

European Commission acts to ensure fair trial rights in the EU

From the Italian tourist involved in a traffic accident in Sweden who was not allowed to talk to an Italian-speaking lawyer during trial to the Polish suspect who could not see written translations of evidence used against him in a French court – unexpected barriers can lead to unfair convictions during judicial proceedings in other EU countries. Today, the European Commission proposed legislation that will help people exercise their fair trial rights anywhere in the EU when they cannot understand the language of the case. EU countries would be obliged to provide full interpretation and translation services to suspects. It is the first step in a series of measures to set common EU standards in criminal cases. The new Lisbon Treaty enables the EU to adopt measures to strengthen the rights of EU citizens, in line with the EU Charter of Fundamental Rights.

"Today we are taking a first important step towards a Europe where justice knows no borders. Nobody in the EU should ever feel that their rights and their protections are weakened simply because they are not in their home countries," said Vice-President Viviane Reding, the EU's Commissioner for Justice, Fundamental Rights and Citizenship. "Without clear guarantees that all EU countries respect our citizens' fundamental rights, how can we build trust between the authorities who should be working together to keep us safe? Justice and security go hand in hand. This is why I expect the European Parliament and the Council to move quickly on this proposal to make sure that nothing prevents citizens from realising their right to a fair trial, as guaranteed by the EU Charter of Fundamental Rights."

More and more Europeans travel, study and work outside their home country. As a result, they are more likely to become involved in legal proceedings in another Member State. Citizens may face a criminal charge and not be able to understand and speak the language used by judicial authorities. Individuals cannot fully exercise their defence rights unless they understand the language used at a hearing, have a full translation of all evidence and can communicate with their lawyer. Today's proposal strengthens citizens' right to interpretation and translation in three ways:

- Interpretation would have to be provided for communication with lawyers as well as during investigations – such as police questioning – and at trial.
- To make sure that proceedings are fair, the proposal covers written translation of all essential documents such as the detention order, the charge sheet or indictment or vital pieces of evidence. Citizens should not have to rely only on an oral translation that summarises the evidence.
- Citizens must have the right to legal advice before waiving the right to interpretation and translation. People should not be pressured into giving up their rights unless they have spoken to a lawyer.

Translation and interpretation costs will have to be met by the Member State, not by the suspect – irrespective of the final decision. Without minimum common standards to ensure fair proceedings, judicial authorities will be reluctant to send someone to face trial in another country. As a result, EU measures to fight crime – such as the European Arrest Warrant – may not be fully applied. 11,000 European arrest warrants were issued in 2007, up from 6,900 in 2005. In the Commission's view, all such warrants should in the future be covered by EU standards on fair trial rights, including the right to interpretation and translation.

Commission wants to move swiftly on fair trial rights

The Directive on the right to interpretation and translation in criminal proceedings, proposed by the Commission today, will be the first Directive to strengthen criminal justice since the entry into force of the Lisbon Treaty. *"Today's proposal builds on the excellent preparatory work done already in this field by the Swedish and the Spanish Presidencies,"* said EU Justice Commissioner Reding. *"We want now, under the new conditions of the Lisbon Treaty, to accelerate the procedure on this important initiative for the protection of procedural rights in Europe. My aim is to achieve an ambitious political agreement between Parliament and Council on the rights to interpretation and translation before summer. I will work actively with the European Parliament and with the Spanish Presidency to achieve that result."*

Background

The Commission put forward a Framework Decision on interpretation and translation rights in July 2009. All proposals for Framework Decisions became void upon the entry into force of the Lisbon Treaty on 1 December 2009. On 30 November 2009, EU governments requested the Commission to put forward proposals on a "step-by-step" basis to establish EU-wide standards for a series of procedural rights. The Commission is thus turning the proposed Framework Decision into a Directive. Other areas that will be pursued in the next few years include:

- Information on rights and information about the charges (summer 2010);
- legal advice, before trial and at trial, and legal aid;
- the right for a detained person to communicate with family members, employers and consular authorities, and;
- protection for vulnerable suspects.

http://ec.europa.eu/justice_home/news/intro/news_intro_en.htm

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