



# The strengthening of procedural rights of suspected or accused persons in criminal proceedings in the European Union

European Commission

*These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union*

## **Why EU action on procedural rights when there are ECHR standards, binding on all Member States?**

Mutual  
recognition

Procedural  
safeguards for  
suspects and  
accused  
persons

# Starting Point

## **Roadmap & Stockholm Programme of 2009**

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

# Adoption of 6 directives

## **Directive 2010/64/EU (27/10/2013)**

*Right to interpretation and translation*

## **Directive 2012/13/EU (02/06/2014)**

*Right to information*

## **Directive 2013/48/EU (27/11/2016)**

*Right of access to lawyer*

## **Directive (EU)2016/343 (01/04/2018)**

*Presumption of innocence and right to be present at one's trial*

## **Directive (EU) 2016/800 (11/06/2019)**

Procedural safeguards for children

## **Directive (EU) 2016/1919 (26/10/2016)**

Legal aid

# Directive on Interpretation and translation

- Procedure or mechanism to ascertain whether suspect or accused person speaks and understand the language of the criminal proceedings
- Interpretation available during investigation and at trial; including communication with a lawyer
- Translation of essential documents
- Right to challenge negative decisions and complaint on quality
- Quality of translation and interpretation

## Directive on information

- Information concerning the fundamental procedural rights (lawyer, legal aid, accusation, interpretation and translation, right to remain silent)
- Letter of Rights
- Information about the criminal act persons are suspected or accused of, about the reasons for arrest/detention and about the accusation
- Access to the materials of the case

# Directive on Access to a lawyer and communication upon arrest

- Right of access to a lawyer: questioning, evidence gathering, deprivation of liberty
- European Arrest Warrant Proceedings: executing and issuing Member State
- Right to communicate with one's family, relatives and consular authorities for people in detention

# Directive on Presumption of innocence

- No public references to guilt before proved guilty
- Burden of proof and *in dubio pro reo*
- Right to remain silent and right not to incriminate oneself
- Right to be present at the trial and right to a new trial



# Directive on procedural safeguards for children

- Assistance by a lawyer as core element
- Information of child and holder of parental responsibility/another appropriate adult
- Individual assessment
- Medical examination
- Audio-visual recording of police interviews
- Safeguards in case of deprivation of liberty
- Protection of privacy
- Specific training

# Directive on Legal aid

- Scope
- Legal aid in criminal proceedings
- Legal aid in European arrest warrant proceedings,
- Decisions regarding the granting of legal aid
- Quality and training

**Thank You for your attention!**