PRESS RELEASE

Brussels, 29 November 2010

European lawyers present 10 recommendations on legal aid

In a conference on “Legal Aid: a Fundamental Right for Citizens – Effective Access to Justice in the European Union”, organised jointly with the Academy of European Law (ERA) and opened by the Vice-President of the European Commission, Viviane Reding, Commissioner responsible for Justice, Fundamental Rights and Citizenship, the Council of Bars and Law Societies of Europe (CCBE) presented to the EU institutions its recommendations on legal aid.

“Access to justice is a fundamental right. Legal aid is an essential tool in ensuring access to justice. It is the duty of governments at national and European level to guarantee, organise and finance legal aid systems”, said the CCBE President, José-Maria Davó-Fernández. The CCBE asks governments and EU institutions to pay more than lip-service to legal aid and to deliver on what they have committed to in fundamental rights instruments.

The CCBE recommendations are accessible on the CCBE website: http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/EN_Legal_Aid_recomme1_1291033916.pdf.

Commissioner Reding said: “Justice is a right, but without the means to pay for it, it is denied”, and Toon Musschoot, the representative of the Belgian Minister of Justice, who was another speaker, said: “Justice is a public service and, as such, it must receive particular political attention, both in terms of quality and in terms of means.” In a speech read on his behalf, Christos Rozakis, Vice-President of the European Court of Human Rights, underlined that legal aid has a central place in fair trials, in civil justice as well as in criminal justice, and that it is a condition of the equality of arms in criminal justice.

Against the background of the on-going implementation of the ‘Roadmap’ on procedural rights for suspects and defendants, the conference also specifically addressed legal aid in criminal justice. Regarding this, Viviane Reding reminded the audience that it has been decided to split Measure C of the Roadmap (Access to a lawyer and legal aid) so as to deal with legal aid in 2013, as more time is needed to examine the very big differences in legal aid between the Member States. The CCBE believes that legal aid is the priority procedural safeguard and that access to a lawyer is theoretical without legal aid.

Speakers highlighted that there is money in the system and that there must be fair distribution of it if legal aid is to be taken seriously. Speakers also stressed that governments should weigh the cost of legal aid against the costs of miscarriages of justice without it, and should consider legal aid as a preventative tool in this respect.

Background

The CCBE is the representative organisation of around 1 million European lawyers through its member bars and law societies from 31 full member countries, and 11 further associate and observer countries. The conference was organised in the context of the CCBE 50th anniversary year, in the framework of the Belgian Presidency of the European Union. The conference programme is accessible on the CCBE website: http://www.ccbe.eu/fileadmin/user_upload/document/50th_anniversary/Programme_A5_EN.pdf

The obligation to provide legal aid to those lacking sufficient resources forms part of the Charter of Fundamental Rights of the European Union – now part of EU law since the Lisbon Treaty entered into force – as a necessary tool for ensuring effective access to justice. In the framework of the Stockholm Programme, a proposal on a new legislative instrument on access to a lawyer in criminal matters is currently being considered and a report on the application in the Member States of Directive 2003/8/EC on legal aid in cross-border disputes is foreseen by the European Commission.

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