



EUROPEAN COMMISSION - PRESS RELEASE

Fair trial rights: EU governments agree on the right to information in criminal proceedings

Brussels, 16 November 2011 – EU Member State representatives today agreed on a draft law that will ensure defendants' right to information in criminal proceedings wherever they are in the EU.

"Today's agreement is an important milestone in ensuring suspects enjoy fairer trial rights in criminal proceedings across the EU," said EU Justice Commissioner Viviane Reding. *"The EU is making substantial progress in creating a single area of justice. This measure, designed to ensure that those accused of a crime are assured these rights, will contribute to increasing mutual trust between the judicial authorities in Europe. I look forward to its swift adoption by Parliament and Council."*

The European Commission proposed the measure in July 2010 ([IP/10/989](#)) as part of its efforts to ensure people have a right to a fair trial throughout the EU. It is the second step in a series of measures to set common EU standards in criminal cases. The European Parliament and Council approved the first proposal, which gave suspects the right to translation and interpretation, ([IP/10/1305](#)) in October 2010. The proposed Directive on the right to information in criminal proceedings will now pass to the European Parliament for adoption in the coming weeks, before final adoption by ministers meeting in the Council.

Under the new law, suspects of a criminal offence will have to be informed of their rights in a language they understand. The measure will ensure that EU countries will give anyone arrested – or the subject of a [European Arrest Warrant](#) – a **Letter of Rights** listing their basic rights during criminal proceedings. The Commission has provided Member States with a model letter, which will be translated in all 23 EU languages. Along with the right to translation and interpretation (see [IP/10/1305](#) and [MEMO/10/351](#)), the right to information in criminal proceedings is part of a series of fair trial measures that aims to boost confidence in the EU's single area of justice.

Background

The Directive will ensure that police and prosecutors provide suspects with information about their rights. Following an arrest, authorities will give this information in writing – in a Letter of Rights – drafted in simple, everyday language. It will be provided to suspects upon arrest in all cases, whether they ask for it or not, and translated if necessary.

The Letter of Rights will contain practical details about accused persons' rights:

- to a lawyer;
- to be informed of the charge and, where appropriate, to have access to the case-file;

- to interpretation and translation for those who do not understand the language of the proceedings;
- to be brought promptly before a court following arrest.

The Letter of Rights will help to **avoid miscarriages of justice** and reduce the number of appeals.

There are over 8 million criminal proceedings in the EU every year. At the moment, the chance that citizens will be properly informed of their rights if they are arrested and face criminal charges **varies across the EU**. In some Member States, suspects only receive oral information about their procedural rights, and in others the written information is not given unless demanded.

Under Article 82(2) of the [Treaty on the Functioning of the European Union](#), and with a view to facilitate the mutual recognition of judicial decisions and improve police and judicial cooperation on criminal matters having a cross border nature, the EU can adopt measures to strengthen the rights of EU citizens, in line with the EU Charter of Fundamental Rights.

The right to a fair trial and defence are set out in Articles 47 and 48 of the EU Charter of Fundamental Rights; as well as in Article 6 of the European Convention on Human Rights.

In June 2011, the Commission put forward a third measure to guarantee access to a lawyer and to communicate with relatives ([IP/11/689](#)). The proposal is currently under discussion in Parliament and Council.

For more information

Justice Directorate General Newsroom:

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

European Commission – rights of suspects and accused:

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

Homepage of Vice-President Viviane Reding, EU Justice Commissioner:

<http://ec.europa.eu/reding>

Contacts :

[Matthew Newman](#) (+32 2 296 24 06)

[Mina Andreeva](#) (+32 2 299 13 82)