

# Outcry as EC rights plan rejected

European Commission proposals to ensure basic defence rights for those detained throughout the EU have been blocked by the failure of member states to reach agreement.

The plan to introduce a minimum set of procedural standards giving better protection to suspects has been opposed by six countries, including the UK and Ireland, and is set to be killed off at this week's Justice and Home Affairs Council.

The proposal was introduced to balance measures such as the European arrest warrant and other legislation that gave member states wider powers to tackle terrorism and serious organised crime.

The framework would have guaranteed the right to legal advice before and at trial, the right to translation and interpretation, and the right to information about these rights.

It would also have extended the rights of those subject to the European arrest warrant, which allows virtually unchallengeable extradition and is explicitly excluded from the ambit of the European Convention on Human Rights (ECHR).

Attorney-General Lord Goldsmith initially supported the proposals, but later altered his position. He said: 'The UK meets and exceeds the standards of the proposal. Therefore I can see no value in an instrument that adds nothing real to the ECHR.'

Louise Hodges, a criminal law partner at London firm Kingsley Napley and secretary of the European Criminal Bar Association, said the issue was the protection of UK nationals detained abroad where procedural standards were less robust. She said the ECHR was insufficient because defendants had

to wait until their procedural rights had been breached and they had exhausted their national remedies before they could rely on it.

'We wanted to have an instrument that would enable defendants to obtain more immediate redress,' added Ms Hodges.

Law Society President Fiona Woolf said: 'We are extremely concerned that the UK has failed to commit to the protection of individuals and fair trial rights around Europe. This could principally impact on innocent tourists abroad. This is a shocking development given that national governments are pushing on with data-sharing, evidence-gathering and recognition of criminal convictions, yet not offering the procedural safeguards to accompany them.'

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