



EUROPEAN COMMISSION - PRESS RELEASE

Fair trial rights: European Commission proposal giving citizens the right to information in criminal proceedings to become law

Luxembourg, 27 April 2012 - "You have the right to... - a *Letter of Rights*". Soon this will be the reality for anyone who is arrested or detained anywhere in the European Union. EU Justice Ministers today adopted a new law that the European Commission had proposed to ensure defendants' right to information during criminal proceedings. Under the 'Directive on the right to information in criminal proceedings', suspects of a criminal offence will be informed of their rights in a language they understand. The measure will ensure that EU countries will give anyone arrested – or subject to a [European Arrest Warrant](#) – a *Letter of Rights* listing their basic rights during criminal proceedings. Once it will have entered into force (two years after it is published in the EU's Official Journal – which is expected to take place within weeks), the new law will apply to an estimated 8 million criminal proceedings every year in all EU 27 Member States. Currently this right only exists in about one third of Member States.

"The right to a fair trial is one of the central pillars of our justice systems in Europe," said Vice-President Viviane Reding, the EU's Justice Commissioner. "This new EU law will help to safeguard this right by ensuring everyone is clearly and promptly informed of their rights. Today is a milestone in our common efforts to ensure Europeans have access to justice, wherever they are in the EU. I want to thank the European Parliament and the EU Justice Ministers for their support of the Commission proposal. It sets a good precedent for a Europe of rights and justice that it was possible to make this fair trial right a reality for Europe's 500 million citizens so swiftly."

Background

The European Commission proposed the new law in July 2010 ([IP/10/989](#)) as part of a series of fair trial rights to be applied throughout the EU. It is the second measure, initiated by EU Justice Commissioner Reding, designed to set common EU minimum standards in criminal cases. This will boost confidence in the EU's area of justice. 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 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 it will be translated if needed. EU countries are free to choose the exact wording of the Letter, the Commission proposed a model in 22 EU languages (see Annex). This will provide consistency for people crossing borders and limit translation costs.

The Letter of Rights will contain practical details about the rights of persons arrested or detained, such as the right:

- to remain silent;
- to a lawyer;
- to be informed of the charge;
- to interpretation and translation in any language for those who do not understand the language of the proceedings;
- to be brought promptly before a court following arrest;
- to inform someone else about the arrest or detention.

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

At the moment, the chances that citizens will be properly informed of their rights if they are arrested and face criminal charges **vary 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 requested.

Under Article 82(2) of the [Treaty on the Functioning of the European Union](#), and with a view to facilitating the mutual recognition of judicial decisions and improving police and judicial cooperation on criminal matters, the EU can adopt measures to strengthen the rights of EU citizens, based on the EU Charter of Fundamental Rights.

The right to a fair trial and the right to a 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 the European Parliament and in the Council.

For more information

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

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

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

ANNEX I



Indicative model Letter of Rights:

The sole purpose of this model is to present an illustration of a Letter of Rights with a view to helping the national authorities when preparing such Letter at national level. Member States are not bound to use this model. When preparing their Letter, they may amend this model to align it with their national applicable rules and add further useful information.¹

You have the following rights:

A. ASSISTANCE OF A LAWYER / ENTITLEMENT TO LEGAL AID

You have the right to speak confidentially to a lawyer. A lawyer is independent from the police. Ask the police if you need help to get in contact with a lawyer, the police shall help you. In certain cases the assistance may be free of charge. Ask the police for more information.

B. INFORMATION ABOUT THE ACCUSATION

You have the right to know why you have been arrested/detained and what you are suspected of having done.

C. INTERPRETATION AND TRANSLATION

If you do not speak or understand the language, you have the right to be assisted by an interpreter. This is free of charge. The interpreter may help you to talk to your lawyer and is required to keep the content of this communication confidential. You have the right to translation of at least the relevant passages of essential documents, including any order by a judge allowing your arrest or keeping you in custody, any charge or indictment and any judgment. You may in some circumstances be provided with an oral translation or summary.

D. RIGHT TO REMAIN SILENT

While questioned by the Police or judicial authorities, you are not obliged to answer questions about the alleged offence. Your lawyer can help you to decide on that.

E. ACCESS TO DOCUMENTS

When you are arrested, you (or your lawyer) have the right to access essential documents you need to challenge the arrest or detention. If your case goes to court you (or your lawyer) will have the right to access material evidence for or against you.

F. INFORMING SOMEONE ELSE ABOUT YOUR DETENTION / INFORMING YOUR CONSULATE OR EMBASSY

When you are arrested, tell the police if you want someone to be informed of the detention, for example a family member or your employer. In certain cases the right to inform other persons of your detention may be temporary limited. The police will be able to tell you.

¹ ***According to Article 4(1), the Letter of Rights shall be given upon arrest/detention. This however shall not prevent Member States from providing suspected or accused persons with written information in other situations during criminal proceedings.***

If you are a foreigner, tell the police if you want your consular authority or embassy to be informed of the detention. Also tell the police if you want to contact an official of your consular authority or embassy.

G. URGENT MEDICAL ASSISTANCE

When you are arrested, you have the right to urgent medical assistance. Tell the police if you are in need of urgent medical care.

H. PERIOD OF DEPRIVATION OF LIBERTY

After your arrest you may be deprived of your liberty/detained for a maximum period of [*fill in applicable number of hours/days*]. At the end of this period you must either be released or be heard by a judge who will decide on your further detention. Ask your lawyer or the judge for information about possibilities to challenge the arrest, to review the detention or to ask for provisional release.

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