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

2003/2179(INI) - 06/11/2003 - Text adopted by Parliament, single reading

The European parliament adopted a resolution based on its own-initiative report drafted by Jorge Salvador HERNANDEZ MOLLAR (EPP-ED, Spain) on procedural safeguards in criminal proceedings. The resolution was adopted by 410 votes in favour, 67 against with 4 abstentions. (Please see the summary of 21/10/03.) Parliament added that the common minimum standard should: - specify the offences in respect of which the defendant's entitlement to free assistance may be exercised; - the list of such offences must always include those for which the defendant may be imprisoned or may lose his job or means of subsistence; - in cases in which a Member State fails to provide the assistance of and representation by a lawyer, the process should automatically be considered void and the proceedings annulled. Furthermore, a common minimum standard should not lay down a formal mechanism for determining whether or not a defendant has sufficient understanding of the language. Rather, this should be decided in each individual case by the persons with whom the suspect comes into contact, be they police officers, lawyers, court employees, and so on. Finally, the framework decision should include provisions governing other fundamental rights of suspects and defendants such as the right of bail, the right of a due process of law, rules on the admissibility and weight of evidence, the ne bis in idem principle, the right of silence (right against self-incrimination), the right to be presumed innocent, guarantees covering pre- and post sentence detention and the right to review of decisions and appeal proceedings.