

When it comes to the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, we have observed certain flaws in its implementation to the Polish legal system. The legislation does not provide suspects with a right to challenge the decision

whether they are granted the right to an interpreter and to issue a complaint on the quality of the translation/interpretation. Both studies carried out by the HFHR and consultations with other NGOs have shown that in practice access to the interpreters with knowledge of languages other than the European ones tends to be very limited². In some cases, especially when the suspect is in pre-trial detention, the burden of coordinating the interpreter's aid lies on the advocate.

The right to information in the criminal proceedings guaranteed by the 2012/13/EU Directive has been – to a certain extent – transposed into the Polish criminal procedure. However, as displayed in one of previous reports published by the HFHR, in some cases the police officers do not pay enough attention to the question whether the suspects has read and understood the letter of rights and fail to give a further oral explanation³. On the other hand, the judges treat the suspects' signature under the letter of rights as an indisputable proof that they have been properly informed about their rights⁴. The HFHR also obtained information about the cases in which the Police interrogated intoxicated suspects without prior instructions on their rights⁵.

The transposition of the 2013/48/EU Directive on the access to a lawyer is significantly flawed. The Polish legislature has never taken any measures to adjust the Code of criminal procedure to the aforementioned directive. The key issues in this matter are lack of an effective legal aid system and the regulation that the absence of a lawyer does not oblige the investigators to suspend the interrogation. The statements given by a suspect in such circumstances are not excluded from the evidence. Those two factors combined result in the absence of a lawyer during most of the first interrogations. The Code of criminal procedure also fails to comply with the obligation to respect the confidentiality of the communication between suspects and their lawyers. The prosecutor is authorised to stipulate that he/she will be present during the meetings between suspects and their lawyers in the first fourteen days of the pre-trial detention if extraordinary circumstances occur⁶. They are also allowed to censor the correspondence with a lawyer in those fourteen days. Polish legislation also lacks effective remedies to challenge the violations of the right to a lawyer.

Transposition of the 2016/1919 Directive on legal aid for suspects in Poland does not meet most of its requirements. Again, the Polish parliament did not enact any laws in order to implement this directive. Consequently, Poland does not have an effective system of legal aid. Theoretically the organs are obligated to provide some categories of suspects with a free of charge lawyer. This regulation applies to the: underage, deaf, mute, blind and when there is a reasonable doubt whether the defendant's ability to understand the significance of their act or to control their behaviour was excluded or significantly limited at the time of the act, and when there is reasonable doubt as to whether the defendant's mental health allows them to

² B. Grabowska-Moroz, *Inside Police Custody – Prawa procesowe na posterunkach Policji*, Warszawa 2019 r., <https://hfhr.pl/publikacje/inside-police-custody-prawa-procesowe-na-posterunkach-policji>, p. 17, [access: 25.11.2025].

³ In general they are not obligated by the law to provide such an oral explanation.

⁴ Judgement of the Appellate Court in Cracow, 20.11.2014, II AKz 392/14.

⁵ E.g. ECHR judgement in the case of *Lalik v. Poland*, 11.05.2023, application no. 47834/19.

⁶ Article 73 § 2 of the Code of criminal procedure.

participate in the proceedings or conduct their defence⁷. There is also a possibility to grant a suspect with legal aid when they cannot afford to pay for the lawyer's services⁸. Nevertheless, the Code of criminal procedure does not indicate unequivocally at what stage of the proceedings the legal aid shall be granted. In practice, even in cases of the obligatory legal aid the first interrogation tends to take place in the absence of a lawyer. Some of the authors suggest that the suspects with intellectual disabilities are the most prone to violations of their rights in the area considered above⁹.

The Directive 2016/343/EU on the presumption of innocence has not been implemented in terms of the effective remedies in case of a violation of rights guaranteed by the Directive. This applies to the public references of the authorities to the suspect's guilt. In our practice we have also noticed that the judges use the fact that the suspect does not plead guilty to justify the pre-trial detention¹⁰. When justifying such a decision, they sometimes refer to the suspect as if their guilt has already been established.

Lastly, the HFHR diagnosed certain inconsistencies of the Polish legislation with the Directive 2016/800/EU on procedural safeguards for children. It lacks an obligation to conduct a multidisciplinary individual assessment of an underage suspect. Due to aforementioned inefficiency of the legal aid system and the possibility of conducting an interrogation in the lawyer's absence, the children are still at an increased risk of their violations. However, the amendments implemented two years ago improved the level of implementation of this directive significantly¹¹.

3. Inputs from vulnerable groups and civil society organizations

In the course of implementing the project Helsinki Foundation for Human Rights has conducted consultations with representatives and activists from ten vulnerable groups in Poland: 1) foreigners; 2) Roma; 3) people experiencing homelessness; 4) people with mental health disorders; 5) women in the context of reproductive health; 6) women in the context of violence; 7) sex workers; 8) LGBTIQ+ individuals; 9) people with disabilities; 10) people who use psychoactive substances.

⁷ Article 79 of the Code of criminal procedure.

⁸ Article 78 of the Code of criminal procedure.

⁹ J. Zagrodnik, Stanowisko w sprawie aktualnego stanu prawnego i praktyki w zakresie zapewnienia efektywnego dostępu do adwokata/radcy prawnego (ustosunkowanie się do pisma Helsińskiej Fundacji Praw Człowieka), Katowice 31.01.2025 r.

¹⁰ Examples of quotations from the decisions concerning pre-trial detention in cases handled by the Foundation: "It should also be emphasized that the suspect did not admit to committing the acts he was accused of and made statements at the detention hearing that do not correspond with the other evidence gathered"; "The defendant's attitude during the trial makes it necessary to take numerous evidentiary steps in order to verify all the circumstances of the case – the suspect did not admit to committing the alleged crime and refused to provide explanations."

¹¹ The improvement is the most noticeable in the area of children's right to information. The Ministry of Justice issued new letters of rights which are written in a more comprehensible and simplified language. The Ministry also developed further written explanations of those rights for the underage.

The purpose of the consultations was to verify the actual circumstances in which individuals from vulnerable groups interact with law enforcement and to gather suggestions and recommendations of organizations providing assistance and support to each group. During each consultation, participants discussed key issues related to the challenges faced by people from vulnerable groups, the realization of their procedural rights, compliance with procedures by police officers and effective tools to facilitate communication and cooperation.

A frequently raised issue was the general lack of knowledge or awareness regarding how to interact with individuals from vulnerable groups, which has a significant impact on the behaviour of police officers during interventions towards members of those groups. Consultations participants emphasized the need to introduce a system of regular training for law enforcement that would better prepare them for working with and engaging with people particularly vulnerable to ill-treatment.

Another recurring topic was the issue of stigmatisation, as it applies to nearly every vulnerable group. Stereotypes and social stigma constitute a systematic problem that has a very big impact on the interactions between law enforcement and vulnerable groups. Police officers often act under the influence of societal and media-driven narratives about a given community. As a result, their actions may at times be marked by racism, discrimination, inappropriate comments or other forms of social exclusion.

The often-cited problem was also the issue of the use of poor practices by police officers during interventions, particularly the use of disproportionate means of direct coercion, not informing detained individuals about their procedural rights and not providing an access to a lawyer or to an interpreter.

Last but not least, a frequently raised and marked as very important was the issue of criminalization of certain behaviours and actions that should not be criminalized in the first place – such as the possession of psychoactive substances, sex work or abortion. The legal situation in the country leads to unnecessary interventions and police encounters with individuals particularly vulnerable to ill-treatment. This was raised as a systematic issue and a primary problem, underlying many of the further difficulties that arise in the interactions between law enforcement and vulnerable groups.

4. Key takeaways from literature

The interactions between police officers and members of vulnerable groups have been studied in various European countries. Publications reflect (oftentimes negative) experiences of those affected and highlight the need for changes to policing practices to better address the needs of vulnerable groups. At the same time, the issues present in policing often exist within a wider societal and legal context.

One of the examples is the situation of Roma communities, affected by racial profiling and discriminatory attitudes of police officers. Anti-Roma bias is present also in the way police

officers address Roma persons and hate crimes committed against them¹². They also may be affected by an overly penalized approach towards petty offences committed due to the material situation, which is also present in the context of persons experiencing homelessness. Their difficult situation makes them simultaneously more at risk of victimization and criminal activity, including being exploited as a straw man in fraudulent schemes¹³ or due to the penalization of begging¹⁴. The Committee on the Rights of Persons with Disabilities highlighted inaccessibility and lack of awareness of rights of persons with disabilities, lack of training among legal professionals, as well as failure to provide legal aid and procedural accommodations among issues affecting access to justice for persons with disabilities¹⁵.

5. Good practices from the EU countries and recommendations from the vulnerable communities

Some of the gaps in Polish legislation could be filled by following the example of solutions adopted in other European Union countries or elsewhere (during the course of the project, good practices were also identified outside the EU, in countries both within and outside Europe). In terms of the quality of translations and the possibility of launching a procedure to verify the method of translation, good practices have been noted in the Netherlands, where a special committee has been set up at the Ministry of Justice to consider complaints about translators appearing in proceedings, and in Spain, where the right to translation has been extended to people with sensory (verbal, visual or hearing) disabilities.

Regarding the right to information, the legal regulations in France are noteworthy – in the case of a suspect under the influence of alcohol or drugs, officers are required to refrain from taking further action, and the suspect is only informed of their procedural rights after they are no longer under the influence of the substance.

Spanish law contains valuable provisions on access to a lawyer. At the constitutional level, it guarantees the mandatory presence of a lawyer from the moment of arrest. In order to ensure enhanced legal protection for persons belonging to particularly vulnerable groups, Lithuania has introduced provisions whereby the waiver of the right to a lawyer by a child, a person with a disability, or a person who does not speak Lithuanian is not binding on the authorities conducting the proceedings.

When proposing changes to the implementation of the right to legal aid, the Belgian system can be used as a model. It establishes clear rules on when a person is entitled to free legal representation and when it is possible to obtain partially paid legal aid. In addition, Belgian law

¹² B. Rorke, *Brutal and Bigoted: Policing Roma in the EU*, European Roma Rights Centre, Brussels 2022, p. 83-85; *Uncovering anti-Roma discrimination in criminal justice systems in Europe*, Fair Trials London/Brussels/Washington, 2020, p. 6.

¹³ See for example transcript of a discussion from the discussion on *Homeless and the police* during the Human Rights Congress, Warsaw 2019, <https://bip.brpo.gov.pl/sites/default/files/Sesja%2036%20-%20Bezdomni%20a%20policja%20-%20notatka%20szczeg%C3%B3w%20C5%82owa.pdf> [last accessed: 28.11.2025].

¹⁴ A. Płoszka, *Żebractwo z perspektywy praw człowieka*, Państwo i Prawo 6/2017, p. 87-100.

¹⁵ Concluding observations on the initial report of Poland, CRPD/C/POL/CO/1, § 21.

provides for a presumption that the financial situation of certain categories of suspects (social assistance recipients, pensioners, refugees, and children) entitles them to free legal assistance.

Noteworthy solutions concerning the procedural rights of children in criminal proceedings have been identified, for example, in Italy, where multimedia tools are used to provide minors with information about their rights, and in Denmark, where procedures allow for the rapid examination of cases in which the accused person is a minor. In the case of minors accused of serious crimes, the police are required to investigate the case within seven days, social workers must draw up a draft 'action plan for the crime' within the next seven days, and the public prosecutor's office must refer the case to the court as soon as possible. This minimises the time the child spends in criminal proceedings while allowing social workers to take their situation into account.

The two main recommendations shared repeatedly during the consultative meetings with vulnerable groups were:

- to establish a comprehensive training for the law enforcement to help them understand the nature of vulnerable groups and their specific needs, to strengthen police officers' legal and anti-discrimination knowledge, raise awareness of cultural differences, and educate them in soft skills (e.g. communication, conflict de-escalation). A systemic training curriculum is required, starting from (but not limited to) the police academy stage. Such an educational portfolio should be co-created with the direct involvement of vulnerable groups (in accordance with the principle of 'nothing about us without us');
- to decriminalize behaviours and acts such as possession of psychoactive substances, sex work, abortion. The current legal framework in Poland results in unnecessary interventions and police encounters with individuals who are particularly vulnerable to ill-treatment. The legal change in this matter is seen as crucial and fundamental to further improving police practices.

Conclusions

The HHC's research shows that Hungary's legal system contains strong formal safeguards aligned with EU Directives, yet practice falls short in ways that disproportionately affect the most vulnerable. Both desk research and the consultations with representatives of vulnerable groups conducted by HFHR confirm that there's still a long way to go for a full implementation of EU Directives in Poland, both in law and in practice - and members of vulnerable groups and the ones who stand to lose the most.

Children, Roma people, foreign nationals, persons with disabilities, and people in crisis, persons experiencing homelessness and those affected by excessive policing and criminalization face barriers that undermine their procedural rights long before a case reaches a courtroom. Protections exist on paper but are often not realised in practice – often not because of a lack of rules, but due to gaps in implementation, training, communication, resourcing, and institutional culture. Insights from human rights and civil society organisations suggest that certain changes – such as clearer communication, early access to legal assistance, trauma-informed approaches, child-friendly interactions, stronger awareness of discrimination, and the active promotion of non-discrimination – could significantly improve the fairness of criminal proceedings. Most importantly, the system requires a fundamental shift towards viewing early procedural rights not as formalities, but as essential components of a fair process – especially for those who depend on them the most.

The key message is straightforward: **fair trial rights only work when people understand them, trust them, and can use them meaningfully.** Ensuring this demands more than procedural compliance; it requires human-centred practice. A justice system that works well for the most vulnerable ultimately works better for everyone.