

Fair Trials: Study on Threats to Presumption of Innocence Regarding Presentation of Suspects in Criminal Proceedings



News

Thomas Wahl

On 3 June 2019, Fair Trials – a NGO that stands for improving respect for a fair trial in accordance with international standards – released a [report on key threats to the presumption of innocence](#) if suspects are presented in public environment. The report focuses on:

- Prejudicial statements by public authorities;
- Press coverage;
- Presentations in courtroom and public settings.

The report is based on the evaluation of a wealth of data, i.e.:

- Global survey of law and practice on the presentation of suspects;
- Sociological study on the impact of images of arrest and different measures of restraint on public perceptions of guilt;
- Content analysis of crime-related news stories in newspapers, the online press, and broadcast television news programmes in seven countries;
- Comparative research on the presentation of suspects before the courts in five countries (Hungary, France, Croatia, Malta, and Spain).

The report does not make a comparative analysis by presenting reports on a country-by-country basis but by exploring key issues and themes as well as useful examples of good practice from the provided data.

Fair Trials makes a number of recommendations on how compliance with the international standards on the presumption of innocence can be improved in the situations studied. As an overall recommendation, the report states:

“a. The EU Directive [2016/343] is an important first step in making the presumption of innocence a reality in Europe but the EU will have to invest considerable time and political will to ensure its effective implementation. Member States’ courts will also have to refer questions to the CJEU where it is unclear what EU law requires.

b. Meaningful reform will require profound changes of law, practice and culture. Robust laws are important, but a formalistic legal approach will not suffice. Long-term engagement of law enforcement, legal professionals (including judges, prosecutors and the defence) and the media will be crucial, alongside broader public education.”

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

ISSN: 1862-6947

<https://eucrium.eu>



The report also annexes a checklist for journalists reporting on criminal suspects; it was developed by the University of Vienna.

About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and “criministrative” law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the Union Anti-Fraud Programme (UAFB), managed by the European Anti-Fraud Office (OLAF).



**Co-funded by
the European Union**