

IP/09/1101

Brussels, 8 July 2009

## Interpretation and translation for suspects in criminal proceedings

***The draft Council Framework Decision adopted today proposes to set common minimum standards as regards the right to interpretation and translation in criminal proceedings throughout the European Union. The aim of the proposal is to ensure that if suspects do not understand and speak the language used, they are entitled to interpretation from the moment there are informed that they are suspected and until the proceedings are over, uncluding any appeal. Suspects would also be entitled to have any essential documents of the proceedings translated, so they can fully understand the case against them.***

By the proposal adopted today, July 8, 2009, the Commission revamps work in the field of minimum rules on procedural rights for defendants in criminal proceedings across the EU, after Member States definitely failed in 2007 to agree on a proposal put forward by the Commission to that effect in 2004.

Unlike the 2004 proposal which intended to set out simultaneously six procedural rights, this proposal only focuses on one set of rights, namely those relating to interpretation and translation. Further initiatives, already foreseen for the next multi-annual programme, will in turn deal with other sets of suspects' rights. This proposal is therefore a first step in a renewed ambition to further enhance mutual trust between judicial authorities of different Member States, which is an essential ingredient of mutual recognition of judicial measures in the EU. The need for an EU instrument on procedural rights has also been long called for by organisations representing defence lawyers and fair-trial advocates.

Many different languages are spoken in the EU. People who find themselves in the uncomfortable position of suspects are faced with additional difficulties if they do not understand and speak the local language. Although a right to interpretation and translation results from the European Convention on Human Rights, to which all EU Member States are parties, these guarantees are not implemented evenly in all Member States. In addition, they are not always respected and obtaining remedy against breaches of the Convention may take considerable time. As a result, suspects do not have the same access to interpretation and translation in the EU.

Today's proposal provides that Member State must ensure that any person suspected or accused of a criminal offence who does not understand the language used in this context must be provided with interpretation throughout the entire proceedings. This is indispensable if the suspect is to know the accusations made against him and to understand the procedure.

In addition, translations will have to be provided of essential procedural documents, so the rights of defence can be properly exercised. Both interpretation and translation must be of a sufficient quality and be provided free of charge. The scope covers all persons suspected or accused in respect of a criminal offence, from the moment the person is informed of this and until final disposal of the case, including any appeal. European Arrest Warrant cases are also covered by the proposal).

The draft Framework Decision also features an obligation for Member States to offer training to judges, lawyers and other court staff to make sure that the defendant understands the proceedings.

Once the Council has agreed on the text and consulted the European Parliament, Member States will have to write the provisions of the Framework Decision into national law within two years of adoption.

To find out more about Vice President Barrot's work please visit his website:

[http://ec.europa.eu/commission\\_barroso/barrot/welcome/default\\_en.htm](http://ec.europa.eu/commission_barroso/barrot/welcome/default_en.htm)