Minimum standards in all Member States for procedural safeguards for suspects and defendants in criminal cases

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The committee adopted the own-initiative report by Jorge Salvador HERNÁNDEZ MOLLAR (EPP-ED, E) welcoming the Commission's Green Paper. It fully supported the Commission's commitment to table a proposal for a Framework Decision on common minimum standards governing procedural law, arguing that this was essential to increase the confidence which Member States had in each other's legal systems. It also wanted the Decision to include a non-regression clause so that Member States would be encouraged to apply higher national standards and would not use the establishment of common minimum standards at EU level as a reason to undermine their existing national standards. MEPs made a number of recommendations aimed at tightening up or fleshing out the Commission's proposals in various areas: - as regards access to legal representation, it called for the complete confidentiality of contacts between the defence lawyer and the suspect or defendant and said that the lawyer should be present each time the latter is questioned. Where a Member State fails to provide representation by a lawyer to an individual who is entitled to it, the process should automatically be considered void and the proceedings annuled; - on access to interpretation and translation, there should be a requirement for all oral proceedings to be interpreted, from the very first time the suspect or defendant is questioned. Where a conflict of interest arises, two different translators or interpreters may be necessary (one for the defence and one for the prosecution). All documents which the defendant needs to understand for the purposes of a fair trial must be translated, including the police statement, statements by the complainant/s and witness/es, statements by the suspect/defendant, etc. The national registers of certified translators and interpreters to be drawn up by the Member States should be amalgamated in due course into an EU-wide register. Moreover, all professional practitioners involved in criminal proceedings should receive training in working with and through an interpreter; - it should be the duty of all officials to draw attention to the vulnerability of suspects and defendants from the point of arrest and their initial questioning. For those suffering from mental or nervous illnesses, a psychiatrist should always be involved in the proceedings; - there should be a requirement for the police, judicial or prison authorities to immediately inform foreigners who have been arrested that they may notify their country's consul and ask the consul to visit them or establish contact with them and their family. People should be made aware of their right to consular assistance, as laid down in the Vienna Convention to which all the Member States are signatories; - the proposed "Letter of Rights" setting out the fundamental rights of suspects and defendants should be readily comprehensible and written in a language they can understand. The Letter should consist of two parts: (a) a general part common to all Member States setting out, for example, the right to be assisted by counsel of their own choice, even when they are unable to pay for it, the right to an interpreter, free of charge, the right to remain silent, the right to medical treatment, etc.; and (b) a special part illustrating the particular advantages offered by the State in which proceedings are to take place; - lastly, for assesment purposes, the Commission should draw up a general report, to be submitted to Parliament and the Council every two and a half years, on the extent to which the agreed common standards on procedural safeguards are being applied. Moreover, the framework decision should contain provisions for effective enforcement and sanctions, including the invalidation of the judicial decision in the event of serious breaches of the common standards.