

# PRESS RELEASE

## European Parliament approves new EU rules to ensure that the right to be presumed innocent until proven guilty in criminal proceedings is respected

20/01/2016

**The CCBE is pleased that the European Parliament has approved new EU rules to ensure that the right to be presumed innocent until proven guilty in criminal proceedings is respected.**

The new law\* will apply "at all stages from the moment when a person is suspected or accused of having committed a criminal offence, or an alleged criminal offence, until the final determination of the question whether the person has committed the offence concerned and that decision has become definitive".

The CCBE strongly supports the aim of enhancing the right to a fair trial and strengthening member states' trust in each other's criminal justice systems. The CCBE appreciates the efforts and results achieved by the EU institutions in recent years regarding the strengthening of procedural rights for citizens in criminal proceedings. The previous Parliament passed three other EU laws in the area of procedural rights: a directive on the right to interpretation and translation, a directive on the right to information and a directive on the right of access to a lawyer.

The CCBE appreciates the resolve of the parliament in staying firm regarding attempts to give member states the possibility to reverse the burden of proof. The burden of proof should always rest with the prosecution. This is a key principle of criminal law.

The CCBE is also pleased that the final text enshrines the absolute right to silence. The new rules state that the exercise of the right to remain silent and of the right not to incriminate oneself may not be used against a suspect or accused person and "shall not be considered as evidence that the person concerned has committed the offence which he or she is suspected or accused of having committed".

Speaking about the approval by the European Parliament, CCBE President Michel Benichou commented "We are living in a society where there is an increasing risk that concerns over security may increasingly threaten and erode individual rights. As a consequence, the principle of the presumption of innocence can be easily forgotten. We must defend and always recognise that a defendant's right to be presumed innocent is one of the cornerstones of the right to a fair trial and we are pleased that the

*European Parliament has defended this fundamental principle".*

The CCBE hopes the EU institutions can now find an agreement regarding the Commission proposal to further strengthen legal aid.

\*NB: Ireland, Denmark and the United Kingdom are not taking part in the adoption of this Directive and are not bound by it or subject to its application.

### About the CCBE

The CCBE represents the bars and law societies of 32 member countries and 13 further associate and observer countries, and through them more than 1 million European lawyers.

Founded in 1960, the CCBE is recognised as the voice of the European legal profession by the EU institutions, and acts as the liaison between the EU and Europe's national bars and law societies. The CCBE has regular institutional contacts with those European Commission officials, and members and staff of the European Parliament, who deal with issues affecting the legal profession. The CCBE is an international non-profit-making association incorporated in Belgium.

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