

Procedural Rights

Status Quo - Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings

The Roadmap

30/11/2009, OJ C 295, 4.12.2009, p. 1

- Measure A: Right to interpretation and translation,
- Measure B: Right to information on rights (Letter of Rights) and on charges
- Measure C: Legal advice - access to a lawyer and legal aid
- Measure D: Communication with relatives, employers and consular authorities
- Measure E: Special safeguards for vulnerable suspect and accused persons
- Measure F: Green paper on pre-trial detention

Interpretation and translation

- Directive 2010/64/EU of 20 October 2010, OJ L 280, 26.10.2010, p. 1
- Persons who do not speak or understand the language of the procedure in criminal proceedings or in the execution of an EAW
- Communication with a lawyer
- During investigations (police questioning) and at trial
- Translation of essential documents
- Translation and interpretation costs
- Quality control

Information on rights and on charges and letter of rights

- Directive 2012/13/EU of 22 May 2010, OJ L 142, 1.6.2012, p. 1
- Information concerning the fundamental procedural rights (lawyer, legal aid, accusation, interpretation and translation, right to remain silent)
- Letter of Rights on arrest
- Access to the materials of the case

Access to a lawyer and communication upon arrest

- COM proposal of 8.6.2011, COM(2011)326 final;
- Political agreement in June 2013;
- *"Directive on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty"*
- European Parliament – Plenary on 10.9.2013;
- Adoption by Council planned for 7.10.2013.

Access to a lawyer and communication upon arrest

- Right of access to a lawyer: presence of a lawyer before and during questioning, upon carrying out evidence gathering, without undue delay after deprivation of liberty;
- Confidentiality;
- Right to have third person (family, relatives) informed and to communicate with them;
- Contact with consular authorities;
- European Arrest Warrant specificities.

Procedural Rights Package

- Legal aid (Measure C)
- Special safeguards suspected or accused persons who are vulnerable (Measure E)
- Presumption of innocence (Stockholm Programme section 4.2)
- Package planned for November 2013

Green Paper on Detention

- Green Paper of 14.6.2011, COM(2011)327 final
- Content:
 - Pre-trial detention
 - Detention conditions
 - Mutual recognition instruments:
 - FD on transfer of prisoners - Council FD 2008/909/JHA of 27 November 2008;
 - FD on probation - Council FD 2008/947/JHA of 27 November 2008 and
 - FD on the European Supervision order/ESO - Council FD 2009/829/JHA of 23 October 2009)
 - Role of the EU be in the area of detention
- Results published on COM website:
http://ec.europa.eu/justice/newsroom/criminal/opinion/110614_en.htm
- COM report on implementation of the FDs



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http://ec.europa.eu/justice/criminal/criminal-rights/index_en.htm