



EUROPEAN COMMISSION - PRESS RELEASE

European Commission to guarantee suspects' rights to speak with a lawyer, inform family of arrest

Brussels, 8 June 2011 – A 22-year-old man went on holiday abroad to attend a football match. Following the game, he went to a bar with his friends. A riot broke out and he was arrested. The police then questioned him for several hours without a lawyer being present. Under a European Commission measure proposed today, all suspects – no matter where they are in the European Union – would be guaranteed the right to speak with a lawyer from the moment they are held by police until the conclusion of proceedings. Suspects could also talk to a family member or an employer and inform them of their arrest. If they are outside of their country, they would have the right to contact their country's consulate.

"Fair trial rights are essential for citizens' confidence in the justice system," said Vice-President Viviane Reding, the EU's Justice Commissioner. "Following an arrest, citizens must be guaranteed that they can see a lawyer no matter where they are in the European Union. If they are in custody outside their home country, they should have support from their consulate or embassy. Today's measure will strengthen mutual trust between our justice systems by ensuring that suspects are treated with the same, minimum fair standards across the European Union."

Access to a lawyer rights are essential for building confidence in the European Union's single area of justice, especially when suspects are arrested as a result of a [European Arrest Warrant \(IP/11/454\)](#). Today's proposed right of access to a lawyer is the third Directive in a series of proposals to guarantee minimum rights to a fair trial anywhere in the European Union. The others are the right to translation and interpretation (see [IP/10/1305](#) and [MEMO/10/351](#)) and the right to information in criminal proceedings (see [IP/10/1652](#)). These measures aim to establish clear rights across the EU and safeguard people's fundamental rights to a fair trial and the right of defence. The proposals need approval by the European Parliament and Council of Ministers before becoming law.

There are over 8 million criminal proceedings in the European Union every year. The right of defence for anyone suspected of a crime is widely recognised as a basic element of a fair trial. But the conditions under which suspects can consult a lawyer differ between Member States. For example, the person accused of a crime may not be able to see a lawyer during police questioning. Evidence obtained without the presence of a lawyer has a different status from one country to another. And people sought under a European Arrest Warrant may not currently have access to a lawyer in the country where the warrant has been issued until they are surrendered to that country.

There are similar divergences in terms of the right of suspects to let a relative or employer know when they have been arrested. Individuals may not systematically be offered this right, may only receive it at a late stage in the process, or may not be informed once their family has been contacted.

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The Commission's proposal would guarantee these rights in practice, by:

- providing access to a lawyer from the first stage of police questioning and throughout criminal proceedings;
- allowing adequate, confidential meetings with the lawyer for the suspect to effectively exercise their defence rights;
- allowing the lawyer to play an active role during interrogations and to check detention conditions;
- making sure that the suspect is able to communicate with at least one family member or employer informing them of the arrest and custody;
- allowing suspects abroad to contact their country's embassy or consulate and receive visits;
- offering people subject to a European Arrest Warrant the possibility of legal advice in both the country where the arrest is carried out and the one where it was issued.

Background

The Lisbon Treaty, which took effect on 1 December 2009, enables the EU to adopt measures in the area of criminal law to strengthen the rights of EU citizens, in line with the EU Charter of Fundamental Rights, particularly the rights of individuals in criminal procedures.

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 (ECHR). The right to communicate with a third party is one of the important safeguards against ill treatment prohibited by Article 3 of the ECHR.

The Directive on access to a lawyer and notification of custody is the third step in a series of measures to set common EU standards in criminal cases.

EU Justice Ministers approved the first measure, which gave suspects the right to translation and interpretation, in October 2010 ([IP/10/1305](#)). The Commission proposed the second measure – the Letter of Rights – in July 2010 ([IP/10/989](#)). EU governments have endorsed the measure in December 2010 ([IP/10/1652](#)) which is currently being negotiated with the European Parliament that must give its final approval before it becomes law.

For more information

Justice Directorate General Newsroom:

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

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

http://ec.europa.eu/commission_2010-2014/reding/index_en.htm