

**European Criminal Perspectives on the Right to a Fair Trial**  
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**Abstract**

This paper seeks to outline the significance of the Treaty of Lisbon in tandem with the Stockholm Programme in fostering an environment of mutual recognition and trust amongst the Member States. Particular attention will be paid to the European Arrest Warrant and how it is testing the boundaries of the cooperation between Member States.

This paper will also address the nuanced aspects, which are raised by the right to counsel forming part of the right to a fair trial. The right to counsel receives varying levels of support throughout the European Union (EU).

In addition to this particular attention is given to the right to a fair trial in the context of the application of the EAW on non-terrorist suspects. This paper further argues that the EAW poses the greatest challenge to the cohesive workings of the Court of Justice of the European Union and the ECtHR. The judgments of both the Courts will be instrumental in securing the protection of fundamental rights of those subjected to EAWs.

Additionally, this paper will discuss the constitutional theories, which underpin the development of the rule of law and due process in maintaining a democratic society with particular emphasis being placed on the right to a fair trial. Bearing in mind the relevant domestic provisions attention will also be given to the European Convention on Human Rights (ECHR) as well as the European Charter on Fundamental Rights Article 47 (the Charter) and how Article 6 (3) (c) has been incorporated by the Member States. As well as the Hungarian new Basic Law XXVI. Article 3 (3) with relation to the right to be defended at all stages of the proceedings.

In addition attention will be given to the relevant and most pertinent case law of the European Court of Human Rights (ECtHR), (Salduz v Turkey (Application No. 36301/02) amongst other cases which will also be discussed) and how these cases act as signposts on the route towards securing the right to counsel for all.

Keywords: Right to a fair trial-due process-equality of arms-right to counsel-Stockholm Programme-roadmap