



RIGHTS OF SUSPECTS AND ACCUSED IN CRIMINAL PROCEEDINGS (EU ROADMAP DIRECTIVES)

Several European Union Directives regulating fundamental procedural rights have been adopted in order to strengthen rights in criminal proceedings, and to ensure the right to a fair trial. **Directives must be transposed into Maltese law through amendments of existing provisions or the adoption of new laws.**

THE INTERPRETATION AND TRANSLATION DIRECTIVE - 2010/64/EU

All persons who do not speak or understand the language of the criminal proceedings shall have the **right to interpretation and translation** from the time that they are made aware that they are suspected or accused of having committed a criminal offence until the conclusion of the proceedings.

Compliance with the Directive should begin at police stations and also, if necessary, in the interaction between client and lawyer.

Interpretation and translation should be given free of charge.

THE RIGHT TO INFORMATION DIRECTIVE - 2012/13/EU

All suspected and accused persons, whether they are formally arrested or not, are entitled to be notified the following rights:

- The right of access to a lawyer;
- Any entitlement to free legal advice and the conditions for obtaining such advice;
- The right to be informed of the accusation;
- The right to interpretation and translation; and
- The right to remain silent.

The above information shall be given orally or in writing, in simple and accessible language, taking into account any particular needs of **vulnerable individuals**.

THE ACCESS TO A LAWYER DIRECTIVE - 2013/48/EU

Persons suspected or accused of having committed a criminal offence need the advice of a lawyer when facing criminal proceedings.

The Directive guarantees:

- The right of access to a lawyer from the first stage of police questioning and throughout criminal proceedings;
- The right to adequate, confidential meetings with the lawyer for the suspect to effectively exercise their defence rights;
- The right for the lawyer to play an active role during questioning.

The Legal Aid Directive - 2016/1919/EU (*must be transposed into Maltese law by 25 May, 2019*)

Suspects or accused persons who cannot pay for legal services have the right to legal aid. In determining an individual's eligibility for legal aid, the authorities may apply a means test, a merit test or a combination of the two:

- **Means Test:** it must take into account all relevant objective factors such as income, capital, the suspect's family situation, the cost of legal assistance.
- **Merit Test:** it must take into account the seriousness of the offence, the complexity of the case and the severity of the penalty.

Need more info? Contact aditus on 2010 6295 | www.aditus.org.mt | www.criticalinstitute.org

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